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Senate

The Senate met at 2:30 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, by whose providence our forebears brought forth this Nation conceived in liberty and dedicated to equal justice for all, fill our lawmakers with a similar passion for life and liberty. May their smaller successes prompt larger undertakings for human betterment. Lord, guide them with Your higher wisdom so that Your will may be accomplished on Earth, even as it is in Heaven. Give our Senators the moral and spiritual stamina to walk with integrity that they may fulfill their high calling in service to this land we love. Use them also to advance Your Kingdom on Earth.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. HOEVEN). The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—S. 1698

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 1698) to exclude payments from State eugenics compensation programs from consideration in determining eligibility for, or the amount of, Federal public benefits.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

LEGISLATIVE PROCESS IN THE SENATE

Mr. MCCONNELL. Mr. President, I wish to share a few lines from an opinion piece Speaker BOEHNER wrote last week. It began:

In November, the American people decided to entrust Republicans with control of the U.S. Senate, where common-sense jobs bills too often went to die in recent years. Now, since the start of this year, the Republican majority of the U.S. House finally has a willing partner in our work on behalf of the American people. It is an opportunity we haven't let go to waste.

The Speaker is hardly the only one who feels good about a new Senate that is back to work for the American people. The State work period was a good reminder of just that. Over the past week, Kentuckians repeated similar sentiments at events I attended across the Commonwealth.

It is no surprise our constituents feel this way because the American people see more signs of more open debate in the new Senate. They see more opportunities for Senators in both parties to take a stake in the legislative process. They see us passing bills. They see committees working again. Quite a bit of bipartisan reform legislation has emerged from committees already, often with strong support from both parties.

EVERY CHILD ACHIEVES ACT

Mr. MCCONNELL. Mr. President, this week we will begin floor debate on yet another such bipartisan measure, the Every Child Achieves Act.

Many Washington pundits assumed that Congress could never agree on a workable solution to replace a broken No Child Left Behind law, and they certainly didn't believe one would receive unanimous committee support from both Republicans and Democrats. But many of those folks didn't think Washington could reform the Medicare payment system or pass trade legislation either. So it is a good thing Chairman ALEXANDER and Ranking Member MURRAY didn't listen to them. The new Congress has proved the pundits wrong already. If the senior Senator from Tennessee and his Democratic counterpart from Washington State have their way, the new Congress will prove them wrong yet again.

The Every Child Achieves Act aims to assure we are helping students to succeed instead of helping Washington to grow, and it recognizes an obvious truth; that the needs of a student in Eastern Kentucky aren't likely to be the same as those of students in South Florida or downtown Manhattan. The bill would give States the flexibility to develop systems that work for the needs of their students rather than the one-size-fits-all mandate of Washington, taking decisions out of the hands of Federal bureaucrats and putting them into the hands of real experts: parents, teachers, and State and local leaders.

I will be talking more about the bipartisan Every Child Achieves Act later this week. But the fact that we are even on the floor today discussing yet another important reform solution to yet another seemingly intractable problem is one more reminder that this is a new Congress that is focused on solutions for the American people.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

REPUBLICAN FILIBUSTERS

Mr. REID. Mr. President, I appreciate the Republican leader for taking credit for passage of bills they filibustered. He led the filibusters on these the last 4 years. It is unfortunate, but any one of those, with rare exception, would have been passed had we not had filibusters by the Republicans—the SGRs, and we could go through the whole list.

But I appreciate we are doing some things that are important because we are not filibustering. Remember, every one that we tried to do was stopped dead in its tracks and, as a result of that, we had to file hundreds of motions to invoke cloture. So my friend the Republican leader should be very happy we are not doing the same thing to him that was done to us.

DEADLINES PASSED

Mr. REID. Mr. President, all Americans face deadlines. Ask any student or any working professional, and they will tell you they have to meet deadlines to be successful. It is part of life.

Senate Republicans, though, seem to reject the idea of finishing work on time. Instead, the Republican leader has repeatedly taken the Senate to the brink. Already the first few months of this year, Republicans have botched deadlines for funding the Department of Homeland Security, the Federal Intelligence Surveillance Court—that was a real debacle—and, most recently, the Export-Import Bank, which is now out of business.

There were 165,000 people working as a result of the Bank who now—if not gone and looking for employment, they will have to do it very soon because the Republicans are boasting they were able to kill this business-oriented program that has been successful all over the world, allowing us to export things that we would not have been able to had that law not been in effect. As a result of our not doing things, other countries—China and other countries—are now picking up the slack where Ex-Im Bank worked before. There is a lot of business being lost for the American people, and it is very unfortunate because, again, Republicans are not meeting deadlines.

Every one of those crises is accompanied by consequences that hurt our country: lost productivity, a volatile stock market, and lapses in national security. Every time Republicans miss a deadline who gets hurt worse than anyone else? The middle class does and our Nation is less safe.

Now, I realize we have another vitally important, time-sensitive matter that requires the Senate's attention as soon as possible. At the end of this month, our Nation is faced with a looming expiration and insolvency of the highway trust fund. With 64,000 structurally deficient bridges and billions of dollars needed for construction projects across America—really, trillions of dollars. We have an infrastructure deficit in this country of about $3 trillion, and 64,000 bridges are structurally deficient. It is irresponsible for Republicans to be content to let the authorization of the highway program lapse or maybe they will come up with another solution like they have in the past, 33 separate short-term extensions of the highway bill.

And now I understand that the chairman of the Finance Committee is working on another short-term extension. How really insensitive to the needs of the American people. There are some States that can't do construction work on highways in the wintertime. It is cold. But that doesn't seem to matter. These short-term extensions are what has become part of the Republican mantra.

There is also an urgent need to reach a bipartisan budget agreement. In less than 3 months, unless we act, the government will shut down. To avoid that, we will need a budget agreement between two parties. That is going to take time and a lot of work, but to this point, the deadline seems to be meaningless to my Republican colleagues. They are doing nothing, not a conversation about it, and they led the charge in the past about how phony the overseas contingency funding was to pay the bills of this country, but now they seem to embrace it. But I guess their theory is—why not put off until tomorrow what you can do today? I don't understand why what we have around here is, putting off until tomorrow everything that should be done today.

There is no need to wait until the end of July to address our Nation's roads, bridges, and rails. That is what we are doing. There is no need to wait until September to come to a sensible agreement funding our government, but that is what they are doing.

Democrats are ready to work with Republicans on these two issues—and now.

PRESIDENTIAL NOMINATIONS

Mr. REID. Mr. President, another glaring deficiency is we are certainly ready to help Republicans fulfill their constitutional obligations to give due consideration to President Obama's judicial nominations and other nominations.

The Constitution gives the Senate the job to give its advice and consent to the President's nominations to the judiciary. So far, the Republican leader and his party are failing catastrophically. They are intent on delaying important confirmations, even in the face of increasing judicial emergencies all over this country.

Today marks the 182nd day of the 114th Congress. Yet today will be our first circuit court nomination. That means for almost 7 months, the Republican Senate has not confirmed a single appellate court judge, but today we are going to finally consider one, and that is important. We will be hopefully confirming the first Latina on the Federal Circuit.

Kara Farnandez Stoll is well qualified by every measure. Her nomination was reported out of the Judiciary Committee months ago. Yet no Republican can explain why she has waited this long to have a vote. It is all part of a disturbing trend, I am sorry to say, of neglecting constitutional duties.

According to the Congressional Research Service, the new Republican Senate has doubled the average time for the confirmation of the first circuit judge for any President in the modern era. The new Republican Senate is once again making history but for all the wrong reasons. The Republican leader and his party are on pace to confirm the fewest judicial nominations in half a century.

President Obama's Federal judges are not getting a fair shake. They are bottled up in the Judiciary Committee. They are focused on I don't know what in that committee, but it is certainly not moving the President's nominations. Nominations are forced to wait longer than in past Congresses on the floor.

I have spoken before about the nomination of one very well-qualified person from Philadelphia, Luis Felipe Restrepo—another extremely well-qualified judge-to-be. The junior Senator from Pennsylvania delayed his confirmation by not returning the blue slip to advance his nomination. Before we left for the recess, the Judiciary Committee delayed his hearing again. Yet the junior Senator from Pennsylvania said he is not responsible for the delay because he does not sit on the committee.

This good man, Luis Felipe Restrepo, has waited far too long. He has been nominated to fill a judicial emergency. Judicial emergencies have skyrocketed under Republicans' lack of leadership. Justice delayed is justice denied. The people of Pennsylvania deserve to have him confirmed. So why doesn't the junior Senator from Pennsylvania simply ask to confirm Judge Restrepo immediately? I am confident that if that happened we would have that matter on the calendar. We could confirm Judge Restrepo to the Third Circuit next week if Republicans would quit playing games with nominations.

Time and time again, Democrats have asked for the fair consideration of President Obama's judicial nominations. It is not too much to ask the new majority to match the numbers of confirmations Democrats gave George W. Bush the last 2 years of his administration. By this point, Democrats had confirmed 21 of President George W. Bush's judges-to-be. President Obama has only had four confirmed to date.

And according to the senior Senator from Texas, we should not expect a

change anytime soon. Here is what he said. Speaking of Republicans' desire to keep nominations at a trickle, the assistant Republican leader said last week: ''It'll be a slow, steady pace.'' The pace certainly has been slow, but not steady—more like nonexistent. One circuit court nominee in more than 6 months is an embarrassment. That puts the Senate on pace to confirm fewer than four circuit court nominees this entire Congress. It does not matter that there are judicial emergencies all over the country.

But Republicans' inaction on nominees is not just hurting our judicial system; it is also hurting our Nation's ability to combat terrorism, including ISIS. One way to help stop ISIS and other terrorist organizations is to go after their funding. Republicans know that. But listen to this, Mr. President. Since April, Adam Szubin, President Obama's nominee to the Department of Treasury as Under Secretary for Terrorism and Financial Crimes, has remained in limbo. It is so important to this country. We have the situation going on with Iran. We need people in the Treasury Department to help figure out all that is going on in regard to terrorism there and other places in the world. Yet Republicans will not confirm this good man. He cannot get a vote. And who knows why. Ask Republicans.

By any objective measure, the Republican Senate is failing in their basic constitutional responsibility to provide advice and consent. The American people deserve better. They deserve a Senate that does its work responsibly and completes it on time.

Mr. President, will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EVERY CHILD ACHIEVES ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 1177, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, if I could gain the attention of the Democratic leader for just a moment, before he leaves the floor. In a few moments, the Senator from Washington and I will make our opening statements on our proposed committee legislation to fix No Child Left Behind, but before we do that, I want to first express my appreciation to the majority leader for his putting it on the floor, bringing it up. I know the majority leader has a variety of other options, and he is giving us a chance to take our bill, which we will be describing in a few minutes, and put it on the floor.

I also want to acknowledge and thank the Democratic leader because he has allowed the bill to come to the floor without delay so that we can move to the bill and allow Senators to begin to vote on it. We hope to begin having those votes tomorrow morning.

We have a good example of cooperation here with the majority leader bringing the bill to the floor, a unanimous bill by the committee. Senator MURRAY, a member of the Democratic leadership, played a major role in the legislation. In fact, it was her advice that I took which caused us I think to have success in the committee by presenting a bipartisan bill. But I specifically want to thank Senator REID for his attitude on the bill. I think that will create the environment in which we will have to frankly work through some contentious issues. This is not an issue-free piece of legislation. We are 7 years overdue. It should have been passed in the last two Congresses. But we have made a good start.

I thank both leaders for giving Senator MURRAY and me a chance to try to work in the next few days with other Senators to continue the amendment process, allow Senators to have their say, get a result, and work with the House to send a bill to the President that he is willing to sign.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, my friend from Tennessee is an expert in education. Not only was he the Governor of the great State of Tennessee, he was also the Secretary of Education. He knows education. And he has a good partner to work with, PATTY MURRAY. The senior Senator from Washington is a legislator first class, and the work they have done as leaders of this important committee has been very, very good.

I appreciate the kind words of my friend from Tennessee, but this is an example of what I talked about a few minutes ago. We are not treating Republicans the way they have treated us. I repeat, every piece of legislation I brought to the floor we had to file a motion to proceed on—with extremely rare exception, everything. We wasted months going through this senseless 2 days, 30 hours, and on and on with all the time spent on this. It was an effort to embarrass President Obama, and they did their best to do that. But as cynical as it was, it helped them in the 2014 elections, and I acknowledge that, and that is too bad. But it is too bad we had to go through all that because it has really hurt the country.

I say to my friend, I have great respect for this man from Tennessee. He is a good legislator, and I look forward to moving forward on this important piece of legislation involving elementary and secondary education. We have to do a better job, and I think there are no two better qualified people than the two managers of this bill to accomplish that.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Democratic leader. Senator MURRAY and I will make our opening statements, but I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, we begin debate today on a bill to fix the problems with No Child Left Behind, the Federal law that has been causing confusion and anxiety in 100,000 public schools in our country.

This week, Newsweek magazine called this the ''law that everyone wants to fix.'' There is a broad consensus about that, and, remarkably, there is a broad consensus about how to fix it. This is the consensus: that we should continue the law's important measurements of students' academic progress but restore to States, school districts, classroom teachers, and parents the responsibility for deciding what to do about the results of those tests. In my view, this change should produce fewer tests and more appropriate ways to measure student achievement. We believe this is the most effective path toward higher standards, better teaching, and real accountability.

Our Health, Education, Labor and Pensions Committee—the Senate's education committee—obviously believes that too. The committee reported the bill unanimously. Senator MCCONNELL, the majority leader, noted earlier that committee has on it some of the Senate's most liberal Democrats and several of the Senate's most conservative Republicans. It was a surprise to many people that the committee reported it unanimously. But the committee understood that this was a problem we needed to solve and that we had a fair and open process, everyone had a chance to participate, and that the bill was good enough to come to the floor, where we could continue to work on it.

Not only is there a consensus about how to fix it within the U.S. Senate committee on education, there is outside of the Senate. This bipartisan bill, which has come to the Senate floor, has been supported by teachers, by school boards, by school superintendents, by chief State school officers, and by Governors.

The Presiding Officer is a former Governor, as am I. Both of us would have to go back a long time to remember something that was supported as enthusiastically by both the National

Governors Association and the major teachers unions, but this bipartisan proposal is.

Earlier I thanked the majority leader, Senator MCCONNELL, for putting the bill on the floor. That may seem like a small matter for those not involved in the Senate, but it is a big matter. He has a pretty big list of bipartisan legislation that is important to this country's future, and he could have chosen any of those to bring to the floor. But he saw the importance of education to our country and that we not only need a strong national defense, but we need to be strong at home.

So we are going to be dealing with legislation that affects 100,000 public schools, 50 million children, 3½ million teachers. It may not be big news every day in Washington, DC, but it sure is in Nashville, TN, in Maryville, TN, in Washington State, and in North Dakota.

If you go home, you hear quite a bit about Common Core. You hear quite a bit about the national school board. You hear quite a bit about whether the standards we have for our children are enough to help them get a job and to help them succeed in the world we have. So I thank the majority leader for putting it on the floor.

As I said before, I thank the Democratic leader, Senator REID. He has allowed the bill to come to the floor as rapidly as it could. There have been no delaying tactics whatsoever. We didn't have to have a motion to proceed and a cloture vote. I am grateful for that because that means we can work with other Senators and put this bill into shape and give more people a chance to have their say on behalf of their constituents at home.

I want to give my special thanks at the outset—and I probably will again during this debate more than once—to the Senator from Washington State, Mrs. PATTY MURRAY. She is a good partner to have in this, and I am glad I took her advice in dealing with this bill. I knew we had a problem because we tried in the last two Congresses to solve this problem, and we absolutely failed. We are 7 years overdue. But Senator MURRAY made the suggestion that she and I try to work together to create a bipartisan product that we could present to the committee and then work from that. I took that advice, and it turned out to be excellent advice. Her ability to be a forceful advocate for her positions but at the same time command respect within her caucus and among people around the country who know her and to make this work is a principal reason, if not the main reason, we had a unanimous report from the education committee. So I am grateful to her for that.

If you are a busy parent of one of the 50 million children attending public school today, you may not know your child has been going to school for the last 7 years under a broken and expired Federal education law. You may not know that the U.S. Department of Education is practically running your child's school, if you live in one of 42 States operating under waivers. You may have heard your child's teacher complain about how little flexibility he or she has to help your child and to innovate in the classroom, and you have probably seen your child's frustration at the number of tests he or she is taking.

You have no doubt heard of the frustration of other parents and teachers about Common Core, the academic standard most States have adopted. In 2009, the Department of Education created a $4.4 billion pot of money that States competed for. This was called Race to the Top. States got extra points for adopting Common Core. Race to the Top caused 30 States plus Washington, DC, to adopt Common Core so they could include that in their application.

Then along came the phenomenon of waivers, because we in Congress had failed to act since 2007. The original No Child Left Behind bill passed in 2001 became unworkable. It established a goal that by 2014 all of our children in 100,000 public schools would be proficient in math and science. We got to 2014—or were getting there—and the children weren't proficient. So all the schools—almost all our public schools—were labeled as failing. So to avoid that bizarre result the Secretary issued waivers. But at the same time he issued some requirements about what you had to do to get a waiver if you were the State of North Dakota or Tennessee or some other State.

So you are likely to have heard from teachers and school board members frustrated about the narrow definitions from Washington about exactly how to evaluate teachers and what to do about low performing schools. Those requirements came with the waivers.

You may be frustrated that your child doesn't have more options for school than the nearest public school. I believe this bill will end many of those frustrations. It will restore responsibility to States for deciding what academic standards to use and will restore responsibility to teachers to do what they do best, and that is to help your child learn what they need to know and be able to do.

It will stop the trend of taking too many tests by restoring to States the responsibility for deciding how to use Federal test scores in measuring school achievement. It will help States expand and replicate their best charter schools so more parents will have a choice of schools.

The Senate education committee adopted 29 amendments during its debate on the bill. Already Senator MURRAY and I are working with Democratic and Republican Senators on adopting a large number of other amendments. In fact, I will have a substitute amendment for our bill to offer a little later this afternoon that will include a number of those amendments, and we expect there to be a robust discussion and debate and votes on the Senate floor.

Now, just for some context about the debate we are having, when we talk about fixing No Child Left Behind, here is what we are talking about. We are talking about reauthorizing the Elementary and Secondary Education Act. We are talking about the spending in that act of about $23 billion, which the Federal Government distributes to States through the law's nine titles. The biggest title is what we call title I. It spends about $14.5 billion specifically to help low-income students.

Now, the $23 billion that is spent through this bill we are debating is a lot of money, but it is only about 4 percent of the total amount this Nation spends each year on kindergarten through 12th grade public education. The Federal Government contributes another 4 or 5 percent to K-through-12 education through various programs. But the rest of the money, about 90 percent, comes from State and local governments.

Why No Child Left Behind must be fixed: The problems have been created by a combination of Presidential action—but let us not forget our own responsibility and our own fault for this problem. That is called congressional inaction. So it is the combination of Presidential action and congressional inaction that has led us to a situation where we have a bill described by a major news magazine as ''the education law that everybody wants to fix.''

It started in 2001, when President George W. Bush and Congress enacted a bill called No Child Left Behind, which requires a total of 17 tests between reading and math and science during a child's elementary and secondary education. The results of these tests must be disaggregated and reported according to race, ethnicity, gender, disability, and other measures so parents, teachers, and the community can see which children are being left behind.

In other words, a typical third grader would have two tests, one in reading and one in math. Each test should last about 2 hours. Then that test for that school would be reported to the public, and you would break it down according to the groups I just mentioned, and we could see if any group of children in any community is being left behind.

That wasn't all the law did. The law also created Federal standards—created here in Washington—for whether a school is succeeding or failing, what a State or school district must do about that failure, and whether a teacher was highly qualified to teach in a classroom. Those are Washington, DC, definitions.

If fixing No Child Left Behind were a standardized test, Congress would have earned a failing grade for each of the last 7 years because No Child Left Behind expired in 2007. We have been unable to agree on how to reauthorize it. As a result, the law's original requirements stayed in place and gradually became unworkable. As I mentioned earlier, this would have caused all of

America's public schools—almost all of them—to be classified as failing schools under the terms of the law.

The reason for that was the law set up as a goal that by 2014 all children would be proficient in reading and mathematics. That sounded like a fair enough goal to have when you are looking at it from 2001. But the closer we got to 2014—even by some of the lowest and easiest definitions of proficiencies established by States—it was clear that most children and most schools wouldn't reach that goal. So President Obama's Education Secretary offered waivers from the terms of the law, and today 42 States operate their public schools under the terms of those waivers from the original provisions of No Child Left Behind.

But instead of just saying yes or no, here is a waiver, each of those waivers contains some requirements. The Secretary really had the State over a barrel. He said: If you want a waiver from these unworkable provisions, you are going to have to do a few things. One is to adopt certain academic standards. That turned out to be, in most cases, Common Core. One was to take prescribed steps to help failing schools. Another was to evaluate teachers in a defined way.

There was so much new Federal control of local schools over the last several years that this has produced a backlash against Common Core academic standards, a backlash against teacher evaluation, and against tests in general. Governors and chief State school officers complain about Federal overreach. Infuriated teachers say the U.S. Department of Education has become a national human resources department or, in effect, a national school board.

This doesn't just come from Republicans. This comes from Democratic chief State school officers who have come to my office and who have come to Senator MURRAY's office and have said: Please give us more flexibility. We are with the children. We are in our States. We think we know what to do.

They say it in different ways maybe if they are Republicans or Democrats, but they all basically have said the same thing, which is why we have this consensus, at least so far on how to fix this legislation, this law that everybody wants to fix.

So what is this remarkable consensus on how to fix the law? Here are nine things the bill does. No. 1, it strengthens State and local control. The bill gives responsibility for creating what we call accountability systems to States. Now, ''accountability systems'' simply means who is in charge of making sure the job gets done. Well, that goes to States, working with school districts, with teachers and with others to make sure all students are learning and preparing for success. The accountability systems will be State designed. They will meet minimum Federal parameters, including ensuring that all students and subgroups of students are included in the accountability system.

Disaggregating student achievement data—those are the tests I talked about earlier. In establishing challenging academic standards for all students, the Federal Government is prohibited from determining or approving State standards. So if you are in Alaska, Tennessee or Washington, the Federal Government says if you want the Federal money, you have to have challenging standards and you have to have a test of those standards. But those are your standards, and those are your tests. You need to publicize them so the world can know how kids in schools are doing, but the Secretary in Washington is specifically prohibited by this proposal of ours from determining or approving those standards.

No. 2, our legislation would end the Common Core mandate. The bill affirms that States may decide for themselves what academic standards they will adopt without interference from Washington, DC.

I mentioned a little earlier how the $4.4 billion pot of money caused as many as 30 States to immediately say: Yes, we will adopt Common Core. Now, maybe they were going to do it anyway, and we can talk about that more in just a minute, but that is what it did.

The Federal Government may not, under our proposal, mandate or incentivize States to adopt or maintain any particular set of standards, including Common Core. States will be free to decide what academic standards they will maintain in their States. If they want Common Core, they can have Common Core. If they want half of Common Core, they can have half of it. If they want uncommon core, States can have that. They simply have to have standards, and the Secretary is prohibited from telling them what those standards are.

No. 3, the bill would end the Secretary's waivers. The waiver provision was a small part of the original bill in 2001. I doubt if those who passed it ever expected it would be used the way it has been used by the current Secretary. The bill prohibits the Secretary, though, from mandating additional requirements for States or school districts seeking waivers from Federal law.

In other words, if I come as Governor of Tennessee to the Secretary of Education and say: I would like to have a waiver. He can say yes or he can say no, but he can't say: Well, you can get a waiver if you will evaluate teachers this way, adopt these standards, and fix these performing schools in that way. That is up to the State. The bill limits the Secretary's authority to disapprove a waiver request as well.

No. 4, the bill maintains important information for parents, teachers, and communities. No issue has stirred as much controversy in our discussion as testing. No Child Left Behind required students to take 17 standardized tests over the course of their kindergarten through 12th grade education, and it attached high stakes for schools, school districts, and States to the results. As we studied the problem, as we listened to teachers and Governors and people of both political parties, it became obvious to us that it wasn't so much those 17 federally required tests but the stakes attached to them.

A third grader, for example, is required to take only one test in math and one test in reading. The testimony of the Denver school superintendent was that each of those tests takes about 2 hours. If you take two tests in the third grade and two in the fourth grade—and those are the tests that are publicized so people can tell whether the school is succeeding or the child is succeeding or children are being left behind—that is not very much time out of the school year. But the accountability system for what to do about the test results contributed to the exploding number of State and local tests. Many of them were given to prepare students for the high-stakes Federal tests.

Our proposal maintains the federally required two annual tests in reading and math in grades 3 through 8 and once in high school, as well as science tests given three times between grades 3 and 12.

These important measures of student achievement need to be reported publicly so parents can know how their child is performing. It is important the results be disaggregated so we know if any particular group of students is being ignored or left behind. It can also help teachers support students who are struggling to meet State standards.

We have included in our proposal before the Senate an amendment from Senator COLLINS and Senator SANDERS for a pilot program which would allow States additional flexibility to experiment with innovative assessment systems—meaning tests—that might replace the kind of standardize tests used today. It is important to point out that the Federal requirement isn't for a particular test. It simply says the State has to have one and the State has to publicize it in a special way.

No. 5, our proposal ends Federal test-based accountability. We discovered that the problem is the Federal Government's accountability system for what to do about the results of these tests, which has contributed to the exploding number of State and local tests. Said another way, it is the ''made in Washington'' decision about what a qualified teacher is, how to evaluate a teacher, and what is adequate yearly progress in a school. All of that is what seems to have caused the exploding number of tests we have heard about so much.

To give an example, in testimony it was said to us that Fort Myers, FL, had 183 tests for children in the kindergarten through 12th grade career of a child. We know only 17 of those are Federal tests under No Child Left Behind. So where are the rest of the tests coming from? They are State and local

tests. Once the spotlight was shown on Fort Myers, FL, and their 183 tests, it became clear it wasn't No Child Left Behind causing that—or at least it wasn't Federal tests but State and local tests that were causing this. Then the number of tests quickly went down.

Because of this, our proposal ends the high-stakes Federal test-based accountability system of No Child Left Behind and restores the accountability system to State and local responsibility to hold schools and teachers accountable.

Teachers are in the assessment business. They said to us: Look, there are many different types of tests and assessments. We do this all the time. We have pop quizzes, we have end-of-the-year tests, we have standardized tests, we have multiple choice tests, and we have open-ended questions. We need to be deciding what those assessments should be, and we need to be deciding what weight each of those has in deciding how this child is doing or how this school is doing or how this group of children are doing. So they don't really object to having a standardized test as one of the measurements. What they object to is having a single standardized test—set in Washington, DC—count for so much and to pretend that here we can make a decision about what may be going on in native schools in Alaska or the mountains of Tennessee or schools in Harlem.

States must include these standardized tests in their accountability system, but States will determine the weight of these tests. States will also be required to include graduation rates, another measure of academic success for elementary schools, English proficiency for English learners, and one other State-determined measure of school success or student support.

States may also include other measures of student and school performance in their accountability systems in order to provide teachers, parents, and other stakeholders with a more accurate determination of school performance.

State accountability systems must meet limited Federal guidelines, including challenging academic standards for all students, but the Federal Government is prohibited in this proposal from determining or approving State standards. So whether a State adopts common core or any other academic standard is entirely the State's decision.

This transfer of responsibility for determining what to do about the results of tests is why we believe our proposal will result in fewer and more appropriate testing for children.

There are three more things that our proposal does. No. 6, it strengthens the charter school program. The bill provides grants to State entities and charter management organizations to start new charter schools and to replicate or expand high-quality charter schools, including by developing facilities, preparing and hiring teachers, and providing transportation. It also provides incentives for States to adopt stronger charter school authorizing practices, increases charter school transparency so we can know what is going on, and improves community engagement in the operation of charter schools.

Charter schools are public schools. I remember in 1992, when I was Education Secretary, the last thing I did was that I wrote a letter to all the school superintendents in the country in all the different school districts—I guess there are 14,000 or 15,000—and asked them to consider creating in their school district one of the new start-from-scratch schools that had been created in the State of Minnesota by the Democratic-Farmer-Labor government. There were 10 of them, and they called them charter schools. Those were the first 10 charter schools.

There are 6,700 charter schools today. About 6 percent of all public school students go to charter schools. Charter schools, in my view, are nothing more than public schools in which teachers have the freedom to give children what those children need, and parents have the freedom to choose the school that their child attends. I think any teacher would much prefer to have that sort of arrangement and that sort of freedom—freedom from State regulations, freedom from Federal regulations, freedom from some union rules—so they can provide for the children who come to that school and who choose to go to that school the kind of education those children deserve.

No. 7, our proposal would help States fix the lowest performing schools. The bill includes Federal grants to States and school districts to help improve low-performing schools identified by State accountability systems. School districts will be responsible for designing evidence-based interventions for low-performing schools with technical assistance from the States. The Federal Government is prohibited from mandating, prescribing or defining the specific steps school districts and States must take to improve these schools.

Why would one do that? Let me give an example of what goes on today. Under the waiver requirements, if you have a low-performing school, you have to identify a certain number. That is prescribed by Washington. Then you have six ways you can fix the school. I insisted a couple of years ago that we add a seventh. Showing my old Governor biases, I said: Let's allow a State to come up with a seventh way of improving a low-performing school, and that would be whatever the Governor thinks would be the best way to do it. That was adopted by the Congress. About 12 months later, out came a regulation from the U.S. Department of Education defining, limiting, and explaining what a Governor could do about it.

The whole purpose of the exercise was to get rid of that sort of instruction from here and to recognize that Governors themselves might feel like their principal responsibility might be to improve a low-performing schools. I always did when I was there. And I, with all respect, didn't really need advice from Washington, DC, about how to do it.

No. 8, it helps States support teachers. The bill provides resources to States and school districts to implement activities to support teachers, principals, and other educators, including through high-quality induction programs for new teachers and ongoing rigorous professional development opportunities. The bill allows—but doesn't require—States to develop and implement teacher evaluation systems.

I know I am using some of my own experiences here, but that is how I have learned. I believe that teacher evaluation is the holy grail of public education. Parents are more important than teachers, but I have yet to figure out how to pass a better parents law.

Most of the evidence we know about shows that the single most important way to help a child succeed is to put that child in the presence of a really exceptional teacher. So in 1984, Tennessee became the first State to pay teachers more for teaching well. That included a 1½-year brawl with the National Education Association, which objected to it.

President Reagan was President then. He came to Tennessee not to tell us to do it and not with any Federal dollars but just to say this is important to do and this is good to do. That helped me greatly in passing it in the legislature, which was Democratic at the time, and this kind of leadership began the process across the country that has spread—the evaluation of teachers—to identify the better teachers, to encourage them, to reward them, and to try to keep them in the teaching profession.

It was assumed when I came here that because I was so involved in teacher evaluation, I would want to come to Washington and say: OK, now everybody has to do what Tennessee did. But I have done just the reverse. The last thing we needed in Tennessee when we were trying to do teacher evaluation in a fair way was Washington looking over our shoulder, making it more difficult and complicated.

Evaluating good teachers, particularly rewarding outstanding teaching, is not easy to do. It sounds simple, but it is hard. It needs something teachers can buy into that may be different in Alaska and Tennessee and Washington, and it needs to respect what the circumstances are in each place. The goal is to reward outstanding teachers and make teaching more professional and to recognize that excellent teachers of math have great opportunities at IBM or some other company. I want to encourage that. This does that, but it doesn't mandate it from Washington.

No. 9, finally, this helps States improve the fragmentation of early childhood programs. I suspect we will hear a

lot about this from Senator MURRAY because we heard a great deal about it in the committee from her. She is a preschool teacher. Her mother was as well. I think one of the things Senator MURRAY learned as a preschool teacher was how to work well with others, which is what 5-year-olds learn. She is a passionate advocate for early childhood education—more than we have in this bill. But we have an important step forward in this bill, in my opinion, that Senator MURRAY and Senator ISAKSON offered as an amendment. It was approved by the committee.

It will provide competitive planning grants to help States expand quality early childhood education by addressing the fragmentation of spending of Federal dollars currently through early childhood education programs. We spend about $8 billion on Head Start. We spend about another $6 billion or $7 billion on child development block grants. That total amount of money is as much money as we spend in the entire title I program for kindergarten through the 12th grade. We spend another $8 billion or $10 billion throughout different parts of the Federal Government for early childhood education. Then there is State funding for early childhood education. Then there is local funding. Then there is private funding.

For example, the testimony from the superintendent of education from Louisiana was that, as much as more money, what would help create more educational opportunities for children ages 2, 3, and 4, is for States and local governments to be able to spend the money we are already spending more effectively. He said: There are too many silos. You can't use the Head Start money in conjunction with this money or that money or in conjunction with this money. This proposal in our bill would be a step toward helping States use Federal dollars more effectively in early childhood education.

Finally, I said earlier that if fixing No Child Left Behind was a standardized test, Congress would have earned a failing grade for the last 7 years. In each of the last two Congresses, the Senate committee that Senator MURRAY and I head produced bills to fix No Child Left Behind. But these bills divided our committee along party lines. Even so, two Congresses ago, Senator ENZI, Senator KIRK, and I voted with the Democratic majority to report a bill out of committee so that the full Senate could act.

In the last Congress, the committee majority passed a partisan bill without any Republican votes, but I committed to support Chairman Harkin in taking the bill to the floor if there would be an open amendment process.

Unfortunately, these bills never reached the floor. We needed, obviously, to do something different, which is where Senator MURRAY's leadership became so important. She suggested the way that we proceeded, which allowed us to create a bridge across the partisan divide so that we could recommend to the full committee a bipartisan solution upon which they could build and upon which the full Senate could build.

I accepted her suggestion, and I have repeatedly thanked her for it. She and I have listened carefully to our Senate colleagues, to teachers, principals, Governors, chief State school officers, students and parents, and to the business and civil rights communities, and we have listened to each other. I am grateful that the majority leader has put the bill on the floor and that the Democratic leader has allowed it to come to the floor expeditiously.

Senators with amendments will have a chance to have a vote on those amendments. Already in our Senate education committee, we considered 58 amendments, and we have adopted 29. We have had a fair and open process, which I believe is the main reason the committee vote was unanimous.

I would like to say this: Senator MURRAY and I have exercised restraint. Neither of us has insisted on forcing into the bill every proposal about which we feel strongly. We know that to get a result we have to achieve consensus. We know that in the Senate, ''consensus'' means at least 60 votes. We know that if we succeed here, we will have to deal with our friends in the House of Representatives. After that, if we want a result, which we do, we want the President's signature. We want to fix No Child Left Behind—not just make a political statement.

The only major objection to this bill that I have heard is one from some groups that believe the path to higher standards, the path to better teaching, and the path to real accountability is through Washington, DC, instead of State by State.

I would like to offer three reasons why I think this is wrong and why I believe our consensus to restore decisions to those closest to the children is right.

No. 1, States are better prepared today to set higher standards, to evaluate teachers, to develop good assessments, and to develop good accountability systems than they were when No Child Left Behind passed in 2001. President Bush and President Obama can take some credit for that and should.

No. 2, the national school board—as I call it—which has been created over the last 10 years as we move more and more responsibility from States to Washington, DC, has created a backlash. It has made it harder to have higher standards. It has made it harder to evaluate teachers. It has showed conclusively that the better path to higher standards, better teaching, and accountability is through the States and not through Washington.

No. 3, most Americans understand that you don't get wiser and more caring simply by getting on a plane and flying to Washington. In fact, the people closer to the children are usually better equipped to make decisions about their well-being.

I have, principally because of age, a long view of this whole process. States are better prepared today than they used to be. I was Governor when Terrel Bell, President Reagan's Education Secretary in 1983, issued ''A Nation at Risk,'' saying that our schools were in such a shape that if a foreign country had done that to our country, we would have considered it an act of war.

I worked together with other Governors—the Governors who were elected adjacent to me, especially Governor Clinton, Governor Riley, and Governor Graham—and the National Governors Association. In 1985 and 1986, Governor Clinton and I caused all of the Governors to work on something we called ''Time for Results'' to begin to move State by State toward more achievement for our students. Then in 1989, President George H. W. Bush called the Governors together to a summit and set national education goals.

That never happened before in our country. It may sound like an easy thing to do, to say let's have goals of all children being proficient in math, science, English, history, and geography. But just to pick those subjects was a controversial topic. Just to spend that time on it was a great step forward.

Then ''America 2000'' in 1991 and 1992, when I was Education Secretary, was the way to reach the goals. That is where we began to see this debate again. Is the best way to do it State by State, community by community or is the best way to do it through Washington, DC? President George H. W. Bush believed the best way to do it was State by State, community by community. He advocated voluntary national standards, but they were voluntary. He advocated voluntary national tests, but they were voluntary. He advocated accountability systems, but they were voluntary as well. He advocated more choices for parents of low-income children and an expansion of charter schools.

What the Governors have done since that time is worked together State by State to create our standards, better tests, and better accountability systems. The Governors have also agreed that States would take the so-called NAEP test, the National Assessment of Educational Progress, which is a sample test. Not all students take it. But it keeps the Governor of Tennessee from setting a low standard, which we once did so we looked good when we achieved that standard. Now we can know whether Alaska and Tennessee are really comparable because that test is public and we take it.

The second point I made about this was about the backlash. It may seem counterintuitive to say that it is harder to create higher standards because of the Common Core debate, but you would understand it pretty well if you ran for the Senate in a Republican primary or even in a general election,

which I did last year. Common Core was an issue both in the primary and in the general election. What I said was this: Wait a minute; I think Washington should stay entirely out of it. But people were so upset with Common Core, not really so much because of what is in it but because Washington was requiring it or at least it seemed to them that it was Washington taking over local schools.

The truth of the matter was that Common Core began with Bill Bennett, a former Education Secretary and a leading conservative, when he was head of the National Endowment for the Humanities here in Washington, DC. He sponsored research by E.D. Hirsch in Virginia, who wanted to put more rigor in academic curriculum.

When the first President Bush called the Governors together and said we want to set these high goals and Governors begin to talk about what the standards for the proposed goals are, Governors began to work together on something called Achieve. There were some who said: Let's have Washington do it.

But the Governor said: No, you stay out of it; we will do it together.

It was out of this that the Common Core academic standards came together. It was basically a bunch of conservative Governors working together to add rigor to the system. But what spoiled it was that Washington's involvement in it in the 1990s created this enormous backlash and now Governors are backpedaling. At a time when, for example, in our State we have advanced manufacturing coming in and workers need to know a lot in order to get a job, we are arguing about whether to have high standards because of the backlash against Common Core. We need to get Washington out of the Common Core debate and let Tennessee and every other State make their own decisions about what their academic standards should be. Then, if you don't like what your child is learning, you can go talk to your Governor or your legislature and they have 100 percent of the authority to decide whether that is good or whether that is bad.

Then there is teacher evaluation. As I said, I spent a lot of time on that in the 1980s and since. It is hard to do. It is hard enough to do without adding a new element, and the new element is the highly prescriptive method that is defined from Washington about how to do a teacher evaluation. That produced a backlash.

Teachers unions are up in arms. When they are up in arms, that makes it harder to put in a teacher evaluation system. If you believe, as I do, that high standards and teacher evaluation are the underpinnings of a great education system and are the way that you help children learn what they need to know and are able to do, you do not want to create a backlash to those efforts by insisting on prescriptive definitions from Washington, DC.

Finally, it is a strange idea, as I mentioned earlier as well, to suggest that those of us who fly from Knoxville to Washington—or Senator MURRAY flies a long way each week and goes all the way to the West Coast and back, but almost all of us go home almost every weekend—get that much smarter and that much wiser on the plane flying here. I may get a little less smart and a little less wise on the plane flight here. It doesn't help me to know any more about what is going on in the Tennessee mountains or the native areas of Alaska or in eastern Washington State by being here in Washington, DC.

We spend 4 percent of the Nation's education dollars through this bill we are debating today. I think we have a right to ask: How are these children doing? Take a test, report the results, and let us see if children are being left behind. But we shouldn't presume then to say: Here then is what you ought to do about it. We are going to decide who is succeeding, who is failing, what the right way to fix that is. We can't do that with 50 million children, 100,000 schools, and 3.5 million teachers. All those are better done by men and women who are closer to the children.

One of the most eloquent statements of what I just said came from Carol Burris, New York's 2013 High School Principal of the Year. She wrote us after we began work on our proposal and put it online and this is what she said:

> Remember that the American public school system was built on the belief that local communities cherish their children and have the right and responsibility, within sensible limits, to determine how they are schooled.
>
> While the federal government has a very special role in ensuring that our students do not experience discrimination based on who they are or what their disability might be, Congress is not a National School Board.

That is the principal of the year in New York State saying that.

She went on to say:

> Although our locally elected school boards may not be perfect, they represent one of the purest forms of democracy that we have. Bad ideas in the small do damage in the small and are easily corrected. Bad ideas at the federal level result in massive failure and are far harder to fix.

That is advice from the New York Principal of the Year. In other words, our well-intentioned guidance from Washington is usually not as effective as a decision made in the home, classroom, and community by those closest to the children.

What we heard over and over from Democrats as well as Republicans was that while continuing measurements of academic progress are important in holding schools and teachers accountable, we should respect the judgments of those closest to the children and leave to them most decisions about how to help 3.4 million teachers help 50 million children in 100,000 public schools.

A little humility on our part is an important part of the recipe for a successful fix of No Child Left Behind. I look forward to this debate. I particularly look forward to fixing this law that everybody seems to agree has to be fixed, and that most people seem to agree on how to fix it.

If Senators were in a classroom, none of us would expect to receive a passing grade for unfinished work. Seven years is long enough to continue fixing No Child Left Behind.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senator from New Jersey, Mr. BOOKER, follow my remarks on the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, since our Nation's founding, the idea of a strong public education for every child has been a part of the fabric of America because when all students have the chance to learn, we strengthen our future workforce, our country grows stronger, and we empower the next generation of Americans to lead the world. A good education can provide a ticket to the middle class, so improving education is an important part of what it means to grow our economy from the middle out, not from the top down.

Today marks the first day of debate on our bipartisan bill to strengthen our education system by reauthorizing the Nation's K–12 education law, the Elementary and Secondary Education Act, or ESEA. This work is a chance to recommit ourselves to the promise of a quality education. For every child, it is an opportunity to finally fix the current law, No Child Left Behind.

I have been very proud to partner with the senior Senator from Tennessee throughout this process, and I commend Chairman ALEXANDER for working with me to create this bipartisan bill and for passing the Every Child Achieves Act through the education committee with unanimous support.

I think it is important at the onset to discuss why we need to fix the current law. I also would like to lay out what we accomplished in the Every Child Achieves Act and go through how I think we can best strengthen this bill and pass it through the Senate with bipartisan support.

I wish to acknowledge my committee members as well. This bill is better thanks to their hard work and commitment to their priorities and their communities.

Nearly everyone agrees that No Child Left Behind is badly broken. For one, the current law required States to set standards for schools but then didn't give the schools the resources they needed to meet those standards. Second, across the country we are still seeing inequality in education, where some schools simply don't offer the same opportunities as others, and some

schools still have very large achievement gaps.

I have seen firsthand how this law is not working for my home State of Washington. No Child Left Behind has become so unworkable that the Obama administration began issuing waivers to exempt States from the law's requirements. Washington State had received a waiver but lost it last year, and now most of the schools in my State are categorized as failing.

A few months back, I stood here on the Senate floor and told the story of a mom from Shoreline, WA. Her name is Lillian. Last year her son was going into the fourth grade in the same school district where I once served as a school board member. Lillian's son had a learning disability. With the help of teachers and specialists at his elementary school, he showed great signs of progress. But then Lillian got a letter in the mail 2 weeks before school started, and that letter described her son's school as failing. That left her worried about the kind of education her son was getting, and she said it gave her a wave of uncertainty over the coming school year.

I have traveled around Washington State over the past decade and I have heard from a lot of my constituents, from teachers in the classrooms, to moms at the grocery stores, to tech company CEOs. They all have the same message: We need to fix the No Child Left Behind law. I was very glad that earlier this year we got to work on a bipartisan basis to find common ground to do just that, and I remain convinced that the only way to advance a bill to fix this broken law is with a bipartisan approach. Students, teachers, and parents are counting on us to do this, and now it is time to take the next step as we debate the Every Child Achieves Act here on the Senate floor.

This bill is a strong step in the right direction to finally fixing No Child Left Behind and making sure all of our students have access to a high-quality public education. It addresses the high-stakes testing. I have heard from parent after parent, teacher after teacher in Washington State that students are taking too many tests. The current law overemphasized test scores to measure how students are doing in school. Our bill will give flexibility to States to use multiple measures—not just a single test score—to determine how well a school is performing. The bill will create a pilot program for States to design new assessments, and that will provide our States with a lot of flexibility for innovation. Those steps will reduce the pressure on our students, our teachers, and our parents so they can focus less on test prep and more on learning.

The bill eliminates the one-size-fits-all provisions of No Child Left Behind that have been so damaging to our schools districts. Instead, the bill allows our communities, parents, and teachers to work together to improve schools and to ensure that every child receives a well-rounded education.

The bill maintains Federal protections to help students graduate from high school college- and career-ready. The bill also requires States to identify schools that do need improvement.

When the education committee debated the bill, I was also proud, as the Senator from Tennessee mentioned, to work on a bipartisan amendment with Senator ISAKSON to expand and improve early learning programs. As a former preschool teacher, I have seen the kind of transformation early learning can inspire in a child, so I am proud that this bill will help us expand access to high-quality early childhood education so more of our kids can start kindergarten ready to learn.

There are a few key ways that I want to continue to improve this bill. First of all, I believe we should strengthen the accountability requirements in the bill. Too many schools have failed too many of our children for too many years. When we don't hold the schools and States accountable for educating every child, it is the kids from our low-income backgrounds, kids with disabilities, kids who are learning English, and kids of color who too often do fall through the cracks. Before No Child Left Behind, it was easy for schools to overlook the performance of these vulnerable groups of students. Before 2002, as long as the school's overall performance was OK, it didn't matter if students of color or students from low-income backgrounds struggled to make progress year after year. The overall average of all students allowed achievement gaps to be swept under the rug even as some students fell further and further behind. We cannot go back to those days, and we can't backtrack on holding our schools accountable for helping all of our students learn.

States should still be required to identify the schools that are struggling the most so they can get the help and resources they need to improve. States need to identify the schools where some groups of students aren't making enough progress. These schools should get the support and locally designed interventions they need to better serve their students. Let's remember that holding States accountable for all students will only work if schools get the resources they need to promote students' success.

Unfortunately, some schools simply don't provide the same educational opportunities as others. Oftentimes students of color don't even have the option to take an AP course or use up-to-date technology in the classroom. African-American and Latino students are significantly less likely to attend a high school that offers advanced math or art classes, and, on average, kids from low-income neighborhoods don't have access to qualified and experienced teachers like students from wealthier neighborhoods often do. A ZIP Code should never determine a student's academic success. We need to make sure all students have equitable resources.

In the 1800s, Horace Mann, who is often called the father of American education, worked to make it universal and free for all. He famously said: ''Education . . . is the great equalizer.'' I believe that is true but only if we continue to hold ourselves accountable for providing educational opportunities to all students. The Every Child Achieves Act takes some very important steps to do that. As we debate this bill, I hope we can build on the progress and continue to move in the right direction.

I do believe there are important ways we should be able to work together to improve the bill, but there are other ideas out there that may derail any chance of passing this bill and fixing No Child Left Behind. I know some of my Republican colleagues are interested in making title I funding ''portable.'' That name sounds innocuous enough, but that proposal would allow funds to be taken away from schools that need the help the most, and it would defy the original purpose of our Federal K–12 education law. ESEA was meant to help level the playing field for students growing up in poverty. Efforts to backtrack on our country's commitment to target funds to the highest needs schools and instead give funding away to our more affluent schools is a nonstarter.

Others are interested in voucherizing the public school system. That would undermine the basic goals of public education by allowing funding designated for the most average students to flow out of the public school system and into mostly unaccountable private schools. Vouchers are unacceptable to me and would jeopardize our bipartisan work.

I am looking forward to our debate to make this bill even better. Half a century ago President Lyndon Johnson directed Congress to improve education for our Nation's students. In January of 1965, in what would be just months before signing the original ESEA into law, President Johnson said that when it comes to education, ''nothing matters more to the future of our country,'' and that remains true today. The future of our country hinges on our students' ability to one day lead the world, and a high-quality education for every student is one of the best investments our country can make to ensure we have broad-based and long-term economic growth.

Finishing this process we are working on today and getting a bill signed into law isn't going to be easy. Nothing in Congress ever is. But students, parents, teachers, and communities across our country, including in my home State of Washington, are looking to us here in Congress to fix this broken law. We cannot let them down.

We need to work across the aisle to help our students and our schools and our teachers get some much needed relief from No Child Left Behind. We need to give our States flexibility while strengthening accountability and

resource equity. We need to work together to reaffirm our Nation's commitment to ensuring that all students have access to a quality education regardless of where they live or how they learn or how much money their parents make. By doing so, we will help our Nation grow stronger for generations to come.

I again thank the Senator from Tennessee for his tremendous leadership in getting us to this point and for working with us to make sure we get this bill to the President and signed into law so that we can all go home and say we fixed a badly broken law.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I rise today to discuss the reauthorization of the Elementary and Secondary Education Act. I rise today with the understanding that I have been a Senator for just a short while—about 19 months—and with the knowledge that I stand in a body full of champions for our Nation's kids. I am proud of the conversations I have had on both sides of the political aisle and see the earnestness and hard work to ensure that America is a place where all children can thrive.

I wish to give a special thanks to Senators ALEXANDER and MURRAY, the chairman and ranking member of the Senate HELP Committee. They have worked tirelessly in an effort to expand educational opportunities for children, and I have no doubt that they have already made lasting contributions to the lives of our children. In addition to that, they have taken a flawed legislative reality in No Child Left Behind and have already made significant strides in improving it. It should be applauded. They have done good work. In a nation that has been overcome with test craziness, they lowered those ridiculous bars and barriers that are being put up at the local level to achieving high education.

I am proud to see a bipartisan consensus forming to correct the ills of No Child Left Behind which have been foisted upon school districts all over our country and which have made the quest for educational excellence more difficult, not easier or more empowering.

I say all of that, but I must also say that I am here because there is an enormous amount of work still to do. This body must confront the dark places in our country where the ideals of the American educational system and where the dream of this country of equal access to opportunity is being failed. We have work to do. There is a moral urgency in this country, and that is what I am worried about today.

It is deeply disconcerting to me that I cannot stand in the well of the Senate before you today and say that a child born in any ZIP Code in America will have access to a quality education and an equal shot in this Nation at learning the skills they need to make the most out of their lives, to contribute to our country, and to live their American dream.

It is troubling that I cannot stand here in the well of this auspicious body and say that we are leading our peers around the globe when it comes to the number of our kids—percentage of the population—who graduate from high school ready to succeed as part of the global economy.

It is shameful and ignominious that I cannot stand here today and say that we are doing everything we can to ensure that all of our students can succeed and that we are holding those schools that are performing the worst in our Nation—those schools that often deal with the poorest of our country, the most marginalized of our country—that we are doing everything we can to serve them.

There should be standards to which we hold ourselves accountable. For this Senator, it is this America where children are still struggling for the basic foundations of our ideals that concerns me.

It was back in 1967 at Stanford University—my alma mater—that Martin Luther King stood and gave a speech about the other America. Sadly, we are a nation that still reflects these words from decades ago. He talked about a great America where children have quality schools, quality housing, and opportunities to succeed. That is the majority of our Nation. It makes us all proud and honored to serve this country that is an example to the globe of what is possible in a vibrant and strong democracy. But in that speech, Martin Luther King also talks about the other America. It is in this America, he said, that people are poor by the millions. ''They find themselves perishing on a lonely island of poverty in the midst of a vast ocean of material prosperity,'' King said.

He said:

> In a sense, the greatest tragedy of this other America is what it does to little children. Little children in this other America are forced to grow up with clouds of inferiority forming every day in their little mental skies. And as we look at this other America, we see it as an arena of blasted hopes and shattered dreams.

He details this other America by saying that ''many people of various backgrounds live in this other America. Some are Mexican-Americans, some are Puerto Ricans, some are Indians.'' Millions of them are White. ''But probably the largest group in this other America in proportion to its size in the population is the American Negro.''

We are moving now on education legislation, but let's tell the truth of what is happening in this other America—that there is still a dark underside where lack of achievement and lack of opportunity in this other America must be addressed.

I have visited schools all over New Jersey. We are a State that is the envy of America in the quality of our schools. We have reached heights of educational attainment, and New Jersey youngsters go to great, prestigious universities all over our State and our country. I am proud that we are one of the greatest education States in America. But I also know that even New Jersey has some schools—particularly in vulnerable places of high poverty—that fail to serve the genius of our children.

I have also had the privilege to travel our Nation, having been invited to speak in cities from coast to coast, and, like New Jersey, I see signs of hope and signs of promise. I see kids going to schools in the toughest neighborhoods, but those schools are more than schools-they are cathedrals of learning that serve their genius. Yet I am still told by parents from New Jersey and in our Nation, who look me in the eye and know their schools are failing their kids—they don't need reports from any government body to let them know their kids are not getting the education they deserve and to know the even more painful truth that their children, should they not get the education they deserve, will have options for themselves that are lost and constricted in this greatly global economy we have.

I worry that if we put legislation forward which does not keep those children in the center of our hearts and our minds, the consequences of dashing those dreams are great for our Nation.

When I was a child, I heard this poem by Langston Hughes:

> What happens to a dream deferred?
> Does it dry up
> like a raisin in the sun?
> Or fester like a sore—
> And then run?
> Does it stink like rotten meat?
> Or crust and sugar over—
> like a syrupy sweet?
> Maybe it just sags
> like a heavy load.
> Or does it explode?

In our country, people who are in environments with schools that fail the genius of our kids witness the disastrous manifestation of that failure on a daily basis. We now know that in America, a young Black boy who does not graduate from high school has a 70 percent chance, without that diploma, of ending up in jail by his midthirties. We now know that in our prisons in this Nation, 67 percent of inmates are high school dropouts. We know that the national average spent for a student in our country is $12,643. Yet, somehow we allow funds to drain from the National treasure that are the kids in our schools, by spending almost $29,000, on average, to keep one person behind bars in federal prison.

If we deny poor children a quality education, there will be disastrous consequences. We now know that in our Nation, if you are born in poverty, you have a 9-percent chance of going to college. I will repeat that. If you are born in poverty, you have a 9-percent chance of going to college and graduating. This is unacceptable.

We cannot design legislation in this body that does not stand up to this reality. Indeed, the legislation we are

passing now has its roots in its initial focus on the disadvantaged.

Fifty years ago this past April, President Lyndon B. Johnson sat in front of what once was a one-room schoolhouse in Texas, next to a woman named Kate Deadrich Loney, and signed into law the Elementary and Secondary Education Act. It had a purpose to it. It had a mission.

Sitting next to his former teacher and in front of his former school, President Lyndon Johnson signed the law and said that this law ''represents a major commitment of the federal government to quality and equality in the schooling that we offer our young people. By passing this bill, we bridge the gap between helplessness and hope for more than five million educationally deprived children.''

That is not all he mentioned, but he specifically focused on those disadvantaged children—those 5 million in our Nation—who were not getting access to the American ideal, the American dream. Their dream was to be deferred or stolen or denied.

Today in America, 6 percent of high schools fail to graduate one-third of their students. We must do better by them. It is this issue in our country that we have to recognize.

As stated in President Johnson's words, the Federal Government's role in education has been that of a bridge between helplessness and hope, one that identifies the needs of the underserved and the most vulnerable students and the schools that are not serving them. Since 1965, the Federal Government has done a good job of playing a critical role in advancing equality and greater educational opportunity so that more children are included. The creation of Pell grants, title IX, and the first Education for All Handicapped Children Act are great strides our Nation has taken in being that bridge from helplessness to hope.

The reauthorization of the critical legislation that first established that ''bridge'' has taken different forms over the past 50 years. In certain instances, as in the case of No Child Left Behind, it took a step too far. That is why this Senator praises Senator ALEXANDER and Senator MURRAY for beginning to correct the inadequacies and deficiencies and harm that bill has done.

When it comes to reauthorization of the ESEA, we cannot allow for an overly prescriptive No Child Left Behind bill. We cannot afford to go back to that era. We must change. However, we cannot allow the pendulum to swing so far that we abdicate our responsibility to make sure every student—to make sure the students in that other America are being served by a quality school.

It is not overly prescriptive to ask schools that are failing to graduate a large share of their students to do something differently. It is not overly prescriptive to ask schools—these 6 percent of our schools that are dropout factories in our Nation—to make changes to honor the children, their beauty, their dignity, and their potential. And it is certainly not asking too much that we who are putting hundreds of millions of dollars from the Federal Government into a system—that there is some accountability for these dropout factors.

This body should be a steward of taxpayer dollars. Congress has a role when it comes to the investments we make in housing, when it comes to the investments we make in infrastructure, and when it comes to defense dollars, to make sure these dollars are serving the purpose to which they are extended—to make sure these investments produce returns for taxpayers. Today, the Federal Government and this body still have that critical role to play when it comes to making sure all American children have access to a quality education.

The status quo is unacceptable. Too many of our children are still stuck in failing schools—schools that are so bad that they put thousands of children into that world where they do not have a chance at a college education or even getting a high school degree. The students succeeding in our country's quality schools will have the opportunity to become the next generation of teachers, mayors, police, firefighters, doctors, and Senators. They will lead the globe. This is what I am proud of as an American. The students in our country's failing schools deserve to have that same opportunity.

I know this from traveling our country and traveling our State: that prodigy isn't bounded by geography and that genius is equally distributed in our country. Talent is as concentrated in one ZIP Code as it is in another. There are as many geniuses in Camden as there are in Princeton. The next Einstein or Gates or Hemingway is as likely to be growing up in Newark as they are in the Upper East Side of Manhattan. I have seen schools flourish in poor neighborhoods. I have seen great schools meet incredible challenges and succeed in educating our kids. We know it is possible, and we should expect better than we are seeing now.

Our moral test is whether we will be able to attain success everywhere it might be found, whether we will be able to nurture the genius in all of our kids. We owe it to every child in America to ensure that every door is open for them to demand better. We need to demand better for our kids. We need to keep them front and center as we consider this bill on the floor.

I want to conclude by saying that we cannot succeed as a nation, in an increasingly global competitive environment, if we leave genius on the sidelines. Our educational determination to help those children is not simply about them, it is about us. It is about whether we will get the full bounty of the strength and potential of our Nation or if we will cast many aside into those dark places, into that other America.

We cannot now be damned by the self-defeating stakes of low expectations for ourselves and all of our children. Kids who languish in this other America because of a lack of compassion and support and investment cannot afford to have less accountability for their success.

I know as we debate this bill there will be resistance to the idea that those failing most, those stuck in dropout factories, those in the other America don't deserve levels of accountability. But I know that if we focus on those children, to keep them at the center of our thoughts, as was done by President Johnson when this bill originated, I know we can be the America we want to be, a nation that when our children put their hands on their hearts and say those words, ''liberty and justice for all,'' that they are real, indeed, for all children.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 2089

(Purpose: In the nature of a substitute)

Mr. ALEXANDER. Mr. President, I call up the Alexander-Murray substitute amendment No. 2089.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 2089.

Mr. ALEXANDER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The majority whip.

WORK IN THE SENATE AND NUCLEAR AGREEMENT WITH IRAN

Mr. CORNYN. Mr. President, last week I had a chance to travel the State of Texas. Of course, the Presiding Officer can imagine, I had a chance to move around the State to listen to what people were saying and, frankly, to tell them what it is we have done on their behalf in the Senate so far this year. By and large, I heard that folks are happy to see the Senate back to work, under new management, and getting things done that they elected us to do.

I spent a good amount of time out in West Texas and in the panhandle and had a chance to speak to a number of farmers and ranchers in that part of the State. They are, frankly, very pleased to hear that they will soon have access to new markets in Asia now that the trade promotion authority bill has been passed and is the law of the land, and we are currently in the final stages of negotiating the Trans-Pacific Partnership.

The trade promotion authority, of course, passed last month and was

signed by the President, and it represents a true bipartisan accomplishment between Congress and the President. While it is true that I disagree with the President more often than I agree with him, in this case we can both agree that opening new markets for our farmers, ranchers, and our small business people is good for our States and good for the country.

Getting Texas beef, cattle, cotton, and other goods to new markets translates into better jobs, better wages, and a better economic climate for hard-working Texans. But of course passing the trade promotion authority legislation is just one example of what this Chamber has accomplished so far this year. Under new leadership, the Senate has made tremendous progress from what this Senate used to be. We have seen the return to regular order, functioning as a deliberate body that considers a wide range of legislation to benefit the everyday lives of the American people.

I think pointing out that we voted on more than 130 amendments, compared to just the 15 that were voted on last year, is a great indicator that this Chamber is actually back working the way it should. The good news is, whether you are in the majority or the minority, everyone is getting a chance to participate in this process, and regular voting on amendments brought by any of our Members is now typical and not the exception to the rule.

I mention we passed the trade legislation, but overall the Senate has passed more than 40 bipartisan bills. We have seen 22 of those already signed into law by President Obama. So the American people let their voices be heard last November 4. They sent us here to do their work. This week, we will take up another important piece of legislation. We will take up an education bill that will ultimately give school districts in Texas and across the country more flexibility and more power to make the best choices for their students.

I know the HELP Committee—the Health, Education, Labor and Pensions Committee—the committee of jurisdiction in education matters, has worked hard under the leadership of Chairman ALEXANDER and Ranking Member MURRAY. They brought this bill to the floor with a unanimous vote in the committee. So I and others look forward to an open amendment process and a vigorous debate over our Nation's education priorities and the important role the States play and local control plays in making sure all students have access to educational opportunities.

Later this week, we will likely have a chance to reconcile the language between the House and the Senate version of the Defense authorization bill, a bill that will help equip our Armed Forces with the resources and give them the authorities they need to keep our country safe. Of course, the Senate will also continue discussions on how to responsibly address the challenges facing the highway trust fund and find a way forward for our transportation networks.

I remain optimistic that this Chamber can ultimately take up appropriations bills that are needed to fund our troops on the battlefield and care for our veterans upon their return. Last month, our Democratic friends laid out a strategy, something they called the filibuster summer, saying unless they get 100 percent of what they want, that they are not going to allow the Senate to proceed to consider these appropriations bills.

Well, I would like to just remind them there is a lot of work we have to do that needs to be done, and if we could just get back in the spirit of this bipartisan cooperation, everybody can let their voice be heard and their vote will count, but pure partisanship will not get the job done. The many Texans I spoke to back home want this spirit of diligent, focused work to continue. They certainly want to see us provide the resources to our troops that they need to carry out their mission. So while we have a strong track record so far in the 114th Congress, we still have a lot of work to do. I hope my friends across the aisle will continue to work with us on behalf of the people who sent us here.

Separately, I know my colleagues and I are anxiously awaiting the news of the final outcome of Secretary Kerry's ongoing negotiations regarding Iran and its nuclear aspirations. As we all know, earlier this year, Congress passed the Iran Nuclear Agreement Review Act, which guarantees that Congress, on behalf of the American people, will have time to study, scrutinize, debate, and then ultimately vote on whether we approve or disapprove of the negotiated deal between Secretary Kerry and the administration and Tehran.

If the President reaches a deal with Iran by Thursday, then Congress will have up to 30 days to review it and then to vote on whether to approve it. As I have said all along, I have grave concerns about how the President has been negotiating with one of our foremost adversaries, a country that constantly threatens the American people and our allies and has done nothing to garner our trust or respect.

The broad outlines of the deal—of the potential deal—we have seen reported in the press don't look particularly promising. It seems to get actually worse by the day. So I strongly encourage the President and Secretary Kerry to remember that if you want a deal badly enough, that is exactly what you are going to get is a bad deal. So ''any deal at any cost'' is not the mantra of the American people who are understandably very wary of any agreement with Iran.

But, fortunately, the Senate has proved we will not stand by and watch the President as he makes far-reaching agreements without the consent of the American people through their elected representatives. So I look forward to working with my colleagues to give very careful scrutiny, certainly the sort of scrutiny this proposed deal deserves, to make sure our country's best interests are protected. If this deal does not protect our national security and the security of the region and our allies, Congress may have no other choice than to vote it down by passing a resolution of disapproval.

I yield the floor.

The PRESIDING OFFICER (Ms. AYOTTE). The Senator from Virginia.

Mr. WARNER. Madam President, I rise to speak in support of an amendment I have filed to the Every Child Achieves Act that will be brought up, I believe, later today. In the spirit of my friend the Senator from Texas I am glad he has joined me on this amendment. I know as we get into this terribly important education bill, I want to commend Senator ALEXANDER, Senator MURRAY for their leadership in bringing it to the floor and trying to wrestle through the right balance of between Federal, State, and local partnerships in education. I look forward to being a part of that debate.

While we will spend hours on the floor of the Senate debating issues around accountability and assessment, terribly important issues, there is one issue I believe all of us in this body can agree upon, to make certain we ensure that all dollars that are spent on education are spent appropriately and in an efficient way and that most of those dollars end up in the classroom.

This was a conversation I started when I was Governor of Virginia. When I looked around at the Commonwealth of Virginia, where we spend close to $9 billion a year on public education, I realized that many of the same debates we are having in the Chamber we were having in Virginia at that time. But again, one area where there was complete agreement was to make sure those dollars spent on education were spent efficiently.

Too often school divisions, quite honestly, didn't know how to spend using best practices in terms of bus routes, energy usage, back-office staffing. How do you make sure you can take best practices around—I mentioned this was being done in Virginia, from around the State—and make sure those dollars were better spent, more efficiently, in the classroom.

Well, we looked around the country and we actually found a program in Texas—again, why I am so grateful my friend the Senator from Texas, Mr. CORNYN, has joined me on this amendment. We put in place a program to bring better accountability to our school divisions.

As I mentioned, too many school divisions don't have the ability to assess whether they are spending operational funds in the smartest way. My amendment helps school districts figure out how to be thoughtful about their operations budget, which again allows them to put more money back into their

classrooms. I mentioned this was an initiative I started as Governor back in 2003 in Virginia.

I mentioned as well that Virginia was spending a combined $9 billion in local, State, and Federal support for public schools. I felt it was very important we make sure that as much of those resources were spent in classroom instruction and not in back-office administrative functions. So, in Virginia, we asked our Department of Planning and Budget to design a school efficiency review program. Our public school divisions actually volunteered—a local school superintendent actually volunteered to work with the State Department of Education. It took some level of trust, but they volunteered to undergo a review of their noninstructional functions, things like human resources, purchasing, facilities, transportation, and food service.

So we launched this program, and over a decade reviews have been conducted in 41 localities around the Commonwealth, in rural, suburban, and urban districts. Over the course of the history of this program, Virginia's program has identified $45 million in annual potential savings. In Virginia, each review cost an average of about $110,000 and produced an average annual savings of $1.1 million, a return in investment of nearly 9-to-1, a return that allowed these dollars to be more valuably spent on instruction.

These reviews recommend commonsense steps: software programs to improve bus transportation routes, enterprise-wide facilities management, best practices in purchasing and personnel, and smart, responsible steps to conserve limited resources and direct those savings into the classroom.

As I mentioned, we initially borrowed this concept from Texas. Since that time, additional States, including Oklahoma, Minnesota, New York, Kansas, and Arizona, have implemented similar programs.

This commonsense best practice should be available to school districts nationwide. That is why I am proud, along with Senator CORNYN, to offer an amendment that will allow States to use their title IX consolidated administrative funds to pay for fiscal support teams. This proposal will empower localities with the information they need to better allocate limited resources so they get a maximum impact in the classroom. I encourage my colleagues on both sides of the aisle to support it. I believe this amendment will be brought up later by either Senator MURRAY or Senator ALEXANDER, and I look forward to its consideration tomorrow.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. WARREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. WARREN pertaining to the introduction of S. 1709 are printed in today's RECORD under ''Statements of Introduced Bills and Joint Resolutions.'')

Ms. WARREN. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I rise today as the Senate begins its consideration of the Every Child Achieves Act under the leadership of Chairman ALEXANDER and Ranking Member MURRAY—two great leaders who have done a great job on this bill. The HELP Committee, under their leadership, has produced a truly bipartisan effort to find solutions to the seemingly intractable problems facing our educational system. I commend our distinguished chairman and ranking member for their leadership and their commitment to prioritizing concrete results over partisan grandstanding.

While the nature of compromise means that this bill may not be perfect in each Senator's eyes, it represents an opportunity for meaningful reform for America's schools, and I urge my colleagues to support its swift passage.

Ensuring that every child has access to a high-quality education is a top priority shared by all Republicans and Democrats alike. In 2001, I joined 86 of my colleagues in supporting No Child Left Behind to address the shortcomings of our educational system. Despite the best of intentions, No Child Left Behind fell short of true success. Its testing requirements hamper learning by compelling students to take test after test to satisfy the law's various requirements. Its focus on metrics incentivizes schools to report higher graduation rates even if that means pushing out failing students unprepared for the working world. Because of these and other unintended consequences, of course, the current law is in desperate need of reform.

With the Every Child Achieves Act, Congress now has an opportunity to correct the shortcomings of No Child Left Behind. Instead of setting artificial and unattainable requirements, the new legislation allows States to set their own standards for success. It defers to local leaders to formulate goals that are realistic and effective for their districts. It puts parents and teachers in the driver's seat, not Washington bureaucrats.

For years, States have sought relief from burdensome Federal mandates in education, and many States find themselves in untenable positions thanks to Federal law. For example, my home State of Utah has struggled in the past few years with an impossible decision—either ask for a continuation of Department of Education waiver mandates or fall back on unattainable No Child Left Behind requirements and risk losing crucial Federal funding all together.

Under this new bill, States will continue to develop their own standards and will establish their own accountability systems linked to these standards. States will also be able to say what they want their accountability systems to measure and will be able to determine how well their students are doing based on a variety of important metrics. Maintaining the Federal requirement for statewide annual testing is necessary to ensure transparency on school performance and to set a bar by which States can measure themselves in a comparable fashion.

My colleagues and I were able to make significant improvements to this legislation through the committee and the committee's process. I was especially pleased to see two amendments I care deeply about adopted by voice vote during the committee markup: the Innovative Technology Expands Children's Horizons—or I-TECH—Program and the Education Innovation and Research Program.

Senator BALDWIN and I worked closely to develop I-TECH to ensure that technology in the classroom is coupled with teacher support to give students access to a wide range of personalized learning opportunities. By intertwining technology and traditional teaching methods, we can tailor each student's educational journey to his or her individual needs and learning style to boost achievement.

With the Education Innovation and Research Program, Senator BENNET and I created a flexible funding stream that would allow schools, districts, nonprofits, and small businesses to develop proposals based on the specific needs of students and the community. Funding for that program will be awarded based on an initial evidence-based proposal, with continued funding tied to demonstrated successful outcomes flowing from the project. It is time we start looking at new ways of investing in education, much like we do in other realms. Money should not be tied to what the U.S. Senate or the Federal Department of Education thinks is a good prescriptive idea. It should be tied to local innovation and clear outcomes.

Senator BENNET and I have expounded on that idea by pushing for Pay for Success Initiatives in the underlying bill, as well as in the amendment process on the floor. Pay for Success allows the government to pay only for programs that actually achieve meaningful results. I have offered an amendment to allow funding from the early childhood program to be used in this manner.

My home State of Utah has the first-ever Pay for Success Program designed to expand access to early childhood

education for at-risk children. The Utah High Quality Preschool Program delivers a high-impact, targeted curriculum that increases school readiness and academic performance among 3- and 4-year-olds. As children enter kindergarten better prepared, fewer students will need to use special education and remedial services in kindergarten through 12th grade, allowing schools and States to save money. We should build on this success and empower other States to do the same.

In addition to these cost-saving programs, technology will also improve the quality of education in our country, but advancements in technology must come side-by-side with a conversation on how best to protect our children's privacy. Education technology is a multibillion dollar industry, and it is important to balance the needs for innovation and expansion in schools with reasonable privacy safeguards.

To that end, I joined with the senior Senator from Massachusetts in filing an amendment to this legislation to create a structured commission to study important aspects of the convoluted world of student privacy. The primary law governing this realm—the Family Educational Rights and Privacy Act—was last updated in 2001. Since Congress last acted in this area, there have been significant changes in the way student information is stored and how outside parties use that information. These changes have led to the introduction of numerous proposals to update this outdated law.

The amendment Senator MARKEY and I have introduced strengthens student privacy by requiring a commission to report to Congress on the current mechanisms for transparency, parental involvement, research usage, and third-party vendor usage of student information. The Commission will also be tasked with providing suggestions for improvement. This process will allow privacy experts, parents, school leaders, and the technology industry to provide us with a clear consensus on how best to protect personal data while not hampering development in schools or access to the important data we garner from aggregated student information.

In addition to protecting student privacy, I have introduced another amendment crucial to ensuring success in all schools nationwide. The Every Child Achieves Act asks States to identify low-performing schools and to allow localities to intervene in these schools. One of the greatest tools Congress could give localities in this process would be the power to renegotiate contracts and to reallocate money and policies in more effective ways. Under my amendment, many failing schools would be permitted to ask relief from contracts from vendors and unions, among others. These schools would also be able to renegotiate the terms of these contracts.

Currently, school funding is trapped in a cobweb of unwieldy and complicated vendor contracts and collective bargaining agreements. Old, automatically renewing contracts with janitorial services, transportation vendors, teachers unions, and testing companies represent massive locked-in expenditures. Education leaders need flexibility to enable failing schools to get a fresh start—the same opportunity available to successful charter and private schools. Right now, local leaders' budgets and staffing decisions are largely shaped by forces beyond their control. My amendment will encourage more commonsense change from the Federal level to empower localities to act in the best interest of the students they serve.

The bill we are now considering will make significant improvements to the quality of education in this country and the ability of our students to compete in a global economy once they enter the workforce. I strongly urge my colleagues to support these efforts, and I again express my congratulations and my support to the distinguished chairman and ranking member on this committee, Senator ALEXANDER and Senator MURRAY, who have done a really good job in the best interests of children all over this society.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from Utah for his remarks and his contribution to the committee's legislation. He is a former chairman of the Senate's education committee—we call it the Health, Education, Labor and Pensions Committee—and his contributions in this legislation on early childhood education and other matters are awfully important, and I thank him for his work.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, let me just state that this legislation before us is of vital national importance, and I would like to commend Chairman ALEXANDER and Senator MURRAY for their commitment to an open and inclusive debate. They and their staffs have been unfailingly responsive, helpful, and thoughtful throughout the process. I was a long-standing member of the education committee, having served on the Education and Labor Committee in the other body, and on the Health, Education, Labor and Pensions Committee for 14 years in this body. And I have had the privilege of working with my colleagues over the last two reauthorizations of the Elementary and Secondary Education Act.

So, again, I must commend Senators ALEXANDER and MURRAY for the extraordinary work they have done and also my colleague Senator WHITEHOUSE, who has been a major contributor to this effort. I am hopeful and confident, because of the leadership of Senators ALEXANDER and MURRAY, that we will reach a strong bipartisan outcome on this very important piece of legislation.

I appreciate the opportunity to continue to work with the committee on issues that are very important. The fair and equitable access to the core resources for learning, access to effective school library programs, professional development for teachers and principals, family engagement, and environmental education are all topics I think are critical, and I am very appreciative my colleagues also thought they were important and gave them very thorough and very fair consideration.

I am convinced, if you provide the resources, if you support teachers and principals and you engage families, students will thrive. This legislation reflects that perspective, and I appreciate that very much.

Our challenges and our responsibilities are to create and support learning environments that enable young people to hone their talents, discover their skills, and pursue their passions. In some respects, education is about finding a child's talent—letting them find their talent. If you do that, then stand back, they will do wonderful things for themselves, their communities, and this Nation.

In fact, our Nation is very much dependent upon education to achieve our noblest ideals. As we create educational opportunities for all, we fulfill the basic aspiration of this country. While we know we still have work to do, I am very pleased at the work that has been done so far by the committee.

We are closing the gaps in high school graduation between minority and other students—majority students—but college education gaps are widening, and that is something that must be addressed. The debate we begin today is vital because the Elementary and Secondary Education Act is not just about elementary schools and high schools, it is about preparing young people for what comes next—for college, postsecondary education, for careers, and for contributions to their communities. We have to start at the beginning to get it right in the middle and in the end. Again, Senators ALEXANDER and MURRAY have brought this perspective, this bipartisan approach, and I commend them for it.

This bill is an improvement over current law. The Every Child Achieves Act maintains the critical transparency and high expectations for all students that were the hallmarks of the No Child Left Behind Act. It does so while updating the parts of the law that have become unworkable and counterproductive, such as the overly prescriptive approach to school improvement and corrective action.

I am pleased the Every Child Achieves Act continues Federal support in key areas for building strong and successful schools, including investments in literacy and school library programs, for professional development to strengthen educator effectiveness, and family engagement in education. From the beginning, access

to effective school library programs was a critical part of the Elementary and Secondary Education Act. The results from a recent National Center for Education Statistics survey shows there are still gaps in access to school libraries.

Effective school library programs are essential supports for educational success. Multiple education and literacy studies have produced clear evidence that school libraries staffed by qualified librarians have a positive impact on student achievement.

Now, Senator COCHRAN and I introduced the Strengthening Kids' Interest in Learning and Libraries—SKILLS—Act to ensure that school libraries continue to be a part of the Elementary and Secondary Education Act. The Every Child Achieves Act recognizes this need by including an authorization to provide funds to high-need school districts to support effective school library programs.

Soon we will be voting on an amendment that Senator COCHRAN and I are offering to further integrate school library programs into the core Elementary and Secondary Education Act formula grant programs. I encourage all our colleagues to vote yes on this bipartisan amendment that will support student learning.

I am also pleased that the Every Child Achieves Act recognizes the importance of ensuring that disadvantaged children have access to books in their homes from a very early age. Literacy skills are the foundation for success in school and in life. Developing and building these skills begins at home, with parents as the first teachers.

Senator GRASSLEY and I introduced the Prescribe A Book Act to help address this issue, and the Every Child Achieves Act includes some key provisions from this legislation.

We also know teachers and principals are two of the most important in-school factors related to school achievement. It is essential that teachers, principals, and other educators have a comprehensive system that supports their professional growth and development starting on day one and continuing throughout their careers.

Senator CASEY and I introduced the Better Education Support and Training Act to create such a system. Once again, I am extraordinarily pleased that the Every Child Achieves Act includes many of the provisions of that legislation, particularly the focus on equitable access to experienced and effective educators.

I remain concerned, however, that the failure to define an ''inexperienced teacher'' will mask inequities and will limit the usefulness of the reporting for parents and communities. I hope we can clarify this issue as we proceed forward.

Family engagement is another critical area this bill addresses. I hope we will be able to strengthen these provisions by increasing the resources that school districts dedicate to meaningful, evidence-based family engagement activities and by providing a statewide system of technical assistance that supports these efforts.

I have been working with Senators COONS and BENNET on amendments that make these additions to the bill based on the Family Engagement and Education Act that I introduced with Senators COONS and WHITEHOUSE in the past two Congresses.

Most fundamental to the question of whether we move closer to achieving our ideals for educational equity and excellence is resources. The grand bargain of the No Child Left Behind Act was greater accountability coupled with greater resources. We have fallen short on accountability for resources. The authorized level for title I for fiscal year 2007 was $25 billion. That is in the No Child Left Behind Act. Today, we are nowhere near that level—at only $14.4 billion.

We need to be just as concerned about opportunity gaps as we are about achievement gaps, and that is why the first bill I introduced this Congress was the Core Opportunity Resources for Equity and Excellence—CORE—Act to establish an accountability mechanism for resource equity. We must look to hold our educational system accountable for both results and for resources.

The Every Child Achieves Act includes some of what I proposed in the CORE Act by bringing some long-overdue transparency to resource equity, requiring States to report on key measures of school quality beyond student achievement on statewide assessments, including student access to experienced and effective educators, access to rigorous and advanced course work, availability of career and technical educational opportunities, and safe and healthy school learning environments.

However, transparency alone is not enough. I am pleased to be working with Senators KIRK, BALDWIN, and BROWN on the opportunity dashboard of core resources amendment, which will add further provisions from the CORE Act; namely, some accountability for action on disparities in access to critical educational resources.

With more than one in five school-aged children living in families in poverty and roughly half of our public school students eligible for free or reduced-price lunches, we cannot afford nor should we tolerate a public education system that fails to provide resources and opportunities for the children who need them the most.

Again, I thank Chairman ALEXANDER and Senator MURRAY for bringing this bill before us so thoughtfully, so carefully, and with so much effort and expertise, and their staffs also. I hope we can work together on this amendment to improve an already excellent bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I simply wish to acknowledge the contributions of the Senator from Rhode Island. He may not officially be on the committee, but he stays actively interested in all of the education issues. He has made important contributions to the pending legislation in support of libraries, and we are working with him on a number of matters, including risk sharing and higher education. So I thank the Senator from Rhode Island for his leadership and his continued interest in better schools and better colleges and universities.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PROTECTING STUDENTS FROM SEXUAL AND VIOLENT PREDATORS ACT

Mr. TOOMEY. Madam President, I rise to speak on S. 474, the Protecting Students from Sexual and Violent Predators Act.

This is a bipartisan bill that Senator JOE MANCHIN and I introduced some time ago. We have been working on this for a while now, and we intend to offer this legislation as an amendment to the pending legislation, the reauthorization of the Elementary and Secondary Education Act.

This is a commonsense bill, designed simply to protect children from child molesters and predators—predators who infiltrate our schools because they know that is where the kids are.

The vast overwhelming majority of school employees, we all know, are people who care very much about kids. It would never occur to them in a million years to do anything to harm the children in their care. But the fact is there are pedophiles in our society—there are predators in our society—and they do in fact look to find opportunities where they will find their prey. So we need protections against these people as they try to infiltrate our schools. These are protections I have been fighting for, for some time now, and I am not going to stop until we get this done.

There are lots of reasons to have this fight. For me, as for so many people, it is personal. I have three young children. They are 15, 13, and 5 years old. When I send my kids to school in the morning and watch my children get on the schoolbus, I have every right to know I am sending my children somewhere where they can be safe, where they can be cared for, where they can be in the safest possible environment, and every other parent deserves that too—every parent across Pennsylvania, every parent across America.

Unfortunately, too many children and too many families have discovered this is not always the case. The horrific story which brought my attention to this cause and my passion for this was the story about a little boy named Jeremy Bell.

The story begins in Delaware County, Pennsylvania. One of the schoolteachers was molesting boys. He was a serial pedophile. He raped a boy. The school officials discovered what was going on. They brought it to the attention of law enforcement, but law enforcement authorities never had

enough strong evidence to make a successful criminal case. The school decided they would dismiss the teacher for sexually abusing students. But, appallingly, the school also helped this teacher get a new job in West Virginia, where he became a teacher, in part because he got a letter of recommendation from the school that knew he was preying on their students. But they wanted him to be someone else's problem, so they gave him a letter of recommendation.

He went to a new school in a nearby State. Eventually, he became a principal. Along the way, of course, he continued his ways, culminating in the rape and murder of a 12-year-old boy named Jeremy Bell. Justice did finally catch up with that monster. He is now in jail serving a life sentence for the murder of Jeremy Bell, but for Jeremy Bell that justice came too late.

We would like to think this is a bizarre and isolated event that could never happen again. Unfortunately, that is not the case. Last year alone, there were 459 school employees arrested across America for sexual misconduct with the children they are supposed to be taking care of—459—and those were the ones where there was enough of a case that the arrest was actually made. It is more than one per day. Twenty-six of them were in my State of Pennsylvania.

Sadly, we are halfway through 2015 now, and we are doing even worse. In the first half of 2015, there have been 265 such arrests. We are on pace to have well over 500 school employees across America arrested for sexual misconduct with the children they are supposed to be taking care of.

Every single one of these stories has a terrible tragedy at the center: a little girl whose sexual abuse began at age 10 and only ended when at 17 years old she found herself pregnant with the teacher's child, a teacher's aide who raped a young, mentally disabled boy in his care, a kindergarten teacher who kept a child in during recess, then forced her to perform sexual acts on him.

This is hard stuff to talk about, but that doesn't make it go away. I think we need to confront it, and the cases are too many to ignore.

Senator MANCHIN and I decided it is time for Congress to act, to do something to make it more difficult for these predators to carry out these appalling acts, so we introduced the Protecting Students Act. It has two important goals, two protections, designed to prevent convicted sex offenders from infiltrating our country's schools. The first is a standard background check process that will catch those who have been convicted. The second feature in our legislation would end this terrible practice we saw in the Jeremy Bell case—the practice of a school knowingly helping a child molester find employment in a new school, a practice called passing the trash.

Now, both of these provisions, both of these ideas have very broad bipartisan support. The House of Representatives unanimously passed a bill including both protections last Congress, and just last fall Congress voted 523 to 1—both Houses combined voted unanimously, with only one dissenting voice—for even more expansive background check language enacted in the Child Care Development Block Grant that we all voted for, 523 to 1.

In addition, Senator MANCHIN's and my legislation, the Protecting Students Act, has been endorsed by numerous organizations in various categories.

First, child protection groups: National Children's Alliance, which oversees the Nation's Children's Advocacy Centers, the National Center for Missing and Exploited Children, the Pennsylvania Coalition Against Rape, the Children's Defense Fund, the Pennsylvania Partnerships for Children. Law enforcement organizations overwhelmingly support our legislation: the National Association of Police Organizations, the Federal Law Enforcement Officers Association. Prosecutors support Senator MANCHIN's and my bill. The Association of Prosecuting Attorneys and the National District Attorneys Association have both endorsed the bill. The medical professionals at the American Academy of Pediatrics and the Pennsylvania School Board Association, they all have endorsed this legislation, and they have said it has two essential features, two ways in which we would be protecting our kids.

The first is the criminal background check. Let me be clear. Every State in the Union performs some kind of background check already. That is true. That is a fact. The problem is that many of them are woefully inadequate. For instance, several States fail to check all the school workers. They check teachers, for instance, but not nonteachers, and others will check certain criminal databases, but they won't check others, and so they miss convictions.

Our legislation, Protecting Students Act, requires that if a school wants to accept Federal funds, it has to perform background checks on all adult workers who have unsupervised access to children. That would be both new hires and existing employees.

Many States have only recently adopted background check policies. Many employees were hired before they put the background check policies in place, so many of these employees were never subject to a background check.

Consider the case of 64-year-old William Vahey, who taught for decades across America and across the globe at some of the world's most elite schools. He would give his young students Oreo cookies laced with narcotics. While the boys slept, the teacher molested them and photographed them. Scores of children were sexually abused. This teacher had been convicted for sexual abuse of children in California when he was in his twenties, but he was hired before many States had background check requirements, and therefore he was grandfathered into the system. The Protecting Students Act ensures that convicted sex offenders like William Vahey will be discovered and they will not be hired.

It also would include contractors. There are 12 States that don't require background checks for contractors at all. This fact recently gave Montana parents a rude awakening.

An audit of Montana's busdrivers found that 123 drivers had criminal histories, including 1 driver whose conviction landed him on the Sexual and Violent Offender Registry and 1 with an outstanding arrest warrant.

Running checks is really only helpful if the checks are thorough enough to find all convictions. So our legislation would require the four major databases to be checked: the FBI fingerprint check in the National Crime Information Center database, the National Sex Offender Registry, the State criminal registry, and State child abuse and neglect registries. These background check requirements constitute the first part of our bill. As I said, this was passed unanimously in the House. I wouldn't think this would be controversial.

The second part of our bill is equally important, and that is the part which precludes passing the trash. It addresses the terrible acts that led to and made it possible for little Jeremy Bell to be raped and murdered. What this provision says is that if a school wishes to receive Federal funds, the school may not knowingly help a child molester obtain a new teaching job. I would think this would not be controversial. The practice, as I alluded to before, has become so common, sadly, that it has its own moniker. It is called passing the trash. It has become all too prevalent.

I see that the Senator from Tennessee would like to address the body.

Mr. ALEXANDER. Will the Senator yield——

Mr. TOOMEY. I will.

Mr. ALEXANDER. For the purpose of allowing me consent to take up several amendments, including Senator TOOMEY's amendment, which he has worked on so hard for a long period of time and he and I have discussed? This will take about 60 seconds, if he permits this. Senator MURRAY is here.

I thank the Senator for his indulgence.

I ask unanimous consent that the following amendments be offered by the two bill managers or their designees in the following order: Fischer, No. 2079; Peters, No. 2095; Rounds, No. 2078; Reed, No. 2085; and Warner, No. 2086.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2079 TO AMENDMENT NO. 2089

Mr. ALEXANDER. On behalf of Senator FISCHER, I call up amendment No. 2079 and ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk shall report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for Mrs. FISCHER, proposes an amendment numbered 2079 to amendment No. 2089.

The amendment is as follows:

(Purpose: To ensure local governance of education)

On page 800, between lines 17 and 18, insert the following:

SEC. 9115A. LOCAL GOVERNANCE.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 4001(3), 9114, and 9115, and redesignated by section 9106(1), is further amended by adding at the end the following:

"SEC. 9540. LOCAL GOVERNANCE.

''(a) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to allow the Secretary to—

''(1) exercise any governance or authority over school administration, including the development and expenditure of school budgets, unless otherwise authorized under this Act;

''(2) issue any regulation without first complying with the rulemaking requirements of section 553 of title 5, United States Code; or

''(3) issue any non-regulatory guidance without first, to the extent feasible, considering input from stakeholders.

''(b) AUTHORITY UNDER OTHER LAW.—Nothing in subsection (a) shall be construed to affect any authority the Secretary has under any other Federal law.''.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2095 TO AMENDMENT NO. 2089

Mrs. MURRAY. On behalf of Senator PETERS, I call up amendment No. 2095 and ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk shall report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. PETERS, proposes an amendment numbered 2095 to amendment No. 2089.

The amendment is as follows:

(Purpose: To allow local educational agencies to use parent and family engagement funds for financial literacy activities)

On page 172, line 25, insert ''financial literacy activities and'' before ''adult education''.

AMENDMENT NO. 2078 TO AMENDMENT NO. 2089

Mr. ALEXANDER. On behalf of Senator ROUNDS, I call up amendment No. 2078 and ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk shall report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for Mr. ROUNDS, proposes an amendment numbered 2078 to amendment No. 2089.

The amendment is as follows:

(Purpose: To require the Secretary of Education and the Secretary of the Interior to conduct a study regarding elementary and secondary education in rural or poverty areas of Indian country)

On page 723, after line 23, insert the following:

SEC. 7006. REPORT ON ELEMENTARY AND SECONDARY EDUCATION IN RURAL OR POVERTY AREAS OF INDIAN COUNTRY.

(a) IN GENERAL.—By not later than 90 days after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of the Interior, shall conduct a study regarding elementary and secondary education in rural or poverty areas of Indian country.

(b) REPORT.—By not later than 270 days after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of the Interior, shall prepare and submit to Congress a report on the study described in subsection (a) that—

(1) includes the findings of the study;

(2) identifies barriers to autonomy that Indian tribes have within elementary schools and secondary schools funded or operated by the Bureau of Indian Education;

(3) identifies recruitment and retention options for highly effective teachers and school administrators for elementary school and secondary schools in rural or poverty areas of Indian country;

(4) identifies the limitations in funding sources and flexibility for such schools; and

(5) provides strategies on how to increase high school graduation rates in such schools, in order to increase the high school graduation rate for students at such schools.

(c) DEFINITIONS.—In this section:

(1) ESEA DEFINITIONS.—The terms ''elementary school'', ''high school'', and ''secondary school'' shall have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) INDIAN COUNTRY.—The term ''Indian country'' has the meaning given the term in section 1151 of title 18, United States Code.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

AMENDMENT NO. 2085 TO AMENDMENT NO. 2089

Mrs. MURRAY. On behalf of Senator REED, I call up amendment No. 2085 and ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk shall report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. REED, proposes an amendment numbered 2085 to amendment No. 2089.

The amendment is as follows:

(Purpose: To amend the Elementary and Secondary Education Act of 1965 regarding school librarians and effective school library programs)

On page 69, after line 25, insert the following:

''(ii) assist local educational agencies in developing effective school library programs to provide students an opportunity to develop digital literacy skills and to help ensure that all students graduate from high school prepared for postsecondary education or the workforce without the need for remediation; and''.

On page 107, between lines 17 and 18, insert the following:

''(B) assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and to help ensure that all students graduate from high school prepared for postsecondary education or the workforce without the need for remediation; and''.

On page 282, strike lines 18 and 19 and insert the following:

''(xiii) Supporting the instructional services provided by effective school library programs.''.

On page 305, strike lines 14 and 15 and insert the following:

''(M) supporting the instructional services provided by effective school library programs;''.

On page 364, line 9, insert ''school librarians,'' after ''personnel,''.

On page 365, line 10, insert ''school librarians,'' after ''support personnel,''.

On page 771, lines 12 and 13, strike ''and speech language pathologists,'' and insert '', speech language pathologists, and school librarians''.

AMENDMENT NO. 2086 TO AMENDMENT NO. 2089

Mrs. MURRAY. On behalf of Senator WARNER, I call up amendment No. 2086 and ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk shall report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. WARNER, proposes an amendment numbered 2086 to amendment No. 2089.

The amendment is as follows:

(Purpose: To enable the use of certain State and local administrative funds for fiscal support teams)

On page 772, after line 23, insert the following:

SEC. _____. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

Section 9201(b)(2) (20 U.S.C. 7821 (b)(2)) is amended—

(1) in subparagraph (G), by striking ''and'' after the semicolon;

(2) in subparagraph (H), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(I) implementation of fiscal support teams that provide technical fiscal support assistance, which shall include evaluating fiscal, administrative, and staffing functions, and any other key operational function.''.

SEC. _____. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

Section 9203(d) (20 U.S.C. 7823(d)) is amended to read as follows:

''(d) USES OF ADMINISTRATIVE FUNDS.—

''(1) IN GENERAL.—A local educational agency that consolidates administrative funds under this section may use the consolidated funds for the administration of the programs and for uses, at the school district and school levels, comparable to those described in section 9201(b)(2).

''(2) FISCAL SUPPORT TEAMS.—A local educational agency that uses funds as described in 9201(b)(2)(I) may contribute State or local funds to expand the reach of such support without violating any supplement, not supplant requirement of any program contributing administrative funds.''.

Mr. ALEXANDER. I ask unanimous consent that it be in order for Senator TOOMEY to offer amendment No. 2094 to background checks during today's session of the Senate, with side-by-sides by each bill manager, if applicable, and that no second-degree amendments be in order to the Toomey or side-by-side amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I thank the Chair and the Senator from Pennsylvania. I interrupted his remarks, but I thought it was important to make sure that the full Senate consented to an ability to deal with an issue he has worked on for so long.

I thank the Senator.

Mr. TOOMEY. Madam President, I am claiming my time. I want to thank Senator ALEXANDER for the sincere effort we have been engaged in for some time to find our common ground on this. I appreciate his constructive efforts. I know they are continuing, and I hope we will be able to reach an agreement on this. I thank the Senator.

PROTECTING STUDENTS FROM SEXUAL AND VIOLENT PREDATORS ACT

I was talking about the second part of our legislation. The first part is requiring background check standards that would actually work. The second part is a provision that would forbid this terrible practice known as passing the trash. When we hear the idea that a school, a principal, a superintendent or a school district would knowingly and willfully recommend for hire a known predator, it strikes us as so morally repulsive that we think this couldn't really seriously happen except in the most bizarre and unusual circumstances. I wish that were the case. It is not the case. The fact is it happens.

Let me give you an example. In February, WUSA News 9 reported some really shocking news on the public school system of Montgomery County, Maryland. Since 2011, 21 Montgomery County public school workers have been investigated for child sexual abuse or exploitation. The news station learned that the Montgomery County school system ''keeps a 'confidential database' of personnel who demonstrate 'inappropriate or suspicious behavior' toward children—a watch list of suspected abusers who are working in area schools.''

WUSA 9 learned that the school system has a record of passing the trash. For example, elementary school teacher Daniel Picca abused children for 17 years. The school system knew. What did they do? The teacher was punished. You know what his punishment was? It was to assign him to another school again and again—17 years of passing a known child molester from one elementary school to another.

This is appalling. This has to stop. It has to stop now. The Federal Government can play a role in stopping it. Frankly, only the Federal Government can play a role because sometimes the passing the trash occurs across State lines, as in the case of Jeremy Bell.

Or, for example, more recently, a Las Vegas, NV, kindergarten teacher was arrested for kidnapping a 16-year-old girl and infecting her with a sexually transmitted disease. That same teacher had molested six children, all fourth and fifth graders, several years before while working as a teacher in Los Angeles, CA. The Los Angeles school district knew about these allegations. In fact, in 2009 the school district recommended settling a lawsuit—a suit that alleged that the teacher had molested the children. The school district wanted to settle.

When this teacher came across the State lines to Nevada to work, the Nevada school district specifically asked if there had been any criminal concerns regarding the teacher. The Los Angeles school direct not only hid the truth, not only hid what they knew about this molester, but it provided three references for the teacher.

For those folks who suggest that States can solve this problem on their own, I have a question: What in the world can Nevada do about the behavior that is occurring in California? Since when can the laws of one State reach into and be enforced in another State?

I know the answer. It can't. It doesn't work. The only way to deal with this cross-border abuse, this horrendous abuse of kids, is with Federal legislation.

The Toomey-Manchin bill that we are going to be offering as an amendment to this underlying legislation has a simple proposition: If a school district wants to take Federal tax dollars, it can't use that money to hire convicted sexual offenders of kids.

Is that really unreasonable? Is that really too much to ask? To accomplish that, the school district has to perform a criminal background check on those workers who have unsupervised access to children. The school district must prevent passing the trash. That has to be illegal. It has to be illegal to knowingly and willfully recommend for hire a pedophile who is molesting children. There is no one who can stand here and tell me these protections against child sexual predators are not urgently needed—not when more than one person is being arrested every day across America for committing sexual crimes against children and the rate at which these people are being arrested is accelerating.

What is more urgent than that? The Protecting Students Act has overwhelming bipartisan support. As I said earlier, the House passed this legislation unanimously last Congress—unanimously. How many things can pass the House unanimously? This did. The entire Congress, the House and Senate together, adopted that virtually identical background check requirements be imposed for kids at daycares, younger children, by a vote of 523 to 1.

We have already vetted this. We have already been down this road. This body and the House have expressed their support for this. I would remind my colleagues that the Protecting Students Act has been endorsed by many, many groups. I rattled off several of them: Child protection groups, law enforcement groups, prosecutors, the medical professionals at the American Academy of Pediatrics, and the Pennsylvania School Board Association. The Toomey-Manchin proposal is the only proposal that is endorsed by these groups.

We know there are going to be alternatives. There are going to be side-by-sides. Those alternatives do not have the endorsements of these organizations, for reasons that we may need to elaborate on later.

Finally, there are 459 arrests—more than one a day. Every single one of those represents a tragedy—a childhood that has been shattered, a family that has been torn by grief, by self-blame, by betrayal. The numbers aren't staying the same. The numbers are growing. The problem is getting worse.

How many more arrests do we need before the Senate decides that it is time that we do our part to protect these kids? Children of America have waited long enough, and I say no more waiting—no more passing child molesters into new schools so they can find new victims, no more defenseless children such as Jeremy Bell falling victim to a known child predator, no more excuses for not enacting a bill that the House of Representatives has passed unanimously over a year ago.

I urge my colleagues to support the Protecting Students from Sexual and Violent Predators Act and to vote aye when I offer it as an amendment this week.

AMENDMENT NO. 2094 TO AMENDMENT NO. 2089

Madam President, I ask to set aside the pending amendment in order to call up amendment No. 2094.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 2094 to amendment No. 2089.

Mr. TOOMEY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect our children from convicted pedophiles, child molesters, and other sex offenders infiltrating our schools and from schools ''passing the trash''—helping pedophiles obtain jobs at other schools)

At the end of title IX, add the following:

SEC. _____. PROTECTING CHILDREN FROM CHILDREN FROM CONVICTED PEDOPHILES, CHILD MOLESTERS, AND OTHER SEX OFFENDERS.

Title IX (20 U.S.C. 7801 et seq.), as amended by this title, is further amended by adding at the end the following:

''PART H—SCHOOL EMPLOYEE BACKGROUND CHECKS

''SEC. 9651. SHORT TITLE.

''This part may be cited as the 'Protecting Students from Sexual and Violent Predators Act'.

''SEC. 9652. DEFINITION OF SCHOOL EMPLOYEE.

''In this part, the term 'school employee' means—

''(1) a person who—

''(A) is an employee of, or is seeking employment with, an elementary school, secondary school, local educational agency, or State educational agency, that receives funds under this Act; and

''(B) as a result of such employment, has (or will have) a job duty that results in unsupervised access to elementary school or secondary school students; or

''(2) a person, or an employee of a person, who—

''(A) has a contract or agreement to provide services with an elementary school, secondary school, local educational agency, or State educational agency, that receives funds under this Act; and

''(B) as a result of such contract or agreement, the person or employee, respectively, has a job duty that results in unsupervised access to elementary school or secondary school students.

''SEC. 9653. BACKGROUND CHECKS.

''(a) BACKGROUND CHECKS.—Not later than 2 years after the date of enactment of the Every Child Achieves Act of 2015, each State educational agency, or each local educational agency in any case where State law designates a local educational agency to carry out the requirements of this part, that receives funds under this Act shall, as a condition of receiving such funds, have in effect policies and procedures that—

''(1) require that a criminal background check be conducted for each school employee that includes—

''(A) a search of the State criminal registry or repository of the State in which the school employee resides;

''(B) a search of State-based child abuse and neglect registries and databases of the State in which the school employee resides;

''(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 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

''(2) prohibit the employment of a school employee as a school employee if such employee—

''(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) murder;

''(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 on or after the date that is 5 years before the date of such employee'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 each criminal background check conducted under paragraph (1) be periodically repeated or updated in accordance with State law or the policies of local educational agencies served by the State educational agency;

''(4) upon request, provide each school employee who has had a criminal background check under paragraph (1) with a copy of the results of the criminal background check;

''(5) provide for a timely process, by which a school employee may appeal, but which does not permit the employee to be employed as a school employee during such appeal, the results of a criminal background check conducted under paragraph (1) which prohibit the employee from being employed as a school employee under paragraph (2) to—

''(A) challenge the accuracy or completeness of the information produced by such criminal background check; and

''(B) establish or reestablish eligibility to be hired or reinstated as a school employee by demonstrating that the information is materially inaccurate or incomplete, and has been corrected;

''(6) ensure that such policies and procedures are published on the website of the State educational agency and the website of each local educational agency served by the State educational agency; and

''(7) allow a local educational agency to share the results of a school employee's criminal background check recently conducted under paragraph (1) with another local educational agency that is considering such school employee for employment as a school employee.

''(b) FEES FOR BACKGROUND CHECKS.—

''(1) CHARGING OF FEES.—The Attorney General, attorney general of a State, or other State law enforcement official may charge reasonable fees for conducting a criminal background check under subsection (a)(1), but such fees shall not exceed the actual costs for the processing and administration of the criminal background check.

''(2) ADMINISTRATIVE FUNDS.—A local educational agency or State educational agency may use administrative funds received under this Act to pay any reasonable fees charged for conducting such criminal background check.

''PART I—BAN ON AIDING AND ABETTING CHILD SEXUAL ABUSE THROUGH 'PASSING THE TRASH'

''SEC. 9661. BAN ON AIDING AND ABETTING CHILD SEXUAL ABUSE THROUGH 'PASSING THE TRASH'.

''Each State or State educational agency, or each local educational agency in any case where State law designates a local educational agency to carry out the requirements of this part, that receives funds under this Act shall, as a condition of receiving such funds, have in effect laws, regulations, or policies and procedures that prohibit any agency or person from transferring, or facilitating the transfer of, any school employee if the agency or person knows, or recklessly disregards information showing, that such school employee engaged in sexual misconduct with a minor in violation of law.''.

The PRESIDING OFFICER. The Senator from Vermont.

NOMINATION OF KARA FARNANDEZ STOLL

Mr. LEAHY. Madam President, today, we are finally, finally going to vote on the nomination of Kara Farnandez Stoll to serve as a judge on the United States Court of Appeals for the Federal Circuit. She is superbly qualified, and once confirmed, she will be the first woman of color to serve on the Federal Circuit.

She has the strong endorsement of the non-partisan Hispanic National Bar Association as well as from the Federal Circuit Bar Association, and the American Intellectual Property Law Association. In its letter of support to the Judiciary Committee, the Hispanic National Bar Association, HNBA, wrote that their due diligence has confirmed that Ms. Farnandez Stoll ''maintains the highest ethical and professional standards. She is also competent and hardworking. Her litigation experience, commitment to public service, and temperament make her an ideal candidate for a court appointment.'' I could not agree more. So why did it take so long for the Republican leadership to schedule a confirmation vote for this uncontroversial, highly qualified, and historic nominee?

The President nominated Ms. Farnandez Stoll last year—nearly 8 months ago. The Senate Judiciary Committee unanimously reported her nomination to the full Senate more than 2 months ago. There is no good reason why her confirmation vote has been stalled over and over again.

Unfortunately, the Republican majority's treatment of Ms. Farnandez Stoll's nomination is more pattern than aberration. Six months into this new Republican-led Congress that was supposed to move forward on things and the Senate has only confirmed a handful of judges. In fact, it has been more than 6 weeks since a vote was even scheduled by the majority leader for a single judicial nominee. This glacial pace of confirmations is a dereliction of the Senate's constitutional duty to provide advice and consent on judicial nominees. Many are concerned that such treatment threatens the functioning of our independent judiciary.

We have 11 other consensus judicial nominations pending on the Senate Executive Calendar in addition to Ms. Farnandez Stoll. No one can credibly claim that the majority's slow pace in scheduling confirmation votes is due to a lack of nominees. This group includes another nominee who has received the strong support of the HNBA—Armando Bonilla—one of five pending nominees to the U.S. Court of Federal Claims, CFC. Like Ms. Farnandez Stoll, Mr. Bonilla's confirmation will be an historic milestone—when confirmed he will be the first Hispanic judge to hold a seat on the CFC.

In less than 48 hours, the Judiciary Committee is expected to report out another HNBA-endorsed nominee, Luis Felipe Restrepo, who will fill a judicial emergency vacancy on the U.S. Court of Appeals for the Third Circuit. Judge Restrepo was unanimously confirmed 2 years ago by the Senate to serve as a district court judge in Pennsylvania. I have heard no objection to his nomination, yet it took 7 months just to get him a hearing. Once confirmed, Judge Restrepo will be the first Hispanic judge from Pennsylvania to ever serve on this court and only the second Hispanic judge to serve on the Third Circuit.

If Senate Republicans had an issue with any of the pending nominees or if they sought time to debate them on the floor, some of the delay might be understandable. But no Senator has spoken in opposition to any of the pending nominees. In fact, the Senate Judiciary Committee reported all 11 of them by voice vote. Instead of receiving timely consideration of their nominations, however, these uncontroversial nominees have not been treated fairly by the Senate majority.

There is a different way to lead. In the last 2 years of George W. Bush's term, Democrats came into the majority. Some thought we would slow up his judges. We did not. I served as chairman of the Judiciary Committee during those last 2 years of President George W. Bush's administration and we confirmed 68 district and circuit court judges during that time. In fact, by this time in the seventh year of the Bush administration, the Democratically controlled Senate had confirmed 21 judges—including 18 district and 3 circuit court judges. Compare that to this seventh year of the Obama administration under Republican control, in which the Senate has thus far confirmed just four district court judges this year. Just four. Now this is outrageous. It hurts. It politicizes the Federal bench. It hurts the rules of law in this country.

So under a Democratic majority with a Republican President, we confirmed five times more judges than the Senate Republican majority has allowed under their control of the Senate for a Democratic President. The disparity of treatment is clear, and it is wrong. Incidentally, that is the same way we did it when Democrats took over control of the Senate during the last 2 years of President Reagan's term. We moved judges at a much faster pace than anything Republicans have allowed us to do under President Obama. This is wrong. This is petty partisanship that hurts our independent judiciary. We are not asking for anything special but we are saying it would be nice if Republicans treated Democrats the same way we treated them.

We should also not forget the rising number of judicial vacancies in our Federal courts. At the start of this Congress, there were 44 vacancies, including 12 vacancies deemed ''judicial emergencies'' by the nonpartisan Administrative Office of the U.S. Courts. That number has climbed to 63 vacancies, including 27 ''judicial emergency'' vacancies on our district and circuit courts. The vast majority of these vacancies are concentrated in States with at least one Republican home State Senator. Of particularly concern are four circuit court ''judicial emergency'' vacancies: two in Texas, one in Alabama, and one in Kentucky. Each vacancy has been left open for well over a year, including one in Texas that has remained vacant for almost 3 years.

All Senators know that it is our constitutional duty to provide advice and consent on judicial nominees. When it comes to filling vacancies on the Federal courts in our State, we have unique insight into our States' legal communities to share with the President before he makes a nomination. Americans expect us to do our jobs and in the Senate that includes ensuring their access to the Federal courts. I urge all Senators to work with the President to fill the growing number of judicial vacancies in their States.

We will at least make some small progress today as we finally take up Ms. Farnandez Stoll's nomination. Her extensive experience on issues that come before the Federal Circuit will serve the court well. She is currently a partner at Finnegan, Henderson, Farabow, Garrett and Dunner, a law firm specializing in intellectual property law. Ms. Farnandez Stoll also teaches as an adjunct professor at George Mason University Law School. Before practicing law, Ms. Farnandez Stoll was a patent examiner in the U.S. Patent and Trademark Office. Ms. Farnandez Stoll received her B.S. in electrical engineering from Michigan State University in 1991 and her J.D. from Georgetown University Law School in 1997. Upon graduating from law school, she served as a law clerk to Federal Circuit Judge Alvin Schall. I trust that her background and the reputation she has earned in the legal community will serve her well as she begins this new chapter.

I congratulate Ms. Farnandez Stoll on what I expect will be her successful, albeit long overdue, confirmation. I urge the Senate leadership to act responsibly by scheduling votes for the other 11 uncontroversial judicial nominees still pending on the Executive Calendar.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF KARA FARNANDEZ STOLL TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Kara Farnandez Stoll, of Virginia, to be United States Circuit Judge for the Federal Circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Kara Farnandez Stoll, of Virginia, to be United States Circuit Judge for the Federal Circuit?

Mr. LEAHY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Arizona (Mr. FLAKE), the Senator from Ohio (Mr. PORTMAN), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Maine (Mr. KING) is necessarily absent.

I further announce that, if present and voting, the Senator from Maine (Mr. KING) would vote ''yea.''

The PRESIDING OFFICER (Mr. GARDNER). Are there any other Senators in the Chamber desiring to vote?

The result was announced— yeas 95, nays 0, as follows:

[Rollcall Vote No. 221 Ex.]

YEAS—95

Alexander	Fischer	Murray
Ayotte	Franken	Nelson
Baldwin	Gardner	Paul
Barrasso	Gillibrand	Perdue
Bennet	Graham	Peters
Blumenthal	Grassley	Reed
Blunt	Hatch	Reid
Booker	Heinrich	Risch
Boozman	Heitkamp	Roberts
Boxer	Heller	Rounds
Brown	Hirono	Sanders
Burr	Hoeven	Sasse
Cantwell	Inhofe	Schatz
Capito	Isakson	Schumer
Cardin	Johnson	Scott
Carper	Kaine	Sessions
Casey	Kirk	Shaheen
Cassidy	Klobuchar	Shelby
Coats	Lankford	Stabenow
Cochran	Leahy	Sullivan
Collins	Lee	Tester
Coons	Manchin	Thune
Corker	Markey	Tillis
Cornyn	McCain	Toomey
Cotton	McCaskill	Udall
Crapo	McConnell	Vitter
Daines	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Enzi	Moran	Wicker
Ernst	Murkowski	Wyden
Feinstein	Murphy	

NOT VOTING—5

Cruz	King	Rubio
Flake	Portman	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Nebraska.

MORNING BUSINESS

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL GOVERNANCE IN EDUCATION

Mrs. FISCHER. Mr. President, this summer parents across the country will be preparing their children for the coming school year. Whether unwinding on a family break, purchasing school supplies, returning summer reading books to the library or finishing summer camp, it will almost be time to go back to school.

We owe so much to our hard-working educators. They are the role models for our children who provide invaluable

life lessons that go well beyond reading, writing, and arithmetic. Years before I served in the Nebraska legislature, I served on my local school board, as president of the Nebraska Association of School Boards, and on the Nebraska School Finance Review Committee. These experiences helped shape my views on education policy as a state lawmaker, and they continue to inform my work here in the Senate.

Nebraska is truly fortunate to have excellent schools. Each school district has unique strengths, and they face challenges that are specific to their schools and to the students. Because of this, parents, teachers, school boards, and communities are in the best position to know the needs of their students. They are an integral part of every child's academic success.

That is why I believe education decisions are best made at the State and especially at the local level. The role of the Federal Government should be to promote policies that will improve the ability of individual States to meet the needs of their specific communities. To that end, I have worked with my colleagues, Senator KING and Senator TESTER, to offer an amendment promoting local governance in education.

The purpose of this bipartisan amendment is simple: to ensure that our local school districts are not coerced into adopting misguided education requirements. It ensures that our local stakeholders have a stronger voice in both the regulatory and the guidance process. This amendment would ensure that communities have ultimate authority over their school districts. It also strengthens the relationship among school board members and parents.

These changes are long overdue. We must limit Federal intrusion into local education policy. As we prepare for the first day of school, Nebraska is focused on providing students with a well-rounded education. We must ensure that our public policy enhances the classroom experience, provides essential resources to student success, and helps place our students on the path for successful futures.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

EVERY CHILD ACHIEVES ACT

Ms. COLLINS. Mr. President, I rise today to support the bipartisan Every Child Achieves Act. This bill is landmark legislation that would reform and reauthorize the Elementary and Secondary Education Act, also known as No Child Left Behind. This bill would improve our schools and strengthen the traditional roles played by our local communities, our educators, and our States.

I am proud to have joined every member of the Senate Health, Education, Labor and Pensions Committee in voting to report this bill and I applaud the chairman, Senator ALEXANDER, and the ranking member, Senator MURRAY, for their leadership.

Congressional action to remedy the serious problems with the law No Child Left Behind, while preserving its valuable parts, is long overdue. NCLB was a well-intentioned law, and its focus on the education of every child, greater transparency in school performance, and more accountability for results were welcome reforms. But some of its provisions were simply not achievable and thus discouraging to teachers, to parents, and to students alike.

The current system of unattainable standards and a patchwork of State waivers has led to confusion about Federal requirements. High-stakes testing and unrealistic 100-percent proficiency goals do not raise aspirations; they instead dispirit those who are committed to a high-quality education for our students. Responding to those concerns in 2004, along with then-Senator Olympia Snowe, I established the Maine NCLB Task Force to examine the issues facing Maine and to provide recommendations for changes to No Child Left Behind.

Our task force brought together individuals with a great deal of expertise, experience, and perspective on the law and on educational policy in general. The task force included teachers, principals, superintendents, school board members, parents, and State officials. It was cochaired by Leo Martin, a former commissioner of the Maine Department of Education, and Anne Pooler, a former professor and then-associate dean at the College of Education at the University of Maine. The task force completed its work in 2005.

Well, our Maine NCLB task force proved to be prescient in identifying the problems with implementing No Child Left Behind, and 10 years later its report is as relevant as ever.

Chief among the task force's final recommendations was the need for greater flexibility for the State department of education and for local school boards. The members pointed out that the principles of improved student performance and closing achievement gaps were completely compatible with according States more flexibility to design different accountability systems.

Reflecting that recommendation, the bill before us, the Every Child Achieves Act, would remove the high-stakes accountability system that has been proven unworkable under No Child Left Behind. Our bill would give States much-needed flexibility over how to improve the accountability of schools for student achievement. Recognizing also the critical importance of family engagement in education, the bill supports school districts in conducting parent outreach and participation activities.

The Every Child Achieves Act would also eliminate the burdensome definition of a ''highly qualified teacher'' which has proven to be unworkable in Maine's small, rural schools. In such schools, the reality is that teachers must often teach multiple subjects and are reassigned to different content areas because of low enrollment.

For example, on Maine's North Haven Island, there is one school that serves all students from kindergarten through the 12th grade. With fewer than 70 students, North Haven Community School is one of the smallest K-through-12 schools in my State. It is not surprising that the educators at the North Haven Community School teach multiple subject areas across the different grades because of the school's size.

Speaking of smaller schools, I am particularly pleased that the Every Child Achieves Act would extend the Rural Education Achievement Program, known as REAP, which I coauthored with former Senator Kent Conrad in 2002. Students in rural America should have the same access to Federal grant dollars as those who attend schools in large urban and suburban communities. Most Federal competitive grant programs, however, favor larger school districts because those are the districts that have the ability to hire grant writers to apply for these grants. If you are in a school district such as North Haven, which only has 70 students for all the grades, you don't have the luxury of extra funds to hire grant writers to apply for these competitive grant programs.

What REAP does is provides financial assistance to small and high-poverty rural districts to help them address their unique local needs and also to meet Federal requirements. This program has helped to support new technology in classrooms, distance learning opportunities, professional development for educators, as well as an array of other programs that benefit students and teachers in rural districts. Since the law was enacted, at least 120 Maine school districts have collectively received more than $42 million from the Rural Education Achievement Program. That is money which has made a real difference to these small, rural, high-poverty districts, and it is Federal funds that they would never have been able to successfully compete for when they were applying against large, urban school districts.

Maine's educators are working hard to develop high-quality assessments that better track student performance and growth. I am pleased that the Every Child Achieves Act includes a pilot program to support States that are designing alternative assessment systems based on student proficiency, not just traditional standardized tests. Such systems often give teachers, parents, and students a fuller understanding of each student's abilities and better prepare them for college or the career path they choose. The Federal Government should cooperate with States and school districts that are designing new assessment systems, and this pilot program is an important step in the right direction.

During the committee's consideration of this bill, I offered an amendment with Senator SANDERS to allow more States to participate in the innovative assessment program and to give participating school districts more time to scale up their systems statewide. Our amendment passed unanimously in committee, and I thank Chairman ALEXANDER and Ranking Member MURRAY for continuing to work with me to refine and improve this pilot program.

The bottom line is that Washington should not be imposing a top-down, one-size-fits-all approach to assessment. What works in Chicago may not be the answer for Turner, ME, which was named a Blue Ribbon School last year. Assessing the progress of our students is critical, but there are many effective ways to determine students' level of learning.

Fifty years ago and alongside significant civil rights legislation, Congress first passed the Elementary and Secondary Education Act to improve access to education, particularly for the students from low-income families. Providing a good education for every child must remain a national priority so that each child reaches his or her full potential, has a wide range of opportunities, and can compete in an increasingly global economy. The Every Child Achieves Act honors those guiding principles while returning greater control and flexibility to our States, to local school boards, and to educators.

Again, I thank the chairman and the ranking member of the committee for their work in crafting this bipartisan bill. I look forward to the debate on it in the week to come, and I urge my colleagues to support its passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

REMEMBERING ELDER BOYD K. PACKER

Mr. LEE. Mr. President, I rise today to pay tribute to Elder Boyd K. Packer, president of the Quorum of the Twelve Apostles of the Church of Latter-day Saints, who passed away on July 3, 2015, at the age of 90.

Boyd K. Packer was both a man of principle and a man who knew the power of principles. He taught that talking about principles and doctrines changes behavior far better than talking about behavior changes behavior. He boldly stood as a ''watchman on the tower,'' proclaiming the principles that lead to faithful families, strong communities, and ultimately better nations.

Trained as an educator, Elder Packer was truly a teacher first, last, and always. Whether interacting with an individual, speaking in front of thousands, writing one of his many insightful books, or simply spending time with one of his beloved children, he was forever teaching. And to be clear, he wasn't preaching; he was teaching—teaching principles that would instruct, inspire, and improve all who came within the sound of his distinct and powerful voice.

Boyd K. Packer understood the important influence of simple stories in teaching. He masterfully wove priceless principles into powerful modern-day parables, keen observations from everyday living, and spiritual lessons that were meaningful and memorable. Experiences such as tuning an old radio, getting his boys to stop wrestling in the living room, visiting a small church in Denmark, carving and painting birds, learning about crocodiles in Africa, or observing the pleadings for help from an orphan boy while serving as a serviceman in Japan, all emerged as foundational stories from which to teach life-changing principles.

Faith and family were always at the center of Elder Packer's teaching, and he often illustrated that the intersection of faith and family is where critical lessons are taught. He illustrated that this intersection between faith and family is precisely where critical lessons are taught and learned and where children are prepared to live nobly and serve selflessly.

In describing how to prepare children for the challenges of life, he thought that children should be provided with a shield of faith and that forming that shield of faith was of necessity a cottage industry. In his own words:

> We can teach about the materials from which a shield of faith is made: reverence, courage, repentance, forgiveness, compassion. . . . We can learn how to assemble and fit them together in many places. But the actual making of and fitting on of the shield of faith belongs in the family circle. Otherwise it may loosen and come off in a crisis.

As a ''watchman on the tower,'' Boyd K. Packer was perpetually ahead of his time. He could see around difficult societal corners and had a clear view of the blessings and benefits that flow from principled living. What some may have interpreted as a stern and serious speaking style was simply Elder Packer teaching out of both love and urgency because he could see and he could sense what was on the horizon.

It has been said that the ability to see ahead is both a blessing and a tremendous burden. It is a blessing because you can prepare, and it is a burden because often the people you are trying to help can't see what you can see. Elder Packer's ability to see ahead was unrivaled, occasionally underestimated, but always an unmatched lesson for those who chose to follow the visionary principles he taught.

Elder Packer was indeed a master teacher because he followed, he studied, and he came to know the Master Teacher.

I am confident that the principles Boyd K. Packer shared with the world will continue to impact and improve behavior for generations to come.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAINES). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DR. JAMES BILLINGTON

Mr. LEAHY. Mr. President, at the end of this year, Congress will say farewell to Dr. James Billington, a dear friend who, for the last 28 years, has dedicated his life to ensuring that the Nation's most prominent library is an unparalleled resource for all who visit, either in person or online. Since his nomination by President Reagan in 1987 and subsequent confirmation by the United States Senate, Dr. Billington has led the Library of Congress into the digital era, and expanded its relationships internationally and with the private sector.

For almost three decades, Dr. Billington championed the National Digital Library program, which made millions of rare and one-of-a-kind historical and cultural documents readily available to the public. The National Digital Library was a colossal undertaking and one that students and scholars alike will utilize for many years to come.

In 1990, Dr. Billington created the James Madison Council, an advisory panel that serves as a liaison between the Library and the business community. The Council was the Library's first national private-sector advisory and support group, and has since helped to fund more than 360 projects. Dr. Billington's devotion to the growth and development of the Library of Congress has helped bring a national treasure into the 21st Century and improve access for people all over the country and the world.

Dr. Billington has also worked to expand the Library of Congress' online resources by collaborating with Russian libraries to establish a major bilingual website. He later completed similar joint projects with the national libraries of Brazil, Spain, France, the Netherlands, and Egypt. Dr. Billington spearheaded efforts to create the World Digital Library, which was successfully launched in April 2009. Today, the site contains cultural materials from all 193 countries in the United Nation's Educational, Scientific and Cultural Organization, UNESCO, with commentary in seven languages. As the Librarian of Congress, Dr. Billington led a delegation to Tehran, Iran, in October 2004, making him the most senior U.S. government official to visit Iran in 25 years and furthering his international leadership.

Throughout his 42 years in public service in Washington, Dr. Billington has collaborated on numerous programs such as the Veterans History Project, highlighting the great accomplishments of countless Americans

through oral histories, the National Book Festival, and the Gershwin Prize for Popular Song. Dr. Billington's brilliance, devotion, and vision throughout his career is unparalleled and incredibly appreciated.

Marcelle and I were happy to welcome Dr. Billington to Vermont in 2012, to celebrate the sesquicentennial of the historic Land Grant College Act, authored by Vermont Senator Justin Morrill in the 1800s. Like Justin Morrill, Dr. Billington and I share a profound regard for the importance of Federal investment in access to education. I have deeply appreciated Dr. Billington's commitment to preserving and advancing the incredible resource that is the Library of Congress. Marcelle and I both thank him for his service and wish he and his wife Marjorie well as he begins this new chapter.

THE LOST SHUL MURAL AT OHAVI ZEDEK SYNAGOGUE

Mr. LEAHY. Mr. President, I am proud to recognize Aaron Goldberg, Jeffrey Potash and the greater Ohavi Zedek community for their tireless efforts in relocating a treasured artifact in our State's Jewish community. For nearly two decades, the historically significant Shul Mural—a 105-year-old rare mural—has sat hidden behind the walls of Chai Adam Synagogue in Burlington's north end district. In May, after years of careful restoration and planning, the mural was safely moved to its new home, where it will finally be displayed to honor a prominent period in our State's Jewish history.

Burlington's Jewish history dates back to the mid-1880s, when a large influx of Lithuanian Jews traveled from Eastern Europe to settle in Vermont. Ohavi Zedek Synagogue was established in 1885 by the Lithuanians, and has since remained a thriving community stronghold for Burlington's Jewish population. In 1889, the Chai Adam Synagogue was created by a group of Orthodox Jews previously aligned with Ohavi Zedek. It is here the Shul Mural was created.

Stretching floor-to-ceiling, the Shul Mural depicts two lions and the Ten Commandments, two iconic symbols in the Jewish faith. The Shul Mural, painted by Ben Zion Black, uses a rare artistic style, one that dates back to before World War II and was prevalent in wooden synagogues across Eastern Europe. At that time, vast murals of iconic, hand-painted images sprawled entire walls and ceilings to capture the imagery held in Jewish Torah readings. The Shul Mural presents a rare folk design mixed with modern painting techniques, yet little is actually known about its genre, as most of these works were sadly destroyed during the Holocaust.

In 1939, Ohavi Zedek and Chai Adam rejoined, and the old Chai Adam was sold and used as retail space and later a rug store. It was here that Adam Goldberg, a volunteer and historian of Ohavi Zedek Synagogue, discovered the mural. Through the years, the Shul Mural sat uncovered and ill-preserved, until 1986 when the space was renovated to an apartment complex, and Mr. Goldberg along with Ohavi Zedek archivist, Jeffrey Potash, pleaded with the new owner to cover the mural with a false wall so that it would not bear further decay.

Over two decades later, when the apartment building was again sold in 2012, its new owner, Steven Offenhartz, agreed to donate the mural to Ohavi Zedek. The false wall that had covered the Shul Mural for more than 20 years was lifted, and the construction team worked with Constance Silver, a conservator from Brattleboro, to stabilize and recover what was lost. At that point, decades of deterioration had taken their toll, and the once vibrant paint began to dull and flake away. Piece by piece, Constance reinforced and restored the painting.

On May 6, 2015, after decades in hiding, the mural was successfully transported to Ohavi Zedek where it will be cleaned and further restored. The hard work and dedication of the entire team with the support of Burlington's community—which raised over $400,000 to support the restoration and transportation of this historic piece of art—made this incredible feat possible.

Adam Goldberg, Jeffrey Potash, Steven Offenhartz, Constance Silver, and the many other members of the Ohavi Zedek and greater Burlington community should be congratulated for their support and dedication to protecting and restoring one of our State's most significant treasures. This important piece of Burlington's Jewish history will finally be on proper display for all to enjoy.

I ask unanimous consent that that an article on the Shul Mural from the Burlington Free Press be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, May 14, 2015]

''LOST'' JEWISH MURAL FINDS NEW HOME

(By Zach Despart, Free Press Staff Writer)

When the project was done, it might have appeared to onlookers that a construction crew had no difficulty moving the Lost Shul Mural to a new home in the Old North End.

After all, the construction crew only had to remove the roof of a Hyde Street building, lift via crane a brittle, multi-panel, 105-year-old rare piece of art, place the mural on a flatbed truck, drive it nearly half a mile uphill and, with the strength of many workers, push the artwork, on rollers, into Ohavi Zedek Synagogue.

All in a day's work for a volunteer group of local residents, who for almost three decades have been trying to find a way to move the historic artifact from a hidden alcove on Hyde Street to more suitable location.

''I had hoped to someday move the mural, but it's been over 29 years we've been waiting for this time,'' Ohavi Zedek archivist Aaron Goldberg said Wednesday. ''It's a remarkable achievement for the community to have this here.''

The story of the lost work begins in 1910, when Burlington's Jewish community commissioned Lithuanian artist Ben Zion to paint a mural within the Chai Adam synagogue, which was built on Hyde Street in 1889. The floor-to-ceiling mural contains three panels that depict Jewish iconography, including two lions and the Ten Commandments.

In 1939, Chai Adam merged with Ohavi Zedek and vacated the Hyde Street building.

Congregants, in an effort to preserve the mural, hid the piece behind a false wall. The ownership of the building changed hands several times in the following decades, and a private owner in 1986 converted the building into apartments.

That year, Goldberg and other archivists persuaded the owner to wall off the mural permanently with Sheetrock, so the art would be safe for a later move. Many tenants over the next two decades never knew the mural was there.

But Burlington's Jewish community never forgot about the lost mural. In 2012, some 26 years since the mural disappeared from public view, the archivists of Ohavi Zedek worked with the owner of the building to uncover the artwork.

They decided to move the artifact to Ohavi Zedek and proudly display the mural in the lobby. For the next three years, a dedicated group of congregants developed a plan for the big move, and raised more than $400,000.

''This is a very innovative job,'' Goldberg said. ''This took two and a half years of planning.''

THE BIG MOVE

The moment Goldberg for decades had waited for arrived Wednesday. Shortly after 8 a.m. on the warm, calm morning, crews used a crane to lift off a pre-cut section of the roof of the synagogue-turned-apartment-building on Hyde Street, exposing the old cupola that held the mural.

The mural itself was not visible to onlookers. For protection, it was encased in cushioning made of Chinese silk and other materials. Bob Neeld, the structural engineer, said this project required special attention to minimize any vibrations that could damage the mural.

''Even a three-story building can be built to handle several inches of movement,'' Neeld said. For this move, Neeld added, the crew was hoping to limit movement ''to a couple thousandths of an inch.''

The mural itself is made of less than half an inch of plaster on a wood lathe. To stabilize the century-old material before the move, crews reinforced the artwork with mortar.

After the roof was off, the crane lifted the fragile mural, encased in a specially built steel frame, from the second floor of the structure and placed the artifact onto a flatbed truck. The mural and frame stood about feet tall and 15 feet wide, and weighed about 6,500 pounds.

Next came a slow parade through the Old North End, as the truck crept north on Hyde Street, east on Archibald Street and south on North Prospect Street, onto the lawn of Ohavi Zedek. A crowd of congregants, many of them with cameras, followed the informal procession. Burlington police blocked the intersections along the way. Perplexed motorists scratched their heads.

In front of the synagogue, another crane lifted the mural onto a makeshift bed of rollers on a wooden ''landing pad.'' Once there, about of dozen laborers pushed the 3–ton mural through an opening into the lobby. Next week, crews will hoist the mural above the lobby, where the art will hang for visitors to see, much as it did on Hyde Street 105 years ago.

Organizers planned the move to take 12 hours, but it took just three—a result engineers chalked up to good weather and meticulous planning.

COMMUNITY SIGNIFICANCE

Thousands of European synagogues—and the ornate murals within the places of worship—were destroyed by the Nazis during the Holocaust. The Lost Shul Mural is one of the few remaining murals from that time period in existence, said Goldberg, the Ohavi Zedek archivist.

Rabbi Joshua Chasan said the restoration of the lost mural was important not only to Burlington's Jewish community, but to Jews around the world.

''It's a benefit to the Jewish people internationally to have a piece of folk art from the world the Nazis destroyed,'' Chasan said. ''In that sense, it's a memorial to those who died in the Holocaust and . . . to that Jewish world that perished.''

Goldberg said that in addition to being a Jewish relic, the lost mural is an important connection to Burlington's rich history of hosting immigrants. Among the European immigrants who settled in Burlington during the 19th century were a group of Lithuanian Jews who moved into the city's North End, a neighborhood that for decades came to be known as Little Jerusalem.

''This is immensely important to the preservation immigration history in Vermont,'' Goldberg said. ''It is the only example of its kind we know of in the U.S., and one of the few remaining remnants in the world.''

Janie Cohen, director of the University of Vermont's Fleming Museum, said having such a rare piece of art in Burlington is remarkable.

''The fact there are so few of these left in the world, and we have one in Burlington—it's phenomenal,'' said Cohen, who watched the move Wednesday.

Former Vermont Gov. Madeleine Kunin, who helped raise money for the move and the restoration, walked with the crowd that followed the mural as the truck traveled through the Old North End.

''Today is so exciting, because many people thought it would never happen: How can you move something that's part of a wall?'' she said.

One man on the synagogue lawn had a special connection to the lost art. He remembers seeing the mural 76 years ago. Mark Rosenthal, 84, grew up in Burlington and remembers seeing the mural as a child at Chai Adam in the 1930s.

''My father and I would go on holidays,'' Rosenthal said. ''I remember the whole scene where the mural was, and I'm moved and touched by what is taking place today. I can't believe it's happening.''

REMEMBERING NORMAN RUNNION

Mr. LEAHY. Mr. President, I would like to take a moment to honor the memory of a longtime journalist and true friend, Norman Runnion, who passed away in a Vermont hospital last month at the age of 85. Norm was many things to many people, but as they say of those in the newspaper business, he had ink coursing through his veins. Norm was born into a news family and he loved to tell stories of his early days spent in newsrooms, watching his father work the trade. But when tragedy struck home—Norm's father was killed after falling under a train—the younger Runnion dedicated himself to the profession.

From his gritty beginnings working the night cop beat on Chicago's South Side, Norm worked his way up as a reporter and editor with United Press International, covering the biggest stories of the day, including the Cuban Missile Crisis and the Warren Commission report. By the mid-1960s, Norm made the wise decision to ply his skills in Vermont and settled in at the Brattleboro Reformer. He soon made his way to the managing editor post, where he earned deep respect from his community and his State over the next two decades. When newspapers lost a bit of luster for Norm, he turned to the seminary and became an Episcopal priest, further dedicating his life in public service.

In retelling the path of his colorful news career, Norm suggested that fate led to his successes. ''I was really incredibly lucky,'' he told a younger reporter who he once mentored. ''Everywhere I went was one after another of the biggest news stories of the world. Those were the most monumental news stories of my generation.''

I believe it was far more than luck that made Norm Runnion the talent that he was. It was devotion to a trade that he believed was worthy of that commitment. And his readers were incredibly lucky for that. I feel fortunate to have spoken with Norm shortly before his passing. Although weak, his spirit was still very much evident. In honor of that spirit, I ask unanimous consent to have printed in the RECORD a remembrance of Norm Runnion, which appeared on VTDigger.org.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From VTDigger.org, June 22, 2014]

VERMONT JOURNALIST NORMAN RUNNION DIES AT AGE 85

(By Kevin O'Connor)

Ask Norman Runnion for his life story and he'd point to a newspaper.

Take the old Kansas City Journal-Post, where he played as a child while his father pounded on a manual typewriter.

Or the Evanston (Ill.) Review, where he broke into journalism pasting up the sports page for $5 a week.

Or Vermont's Brattleboro Reformer and The Herald of Randolph, where he capped a globetrotting career covering the world for wire service desks in New York, London, Paris and Washington, D.C.

''I'm a newspaperman, my father was a newspaperman—I love that word, I grew up on that word. It would never have occurred to me to be anything else.''

''I'm a newspaperman, my father was a newspaperman—I love that word, I grew up on that word,'' he said in 1989. ''It would never have occurred to me to be anything else.''

Except an Episcopal priest, which he tried for a decade at midlife. But Runnion eventually returned to writing, which he did until shortly before his death Friday at Randolph's Gifford Medical Center at age 85.

When Newfane mystery novelist Archer Mayor wanted an interesting character name for his 1993 book ''The Skeleton's Knee,'' he borrowed Norm Runnion's. But fiction was no match for the real man's feats.

The lifelong scribe made his own headlines as recently as two years ago, when he wrote a widely circulated column recalling his work as Washington night news editor for United Press International when President John F. Kennedy was assassinated Nov. 22, 1963.

''For those of us who were around on that searing day in American history, it could have been yesterday, not 50 years ago,'' he recalled of an event for which UPI's coverage won a Pulitzer Prize. ''I can hear today the haunting sounds of the muffled drums as they passed below our windows, leading the solemn procession past the thousands of people who jammed the sidewalks to watch and mourn.''

Runnion went on to write the main story about the 888-page Warren Commission report on the shooting.

''The report was embargoed for a later release to give journalists time to absorb the contents instead of rushing out with the first available tidbits,'' he wrote. ''But the stark principal finding was right there: Oswald, acting alone, had murdered America's beloved president.''

Ask Runnion what sparked his interest in journalism and he'd rewind back to his birth in Kansas City, Mo., in 1929. His mother was a teacher; his father, like his grandfather, was a newspaperman.

''I grew up in a newsroom—quite literally,'' he told this reporter in a 1989 interview.

For Runnion, home was wherever his father worked. At age 12, his family moved to St. Louis and the Star-Times; in 1941, it was Chicago and the Sun.

Life changed in 1945 when Runnion's father fell underneath a commuter train and was killed. The next day, Runnion, then a high school junior, enrolled in a journalism course. Eventually receiving a degree from Northwestern University's Medill School of Journalism in 1951, he worked ''four godawful months'' at the Chicago City News Bureau, servicing a half-dozen metropolitan papers with crime reports.

''I was covering the night police beat in the south side of Chicago, which had the second highest crime rate in the world outside of Singapore at that time,'' he recalled. ''Earned 25 bucks a week for approximately an 80-hour week.''

Runnion went on to join United Press International, reporting and editing in New York starting in 1953, in London in 1955 (where he covered Winston Churchill), in Paris in 1957 (where he covered Charles de Gaulle) and in Washington, D.C., in 1960.

''Came in on the tail end of the '60 elections, spent the next three years covering Kennedy, the civil rights movement, covered Martin Luther King's march on Washington, got assigned to cover the space program, covered Alan Shepard's flight, covered John Glenn's flight,'' he recalled.

Runnion was also the lead writer of UPI's coverage of the Cuban missile crisis.

''I was really incredibly lucky,'' he said. ''Everywhere I went was one after another of the biggest news stories of the world. Those were the most monumental news stories of my generation. What the hell more do you want?''

In 1966, Runnion decided he needed a break. Moving to Vermont, he joined the Reformer in 1969 and became its managing editor in 1971. Working in Windham County for two decades, he both reported and made state news.

In 1983, for example, Runnion was the only journalist invited to the wedding of then Vermont House Speaker Stephan Morse—a ceremony presided over by then Gov. Richard Snelling—with explicit instructions not to write a word.

If the bride and groom didn't suspect Runnion had other thoughts when he arrived

with a camera, they knew it when they picked up the Reformer the next publication day and saw their nuptials splashed as an exclusive atop the front page.

Runnion, deemed by one competitor ''chief curmudgeon of the Vermont press corps,'' surprised readers in 1990 by leaving the paper to attend Virginia Theological Seminary, work as a seminarian assistant at the all-black St. Luke's Episcopal Church in Washington, and serve as rector of St. Martin's Episcopal Church in Fairlee.

Invited to address several New England press associations, the new priest condemned the media for ''growing ineptness'' he blamed on a loss of ethics and ''corporate obsession with the bottom line.''

''I don't think the First Amendment is a protective umbrella for the kind of sin journalism we are seeing in our culture today,'' he said at one event. ''I don't think picturing violence for the sake of money is what Thomas Jefferson and Alexander Hamilton had in mind. The fact is, the public has a right not to know a lot of the junk that is being tossed their way in the name of the 'right to know.' ''

Runnion would retire from the church in 2001 and return to journalism by writing for the weekly Herald of Randolph, near his Brookfield home. His column on the 50th anniversary of Kennedy's assassination was reprinted by the statewide news website VTDigger.org, spurring a flurry of public comment.

''Hey, Norm: Oswald did not do it,'' one reader posted.

''Good point—I agree,'' Runnion replied. ''It was ET and the aliens.''

Runnion will be remembered July 8 at a public service in Randolph to be led by Vermont Episcopal Bishop Thomas Ely, with specifics to come from that town's Day Funeral Home. (''He wrote a partial obituary and said, 'You can fill in the blanks,' '' his wife Linda said Monday.) He'll also live on through nearly seven decades of his published work.

''I personally witnessed much of this history and believe what I saw over what people who were not there claimed happened 20 or 30 or 50 years later,'' he recently posted to Internet readers sharing conspiracy theories. ''But hey, it's differences of opinion that make the world go around. Cheers, Norm.''

CELEBRATING WYOMING'S 125TH STATEHOOD ANNIVERSARY

Mr. BARRASSO. Mr. President, we will celebrate the 125th anniversary of the day Wyoming became a State on Friday, July 10, 2015.

Wyoming's journey to statehood was not without hurdles. In fact, the debate in Congress was contentious. The arguments centered upon one of our most proud accomplishments—a decision made long before Wyoming became a State. On December 10, 1869, the Wyoming territory was the first in the United States to grant women the right to vote.

Efforts to attain statehood finally came to fruition 20 years later. It was incumbent on our delegate to the U.S. House of Representatives, Joseph M. Carey, to convince his colleagues to support the statehood bill.

On March 26, 1890, the day of the statehood bill debate, Joseph Carey spoke passionately about Wyoming. His words still hold true today. He said that Wyoming was rich in agricultural possibilities. He explained Wyoming was one of nature's great storehouses of minerals. Joseph Carey also talked about grazing development, educational leadership, widespread railway construction, the model Constitution, and the unique opportunities for women.

Yet, opponents to our statehood did not support women having the right to vote. On the same day as Joseph Carey's impassioned speech, Representative William Oates of Alabama argued against our admittance to the Union. He said, ''Mr. Speaker, I do not hesitate to say that in my judgment the franchise has been too liberally extended. Should we ever reach universal suffrage this Government will become practically a pure democracy and then the days of its existence are numbered.''

The U.S. House of Representatives narrowly passed Wyoming's statehood bill with a vote of 139–127. Part of the narrow margin was due to Democrats in Congress fearing that Wyoming would be a Republican State. The U.S. Senate passed the bill on June 27, 1890.

President Benjamin Harrison signed the bill into law on July 10, 1890, which led to impromptu celebrations across the State. Newspapers reported a 44-gun salute in Laramie; Douglas celebrated ''louder than ever;'' and ''Rawlins Town is wild.''

The main celebration on July 23 featured a 2-mile parade in Cheyenne consisting of many floats. One float had 42 women representing the older States and a small carriage in which rode three little girls, representing the Goddess of Liberty, the State of Idaho—admitted July 3, and the State of Wyoming. The parade led to the Capitol where Esther Hobart Morris, the first female justice of the peace in the United States from Wyoming, presented a 44-star silk flag, purchased by women of the State of Wyoming to Governor Francis E. Warren.

After a 44-gun salute, Mrs. I.S. Bartlett read an original poem, ''The True Republic.'' Her poem ended with the following words:

Let the bells ring out more loudly and the deep-toned cannon roar,
Giving voice to our thanksgiving, such as never rose before,
For we tread enchanted ground today, we're glorious, proud and great;
Our independence day has come—Wyoming is a State!

As Wyoming marks 125 years of statehood, I encourage my colleagues to join me in celebrating Wyoming's rich heritage, geological wonders and genuine cowboy hospitality that provides a truly wonderful experience to visitors from all over the world.

RECOGNIZING FERDINAND, INDIANA ON ITS 175TH ANNIVERSARY

Mr. DONNELLY. Mr. President, today, I wish to honor the town of Ferdinand on its 175th anniversary and to recognize the many contributions of Ferdinand's citizens to the surrounding communities, the great State of Indiana, and to our country.

Ferdinand's history dates to the mid-1800s when Dubois County was known for its merchants and tobacco market. The town was established on January 8, 1840, as a resting point for travelers and was officially incorporated as a town in 1905. Ferdinand quickly began to grow and develop with the discovery of materials needed to make paint. The town began manufacturing paint and developed the largest foundry in the county. By the end of the 19th century, Ferdinand innovated as industries changed and grew to include manufacturing plants, small businesses, a mill, schools, churches, and a convent. Today, manufacturing continues to be its top industry.

Ferdinand is a community of 2,500 citizens located in the beautiful hills of southern Indiana. Throughout the year, outdoor enthusiasts visit Ferdinand to take advantage of its numerous natural wonders. Camping, hunting, swimming, fishing, and hiking are just a handful of the activities available to visitors. Since its founding, Ferdinand has remained the home to some of our State's most beautiful parks and forests, plus an expanding trail system. Ferdinand is home to the Ferdinand State Forest, a historic Benedictine monastery, and the Ferdinand Folk Festival. The community is also a short drive from Abraham Lincoln's boyhood home and the gravesite of his mother, Nancy Hanks Lincoln.

The strength of Ferdinand is rooted in an importance placed on community, family values, and quality education. Ferdinand Elementary School and Cedar Crest Intermediate School are both four-star academic institutions that provide quality education to young Hoosiers. Furthermore, the residents of Ferdinand are widely known for their strong work ethic, sense of community, and Hoosier hospitality. It is due to these enduring qualities that Ferdinand has been a contributor to Indiana's success. It is a great honor to represent the town of Ferdinand, also known as the ''gateway to Dubois County and a gateway to opportunity,'' in the Senate. On behalf of the State of Indiana, I congratulate each and every citizen of Ferdinand on the town's 175th anniversary and wish you continued success and prosperity in the future.

TRIBUTE TO GARY HOLLANDER

Ms. BALDWIN. Mr. President, today I wish to recognize and honor Gary Hollander of Milwaukee, WI, for 20 years of guiding Diverse & Resilient as its founder and CEO. I have known Gary for many years and have been proud to work with and support his efforts at Diverse & Resilient throughout that time. Gary has been a leader in the mental health and LGBT communities, and his passion for serving people will be missed by all who have

worked with him and who have benefited from his guidance and passion.

A licensed psychologist, Gary received his degrees in education and psychology from the University of Wisconsin—Milwaukee. His professional career began in the Milwaukee Public Schools, where he was a classroom teacher and school psychologist. He later served in the education division at Planned Parenthood of Wisconsin and later as an educational consultant to Planned Parenthood Federation of America. Gary developed an HIV mental health program and HIV clinic in conjunction with Aurora Health Care, a leading health care provider in Wisconsin. He later directed their medical education programs and was the founding administrator of the Center for Urban Population Health.

In 1995, Gary founded Diverse & Resilient as a way to build the capacity of LGBT groups across Wisconsin, filling a void in the public health sphere. Gary recognized that public health organizations and community groups were not rising to meet the needs of the LGBT community, and he became the driving force behind greater community engagement and recognition of the LGBT community in Wisconsin. During his tenure, Diverse & Resilient has expanded many times over and currently serves more than 5,000 LGBT people each year, helping them to thrive by living healthy, satisfying lives in safe, supportive communities.

His tireless work on behalf of Wisconsin's LGBT community has led to greater understanding, improved access to care, and new ways of looking at the unique and divers needs of the LGBT community. Gary and his team have focused their work in six priority areas: acceptance, cultivating leaders, mental health, sexual health, partner and community violence, and substance abuse—areas in which they hope to eliminate health disparities between LGBT people and the general population. They have made many impressive strides over the past 20 years, and I know that the future is bright for Diverse & Resilient, as well as Wisconsin's LGBT community, because of Gary's work.

I am proud to call Gary a friend, and I am grateful for his important contributions to our State and the LGBT community. I know that his passion and dedication to improving the lives of others will continue long after he steps down from his leadership role at Diverse & Resilient. I wish him all the best in his future endeavors.

ADDITIONAL STATEMENTS

RECOGNIZING BATH, NEW HAMPSHIRE ON ITS 250TH ANNIVERSARY

• Ms. AYOTTE. Mr. President, today I wish to pay tribute to Bath, NH—a town in Grafton County that is celebrating the 250th anniversary of its founding. I am proud to join citizens across the Granite State in recognizing this historic occasion.

Bath is surrounded by the Green Mountains to the west and White Mountains to the east and is situated at the furthest navigable point of the Connecticut River. Both the Ammonoosuc and Wild Ammonoosuc Rivers flow through Bath and are the source of the rich soil and ample water power responsible for Bath's thriving industrial and agricultural history.

The town of Bath is named for William Pulteney, first Earl of Bath, and was originally chartered by Colonial Governor Benning Wentworth in 1761 and later settled by John Herriman of Haverhill, MA, in 1765.

Bath is known as the Covered Bridge Capital of New England and is home to the Bath, Swiftwater, and Bath-Haverhill covered bridges. Bath's architectural history is represented by a well-preserved group of 18th and 19th century style buildings located within its villages. One of the most famous of these buildings is The Brick Store. Opened in 1824, this Bath landmark holds the distinction of being the oldest continuously operated general store in the United States.

As both statesmen and soldiers, Bath residents have been known throughout the town's history for their commitment and sacrifice in the service of our great Nation. United States Congressmen Harry Hibbard and James Hutchins Johnson both share ties to Bath, but it is New Hampshire's former District 1 executive councilor, Raymond S. Burton, who exemplified the meaning of public service. For over 30 years, Ray tirelessly advocated for his constituents throughout the North Country, and at the end of the day he always returned to his farm on River Road in Bath.

On behalf of all Granite Staters, I am pleased to offer my congratulations to the citizens of Bath on reaching this special milestone, and I thank them for their many contributions to the life and spirit of the State of New Hampshire.•

TRIBUTE TO BEN STEELE

• Mr. DAINES. Mr. President, I wish to recognize World War II veteran, teacher, and artist Ben Steele, for whom the new middle school in Billings, MT will be named. I had the distinct honor to meet Mr. Steele in Washington, DC, when he was in town for the Big Sky Honor Flight last year. Following the Fourth of July holiday celebrating our Nation's independence, it is fitting to recognize a man that understands the importance of freedom better than most. Mr. Steele served in the Philippines and survived the horrors of the Bataan Death March.

As a prisoner of war, Mr. Steele chronicled his experiences through drawings, and after the war, he received formal training as an artist. Receiving his master's degree in art from the University of Denver, he went on to teach art at several colleges including Montana State University in Billings. His paintings depict the haunting scenes of war, and remind us of the great sacrifices our military men and women make defending our freedom.

I want to express my deep gratitude to Mr. Steele for his service to our country and dedication to teaching and inspiring generations of Montana students.•

REMEMBERING JIM MALONE

• Mr. McCAIN. Mr. President, today I honor James ''Jim'' Malone, a retired Navy veteran from Chandler, AZ who tragically passed away at the young age of 55 after a hard-fought battle with Adenocarcinoma, a terminal form of cancer.

Jim served honorably in the U.S. Navy from 1977 to 1981 before retiring as a disbursing clerk second class. Having served during peacetime, Jim wrote that his most meaningful memory was pulling out of port and seeing the land disappear. ''I always got a charge over that,'' he said. ''When I was on watch, I would look out and realize that I was protecting family and loved ones back home.''

Before his untimely death, Jim received word that the Dream Foundation, a national dream-granting organization for adults and their families suffering from life-threatening illness, would help him achieve a life-long wish to visit Washington, DC. My office helped the foundation do everything we could to plan a memorable trip for Jim and his wife and son, including tours of the White House and U.S. Capitol and visits to historic landmarks around the city.

Jim was deeply proud of his military service, and looked forward to sharing the rich cultural history of the Nation's capital with his family, writing: ''I am hoping this trip will help them to fully understand why I felt the call to duty in my youth and why my service to this country is so important to me.'' He described his ''deep love of this country and its history'' and the importance of sharing that patriotic spirit with his family.

Tragically, Jim's health sharply declined in the week leading up to his trip, and he passed away the day before he was expected to depart for his dream experience. While Jim left this world far too early, we should all take comfort in knowing that his memory and selfless service has left a mark on Arizona and our Nation.

I am also comforted by the work that organizations like the Dream Foundation have and will continue to do to honor veterans like Jim through dream-granting programs that give dying veterans and their families the opportunity to make the most of the time they have left, while also improving their end-of-life care.

As Sheri, Jim's wife, explained, ''[My husband was] overwhelmed by the

Foundation granting him his dream. Even though he didn't get to go on the trip,'' she continued, ''it helped to restore his faith in the goodness of people.''

I hope we might all keep in our thoughts and prayers the Malone family as they mourn the loss of their beloved husband and father, whose service to our State and Nation will always be remembered.●

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the order of the Senate of January 6, 2015, the Secretary of the Senate, on June 25, 2015, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 19. Concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

ENROLLED BILL SIGNED

Under the order of the Senate of January 6, 2015, the Secretary of the Senate, on June 25, 2015, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 533. An act to revoke the charter of incorporation of the Miami Tribe of Oklahoma at the request of that tribe, and for other purposes.

MESSAGE FROM THE HOUSE

At 2:34 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1615. An act to direct the Chief FOIA Officer of the Department of Homeland Security to make certain improvements in the implementation of section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), and for other purposes.

H.R. 2200. An act to amend the Homeland Security Act of 2002 to establish chemical, biological, radiological, and nuclear intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1615. An act to direct the Chief FOIA Officer of the Department of Homeland Security to make certain improvements in the implementation of section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), and for other purposes; to the Committee on the Judiciary.

H.R. 2200. An act to amend the Homeland Security Act of 2002 to establish chemical, biological, radiological, and nuclear intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1698. A bill to exclude payments from State eugenics compensation programs from consideration in determining eligibility for, or the amount of, Federal public benefits.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2116. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 of July 22, 2004, relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC–2117. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report entitled ''Report to the U.S. Congress on Global Export Credit Competition''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2118. A communication from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report entitled ''Barriers to Industrial Energy Efficiency''; to the Committee on Energy and Natural Resources.

EC–2119. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Administration, Cost and Impact of Quality Improvement Organization (QIO) Program for Medicare Beneficiaries for Fiscal Year (FY) 2012''; to the Committee on Finance.

EC–2120. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application Procedures for Approval of Benefit Suspensions for Certain Multiemployer Defined Benefit Pension Plans under Section 432(e)(9)'' (Rev. Proc. 2015–34) received in the Office of the President of the Senate on June 22, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–2121. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Health Profession Opportunity Grants (HPOG) Program and Evaluation Portfolio Interim Report to Congress''; to the Committee on Health, Education, Labor, and Pensions.

EC–2122. A communication from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Commission's commercial activities inventory; to the Committee on Homeland Security and Governmental Affairs.

EC–2123. A communication from the Regulatory Coordinator, U.S. Immigration and Customs Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Change to Existing Regulation Concerning the Interest Rate Paid on Cash Deposited to Secure Immigration Bonds'' (RIN1653–AA66) received in the Office of the President of the Senate on June 23, 2015; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1109. A bill to require adequate information regarding the tax treatment of payments under settlement agreements entered into by Federal agencies, and for other purposes (Rept. No. 114–76).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1359. A bill to allow manufacturers to meet warranty and labeling requirements for consumer products by displaying the terms of warranties on Internet websites, and for other purposes (Rept. No. 114–77).

By Mr. BURR, from the Select Committee on Intelligence, without amendment:

S. 1705. An original bill to authorize appropriations for fiscal year 2016 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BARRASSO (for himself, Ms. MURKOWSKI, Mr. TESTER, Mr. DAINES, Mr. MORAN, Mr. SCHATZ, Mr. UDALL, Ms. HEITKAMP, and Mr. HOEVEN):

S. 1704. A bill to amend the Indian Tribal Justice Act to secure urgent resources vital to Indian victims of crime, and for other purposes; to the Committee on Indian Affairs.

By Mr. BURR:

S. 1705. An original bill to authorize appropriations for fiscal year 2016 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. RISCH (for himself and Mr. HEINRICH):

S. 1706. A bill to amend the Energy Independence and Security Act of 2007 to promote energy efficiency via information and computing technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOOZMAN (for himself and Mr. COTTON):

S. 1707. A bill to designate the Federal building located at 617 Walnut Street in Helena, Arkansas, as the ''Jacob Trieber Federal Building, United States Post Office, and United States Court House''; to the Committee on Environment and Public Works.

By Mr. BROWN:

S. 1708. A bill to improve certain provisions relating to charter schools; to the Committee on Health, Education, Labor, and Pensions.

By Ms. WARREN (for herself, Mr. MCCAIN, Mr. KING, and Ms. CANTWELL):

S. 1709. A bill to reduce risks to the financial system by limiting banks' ability to engage in certain risky activities and limiting conflicts of interest, to reinstate certain Glass-Steagall Act protections that were repealed by the Gramm-Leach-Bliley Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN (for himself, Mr. COONS, and Mr. CASEY):

S. 1710. A bill to authorize a grant-matching program that strengthens and accelerates interventions in the lowest-performing elementary schools and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCOTT (for himself, Mr. DONNELLY, Mr. CRAPO, Mrs. SHAHEEN, Mr. HELLER, Mr. KING, Mr. ROUNDS, Mr. DAINES, Ms. AYOTTE, Mr. ROBERTS, and Mr. ISAKSON):

S. 1711. A bill to provide for a temporary safe harbor from the enforcement of integrated disclosure requirements for mortgage loan transactions under the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENNET:

S. 1712. A bill to amend the Small Tract Act of 1983 to expand the authority of the Secretary of Agriculture to sell or exchange small parcels of National Forest System land to enhance the management of the National Forest System, resolve minor encroachments, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SANDERS (for himself and Mr. MERKLEY):

S. 1713. A bill to require the Secretary of Energy to provide loans and grants for solar installations in low-income and underserved areas; to the Committee on Energy and Natural Resources.

By Mr. MANCHIN (for himself, Mrs. CAPITO, Mr. CASEY, Mr. BROWN, Mr. KAINE, Mr. WARNER, and Mr. ROBERTS):

S. 1714. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. BARRASSO, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 33, a bill to provide certainty with respect to the timing of Department of Energy decisions to approve or deny applications to export natural gas, and for other purposes.

S. 71

At the request of Mr. VITTER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 71, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 164

At the request of Mr. SCHATZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 164, a bill to increase the rates of pay under the General Schedule and other statutory pay systems and for prevailing rate employees by 3.8 percent, and for other purposes.

S. 271

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 271, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 314

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 389

At the request of Ms. HIRONO, the names of the Senator from Nevada (Mr. REID), the Senator from Massachusetts (Ms. WARREN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 389, a bill to amend section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 to require that annual State report cards reflect the same race groups as the decennial census of population.

S. 439

At the request of Mr. FRANKEN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 439, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 491

At the request of Ms. KLOBUCHAR, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 491, a bill to lift the trade embargo on Cuba.

S. 497

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 497, a bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

S. 524

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

S. 551

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 551, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 564

At the request of Mr. MORAN, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 564, a bill to amend title 38, United States Code, to include licensed hearing aid specialists as eligible for appointment in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 571

At the request of Mr. INHOFE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 571, a bill to amend the Pilot's Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes.

S. 599

At the request of Mr. TOOMEY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 599, a bill to extend and expand the Medicaid emergency psychiatric demonstration project.

S. 624

At the request of Mr. BROWN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 624, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 628

At the request of Ms. BALDWIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 628, a bill to amend the Public Health Service Act to provide for the designation of maternity care health professional shortage areas.

S. 637

At the request of Mr. CRAPO, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 637, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 654

At the request of Mr. ROBERTS, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 654, a bill to exempt certain class A CDL drivers from the requirement to obtain a hazardous material endorsement while operating a service vehicle with a fuel tank containing

3,785 liters (1,000 gallons) or less of diesel fuel.

S. 681

At the request of Mrs. GILLIBRAND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 681, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 696

At the request of Ms. BALDWIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 696, a bill to increase the number and percentage of students who graduate from high school college and career ready with the ability to use knowledge to solve complex problems, think critically, communicate effectively, collaborate with others, and develop academic mindsets, and for other purposes.

S. 700

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 700, a bill to amend the Asbestos Information Act of 1988 to establish a public database of asbestos-containing products, to require public disclosure of information pertaining to the manufacture, processing, distribution, and use of asbestos-containing products in the United States, and for other purposes.

S. 857

At the request of Ms. STABENOW, the names of the Senator from Kansas (Mr. MORAN), the Senator from Virginia (Mr. KAINE) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 857, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of an initial comprehensive care plan for Medicare beneficiaries newly diagnosed with Alzheimer's disease and related dementias, and for other purposes.

S. 862

At the request of Ms. MIKULSKI, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 862, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 901

At the request of Mr. MORAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 901, a bill to establish in the Department of Veterans Affairs a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces that are related to that exposure, to establish an advisory board on such health conditions, and for other purposes.

S. 911

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 911, a bill to direct the Administrator of the Federal Aviation Administration to issue an order with respect to secondary cockpit barriers, and for other purposes.

S. 976

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 976, a bill to promote the development of a United States commercial space resource exploration and utilization industry and to increase the exploration and utilization of resources in outer space.

S. 979

At the request of Mr. NELSON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 979, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1013

At the request of Mr. SCHUMER, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1013, a bill to amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program, and for other purposes.

S. 1085

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1085, a bill to expand eligibility for the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs, to expand benefits available to participants under such program, to enhance special compensation for members of the uniformed services who require assistance in everyday life, and for other purposes.

S. 1203

At the request of Mr. HELLER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1203, a bill to amend title 38, United States Code, to improve the processing by the Department of Veterans Affairs of claims for benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1212

At the request of Mr. CARDIN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1212, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1239

At the request of Mr. DONNELLY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1239, a bill to amend the Clean Air Act with respect to the ethanol waiver for the Reid vapor pressure limitations under that Act.

S. 1250

At the request of Ms. KLOBUCHAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1250, a bill to encourage States to require the installation of residential carbon monoxide detectors in homes, and for other purposes.

S. 1333

At the request of Mr. GARDNER, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1333, a bill to amend the Controlled Substances Act to exclude cannabidiol and cannabidiol-rich plants from the definition of marihuana, and for other purposes.

S. 1347

At the request of Mr. ISAKSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1347, a bill to amend title XVIII of the Social Security Act with respect to the treatment of patient encounters in ambulatory surgical centers in determining meaningful EHR use, and for other purposes.

S. 1362

At the request of Mr. TOOMEY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1362, a bill to amend title XI of the Social Security Act to clarify waiver authority regarding programs of all-inclusive care for the elderly (PACE programs).

S. 1387

At the request of Mr. BROWN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1387, a bill to amend title XVI of the Social Security Act to update eligibility for the supplemental security income program, and for other purposes.

S. 1389

At the request of Mr. UDALL, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1389, a bill to authorize exportation of consumer communications devices to Cuba and the provision of telecommunications services to Cuba, and for other purposes.

S. 1428

At the request of Mr. BARRASSO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1428, a bill to amend the USEC Privatization Act to require the Secretary of Energy to issue a long-term Federal excess uranium inventory management plan, and for other purposes.

S. 1454

At the request of Mrs. FISCHER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1454, a bill to enhance interstate commerce by creating a National Hiring Standard for Motor Carriers.

S. 1495

At the request of Mr. TOOMEY, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 1495, a bill to curtail the use of changes in mandatory programs affecting the Crime Victims Fund to inflate spending.

S. 1512

At the request of Mr. CASEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1512, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 1513

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1513, a bill to reauthorize the Second Chance Act of 2007.

S. 1536

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1536, a bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes.

S. 1562

At the request of Mr. WYDEN, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Wisconsin (Ms. BALDWIN), and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. 1562, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 1598

At the request of Mr. LEE, the names of the Senator from Nebraska (Mrs. FISCHER), the Senator from Texas (Mr. CORNYN) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 1598, a bill to prevent discriminatory treatment of any person on the basis of views held with respect to marriage.

S. 1617

At the request of Mrs. SHAHEEN, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. ROUNDS), the Senator from Oregon (Mr. WYDEN), the Senator from Michigan (Mr. PETERS), the Senator from Arizona (Mr. MCCAIN), the Senator from Massachusetts (Mr. MARKEY), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Maine (Ms. COLLINS), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 1617, a bill to prevent Hizballah and associated entities from gaining access to international financial and other institutions, and for other purposes.

S. 1636

At the request of Mr. KIRK, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 1636, a bill to streamline the collection and distribution of Government information.

S. 1654

At the request of Mr. REED, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1654, a bill to prevent deaths occurring from drug overdoses.

S. 1659

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1659, a bill to amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

S. 1691

At the request of Mr. BARRASSO, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 1691, a bill to expedite and prioritize forest management activities to achieve ecosystem restoration objectives, and for other purposes.

S.J. RES. 15

At the request of Mr. CARDIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S.J. Res. 15, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S. RES. 148

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. Res. 148, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 200

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. Res. 200, a resolution wishing His Holiness the 14th Dalai Lama a happy 80th birthday on July 6, 2015, and recognizing the outstanding contributions His Holiness has made to the promotion of nonviolence, human rights, interfaith dialogue, environmental awareness, and democracy.

S. RES. 216

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. KIRK), the Senator from Nevada (Mr. HELLER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 216, a resolution recognizing the month of June 2015 as ''Immigrant Heritage Month'', a celebration of the accomplishments and contributions immigrants and their children have made in shaping the history, strengthening the economy, and enriching the culture of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOOZMAN (for himself and Mr. COTTON):

S. 1707. A bill to designate the Federal building located at 617 Walnut Street in Helena, Arkansas, as the ''Jacob Trieber Federal Building, United States Post Office, and United States Court House''; to the Committee on Environment and Public Works.

Mr. BOOZMAN. Mr. President, the Honorable Jacob Trieber, of Helena, AR, known as a ''genius lawyer and jurist,'' served as the first Jewish Federal judge in the United States. Born on October 6, 1853, in Raschkow, Prussia, a young Jacob Trieber and his family escaped the growing anti-Semitism in Prussia and moved to the United States. In a few short years they established their homestead and a family store in Helena, AR. In 1873, he began to study law, and 3 years later entered the Arkansas Bar. In 1897, he was appointed U.S. Attorney for the Eastern District of Arkansas in Little Rock. Three years later, on July 26, 1900, President William McKinley appointed Jacob Trieber to the Federal bench, where for 27 years Judge Trieber served on the U.S. Circuit Court for the Eastern District of Arkansas. Judge Trieber was committed to equal justice for all, and ruled for equality for African Americans and women. Judge Trieber had astounding foresight. Many of his rulings were important to civil rights and wildlife conservation. Judge Trieber was also committed to his local Arkansas community and served as an elected official on the Helena City Council and as the Phillips County treasurer. Judge Trieber played an influential role in saving the Old State House and establishing the Arkansas State Tuberculosis Sanatorium. In honor of Judge Jacob Trieber, Senator COTTON and I are introducing this legislation that designates the Federal Building in Helena-West Helena, Arkansas, the ''Jacob Trieber Federal Building, United States Post Office, and Court House.'' Judge Trieber's name will appropriately mark this building and stand as a symbol of his significant work for not only the people of Arkansas, but for the entire United States.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1707

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

SECTION 1. JACOB TRIEBER FEDERAL BUILDING, UNITED STATES POST OFFICE, AND UNITED STATES COURT HOUSE.

(a) DESIGNATION.—The Federal building located at 617 Walnut Street in Helena, Arkansas, shall be known and designated as the ''Jacob Trieber Federal Building, United States Post Office, and United States Court House''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the ''Jacob Trieber Federal Building, United States Post Office, and United States Court House''.

By Ms. WARREN (for herself, Mr. MCCAIN, Mr. KING, and Ms. CANTWELL):

S. 1709. A bill to reduce risks to the financial system by limiting banks' ability to engage in certain risky activities and limiting conflicts of interest, to reinstate certain Glass-Steagall Act protections that were repealed by the Gramm-Leach-Bliley Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. WARREN. Mr. President, I rise today to speak in support of the 21st Century Glass-Steagall Act. I am honored to join Senators MCCAIN, CANTWELL, and KING in introducing this bill.

Washington is a partisan place and this Congress has its share of partisan bills, but we have all joined together because we all want a more stable economy that works not just for those at the top but for everyone.

Seven years ago, Wall Street's high-risk bets brought our economy to its knees. The Dallas Fed estimates that the total cost of the crash was $14 trillion. Millions of families lost their homes. Millions of people lost their savings. Millions of people lost their jobs. And even today, millions of hard-working, play-by-the-rules people are still struggling to survive.

Over the past 7 years, we have made some real progress dialing back the risk of a future crisis. But despite that progress, the biggest banks continue to threaten the economy. The biggest banks are collectively much bigger today than they were 7 years ago. They continue to engage in dangerous, high-risk practices. And with each new headline and subsequent legal settlement, it becomes clearer that they keep chasing profits even if it means breaking the law.

The big banks weren't always allowed to take on big risks while enjoying the benefits of taxpayer guarantees. Four years after the 1929 Wall Street crash, Congress passed the Glass-Steagall Act, which is best known for separating investment banks and their risk-taking from commercial banks that manage savings accounts, checking accounts, and offer other banking services.

For 50 years, Glass-Steagall played a central role in keeping our country safe. Traditional banking stayed separate from high-risk Wall Street banking. There wasn't a single major financial crisis, and the financial sector helped contribute to a sustained, broad-based economic growth that helped build America's middle class. But the big traditional banks wanted the higher profits they could get from taking more risks, and investors in the big investment banks wanted access to the low-cost, insured deposits of traditional banks, so they teamed up to try to tear down Glass-Steagall's wall. Starting in the 1980s, regulators of the Federal Reserve and the Office of the Comptroller of the Currency buckled under industry pressure and began poking bigger and bigger holes in the wall between investment and commercial banking, and, after 12 separate attempts, Congress repealed most of Glass-Steagall in 1999.

The 21st Century Glass-Steagall Act will rebuild the wall between commercial banks and investment banks, separating traditional banks that offer savings and checking accounts and that are insured by the FDIC from their riskier counterparts on Wall Street. Banks can choose: Take big risks using investors' money or be very careful using depositors' money—but no more mixing the two.

The 21st Century Glass-Steagall Act also fills in the holes the regulators punched in the original Glass-Steagall, and it recognizes that the financial markets have become more complicated since the 1930s, so it covers products that did not exist when Glass-Steagall was originally passed.

By itself, the 21st Century Glass-Steagall Act will not end too big to fail and implicit government subsidies, but it will make financial institutions smaller, safer, and move us in the right direction. By separating depository institutions from riskier activities, large financial institutions will shrink in size and won't be able to rely on FDIC insurance as a safety net for their high-risk activities. It will stop the game these banks have played for far too long—heads, the big banks win and take all the profits; tails, the taxpayers lose and get stuck with the bill.

Our proposal has an added benefit—it is simple. It doesn't require thousands of pages of new rules. And better still, if we rebuilt the wall between commercial banks and investment banks, we could even cut back on some of the other rules we have in place to stop big banks from taking on too much risk.

If financial institutions actually have to face the consequences of their business decisions, if they cannot rely on government insurance to subsidize their riskiest activities, then the investors in those institutions will have a stronger incentive to closely monitor those risks before they get out of hand and take down the entire economy. Government regulators could play a more limited role, and that is an outcome everyone should like.

It has now been 7 years since the great financial crash. Most of the banks that were too big to fail in 2008 are even bigger now. Shortly after they were bailed out by the American taxpayers, these banks once again started raking in billions of dollars in profits. In fact, in 2014 they posted two of their most profitable quarters in the last 20 years. Between 2010 and 2013, the median compensation for a big-bank CEO was about $15 million a year while median household income in the United States during that same period—that is, income for the whole family—was barely above $50,000. The big banks and their executives have recovered handsomely from the crisis they helped create while too many other Americans are still scraping to get by.

We weren't sent to Washington to work for the big banks. It is time for a banking system that serves the best interests of the American people, not just those few at the top. The 21st Century Glass-Steagall Act is an important step in the right direction, and I ask my colleagues to join me in supporting this bipartisan measure to strengthen our economy.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2078. Mr. ROUNDS (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

SA 2079. Mrs. FISCHER (for herself, Mr. KING, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra.

SA 2080. Mr. HATCH (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2081. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2082. Mr. HATCH (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2083. Mr. GARDNER (for himself, Mr. PETERS, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2084. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2085. Mr. REED (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra.

SA 2086. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra.

SA 2087. Mrs. FEINSTEIN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2088. Mr. REED submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2089. Mr. ALEXANDER (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 1177, supra.

SA 2090. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the

bill S. 1177, supra; which was ordered to lie on the table.

SA 2091. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2092. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2093. Mr. FRANKEN (for himself, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2094. Mr. TOOMEY (for himself, Mr. MANCHIN, Mr. COTTON, Mr. MCCAIN, Mr. GARDNER, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra.

SA 2095. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra.

SA 2096. Mr. KAINE (for himself, Mr. MERKLEY, Ms. AYOTTE, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2097. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2098. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2099. Mr. BROWN (for himself, Mr. MANCHIN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2100. Mr. BROWN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2101. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2102. Mr. MANCHIN (for himself, Mr. BROWN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2103. Mr. MANCHIN (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2104. Mr. MANCHIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2105. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2106. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2107. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2108. Mrs. GILLIBRAND (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2109. Ms. HIRONO (for herself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2110. Mr. DAINES (for himself, Mr. GRASSLEY, Mr. CRUZ, Mr. VITTER, Mr. JOHNSON, Mr. LEE, Mr. LANKFORD, Mr. BLUNT, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2111. Mr. MCCAIN (for himself and Mr. REID) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2112. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2113. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2114. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2115. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2116. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2117. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2118. Mr. KAINE (for himself, Mr. PORTMAN, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2119. Mr. GARDNER (for himself, Mr. CARPER, Mr. COONS, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2120. Ms. WARREN (for herself and Mr. GARDNER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2121. Mr. HELLER (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2078. Mr. ROUNDS (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; as follows:

On page 723, after line 23, insert the following:

SEC. 7006. REPORT ON ELEMENTARY AND SECONDARY EDUCATION IN RURAL OR POVERTY AREAS OF INDIAN COUNTRY.

(a) IN GENERAL.—By not later than 90 days after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of the Interior, shall conduct a study regarding elementary and secondary education in rural or poverty areas of Indian country.

(b) REPORT.—By not later than 270 days after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of the Interior, shall prepare and submit to Congress a report on the study described in subsection (a) that—

(1) includes the findings of the study;

(2) identifies barriers to autonomy that Indian tribes have within elementary schools and secondary schools funded or operated by the Bureau of Indian Education;

(3) identifies recruitment and retention options for highly effective teachers and school administrators for elementary school and secondary schools in rural or poverty areas of Indian country;

(4) identifies the limitations in funding sources and flexibility for such schools; and

(5) provides strategies on how to increase high school graduation rates in such schools, in order to increase the high school graduation rate for students at such schools.

(c) DEFINITIONS.—In this section:

(1) ESEA DEFINITIONS.—The terms ''elementary school'', ''high school'', and ''secondary school'' shall have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) INDIAN COUNTRY.—The term ''Indian country'' has the meaning given the term in section 1151 of title 18, United States Code.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SA 2079. Mrs. FISCHER (for herself, Mr. KING, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; as follows:

On page 800, between lines 17 and 18, insert the following:

SEC. 9115A. LOCAL GOVERNANCE.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 4001(3), 9114, and 9115, and redesignated by section 9106(1), is further amended by adding at the end the following:

"SEC. 9540. LOCAL GOVERNANCE.

''(a) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to allow the Secretary to—

''(1) exercise any governance or authority over school administration, including the development and expenditure of school budgets, unless otherwise authorized under this Act;

''(2) issue any regulation without first complying with the rulemaking requirements of section 553 of title 5, United States Code; or

''(3) issue any non-regulatory guidance without first, to the extent feasible, considering input from stakeholders.

''(b) AUTHORITY UNDER OTHER LAW.—Nothing in subsection (a) shall be construed to affect any authority the Secretary has under any other Federal law.''.

SA 2080. Mr. HATCH (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1018. STUDENT PRIVACY POLICY COMMITTEE.

(a) ESTABLISHMENT OF A COMMITTEE ON STUDENT PRIVACY POLICY.—Not later than 60 days after the date of enactment of this Act, there is established a committee to be known as the ''Student Privacy Policy Committee'' (referred to in this section as the ''Committee'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of—

(A) 3 individuals appointed by the Secretary of Education;

(B) not less than 8 and not more than 13 individuals appointed by the Comptroller General of the United States, representing—

(i) experts in education data and student privacy;

(ii) educators and parents;

(iii) State and local government officials responsible for managing student information;

(iv) education technology leaders in the State or a local educational agency;

(v) experts with practical experience dealing with data privacy management at the State or local level;

(vi) experts with a background in academia or research in data privacy and education data; and

(vii) education technology providers and education data storage providers; and

(C) 4 members appointed by—

(i) the majority leader of the Senate;

(ii) the minority leader of the Senate;

(iii) the Speaker of the House of Representatives; and

(iv) the minority leader of the House of Representatives.

(D) CHAIRPERSON.—The Committee shall select a Chairperson from among its members.

(E) VACANCIES.—Any vacancy in the Committee shall not affect the powers of the Committee and shall be filled in the same manner as an initial appointment described in subparagraphs (A) through (C).

(c) MEETINGS.—The Committee shall hold, at the call of the Chairperson, not less than 5 meetings before completing the study required under subsection (e) and the report required under subsection (f).

(d) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Committee shall serve without compensation in addition to any such compensation received for the member's service as an officer or employee of the United States, if applicable.

(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(e) DUTIES OF THE COMMITTEE.—

(1) STUDY.—The Committee shall conduct a study on the effectiveness of Federal laws and enforcement mechanisms of—

(A) student privacy; and

(B) parental rights to student information.

(2) RECOMMENDATIONS.—Based on the findings of the study under paragraph (1), the Committee shall develop recommendations addressing issues of student privacy and parental rights and how to improve and enforce Federal laws regarding student privacy and parental rights, including recommendations that—

(A) provide or update standard definitions, if needed, for relevant terms related to student privacy, including—

(i) education record;

(ii) personally identifiable information;

(iii) aggregated, de-identified, or anonymized data;

(iv) third-party; and

(v) educational purpose;

(B) identify—

(i) which Federal laws should be updated; and

(ii) the appropriate Federal enforcement authority to execute the laws identified in clause (i);

(C) address the sharing of data in an increasingly technological world, including—

(i) evaluations of protections in place for student data when it is used for research purposes;

(ii) establishing best practices for any entity that is charged with handling, or that comes into contact with, student education records;

(iii) ensuring that identifiable data cannot be used to target students for advertising or marketing purposes; and

(iv) establishing best practices for data deletion and minimization;

(D) discuss transparency and parental access to personal student information by establishing best practices for—

(i) ensuring parental knowledge of any entity that stores or accesses their student's information;

(ii) parents to amend, delete, or modify their student's information; and

(iii) a central designee in a State or a political subdivision of a State who can oversee transparency and serve as a point of contact for interested parties;

(E) establish best practices for the local entities who handle student privacy, which may include professional development for those who come into contact with identifiable data; and

(F) discuss how to improve coordination between Federal and State laws.

(f) REPORT.—Not later than 270 days after the date of enactment of this Act, the Committee shall prepare and submit a report to the Secretary of Education and to Congress containing the findings of the study under subsection (e)(1) and the recommendations developed under subsection (e)(2).

SA 2081. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 63, beginning on line 22, strike ''and the'' and all that follows through the semicolon on line 25 and insert the following: ''and the steps the State will take to further assist local educational agencies, if such strategies are not effective, including an assurance that the State will make the determinations required under paragraphs (1)(A) and (2)(A) of section 1119(b);''.

On page 183, between lines 6 and 7, insert the following:

SEC. _____. REVIEWING POLICIES ON AUTOMATIC CONTRACT RENEWALS AND RENEGOTIATING CONTRACTS FOR FAILING LOCAL EDUCATIONAL AGENCIES AND SCHOOLS.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1119. REVIEWING POLICIES ON AUTOMATIC CONTRACT RENEWALS AND RENEGOTIATING CONTRACTS FOR FAILING LOCAL EDUCATIONAL AGENCIES AND SCHOOLS.

''(a) REVIEWING POLICIES ON AUTOMATIC CONTRACT RENEWALS.—Each State receiving funds under this part shall require that, beginning on the date of enactment of the Every Child Achieves Act of 2015, each local educational agency or public elementary school or secondary school in the State review their policies on entering into contracts that allows for the automatic renewal of the contract without affirmative action by the local educational agency or school, respectively.

''(b) RENEGOTIATING ABILITY.—Each State receiving funds under this part shall establish policies and procedures ensuring that—

''(1) each covered contract entered into by a local educational agency receiving assistance under this part allows the local educational agency, during any period for which the local educational agency is a failing local educational agency—

''(A) to renegotiate any of the terms or conditions of the covered contract at any point before the expiration of the term of the covered contract; and

''(B) after the State determines that the local educational agency has attempted to renegotiate in good faith but the parties have been unable to reach agreement, to be released from the contract; and

''(2) each covered contract entered into by a public elementary school or secondary school receiving assistance under this part allows the school, during any period for which the school is identified for intervention and support under section 1114(a)(1) and is served by a failing local educational agency—

''(A) to renegotiate, with approval by the local educational agency, any of the terms or

conditions of the covered contract at any point before the expiration of the term of the covered contract; and

''(B) after the State and local educational agency determine that the school has attempted to renegotiate in good faith but the parties have been unable to reach agreement, to be released from the contract.

''(c) DEFINITIONS.—In this section:

''(1) COVERED CONTRACT.—The term 'covered contract' means a contract or agreement that—

''(A) is entered into by a local educational agency, or by a public elementary school or secondary school, that receives assistance under this part; and

''(B) is entered into or renewed on or after the date of enactment of the Every Child Achieves Act of 2015.

''(2) FAILING LOCAL EDUCATIONAL AGENCY.—The term 'failing local educational agency' means a local educational agency for which not less than 40 percent of the public schools served by the local educational agency have been identified by the State as in need of intervention and support under section 1114(a)(1) for the applicable year.''.

SA 2082. Mr. HATCH (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 627, line 8, strike ''State.'' and insert ''State, such as pay for success initiatives that promote coordination among existing programs and meet the purposes of this part.''.

SA 2083. Mr. GARDNER (for himself, Mr. PETERS, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 145, between lines 17 and 18, insert the following:

''(e) USE FOR DUAL OR CONCURRENT ENROLLMENT PROGRAMS.—

''(1) IN GENERAL.—A local educational agency carrying out a schoolwide program or a targeted assistance school program under subsection (c) or (d) in a high school may use funds received under this part—

''(A) to carry out—

''(i) dual or concurrent enrollment programs for high school students, through which the students are enrolled in the high school and in postsecondary courses at an institution of higher education; or

''(ii) programs that allow a student to continue in a dual or concurrent enrollment program at a high school for the school year following the student's completion of grade 12; or

''(B) to provide training for teachers, and joint professional development for teachers in collaboration with career and technical educators and educators from institutions of higher education where appropriate, for the purpose of integrating rigorous academics in dual or concurrent enrollment programs.

''(2) FLEXIBILITY OF FUNDS.—A local educational agency using funds received under this part for a dual or concurrent program described in clause (i) or (ii) of paragraph (1)(A) may use such funds for any of the costs associated with such program, including the costs of—

''(A) tuition and fees, books, and required instructional materials for such program; and

''(B) transportation to and from such program.

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

SA 2084. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 800, between lines 17 and 18, insert the following:

SEC. 9115A. CRIMINAL BACKGROUND CHECKS FOR SCHOOL EMPLOYEES.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 4001(3), 9114, and 9115, and redesignated by section 9106(1), is further amended by adding at the end the following:

''SEC. 9540. CRIMINAL BACKGROUND CHECKS FOR SCHOOL EMPLOYEES.

''(a) CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

''(1) IN GENERAL.—Each State educational agency and local educational agency that receives funds under this Act shall have in effect policies and procedures that—

''(A) require a criminal background check for each school employee in each covered school served by such State educational agency and local educational agency consistent with State and Federal laws, including but not limited to the Civil Rights Act of 1964; and

''(B) establish an appeals process to permit a school employee to, among other things, challenge the accuracy of the findings of a criminal background check.

''(2) REQUIREMENTS.—A background check required under paragraph (1) shall be conducted and administered by—

''(A) the State;

''(B) the State educational agency; or

''(C) the local educational agency.

''(b) STATE AND LOCAL USES OF FUNDS.—A State, State educational agency, or local educational agency that receives funds under this Act may use such funds to establish, implement, or improve policies and procedures on background checks for school employees required under subsection (a) to—

''(1) expand the registries or repositories searched when conducting background checks, such as—

''(A) the State criminal registry or repository of the State in which the school employee resides;

''(B) the State-based child abuse and neglect registries and databases of the State in which the school employee resides;

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

''(D) the National Sex Offender Registry established under section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

''(2) provide school employees with training and professional development on how to recognize, respond to, and prevent child abuse;

''(3) develop, implement, or improve mechanisms to assist covered local educational agencies and covered schools in effectively recognizing and quickly responding to incidents of child abuse by school employees;

''(4) develop and disseminate information on best practices and Federal, State, and local resources available to assist local educational agencies and schools in preventing and responding to incidents of child abuse by school employees;

''(5) develop professional standards and codes of conduct for the appropriate behavior of school employees;

''(6) establish, implement, or improve policies and procedures for covered State educational agencies, covered local educational agencies, or covered schools to provide the results of background checks to—

''(A) individuals subject to the background checks in a statement that indicates whether the individual is ineligible for such employment due to the background check and includes information related to each disqualifying crime;

''(B) the employer in a statement that indicates whether a school employee is eligible or ineligible for employment, without revealing any disqualifying crime or other related information regarding the individual;

''(C) another employer in the same State or another State, as permitted under State law, without revealing any disqualifying crime or other related information regarding the individual; and

''(D) another local educational agency in the same State or another State that is considering such school employee for employment, as permitted under State law, without revealing any disqualifying crime or other related information regarding the individual;

''(7) establish, implement, or improve procedures that include periodic background checks, which also allows for an appeals process as described in paragraph (8), for school employees in accordance with State policies or the policies of covered local educational agencies served by the covered State educational agency;

''(8) establish, implement, or improve a process by which a school employee may appeal the results of a background check, which process is completed in a timely manner, gives each school employee notice of an opportunity to appeal, and instructions on how to complete the appeals process;

''(9) establish, implement, or improve a review process through which the covered State educational agency or covered local educational agency may determine that a school employee disqualified due to a crime is eligible for employment due to mitigating circumstances as determined by a covered local educational agency or a covered State educational agency;

''(10) establish, implement, or improve policies and procedures intended to ensure a covered State educational agency or covered local educational agency does not knowingly transfer or facilitate the transfer of a school employee if the agency knows that employee has engaged in sexual misconduct, as defined by State law, with an elementary school or secondary school student;

''(11) provide that policies and procedures are published on the website of the covered State educational agency and the website of each covered local educational agency served by the covered State educational agency;

''(12) provide school employees with training regarding the appropriate reporting of incidents of child abuse under section 106(b)(2)(B)(i) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(2)(B)(i)); and

''(13) support any other activities determined by the State to protect student safety

or improve the comprehensiveness, coordination, and transparency of policies and procedures on criminal background checks for school employees in the State.

''(c) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create a private right of action if a State, covered State educational agency, covered local educational agency, or covered school is in compliance with State regulations and requirements concerning background checks.

''(d) BACKGROUND CHECK FEES.—Nothing in this section shall be construed as prohibiting States or local educational agencies from charging school employees for the costs of processing applications and administering a background check as required by State law, provided that the fees charged to school employees do not exceed the actual costs to the State or local educational agency for the processing and administration of the background check.

''(e) STATE AND LOCAL PLAN REQUIREMENTS.—Each plan submitted by a State or local educational agency under title I shall include—

''(1) an assurance that the State and local educational agency has in effect policies and procedures that meet the requirements of this section; and

''(2) a description of laws, regulations, or policies and procedures in effect in the State for conducting background checks for school employees designed to—

''(A) terminate individuals in violation of State background check requirements;

''(B) improve the reporting of violations of the background check requirements in the State;

''(C) reduce the instance of school employee transfers following a substantiated violation of the State background check requirements by a school employee;

''(D) provide for a timely process by which a school employee may appeal the results of a criminal background check;

''(E) provide each school employee, upon request, with a copy of the results of the criminal background check, including a description of the disqualifying item or items, if applicable;

''(F) provide the results of the criminal background check to the employer in a statement that indicates whether a school employee is eligible or ineligible for employment, without revealing any disqualifying crime or other related information regarding the individual; and

''(G) provide for the public availability of the policies and procedures for conducting background checks.

''(f) TECHNICAL ASSISTANCE TO STATES, SCHOOL DISTRICTS, AND SCHOOLS.—The Secretary, in collaboration with the Secretary of Health and Human Services and the Attorney General, shall provide technical assistance and support to States, local educational agencies, and schools, which shall include, at a minimum—

''(1) developing and disseminating a comprehensive package of materials for States, State educational agencies, local educational agencies, and schools that outlines steps that can be taken to prevent and respond to child sexual abuse by school personnel;

''(2) determining the most cost-effective way to disseminate Federal information so that relevant State educational agencies and local educational agencies, child welfare agencies, and criminal justice entities are aware of such information and have access to it; and

''(3) identifying mechanisms to better track and analyze the prevalence of child sexual abuse by school personnel through existing Federal data collection systems, such as the School Survey on Crime and Safety, the National Child Abuse and Neglect Data System, and the National Crime Victimization Survey.

''(g) REPORTING REQUIREMENTS.—

''(1) REPORTS TO THE SECRETARY.—A covered State educational agency or covered local educational agency that uses funds pursuant to this section shall report annually to the Secretary on—

''(A) the amount of funds used; and

''(B) the purpose for which the funds were used under this section.

''(2) SECRETARY'S REPORT CARD.—Not later than July 1, 2017, and annually thereafter, the Secretary, acting through the Director of the Institute of Education Sciences, shall transmit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a national report card that includes—

''(A) actions taken pursuant to subsection (f), including any best practices identified under such subsection; and

''(B) incidents of reported child sexual abuse by school personnel, as reported through existing Federal data collection systems, such as the School Survey on Crime and Safety, the National Child Abuse and Neglect Data System, and the National Crime Victimization Survey.

''(h) RULES OF CONSTRUCTION REGARDING BACKGROUND CHECKS.—

''(1) NO FEDERAL CONTROL.—Nothing in this section shall be construed to authorize an officer or employee of the Federal Government to—

''(A) mandate, direct, or control the background check policies or procedures that a State or local educational agency develops or implements under this section;

''(B) establish any criterion that specifies, defines, or prescribes the background check policies or procedures that a State or local educational agency develops or implements under this section; or

''(C) require a State or local educational agency to submit such background check policies or procedures for approval.

''(2) PROHIBITION ON REGULATION.—Nothing in this section shall be construed to permit the Secretary to establish any criterion that—

''(A) prescribes, or specifies requirements regarding, background checks for school employees;

''(B) defines the term 'background checks', as such term is used in this section; or

''(C) requires a State or local educational agency to report additional data elements or information to the Secretary not otherwise explicitly authorized under this section or any other Federal law.

''(3) EXISTING CIVIL RIGHTS LAW.—Nothing in this section shall be construed as permitting a State or local agency or official to amend, establish, or implement background checks for school employees in a manner inconsistent with title VII of the Civil Rights Act of 1964 or limiting Federal enforcement of such law.

''(i) DEFINITIONS.—In this section—

''(1) the term 'covered local educational agency' means a local educational agency that receives funds under this Act;

''(2) the term 'covered school' means a public elementary school or public secondary school, including a public elementary or secondary charter school, that receives funds under this Act;

''(3) the term 'covered State educational agency' means a State educational agency that receives funds under this Act; and

''(4) the term 'school employee' includes, at a minimum—

''(A) an employee of, or a person seeking employment with, a covered school, covered local educational agency, or covered State educational agency and who, as a result of such employment, has (or, in the case of a person seeking employment, will have) a job duty that includes unsupervised contact or interaction with elementary school or secondary school students; or

''(B) any person, or any employee of any person, who has a contract or agreement to provide services with a covered school, covered local educational agency, or covered State educational agency, and such person or employee, as a result of such contract or agreement, has a job duty that includes unsupervised contact or unsupervised interaction with elementary school or secondary school students.

''SEC. 9541. PROHIBITIONS ON TRANSFERS.

''(a) IN GENERAL.—A State, State educational agency, or local educational agency that receives funds under this Act shall have regulations, laws, or policies that prohibit any person, State educational agency, or local educational agency from knowingly transferring or facilitating the transfer of any school employee while knowing, or in reckless disregard of, credible information indicating that such school employee engaged in sexual misconduct with a minor in violation of the law, unless such information has been properly reported as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq. and its implementing regulations at section 106 of title 34, Code of Federal Regulations), and no action has been taken by the relevant authorities within 2 years or the employee has been exonerated.

''(b) PROHIBITION.—The Secretary shall not have the authority to mandate, direct, or control the specific measures adopted by the State, State educational agency, or local educational agency pursuant to this section.''.

SA 2085. Mr. REED (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; as follows:

On page 69, after line 25, insert the following:

''(ii) assist local educational agencies in developing effective school library programs to provide students an opportunity to develop digital literacy skills and to help ensure that all students graduate from high school prepared for postsecondary education or the workforce without the need for remediation; and''.

On page 107, between lines 17 and 18, insert the following:

''(B) assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and to help ensure that all students graduate from high school prepared for postsecondary education or the workforce without the need for remediation; and''.

On page 282, strike lines 18 and 19 and insert the following:

''(xiii) Supporting the instructional services provided by effective school library programs.''.

On page 305, strike lines 14 and 15 and insert the following:

''(M) supporting the instructional services provided by effective school library programs;''.

On page 364, line 9, insert ''school librarians,'' after ''personnel,''.

On page 365, line 10, insert ''school librarians,'' after ''support personnel,''.

On page 771, lines 12 and 13, strike ''and speech language pathologists,'' and insert '', speech language pathologists, and school librarians''.

SA 2086. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; as follows:

On page 772, after line 23, insert the following:

SEC. _____. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

Section 9201(b)(2) (20 U.S.C. 7821 (b)(2)) is amended—

(1) in subparagraph (G), by striking ''and'' after the semicolon;

(2) in subparagraph (H), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(I) implementation of fiscal support teams that provide technical fiscal support assistance, which shall include evaluating fiscal, administrative, and staffing functions, and any other key operational function.''.

SEC. _____. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

Section 9203(d) (20 U.S.C. 7823(d)) is amended to read as follows:

''(d) USES OF ADMINISTRATIVE FUNDS.—

''(1) IN GENERAL.—A local educational agency that consolidates administrative funds under this section may use the consolidated funds for the administration of the programs and for uses, at the school district and school levels, comparable to those described in section 9201(b)(2).

''(2) FISCAL SUPPORT TEAMS.—A local educational agency that uses funds as described in 9201(b)(2)(I) may contribute State or local funds to expand the reach of such support without violating any supplement, not supplant requirement of any program contributing administrative funds.''.

SA 2087. Mrs. FEINSTEIN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 813, line 8, insert before the semicolon the following: '', and provide training on the definitions of terms related to homelessness specified in sections 103, 401, and 725 to the personnel (including personnel of preschool and early childhood education programs provided through the local educational agency) and the liaison''.

On page 827, strike line 22 and insert the following:

nator.

''(E) CERTIFYING HOMELESS STATUS.—A local educational agency liaison or member of the personnel of a local educational agency who receives training described in subsection (f)(6) may certify a child or youth who is participating in a program provided by the local educational agency, or a parent or family of such a child or youth, who meets the eligibility requirements of this Act for a program or service authorized under title IV, as eligible for the program or service.''; and

SA 2088. Mr. REED submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 772, between lines 14 and 15, insert the following:

''(47) INEXPERIENCED TEACHER.—The term 'inexperienced teacher' means a teacher in a public school who has been teaching less than a total of 3 complete school years.''.

SA 2089. Mr. ALEXANDER (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Every Child Achieves Act of 2015''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Statement of purpose.
Sec. 5. Table of contents of the Elementary and Secondary Education Act of 1965.

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

Sec. 1001. Statement of purpose.
Sec. 1002. Authorization of appropriations.
Sec. 1003. School intervention and support and State administration.
Sec. 1004. Basic program requirements.
Sec. 1005. Parent and family engagement.
Sec. 1006. Participation of children enrolled in private schools.
Sec. 1007. Supplement, not supplant.
Sec. 1008. Coordination requirements.
Sec. 1009. Grants for the outlying areas and the Secretary of the Interior.
Sec. 1010. Allocations to States.
Sec. 1011. Maintenance of effort.
Sec. 1012. Academic assessments.
Sec. 1013. Education of migratory children.
Sec. 1014. Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk.
Sec. 1015. General provisions.
Sec. 1016. Report on subgroup sample size.
Sec. 1017. Report on implementation of educational stability of children in foster care.

TITLE II—HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

Sec. 2001. Transfer of certain provisions.
Sec. 2002. Preparing, training, and recruiting high-quality teachers, principals, and other school leaders.
Sec. 2003. American history and civics education.
Sec. 2004. Literacy education.
Sec. 2005. Improving science, technology, engineering, and mathematics instruction and student achievement.
Sec. 2006. General provisions.

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

Sec. 3001. General provisions.
Sec. 3002. Authorization of appropriations.
Sec. 3003. English language acquisition, language enhancement, and academic achievement.
Sec. 3004. Other provisions.
Sec. 3005. American community survey research.

TITLE IV—SAFE AND HEALTHY STUDENTS

Sec. 4001. General provisions.
Sec. 4002. Grants to States and local educational agencies.
Sec. 4003. 21st century community learning centers.
Sec. 4004. Elementary school and secondary school counseling programs.
Sec. 4005. Physical education program.

TITLE V—EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION

Sec. 5001. General provisions.
Sec. 5002. Public charter schools.
Sec. 5003. Magnet schools assistance.
Sec. 5004. Supporting high-ability learners and learning.
Sec. 5005. Education innovation and research.
Sec. 5006. Accelerated learning.
Sec. 5007. Ready-to-Learn Television.
Sec. 5008. Innovative technology expands children's horizons (I–TECH).
Sec. 5009. Literacy and arts education.
Sec. 5010. Early learning alignment and improvement grants.

TITLE VI—INNOVATION AND FLEXIBILITY

Sec. 6001. Purposes.
Sec. 6002. Improving academic achievement.
Sec. 6003. Rural education initiative.
Sec. 6004. General provisions.
Sec. 6005. Review relating to rural local educational agencies.

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

Sec. 7001. Indian education.
Sec. 7002. Native Hawaiian education.
Sec. 7003. Alaska Native education.
Sec. 7004. Native American language immersion schools and programs.
Sec. 7005. Improving Indian student data collection, reporting, and analysis.

TITLE VIII—IMPACT AID

Sec. 8001. Purpose.
Sec. 8002. Amendment to Impact Aid Improvement Act of 2012.
Sec. 8003. Payments relating to Federal acquisition of real property.
Sec. 8004. Payments for eligible federally connected children.
Sec. 8005. Policies and procedures relating to children residing on Indian lands.
Sec. 8006. Application for payments under sections 8002 and 8003.
Sec. 8007. Construction.
Sec. 8008. Facilities.
Sec. 8009. State consideration of payments in providing State aid.
Sec. 8010. Definitions.
Sec. 8011. Authorization of appropriations.

TITLE IX—GENERAL PROVISIONS

Sec. 9101. Definitions.
Sec. 9102. Applicability to Bureau of Indian Education operated schools.
Sec. 9103. Consolidation of funds for local administration.
Sec. 9104. Rural consolidated plan.
Sec. 9105. Waivers of statutory and regulatory requirements.
Sec. 9106. Plan approval process.
Sec. 9107. Participation by private school children and teachers.
Sec. 9108. Maintenance of effort.
Sec. 9109. School prayer.

Sec. 9110. Prohibitions on Federal Government and use of Federal funds.
Sec. 9111. Armed forces recruiter access to students and student recruiting information.
Sec. 9112. Prohibition on federally sponsored testing.
Sec. 9113. Limitations on national testing or certification for teachers.
Sec. 9114. Consultation with Indian tribes and tribal organizations.
Sec. 9115. Outreach and technical assistance for rural local educational agencies.
Sec. 9116. Evaluations.
TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS; OTHER LAWS; MISCELLANEOUS
PART A—EDUCATION FOR HOMELESS CHILDREN AND YOUTH
Sec. 10101. Statement of policy.
Sec. 10102. Grants for State and local activities.
Sec. 10103. Local educational agency subgrants.
Sec. 10104. Secretarial responsibilities.
Sec. 10105. Definitions.
Sec. 10106. Authorization of appropriations.
PART B—OTHER LAWS; MISCELLANEOUS
Sec. 10201. Use of term ''highly qualified'' in other laws.
Sec. 10202. Department staff.
Sec. 10203. Report on Department actions to address Office of the Inspector General charter school reports.

SEC. 3. REFERENCES.

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

SEC. 4. STATEMENT OF PURPOSE.

The purpose of this Act is to enable States and local communities to improve and support our Nation's public schools and ensure that every child has an opportunity to achieve.

SEC. 5. TABLE OF CONTENTS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Section 2 is amended to read as follows:

''SEC. 2. TABLE OF CONTENTS.

''The table of contents for this Act is as follows:

''Sec. 1. Short title.
''Sec. 2. Table of contents.
''TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED
''Sec. 1001. Statement of purpose.
''Sec. 1002. Authorization of appropriations.
''Sec. 1003. State administration.
''PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES
''SUBPART 1—BASIC PROGRAM REQUIREMENTS
''Sec. 1111. State plans.
''Sec. 1112. Local educational agency plans.
''Sec. 1113. Eligible school attendance areas; schoolwide programs; targeted assistance programs.
''Sec. 1114. School identification, interventions, and supports.
''Sec. 1115. Parent and family engagement.
''Sec. 1116. Participation of children enrolled in private schools.
''Sec. 1117. Fiscal requirements.
''Sec. 1118. Coordination requirements.
''SUBPART 2—ALLOCATIONS
''Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.
''Sec. 1122. Allocations to States.
''Sec. 1124. Basic grants to local educational agencies.
''Sec. 1124A. Concentration grants to local educational agencies.
''Sec. 1125. Targeted grants to local educational agencies.
''Sec. 1125AA. Adequacy of funding of targeted grants to local educational agencies in fiscal years after fiscal year 2001.
''Sec. 1125A. Education finance incentive grant program.
''Sec. 1126. Special allocation procedures.
''Sec. 1127. Carryover and waiver.
''PART B—ACADEMIC ASSESSMENTS
''Sec. 1201. Grants for State assessments and related activities.
''Sec. 1202. Grants for enhanced assessment instruments.
''Sec. 1203. Audits of assessment systems.
''Sec. 1204. Funding.
''Sec. 1205. Innovative assessment and accountability demonstration authority.
''PART C—EDUCATION OF MIGRATORY CHILDREN
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''Sec. 1302. Program authorized.
''Sec. 1303. State allocations.
''Sec. 1304. State applications; services.
''Sec. 1305. Secretarial approval; peer review.
''Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
''Sec. 1307. Bypass.
''Sec. 1308. Coordination of migrant education activities.
''Sec. 1309. Definitions.
''PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK
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''Sec. 1402. Payments for programs under this part.
''SUBPART 1—STATE AGENCY PROGRAMS
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''Sec. 1412. Allocation of funds.
''Sec. 1413. State reallocation of funds.
''Sec. 1414. State plan and State agency applications.
''Sec. 1415. Use of funds.
''Sec. 1416. Institution-wide projects.
''Sec. 1417. Three-year programs or projects.
''Sec. 1418. Transition services.
''Sec. 1419. Evaluation; technical assistance; annual model program.
''SUBPART 2—LOCAL AGENCY PROGRAMS
''Sec. 1421. Purpose.
''Sec. 1422. Programs operated by local educational agencies.
''Sec. 1423. Local educational agency applications.
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''Sec. 1425. Program requirements for correctional facilities receiving funds under this section.
''Sec. 1426. Accountability.
''SUBPART 3—GENERAL PROVISIONS
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''Sec. 2003. Authorization of appropriations.
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''Sec. 2103. Local use of funds.
''Sec. 2104. Reporting.
''Sec. 2105. National activities of demonstrated effectiveness.
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''Sec. 2202. Teacher and school leader incentive fund grants.
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''Sec. 2303. Presidential and congressional academies for American history and civics.
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''PART D—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION
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''Sec. 2403. Subgrants to eligible entities in support of birth through kindergarten entry literacy.
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''Sec. 7305. Funds for administrative purposes.
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''Sec. 8003. Payments for eligible federally connected children.
''Sec. 8004. Policies and procedures relating to children residing on Indian lands.
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TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

SEC. 1001. STATEMENT OF PURPOSE.

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

''SEC. 1001. STATEMENT OF PURPOSE.

''The purpose of this title is to ensure that all children have a fair, equitable, and significant opportunity to receive a high-quality education that prepares them for postsecondary education or the workforce, without the need for postsecondary remediation, and to close educational achievement gaps.''.

SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

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

''SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

''(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(b) STATE ASSESSMENTS.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(d) PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.—For the purpose of carrying out part D, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(e) FEDERAL ACTIVITIES.—For the purpose of carrying out evaluation activities related to title I under section 9601, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(f) SCHOOL INTERVENTION AND SUPPORT.—For the purpose of carrying out section 1114, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 1003. SCHOOL INTERVENTION AND SUPPORT AND STATE ADMINISTRATION.

The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by striking section 1003;

(2) by redesignating section 1004 as section 1003; and

(3) in section 1003, as redesignated by paragraph (2), by adding at the end the following:

''(c) TECHNICAL ASSISTANCE AND SUPPORT.—

''(1) IN GENERAL.—Each State may reserve not more than 4 percent of the amount the State receives under subpart 2 of part A for a fiscal year to carry out paragraph (2) and to carry out the State educational agency's responsibilities under section 1114(a), including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.

''(2) USES.—Of the amount reserved under paragraph (1) for any fiscal year, the State educational agency—

''(A) shall use not less than 95 percent of such amount by allocating such sums directly to local educational agencies for activities required under section 1114; or

''(B) may, with the approval of the local educational agency, directly provide for such activities or arrange for their provision through other entities such as school support teams, educational service agencies, or other nonprofit or for-profit organizations that use evidence-based strategies to improve student achievement, teaching, and schools.

''(3) PRIORITY.—The State educational agency, in allocating funds to local educational agencies under this subsection, shall give priority to local educational agencies that—

''(A) serve the lowest-performing elementary schools and secondary schools, as identified by the State under section 1114;

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

''(C) demonstrate the strongest commitment to using evidence-based interventions to enable the lowest–performing schools to improve student achievement and student outcomes.

''(4) UNUSED FUNDS.—If, after consultation with local educational agencies in the State, the State educational agency determines that the amount of funds reserved to carry out this subsection for a fiscal year is greater than the amount needed to provide the assistance described in this subsection, the State educational agency shall allocate the excess amount to local educational agencies in accordance with—

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

''(B) section 1126(c).

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

''(6) REPORTING.—Each State educational agency shall make publicly available a list of those schools that have received funds or services pursuant to this subsection and the percentage of students from each such school from families with incomes below the poverty line.''.

SEC. 1004. BASIC PROGRAM REQUIREMENTS.

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

(1) by striking sections 1111 through 1117 and inserting the following:

''SEC. 1111. STATE PLANS.

''(a) PLANS REQUIRED.—

''(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency with timely and meaningful consultation with the Governor, representatives of the State legislature and State board of education (if the State has a State board of education), local educational agencies (including those located in rural areas), representatives of Indian tribes located in the State, teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals (including organizations representing such individuals), administrators, other staff, and parents, that—

''(A) is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the Workforce Innovation and Opportunity Act, the Head Start Act, the Child Care and Development Block Grant Act of 1990, the Education Sciences Reform Act of 2002, the Education Technical Assistance Act, the National Assessment of Educational Progress Authorization Act, the McKinney-Vento Homeless Assistance Act, and the Adult Education and Family Literacy Act; and

''(B) describes how the State will implement evidence-based strategies for improving student achievement under this title and disseminate that information to local educational agencies.

''(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 9302.

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

''(A) IN GENERAL.—The Secretary shall—

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

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

''(I) are representative of teachers, principals, other school leaders, specialized instructional support personnel, State educational agencies, local educational agencies, and individuals and researchers with practical experience in implementing academic standards, assessments, or accountability systems, and meeting the needs of disadvantaged students, children with disabilities, students who are English learners, the needs of low-performing schools, and other educational needs of students;

''(II) include a balanced representation of individuals who have practical experience in the classroom, school administration, or State or local government, such as direct employees of a school, local educational agency, or State educational agency within the preceding 5 years; and

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

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

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

''(v) deem a State plan as approved within 90 days of its submission unless the Secretary presents substantial evidence that clearly demonstrates that such State plan does not meet the requirements of this section.

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

''(i) maximize collaboration with each State;

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

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

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

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as prohibiting the Secretary from appointing an individual to serve as a peer reviewer on more than one peer-review team under subparagraph (A) or to review more than one State plan.

''(4) STATE PLAN DETERMINATION, DEMONSTRATION, AND REVISION.—If the Secretary determines that a State plan does not meet the requirements of this subsection or subsection (b) or (c), the Secretary shall, prior to declining to approve the State plan—

''(A) immediately notify the State of such determination;

''(B) provide a detailed description of the specific requirements of this subsection or subsection (b) or (c) of the State plan that the Secretary determines fails to meet such requirements;

''(C) provide all peer-review comments, suggestions, recommendations, or concerns in writing to the State;

''(D) offer the State an opportunity to revise and resubmit its plan within 60 days of such determination, including the chance for the State to present substantial evidence to clearly demonstrate that the State plan meets the requirements of this part;

''(E) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of this subsection or subsection (b) or (c); and

''(F) conduct a public hearing within 30 days of such resubmission, with public notice provided not less than 15 days before such hearing, unless the State declines the opportunity for such public hearing.

''(5) STATE PLAN DISAPPROVAL.—The Secretary shall have the authority to disapprove a State plan if the State has been notified and offered an opportunity to revise and submit with technical assistance under paragraph (4), and—

''(A) the State does not revise and resubmit its plan; or

''(B) the State revises and resubmits a plan that the Secretary determines does not meet the requirements of this part after a hearing conducted under paragraph (4)(F), if applicable.

''(6) LIMITATIONS.—

''(A) IN GENERAL.—The Secretary shall not have the authority to require a State, as a condition of approval of the State plan or revisions or amendments to the State plan, to—

''(i) include in, or delete from, such plan 1 or more specific elements of the challenging State academic standards;

''(ii) use specific academic assessment instruments or items;

''(iii) set specific State-designed goals or specific timelines for such goals for all students or each of the categories of students, as defined in subsection (b)(3)(A);

''(iv) assign any specific weight or specific significance to any measures or indicators of student academic achievement or growth within State-designed accountability systems;

''(v) include in, or delete from, such a plan any criterion that specifies, defines, or prescribes—

''(I) the standards or measures that States or local educational agencies use to establish, implement, or improve challenging State academic standards, including the content of, or achievement levels within, such standards;

''(II) the specific types of academic assessments or assessment items that States and local educational agencies use to meet the requirements of this part;

''(III) any requirement that States shall measure student growth, the specific metrics used to measure student academic growth if a State chooses to measure student growth, or the specific indicators or methods to measure student readiness to enter postsecondary education or the workforce;

''(IV) any specific benchmarks, targets, goals, or metrics to measure nonacademic measures or indicators;

''(V) the specific weight or specific significance of any measure or indicator of student academic achievement within State-designed accountability systems;

''(VI) the specific goals States establish for student academic achievement or high school graduation rates, as described in subclauses (I) and (II) of subsection (b)(3)(B)(i);

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

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

''(vi) require data collection beyond data derived from existing Federal, State, and local reporting requirements and data sources.

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized under Federal law.

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

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

''(B) peer-review comments;

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

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

''(8) DURATION OF THE PLAN.—

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

''(i) remain in effect for the duration of the State's participation under this part or 7 years, whichever is shorter; and

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

''(B) ADDITIONAL INFORMATION.—

''(i) IN GENERAL.—If a State makes significant changes to its plan at any time, such as the adoption of new challenging State academic standards, new academic assessments, or changes to its accountability system under subsection (b)(3), such information shall be submitted to the Secretary in the form of revisions or amendments to the State plan.

''(ii) REVIEW OF REVISED PLANS.—The Secretary shall review the information submitted under clause (i) and approve or disapprove changes to the State plan within 90 days in accordance with paragraphs (4) through (6) without undertaking the peer-review process under paragraph (3).

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

''(C) RENEWAL.—A State educational agency shall submit a revised plan every 7 years subject to the peer-review process under paragraph (3).

''(D) LIMITATION.—The Secretary shall not have the authority to place any new conditions, requirements, or criteria for approval of a plan submitted for renewal under subparagraph (C) that are not otherwise authorized under this part.

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

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

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

''(1) CHALLENGING STATE ACADEMIC STANDARDS.—

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

''(B) SAME STANDARDS.—Except as provided in subparagraph (E), the standards required by subparagraph (A) shall be the same standards that the State applies to all public schools and public school students in the State.

''(C) SUBJECTS.—The State shall have such standards in mathematics, reading or language arts, and science, and any other subjects as determined by the State, which shall include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

''(D) ALIGNMENT.—Each State shall demonstrate that the challenging State academic standards are aligned with—

''(i) entrance requirements, without the need for academic remediation, for the system of public higher education in the State;

''(ii) relevant State career and technical education standards; and

''(iii) relevant State early learning guidelines, as required under section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)).

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

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

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

''(II) promote access to the general curriculum, consistent with the purposes of the Individuals with Disabilities Education Act, as stated in section 601(d) of such Act;

''(III) reflect professional judgment of the highest achievement standards attainable by those students;

''(IV) are designated in the individualized education program developed under section 614(d)(3) of the Individuals with Disabilities Education Act for each such student as the academic achievement standards that will be used for the student; and

''(V) are aligned to ensure that a student who meets the alternate academic achievement standards is on track for further education or employment.

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

''(F) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State plan shall demonstrate that the State has adopted English language proficiency standards that are aligned with the challenging State academic standards under subparagraph (A). Such standards shall—

''(i) ensure proficiency in each of the domains of speaking, listening, reading, and writing;

''(ii) address the different proficiency levels of children who are English learners; and

''(iii) be aligned with the challenging State academic standards in reading or language arts, so that achieving proficiency in the State's English language proficiency standards indicates a sufficient knowledge of English to measure validly and reliably the student's achievement on the State's reading or language arts standards.

''(G) PROHIBITIONS.—

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

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

''(H) EXISTING STANDARDS.—Nothing in this part shall prohibit a State from revising, consistent with this section, any standard adopted under this part before or after the date of enactment of the Every Child Achieves Act of 2015.

''(2) ACADEMIC ASSESSMENTS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality statewide academic assessments that—

''(i) includes, at a minimum, academic statewide assessments in mathematics, reading or language arts, and science; and

''(ii) meets the requirements of subparagraph (B).

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

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

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

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

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

''(iii) be used for purposes for which such assessments are valid and reliable, consistent with relevant, nationally recognized professional and technical testing standards, and objectively measure academic achievement, knowledge, and skills;

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

''(v)(I) measure the annual academic achievement of all students against the challenging State academic standards in, at a minimum, mathematics and reading or language arts, and be administered—

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

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

''(II) measure the academic achievement of all students against the challenging State academic standards in science, and be administered not less than one time, during—

''(aa) grades 3 through 5;

''(bb) grades 6 through 9; and

''(cc) grades 10 through 12;

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

''(vii) provide for—

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

''(II) the appropriate accommodations for children with disabilities, as defined in section 602(3) of the Individuals with Disabilities Education Act, and students with a disability who are provided accommodations under an Act other than the Individuals with Disabilities Education Act, necessary to measure the academic achievement of such children relative to the challenging State academic standards; and

''(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided appropriate accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency, as determined under paragraph (1)(F);

''(viii) at the State's choosing—

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

''(II) be administered through multiple statewide assessments during the course of the year if the State can demonstrate that the results of these multiple assessments, taken in their totality, provide a summative score that provides valid and reliable information on individual student achievement or growth;

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

''(x) produce individual student interpretive, descriptive, and diagnostic reports, consistent with clause (iii), that allow parents, teachers, principals, and other school leaders to understand and address the specific academic needs of students, and include information regarding achievement on academic assessments aligned with challenging State academic achievement standards, and that

are provided to parents, teachers, principals, and other 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 the parents can understand;

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

''(I) each major racial and ethnic group;

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

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

''(IV) English proficiency status;

''(V) gender; and

''(VI) migrant status;

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

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

''(C) EXCEPTION TO DISAGGREGATION.—Notwithstanding subparagraph (B)(xi), the disaggregated results of assessments shall not be required in the case of a local educational agency or school if—

''(i) the number of students in a category described under subparagraph (B)(xi) is insufficient to yield statistically reliable information; or

''(ii) the results would reveal personally identifiable information about an individual student.

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

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

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

''(II) establishes and monitors implementation of clear and appropriate guidelines for individualized education program teams (as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act) to apply in determining, individually for each subject, when a child's significant cognitive disability justifies assessment based on alternate academic achievement standards;

''(III) ensures that, consistent with the requirements of the Individuals with Disabilities Education Act, parents are involved in the decision to use the alternate assessment for their child;

''(IV) ensures that, consistent with the requirements of the Individuals with Disabilities Education Act, students with the most significant cognitive disabilities are involved in and make progress in the general education curriculum;

''(V) describes in the State plan the appropriate accommodations provided to ensure access to the alternate assessment;

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

''(VII) ensures that general and special education teachers and other appropriate staff know how to administer assessments, including making appropriate use of accommodations, to children with disabilities;

''(VIII) develops, disseminates information on, and promotes the use of appropriate accommodations to increase the number of students with significant cognitive disabilities participating in academic instruction and assessments and increase the number of students with significant cognitive disabilities who are tested against challenging State academic achievement standards; and

''(IX) ensures that students who take alternate assessments based on alternate academic achievement standards are not precluded from attempting to complete the requirements for a regular high school diploma.

''(ii) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—In determining the achievement of students in the State accountability system, a State educational agency shall include, for all schools in the State, the performance of the State's students with the most significant cognitive disabilities on alternate assessments as described in this subparagraph in the subjects included in the State's accountability system, consistent with the 1 percent limitation of clause (i)(I).

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

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

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

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

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

''(F) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present to a significant extent in the participating student population of the State and indicate the languages for which annual student academic assessments are not available and are needed, and such State shall make every effort to develop such assessments as necessary.

''(G) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—Each State plan shall demonstrate that local educational agencies in the State will provide for an annual assessment of English proficiency, which is valid, reliable, and consistent with relevant nationally recognized professional and technical testing standards measuring students' speaking, listening, reading, and writing skills in English, of all children who are English learners in the schools served by the State educational agency.

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

''(I) RULE OF CONSTRUCTION REGARDING USE OF ASSESSMENTS FOR STUDENT PROMOTION OR GRADUATION.—Nothing in this paragraph shall be construed to prescribe or prohibit the use of the academic assessments described in this part for student promotion or graduation purposes.

''(J) RULE OF CONSTRUCTION REGARDING ASSESSMENTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), nothing in this paragraph shall be construed to prohibit a State from developing and administering computer adaptive assessments as the assessments described in this paragraph, as long as the computer adaptive assessments—

''(I) meet the requirements of this paragraph; and

''(II) assess the student's academic achievement in order to measure, in the subject being assessed, whether the student is performing above or below the student's grade level.

''(ii) APPLICABILITY TO ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—In developing and administering computer adaptive assessments as the assessments allowed under subparagraph (D), a State shall ensure that such computer adaptive assessments—

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

''(II) assess the student's academic achievement in order to measure, in the subject being assessed, whether the student is performing at the student's grade level.

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

''(3) STATE ACCOUNTABILITY SYSTEM.—

''(A) CATEGORY OF STUDENTS.—In this paragraph, the term 'category of students' means—

''(i) economically disadvantaged students;

''(ii) students from major racial and ethnic groups;

''(iii) children with disabilities; and

''(iv) English learner students.

''(B) DESCRIPTION OF SYSTEM.—Each State plan shall describe a single, statewide State accountability system that will be based on the challenging State academic standards adopted by the State in mathematics and reading or language arts under paragraph (1)(C) to ensure that all students graduate from high school prepared for postsecondary education or the workforce without the need for postsecondary remediation and at a minimum complies with the following:

''(i) Establishes measurable State-designed goals for all students and each of the categories of students in the State that take into account the progress necessary for all students and each of the categories of students to graduate from high school prepared for postsecondary education or the workforce without the need for postsecondary remediation, for, at a minimum each of the following:

''(I) Academic achievement, which may include student growth, on the State assessments under paragraph (2)(B)(v)(I).

''(II) High school graduation rates, including—

''(aa) the 4-year adjusted cohort graduation rate; and

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

''(ii) Annually measures and reports on the following indicators:

''(I) The academic achievement of all public school students in all public schools and local educational agencies in the State towards meeting the goals described in clause (i) and the challenging State academic standards for all students and for each of the categories of students using student performance on State assessments required under paragraph (2)(B)(v)(I), which may include measures of student academic growth to such standards.

''(II) The academic success of all public school students in all public schools and local educational agencies in the State, that is, with respect to—

''(aa) elementary schools and secondary schools that are not high schools, an academic indicator, as determined by the State, that is the same statewide for all public elementary school students and all students at such secondary schools, and each category of students; and

''(bb) high schools, the high school graduation rates of all public high school students in all public high schools in the State toward meeting the goals described in clause (i), for all students and for each of the categories of students, including the 4-year adjusted cohort graduation rate and at the State's discretion, the extended-year adjusted cohort graduation rate.

''(III) English language proficiency of all English learners in all public schools and local educational agencies, which may include measures of student growth.

''(IV) Not less than one other valid and reliable indicator of school quality, student success, or student supports, as determined appropriate by the State, that will be applied to all local educational agencies and schools consistently throughout the State for all students and for each of the categories of students, which may include measures of—

''(aa) student readiness to enter postsecondary education or the workforce without the need for postsecondary remediation;

''(bb) student engagement, such as attendance rates and chronic absenteeism (including both excused and unexcused absences);

''(cc) educator engagement, such as educator satisfaction (including working conditions within the school), teacher quality and effectiveness, and teacher absenteeism;

''(dd) results from student, parent, and educator surveys;

''(ee) school climate and safety, such as incidents of school violence, bullying, and harassment, and disciplinary rates, including rates of suspension, expulsion, referrals to law enforcement, school-related arrests, disciplinary transfers (including placements in alternative schools), and student detentions;

''(ff) student access to or success in advanced coursework or educational programs or opportunities; and

''(gg) any other State-determined measure of school quality or student success.

''(iii) Establishes a system of annually identifying and meaningfully differentiating among all public schools in the State, which shall—

''(I) be based on all indicators in the State's accountability system under clause (ii) for all students and for each of the categories of students; and

''(II) use the indicators described in subclauses (I) and (II) of clause (ii) as substantial factors in the annual identification of schools, and the weight of such factors shall be determined by the State.

''(iv) For public schools receiving assistance under this part, meets the requirements of section 1114.

''(v) Provides a clear and understandable explanation of the method of identifying and meaningfully differentiating schools under clause (iii).

''(vi) Measures the annual progress of not less than 95 percent of all students, and students in each of the categories of students, who are enrolled in the school and are required to take the assessments under paragraph (2) and provides a clear and understandable explanation of how the State will factor this requirement into the State-designed accountability system determinations.

''(4) EXCEPTION FOR ENGLISH LEARNERS.—A State may choose to—

''(A) exclude a recently arrived English learner who has attended school in one of the 50 States in the United States or in the District of Columbia for less than 12 months from one administration of the reading or language arts assessment required under paragraph (2);

''(B) exclude the results of a recently arrived English learner who has attended school in one of the 50 States in the United States or in the District of Columbia for less than 12 months on the assessments under paragraph (2)(B)(v)(I), except for the results on the English language proficiency assessments required under paragraph (2)(G), for the first year of the English learner's enrollment in a school in the United States for the purposes of the State-determined accountability system under this subsection; and

''(C) include the results on the assessments under paragraph (2)(B)(v)(I), except for results on the English language proficiency assessments required under paragraph (2)(G), of former English learners for not more than 4 years after the student is no longer identified as an English learner within the English learner category of the categories of students, as defined in paragraph (3)(A), for the purposes of the State-determined accountability system.

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

''(6) PROHIBITION ON FEDERAL INTERFERENCE WITH STATE AND LOCAL DECISIONS.—Nothing in this subsection shall be construed to permit the Secretary to establish any criterion that specifies, defines, or prescribes—

''(A) the standards or measures that States or local educational agencies use to establish, implement, or improve challenging State academic standards, including the content of, or achievement levels within, such standards;

''(B) the specific types of academic assessments or assessment items that States or local educational agencies use to meet the requirements of paragraph (2)(B) or otherwise use to measure student academic achievement or student growth;

''(C) the specific goals that States establish within State-designed accountability systems for all students and for each of the categories of students, as defined in paragraph (3)(A), for student academic achievement or high school graduation rates, as described in subclauses (I) and (II) of paragraph (3)(B)(i);

''(D) any requirement that States shall measure student growth or the specific metrics used to measure student academic growth if a State chooses to measure student growth;

''(E) the specific indicator under paragraph (3)(B)(ii)(II)(aa), or any indicator under paragraph (3)(B)(ii)(IV), that a State must use within the State-designed accountability system;

''(F) setting specific benchmarks, targets, or goals, for any other measures or indicators established by a State under subclauses (III) and (IV) of paragraph (3)(B)(ii), including progress or growth on such measures or indicators;

''(G) the specific weight or specific significance of any measures or indicators used to measure, identify, or differentiate schools in the State-determined accountability system, as described in clauses (ii) and (iii) of paragraph (3)(B);

''(H) the terms 'meaningfully' or 'substantially' as used in this part;

''(I) the specific methods used by States and local educational agencies to identify and meaningfully differentiate among public schools;

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

''(K) indicators or measures of teacher, principal, or other school leader effectiveness or quality.

''(c) OTHER PLAN PROVISIONS.—

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

''(A) with respect to any accountability provisions under this part that require disaggregation of information by each of the categories of students, as defined in subsection (b)(3)(A)—

''(i) the minimum number of students that the State determines are necessary to be included in each such category of students to carry out such requirements and how that number is statistically sound;

''(ii) how such minimum number of students was determined by the State, including how the State collaborated with teachers, principals, other school leaders, parents, and other stakeholders when setting the minimum number; and

''(iii) how the State ensures that such minimum number does not reveal personally identifiable information about students;

''(B) the State educational agency's system to monitor and evaluate the intervention and support strategies implemented by local educational agencies in schools identified as in need of intervention and support under section 1114, including the lowest-performing schools and schools identified for other reasons, including schools with categories of students, as defined in subsection (b)(3)(A), not meeting the goals described in subsection (b)(3)(B)(i), and the steps the State will take to further assist local educational agencies, if such strategies are not effective;

''(C) in the case of a State that proposes to use funds under this part to offer early childhood education programs, how the State provides assistance and support to local educational agencies and individual elementary schools that are creating, expanding, or improving such programs, such as through plans for engaging and supporting principals and other school leaders responsible for improving early childhood alignment with their elementary school, supporting teachers in understanding the transition between early learning to kindergarten, and increasing parent and community engagement;

''(D) in the case of a State that proposes to use funds under this part to support a multi-tiered system of supports, positive behavioral interventions and supports, or early intervening services, how the State educational agency will assist local educational agencies in the development, implementation, and coordination of such activities and services with similar activities and services carried out under the Individuals with Disabilities Education Act in schools served by the local educational agency, including by providing technical assistance, training, and evaluation of the activities and services;

''(E) how the State educational agency will provide support to local educational agencies for the education of homeless children and youths, and how the State will comply with the requirements of subtitle B of title VII of

the McKinney-Vento Homeless Assistance Act;

''(F) how low-income and minority children enrolled in schools assisted under this part are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers, principals, or other school leaders, and the measures the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such description;

''(G) how the State will make public the methods or criteria the State or its local educational agencies are using to measure teacher, principal, and other school leader effectiveness for the purpose of meeting the requirements described in subparagraph (F); however, nothing in this subparagraph shall be construed as requiring a State to develop or implement a teacher, principal, or other school leader evaluation system;

''(H) how the State educational agency will 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, which may include how such agency will identify and support, including through professional development, training, and technical assistance, local educational agencies and schools that have high levels of seclusion and restraint or disproportionality in rates of seclusion and restraint;

''(I) how the State educational agency will address school discipline issues, which may include how such agency will identify and support, including through professional development, training, and technical assistance, local educational agencies and schools that have high levels of exclusionary discipline or disproportionality in rates of exclusionary discipline;

''(J) how the State educational agency will address school climate issues, which may include providing technical assistance on effective strategies to reduce the incidence of school violence, bullying, harassment, drug and alcohol use and abuse, and rates of chronic absenteeism (including both excused and unexcused absences);

''(K) how the State determines, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, the timelines and annual goals for progress necessary to move English learners from the lowest levels of English proficiency to the State-defined proficient level in a State-determined number of years, including an assurance that such goals will be based on students' initial language proficiency when first identified as an English learner and may take into account the amount of time that an individual child has been enrolled in a language program and grade level;

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

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

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

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

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

''(M) how the State educational agency will provide support to local educational agencies for the education of expectant and parenting students; and

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

''(i) assist local educational agencies in identifying and serving gifted and talented students; and

''(ii) encourage the offering of a variety of well-rounded education experiences to students.

''(2) ASSURANCES.—Each State plan shall provide an assurance that—

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

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

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

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

''(E) the State educational agency will support the collection and dissemination to local educational agencies and schools of effective parent and family engagement strategies, including those included in the parent and family engagement policy under section 1115;

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

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

''(I) the State educational agency will ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including alternative certification requirements;

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

''(K) the State educational agency has involved the committee of practitioners established under section 1503(b) in developing the plan and monitoring its implementation;

''(L) the State has professional standards for paraprofessionals working in a program supported with funds under this part, including qualifications that were in place on the day before the date of enactment of the Every Child Achieves Act of 2015; and

''(M) the State educational agency will assess the system for collecting data from local educational agencies, and the technical assistance provided to local educational agencies on data collection, and will evaluate the need to upgrade or change the system and to provide additional support to help minimize the burden on local educational agencies related to reporting data required for the annual State report card described in subsection (d)(1) and annual local educational agency report cards described in subsection (d)(2).

''(d) REPORTS.—

''(1) ANNUAL STATE REPORT CARD.—

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

''(B) IMPLEMENTATION.—

''(i) IN GENERAL.—The State report card required under this paragraph shall be—

''(I) concise;

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

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

''(ii) ENSURING PRIVACY.—No State report card required under this paragraph shall include any personally identifiable information about any student. Each such report card shall be consistent with the privacy protections under section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974').

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

''(i) A clear and concise description of the State's accountability system under subsection (b)(3), including the goals for all students and for each of the categories of students, as defined in subsection (b)(3)(A), the indicators used in the accountability system to evaluate school performance described in subsection (b)(3)(B), and the weights of the indicators used in the accountability system to evaluate school performance.

''(ii) For all students and disaggregated by each category of students described in subsection (b)(2)(B)(xi), homeless status, and status as a child in foster care, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student, information on

student achievement on the academic assessments described in subsection (b)(2) at each level of achievement, as determined by the State under subsection (b)(1).

''(iii) For all students and disaggregated by each category of students described in subsection (b)(2)(B)(xi), the percentage of students assessed and not assessed.

''(iv) For all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A), except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student—

''(I) information on the performance on the other academic indicator under subsection (b)(3)(B)(ii)(II)(aa) used by the State in the State accountability system; and

''(II) high school graduation rates, including 4-year adjusted cohort graduation rates and, at the State's discretion, extended-year adjusted cohort graduation rates.

''(v) Information on indicators or measures of school quality, climate and safety, and discipline, including the rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism (including both excused and unexcused absences), and incidences of violence, including bullying and harassment, that the State educational agency and each local educational agency in the State reported to the Civil Rights Data Collection biennial survey required by the Office for Civil Rights of the Department that is the most recent to the date of the determination in the same manner that such information is presented on such survey.

''(vi) The minimum number of students that the State determines are necessary to be included in each of the categories of students, as defined in subsection (b)(3)(A), for use in the accountability system under subsection (b)(3).

''(vii) The professional qualifications of teachers, principals, and other school leaders in the State, including information (that shall be presented in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in each quartile based on school poverty level, and high–minority and low–minority schools in the State) on the number, percentage, and distribution of—

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

''(II) teachers teaching with emergency or provisional credentials;

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

''(IV) teachers, principals, and other school leaders who are ineffective, as determined by the State, using the methods or criteria under subsection (c)(1)(G); and

''(V) the annual retention rates of effective and ineffective teachers, principals, and other school leaders, as determined by the State, using the methods or criteria under subsection (c)(1)(G).

''(viii) Information on the performance of local educational agencies and schools in the State, including the number and names of each school identified for intervention and support under section 1114.

''(ix) For a State that implements a teacher, principal, and other school leader evaluation system consistent with title II, the evaluation results of teachers, principals, and other school leaders, except that such information shall not provide personally identifiable information on individual teachers, principals, or other school leaders.

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

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

''(xii) Information on the acquisition of English language proficiency by students who are English learners.

''(xiii) Information on, including information that the State educational agency and each local educational agency in the State reported to the Civil Rights Data Collection biennial survey required by the Office for Civil Rights of the Department that is the most recent to the date of the determination in the same manner that such information is presented on such survey on—

''(I) the number and percentage of—

''(aa) students enrolled in gifted and talented programs;

''(bb) students enrolled in rigorous coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examinations, and dual or concurrent enrollment and early college high schools; and

''(cc) children enrolled in preschool programs;

''(II) the average class size, by grade; and

''(III) any other indicators determined by the State.

''(xiv) The number and percentage of students attaining career and technical proficiencies, as defined by section 113(b) of the Carl D. Perkins Career and Technical Education Act of 2006 and reported by States only in a manner consistent with section 113(c) of that Act.

''(xv) Results on the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 for the State, compared to the national average.

''(xvi) Information on the percentage of students, including for each of the categories of students, as defined in subsection (b)(3)(A), who did not meet the State goals established under subsection (b)(3)(B).

''(xvii) Information regarding the number of military-connected students (which, for purposes of this clause, shall mean students with parents who serve in the uniformed services, including the National Guard and Reserves), and information regarding the academic achievement of such students, except that such information shall not be used for school or local educational agency accountability purposes under sections 1111(b)(3) and 1114.

''(xviii) Any additional information that the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary schools and secondary schools.

''(D) RULE OF CONSTRUCTION.—

''(i) IN GENERAL.—Nothing in clause (v) or (xiii) of subparagraph (C) shall be construed as requiring a State to report any data that are not otherwise required or voluntarily submitted to the Civil Rights Data Collection biennial survey required by the Office for Civil Rights of the Department.

''(ii) CONTINUATION OF SUBMISSION TO DEPARTMENT OF INFORMATION.—If, at any time after the date of enactment of the Every Child Achieves Act of 2015, the Civil Rights Data Collection biennial survey is no longer conducted by the Office for Civil Rights of the Department, a State educational agency shall still include the information under clauses (v) and (xiii) of subparagraph (C) in the State report card under this paragraph in the same manner that such information is presented on such survey.

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

''(A) IN GENERAL.—

''(i) PREPARATION AND DISSEMINATION.—A local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card that includes—

''(I) information on such agency as a whole; and

''(II) for each school served by the agency, a school report card that meets the requirements of this paragraph.

''(ii) NO PERSONALLY IDENTIFIABLE INFORMATION.—No local educational agency report card required under this paragraph shall include any personally identifiable information about any student.

''(iii) CONSISTENT WITH FERPA.—Each local educational agency report card shall be consistent with the privacy protections under section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974').

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

''(i) concise;

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

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

''(I) placing such report card on the website of the local educational agency and on the website of each school served by the agency; and

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

''(C) MINIMUM REQUIREMENTS.—Each local educational agency report card required under this paragraph shall include—

''(i) the information described in paragraph (1)(C), disaggregated in the same manner as under paragraph (1)(C), except for clause (xv) of such paragraph, as applied to the local educational agency, and each school served by the local educational agency, including—

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

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

''(ii) any information required by the State under paragraph (1)(C)(xviii); and

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

''(D) PUBLIC DISSEMINATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), a local educational agency shall—

''(I) publicly disseminate the information described in this paragraph to all schools in the school district served by the local educational agency and to all parents of students attending such schools; and

''(II) make the information widely available through public means, including through electronic means, including posting in an easily accessible manner on the local educational agency's website, except in the case in which an agency does not operate a website, such agency shall determine how to make the information available, such as through distribution to the media, and distribution through public agencies.

''(ii) EXCEPTION.—If a local educational agency issues a report card for all students, the local educational agency may include the information described in this paragraph as part of such report.

''(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the date of enactment of the Every Child Achieves Act of 2015, may use such report cards for the purpose of disseminating information under this subsection if the 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 student achievement on the academic assessments described in subsection (b)(2) for all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A), including—

''(i) the percentage of students who achieved at each level of achievement the State has set in subsection (b)(1);

''(ii) the percentage of students who did not meet the State goals set in subsection (b)(3)(B); and

''(iii) if applicable, the percentage of students making at least one year of academic growth over the school year, as determined by the State;

''(B) the percentage of students assessed and not assessed on the academic assessments described in subsection (b)(2) for all students and disaggregated by each category of students described in subsection (b)(2)(B)(xi);

''(C) for all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A)—

''(i) information on the performance on the other academic indicator under subsection (b)(3)(B)(ii)(II)(aa) used by the State in the State accountability system;

''(ii) high school graduation rates, including 4-year adjusted cohort graduation rates and, at the State's discretion, extended-year adjusted cohort graduation rates; and

''(iii) information on each State-determined indicator of school quality, success, or student support under subsection (b)(3)(B)(ii)(IV) selected by the State in the State accountability system;

''(D) information on the acquisition of English language proficiency by students who are English learners;

''(E) the per-pupil expenditures of Federal, State, and local funds, including actual staff personnel expenditures and actual nonpersonnel expenditures, disaggregated by source of funds for each school served by the agency for the preceding fiscal year;

''(F) the number and percentage of students with the most significant cognitive disabilities that take an alternate assessment under subsection (b)(2)(D), by grade and subject;

''(G) the number and names of the schools identified as in need of intervention and support under section 1114, and the school intervention and support strategies developed and implemented by the local educational agency under section 1114(b) to address the needs of students in each school;

''(H) the number of students and schools that participated in public school choice under section 1114(b)(4);

''(I) information on the quality and effectiveness of teachers for each quartile of schools based on the school's poverty level and high–minority and low–minority schools in the local educational agencies in the State, including the number, percentage, and distribution of—

''(i) inexperienced teachers;

''(ii) teachers who are not teaching in the subject or field for which the teacher is certified or licensed; and

''(iii) teachers who are not effective, as determined by the State if the State has a statewide teacher, principal, or other school leader evaluation system; and

''(J) if the State has a statewide teacher, principal, or other school leader evaluation system, information on the results of such teacher, principal, or other school leader evaluation systems that does not reveal personally identifiable information.

''(6) PRESENTATION OF DATA.—

''(A) IN GENERAL.—A State educational agency or local educational agency shall only include in its annual report card described under paragraphs (1) and (2) data that are sufficient to yield statistically reliable information, and that do not reveal personally identifiable information about an individual student, teacher, principal, or other school leader.

''(B) STUDENT PRIVACY.—In carrying out this subsection, student education records shall not be released without written consent consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974').

''(7) REPORT TO CONGRESS.—The Secretary shall transmit annually to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that provides national- and State-level data on the information collected under paragraph (5). Such report shall be submitted through electronic means only.

''(8) SECRETARY'S REPORT CARD.—

''(A) IN GENERAL.—Not later than July 1, 2017, and annually thereafter, the Secretary, acting through the Director of the Institute of Education Sciences, shall transmit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a national report card on the status of elementary and secondary education in the United States. Such report shall—

''(i) analyze existing data from State reports required under this Act, the Individuals with Disabilities Education Act, and the Carl D. Perkins Career and Technical Education Act of 2006, and summarize major findings from such reports;

''(ii) analyze data from the National Assessment of Educational Progress and comparable international assessments;

''(iii) identify trends in student achievement and high school graduation rates (including 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates), by analyzing and reporting on the status and performance of students, disaggregated by achievement level and by each of the categories of students, as defined in subsection (b)(3)(A), and by students in rural schools;

''(iv) analyze data on Federal, State, and local expenditures on education, including per-pupil spending, teacher salaries, school-level spending, and other financial data publicly available, and report on current trends and major findings; and

''(v) analyze information on the teaching, principal, and other school leader professions, including education and training, retention and mobility, and effectiveness in improving student achievement.

''(B) SPECIAL RULE.—The information used to prepare the report described in subparagraph (A) shall be derived from existing State and local reporting requirements and data sources. Nothing in this paragraph shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized by any other Federal law.

''(C) PUBLIC RECOGNITION.—The Secretary may identify and publicly recognize States, local educational agencies, schools, programs, and individuals for exemplary performance.

''(e) VOLUNTARY PARTNERSHIPS.—

''(1) IN GENERAL.—Nothing in this section shall be construed to prohibit a State from entering into a voluntary partnership with another State to develop and implement the academic assessments, challenging State academic standards, and accountability systems required under this section.

''(2) PROHIBITION.—The Secretary shall be prohibited from requiring or coercing a State to enter into a voluntary partnership described in paragraph (1), including—

''(A) as a condition of approval of a State plan under this section;

''(B) as a condition of an award of Federal funds under any grant, contract, or cooperative agreement;

''(C) as a condition of approval of a waiver under section 9401; or

''(D) by providing any priority, preference, or special consideration during the application process under any grant, contract, or cooperative agreement.

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

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

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

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

"SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

''(a) PLANS REQUIRED.—

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

for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that—

''(A) is developed with timely and meaningful consultation with teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals (including organizations representing such individuals), administrators (including administrators of programs described in other parts of this title), and other appropriate school personnel, and with parents of children in schools served under this part;

''(B) satisfies the requirements of this section; and

''(C) as appropriate, is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the Workforce Innovation and Opportunity Act, the Head Start Act, the Child Care and Development Block Grant Act of 1990, the Education Sciences Reform Act of 2002, the Education Technical Assistance Act, the National Assessment of Educational Progress Authorization Act, the McKinney-Vento Homeless Assistance Act, and the Adult Education and Family Literacy Act.

''(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 9305.

''(3) STATE REVIEW AND APPROVAL.—

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

''(B) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan meets the requirements of this part and enables children served under this part to meet the challenging State academic standards described in section 1111(b)(1).

''(4) DURATION.—Each local educational agency plan shall be submitted for the first year for which this part is in effect following the date of enactment of the Every Child Achieves Act of 2015 and shall remain in effect for the duration of the agency's participation under this part.

''(5) REVIEW.—Each local educational agency shall periodically review and, as necessary, revise its plan to reflect changes in the local educational agency's strategies and programs under this part.

''(6) RENEWAL.—A local educational agency that desires to continue participating in a program under this part shall submit a renewed plan on a periodic basis, as determined by the State.

''(b) PLAN PROVISIONS.—To ensure that all children receive a high-quality education that prepares them for postsecondary education or the workforce without the need for postsecondary remediation, and to close the achievement gap between children meeting the challenging State academic standards and those who are not, each local educational agency plan shall describe—

''(1) how the local educational agency will work with each of the schools served by the agency so that students meet the challenging State academic standards by—

''(A) developing and implementing a comprehensive program of instruction to meet the academic needs of all students;

''(B) identifying quickly and effectively students who may be at risk for academic failure;

''(C) providing additional educational assistance to individual students determined as needing help in meeting the challenging State academic standards;

''(D) identifying significant gaps in student academic achievement and graduation rates between each of the categories of students, as defined in section 1111(b)(3)(A), and developing strategies to reduce such gaps in achievement and graduation rates; and

''(E) identifying and implementing evidence-based methods and instructional strategies intended to strengthen the academic program of the school and improve school climate;

''(2) how the local educational agency will monitor and evaluate the effectiveness of school programs in improving student academic achievement and academic growth, if applicable, especially for students not meeting the challenging State academic standards;

''(3) how the local educational agency will—

''(A) ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including alternative certification requirements; and

''(B) identify and address, as required under State plans as described in section 1111(c)(1)(F), any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, and out-of-field teachers;

''(4) the actions the local educational agency will take to assist schools identified as in need of intervention and support under section 1114, including the lowest-performing schools in the local educational agency, and schools identified for other reasons, including schools with categories of students, as defined in section 1111(b)(3)(A), not meeting the goals described in section 1111(b)(3)(B), to improve student academic achievement, the funds used to conduct such actions, and how such agency will monitor such actions;

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

''(6) the programs to be conducted by such agency's schools under section 1113 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;

''(7) the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(a)(4)(A)(i);

''(8) the strategy the local educational agency will use to implement effective parent and family engagement under section 1115;

''(9) if applicable, how the local educational agency will coordinate and integrate services provided under this part with preschool educational services at the local educational agency or individual school level, such as Head Start programs, the literacy program under part D of title II, State-funded preschool programs, and other community-based early childhood education programs, including plans for the transition of participants in such programs to local elementary school programs;

''(10) how the local educational agency will coordinate programs and integrate services under this part with other Federal, State, tribal, and local services and programs, including programs supported under this Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Head Start Act, the Child Care and Development Block Grant Act of 1990, the Workforce Innovation and Opportunity Act, the McKinney-Vento Homeless Assistance Act, and the Education Sciences Reform Act of 2002, violence prevention programs, nutrition programs, and housing programs;

''(11) how teachers and school leaders, in consultation with parents, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program under section 1113, will identify the eligible children most in need of services under this part;

''(12) in the case of a local educational agency that proposes to use funds under this part to support a multi-tiered system of supports, positive behavioral interventions and supports, or early intervening services, how the local educational agency will provide such activities and services and coordinate them with similar activities and services carried out under the Individuals with Disabilities Education Act in schools served by the local educational agency, including by providing technical assistance, training, and evaluation of the activities and services;

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

''(14) how the local educational agency will implement strategies to facilitate effective transitions for students from middle school to high school and from high school to postsecondary education, including—

''(A) if applicable, through coordination with institutions of higher education, employers, and other local partners to seamlessly transition students from high school into postsecondary education or careers without remediation; and

''(B) a description of the specific transition activities the local educational agency will take, such as providing students with access to dual or concurrent enrollment opportunities that enable students during high school to earn postsecondary credit or an industry-recognized credential that meets any quality standards required by the State or utilizing comprehensive career counseling to identify student interests and skills;

''(15) how the local educational agency will address school discipline issues, which may include identifying and supporting schools with significant discipline disparities, or high rates of discipline, disaggregated by each of the categories of students, as defined in section 1111(b)(3)(A), including by providing technical assistance on effective strategies to reduce such disparities and high rates;

''(16) how the local educational agency will address school climate issues, which may include identifying and improving performance on school climate indicators related to student achievement and providing technical assistance to schools;

''(17) how the local educational agency will provide opportunities for the enrollment, attendance, and success of expectant and parenting students and the services the local educational agency will provide expectant and parenting students;

''(18) if determined appropriate by the local educational agency, how such agency will support programs that promote integrated academic and career and technical education content through coordinated instructional strategies, that may incorporate experiential learning opportunities; and

''(19) any other information on how the local educational agency proposes to use funds to meet the purposes of this part, and

that the local educational agency determines appropriate to provide, which may include how the local educational agency will—

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

''(B) encourage the offering of a variety of well-rounded education experiences to students.

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

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

''(2) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1116, and timely and meaningful consultation with private school officials regarding such services;

''(3) participate, if selected, in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act;

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

''(5) collaborate with the State or local child welfare agency and, by not later than 1 year after the date of enactment of the Every Child Achieves Act of 2015, develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care, which procedures shall—

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

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

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

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

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

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

''(d) PARENTS RIGHT-TO-KNOW.—

''(1) TEACHER QUALIFICATIONS.—

''(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:

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

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

''(iii) The field of discipline of the certification of the teacher.

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

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

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

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

''(2) LANGUAGE INSTRUCTION.—

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

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

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

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

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

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

''(vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for children who are English learners, and the expected rate of graduation from high school (including 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds under this part are used for children in high schools;

''(vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act; and

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

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

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

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

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

''(C) PARENTAL PARTICIPATION.—Each local educational agency receiving funds under this part and title III shall implement an effective means of outreach to parents of children who are English learners to inform the parents how the parents can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet the challenging State academic standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part and title III.

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

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

''SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS; SCHOOLWIDE PROGRAMS; TARGETED ASSISTANCE PROGRAMS.

''(a) ELIGIBLE SCHOOL ATTENDANCE AREAS.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

''(B) ELIGIBLE SCHOOL ATTENDANCE AREAS.—In this part—

''(i) the term 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

''(ii) the term 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the local educational agency as a whole.

''(C) RANKING ORDER.—

''(i) IN GENERAL.—Except as provided in clause (ii), if funds allocated in accordance with paragraph (3) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

''(I) annually rank, without regard to grade spans, such agency's eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent, or exceeds 50 percent in the case of the high schools served by such agency, from highest to lowest according to the percentage of children from low-income families; and

''(II) serve such eligible school attendance areas in rank order.

''(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as requiring a local educational agency to reduce, in order to comply with clause (i), the amount of funding provided under this part to elementary schools and middle schools from the amount of funding provided under this part to such schools for the fiscal year preceding the date of enactment of the Every Child Achieves Act of 2015 in order to provide funding under this part to high schools pursuant to clause (i).

''(D) REMAINING FUNDS.—If funds remain after serving all eligible school attendance areas under subparagraph (C), a local educational agency shall—

''(i) annually rank such agency's remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

''(ii) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

''(E) MEASURES.—

''(i) IN GENERAL.—Except as provided in clause (ii), a local educational agency shall use the same measure of poverty, which measure shall be the number of children aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program established under title XIX of the Social Security Act, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

''(I) to identify eligible school attendance areas;

''(II) to determine the ranking of each area; and

''(III) to determine allocations under paragraph (3).

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

''(I) the calculation described under clause (i); or

''(II) an accurate estimate of the number of students in low-income families in a secondary school that is calculated by applying the average percentage of students in low-income families of the elementary school attendance areas as calculated under clause (i) that feed into the secondary school to the number of students enrolled in such school.

''(F) EXCEPTION.—This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

''(G) WAIVER FOR DESEGREGATION PLANS.—The Secretary may approve a local educational agency's written request for a waiver of the requirements of this paragraph and paragraph (3) and permit such agency to treat as eligible, and serve, any school that children attend with a State-ordered, court-ordered school desegregation plan or a plan that continues to be implemented in accordance with a State-ordered or court-ordered desegregation plan, if—

''(i) the number of economically disadvantaged children enrolled in the school is at least 25 percent of the school's total enrollment; and

''(ii) the Secretary determines, on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

''(2) LOCAL EDUCATIONAL AGENCY DISCRETION.—

''(A) IN GENERAL.—Notwithstanding paragraph (1)(B), a local educational agency may—

''(i) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

''(ii) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency;

''(iii) designate and serve a school attendance area or school that is not eligible under this section, but that was eligible and that was served in the preceding fiscal year, but only for 1 additional fiscal year; and

''(iv) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

''(I) the school meets the comparability requirements of section 1117(c);

''(II) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of this section; and

''(III) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

''(B) SPECIAL RULE.—Notwithstanding subparagraph (A)(iv), the number of children attending private elementary schools and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).

''(3) ALLOCATIONS.—

''(A) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under paragraphs (1) and (2) in rank order, on the basis of the total number of children from low-income families in each area or school.

''(B) SPECIAL RULE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the per-pupil amount of funds allocated to each school attendance area or school under subparagraph (A) shall be at least 125 percent of the per-pupil amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in the plan submitted under section 1112, except that this clause shall not apply to a local educational agency that only serves schools in which the percentage of such children is 35 percent or greater.

''(ii) EXCEPTION.—A local educational agency may reduce the amount of funds allocated under clause (i) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of this section.

''(4) RESERVATION OF FUNDS.—

''(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, including providing educationally related support services to children in shelters and other locations where children may live;

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

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

''(B) HOMELESS CHILDREN AND YOUTH.—Funds reserved under subparagraph (A)(i) may be—

''(i) determined based on a needs assessment of homeless children and youths in the local educational agency, as conducted under section 723(b)(1) of the McKinney-Vento Homeless Assistance Act; and

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

''(I) funding for the liaison designated pursuant to section 722(g)(1)(J)(ii) of such Act; and

''(II) transportation pursuant to section 722(g)(1)(J)(iii) of such Act.

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

''(b) SCHOOLWIDE PROGRAMS AND TARGETED ASSISTANCE SCHOOLS.—

''(1) IN GENERAL.—For each school that will receive funds under this part, the local educational agency shall determine whether the school shall operate a schoolwide program consistent with subsection (c) or a targeted assistance school program consistent with subsection (d).

''(2) NEEDS ASSESSMENT.—The determination under paragraph (1) shall be—

''(A) based on a comprehensive needs assessment of the entire school that takes into account information on the academic achievement of children in relation to the challenging State academic standards under section 1111(b)(1), particularly the needs of those children who are failing, or are at-risk of failing, to meet the challenging State academic standards and any other factors as determined by the local educational agency; and

''(B) conducted with the participation of individuals who would carry out the schoolwide plan, including those individuals under subsection (c)(2)(B).

''(3) COORDINATION.—The needs assessment under paragraph (2) may be undertaken as part of other related needs assessments under this Act.

''(c) SCHOOLWIDE PROGRAMS.—

''(1) IN GENERAL.—

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

''(B) EXCEPTION.—A school that serves an eligible school attendance area in which less than 40 percent of the children are from low-income families, or a school for which less than 40 percent of the children enrolled in the school are from such families, may operate a schoolwide program under this section if—

''(i) the local educational agency in which the school is located allows such school to do so; and

''(ii) the results of the comprehensive needs assessment conducted under subsection (b)(2) determine a schoolwide program will best serve the needs of the students in the school served under this part in improving academic achievement and other factors.

''(2) SCHOOLWIDE PROGRAM PLAN.—An eligible school operating a schoolwide program

shall develop a comprehensive plan, in consultation with the local educational agency, tribes and tribal organizations present in the community, and other individuals as determined by the school, that—

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

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

''(ii) the school is operating a schoolwide program on the day before the date of enactment of the Every Child Achieves Act of 2015, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section;

''(B) is developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals present in the school, and administrators (including administrators of programs described in other parts of this title), and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, and students;

''(C) remains in effect for the duration of the school's participation under this part, except that the plan and the implementation of, and results achieved by, the schoolwide program shall be regularly monitored and revised as necessary to ensure that students are meeting the challenging State academic standards;

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

''(E) if appropriate and applicable, developed in coordination and integration with other Federal, State, and local services, resources, and programs, such as programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and interventions and supports for schools identified as in need of intervention and support under section 1114; and

''(F) includes a description of—

''(i) the results of the comprehensive needs assessments of the entire school required under subsection (b)(2);

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

''(I) provide opportunities for all children, including each of the categories of students, as defined in section 1111(b)(3)(A), to meet the challenging State academic standards under section 1111(b)(1);

''(II) use evidence-based methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum;

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

''(aa) counseling, specialized instructional support services, and mentoring services;

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

''(cc) implementation of a schoolwide multi-tiered system of supports, including positive behavioral interventions and supports and early intervening services, including through coordination with such activities and services carried out under the Individuals with Disabilities Education Act;

''(dd) implementation of supports for teachers and other school personnel, which may include professional development and other activities to improve instruction, activities to recruit and retain effective teachers, particularly in high-need schools, and using data from academic assessments under section 1111(b)(2) and other formative and summative assessments to improve instruction;

''(ee) programs, activities, and courses in the core academic subjects to assist children in meeting the challenging State academic standards; and

''(ff) other strategies to improve student's academic and nonacademic skills essential for success; and

''(IV) be monitored and improved over time based on student needs, including increased supports for those students who are lowest-achieving;

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

''(iv) if appropriate, how funds will be used to establish or enhance early childhood education programs for children who are aged 5 or younger, including how programs will help transition such children to local elementary school programs.

''(3) IDENTIFICATION OF STUDENTS NOT REQUIRED.—

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

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

''(ii) individual services as supplementary.

''(B) SUPPLEMENTAL FUNDS.—In accordance with the method of determination described in section 1117, a school participating in a schoolwide program shall use funds available to carry out this paragraph only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children who are English learners.

''(4) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—

''(A) EXEMPTION.—The Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act, except as provided in section 613(a)(2)(D) of such Act), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.

''(B) REQUIREMENTS.—A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, comparability of services, maintenance of effort, uses of Federal funds to supplement, not supplant non-Federal funds (in accordance with the method of determination described in section 1117), or the distribution of funds to State educational agencies or local educational agencies that apply to the receipt of funds from such programs.

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

''(5) PRESCHOOL PROGRAMS.—A school that operates a schoolwide program under this subsection may use funds made available under this part to establish, expand, or enhance preschool programs for children aged 5 or younger.

''(d) TARGETED ASSISTANCE SCHOOL PROGRAMS.—

''(1) IN GENERAL.—Each school selected to receive funds under subsection (a)(3) for which the local educational agency serving such school, based on the results of the comprehensive needs assessment conducted under subsection (b)(2), determines that the school will operate a targeted assistance school program, may use funds received under this part only for programs that provide services to eligible children under paragraph (3)(A)(ii) who are identified as having the greatest need for special assistance.

''(2) TARGETED ASSISTANCE SCHOOL PROGRAM.—Each school operating a targeted assistance school program shall develop a plan, in consultation with the local educational agency and other individuals as determined by the school, that includes—

''(A) a description of the results of the comprehensive needs assessments of the entire school required under subsection (b)(2);

''(B) a description of the process for determining which students will be served and the students to be served;

''(C) a description of how the activities supported under this part will be coordinated with and incorporated into the regular education program of the school;

''(D) a description of how the program will serve participating students identified under paragraph (3)(A)(ii), including by—

''(i) using resources under this part, such as support for programs, activities, and courses in core academic subjects to help participating children meet the challenging State academic standards;

''(ii) using methods and instructional strategies that are evidence-based to strengthen the core academic program of the school and that may include—

''(I) expanded learning time, before- and after-school programs, and summer programs and opportunities; or

''(II) a multi-tiered system of supports, positive behavioral interventions and supports, and early intervening services;

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

''(iv) supporting effective teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with participating children in programs under this subsection or in the regular education program

with resources provided under this part, and, to the extent practicable, from other sources, through professional development;

''(v) implementing strategies to increase parental involvement of parents of participating children in accordance with section 1115; and

''(vi) if applicable, coordinating and integrating Federal, State, and local services and programs, such as programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education, and intervention and supports in schools identified as in need of intervention and support under section 1114; and

''(E) assurances that the school will—

''(i) help provide an accelerated, high-quality curriculum;

''(ii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part; and

''(iii) on an ongoing basis, review the progress of participating children and revise the plan under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.

''(3) ELIGIBLE CHILDREN.—

''(A) ELIGIBLE POPULATION.—

''(i) IN GENERAL.—The eligible population for services under this subsection shall be—

''(I) children not older than age 21 who are entitled to a free public education through grade 12; and

''(II) children who are not yet at a grade level at which the local educational agency provides a free public education.

''(ii) ELIGIBLE CHILDREN FROM ELIGIBLE POPULATION.—From the population described in clause (i), eligible children are children identified by the school as failing, or most at risk of failing, to meet the challenging State academic standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the local educational agency and supplemented by the school.

''(B) CHILDREN INCLUDED.—

''(i) IN GENERAL.—Children who are economically disadvantaged, children with disabilities, migrant children, or children who are English learners, are eligible for services under this subsection on the same basis as other children selected to receive services under this subsection.

''(ii) HEAD START AND PRESCHOOL CHILDREN.—A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start program, the literacy program under part D of title II, or in preschool services under this title, is eligible for services under this subsection.

''(iii) MIGRANT CHILDREN.—A child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C is eligible for services under this subsection.

''(iv) NEGLECTED OR DELINQUENT CHILDREN.—A child in a local institution for neglected or delinquent children and youth or attending a community day program for such children is eligible for services under this subsection.

''(v) HOMELESS CHILDREN.—A child who is homeless and attending any school served by the local educational agency is eligible for services under this subsection.

''(C) SPECIAL RULE.—Funds received under this subsection may not be used to provide services that are otherwise required by law to be made available to children described in subparagraph (B) but may be used to coordinate or supplement such services.

''(4) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—To promote the integration of staff supported with funds under this subsection into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this subsection may—

''(A) participate in general professional development and school planning activities; and

''(B) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

''(5) SPECIAL RULES.—

''(A) SIMULTANEOUS SERVICE.—Nothing in this subsection shall be construed to prohibit a school from serving students under this subsection simultaneously with students with similar educational needs, in the same educational settings where appropriate.

''(B) COMPREHENSIVE SERVICES.—If health, nutrition, and other social services are not otherwise available to eligible children in a school operating a targeted assistance school program and such school, if appropriate, has established a collaborative partnership with local service providers and funds are not reasonably available from other public or private sources to provide such services, then a portion of the funds provided under this subsection may be used to provide such services, including through—

''(i) the provision of basic medical equipment and services, such as eyeglasses and hearing aids;

''(ii) compensation of a coordinator;

''(iii) family support and engagement services;

''(iv) health care services and integrated student supports to address the physical, mental, and emotional well-being of children; and

''(v) professional development necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

''(e) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to require a local educational agency or school to submit the results of a comprehensive needs assessment under subsection (b)(2) or a plan under subsection (c) or (d) for review or approval by the Secretary.

''SEC. 1114. SCHOOL IDENTIFICATION, INTERVENTIONS, AND SUPPORTS.

''(a) STATE REVIEW AND RESPONSIBILITIES.—

''(1) IN GENERAL.—Each State educational agency receiving funds under this part shall use the system designed by the State under section 1111(b)(3) to annually—

''(A) identify the public schools that receive funds under this part and are in need of intervention and support using the method established by the State in section 1111(b)(3)(B)(iii);

''(B) require for inclusion—

''(i) on each local educational agency report card required under section 1111(d), the names of schools served by the agency identified under subparagraph (A); and

''(ii) on each school report card required under section 1111(d), whether the school was identified under subparagraph (A);

''(C) ensure that all public schools that receive funds under this part and are identified as in need of intervention and support under subparagraph (A), implement an evidence-based intervention or support strategy designed by the State or local educational agency described in subparagraph (A) or (B) of subsection (b)(3);

''(D) prioritize intervention and supports in the identified schools most in need of intervention and support, as determined by the State, using the results of the accountability system under 1111(b)(3)(B)(iii); and

''(E) monitor and evaluate the implementation of school intervention and support strategies by local educational agencies, including in the lowest-performing elementary schools and secondary schools in the State, and use the results of the evaluation to take appropriate steps to change or improve interventions or support strategies as necessary.

''(2) STATE EDUCATIONAL AGENCY DISCRETION.—Notwithstanding paragraph (1)(A), a State educational agency may—

''(A) identify any middle school or high school as in need of intervention and support if at least 40 percent of the children served by such school are from low-income families (as measured under section 1113(a)(1)(E)(ii)); and

''(B) use funds provided under subsection (c) to assist such school consistent with such subsection.

''(3) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

''(A) make technical assistance available to local educational agencies that serve schools identified as in need of intervention and support under paragraph (1)(A);

''(B) if the State educational agency determines that a local educational agency failed to carry out its responsibilities under this section, take such actions as the State educational agency determines to be appropriate and in compliance with State law to assist the local educational agency and ensure that such local educational agency is carrying out its responsibilities;

''(C) inform local educational agencies of schools identified as in need of intervention and support under paragraph (1)(A) in a timely and easily accessible manner that is before the beginning of the school year; and

''(D) publicize and disseminate to the public, including teachers, principals and other school leaders, and parents, the results of the State review under paragraph (1).

''(b) LOCAL EDUCATIONAL AGENCY REVIEW AND RESPONSIBILITIES.—

''(1) IN GENERAL.—Each local educational agency with a school identified as in need of intervention and support under subsection (a)(1)(A) shall, in consultation with teachers, principals and other school leaders, school personnel, parents, and community members—

''(A) conduct a review of such school, including by examining the indicators and measures included in the State-determined accountability system described in section 1111(b)(3)(B) to determine the factors that led to such identification;

''(B) conduct a review of the agency's policies, procedures, personnel decisions, and budgetary decisions, including the measures on the local educational agency and school report cards under section 1111(d) that impact the school and could have contributed to the identification of the school;

''(C) develop and implement appropriate intervention and support strategies, as described in paragraph (3), that are proportional to the identified needs of the school, for assisting the identified school;

''(D) develop a rigorous comprehensive plan that will be publicly available and provided to parents, for ensuring the successful implementation of the intervention and support strategies described in paragraph (3) in identified schools, which may include—

''(i) technical assistance that will be provided to the school;

''(ii) improved delivery of services to be provided by the local educational agency;

''(iii) increased support for stronger curriculum, program of instruction, wraparound services, or other resources provided to students in the school;

''(iv) any changes to personnel necessary to improve educational opportunities for children in the school;

''(v) redesigning how time for student learning or teacher collaboration is used within the school;

''(vi) using data to inform instruction for continuous improvement;

''(vii) providing increased coaching or support for principals and other school leaders to have the knowledge and skills to lead and implement efforts to improve schools and to support teachers to improve instruction;

''(viii) improving school climate and safety;

''(ix) providing ongoing mechanisms for family and community engagement to improve student learning; and

''(x) establishing partnerships with entities, including private entities with a demonstrated record of improving student achievement, that will assist the local educational agency in fulfilling its responsibilities under this section; and

''(E) collect and use data on an ongoing basis to monitor the results of the intervention and support strategies and adjust such strategies as necessary during implementation in order to improve student academic achievement.

''(2) NOTICE TO PARENTS.—A local educational agency shall promptly provide to a parent or parents of each student enrolled in a school identified as in need of intervention and support under subsection (a)(1)(A) in an easily accessible and understandable form and, to the extent practicable, in a language that parents can understand—

''(A) an explanation of what the identification means, and how the school compares in terms of academic achievement and other measures in the State accountability system under section 1111(b)(3)(B) to other schools served by the local educational agency and the State educational agency involved;

''(B) the reasons for the identification;

''(C) an explanation of what the local educational agency or State educational agency is doing to help the school address student academic achievement and other measures, including a description of the intervention and support strategies developed under paragraph (1)(C) that will be implemented in the school;

''(D) an explanation of how the parents can become involved in addressing academic achievement and other measures that caused the school to be identified; and

''(E) an explanation of the parents' option to transfer their child to another public school under paragraph (4), if applicable.

''(3) SCHOOL INTERVENTION AND SUPPORT STRATEGIES.—

''(A) IN GENERAL.—Consistent with subsection (a)(1) and paragraph (1), a local educational agency shall develop and implement evidence-based intervention and support strategies for an identified school that the local educational agency determines appropriate to address the needs of students in such identified school, which shall—

''(i) be designed to address the specific reasons for identification, as described in subparagraphs (A) and (B) of paragraph (1);

''(ii) be implemented, at a minimum, in a manner that is proportional to the specific reasons for identification, as described in subparagraphs (A) and (B) of paragraph (1); and

''(iii) distinguish between the lowest-performing schools and other schools identified as in need of intervention and support for other reasons, including schools with categories of students, as defined in section 1111(b)(3)(A), not meeting the goals described in section 1111(b)(3)(B)(i), as determined by the review in subparagraphs (A) and (B) of paragraph (1).

''(B) STATE DETERMINED STRATEGIES.—Consistent with State law, a State educational agency may establish alternative evidence-based State determined strategies that can be used by local educational agencies to assist a school identified as in need of intervention and support under subsection (a)(1)(A), in addition to the assistance strategies developed by a local educational agency under subparagraph (A).

''(4) PUBLIC SCHOOL CHOICE.—

''(A) IN GENERAL.—A local educational agency may provide all students enrolled in a school identified as in need of intervention and support under subsection (a)(1)(A) with the option to transfer to another public school served by the local educational agency, unless such an option is prohibited by State law.

''(B) PRIORITY.—In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest-achieving children from low-income families, as determined by the local educational agency for the purposes of allocating funds to schools under section 1113(a)(3).

''(C) TREATMENT.—Students who use the option to transfer to another public school shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.

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

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

''(5) PROHIBITIONS ON FEDERAL INTERFERENCE WITH STATE AND LOCAL DECISIONS.—Nothing in this section shall be construed to authorize or permit the Secretary to establish any criterion that specifies, defines, or prescribes—

''(A) any school intervention or support strategy that States or local educational agencies shall use to assist schools identified as in need of intervention and support under this section; or

''(B) the weight of any indicator or measure that a State shall use to identify schools under subsection (a).

''(c) FUNDS FOR LOCAL SCHOOL INTERVENTIONS AND SUPPORTS.—

''(1) IN GENERAL.—

''(A) GRANTS AUTHORIZED.—From the total amount appropriated under section 1002(f) for a fiscal year, the Secretary shall award grants to States and the Bureau of Indian Education of the Department of the Interior, through an allotment as determined under subparagraph (B), to carry out the activities described in this subsection.

''(B) ALLOTMENTS.—From the total amount appropriated under section 1002(f) for a fiscal year, the Secretary shall allot to each State, the Bureau of Indian Education of the Department of the Interior, and each outlying area for such fiscal year with an approved application, an amount that bears the same relationship to such total amount as the amount such State, the Bureau of Indian Education of the Department of the Interior, or such outlying area received under parts A, C, and D of this title for the most recent preceding fiscal year for which the data are available bears to the amount received by all such States, the Bureau of Indian Education of the Department of the Interior, and all such outlying areas under parts A, C, and D of this title for such most recent preceding fiscal year.

''(2) STATE APPLICATION.—A State (including, for the purpose of this paragraph, the Bureau of Indian Education) that desires to receive school intervention and support funds under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require, which shall include a description of—

''(A) the process and the criteria that the State will use to award subgrants under paragraph (4)(A), including how the subgrants will serve schools identified by the State as the lowest–performing schools under subsection (a)(1);

''(B) the process and the criteria the State will use to determine whether the local educational agency's proposal for serving each identified school meets the requirements of paragraph (6) and other provisions of this section;

''(C) how the State will ensure that local educational agencies conduct a comprehensive review of each identified school as required under subsection (b) to identify evidence-based school intervention and support strategies that are likely to be successful in each particular school;

''(D) how the State will ensure geographic diversity in making subgrants;

''(E) how the State will set priorities in awarding subgrants to local educational agencies, including how the State will prioritize local educational agencies serving elementary schools and secondary schools identified as the lowest–performing schools under subsection (a)(1) that will use subgrants to serve such schools;

''(F) how the State will monitor and evaluate the implementation of evidence-based school intervention and support strategies supported by funds under this subsection; and

''(G) how the State will reduce barriers for schools in the implementation of school intervention and support strategies, including by providing operational flexibility that would enable complete implementation of the selected school intervention and support strategy.

''(3) STATE ADMINISTRATION; TECHNICAL ASSISTANCE; EXCEPTION.—

''(A) IN GENERAL.—A State that receives an allotment under this subsection may reserve not more than a total of 5 percent of such allotment for the administration of this subsection to carry out its responsibilities under subsection (a)(3) to support school and local educational agency interventions and supports, which may include activities aimed at building State capacity to support and monitor the local educational agency and school intervention and supports.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), a State educational agency may reserve from the amount allotted under this subsection additional funds to meet its responsibilities under subsection (a)(3)(B) if a local educational agency fails to carry out its responsibilities under subsection (b), but shall not reserve more than necessary to meet such State responsibilities.

''(4) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(A) IN GENERAL.—From the amounts awarded to a State under this subsection, the State educational agency shall allocate not less than 95 percent to make subgrants

to local educational agencies, on a competitive basis, to serve schools identified as in need of intervention and support under subsection (a)(1)(A).

''(B) DURATION.—The State educational agency shall award subgrants under this paragraph for a period of not more than 5 years, which period may include a planning year.

''(C) CRITERIA.—Subgrants awarded under this section shall be of sufficient size to enable a local educational agency to effectively implement the selected intervention and support strategy.

''(D) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from allocating subgrants under this subsection to a statewide school district, consortium of local educational agencies, or an educational service agency that serves schools identified as in need of intervention and support under this section, if such entities are legally constituted or recognized as local educational agencies in the State.

''(5) APPLICATION.—In order to receive a subgrant under this subsection, a local educational agency shall submit an application to the State educational agency at such time, in such form, and including such information as the State educational agency may require. Each application shall include, at a minimum—

''(A) a description of the process the local educational agency has used for selecting an appropriate evidence-based school intervention and support strategy for each school to be served, including how the local educational agency has analyzed the needs of each such school in accordance with subsection (b)(1) and meaningfully consulted with teachers, principals, and other school leaders in selecting such intervention and support strategy;

''(B) the specific evidence-based school interventions and supports to be used in each school to be served, how these interventions and supports will address the needs identified in the review under subsection (b)(1), and the timeline for implementing such school interventions and supports in each school to be served;

''(C) a detailed budget covering the grant period, including planned expenditures at the school level for activities supporting full and effective implementation of the selected school intervention and support strategy;

''(D) a description of how the local educational agency will—

''(i) design and implement the selected school intervention and support strategy, in accordance with the requirements of subsection (b)(1)(C), including the use of appropriate measures to monitor the effectiveness of implementation;

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

''(iii) align other Federal, State, and local resources with the intervention and support strategy to reduce duplication, increase efficiency, and assist identified schools in complying with reporting requirements of Federal and State programs;

''(iv) modify practices and policies, if necessary, to provide operational flexibility that enables full and effective implementation of the selected school intervention and support strategy;

''(v) collect and use data on an ongoing basis to adjust the intervention and support strategy during implementation, and, if necessary, modify or implement a different strategy if implementation is not effective, in order to improve student academic achievement;

''(vi) ensure that the implementation of the intervention and support strategy meets the needs of each of the categories of students, as defined in section 1111(b)(3)(A);

''(vii) provide information to parents, guardians, teachers, and other stakeholders about the effectiveness of implementation, to the extent practicable, in a language that the parents can understand; and

''(viii) sustain successful reforms and practices after the funding period ends;

''(E) a description of the technical assistance and other support that the local educational agency will provide to ensure effective implementation of school intervention and support strategies in identified schools, in accordance with subsection (b)(1)(D), such as ensuring that identified schools have access to resources like facilities, professional development, and technology and adopting human resource policies that prioritize recruitment, retention, and placement of effective staff in identified schools; and

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

''(6) LOCAL ACTIVITIES.—A local educational agency that receives a subgrant under this subsection—

''(A) shall use the subgrant funds to implement evidence-based school intervention and support strategies consistent with subsection (a)(1)(A); and

''(B) may use the subgrant funds to carry out, at the local educational agency level, activities that directly support the implementation of the intervention and support strategies such as—

''(i) assistance in data collection and analysis;

''(ii) recruiting and retaining staff;

''(iii) high–quality, evidence–based professional development;

''(iv) coordination of services to address students' non–academic needs; and

''(v) progress monitoring.

''(7) REPORTING.—A State that receives funds under this subsection shall report to the Secretary a list of all the local educational agencies that received a subgrant under this subsection and for each local educational agency that received a subgrant, a list of all the schools that were served, the amount of funds each school received, and the intervention and support strategies implemented in each school.

''(8) SUPPLEMENT NOT SUPPLANT.—A local educational agency or State shall use Federal funds received under this subsection only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in programs funded under this subsection.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.'';

(2) by striking section 1119; and

(3) by redesignating sections 1118, 1120, 1120A, and 1120B as sections 1115, 1116, 1117, and 1118, respectively.

SEC. 1005. PARENT AND FAMILY ENGAGEMENT.

Section 1115, as redesignated by section 1004(3), is amended—

(1) in the section heading, by striking ''**PARENTAL INVOLVEMENT**'' and inserting ''**PARENT AND FAMILY ENGAGEMENT**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''conducts outreach to all parents and family members and'' after ''only if such agency''; and

(ii) by inserting ''and family members'' after ''and procedures for the involvement of parents'';

(B) in paragraph (2)—

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

(I) by inserting ''and family members'' after '', and distribute to, parents'';

(II) by striking ''written parent involvement policy'' and inserting ''written parent and family engagement policy''; and

(III) by striking ''expectations for parent involvement'' and inserting ''expectations and objectives for meaningful parent and family involvement''; and

(ii) by striking subparagraphs (A) through (F) and inserting the following:

''(A) involve parents and family members in jointly developing the local educational agency plan under section 1112 and the process of school review and intervention and support under section 1114;

''(B) provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the local educational agency in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;

''(C) coordinate and integrate parent and family engagement strategies under this part with parent and family engagement strategies, to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs;

''(D) conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under this part, including identifying—

''(i) barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, are English learners, have limited literacy, or are of any racial or ethnic minority background);

''(ii) the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and

''(iii) strategies to support successful school and family interactions;

''(E) use the findings of such evaluation in subparagraph (D) to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policies described in this section; and

''(F) involve parents in the activities of the schools served under this part, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the local educational agency to adequately represent the needs of the population served by such agency for the purposes of developing, revising, and reviewing the parent and family engagement policy.''; and

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''to carry out this section, including promoting family literacy and parenting skills,'' and inserting ''to assist schools to carry out the activities described in this section,'';

(ii) in subparagraph (B), by striking ''(B) PARENTAL INPUT.—Parents of children'' and inserting ''(B) PARENT AND FAMILY MEMBER INPUT.—Parents and family members of children'';

(iii) in subparagraph (C)—

(I) by striking ''95 percent'' and inserting ''85 percent''; and

(II) by inserting '', with priority given to high–need schools'' after ''schools served under this part''; and

(iv) by adding at the end the following:

''(D) USE OF FUNDS.—Funds reserved under subparagraph (A) by a local educational agency shall be used to carry out activities and strategies consistent with the local educational agency's parent and family engagement policy, including not less than 1 of the following:

''(i) Supporting schools and nonprofit organizations in providing professional development for local educational agency and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.

''(ii) Supporting home visitation programs.

''(iii) Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.

''(iv) Collaborating or providing subgrants to schools to enable such schools to collaborate with community-based or other organizations or employers with a demonstrated record of success in improving and increasing parent and family engagement.

''(v) Engaging in any other activities and strategies that the local educational agency determines are appropriate and consistent with such agency's parent and family engagement policy, which may include adult education and literacy activities, as defined in section 203 of the Adult Education and Family Literacy Act.'';

(3) in subsection (b)—

(A) in the subsection heading, by striking ''PARENTAL INVOLVEMENT POLICY'' and inserting ''PARENTAL AND FAMILY ENGAGEMENT POLICY'';

(B) in paragraph (1)—

(i) by inserting ''and family members'' after ''distribute to, parents''; and

(ii) by striking ''written parental involvement policy'' and inserting ''written parent and family engagement policy'';

(C) in paragraph (2)—

(i) by striking ''parental involvement policy'' and inserting ''parent and family engagement policy''; and

(ii) by inserting ''and family members'' after ''that applies to all parents''; and

(D) in paragraph (3)—

(i) by striking ''school district-level parental involvement policy'' and inserting ''district-level parent and family engagement policy''; and

(ii) by inserting ''and family members in all schools served by the local educational agency'' after ''policy that applies to all parents'';

(4) in subsection (c)—

(A) in paragraph (3), by striking ''parental involvement policy'' and inserting ''parent and family engagement policy'';

(B) in paragraph (4)(B), by striking ''the proficiency levels students are expected to meet'' and inserting ''the achievement levels of the challenging State academic standards''; and

(C) in paragraph (5), by striking ''section 1114(b)(2)'' and inserting ''section 1113(c)(2)'';

(5) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''parental involvement policy'' and inserting ''parent and family engagement policy'';

(B) in paragraph (1)—

(i) by striking ''the State's student academic achievement standards'' and inserting ''the challenging State academic standards''; and

(ii) by striking '', such as monitoring attendance, homework completion, and television watching''; and

(C) in paragraph (2)—

(i) in subparagraph (B), by striking ''and'' after the semicolon;

(ii) in subparagraph (C), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) ensuring regular two-way, meaningful communication between family members and school staff, to the extent practicable, in a language that family members can understand and access.'';

(6) in subsection (e)—

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

(B) in paragraph (2), by striking ''technology'' and inserting ''technology (including education about the harms of copyright piracy)'';

(C) in paragraph (3), by striking ''pupil services personnel, principals'' and inserting ''specialized instructional support personnel, principals, and other school leaders''; and

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

(7) by striking subsection (f) and inserting the following:

''(f) ACCESSIBILITY.—In carrying out the parent and family engagement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide opportunities for the full and informed participation of parents and family members (including parents and family members who are English learners, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required under section 1111 in a format and, to the extent practicable, in a language such parents understand.''; and

(8) in subsection (h), by striking ''parental involvement policies'' and inserting ''parent and family engagement policies''.

SEC. 1006. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

Section 1116, as redesignated by section 1004(3), is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''section 1115(b)'' and inserting ''section 1113(d)(3)''; and

(ii) by striking ''sections 1118 and 1119'' and inserting ''section 1115''; and

(B) by striking paragraph (4) and inserting the following:

''(4) EXPENDITURES.—

''(A) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

''(B) TERM OF DETERMINATION.—The local educational agency may determine the equitable share each year or every 2 years.

''(C) METHOD OF DETERMINATION.—The proportional share of funds shall be determined—

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

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

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) by striking ''and'' before ''the proportion of funds''; and

(II) by inserting '', and how that proportion of funds is determined'' after ''such services'';

(ii) in subparagraph (F), by striking ''section 1113(c)(1)'' and inserting ''section 1113(a)(3)'';

(iii) in subparagraph (G), by striking ''and'' after the semicolon;

(iv) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(v) by adding at the end the following:

''(I) whether the agency shall provide services directly or assign responsibility for the provision of services to a separate government agency, consortium, or entity, or to a third-party contractor.''; and

(B) in paragraph (5)(A)—

(i) by striking ''or'' before ''did not give due consideration''; and

(ii) by inserting '', or did not make a decision that treats the private school students equitably as required by this section'' before the period at the end.

SEC. 1007. SUPPLEMENT, NOT SUPPLANT.

Section 1117, as redesignated by section 1004(3), is amended by striking subsection (b) and inserting the following:

''(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

''(1) IN GENERAL.—A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted under this part, and not to supplant such funds.

''(2) COMPLIANCE.—To demonstrate compliance with paragraph (1), a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.

''(3) SPECIAL RULE.—No local educational agency shall be required to—

''(A) identify that an individual cost or service supported under this part is supplemental; and

''(B) provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

''(4) PROHIBITION.—Nothing in this section shall be construed to authorize or permit the Secretary to establish any criterion that specifies, defines, or prescribes the specific methodology a local educational agency uses to allocate State and local funds to each school receiving assistance under this part.

''(5) TIMELINE.—A local educational agency—

''(A) shall meet the compliance requirement under paragraph (2) not later than 2 years after the date of enactment of the Every Child Achieves Act of 2015; and

''(B) may demonstrate compliance with the requirement under paragraph (1) before the end of such 2-year period using the method such local educational agency used on the day before the date of enactment of the Every Child Achieves Act of 2015.''.

SEC. 1008. COORDINATION REQUIREMENTS.

Section 1118, as redesignated by section 1004(3), is amended—

(1) in subsection (a), by striking ''early childhood development programs such as the Early Reading First program'' and inserting '', early childhood education programs, including by developing agreements with such Head Start agencies and other entities to carry out such activities''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''early childhood development programs, such as the Early Reading First program,'' and inserting ''early childhood education programs'';

(B) in paragraph (1), by striking ''early childhood development program such as the Early Reading First program'' and inserting ''early childhood education program'';

(C) in paragraph (2), by striking ''early childhood development programs such as the Early Reading First program'' and inserting ''early childhood education programs'';

(D) in paragraph (3), by striking ''early childhood development programs such as the Early Reading First program'' and inserting ''early childhood education programs'';

(E) in paragraph (4)—

(i) by striking ''Early Reading First program staff,''; and

(ii) by striking ''early childhood development program'' and inserting ''early childhood education program'';

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

SEC. 1009. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

Section 1121(b)(3)(C)(ii) (20 U.S.C. 6331(b)(3)(C)(ii)) is amended by striking ''challenging State academic content standards'' and inserting ''challenging State academic standards''.

SEC. 1010. ALLOCATIONS TO STATES.

Section 1122(a) (20 U.S.C. 6332(a)) is amended by striking ''for each of fiscal years 2002–2007'' and inserting ''for each of fiscal years 2016 through 2021''.

SEC. 1011. MAINTENANCE OF EFFORT.

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

(1) in subsection (c), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(2) in subsection (d)(1)(A)(ii), by striking ''clause ''(i)'' and inserting ''clause (i)'';

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

''(e) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State's fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

''(2) REDUCTION IN CASE OF FAILURE TO MEET.—

''(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section for any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

''(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

''(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

''(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

''(B) a precipitous decline in the financial resources of the State.'';

(4) in subsection (f), by striking ''fiscal year 2002'' and inserting ''fiscal year 2016''; and

(5) in subsection (g)(3), in the matter preceding subparagraph (A), by striking ''shall be'' and inserting ''shall be—''.

SEC. 1012. ACADEMIC ASSESSMENTS.

Part B of title I (20 U.S.C. 6361 et seq.) is amended to read as follows:

''PART B—ACADEMIC ASSESSMENTS

''SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.

''From amounts made available in accordance with section 1204, the Secretary shall make grants to States to enable the States to carry out 1 or more of the following:

''(1) To pay the costs of the development of the State assessments and standards adopted under section 1111(b), which may include the costs of working in voluntary partnerships with other States, at the sole discretion of each such State.

''(2) If a State has developed the assessments adopted under section 1111(b), to administer those assessments or to carry out other assessment activities described in this part, such as the following:

''(A) Expanding the range of appropriate accommodations available to children who are English learners and children with disabilities to improve the rates of inclusion in regular assessments of such children, including professional development activities to improve the implementation of such accommodations in instructional practice.

''(B) Developing challenging State academic standards and aligned assessments in academic subjects for which standards and assessments are not required under section 1111(b).

''(C) Developing or improving assessments of English language proficiency necessary to comply with section 1111(b)(2)(G).

''(D) Ensuring the continued validity and reliability of State assessments.

''(E) Refining State assessments to ensure their continued alignment with the challenging State academic standards and to improve the alignment of curricula and instructional materials.

''(F) Developing or improving the quality, validity, and reliability of assessments for children who are English learners, including alternative assessments aligned with the challenging State academic standards, testing accommodations for children who are English learners, and assessments of English language proficiency.

''(G) Developing or improving balanced assessment systems that include summative, interim, and formative assessments, including supporting local educational agencies in developing or improving such assessments.

''(H) At the discretion of the State, refining science assessments required under section 1111(b)(2) in order to integrate engineering design skills and practices into such assessments.

''(I) Developing or improving models to measure and assess student growth on State assessments under section 1111(b)(2) and other assessments not required under section 1111(b)(2).

''SEC. 1202. GRANTS FOR ENHANCED ASSESSMENT INSTRUMENTS.

''(a) GRANT PROGRAM AUTHORIZED.—From amounts made available in accordance with section 1204, the Secretary shall award, on a competitive basis, grants to State educational agencies that have submitted applications at such time, in such manner, and containing such information as the Secretary may reasonably require, which demonstrate, to the satisfaction of the Secretary, that the requirements of this section will be met, for one of more of the following:

''(1) Allowing for collaboration with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in section 1111(b)(2).

''(2) Developing or improving assessments for students who are children with disabilities, including using the principles of universal design for learning, which may include developing assessments aligned to alternate academic achievement standards for students with the most significant cognitive disabilities described in section 1111(b)(2)(D).

''(3) Measuring student progress or academic growth over time, including by using multiple measures, or developing or improving models to measure and assess growth on State assessments under section 1111(b)(2).

''(4) Evaluating student academic achievement through the development of comprehensive academic assessment instruments, such as performance and technology-based academic assessments that emphasize the mastery of standards and aligned competencies in a competency-based education model, technology-based academic assessments, computer adaptive assessments, and portfolios, projects, or extended performance task assessments.

''(b) ANNUAL REPORT.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing its activities under the grant and the result of such activities.

''(c) PROHIBITION.—No funds provided under this section to the Secretary shall be used to mandate, direct, control, incentivize, or make financial awards conditioned upon a State (or a consortium of States) developing any assessment common to a number of States, including testing activities prohibited under section 9529.

''SEC. 1203. AUDITS OF ASSESSMENT SYSTEMS.

''(a) IN GENERAL.—From the amount reserved under section 1204(b)(1)(C) for a fiscal year, the Secretary shall make grants to States to enable the States to—

''(1) in the case of a grant awarded under this section to a State for the first time—

''(A) carry out audits of State assessment systems and ensure that local educational agencies carry out audits of local assessments under subsection (e)(1);

''(B) prepare and carry out the State plan under subsection (e)(6); and

''(C) award subgrants under subsection (f); and

''(2) in the case of a grant awarded under this section to a State that has previously received a grant under this section—

''(A) carry out the State plan under subsection (e)(6); and

''(B) award subgrants under subsection (f).

''(b) MINIMUM AMOUNT.—Each State with an approved application shall receive a grant amount of not less than $1,500,000 per fiscal year.

''(c) REALLOCATION.—If a State chooses not to apply to receive a grant under this subsection, or if such State's application under subsection (d) is disapproved by the Secretary, the Secretary shall reallocate such grant amount to other States with approved applications.

''(d) APPLICATION.—A State desiring to receive a grant under this section shall submit

an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) AUDITS OF STATE ASSESSMENT SYSTEMS AND LOCAL ASSESSMENTS.—

''(1) AUDIT REQUIREMENTS.—Not later than 1 year after a State receives a grant under this section for the first time, the State shall—

''(A) conduct an audit of the State assessment system;

''(B) ensure that each local educational agency under the State's jurisdiction and receiving funds under this Act—

''(i) conducts an audit of each local assessment administered by the local educational agency; and

''(ii) submits the results of such audit to the State; and

''(C) report the results of each State and local educational agency audit conducted under subparagraphs (A) and (B), in a format that is—

''(i) publicly available, such as a widely accessible online platform; and

''(ii) with appropriate accessibility provisions for individuals with disabilities and English learners.

''(2) RESOURCES FOR LOCAL EDUCATIONAL AGENCIES.—In carrying out paragraph (1)(B), each State shall develop and provide local educational agencies with resources, such as guidelines and protocols, to assist the agencies in conducting and reporting the results of the audit required under such paragraph.

''(3) STATE ASSESSMENT SYSTEM DESCRIPTION.—An audit of a State assessment system conducted under paragraph (1) shall include a description of each State assessment carried out in the State, including—

''(A) the grade and subject matter assessed;

''(B) whether the assessment is required under section 1111(b)(2) or allowed under section 1111(b)(2)(D);

''(C) the annual cost to the State educational agency involved in developing, purchasing, administering, and scoring the assessment;

''(D) the purpose for which the assessment was designed and the purpose for which the assessment is used, including assessments designed to contribute to systems of improvement of teaching and learning;

''(E) the time for disseminating assessment results;

''(F) a description of how the assessment is aligned with the challenging State academic standards under section 1111(b)(1);

''(G) a description of any State law or regulation that established the requirement for the assessment;

''(H) the schedule and calendar for all State assessments given; and

''(I) a description of the State's policies for inclusion of English learners and children with disabilities participating in assessments, including developing and promoting the use of appropriate accommodations.

''(4) LOCAL ASSESSMENT DESCRIPTION.—An audit of a local assessment conducted under paragraph (1) shall include a description of the local assessment carried out by the local educational agency, including—

''(A) the descriptions listed in subparagraphs (A), (D), and (E) of paragraph (3);

''(B) the annual cost to the local educational agency of developing, purchasing, administering, and scoring the assessment;

''(C) the extent to which the assessment is aligned to the challenging State academic standards under section 1111(b)(1);

''(D) a description of any State or local law or regulation that establishes the requirement for the assessment; and

''(E) in the case of a summative assessment that is used for accountability purposes, whether the assessment is valid and reliable and consistent with nationally recognized professional and technical standards.

''(5) STAKEHOLDER FEEDBACK.—Each audit of a State assessment system or local assessment system conducted under subparagraph (A) or (B) of paragraph (1) shall include feedback on such system from education stakeholders, which shall cover information such as—

''(A) how educators, school leaders, and administrators use assessment data to improve and differentiate instruction;

''(B) the timing of release of assessment data;

''(C) the extent to which assessment data is presented in an accessible and understandable format for educators, school leaders, parents, students (if appropriate), and the community;

''(D) the opportunities, resources, and training educators and administrators are given to review assessment results and make effective use of assessment data;

''(E) the distribution of technological resources and personnel necessary to administer assessments;

''(F) the amount of time educators spend on assessment preparation;

''(G) the assessments that administrators, educators, parents, and students, if appropriate, do and do not find useful;

''(H) the amount of time students spend taking the assessments; and

''(I) other information as appropriate.

''(6) STATE PLAN ON AUDIT FINDINGS.—

''(A) PREPARING THE STATE PLAN.—Not later than 6 months after a State conducts an audit under paragraph (1) and based on the results of such audit, the State shall, in coordination with the local educational agencies under the jurisdiction of the State, prepare and submit to the Secretary a plan to improve and streamline State assessment systems and local assessment systems, including through activities such as—

''(i) developing and maintaining lists of State and local assessments that—

''(I) align to the State's content standards under section 1111(b)(1);

''(II) are valid, reliable, and remain consistent with nationally recognized professional and technical standards; and

''(III) contribute to systems of continuous improvement for teaching and learning;

''(ii) eliminating any assessments that are not required under section 1111(b)(2) (such as buying out the remainder of procurement contracts with assessment developers) that do not meet the contributing factors of high-quality assessments listed under subclauses (I) through (III) of clause (i);

''(iii) supporting the dissemination of best practices from local educational agencies or other States that have successfully improved assessment quality and efficiency to improve teaching and learning;

''(iv) supporting local educational agencies or consortia of local educational agencies to carry out efforts to streamline local assessment systems and implementing a regular process of review and evaluation of assessment use in local educational agencies;

''(v) disseminating the assessment data in an accessible and understandable format for educators, parents, and families; and

''(vi) decreasing time between administering such State assessments and releasing assessment data.

''(B) CARRY OUT THE STATE PLAN.—A State shall carry out a State plan as soon as practicable after the State prepares such State plan under subparagraph (A) and during each grant period of a grant described in subsection (a)(2) that is awarded to the State.

''(f) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—From the amount awarded to a State under this section, the State shall reserve not less than 20 percent of funds to make subgrants to local educational agencies in the State, or consortia of such local educational agencies, based on demonstrated need in the agency's or consortium's application to improve assessment quality, use, and alignment with the challenging State academic standards under section 1111(b)(1).

''(2) LOCAL EDUCATIONAL AGENCY APPLICATION.—Each local educational agency, or consortium of local educational agencies, seeking a subgrant under this subsection shall submit an application to the State at such time, in such manner, and containing such other information as determined by the State. The application shall include a description of the agency's or consortium's needs to improve assessment quality, use, and alignment (as described in paragraph (1)).

''(3) USE OF FUNDS.—A subgrant awarded under this subsection to a local educational agency or consortium of such agencies may be used to—

''(A) conduct an audit of local assessments under subsection (e)(1)(B);

''(B) eliminate any assessments identified for elimination by such audit, such as by buying out the remainder of procurement contracts with assessment developers;

''(C) disseminate the best practices described in subsection (e)(6)(A)(ii);

''(D) improve the capacity of school leaders and educators to disseminate assessment data in an accessible and understandable format for parents and families, including for children with disabilities or English learners;

''(E) improve assessment delivery systems and schedules, including by increasing access to technology and exam proctors, where appropriate;

''(F) hire instructional coaches, or promote educators who may receive increased compensation to serve as instructional coaches, to support educators to develop classroom-based assessments, interpret assessment data, and design instruction; and

''(G) provide for appropriate accommodations to maximize inclusion of children with disabilities and English learners participating in assessments.

''(g) DEFINITIONS.—In this section:

''(1) LOCAL ASSESSMENT.—The term 'local assessment' means an academic assessment selected and carried out by a local educational agency that is separate from an assessment required by section 1111(b)(2).

''(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1204. FUNDING.

''(a) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated such sums as may be necessary for fiscal years 2016 through 2021.

''(b) ALLOTMENT OF APPROPRIATED FUNDS.—

''(1) IN GENERAL.—From amounts made available for each fiscal year under subsection 1002(b) that are equal to or less than the amount described in section 1111(b)(2)(H), the Secretary shall—

''(A) reserve ½ of 1 percent for the Bureau of Indian Education;

''(B) reserve ½ of 1 percent for the outlying areas;

''(C) reserve not more than 20 percent to carry out section 1203; and

''(D) from the remainder, allocate to each State for section 1201 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 aged 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

''(2) AMOUNTS ABOVE TRIGGER AMOUNT.—Any amounts made available for a fiscal year under subsection 1002(b) that are more than the amount described in section 1111(b)(2)(H) shall be made available as follows:

''(A)(i) To award funds under section 1202 to States selected for such grants, 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 includes an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

''(B) Any amounts remaining after the Secretary awards funds under subparagraph (A) shall be allocated to each State that did not receive a grant under such subparagraph, in an amount that bears the same relationship to the total funds available under this subparagraph as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

''(c) STATE DEFINED.—In this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''SEC. 1205. INNOVATIVE ASSESSMENT AND ACCOUNTABILITY DEMONSTRATION AUTHORITY.

''(a) INNOVATIVE ASSESSMENT SYSTEM DEFINED.—The term 'innovative assessment system' means a system of assessments that may include—

''(1) competency-based assessments, instructionally embedded assessments, interim assessments, cumulative year-end assessments, or performance-based assessments that combine into an annual summative determination for a student, which may be administered through computer adaptive assessments; and

''(2) assessments that validate when students are ready to demonstrate mastery or proficiency and allow for differentiated student support based on individual learning needs.

''(b) DEMONSTRATION AUTHORITY.—

''(1) IN GENERAL.—The Secretary may provide a State educational agency, or a consortium of State educational agencies, in accordance with paragraph (3), with the authority to establish an innovative assessment system.

''(2) DEMONSTRATION PERIOD.—In accordance with the requirements described in subsection (c), each State educational agency, or consortium of State educational agencies, that submits an application under this section shall propose in its application the period of time over which it desires to exercise the demonstration authority, except that such period shall not exceed 5 years.

''(3) INITIAL DEMONSTRATION AUTHORITY; PROGRESS REPORT; EXPANSION.—

''(A) INITIAL PERIOD.—During the first 3 years of the demonstration authority under this section, the Secretary shall provide State educational agencies, or consortia of State educational agencies, subject to meeting the application requirements in subsection (c), with the authority described in paragraph (1).

''(B) LIMITATION.—During the first 3 years of the demonstration authority under this section, the total number of participating State educational agencies, including those participating in consortia, may not exceed 7, and not more than 4 State educational agencies may participate in a single consortium.

''(C) PROGRESS REPORT.—

''(i) IN GENERAL.—Not later than 90 days after the end of the first 3 years of the initial demonstration period described in subparagraph (A), the Director of the Institute of Education Sciences, in consultation with the Secretary, shall publish a report detailing the initial progress of the approved innovative assessment systems prior to providing additional State educational agencies with the demonstration authority described in paragraph (1).

''(ii) CRITERIA.—The progress report under clause (i) shall draw upon the annual information submitted by participating States described in subsection (c)(2)(I) and examine the extent to which—

''(I) the innovative assessment systems have demonstrated progress for all students, including at-risk students, in relation to such measures as—

''(aa) student achievement and academic outcomes;

''(bb) graduation rates for high schools;

''(cc) retention rates of students in school; and

''(dd) rates of remediation for students;

''(II) the innovative assessment systems have facilitated progress in relation to at least one other valid and reliable indicator of quality, success, or student support, such as those reported annually by the State in accordance with section 1111(b)(3)(B)(ii)(IV);

''(III) the State educational agencies have solicited feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system;

''(IV) teachers, principals, and other school leaders have demonstrated a commitment and capacity to implement or continue to implement the innovative assessment systems;

''(V) the innovative assessment systems have been developed in accordance with the requirements of subsection (c), including substantial evidence that such systems meet such requirements; and

''(VI) each State participating in the demonstration authority has demonstrated that the same system of assessments was used to measure the achievement of all students that participated in the demonstration authority, and at least 95 percent of such students overall and in each of the categories of students, as defined in section 1111(b)(3)(A), were assessed under the innovative assessment system.

''(iii) USE OF REPORT.—Upon completion of the progress report, the Secretary shall provide a response to the findings of the progress report, including a description of how the findings of the report will be used—

''(I) to support participating State educational agencies through technical assistance; and

''(II) to inform the peer review process described in subsection (d) for advising the Secretary on the awarding of the demonstration authority to the additional State educational agencies described in subparagraph (D).

''(iv) PUBLICLY AVAILABLE.—The Secretary shall make the progress report under this subparagraph and the response described in clause (iii) publicly available on the website of the Department.

''(v) PROHIBITION.—Nothing in this subparagraph shall be construed to authorize the Secretary to require participating States to submit any additional information for the purposes of the progress report beyond what the State has already provided in the annual report described in subsection (c)(2)(I).

''(D) EXPANSION OF THE DEMONSTRATION AUTHORITY.—Upon completion and publication of the report described in subparagraph (C)(iv), additional State educational agencies or consortia of State educational agencies may apply for the demonstration authority described in this section without regard to the limitations described in subparagraph (B). Such State educational agencies or consortia of State educational agencies shall be subject to all of the same requirements of this section.

''(c) APPLICATION.—Consistent with the process described in subsection (d), a State educational agency, or consortium of State educational agencies, that desires to participate in the program of demonstration authority under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include a description of the innovative assessment system, what experience the applicant has in implementing any components of the innovative assessment system, and the timeline over which the State proposes to exercise this authority. In addition, the application shall include the following:

''(1) A demonstration that the innovative assessment system will—

''(A) meet all the requirements of section 1111(b)(2)(B), except the requirements of clauses (i) and (v) of such section;

''(B) be aligned to the standards under section 1111(b)(1) and address the depth and breadth of the challenging State academic standards under such section;

''(C) express student results or student competencies in terms consistent with the State aligned academic achievement standards;

''(D) be able to generate comparable, valid, and reliable results for all students and for each category of students described in section 1111(b)(2)(B)(xi), compared to the results for such students on the State assessments under section 1111(b)(2);

''(E) be developed in collaboration with stakeholders representing the interests of children with disabilities, English learners, and other vulnerable children, educators, including teachers, principals, and other school leaders, local educational agencies, parents, and civil rights organizations in the State;

''(F) be accessible to all students, such as by incorporating the principles of universal design for learning;

''(G) provide educators, students, and parents with timely data, disaggregated by each category of students described in section 1111(b)(2)(B)(xi), to inform and improve instructional practice and student supports;

''(H) be able to identify which students are not making progress toward the State's academic achievement standards so that educators can provide instructional support and targeted intervention to all students to ensure every student is making progress;

''(I) measure the annual progress of not less than 95 percent of all students and students in each of the categories of students, as defined in section 1111(b)(3)(A), who are enrolled in each school that is participating in the innovative assessment system and are required to take assessments;

''(J) generate an annual, summative achievement determination based on annual data for each individual student based on the challenging State academic standards under section 1111(b)(1) and be able to validly and reliably aggregate data from the innovative assessment system for purposes of accountability, consistent with the requirements of

section 1111(b)(3), and reporting, consistent with the requirements of section 1111(d); and

''(K) continue use of the high-quality statewide academic assessments required under section 1111(b)(2) if such assessments will be used for accountability purposes for the duration of the demonstration.

''(2) A description of how the State educational agency will—

''(A) identify the distinct purposes for each assessment that is part of the innovative assessment system;

''(B) provide support and training to local educational agency and school staff to implement the innovative assessment system described in this subsection;

''(C) inform parents of students in participating local educational agencies about the innovative assessment system at the beginning of each school year during which the innovative assessment system will be implemented;

''(D) engage and support teachers in developing and scoring assessments that are part of the innovative assessment system, including through the use of high-quality professional development, standardized and calibrated scoring rubrics, and other strategies, consistent with relevant nationally recognized professional and technical standards, to ensure inter-rater reliability and comparability;

''(E) acclimate students to the innovative assessment system;

''(F) ensure that students with the most significant cognitive disabilities may be assessed with alternate assessments consistent with section 1111(b)(2)(D);

''(G) if the State is proposing to administer the innovative assessment system initially in a subset of local educational agencies, scale up the innovative assessment system to administer such system statewide or with additional local educational agencies in the State's proposed period of demonstration authority and 2-year extension period, if applicable, including the timeline that explains the process for scaling to statewide implementation by either the end of the State's proposed period of demonstration authority or the 2-year extension period;

''(H) gather data, solicit regular feedback from educators and parents, and assess the results of each year of the program of demonstration authority under this section, and respond by making needed changes to the innovative assessment system; and

''(I) report data from the innovative assessment system annually to the Secretary, including—

''(i) demographics of participating local educational agencies, if such system is not statewide, and additional local educational agencies if added to the system during the course of the State's demonstration or 2-year extension period, including a description of how—

''(I) the inclusion of additional local educational agencies contributes to progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies throughout the demonstration period; and

''(II) by the end of the demonstration authority, the participating local educational agencies, as a group, will be demographically similar to the State as a whole;

''(ii) performance of all participating students and for each category of students, as defined in section 1111(b)(3)(A), on the innovative assessment, consistent with the requirements in section 1111(d);

''(iii) performance of all participating students in relation to at least one other valid and reliable indicator of quality, success, or student supports, such as those reported annually by the State in accordance with section 1111(b)(3)(B)(ii)(IV);

''(iv) feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system; and

''(v) if such system is not statewide, a description of the State's progress in scaling up the innovative assessment system to additional local educational agencies during the State's period of demonstration authority, as described in subparagraph (G).

''(3) A description of the State educational agency's plan to—

''(A) ensure that all students and each of the categories of students, as defined in section 1111(b)(3)(A)—

''(i) are held to the same high standard as other students in the State; and

''(ii) receive the instructional support needed to meet challenging State academic standards;

''(B) ensure that each local educational agency has the technological infrastructure to implement the innovative assessment system; and

''(C) hold all participating schools in the local educational agencies participating in the program of demonstration authority accountable for meeting the State's expectations for student achievement.

''(4) If the innovative assessment system will initially be administered in a subset of local educational agencies—

''(A) a description of the local educational agencies within the State educational agency that will participate, including what criteria the State has for approving any additional local educational agencies to participate during the demonstration period;

''(B) assurances from such local educational agencies that such agencies will comply with the requirements of this subsection; and

''(C) a description of how the State will—

''(i) ensure that the inclusion of additional local educational agencies contributes to progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies throughout the demonstration authority; and

''(ii) ensure that the participating local educational agencies, as a group, will be demographically similar to the State as a whole by the end of the State's period of demonstration authority.

''(d) PEER REVIEW.—The Secretary shall—

''(1) implement a peer review process to inform—

''(A) the awarding of the demonstration authority under this section and the approval to operate the system for the purposes of paragraphs (2) and (3) of section 1111(b), as described in subsection (h) of this section; and

''(B) determinations about whether the innovative assessment system—

''(i) is comparable to the State assessments under section 1111(b)(2)(B)(v)(I), valid, reliable, of high technical quality, and consistent with relevant, nationally recognized professional and technical standards; and

''(ii) provides an unbiased, rational, and consistent determination of progress toward the goals described under section 1111(b)(3)(B)(i) for all students;

''(2) ensure that the peer review team is comprised of practitioners and experts who are knowledgeable about the innovative assessment being proposed for all students, including—

''(A) individuals with past experience developing systems of assessment innovation that support all students, including English learners, children with disabilities, and disadvantaged students; and

''(B) individuals with experience implementing innovative State assessment and accountability systems;

''(3) make publicly available the applications submitted under subsection (c) and the peer review comments and recommendations regarding such applications;

''(4) make a determination and inform the State regarding approval or disapproval of the application not later than 90 days after receipt of the complete application;

''(5) offer a State the opportunity to revise and resubmit its application within 60 days of a disapproval determination under paragraph (4) to allow the State to submit additional evidence that the State's application meets the requirements of subjection (c); and

''(6) make a determination regarding application approval or disapproval of a resubmitted application under paragraph (5) not later than 45 days after receipt of the resubmitted application.

''(e) EXTENSION.—The Secretary may extend an authorization of demonstration authority under this section for an additional 2 years if the State educational agency demonstrates with evidence that the State educational agency's innovative assessment system is continuing to meet the requirements of subsection (c), including—

''(1) demonstrating capacity to transition to statewide use by the end of a 2-year extension period; and

''(2) demonstrating that the participating local educational agencies, as a group, will be demographically similar to the State as a whole by the end of a 2-year extension period.

''(f) USE OF INNOVATIVE ASSESSMENT SYSTEM.—A State may, during its approved demonstration period or 2-year extension period, include results from the innovative assessment systems developed under this section in accountability determinations for each student in the participating local educational agencies instead of, or in addition to, those from the assessment system under section 1111(b)(2) if the State demonstrates that the State has met the requirements in subsection (c). The State shall continue to meet all other requirements of section 1111(b)(3).

''(g) AUTHORITY WITHDRAWN.—The Secretary shall withdraw the authorization for demonstration authority provided to a State educational agency under this section and any participating local educational agency or the State as a whole shall return to the statewide assessment system under section 1111(b)(2) if, at any point during a State's approved period of demonstration or 2-year extension period, the State educational agency cannot present to the Secretary a body of substantial evidence that the innovative assessment system developed under this section—

''(1) meets requirements of subsection (c);

''(2) includes all students attending schools participating in the demonstration authority, including each of the categories of students, as defined in section 1111(b)(3)(A), in the innovative assessment system demonstration;

''(3) provides an unbiased, rational, and consistent determination of progress toward the goals described under section 1111(b)(3)(B)(i) for all students, which are comparable to determinations under section 1111(b)(3)(B)(iii) across the State in which the local educational agencies are located;

''(4) presents a high-quality plan to transition to full statewide use of the innovative assessment system by the end of the State's approved demonstration period and 2-year extension, if the innovative assessment system will initially be administered in a subset of local educational agencies; and

''(5) is comparable to the statewide assessments under section 1111(b)(2) in content coverage, difficulty, and quality.

''(h) TRANSITION.—

''(1) IN GENERAL.—If, after a State's approved demonstration and extension period, the State educational agency has met all the requirements of this section, including having scaled the system up to statewide use, and demonstrated that such system is of high quality, the State shall be permitted to operate the innovative assessment system approved under the program of demonstration authority under this section for the purposes of paragraphs (2) and (3) of section 1111(b). Such system shall be deemed of high quality if the Secretary, through the peer review process described in subsection (d), determines that the system has—

''(A) met all of the requirements of this section;

''(B) demonstrated progress for all students, including each of the categories of students defined in section 1111(b)(3)(A), in relation to such measures as—

''(i) increasing student achievement and academic outcomes;

''(ii) increasing the 4-year adjusted cohort graduation rate or the extended-year adjusted cohort graduation rate for high schools;

''(iii) increasing retention rates of students in school; and

''(iv) increasing rates of remediation at institutions of higher education for participating students;

''(C) demonstrated progress in relation to at least one other valid and reliable indicator of quality, success, or student supports, such as those reported annually by the State in accordance with section 1111(b)(3)(B)(ii)(IV);

''(D) provided coherent and timely information about student attainment of the State's challenging academic standards, including objective measurement of academic achievement, knowledge, and skills that are valid, reliable, and consistent with relevant, nationally-recognized professional and technical standards;

''(E) solicited feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system; and

''(F) demonstrated that the same system of assessments was used to measure the achievement of all students, and at least 95 percent of such students overall and in each of the categories of students, as defined in section 1111(b)(3)(A), were assessed under the innovative assessment system.

''(2) BASELINE.—For the purposes of the evaluation described in paragraph (1), the baseline year shall be considered the first year of implementation of the innovative assessment system for each local educational agency.

''(3) WAIVER AUTHORITY.—If, at the conclusion of the State's approved demonstration and extension period, the State has met all of the requirements of this section, except transition to full statewide use for States that will initially administer an innovative assessment system in a subset of local educational agencies, and continues to comply with the other requirements of this section, and demonstrates a high-quality plan for transition to statewide use in a reasonable period of time, the State may request, and the Secretary shall review such request, a delay of the withdrawal of authority under subsection (g) for the purpose of providing the State time necessary to implement the innovative assessment system statewide.

''(i) AVAILABLE FUNDS.—A State may use funds available under section 1201 to carry out this section.

''(j) RULE OF CONSTRUCTION.—A consortium of States may apply to participate in the program of demonstration authority under this section and the Secretary may provide each State member of such consortium with such authority if each such State member meets all of the requirements of this section. Such consortium shall be subject to the limitation described in subsection (b)(3)(B) during the initial 3 years of the demonstration authority.

''(k) DISSEMINATION OF BEST PRACTICES.—

''(1) IN GENERAL.—Following the publication of the progress report described in subsection (b)(3)(C), the Director of the Institute of Education Sciences, in consultation with the Secretary, shall collect and disseminate the best practices on the development and implementation of innovative assessment systems that meet the requirements of this section, including—

''(A) the development of summative assessments that meet the requirements of section 1111(b)(2)(B), are comparable with statewide assessments, and include assessment tasks that determine proficiency or mastery of State-approved competencies aligned to challenging academic standards;

''(B) the development of effective supports for local educational agencies and school staff to implement innovative assessment systems;

''(C) the development of effective engagement and support of teachers in developing and scoring assessments and the use of high-quality professional development;

''(D) the development of effective supports for all students, particularly each of the categories of students, as defined in section 1111(b)(3)(A), participating in the innovative assessment systems; and

''(E) the development of standardized and calibrated scoring rubrics, and other strategies, to ensure inter-rater reliability and comparability of determinations of mastery or proficiency across local educational agencies and the State.

''(2) PUBLICATION.—The Secretary shall make the information described in paragraph (1) available to the public on the website of the Department and shall publish an update to the information not less often than once every 3 years.''.

SEC. 1013. EDUCATION OF MIGRATORY CHILDREN.

Part C of title I (20 U.S.C. 6391 et seq.) is amended—

(1) in section 1301—

(A) in paragraph (2), by striking ''State academic content and student academic achievement standards'' and inserting ''challenging State academic standards'';

(B) in paragraph (4), by striking ''State academic content and student academic achievement standards'' and inserting ''State academic standards''; and

(C) in paragraph (5), by inserting ''without the need for postsecondary remediation'' after ''employment'';

(2) in section 1303—

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

''(a) STATE ALLOCATIONS.—

''(1) BASE AMOUNT.—

''(A) IN GENERAL.—Except as provided in subsection (b) and subparagraph (B), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for fiscal year 2016 and succeeding fiscal years, an amount equal to—

''(i) the amount that such State received under this part for fiscal year 2002; plus

''(ii) the amount allocated to the State under paragraph (2).

''(B) NONPARTICIPATING STATES.—In the case of a State (other than the Commonwealth of Puerto Rico) that did not receive any funds for fiscal year 2002 under this part, the State shall receive, for fiscal year 2016 and succeeding fiscal years, an amount equal to—

''(i) the amount that such State would have received under this part for fiscal year 2002 if its application under section 1304 for the year had been approved; plus

''(ii) the amount allocated to the State under paragraph (2).

''(2) ALLOCATION OF ADDITIONAL AMOUNT.—For fiscal year 2016 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this part for the year exceed such funds for fiscal year 2002 shall be allocated to a State (other than the Commonwealth of Puerto Rico) so that the State receives an amount equal to—

''(A) the sum of—

''(i) the number of identified eligible migratory children, aged 3 through 21, residing in the State during the previous year; and

''(ii) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during such year; multiplied by

''(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph may not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.'';

(B) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than 85.0 percent.'';

(C) in subsection (c)—

(i) in paragraph (1)—

(I) by striking ''(A) If, after'' and inserting the following:

''(A) IN GENERAL.—If, after''; and

(II) in subparagraph (B)—

(aa) by striking ''If additional'' and inserting ''REALLOCATION.—If additional''; and

(bb) by moving the margins of such subparagraph 2 ems to the right; and

(ii) in paragraph (2)—

(I) by striking ''(A) The Secretary'' and inserting the following:

''(A) FURTHER REDUCTIONS.—The Secretary''; and

(II) in subparagraph (B)—

(aa) by striking ''The Secretary'' and inserting ''REALLOCATION.—The Secretary''; and

(bb) by moving the margins of such subparagraph 2 ems to the right; and

(D) in subsection (d)(3)(B), by striking ''welfare or educational attainment'' and inserting ''academic achievement''; and

(E) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking ''estimated'' and inserting ''identified''; and

(ii) by striking ''the Secretary shall'' and all that follows through the period at the end and inserting ''the Secretary shall use such information as the Secretary finds most accurately reflects the actual number of migratory children.'';

(3) in section 1304—

(A) in subsection (b)—

(i) in paragraph (1)—

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

(aa) by striking ''special educational needs'' and inserting ''unique educational needs''; and

(bb) by inserting ''and out-of-school migratory children'' after ''including preschool migratory children'';

(II) in subparagraph (B), by striking ''part A or B of title III'' and inserting ''part A of title III''; and

(III) by striking subparagraph (D) and inserting the following:

''(D) measurable program objectives and outcomes;'';

(ii) in paragraph (2), by striking ''challenging State academic content standards and challenging State student academic

achievement standards'' and inserting ''challenging State academic standards'';

(iii) in paragraph (3), by striking '', consistent with procedures the Secretary may require,'';

(iv) in paragraph (5), by inserting ''and'' after the semicolon;

(v) by striking paragraph (6); and

(vi) by redesignating paragraph (7) as paragraph (6);

(B) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking '', satisfactory to the Secretary,'';

(ii) in paragraph (2), by striking ''in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, subsections (b) and (c) of section 1120A, and part I'' and inserting ''in a manner consistent with the objectives of section 1113(c), paragraphs (3) and (4) of section 1113(d), subsections (b) and (c) of section 1117, and part E'';

(iii) in paragraph (3)—

(I) in the matter before subparagraph (A), by striking ''parent advisory councils'' and inserting ''parents of migratory children, including parent advisory councils''; and

(II) by striking ''section 1118'' and inserting ''section 1115'';

(iv) in paragraph (4), by inserting ''and out-of-school migratory children'' after ''addressing the unmet educational needs of preschool migratory children'';

(v) in paragraph (6)—

(I) by striking ''to the extent feasible,'';

(II) by striking subparagraph (C) and inserting the following:

''(C) evidence-based family literacy programs;''; and

(III) in subparagraph (E), by inserting '', without the need for postsecondary remediation'' after ''employment''; and

(vi) in paragraph (7), by striking ''paragraphs (1)(A) and (2)(B)(i) of section 1303(a), through such procedures as the Secretary may require'' and inserting ''section 1303(a)(2)(A)'';

(C) by striking subsection (d) and inserting the following:

''(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who have made a qualifying move within the previous 1-year period and who—

''(1) are failing, or most at risk of failing, to meet the challenging State academic standards; or

''(2) have dropped out of school.''; and

(D) in subsection (e)(3), by striking ''secondary school students'' and inserting ''students'';

(4) in section 1305(b), by inserting '', to the extent practicable,'' after ''may'';

(5) in section 1306—

(A) in subsection (a)(1)—

(i) by striking ''special'' both places the term appears and inserting ''unique'';

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

(iii) in subparagraph (F), by striking ''or B''; and

(B) in subsection (b)(4)—

(i) by striking ''special'' and inserting ''unique''; and

(ii) by striking ''section 1114'' each place the term appears and inserting ''section 1113(c)'';

(6) in section 1307—

(A) in the matter preceding paragraph (1), by striking ''nonprofit''; and

(B) in paragraph (3), by striking ''welfare or educational attainment'' and inserting ''educational achievement'';

(7) in section 1308—

(A) in subsection (a)(1), by inserting ''through'' after ''including''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''developing effective methods for'';

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) in the matter preceding clause (i), in the first sentence—

(AA) by striking ''ensure the linkage of migrant student'' and inserting ''maintain'';

(BB) by striking ''systems'' and inserting ''system'';

(CC) by inserting ''within and'' before ''among the States''; and

(DD) by striking ''all migratory students'' and inserting ''all migratory children eligible under this part'';

(bb) in the matter preceding clause (i), by striking ''The Secretary shall ensure'' and all that follows through ''maintain.'';

(cc) in the matter preceding clause (i), by striking ''Such elements'' and inserting ''Such information''; and

(dd) in clause (ii), by striking ''required'';

(II) by redesignating subparagraph (B) as subparagraph (C);

(III) by inserting after subparagraph (A) the following:

''(B) CONSULTATION.—The Secretary shall maintain ongoing consultation with the States, local educational agencies, and other migratory student service providers on—

''(i) the effectiveness of the system described in subparagraph (A); and

''(ii) the ongoing improvement of such system.''; and

(IV) in subparagraph (C), as redesignated by subclause (II)—

(aa) by striking ''the proposed data elements'' and inserting ''any new proposed data elements''; and

(bb) by striking ''Such publication shall occur not later than 120 days after the date of enactment of the No Child Left Behind Act of 2001.''; and

(iii) by striking paragraph (4); and

(8) in section 1309—

(A) in paragraph (1)(B), by striking ''nonprofit''; and

(B) by striking paragraph (2) and inserting the following:

''(2) MIGRATORY AGRICULTURAL WORKER.—The term 'migratory agricultural worker' means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture, which may be dairy work or the initial processing of raw agricultural products. If an individual did not engage in such new employment soon after a qualifying move, such individual may be considered a migratory agricultural worker if the individual actively sought new employment and has a recent history of moves for agricultural employment.

''(3) MIGRATORY CHILD.—The term 'migratory child' means a child or youth who made a qualifying move in the preceding 36 months—

''(A) as a migratory agricultural worker or a migratory fisher; or

''(B) with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

''(4) MIGRATORY FISHER.—The term 'migratory fisher' means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing. If the individual did not engage in such new employment soon after the move, the individual may be considered a migratory fisher if the individual actively sought new employment and has a recent history of moves for fishing work.

''(5) QUALIFYING MOVE.—The term 'qualifying move' means a move due to economic necessity—

''(A) from one residence to another residence; and

''(B) from one school district to another school district, except—

''(i) in the case of a State that is comprised of a single school district, wherein a qualifying move is from one administrative area to another within such district;

''(ii) in the case of a school district of more than 15,000 square miles, wherein a qualifying move is a distance of 20 miles or more to a temporary residence to engage in a fishing activity; or

''(iii) in a case in which another exception applies, as defined by the Secretary.''.

SEC. 1014. PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.

Part D of title I (20 U.S.C. 6421 et seq.) is amended—

(1) in section 1401(a)—

(A) in paragraph (1)—

(i) by inserting '', tribal,'' after ''youth in local''; and

(ii) by striking ''challenging State academic content standards and challenging State student academic achievement standards'' and inserting ''challenging State academic standards''; and

(B) in paragraph (3), by inserting ''and the involvement of their families and communities'' after ''to ensure their continued education'';

(2) in section 1412(b), by striking paragraph (2) and inserting the following:

''(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than 85 percent.'';

(3) in section 1414—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking ''from correctional facilities to locally operated programs'' and inserting ''between correctional facilities and locally operated programs''; and

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) by striking ''the program goals, objectives, and performance measures established by the State'' and inserting ''the program objectives and outcomes established by the State''; and

(bb) by striking ''vocational'' and inserting ''career'';

(II) in subparagraph (B), by striking ''and'' after the semicolon;

(III) in subparagraph (C)—

(aa) in clause (i), by inserting ''and'' after the semicolon;

(bb) by striking clause (ii) and redesignating clause (iii) as clause (ii); and

(cc) by striking clause (iv); and

(IV) by adding at the end the following:

''(D) provide assurances that the State educational agency has established—

''(i) procedures to ensure the prompt re-enrollment of each student who has been placed in the juvenile justice system in secondary school or in a re-entry program that best meets the needs of the student, including the transfer of credits that such student earns during placement; and

''(ii) opportunities for such students to participate in higher education or career pathways.''; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by inserting ''and respond to'' after ''to assess''; and

(II) by inserting ''and, to the extent practicable, provide for an assessment upon entry into a correctional facility'' after ''to be served under this subpart'';

(ii) in paragraph (6)—

(I) by striking ''carry out the evaluation requirements of section 9601 and how'' and inserting ''use'';

(II) by inserting ''under section 9601'' after ''recent evaluation''; and

(III) by striking ''will be used'';

(iii) in paragraph (8)—

(I) by striking ''vocational'' and inserting ''career''; and

(II) by striking ''Public Law 105–220''and inserting ''the Workforce Innovation and Opportunity Act'';

(iv) in paragraph (9)—

(I) by inserting ''and following'' after ''youth prior to''; and

(II) by inserting ''and, to the extent practicable, to ensure that transition plans are in place'' after ''the local educational agency or alternative education program'';

(v) in paragraph (11), by striking ''transition of children and youth from such facility or institution to'' and inserting ''transition of such children and youth between such facility or institution and'';

(vi) in paragraph (16), by inserting ''and obtain a high school diploma'' after ''to encourage the children and youth to reenter school'';

(vii) in paragraph (17), by inserting ''certified or licensed'' after ''provides an assurance that'';

(viii) in paragraph (18), by striking ''and'' after the semicolon;

(ix) in paragraph (19), by striking the period at the end and inserting ''; and''; and

(x) by adding at the end the following:

''(20) describes how the State agency will, to the extent feasible, identify youth who have come in contact with both the child welfare system and juvenile justice system and improve practices and expand the evidence-based intervention services to reduce school suspensions, expulsions, and referrals to law enforcement.'';

(4) in section 1415—

(A) in subsection (a)—

(i) in paragraph (1)(B)—

(I) by inserting '', without the need for remediation,'' after ''transition''; and

(II) by striking ''vocational or technical training'' and inserting ''career and technical education''; and

(ii) in paragraph (2)—

(I) by striking subparagraph (A), and inserting the following:

''(A) may include—

''(i) the acquisition of equipment;

''(ii) pay-for-success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal Government; and

''(iii) providing targeted, evidence-based services for youth who have come in contact with both the child welfare system and juvenile justice system;'';

(II) in subparagraph (B)—

(aa) in clause (i), by striking ''content standards and student academic achievement''; and

(bb) in clause (iii)—

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

(BB) by inserting ''and'' after the semicolon;

(III) in subparagraph (C)—

(aa) by striking ''section 1120A'' and inserting ''section 1117''; and

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

(IV) by striking subparagraph (D); and

(B) in subsection (b), by striking ''section 1120A'' and inserting ''section 1117'';

(5) in section 1416—

(A) in paragraph (3)—

(i) by striking ''challenging State academic content standards and student academic achievement standards'' and inserting ''challenging State academic standards''; and

(ii) by striking ''complete secondary school, attain a secondary diploma'' and inserting ''attain a high school diploma'';

(B) in paragraph (4)—

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

(ii) by inserting ''and, to the extent practicable, the development and implementation of transition plans'' after ''children and youth described in paragraph (1)''; and

(C) in paragraph (6), by striking ''student progress'' and inserting ''and improve student achievement'';

(6) in section 1418(a)—

(A) by striking paragraph (1) and inserting the following:

''(1) projects that facilitate the transition of children and youth between State-operated institutions, or institutions in the State operated by the Secretary of the Interior, and schools served by local educational agencies or schools operated or funded by the Bureau of Indian Education; or''; and

(B) in paragraph (2)—

(i) by striking ''vocational'' each place the term appears and inserting ''career''; and

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

(I) by striking ''secondary'' and inserting ''high''; and

(II) by inserting '', without the need for remediation,'' after ''reentry'';

(7) in section 1419, by striking ''for a fiscal year'' and all that follows through ''to provide'' and inserting ''for a fiscal year to provide'';

(8) in section 1421—

(A) in paragraph (1), by inserting '', without the need for remediation,'' after ''youth''; and

(B) in paragraph (3), by inserting '', including schools operated or funded by the Bureau of Indian Education,'' after ''local schools'';

(9) in section 1422(d)—

(A) by inserting '', which may include the nonacademic needs,'' after ''to meet the transitional and academic needs''; and

(B) by striking ''impact on meeting the transitional'' and inserting ''impact on meeting such transitional'';

(10) in section 1423—

(A) in paragraph (2)(B), by inserting '', including such facilities operated by the Secretary of the Interior and Indian tribes'' after ''the juvenile justice system'';

(B) by striking paragraph (4) and inserting the following:

''(4) a description of the activities that the local educational agency will carry out to facilitate the successful transition of children and youth in locally operated institutions for neglected and delinquent children and other correctional institutions into schools served by the local educational agency or, as appropriate, into career and technical education and postsecondary education programs;'';

(C) in paragraph (8), by inserting ''and family members'' after ''will involve parents'';

(D) in paragraph (9)—

(i) by striking ''vocational'' and inserting ''career''; and

(ii) by striking ''Public Law 105–220'' and inserting ''the Workforce Innovation and Opportunity Act'';

(E) by striking paragraph (11) and inserting the following:

''(11) as appropriate, a description of how the local educational agency and schools will address the educational needs of children and youth who return from institutions for neglected and delinquent children and youth or from correctional institutions and attend regular or alternative schools;''; and

(F) in paragraph (12), by striking ''participating schools'' and inserting ''the local educational agency'';

(11) in section 1424—

(A) in paragraph (2), by striking '', including'' and all that follows through ''gang members'';

(B) in paragraph (4)—

(i) by striking ''vocational'' and inserting ''career''; and

(ii) by striking ''and'' after the semicolon; and

(C) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(D) by inserting the following after paragraph (5):

''(6) programs for at-risk Indian children and youth, including such children and youth in correctional facilities in the area served by the local educational agency that are operated by the Secretary of the Interior or Indian tribes; and

''(7) pay-for-success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal government.'';

(12) in section 1425—

(A) in paragraph (4)—

(i) by inserting ''and obtain a high school diploma'' after ''reenter school''; and

(ii) by striking ''or seek a secondary school diploma or its recognized equivalent'';

(B) in paragraph (6), by striking ''high academic achievement standards'' and inserting ''the challenging State academic standards'';

(C) in paragraph (9)—

(i) by striking ''vocational'' and inserting ''career''; and

(ii) by striking ''Public Law 105–220'' and inserting ''the Workforce Innovation and Opportunity Act'';

(D) in paragraph (10), by striking ''and'' after the semicolon;

(E) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

''(12) to the extent practicable, develop an initial educational services and transition plan for each child or youth served under this subpart upon entry into the correctional facility, in partnership with the child's or youth's family members and the local educational agency that most recently provided services to the child or youth (if applicable), consistent with section 1414(a)(1); and

''(13) consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility, to coordinate educational services so as to minimize disruption to the child's or youth's achievement.'';

(13) in section 1426(2), by striking ''secondary'' and inserting ''high'';

(14) in section 1431(a)—

(A) by striking ''secondary'' each place the term appears and inserting ''high'';

(B) in paragraph (1), by inserting ''and to graduate from high school in the standard number of years'' after ''educational achievement''; and

(C) in paragraph (3), by inserting ''or school operated or funded by the Bureau of Indian Education'' after ''local educational agency''; and

(15) in section 1432(2)—

(A) by striking ''has limited English proficiency'' and inserting ''is an English learner''; and

(B) by striking ''or has a high absenteeism rate at school.'' and inserting ''has a high absenteeism rate at school, or has other life conditions that make the individual at high

risk for dependency or delinquency adjudication.''.

SEC. 1015. GENERAL PROVISIONS.

Title I (20 U.S.C. 6301 et seq.) is amended—

(1) by striking parts E, F, G, and H;

(2) by redesignating part I as part E;

(3) by striking sections 1907 and 1908;

(4) by redesignating sections 1901, 1902, 1903, 1905, and 1906 as sections 1501, 1502, 1503, 1504, and 1505, respectively;

(5) in section 1501, as redesignated by paragraph (4)—

(A) in subsection (a), by inserting '', in accordance with subsections (b) through (d),'' after ''may issue'';

(B) in subsection (b)—

(i) in paragraph (1), by inserting ''principals, other school leaders (including charter school leaders),'' after ''teachers,'';

(ii) in paragraph (2), by adding at the end the following: ''All information from such regional meetings and electronic exchanges shall be made public in an easily accessible manner to interested parties.'';

(iii) in paragraph (3)(A), by striking ''standards and assessments'' and inserting ''standards, assessments, the State accountability system under section 1111(b)(3), school intervention and support under section 1114, and the requirement that funds be supplemented and not supplanted under section 1117;'';

(iv) by striking paragraph (4) and inserting the following:

''(4) PROCESS.—Such process shall not be subject to the Federal Advisory Committee Act, but shall, unless otherwise provided as described in subsection (c), follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).''; and

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

''(5) EMERGENCY SITUATION.—In an emergency situation in which regulations to carry out this title must be issued within a very limited time to assist State educational agencies and local educational agencies with the operation of a program under this title, the Secretary may issue a proposed regulation without following such process but shall—

''(A) designate the proposed regulation as an emergency with an explanation of the emergency in a notice provided to Congress;

''(B) publish the duration of the comment and review period in such notice and in the Federal Register; and

''(C) conduct regional meetings to review such proposed regulation before issuing any final regulation.'';

(C) by redesignating subsection (c) as subsection (d);

(D) by inserting after subsection (b) the following:

''(c) ALTERNATIVE PROCESS IF FAILURE TO REACH CONSENSUS.—If consensus, as defined in section 562 of title 5, United States Code, on any proposed regulation is not reached by the individuals selected under paragraph (3)(B) for the negotiated rulemaking process, or if the Secretary determines that a negotiated rulemaking process is unnecessary, the Secretary may propose a regulation in the following manner:

''(1) NOTICE TO CONGRESS.—Not less than 30 days prior to issuing a notice of proposed rulemaking in the Federal Register, the Secretary shall provide to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and other relevant congressional committees, notice of the Secretary's intent to issue a notice of proposed rulemaking that shall include—

''(A) a copy of the regulation to be proposed;

''(B) a justification of the need to issue a regulation;

''(C) the anticipated burden, including the time, cost, and paperwork burden, the regulations will impose on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation;

''(D) the anticipated benefits to State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation;

''(E) any regulations that will be repealed when the new regulations are issued; and

''(F) an opportunity to comment on the information in subparagraphs (A) through (E).

''(2) COMMENT PERIOD FOR CONGRESS.—The Secretary shall provide Congress with a 15-day period, beginning after the date on which the Secretary provided the notice of any proposed rulemaking to Congress under paragraph (1), to make comments on the proposed rule. After addressing all comments received from Congress during such period, the Secretary may proceed with the rulemaking process under section 553 of title 5, United States Code, as modified by this section.

''(3) PUBLIC COMMENT AND REVIEW PERIOD.—The public comment and review period for any proposed regulation shall be not less than 90 days unless an emergency requires a shorter period, in which case the Secretary shall comply with the process outlined in subsection (b)(5).

''(4) ASSESSMENT.—No regulation shall be made final after the comment and review period described in paragraph (3) until the Secretary has published in the Federal Register—

''(A) an assessment of the proposed regulation that—

''(i) includes a representative sampling of local educational agencies based on enrollment, geographic diversity (including suburban, urban, and rural local educational agencies), and other factors impacted by the proposed regulation;

''(ii) addresses the burden, including the time, cost, and paperwork burden, that the regulation will impose on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation;

''(iii) addresses the benefits to State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation; and

''(iv) thoroughly addresses, based on the comments received during the comment and review period under paragraph (3), whether the rule is financially and operationally viable at the local level; and

''(B) an explanation of how the entities described in subparagraph (A)(ii) may cover the cost of the burden assessed under such subparagraph.''; and

(E) by inserting after subsection (d), as redesignated by subparagraph (C), the following:

''(e) RULE OF CONSTRUCTION.—Nothing in this section affects the applicability of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act') or chapter 8 of title 5, United States Code (commonly known as the 'Congressional Review Act').'';

(6) in section 1502(a), as redesignated by paragraph (4)—

(A) by striking ''section 1901'' and inserting ''section 1501''; and

(B) by striking ''or provides a written'' and all that follows through the period at the end and inserting ''or, where negotiated rulemaking is not pursued, shall conform to section 1501(c).''; and

(7) in section 1503, as redesignated by paragraph (4)—

(A) in subsection (a)(2), by striking ''student academic achievement'' and inserting ''academic''; and

(B) in subsection (b)(2)—

(i) in subparagraph (C), by striking '', including vocational educators'';

(ii) in subparagraph (F), by striking ''and'' after the semicolon; and

(iii) by striking subparagraph (G) and inserting the following:

''(G) specialized instructional support personnel;

''(H) representatives of charter schools, as appropriate; and

''(I) paraprofessionals.''.

SEC. 1016. REPORT ON SUBGROUP SAMPLE SIZE.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Director of the Institute of Education Sciences shall publish a report on best practices for determining valid, reliable, and statistically significant minimum numbers of students for each of the categories of students, as defined in section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)) (as amended by this Act), for the purposes of inclusion as categories of students in an accountability system described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) (as amended by this Act) and how such minimum number that is determined will not reveal personally identifiable information about students.

(b) PUBLIC DISSEMINATION.—The Director of the Institute of Education Sciences shall work with the Department of Education's existing technical assistance providers and dissemination networks to ensure that the report described under subsection (a) is widely disseminated—

(1) to the public, State educational agencies, local educational agencies, and schools; and

(2) through electronic transfer and other means, such as posting the report on the website of the Institute of Education Sciences or in another relevant place.

SEC. 1017. REPORT ON IMPLEMENTATION OF EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE.

Not later than 2 years after the date of enactment of this Act, the Secretary of Education and the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report on the implementation of section 1111(c)(1)(L) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(1)(L)), including the progress made and the remaining barriers relating to such implementation.

TITLE II—HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

SEC. 2001. TRANSFER OF CERTAIN PROVISIONS.

The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating subpart 5 of part C of title II (20 U.S.C. 6731 et seq.) as subpart 3 of part F of title IX, as redesignated by section 9106(1), and moving that subpart to the end of part F of title IX;

(2) by redesignating sections 2361 through 2368 as sections 9541 through 9548, respectively;

(3) in section 9546(b), as redesignated by paragraph (2), by striking the matter following paragraph (2) and inserting the following:

''(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.'';

(4) by redesignating subpart 4 of part D of title II as subpart 4 of part F of title IX, as redesignated by section 9106(1), and moving that subpart to follow subpart 3 of part F of

title IX, as redesignated and moved by paragraph (1);

(5) by redesignating section 2441 as section 9551; and

(6) by striking the subpart heading of subpart 4 of part F of title IX, as redesignated by paragraph (4), and inserting the following:

"Subpart 4—Internet Safety".

SEC. 2002. PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS.

The Act (20 U.S.C. 6301 et seq.) is amended by striking title II (as amended by section 2001) and inserting the following:

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

"SEC. 2001. PURPOSE.

''The purpose of this title is to improve student academic achievement by—

''(1) increasing the ability of local educational agencies, schools, teachers, principals, and other school leaders to provide a well-rounded and complete education for all students;

''(2) improving the quality and effectiveness of teachers, principals, and other school leaders;

''(3) increasing the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and

''(4) ensuring that low-income and minority students are served by effective teachers, principals, and other school leaders and have access to a high-quality instructional program.

"SEC. 2002. DEFINITIONS.

''In this title:

''(1) SCHOOL LEADER RESIDENCY PROGRAM.—The term 'school leader residency program' means a school-based principal, school leader, or principal and school leader preparation program in which a prospective principal or school leader—

''(A) for 1 academic year, engages in sustained and rigorous clinical learning with substantial leadership responsibilities and an opportunity to practice and be evaluated in an authentic school setting; and

''(B) during that academic year—

''(i) participates in evidence-based coursework that is integrated with the clinical residency experience; and

''(ii) receives ongoing support from a mentor principal or school leader who is effective.

''(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(3) TEACHER RESIDENCY PROGRAM.—The term 'teacher residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) for not less than 1 academic year, teaches alongside an effective teacher, as determined by a teacher evaluation system implemented under part A (if applicable), who is the teacher of record for the classroom;

''(B) receives concurrent instruction during the year described in subparagraph (A)—

''(i) through courses that may be taught by local educational agency personnel or by faculty of the teacher preparation program; and

''(ii) in the teaching of the content area in which the teacher will become certified or licensed; and

''(C) acquires effective teaching skills, as demonstrated through completion of a residency program, or other measure determined by the State, which may include a teacher performance assessment.

"SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

''(a) GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES.—For the purposes of carrying out part A (other than section 2105), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(b) NATIONAL ACTIVITIES.—For the purposes of carrying out activities authorized under section 2105, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(c) TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM.—For the purposes of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(d) AMERICAN HISTORY AND CIVICS EDUCATION.—For the purposes of carrying out part C, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(e) LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION.—For the purposes of carrying out part D, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(f) STEM INSTRUCTION AND STUDENT ACHIEVEMENT.—For the purposes of carrying out part E, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

"PART A—FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING

"SEC. 2101. FORMULA GRANTS TO STATES.

''(a) RESERVATION OF FUNDS.—From the total amount appropriated under section 2003(a) for a fiscal year, the Secretary shall reserve—

''(1) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this title; and

''(2) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

''(b) STATE ALLOTMENTS.—

''(1) HOLD HARMLESS.—

''(A) FISCAL YEARS 2016 THROUGH 2021.—For each of fiscal years 2016 through 2021, subject to paragraph (2) and subparagraph (C), from the funds appropriated under section 2003(a) for a fiscal year that remain after the Secretary makes the reservations under subsection (a), the Secretary shall allot to each State an amount equal to the total amount that such State received for fiscal year 2001 under—

''(i) section 2202(b) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

''(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).

''(B) RATABLE REDUCTION.—If the funds described in subparagraph (A) are insufficient to pay the full amounts that all States are eligible to receive under subparagraph (A) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

''(C) PERCENTAGE REDUCTION.—For each of fiscal years 2016 through 2021, the amount in subparagraph (A) shall be reduced by a percentage equal to the product of 14.29 percent and the number of years between the fiscal year for which the determination is being made and fiscal year 2015.

''(2) ALLOTMENT OF ADDITIONAL FUNDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), for any fiscal year for which the funds appropriated under section 2003(a) and not reserved under subsection (a) exceed the total amount required to make allotments under paragraph (1), the Secretary shall allot to each State the sum of—

''(i) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

''(ii) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

''(B) EXCEPTION.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total excess amount allotted under such subparagraph for a fiscal year.

''(3) FISCAL YEAR 2022 AND SUCCEEDING FISCAL YEARS.—For fiscal year 2022 and each of the succeeding fiscal years, the Secretary shall allot funds appropriated under section 2003(a) and not reserved under subsection (a) to each State in accordance with paragraph (2).

''(4) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallot the amount of the allotment to the remaining States in accordance with this subsection.

''(c) STATE USE OF FUNDS.—

''(1) IN GENERAL.—Except as provided for under paragraph (3), each State that receives an allotment under subsection (b) for a fiscal year shall reserve not less than 95 percent of such allotment to make subgrants to local educational agencies for such fiscal year, as described in section 2102.

''(2) STATE ADMINISTRATION.—A State educational agency may use not more than 1 percent of the amount allotted to such State under subsection (b) for the administrative costs of carrying out such State educational agency's responsibilities under this part.

''(3) PRINCIPALS AND OTHER SCHOOL LEADERS.—Notwithstanding paragraph (1) and in addition to funds otherwise available for activities under paragraph (4), a State educational agency may reserve not more than 3 percent of the amount reserved for subgrants to local educational agencies under paragraph (1) for activities for principals and other school leaders described in paragraph (4), if such reservation would not result in a lower allocation to local educational agencies under section 2102, as compared to such allocation for the preceding fiscal year.

''(4) STATE ACTIVITIES.—

''(A) IN GENERAL.—The State educational agency for a State that receives an allotment under subsection (b) may use funds not reserved under paragraph (1) to carry out 1 or more of the activities described in subparagraph (B), which may be implemented in conjunction with a State agency of higher education (if such agencies are separate) and carried out through a grant or contract with a for-profit or nonprofit entity, including an institution of higher education.

''(B) TYPES OF STATE ACTIVITIES.—The activities described in this subparagraph are the following:

''(i) Reforming teacher, principal, and other school leader certification, recertification, licensing, or tenure systems or preparation program standards and approval processes to ensure that—

''(I) teachers have the necessary subject-matter knowledge and teaching skills, as demonstrated through measures determined

by the State, which may include teacher performance assessments, in the academic subjects that the teachers teach to help students meet challenging State academic standards described in section 1111(b)(1);

''(II) principals and other school leaders have the instructional leadership skills to help teachers teach and to help students meet such challenging State academic standards; and

''(III) teacher certification or licensing requirements are aligned with such challenging State academic standards.

''(ii) Developing, improving, or providing assistance to local educational agencies to support the design and implementation of teacher, principal, and other school leader evaluation and support systems that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, and other schools leaders, such as by—

''(I) developing and disseminating high-quality evaluation tools, such as classroom observation rubrics, and methods, including training and auditing, for ensuring inter-rater reliability of evaluation results;

''(II) developing and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decisionmaking about professional development, improvement strategies, and personnel decisions; and

''(III) developing a system for auditing the quality of evaluation and support systems.

''(iii) Improving equitable access to effective teachers, principals, and other school leaders.

''(iv) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers (especially for teachers of children with disabilities, English learners, science, technology, engineering, mathematics, or other areas where the State demonstrates a shortage of educators), principals, and other school leaders, for—

''(I) individuals with a baccalaureate or master's degree, or other advanced degree;

''(II) mid-career professionals from other occupations;

''(III) paraprofessionals;

''(IV) former military personnel; and

''(V) recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become highly effective teachers, principals, or other school leaders.

''(v) Developing, improving, and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining teachers, principals, and other school leaders who are effective in improving student academic achievement, including highly effective teachers from underrepresented minority groups and teachers with disabilities, such as through—

''(I) opportunities for a cadre of effective teachers to lead evidence-based professional development for their peers;

''(II) career opportunities for teachers to grow as leaders, including hybrid roles that allow teachers to voluntarily serve as mentors or academic coaches while remaining in the classroom; and

''(III) providing training and support for teacher leaders and school leaders who are recruited as part of instructional leadership teams.

''(vi) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration and monitoring of the programs carried out under this part, including provision of technical assistance to local educational agencies.

''(vii) Developing, or assisting local educational agencies in developing—

''(I) teacher advancement initiatives that promote professional growth and emphasize multiple career paths, such as school leadership, mentoring, involvement with school intervention and support, and instructional coaching;

''(II) strategies that provide differential pay, or other incentives, to recruit and retain teachers in high-need academic subjects and teachers, principals, or other school leaders, in low-income schools and school districts, which may include performance-based pay systems; and

''(III) new teacher, principal, and other school leader induction and mentoring programs that are evidence-based and designed to—

''(aa) improve classroom instruction and student learning and achievement;

''(bb) increase the retention of effective teachers, principals, and other school leaders;

''(cc) improve school leadership to improve classroom instruction and student learning and achievement; and

''(dd) provide opportunities for teachers, principals, and other school leaders who are experienced, are effective, and have demonstrated an ability to work with adult learners to be mentors.

''(viii) Providing assistance to local educational agencies for—

''(I) the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and prepare all students to meet the challenging State academic standards described in section 1111(b)(1); and

''(II) the development and support of other school leadership programs to develop educational leaders.

''(ix) Supporting efforts to train teachers, principals, and other school leaders to effectively integrate technology into curricula and instruction, which may include blended learning projects that include an element of online learning, combined with supervised learning time and student-led learning, in which the elements are connected to provide an integrated learning experience.

''(x) Providing training, technical assistance, and capacity-building to local educational agencies that receive a subgrant under this part.

''(xi) Supporting teacher, principal, and other school leader residency programs.

''(xii) Reforming or improving teacher, principal, and other school leader preparation programs.

''(xiii) Supporting the instructional services provided by school librarians.

''(xiv) Supporting the instructional services provided by athletic administrators, such as through professional development or relevant State certification or licensure for such administrators.

''(xv) Developing, or assisting local educational agencies in developing, strategies that provide teachers, principals, and other school leaders with the skills, credentials, or certifications needed to educate all students in postsecondary education coursework through early college high school or dual or concurrent enrollment courses or programs.

''(xvi) Providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.

''(xvii) Supporting principals, other school leaders, teachers, teacher leaders, paraprofessionals, early childhood education program directors, and other early childhood education program providers to participate in efforts to align and promote quality early learning experiences from prekindergarten through grade 3.

''(xviii) Developing and providing professional development and instructional materials for science, technology, engineering, and mathematics subjects, including computer science.

''(xix) Supporting the efforts of teachers, principals, and other school leaders to integrate academic and career and technical education content into instructional practices.

''(xx) Supporting other activities identified by the State that are evidence-based and that meet the purpose of this title.

''(d) STATE PLAN.—

''(1) IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each plan described under paragraph (1) shall include the following:

''(A) A description of how the State educational agency will use funds received under this title for State-level activities described in subsection (c).

''(B) A description of the State's system of certification, licensing, and professional growth and improvement, such as clinical experience for prospective educators, support for new educators, professional development, professional growth and leadership opportunities, and compensation systems for teachers, principals, and other educators.

''(C) A description of how activities under this part are aligned with challenging State academic standards and State assessments under section 1111, which may include, as appropriate, relevant State early learning and developmental guidelines, as required under section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)).

''(D) A description of how the activities using funds under this part are expected to improve student achievement.

''(E) If a State educational agency plans to use funds under this part to improve equitable access to effective teachers, principals, and other school leaders, a description of how such funds will be used to meet the State's commitment described in section 1111(c)(1)(F) to ensure equitable access to effective teachers, principals, and school leaders.

''(F) An assurance that the State educational agency will monitor the implementation of activities under this part and provide technical assistance to local educational agencies in carrying out such activities.

''(G) An assurance that the State educational agency will work in consultation with the entity responsible for teacher and principal professional standards, certification, and licensing for the State, and encourage collaboration between educator preparation programs, the State, and local educational agencies to promote the readiness of new educators entering the profession.

''(H) A description of how the State educational agency will improve the skills of teachers, principals, and other school leaders in order to enable them to identify students with specific learning needs, particularly students with disabilities, English learners, students who are gifted and talented, and students with low literacy levels, and provide instruction based on the needs of such students.

''(I) A description of how the State will use data and ongoing consultation with and

input from teachers and teacher organizations, principals, other school leaders, specialized instructional support personnel, parents, community partners, and (where applicable) institutions of higher education, to continually update and improve the activities supported under this part.

''(3) CONSULTATION.—In developing the State plan under this subsection, a State shall—

''(A) involve teachers, teacher organizations, principals, other school leaders, specialized instructional support personnel, parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title;

''(B) seek advice from the individuals, organizations, or partners described in subparagraph (A) regarding how best to improve the State's activities to meet the purpose of this title; and

''(C) coordinate the State's activities under this part with other related strategies, programs, and activities being conducted in the State.

''(e) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control any of the following:

''(1) The development, improvement, or implementation of elements of any teacher, principal, or school leader evaluation systems.

''(2) Any State or local educational agency's definition of teacher, principal, or other school leader effectiveness.

''(3) Any teacher, principal, or other school leader professional standards, certification, or licensing.

''SEC. 2102. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) ALLOCATION OF FUNDS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—From funds reserved by a State under section 2101(c)(1) for a fiscal year, the State, acting through the State educational agency, shall award subgrants to eligible local educational agencies from allocations described in paragraph (2).

''(2) ALLOCATION FORMULA.—From the funds described in paragraph (1), the State educational agency shall allocate to each of the eligible local educational agencies in the State for a fiscal year the sum of—

''(A) an amount that bears the same relationship to 20 percent of such funds for such fiscal year as the number of individuals aged 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all eligible local educational agencies in the State, as so determined; and

''(B) an amount that bears the same relationship to 80 percent of the funds for such fiscal year as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the eligible local educational agencies in the State, as so determined.

''(3) ADMINISTRATIVE COSTS.—Of the amounts allocated to a local educational agency under paragraph (2), the local educational agency may use not more than 2 percent for the direct administrative costs of carrying out its responsibilities under this part.

''(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a consortium of local educational agencies that are designated with a school locale code of 41, 42, or 43, or such local educational agencies designated with a school locale code of 41, 42, or 43 that work in cooperation with an educational service agency, from voluntarily combining allocations received under this part for the collective use of funding by the consortium for activities under this section.

''(b) LOCAL APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency shall conduct a needs assessment described in paragraph (2) and submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

''(2) NEEDS ASSESSMENT.—

''(A) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency shall periodically conduct a comprehensive needs assessment of the local educational agency and of all schools served by the local educational agency.

''(B) REQUIREMENTS.—The needs assessment under subparagraph (A) shall be designed to determine the schools with the most acute staffing needs related to—

''(i) increasing the number of teachers, principals, and other school leaders who are effective in improving student academic achievement;

''(ii) ensuring that low-income and minority students are not disproportionately served by ineffective teachers, principals, and other school leaders;

''(iii) ensuring that low-income and minority students have access to—

''(I) a high-quality instructional program (such as opportunities for high-quality postsecondary education coursework through an early college high school or a dual or concurrent enrollment program); and

''(II) class sizes that are appropriate and evidence-based;

''(iv) hiring, retention, and advancement and leadership opportunities for effective teachers, principals, and other school leaders;

''(v) supporting and developing all educators, including preschool, kindergarten, elementary, middle, or high school teachers (including special education and career and technical education teachers), principals, other school leaders, early childhood directors, specialized instructional support personnel, paraprofessionals, or other staff members who provide or directly support instruction;

''(vi) understanding and using data and assessments to improve student learning and classroom practice;

''(vii) improving student behavior, including the response of teachers, principals, and other school leaders to student behavior, in the classroom and school, including the identification of early and appropriate interventions, which may include positive behavioral interventions and supports;

''(viii) teaching students who are English learners, children who are in early childhood education programs, children with disabilities, American Indian children, Alaskan Native children, and gifted and talented students;

''(ix) ensuring that funds are used to support schools served by the local educational agency that are identified under section 1114(a)(1)(A) and schools with high percentages or numbers of children counted under section 1124(c);

''(x) improving the academic and non-academic skills of all students that are essential for learning readiness and academic success; and

''(xi) any other evidence-based factors that the local educational agency determines are appropriate to meet the needs of schools within the jurisdiction of the local educational agency and meet the purpose of this title.

''(3) CONSULTATION.—

''(A) IN GENERAL.—In conducting a needs assessment described in paragraph (2), a local educational agency shall—

''(i) involve teachers, teacher organizations, principals, and other school leaders, specialized instructional support personnel, parents, community partners, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title; and

''(ii) take into account the activities that need to be conducted in order to give teachers, principals, and other school leaders the skills to provide students with the opportunity to meet challenging State academic standards described in section 1111(b)(1).

''(B) CONTINUED CONSULTATION.—A local educational agency receiving a subgrant under this section shall consult with such individuals and organizations described in subparagraph (A) on an ongoing basis in order to—

''(i) seek advice regarding how best to improve the local educational agency's activities to meet the purpose of this title; and

''(ii) coordinate the local educational agency's activities under this part with other related strategies, programs, and activities being conducted in the community.

''(4) CONTENTS OF APPLICATION.—Each application submitted under paragraph (1) shall be based on the results of the needs assessment required under paragraph (2) and shall include the following:

''(A) A description of the results of the comprehensive needs assessment carried out under paragraph (2).

''(B) A description of the activities to be carried out by the local educational agency under this section and how these activities will be aligned with the challenging State academic standards described in section 1111(b)(1).

''(C) A description of how such activities will comply with the principles of effectiveness described in section 2103(c).

''(D) A description of the activities, including professional development, that will be made available to meet needs identified by the needs assessment described in paragraph (2).

''(E) A description of the local educational agency's systems of hiring and professional growth and improvement, such as induction for teachers, principals, and other school leaders.

''(F) A description of how the local educational agency will support efforts to train teachers, principals, and other school leaders to effectively integrate technology into curricula and instruction.

''(G) A description of how the local educational agency will prioritize funds to schools served by the agency that are identified under section 1114(a)(1)(A) and have the highest percentage or number of children counted under section 1124(c).

''(H) Where a local educational agency has a significant number of schools identified under section 1114(a)(1)(A), as determined by the State, a description of how the local educational agency will seek the input of the State educational agency in planning and implementing activities under this part.

''(I) A description of how the local educational agency will increase and improve opportunities for meaningful teacher leadership and for building the capacity of teachers.

''(J) An assurance that the local educational agency will comply with section 9501 (regarding participation by private school children and teachers).

''(K) An assurance that the local educational agency will coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs.

''SEC. 2103. LOCAL USE OF FUNDS.

''(a) IN GENERAL.—A local educational agency that receives a subgrant under section 2102 shall use the funds made available through the subgrant to develop, implement, and evaluate comprehensive, evidence-based programs and activities described in subsection (b), which may be carried out through a grant or contract with a for-profit or nonprofit entity, in partnership with an institution of higher education, or in partnership with an Indian tribe or tribal organization (as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

''(b) TYPES OF ACTIVITIES.—The activities described in this subsection—

''(1) shall meet the needs identified in the needs assessment described in section 2102(b)(2);

''(2) shall be in accordance with the purpose of this title, evidence-based, and consistent with the principles of effectiveness described in subsection (c);

''(3) shall address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students; and

''(4) may include, among other programs and activities—

''(A) developing or improving a rigorous, transparent, and fair evaluation and support system for teachers, principals, and other school leaders that is based in part on evidence of student achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, and other schools leaders;

''(B) developing and implementing initiatives to assist in recruiting, hiring, and retaining highly effective teachers, principals, and other school leaders, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet the challenging State academic standards described in section 1111(b)(1), to improve within-district equity in the distribution of teachers, principals, and school leaders consistent with the requirements of section 1111(c)(1)(F), such as initiatives that provide—

''(i) expert help in screening candidates and enabling early hiring;

''(ii) differential and incentive pay for teachers, principals, and other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;

''(iii) teacher, paraprofessional, principal, and other school leader advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths and pay differentiation;

''(iv) new teacher, principal, and other school leader induction and mentoring programs that are designed to—

''(I) improve classroom instruction and student learning and achievement;

''(II) increase the retention of effective teachers, principals, and other school leaders;

''(III) improve school leadership to improve classroom instruction and student learning and achievement; and

''(IV) provide opportunities for mentor teachers, principals, and other educators who are experienced, are effective, and have demonstrated an ability to work with adult learners;

''(v) the development and provision of training for school leaders, coaches, mentors and evaluators on how to accurately differentiate performance, provide useful feedback, and use evaluation results to inform decisionmaking about professional development, improvement strategies, and personnel decisions; and

''(vi) a system for auditing the quality of evaluation and support systems;

''(C) recruiting qualified individuals from other fields to become teachers, principals, or other school leaders including mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with a record of academic distinction who demonstrate potential to become effective teachers, principals, or other school leaders;

''(D) reducing class size to an evidence-based level to improve student achievement through the recruiting and hiring of additional effective teachers;

''(E) providing high-quality, personalized professional development for teachers, instructional leadership teams, principals, and other school leaders, focused on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, and other school leaders to—

''(i) effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy);

''(ii) use data from such technology to improve student achievement;

''(iii) effectively engage parents, families and community partners, and coordinate services between school and community;

''(iv) help all students develop the academic and nonacademic skills essential for learning readiness and academic success; and

''(v) develop policy with school, local educational agency, community, or State leaders;

''(F) developing programs and activities that increase the ability of teachers to effectively teach children with disabilities, including children with significant cognitive disabilities, which may include the use of multi-tier systems of support and positive behavioral intervention and supports, and students who are English learners, so that such children with disabilities and students who are English learners can meet the challenging State academic standards described in section 1111(b)(1);

''(G) providing programs and activities to increase—

''(i) the knowledge base of teachers, principals, and other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing; and

''(ii) the ability of principals and other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age 8, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school;

''(H) providing training, technical assistance, and capacity-building in local educational agencies to assist teachers and school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate;

''(I) supporting teacher, principal, and school leader residency programs;

''(J) reforming or improving teacher, principal, and other school leader preparation programs;

''(K) carrying out in-service training for school personnel in—

''(i) the techniques and supports needed for early identification of children with trauma histories, and children with, or at risk of, mental illness;

''(ii) the use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate; and

''(iii) forming partnerships between school-based mental health programs and public or private mental health organizations;

''(L) providing training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as—

''(i) early entrance to kindergarten;

''(ii) enrichment, acceleration, and curriculum compacting activities; and

''(iii) dual or concurrent enrollment in secondary school and postsecondary education;

''(M) supporting the instructional services provided by school librarians;

''(N) providing general liability insurance coverage for teachers related to actions performed in the scope of their duties;

''(O) providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse;

''(P) developing and providing professional development and instructional materials for science, technology, engineering, and mathematics subjects, including computer science;

''(Q) providing training for teachers, principals, and other school leaders to address school climate issues such as school violence, bullying, harassment, drug and alcohol use and abuse, and rates of chronic absenteeism (including both excused and unexcused absences);

''(R) increasing time for common planning, within and across content areas and grade levels;

''(S) increasing opportunities for teacher-designed and implemented professional development activities, which may include opportunities for experiential learning through observation;

''(T) developing feedback mechanisms to improve school working conditions;

''(U) providing high-quality professional development for teachers, principals, and other school leaders on effective strategies to integrate academic and career and technical education content, which may include common planning time; and

''(V) carrying out other evidence-based activities identified by the local educational agency that meet the purpose of this title.

''(c) PRINCIPLES OF EFFECTIVENESS.—

''(1) IN GENERAL.—For a program or activity supported with funds provided under this part to meet principles of effectiveness, such program or activity shall—

''(A) be based on an assessment of objective data regarding the need for programs and activities in the schools to be served to—

''(i) increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement;

''(ii) ensure that low-income and minority students are served by effective teachers, principals, and other school leaders; and

''(iii) ensure that low-income and minority students have access to a high-quality instructional program;

''(B) be based on established and evidence-based criteria—

''(i) aimed at ensuring that all students receive a high-quality education taught by effective teachers and attend schools led by effective principals and other school leaders; and

''(ii) that result in improved student academic achievement in the school served by the program or activity; and

''(C) include meaningful and ongoing consultation with and input from teachers, teacher organizations, principals, other school leaders, specialized instructional support personnel, parents, community partners, and (where applicable) institutions of higher education, in the development of the application and administration of the program or activity.

''(2) PERIODIC EVALUATION.—

''(A) IN GENERAL.—A program or activity carried out under this section shall undergo a periodic evaluation to assess its progress toward achieving the goal of providing students with a high-quality education, taught by effective teachers, in schools led by effective principals and school leaders that results in improved student academic achievement.

''(B) USE OF RESULTS.—The results of an evaluation described in subparagraph (A) shall be—

''(i) used to refine, improve, and strengthen the program or activity, and to refine the criteria described in paragraph (1)(B); and

''(ii) made available to the public upon request, with public notice of such availability provided.

''(3) PROHIBITION.—Nothing in this subsection shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control the principles of effectiveness developed by local educational agencies under paragraph (1) or the specific programs or activities that will be implemented by a local educational agency.

''SEC. 2104. REPORTING.

''(a) STATE REPORT.—Each State educational agency receiving funds under this part shall annually submit to the Secretary a report that provides—

''(1) the number and percentage of teachers, principals, and other school leaders in the State and each local educational agency in the State who are licensed or certified, provided such information does not reveal personally identifiable information;

''(2) the first-time passing rate of teachers and principals in the State and each local educational agency in the State on teacher and principal licensure examinations, provided such information does not reveal personally identifiable information;

''(3) a description of how chosen professional development activities improved teacher and principal performance; and

''(4) if funds are used under this part to improve equitable access to teachers, principals, and other school leaders for low-income and minority students, a description of how funds have been used to improve such access.

''(b) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this part shall submit to the State educational agency such information as the State requires, which shall include the information described in subsection (a) for the local educational agency.

''(c) AVAILABILITY.—The reports and information provided under subsections (a) and (b) shall be made readily available to the public.

''(d) LIMITATION.—The reports and information provided under subsections (a) and (b) shall not reveal personally identifiable information about any individual.

''SEC. 2105. NATIONAL ACTIVITIES OF DEMONSTRATED EFFECTIVENESS.

''(a) IN GENERAL.—From the funds appropriated under section 2003(b) to carry out this section, the Secretary—

''(1) shall reserve such funds as are necessary to carry out activities under subsection (b);

''(2) shall reserve not less than 40 percent of the funds appropriated under such section to carry out activities under subsection (c); and

''(3) shall reserve not less than 40 percent of such funds to carry out activities under subsection (d).

''(b) TECHNICAL ASSISTANCE AND NATIONAL EVALUATION.—From the funds reserved by the Secretary under subsection (a)(1), the Secretary—

''(1) shall establish, in a manner consistent with section 203 of the Educational Technical Assistance Act of 2002, a comprehensive center on students at risk of not attaining full literacy skills due to a disability, which shall—

''(A) identify or develop free or low-cost evidence-based assessment tools for identifying students at risk of not attaining full literacy skills due to a disability, including dyslexia impacting reading and writing, or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;

''(B) identify evidence-based literacy instruction, strategies, and accommodations, including assistive technology, designed to meet the specific needs of such students;

''(C) provide families of such students with information to assist such students;

''(D) identify or develop evidence-based professional development for teachers, paraprofessionals, principals, other school leaders, and specialized instructional support personnel to—

''(i) understand early indicators of students at risk of not attaining full literacy skills due to a disability, including dyslexia impacting reading and writing, or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;

''(ii) use evidence-based screening assessments for early identification of such students beginning not later than kindergarten; and

''(iii) implement evidence-based instruction designed to meet the specific needs of such students; and

''(E) disseminate the products of the comprehensive center to regionally diverse State educational agencies, local educational agencies, regional educational agencies, and schools, including, as appropriate, through partnerships with other comprehensive centers established under section 203 of the Educational Technical Assistance Act of 2002 and regional educational laboratories established under section 174 of the Education Sciences Reform Act of 2002; and

''(2) may—

''(A) provide technical assistance, which may be carried out directly or through grants or contracts, to States and local educational agencies carrying out activities under this part; and

''(B) carry out evaluations of activities by States and local educational agencies under this part, which shall be conducted by a third party or by the Institute of Education Sciences.

''(c) PROGRAMS OF NATIONAL SIGNIFICANCE.—

''(1) IN GENERAL.—From the funds reserved by the Secretary under subsection (a)(2), the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of—

''(A) providing teachers, principals, and other school leaders from nontraditional preparation and certification routes or pathways to serve in traditionally underserved local educational agencies;

''(B) providing evidence-based professional development activities that addresses literacy, numeracy, remedial, or other needs of local educational agencies and the students the agencies serve;

''(C) making freely available services and learning opportunities to local educational agencies, through partnerships and cooperative agreements or by making the services or opportunities publicly accessible through electronic means; or

''(D) providing teachers, principals, and other school leaders with evidence-based professional enhancement activities, which may include activities that lead to an advanced credential.

''(2) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

''(A) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this subsection shall be for a period of not more than 3 years.

''(B) RENEWAL.—The Secretary may renew a grant awarded under this subsection for 1 additional 2-year period.

''(C) DIVERSITY OF PROJECTS.—In awarding grants under this subsection, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

''(D) LIMITATION.—The Secretary shall not award more than 1 grant under this subsection to an eligible entity during a grant competition.

''(3) COST-SHARING.—

''(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this subsection.

''(B) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this subsection may meet the requirement of subparagraph (A) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

''(C) WAIVERS.—The Secretary may waive or modify the requirement of subparagraph (A) in cases of demonstrated financial hardship.

''(4) APPLICATIONS.—In order to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include, at a minimum, a certification that the services provided by an eligible entity under the grant to a local educational agency or to a school served by the local educational agency will not result in direct fees for participating students or parents.

''(5) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) an institution of higher education that provides course materials or resources that are evidence-based in increasing academic achievement, graduation rates, or rates of postsecondary education matriculation;

''(B) a national nonprofit entity with a demonstrated record of raising student academic achievement, graduation rates, and rates of higher education attendance, matriculation, or completion, or of effectiveness in providing preparation and professional development activities and programs

for teachers, principals, and other school leaders; or

''(C) a partnership consisting of—

''(i) 1 or more entities described in subparagraph (A) or (B); and

''(ii) a for-profit entity.

''(d) SCHOOL LEADER RECRUITMENT AND SUPPORT PROGRAMS.—

''(1) IN GENERAL.—From the funds reserved by the Secretary under subsection (a)(3), the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to improve the recruitment, preparation, placement, support, and retention of effective principals and other school leaders in high-need schools, which may include—

''(A) developing or implementing leadership training programs designed to prepare and support principals and other school leaders in high-need schools, including through new or alternative pathways and school leader residency programs;

''(B) developing or implementing programs or activities for recruiting, selecting, and developing aspiring or current principals and other school leaders to serve in high-need schools;

''(C) developing or implementing programs for recruiting, developing, and placing school leaders to improve schools identified for intervention and support under section 1114(a)(1)(A), including through cohort-based activities that build effective instructional and school leadership teams and develop a school culture, design, instructional program, and professional development program focused on improving student learning;

''(D) providing continuous professional development for principals and other school leaders in high-need schools;

''(E) developing and disseminating information on best practices and strategies for effective school leadership in high-need schools, such as training and supporting principals to identify, develop, and maintain school leadership teams using various leadership models; and

''(F) other evidence-based programs or activities described in section 2101(c)(3) or section 2103(b)(4) focused on principals and other school leaders in high-need schools.

''(2) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

''(A) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this subsection shall be for a period of not more than 5 years.

''(B) RENEWAL.—The Secretary may renew a grant awarded under this subsection for 1 additional 2-year period.

''(C) DIVERSITY OF PROJECTS.—In awarding grants under this subsection, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

''(D) LIMITATION.—The Secretary shall not award more than 1 grant under this subsection to an eligible entity during a grant competition.

''(3) COST-SHARING.—

''(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this subsection.

''(B) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this subsection may meet the requirement of subparagraph (A) by providing contributions in cash or in-kind, fairly evaluated, including plant, equipment, and services.

''(C) WAIVERS.—The Secretary may waive or modify the requirement of subparagraph (A) in cases of demonstrated financial hardship.

''(4) APPLICATIONS.—An eligible entity that desires a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

''(5) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to an eligible entity with a record of preparing or developing principals who—

''(A) have improved school-level student outcomes;

''(B) have become principals in high-need schools; and

''(C) remain principals in high-need schools for multiple years.

''(6) DEFINITIONS.—In this subsection—

''(A) the term 'eligible entity' means—

''(i) a local educational agency, including an educational service agency, that serves a high-need school or a consortium of such agencies;

''(ii) a State educational agency or a consortium of such agencies;

''(iii) a State educational agency in partnership with 1 or more local educational agencies or educational service agencies that serve a high-need school; or

''(iv) an entity described in clause (i), (ii), or (iii) in partnership with 1 or more nonprofit organizations or institutions of higher education; and

''(B) the term 'high-need school' means—

''(i) an elementary school in which not less than 50 percent of the enrolled students are from families with incomes below the poverty line; or

''(ii) a high school in which not less than 40 percent of the enrolled students are from families with incomes below the poverty line.

"SEC. 2106. SUPPLEMENT, NOT SUPPLANT.

''Funds made available under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this part.

"PART B—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

"SEC. 2201. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are—

''(1) to assist States, local educational agencies, and nonprofit organizations to develop, implement, improve, or expand comprehensive performance-based compensation systems or human capital management systems for teachers, principals, and other school leaders (especially for teachers, principals, and other school leaders in high-need schools) who raise student academic achievement and close the achievement gap between high- and low-performing students; and

''(2) to study and review performance-based compensation systems or human capital management systems for teachers, principals, and other school leaders to evaluate the effectiveness, fairness, quality, consistency, and reliability of the systems.

''(b) DEFINITIONS.—In this part:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a local educational agency, including a charter school that is a local educational agency, or a consortium of local educational agencies;

''(B) a State educational agency or other State agency designated by the chief executive of a State to participate under this part; or

''(C) a partnership consisting of—

''(i) 1 or more agencies described in subparagraph (A) or (B); and

''(ii) at least 1 nonprofit or for-profit entity.

''(2) HIGH-NEED SCHOOL.—The term 'high-need school' means a public elementary school or secondary school that is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more.

''(3) HUMAN CAPITAL MANAGEMENT SYSTEM.—The term 'human capital management system' means a system—

''(A) by which a local educational agency makes and implements human capital decisions, such as decisions on preparation, recruitment, hiring, placement, retention, dismissal, compensation, professional development, tenure, and promotion; and

''(B) that includes a performance-based compensation system.

''(4) PERFORMANCE-BASED COMPENSATION SYSTEM.—The term 'performance-based compensation system' means a system of compensation for teachers, principals, and other school leaders that—

''(A) differentiates levels of compensation based in part on measurable increases in student academic achievement; and

''(B) may include—

''(i) differentiated levels of compensation, which may include bonus pay, on the basis of the employment responsibilities and success of effective teachers, principals, and other school leaders in hard-to-staff schools or high-need subject areas; and

''(ii) recognition of the skills and knowledge of teachers, principals, and other school leaders as demonstrated through—

''(I) successful fulfillment of additional responsibilities or job functions, such as teacher leadership roles; and

''(II) evidence of professional achievement and mastery of content knowledge and superior teaching and leadership skills.

"SEC. 2202. TEACHER AND SCHOOL LEADER INCENTIVE FUND GRANTS.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop, implement, improve, or expand performance-based compensation systems or human capital management systems, in schools served by the eligible entity.

''(b) DURATION OF GRANTS.—

''(1) IN GENERAL.—A grant awarded under this part shall be for a period of not more than 3 years.

''(2) RENEWAL.—The Secretary may renew a grant awarded under this part for a period of up to 2 years if the grantee demonstrates to the Secretary that the grantee is effectively utilizing funds. Such renewal may include allowing the grantee to scale up or replicate the successful program.

''(3) LIMITATION.—A local educational agency may receive (whether individually or as part of a consortium or partnership) a grant under this part only twice, as of the date of enactment of the Every Child Achieves Act of 2015.

''(c) APPLICATIONS.—An eligible entity desiring a grant under this part shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

''(1) a description of the performance-based compensation system or human capital management system that the eligible entity proposes to develop, implement, improve, or expand through the grant;

''(2) a description of the most pressing gaps or insufficiencies in student access to effective teachers and school leaders in high-need schools, including gaps or inequities in how effective teachers and school leaders are distributed across the local educational agency, as identified using factors such as data on school resources, staffing patterns, school environment, educator support systems, and other school-level factors;

''(3) a description and evidence of the support and commitment from teachers, principals, and other school leaders, which may include charter school leaders, in the school (including organizations representing teachers, principals, and other school leaders), the community, and the local educational agency to the activities proposed under the grant;

''(4) a description of how the eligible entity will develop and implement a fair, rigorous, valid, reliable, and objective process to evaluate teacher, principal, school leader, and student performance under the system that is based in part on measures of student academic achievement, including the baseline performance against which evaluations of improved performance will be made;

''(5) a description of the local educational agencies or schools to be served under the grant, including such student academic achievement, demographic, and socioeconomic information as the Secretary may request;

''(6) a description of the quality of teachers, principals, and other school leaders in the local educational agency and the schools to be served under the grant and the extent to which the system will increase the quality of teachers, principals, and other school leaders in a high-need school;

''(7) a description of how the eligible entity will use grant funds under this part in each year of the grant, including a timeline for implementation of such activities;

''(8) a description of how the eligible entity will continue the activities assisted under the grant after the grant period ends;

''(9) a description of the State, local, or other public or private funds that will be used to supplement the grant, including funds under part A, and sustain the activities assisted under the grant at the end of the grant period;

''(10) a description of—

''(A) the rationale for the project;

''(B) how the proposed activities are evidence-based; and

''(C) if applicable, the prior experience of the eligible entity in developing and implementing such activities; and

''(11) a description of how activities funded under this part will be evaluated, monitored, and publically reported.

''(d) AWARD BASIS.—

''(1) PRIORITY.—In awarding a grant under this part, the Secretary shall give priority to an eligible entity that concentrates the activities proposed to be assisted under the grant on teachers, principals, and other school leaders serving in high-need schools.

''(2) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this part, including the distribution of such grants between rural and urban areas.

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives a grant under this part shall use the grant funds to develop, implement, improve, or expand, in collaboration with teachers, principals, other school leaders, and members of the public, a performance-based compensation system or human capital management system consistent with this part.

''(2) AUTHORIZED ACTIVITIES.—Grant funds under this part may be used for the following:

''(A) Developing or improving an evaluation and support system, including as part of a human capital management system as applicable, that—

''(i) reflects clear and fair measures of teacher, principal, and other school leader performance, based in part on demonstrated improvement in student academic achievement; and

''(ii) provides teachers, principals, and other school leaders with ongoing, differentiated, targeted, and personalized support and feedback for improvement, including professional development opportunities designed to increase effectiveness.

''(B) Conducting outreach within a local educational agency or a State to gain input on how to construct an evaluation system described in subparagraph (A) and to develop support for the evaluation system, including by training appropriate personnel in how to observe and evaluate teachers, principals, and other school leaders.

''(C) Providing principals and other school leaders with—

''(i) balanced autonomy to make budgeting, scheduling, and other school-level decisions in a manner that meets the needs of the school without compromising the intent or essential components of the policies of the local educational agency or State; and

''(ii) authority to make staffing decisions that meet the needs of the school, such as building an instructional leadership team that includes teacher leaders or offering opportunities for teams or pairs of effective teachers or candidates to teach or start teaching in high-need schools together.

''(D) Implementing, as part of a comprehensive performance-based compensation system, a differentiated salary structure, which may include bonuses and stipends, to—

''(i) teachers who—

''(I)(aa) teach in high-need schools; or

''(bb) teach in high-need subjects;

''(II) raise student academic achievement; or

''(III) take on additional leadership responsibilities; or

''(ii) principals and other school leaders who serve in high-need schools and raise student academic achievement in the schools.

''(E) Improving the local educational agency's system and process for the recruitment, selection, placement, and retention of effective teachers and school leaders in high-need schools, such as by improving local educational agency policies and procedures to ensure that high-need schools are competitive and timely in—

''(i) attracting, hiring, and retaining effective educators;

''(ii) offering bonuses or higher salaries to effective teachers; or

''(iii) establishing or strengthening residency programs.

''(F) Instituting career advancement opportunities characterized by increased responsibility and pay that reward and recognize effective teachers and school leaders in high-need schools and enable them to expand their leadership and results, such as through teacher-led professional development, mentoring, coaching, hybrid roles, administrative duties, and career ladders.

''(f) MATCHING REQUIREMENT.—Each eligible entity that receives a grant under this part shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

''(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this part shall be used to supplement, not supplant, other Federal or State funds available to carry out activities described in this part.

"SEC. 2203. REPORTS.

''(a) ACTIVITIES SUMMARY.—Each eligible entity receiving a grant under this part shall provide to the Secretary a summary of the activities assisted under the grant.

''(b) REPORT.—The Secretary shall provide to Congress an annual report on the implementation of the program carried out under this part, including—

''(1) information on eligible entities that received grant funds under this part, including—

''(A) information provided by eligible entities to the Secretary in the applications submitted under section 2202(c);

''(B) the summaries received under subsection (a); and

''(C) grant award amounts; and

''(2) student academic achievement and, as applicable, growth data from the schools participating in the programs supported under the grant.

''(c) EVALUATION AND TECHNICAL ASSISTANCE.—

''(1) RESERVATION OF FUNDS.—Of the total amount reserved under section 2003(c) for this part for a fiscal year, the Secretary may reserve for such fiscal year not more than 1 percent for the cost of the evaluation under paragraph (2) and for technical assistance in carrying out this part.

''(2) EVALUATION.—From amounts reserved under paragraph (1), the Secretary, acting through the Director of the Institute of Education Sciences, shall carry out an independent evaluation to measure the effectiveness of the program assisted under this part.

''(3) CONTENTS.—The evaluation under paragraph (2) shall measure—

''(A) the effectiveness of the program in improving student academic achievement;

''(B) the satisfaction of the participating teachers, principals, and other school leaders; and

''(C) the extent to which the program assisted the eligible entities in recruiting and retaining high-quality teachers, principals, and other school leaders, especially in high-need subject areas.''.

SEC. 2003. AMERICAN HISTORY AND CIVICS EDUCATION.

Title II (20 U.S.C. 6601 et seq.), as amended by section 2002, is further amended by adding at the end the following:

"PART C—AMERICAN HISTORY AND CIVICS EDUCATION

"SEC. 2301. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From amounts appropriated to carry out this part, the Secretary is authorized to carry out an American history and civics education program to improve—

''(1) the quality of American history, civics, and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and

''(2) the quality of the teaching of American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history.

''(b) FUNDING ALLOTMENT.—From amounts made available under section 2305 for a fiscal year, the Secretary shall—

''(1) use not less than 85 percent for activities under section 2302;

''(2) use not less than 10 percent for activities under section 2303; and

''(3) use not more than 5 percent for activities under section 2304.

"SEC. 2302. TEACHING OF TRADITIONAL AMERICAN HISTORY.

''(a) IN GENERAL.—From the amounts reserved by the Secretary under section 2301(b)(1), the Secretary shall award grants, on a competitive basis, to local educational agencies—

''(1) to carry out activities to promote the teaching of traditional American history in elementary schools and secondary schools as a separate academic subject (not as a component of social studies); and

''(2) for the development, implementation, and strengthening of programs to teach traditional American history as a separate academic subject (not as a component of social

studies) within elementary school and secondary school curricula, including the implementation of activities—

''(A) to improve the quality of instruction; and

''(B) to provide professional development and teacher education activities with respect to American history.

''(b) REQUIRED PARTNERSHIP.—A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with 1 or more of the following:

''(1) An institution of higher education.

''(2) A nonprofit history or humanities organization.

''(3) A library or museum.

''(c) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(d) GRANT TERMS.—Grants awarded under subsection (a) shall be for a term of not more than 5 years.

''SEC. 2303. PRESIDENTIAL AND CONGRESSIONAL ACADEMIES FOR AMERICAN HISTORY AND CIVICS.

''(a) IN GENERAL.—From the amounts reserved under section 2301(b)(2), the Secretary shall award not more than 12 grants, on a competitive basis, to—

''(1) eligible entities to establish Presidential Academies for the Teaching of American History and Civics (in this section referred to as the 'Presidential Academies') in accordance with subsection (e); and

''(2) eligible entities to establish Congressional Academies for Students of American History and Civics (in this section referred to as the 'Congressional Academies') in accordance with subsection (f).

''(b) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(c) ELIGIBLE ENTITY.—The term 'eligible entity' under this section means—

''(1) an institution of higher education or nonprofit educational organization, museum, library, or research center with demonstrated expertise in historical methodology or the teaching of American history and civics; or

''(2) a consortium of entities described in paragraph (1).

''(d) GRANT TERMS.—Grants awarded to eligible entities under subsection (a) shall be for a term of not more than 5 years.

''(e) PRESIDENTIAL ACADEMIES.—

''(1) USE OF FUNDS.—Each eligible entity that receives a grant under subsection (a)(1) shall use the grant funds to establish a Presidential Academy that offers a seminar or institute for teachers of American history and civics, which—

''(A) provides intensive professional development opportunities for teachers of American history and civics to strengthen such teachers' knowledge of the subjects of American history and civics;

''(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

''(C) is conducted during the summer or other appropriate time; and

''(D) is of not less than 2 weeks and not more than 6 weeks in duration.

''(2) SELECTION OF TEACHERS.—Each year, each Presidential Academy shall select between 50 and 300 teachers of American history and civics from public or private elementary schools and secondary schools to attend the seminar or institute under paragraph (1).

''(3) TEACHER STIPENDS.—Each teacher selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such teacher does not incur personal costs associated with the teacher's participation in the seminar or institute.

''(4) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to eligible entities that coordinate or align their activities with the National Park Service National Centennial Parks initiative to develop innovative and comprehensive programs using the resources of the National Parks.

''(f) CONGRESSIONAL ACADEMIES.—

''(1) USE OF FUNDS.—Each eligible entity that receives a grant under subsection (a)(2) shall use the grant funds to establish a Congressional Academy that offers a seminar or institute for outstanding students of American history and civics, which—

''(A) broadens and deepens such students' understanding of American history and civics;

''(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

''(C) is conducted during the summer or other appropriate time; and

''(D) is of not less than 2 weeks and not more than 6 weeks in duration.

''(2) SELECTION OF STUDENTS.—

''(A) IN GENERAL.—Each year, each Congressional Academy shall select between 100 and 300 eligible students to attend the seminar or institute under paragraph (1).

''(B) ELIGIBLE STUDENTS.—A student shall be eligible to attend a seminar or institute offered by a Congressional Academy under this subsection if the student—

''(i) is recommended by the student's secondary school principal or other school leader to attend the seminar or institute; and

''(ii) will be a junior or senior in the academic year following attendance at the seminar or institute.

''(3) STUDENT STIPENDS.—Each student selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such student does not incur personal costs associated with the student's participation in the seminar or institute.

''(g) MATCHING FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives funds under subsection (a) shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant.

''(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement would result in serious hardship or an inability to carry out the activities described in subsection (e) or (f).

''SEC. 2304. NATIONAL ACTIVITIES.

''(a) PURPOSE.—The purpose of this section is to promote new and existing evidence-based strategies to encourage innovative American history, civics and government, and geography instruction, learning strategies, and professional development activities and programs for teachers, principals, and other school leaders, particularly such instruction, strategies, activities, and programs that benefit low-income students and underserved populations.

''(b) IN GENERAL.—From the funds reserved by the Secretary under section 2301(b)(3), the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of—

''(1) expanding, developing, implementing, evaluating, and disseminating for voluntary use, innovative, evidenced-based approaches or professional development programs in American history, civics and government, and geography, which may include—

''(A) hands-on civic engagement activities for teachers and low-income students; and

''(B) programs that educate students about the history and principles of the Constitution of the United States, including the Bill of Rights and that demonstrate scalability, accountability, and a focus on underserved populations; and

''(2) developing other innovative approaches that—

''(A) improve the quality of student achievement in, and teaching of, American history, civics and government, and geography, in elementary schools and secondary schools; and

''(B) demonstrate innovation, scalability, accountability, and a focus on underserved populations.

''(c) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

''(1) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 3 years.

''(2) RENEWAL.—The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

''(3) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

''(d) APPLICATIONS.—In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(e) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an institution of higher education or other nonprofit or for-profit organization with demonstrated expertise in the development of evidence-based approaches for improving the quality of American history, geography, and civics learning and teaching.

''SEC. 2305. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2016 through 2021.''.

SEC. 2004. LITERACY EDUCATION.

Title II (20 U.S.C. 6601 et seq.), as amended by sections 2001 through 2003, is further amended by adding at the end the following:

''PART D—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

''SEC. 2401. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are—

''(1) to improve student academic achievement in reading and writing by providing Federal support to States to develop, revise, or update comprehensive literacy instruction plans that, when implemented, ensure high-quality instruction and effective strategies in reading and writing from early education through grade 12; and

''(2) for States to provide targeted subgrants to State-designated early childhood education programs and local educational agencies and their public or private partners to implement evidenced-based programs that ensure high-quality comprehensive literacy instruction for students most in need.

''(b) DEFINITIONS.—In this part:

''(1) COMPREHENSIVE LITERACY INSTRUCTION.—The term 'comprehensive literacy instruction' means instruction that—

''(A) includes developmentally appropriate, contextually explicit, and systematic instruction, and frequent practice, in reading and writing across content areas;

''(B) includes age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension;

''(C) includes age-appropriate, explicit instruction in writing, including opportunities for children to write with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction and feedback from instructional staff;

''(D) makes available and uses diverse, high-quality print materials that reflect the reading and development levels, and interests, of children;

''(E) uses differentiated instructional approaches, including individual and small group instruction and discussion;

''(F) provides opportunities for children to use language with peers and adults in order to develop language skills, including developing vocabulary;

''(G) includes frequent practice of reading and writing strategies;

''(H) uses age-appropriate, valid, and reliable screening assessments, diagnostic assessments, formative assessment processes, and summative assessments to identify a child's learning needs, to inform instruction, and to monitor the child's progress and the effects of instruction;

''(I) uses strategies to enhance children's motivation to read and write and children's engagement in self-directed learning;

''(J) incorporates the principles of universal design for learning;

''(K) depends on teachers' collaboration in planning, instruction, and assessing a child's progress and on continuous professional learning; and

''(L) links literacy instruction to the challenging State academic standards under section 1111(b)(1), including the ability to navigate, understand, and write about, complex print and digital subject matter.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that serves a high percentage of high-need schools and consists of—

''(A) one or more local educational agencies that—

''(i) have the highest number or proportion of children who are counted under section 1124(c), in comparison to other local educational agencies in the State;

''(ii) are among the local educational agencies in the State with the highest number or percentages of children reading or writing below grade level, based on the most currently available State academic assessment data under section 1111(b)(2); or

''(iii) serve a significant number or percentage of schools that are identified under section 1114(a)(1)(A);

''(B) one or more State-designated early childhood education programs, which may include home-based literacy programs for preschool aged children, that have a demonstrated record of providing comprehensive literacy instruction for the age group such program proposes to serve; or

''(C) a local educational agency, described in subparagraph (A), or consortium of such local educational agencies, or a State-designated early childhood education program, which may include home-based literacy programs for preschool aged children, acting in partnership with 1 or more public or private nonprofit organizations or agencies (which may include State-designated early childhood education programs) that have a demonstrated record of effectiveness in—

''(i) improving literacy achievement of children, consistent with the purposes of their participation, from birth through grade 12; and

''(ii) providing professional development in comprehensive literacy instruction.

''(3) HIGH-NEED SCHOOL.—

''(A) IN GENERAL.—The term 'high-need school' means—

''(i) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families; or

''(ii) a high school in which not less than 40 percent of the enrolled students are children from low-income families, which may be calculated using comparable data from the schools that feed into the high school.

''(B) LOW-INCOME FAMILY.—For purposes of subparagraph (A), the term 'low-income family' means a family—

''(i) in which the children are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

''(ii) receiving assistance under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

''(iii) in which the children are eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''SEC. 2402. COMPREHENSIVE LITERACY STATE DEVELOPMENT GRANTS.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part and not reserved under subsection (b), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to—

''(1) provide subgrants to eligible entities serving a diversity of geographic areas, giving priority to entities serving greater numbers or percentages of disadvantaged children; and

''(2) develop or enhance comprehensive literacy instruction plans that ensure high-quality instruction and effective strategies in reading and writing for children from early childhood education through grade 12, including English learners and children with disabilities.

''(b) RESERVATION.—From the amounts appropriated to carry out this part for a fiscal year, the Secretary shall reserve—

''(1) not more than a total of 5 percent for national activities including a national evaluation, technical assistance and training, data collection, and reporting;

''(2) one-half of 1 percent for the Secretary of the Interior to carry out a program described in this part at schools operated or funded by the Bureau of Indian Education; and

''(3) one-half of 1 percent for the outlying areas to carry out a program under this part.

''(c) DURATION OF GRANTS.—A grant awarded under this part shall be for a period of not more than 5 years. Such grant may be renewed for an additional 2-year period upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that—

''(1) the State has made adequate progress; and

''(2) renewing the grant for an additional 2-year period is necessary to carry out the objectives of the grant described in subsection (d).

''(d) STATE APPLICATIONS.—

''(1) IN GENERAL.—A State educational agency desiring a grant under this part shall submit an application to the Secretary, at such time and in such manner as the Secretary may require. The State educational agency shall collaborate with the State agency responsible for administering early childhood education programs and the State agency responsible for administering child care programs in the State in writing and implementing the early childhood education portion of the grant application under this subsection.

''(2) CONTENTS.—An application described in paragraph (1) shall include, at a minimum, the following:

''(A) A needs assessment that analyzes literacy needs across the State and in high-need schools and local educational agencies that serve high-need schools, including identifying the most pressing gaps in literacy proficiency and inequities in student access to effective teachers of literacy, considering each of the categories of students, as defined in section 1111(b)(3)(A).

''(B) A description of how the State educational agency, in collaboration with the State literacy team, if applicable, will develop a State comprehensive literacy instruction plan or will revise and update an already existing State comprehensive literacy instruction plan.

''(C) An implementation plan that includes a description of how the State educational agency will carry out the State activities described in subsection (e).

''(D) An assurance that the State educational agency will use implementation grant funds described in subsection (e)(1) for comprehensive literacy instruction programs as follows:

''(i) Not less than 15 percent of such grant funds shall be used for State and local programs and activities pertaining to children from birth through kindergarten entry.

''(ii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among the grades of kindergarten through grade 5.

''(iii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

''(E) An assurance that the State educational agency will give priority in awarding a subgrant under section 2403 to an eligible entity that—

''(i) serves children from birth through age 5 who are from families with income levels at or below 200 percent of the Federal poverty line; or

''(ii) is a local educational agency serving a high number or percentage of high-need schools.

''(e) STATE ACTIVITIES.—

''(1) IN GENERAL.—A State educational agency receiving a grant under this section shall use not less than 95 percent of such grant funds to award subgrants to eligible entities, based on their needs assessment and a competitive application process.

''(2) RESERVATION.—A State educational agency receiving a grant under this section may reserve not more than 5 percent for activities identified through the needs assessment and comprehensive literacy plan described in subparagraphs (A) and (B) of subsection (d)(2), including the following activities:

''(A) Providing technical assistance, or engaging qualified providers to provide technical assistance, to eligible entities to enable the eligible entities to design and implement literacy programs.

''(B) Coordinating with institutions of higher education in the State to provide recommendations to strengthen and enhance pre-service courses for students preparing to teach children from birth through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy methods.

''(C) Reviewing and updating, in collaboration with teachers, statewide educational and professional organizations representing

teachers, and statewide educational and professional organizations representing institutions of higher education, State licensure or certification standards in the area of literacy instruction in early education through grade 12.

''(D) Making publicly available, including on the State educational agency's website, information on promising instructional practices to improve child literacy achievement.

''(E) Administering and monitoring the implementation of subgrants by eligible entities.

''(3) ADDITIONAL USES.—After carrying out the activities described in paragraphs (1) and (2), a State educational agency may use any remaining amount to carry out 1 or more of the following activities:

''(A) Developing literacy coach training programs and training literacy coaches.

''(B) Administration and evaluation of activities carried out under this part.

''SEC. 2403. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF BIRTH THROUGH KINDERGARTEN ENTRY LITERACY.

''(a) SUBGRANTS.—

''(1) IN GENERAL.—A State educational agency receiving a grant under this part shall, in consultation with the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs, and, if applicable, the State Advisory Council on Early Childhood Education and Care designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i))), use a portion of the grant funds, in accordance with section 2402(d)(2)(D)(i), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from birth through kindergarten entry.

''(2) DURATION.—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.

''(3) SUFFICIENT SIZE AND SCOPE.—Each subgrant awarded under this section shall be of sufficient size and scope to allow the eligible entity to carry out high-quality early literacy initiatives for children from birth through kindergarten entry.

''(b) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

''(1) how the subgrant funds will be used to enhance the language and literacy development and school readiness of children, from birth through kindergarten entry, in early childhood education programs, which shall include an analysis of data that support the proposed use of subgrant funds;

''(2) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, through high-quality professional development;

''(3) how the activities assisted under the subgrant will be coordinated with comprehensive literacy instruction at the kindergarten through grade 12 levels;

''(4) how the subgrant funds will be used to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from birth through kindergarten entry; and

''(5) such other information as the State educational agency may require.

''(c) LOCAL USES OF FUNDS.—An eligible entity that receives a subgrant under this section shall use the subgrant funds, consistent with the entity's approved application under subsection (b), to—

''(1) carry out high-quality professional development opportunities for early childhood educators, teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, and instructional leaders;

''(2) train providers and personnel to develop and administer high-quality early childhood education literacy initiatives; and

''(3) coordinate the involvement of families, early childhood education program staff, principals, other school leaders, and teachers in literacy development of children served under the subgrant.

''SEC. 2404. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF KINDERGARTEN THROUGH GRADE 12 LITERACY.

''(a) SUBGRANTS TO ELIGIBLE ENTITIES.—

''(1) SUBGRANTS.—A State educational agency receiving a grant under this part shall use a portion of the grant funds, in accordance with clauses (ii) and (iii) of section 2402(d)(2)(D), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsections (b) and (c).

''(2) DURATION.—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.

''(3) SUFFICIENT SIZE AND SCOPE.—A State educational agency shall award subgrants under this section of sufficient size and scope to allow the eligible entities to carry out high-quality comprehensive literacy instruction in each grade level for which the subgrant funds are provided.

''(4) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include, for each school that the eligible entity identifies as participating in a subgrant program under this section, the following information:

''(A) A description of the eligible entity's needs assessment conducted to identify how subgrant funds will be used to inform and improve comprehensive literacy instruction at the school.

''(B) How the school, the local educational agency, or a provider of high-quality professional development will provide ongoing high-quality professional development to all teachers, principals, other school leaders, and other instructional leaders served by the school.

''(C) How the school will identify children in need of literacy interventions or other support services.

''(D) An explanation of how the school will integrate comprehensive literacy instruction into core academic subjects.

''(E) A description of how the school will coordinate comprehensive literacy instruction with early childhood education and after-school programs and activities in the area served by the local educational agency.

''(b) LOCAL USES OF FUNDS FOR KINDERGARTEN THROUGH GRADE 5.—An eligible entity that receives a subgrant under this section shall use the subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 5:

''(1) Developing and implementing a comprehensive literacy instruction plan across content areas for such children that—

''(A) serves the needs of all children, including children with disabilities and English learners, especially children who are reading or writing below grade level;

''(B) provides intensive, supplemental, accelerated, and explicit intervention and support in reading and writing for children whose literacy skills are below grade level; and

''(C) supports activities that are provided primarily during the regular school day but which may be augmented by after-school and out-of-school time instruction.

''(2) Providing high-quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, other school leaders, specialized instructional support personnel, paraprofessionals, and other program staff.

''(3) Training principals, specialized instructional support personnel, and other school district personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 literacy initiatives.

''(4) Coordinating the involvement of early childhood education program staff, principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), special educators, and school personnel in the literacy development of children served under this subsection.

''(5) Engaging families and encouraging family literacy experiences and practices to support literacy development.

''(c) LOCAL USES OF FUNDS FOR GRADES 6 THROUGH 12.—An eligible entity that receives a subgrant under this section shall use subgrant funds to carry out the following activities pertaining to children in grades 6 through 12:

''(1) Developing and implementing a comprehensive literacy instruction plan described in subsection (b)(1) for children in grades 6 through 12.

''(2) Training principals, specialized instruction support personnel, and other school district personnel to support, develop, administer, and evaluate high-quality comprehensive literacy instruction initiatives for grades 6 through 12.

''(3) Assessing the quality of adolescent comprehensive literacy instruction in core academic subjects, and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects.

''(4) Providing time for teachers to meet to plan evidence-based adolescent comprehensive literacy instruction in core academic subjects, and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects.

''(5) Coordinating the involvement of principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), paraprofessionals, special educators, and school personnel in the literacy development of children served under this subsection.

''(d) ALLOWABLE USES.—An eligible entity that receives a subgrant under this section may, in addition to carrying out the activities described in subsection (b) or (c), use subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 12:

''(1) Recruiting, placing, training, and compensating literacy coaches.

''(2) Connecting out-of-school learning opportunities to in-school learning in order to improve the literacy achievement of the children.

''(3) Training families and caregivers to support the improvement of adolescent literacy.

''(4) Providing for a multitier system of support.

''(5) Forming a school literacy leadership team to help implement, assess, and identify

necessary changes to the literacy initiatives in 1 or more schools to ensure success.

''(6) Providing time for teachers (and other literacy staff, as appropriate, such as school librarians) to meet to plan comprehensive literacy instruction.

''SEC. 2405. NATIONAL EVALUATION AND INFORMATION DISSEMINATION.

''(a) NATIONAL EVALUATION.—From funds reserved under section 2402(b)(1), the Director of the Institute of Education Sciences shall conduct a national evaluation of the grant and subgrant programs assisted under this part. Such evaluation shall include evidence-based research that applies rigorous and systematic procedures to obtain valid knowledge relevant to the implementation and effect of the programs and shall directly coordinate with individual State evaluations of the programs' implementation and impact.

''(b) PROGRAM IMPROVEMENT.—The Secretary shall—

''(1) provide the findings of the evaluation conducted under this section to State educational agencies and subgrant recipients for use in program improvement;

''(2) make such findings publicly available, including on the websites of the Department and the Institute of Education Sciences; and

''(3) submit such findings to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

''SEC. 2406. SUPPLEMENT, NOT SUPPLANT.

''Grant funds provided under this part shall be used to supplement, and not supplant, other Federal or State funds available to carry out activities described in this part.''.

SEC. 2005. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT.

Title II (20 U.S.C. 6601 et seq.), as amended by sections 2001 through 2004, is further amended by adding at the end the following:

''PART E—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT

''SEC. 2501. PURPOSE.

''The purpose of this part is to improve student academic achievement in science, technology, engineering, and mathematics, including computer science, by—

''(1) improving instruction in such subjects through grade 12;

''(2) improving student engagement in, and increasing student access to, such subjects;

''(3) improving the quality and effectiveness of classroom instruction by recruiting, training, and supporting highly rated teachers and providing robust tools and supports for students and teachers in such subjects;

''(4) increasing student access to high-quality informal and after-school programs that target the identified subjects and improving the coordination of such programs with classroom instruction in the identified subjects; and

''(5) closing student achievement gaps, and preparing more students to be college and career ready, in such subjects.

''SEC. 2502. DEFINITIONS.

''In this part:

''(1) ELIGIBLE SUBGRANTEE.—The term 'eligible subgrantee' means—

''(A) a high-need local educational agency;

''(B) an educational service agency serving more than 1 high-need local educational agency;

''(C) a consortium of high-need local educational agencies; or

''(D) an entity described in subparagraph (A) or (C) of paragraph (2) that has signed a memorandum of agreement with an entity described in subparagraph (A), (B), or (C) of this paragraph to implement the requirements of this part in partnership with such entity.

''(2) OUTSIDE PARTNER.—The term 'outside partner' means an entity that has expertise and a demonstrated record of success in improving student learning and engagement in the identified subjects described in section 2504(b)(2), including any of the following:

''(A) A nonprofit or community-based organization, which may include a cultural organization, such as a museum or learning center.

''(B) A business.

''(C) An institution of higher education.

''(D) An educational service agency.

''(3) STEM MASTER TEACHER CORPS.—The term 'STEM master teacher corps' means a State-led effort to elevate the status of the science, technology, engineering, and mathematics teaching profession by recognizing, rewarding, attracting, and retaining outstanding science, technology, engineering, and mathematics teachers, particularly in high-need and rural schools, by—

''(A) selecting candidates to be master teachers in the corps on the basis of—

''(i) content knowledge based on a screening examination; and

''(ii) pedagogical knowledge of and success in teaching;

''(B) offering such teachers opportunities to—

''(i) work with one another in scholarly communities;

''(ii) participate in and lead high-quality professional development; and

''(C) providing such teachers with additional appropriate and substantial compensation for the work described in subparagraph (B) and in the master teacher community.

''SEC. 2503. GRANTS; ALLOTMENTS.

''(a) IN GENERAL.—From amounts made available to carry out this part for a fiscal year, the Secretary shall award grants to State educational agencies, through allotments described in subsection (b), to enable State educational agencies to carry out the activities described in section 2505.

''(b) DISTRIBUTION OF FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), for each fiscal year, the Secretary shall allot to each State—

''(A) an amount that bears the same relationship to 35 percent of the amount available to carry out this part for such year, 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 amount available to carry out this part for such year 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.

''(2) 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.

''(c) REALLOTMENT OF UNUSED FUNDS.—If a State does not successfully apply for an allotment under this part, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

''SEC. 2504. APPLICATIONS.

''(a) IN GENERAL.—Each State desiring an allotment under section 2503(b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(b) CONTENTS.—At a minimum, an application submitted under subsection (a) shall include the following:

''(1) A description of the needs, including assets, identified by the State educational agency based on a State analysis, which shall include—

''(A) an analysis of science, technology, engineering, and mathematics education quality and outcomes in the State, which may include results from a pre-existing analysis;

''(B) labor market information regarding the industry and business workforce needs within the State; and

''(C) an analysis of the quality of pre-service preparation at all public institutions of higher education (including alternative pathways to teacher licensure or certification) for individuals preparing to teach science, technology, engineering, and mathematics subjects in the State.

''(2) An identification of the specific subjects that the State educational agency will address through the activities described in section 2505, consistent with the needs identified under paragraph (1) (referred to in this part as 'identified subjects').

''(3) A description, in a manner that addresses any needs identified under paragraph (1), of—

''(A) how grant funds will be used by the State educational agency to improve instruction in the identified subjects;

''(B) the process that the State educational agency will use for awarding subgrants, including how relevant stakeholders will be involved;

''(C) how the State's proposed project will ensure an increase in access for students who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields to high-quality courses in 1 or more of the identified subjects; and

''(D) how the State educational agency will continue to involve stakeholders in education reform efforts related to science, technology, engineering, and mathematics instruction.

''SEC. 2505. AUTHORIZED ACTIVITIES.

''(a) REQUIRED ACTIVITIES.—Each State educational agency that receives an allotment under this part shall use the grant funds reserved under subsection (d)(2) to carry out each of the following activities:

''(1) Increasing access for students through grade 12 who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields to high-quality courses in the identified subjects.

''(2) Implementing evidence-based programs of instruction based on high-quality standards and assessments in the identified subjects.

''(3) Providing professional development and other comprehensive systems of support for teachers and school leaders to promote high-quality instruction and instructional leadership in the identified subjects.

''(b) PERMISSIBLE ACTIVITIES.—Each State educational agency that receives an allotment under this part may use the grant funds reserved under subsection (d)(2) 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 careers in the science, technology, engineering, and mathematics fields.

''(2) Providing induction and mentoring services to new teachers in identified subjects.

''(3) Developing instructional supports for identified subjects, such as curricula and assessments, which shall be evidence-based and aligned with challenging State academic standards under section 1111(b)(1).

''(4) Supporting the development of a State-wide STEM master teacher corps.

''(c) SUBGRANTS.—

''(1) IN GENERAL.—Each State educational agency that receives a grant under this part shall use the amounts not reserved under subsection (d) to award subgrants, on a competitive basis, to eligible subgrantees to enable the eligible subgrantees to carry out the activities described in paragraph (4).

''(2) MINIMUM SUBGRANT.—A State educational agency shall award subgrants under this subsection that are of sufficient size and scope to support high-quality, evidence-based, effective programs that are consistent with the purpose of this part.

''(3) SUBGRANTEE APPLICATION.—

''(A) IN GENERAL.—Each eligible subgrantee desiring a subgrant under this subsection shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

''(B) CONTENTS OF SUBGRANTEE APPLICATION.—At a minimum, the application described in subparagraph (A) shall include the following:

''(i) A description of the activities that the eligible subgrantee will carry out, and how such activities will improve teaching and student academic achievement in the State's identified subjects.

''(ii) A description of how the eligible subgrantee will use funds provided under this subsection to serve students and teachers in high-need schools.

''(iii) A description of how funds provided under this subsection will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006.

''(iv) If the eligible subgrantee is working with outside partners, a description of how such outside partners will be involved in improving instruction and increasing access to high-quality learning experiences in the State's identified subjects.

''(4) SUBGRANTEE USE OF FUNDS.—

''(A) REQUIRED USE OF FUNDS.—Each subgrantee under this subsection shall use the subgrant funds to carry out activities for students through grade 12, as described in the subgrantee's application, which shall include—

''(i) high-quality teacher and instructional leader recruitment, support, and evaluation in the State's 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;

''(iii) activities to—

''(I) improve the content knowledge of teachers in the State's identified subjects;

''(II) facilitate professional collaboration, which may include providing time for such collaborations with school personnel, after-school program personnel, and personnel of informal programs that target the identified subjects; and

''(III) improve the integration of informal and after-school programs that target the identified subjects with classroom instruction, such as through the use of strategic partnerships with science, technology, engineering, and mathematics researchers, and other professionals from relevant fields who may be able to assist in activities focused in science, technology, engineering, and mathematics; and

''(iv) the development, adoption, and improvement of high-quality curricula and instructional supports that—

''(I) are aligned with the challenging State academic standards under section 1111(b)(1); and

''(II) the eligible subgrantee will use to improve student academic achievement in the identified subjects.

''(B) ALLOWABLE USE OF FUNDS.—In addition to the required activities described in subparagraph (A), each eligible subgrantee that receives a subgrant under this subsection may also use the subgrant funds to—

''(i) support the participation of low-income students in nonprofit competitions related to science, technology, engineering, and mathematics subjects (such as robotics, science research, invention, mathematics, computer science, and technology competitions);

''(ii) broaden secondary school students' access to, and interest in, careers that require academic preparation in 1 or more identified subjects;

''(iii) broaden the access of secondary school students to early college high school or dual or concurrent enrollment courses in science, technology, engineering, or mathematics subjects, including providing professional development to teachers and leaders related to this work;

''(iv) partner with established after-school and science, technology, engineering, and mathematics networks to provide technical assistance to after-school programs to improve their practice, such as through developing quality standards and appropriate learning outcomes for science, technology, engineering, and mathematics programming in after-school programs;

''(v) provide hands-on learning and exposure to science, technology, engineering, and mathematics research facilities and businesses through in-person or virtual distance-learning experiences;

''(vi) support the use of field-based or service learning that enables students to use the local environment and community as a learning resource and to enhance the students' understanding of the identified subjects through environmental science education; and

''(vii) address science, technology, engineering, and mathematics needs identified in the State plan under section 102 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3112), or by a local workforce development board under section 107(d), or in the local plan submitted under section 108, of such Act (29 U.S.C. 3122(d), 3123), for the State, local area (as defined in section 3 of such Act (29 U.S.C. 3102)), or region (as so defined) that the eligible subgrantee is serving.

''(C) MATCHING FUNDS.—A State 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.

''(d) STATE ACTIVITIES.—

''(1) IN GENERAL.—Each State educational agency that receives an allotment under this part may use not more than 5 percent of grant funds for—

''(A) administrative costs;

''(B) monitoring the implementation of subgrants;

''(C) providing technical assistance to eligible subgrantees; and

''(D) evaluating subgrants in coordination with the evaluation described in section 2506(c).

''(2) RESERVATION.—Each State educational agency that receives an allotment under this part shall reserve not less than 15 and not more than 20 percent of grant funds, inclusive of the amount described in paragraph (1), for additional State activities, consistent with subsections (a) and (b).

''SEC. 2506. PERFORMANCE METRICS; REPORT; EVALUATION.

''(a) ESTABLISHMENT OF PERFORMANCE METRICS.—The Secretary, acting through the Director of the Institute of Education Sciences, shall establish performance metrics to evaluate the effectiveness of the activities carried out under this part.

''(b) ANNUAL REPORT.—Each State educational agency that receives an allotment under this part shall prepare and submit an annual report to the Secretary, which shall include information relevant to the performance metrics described in subsection (a).

''(c) EVALUATION.—The Secretary shall—

''(1) acting through the Director of the Institute of Education Sciences, and in consultation with the Director of the National Science Foundation—

''(A) evaluate the implementation and impact of the activities supported under this part, including progress measured by the metrics established under subsection (a);

''(B) identify best practices to improve instruction in science, technology, engineering, and mathematics subjects; and

''(C) ensure that the Department is taking appropriate action to avoid unnecessary duplication of efforts between the activities being supported under this part and other programmatic activities supported by the Department or by other Federal agencies; and

''(2) disseminate, in consultation with the National Science Foundation, research on best practices to improve instruction in science, technology, engineering, and mathematics subjects.

''SEC. 2507. SUPPLEMENT NOT SUPPLANT.

''Funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.''.

SEC. 2006. GENERAL PROVISIONS.

Title II (20 U.S.C. 6601 et seq.), as amended by sections 2001 through 2005, is further amended by adding at the end the following:

''PART F—GENERAL PROVISIONS

''SEC. 2601. RULES OF CONSTRUCTION.

''(a) PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.—Nothing in this title shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's—

''(1) instructional content or materials, curriculum, program of instruction, academic standards, or academic assessments;

''(2) teacher, principal, or other school leader evaluation system;

''(3) specific definition of teacher, principal, or other school leader effectiveness; or

''(4) teacher, principal, or other school leader professional standards, certification, or licensing.

''(b) SCHOOL OR DISTRICT EMPLOYEES.—Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.''.

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

SEC. 3001. GENERAL PROVISIONS.

Title III (20 U.S.C. 6801 et seq.) is amended—

(1) in the title heading, by striking ''**LIMITED ENGLISH PROFICIENT**'' and inserting ''**ENGLISH LEARNERS**'';

(2) in part A—

(A) by striking section 3122;

(B) redesignating sections 3123, 3124, 3125, 3126, 3127, 3128, and 3129 as sections 3122, 3123, 3124, 3125, 3126, 3127, and 3128, respectively; and

(C) by striking subpart 4;

(3) by striking part B;

(4) by redesignating part C as part B; and

(5) in part B, as redesignated by paragraph (4)—

(A) by redesignating section 3301 as section 3201;

(B) by striking section 3302; and

(C) by redesignating sections 3303 and 3304 as sections 3202 and 3203, respectively.

SEC. 3002. AUTHORIZATION OF APPROPRIATIONS.

Section 3001 (20 U.S.C. 6801) is amended to read as follows:

''SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 3003. ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT.

Part A of title III (20 U.S.C. 6811 et seq.) is amended—

(1) in section 3102, by striking paragraphs (1) through (9) and inserting the following:

''(1) to help ensure that English learners, including immigrant children and youth, attain English proficiency, and develop high levels of academic achievement in English;

''(2) to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that children who are English learners can meet the same challenging State academic standards that all children are expected to meet, consistent with section 1111(b)(1);

''(3) to assist early childhood educators, teachers, principals and other school leaders, State educational agencies, and local educational agencies in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;

''(4) to assist early childhood educators, teachers, principals and other school leaders, State educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instruction programs designed to prepare English learners, including immigrant children and youth, to enter all-English instruction settings;

''(5) to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners; and

''(6) to provide incentives to grantees to implement policies and practices that will lead to significant improvements in the instruction and achievement of English learners.'';

(2) in section 3111—

(A) in subsection (b)—

(i) in paragraph (2), by striking subparagraphs (A) through (D) and inserting the following:

''(A) Establishing and implementing, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized statewide entrance and exit procedures, including a requirement that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State.

''(B) Providing effective teacher and principal preparation, professional development activities, and other evidence-based activities related to the education of English learners, which may include assisting teachers, principals, and other educators in—

''(i) meeting State and local certification and licensing requirements for teaching English learners; and

''(ii) improving teaching skills in meeting the diverse needs of English learners, including how to implement effective programs and curricula on teaching English learners.

''(C) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

''(D) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—

''(i) identifying and implementing effective language instruction educational programs and curricula for teaching English learners, including those in early childhood settings;

''(ii) helping English learners meet the same State academic standards that all children are expected to meet;

''(iii) identifying or developing, and implementing, measures of English proficiency; and

''(iv) strengthening and increasing parent, family, and community engagement in programs that serve English learners.

''(E) Providing recognition, which may include providing financial awards, to recipients of subgrants under section 3115 that have significantly improved the achievement and progress of English learners in meeting—

''(i) annual timelines and goals for progress established under section 1111(c)(1)(K) based on the State's English language proficiency assessment under section 1111(b)(2)(G); and

''(ii) the challenging State academic standards described in section 1111(b)(1).''; and

(ii) in paragraph (3)—

(I) in the heading, by inserting ''DIRECT'' before ''ADMINISTRATIVE''; and

(II) by inserting ''direct'' before ''administrative costs''; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''section 3001(a)'' and inserting ''section 3001'';

(II) in subparagraph (B), by inserting ''and'' after the semicolon;

(III) in subparagraph (C)—

(aa) by striking ''3303'' both places it appears and inserting ''3202'';

(bb) by striking ''not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and''; and

(cc) by striking ''; and'' and inserting a period; and

(IV) by striking subparagraph (D);

(ii) by striking paragraphs (2) and (4);

(iii) by redesignating paragraph (3) as paragraph (2);

(iv) in paragraph (2)(A), as redesignated by clause (iii)—

(I) in the matter preceding clause (i), by striking ''section 3001(a)'' and inserting ''section 3001''; and

(II) in clause (i), by striking ''limited English proficient'' and all that follows through ''States;'' and inserting ''English learners in the State bears to the number of English learners in all States, as determined by the Secretary under paragraph (3);''; and

(v) by adding at the end the following:

''(3) USE OF DATA FOR DETERMINATIONS.—In making State allotments under paragraph (2)(A) for each fiscal year, the Secretary shall—

''(A) determine the number of English learners in a State and in all States, using the most accurate, up-to-date data, which shall be—

''(i) data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;

''(ii) the number of students being assessed for English language proficiency, based on the State's English language proficiency assessment under section 1111(b)(2)(G), which may be multiyear estimates; or

''(iii) a combination of data available under clauses (i) and (ii); and

''(B) determine the number of immigrant children and youth in the State and in all States based only on data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates.'';

(3) in section 3113—

(A) in subsection (a), by inserting ''reasonably'' before ''require'';

(B) in subsection (b)—

(i) in paragraph (1), by striking ''making'' and inserting ''awarding''; and

(ii) by striking paragraphs (2) through (6) and inserting the following:

''(2) describe how the agency will establish and implement, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized, statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State;

''(3) provide an assurance that—

''(A) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(2)(B)(ix) to annually assess in English all English learners who have been in the United States for 3 or more years;

''(B) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all English learners participating in a program funded under this subpart, consistent with section 1111(b)(2)(G);

''(C) in awarding subgrants under section 3114, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;

''(D) subgrants to eligible entities under section 3114(d)(1) will be of sufficient size and scope to allow such entities to carry out effective language instruction educational programs for English learners;

''(E) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient's capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards described in section 1111(b)(1);

''(F) the agency will monitor each eligible entity receiving a subgrant under this subpart for compliance with applicable Federal fiscal requirements; and

''(G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this subpart, parents of English learners, and other relevant stakeholders;

''(4) describe how the agency will coordinate its programs and activities under this subpart with other programs and activities under this Act and other Acts, as appropriate;

''(5) describe how each eligible entity will be given the flexibility to teach English learners—

''(A) using a high-quality, effective language instruction curriculum for teaching English learners; and

''(B) in the manner the eligible entities determine to be the most effective;

''(6) describe how the agency will assist eligible entities in meeting—

''(A) annual timelines and goals for progress established under section 1111(c)(1)(K) based on the State's English language proficiency assessment under section 1111(b)(2)(G); and

''(B) the challenging State academic standards described in section 1111(b)(1);

''(7) describe how the agency will assist eligible entities in decreasing the number of English learners who have not yet acquired English proficiency within 5 years of their initial classification as an English learner;

''(8) describe how the agency will ensure that the unique needs of the State's population of English learners and immigrant children and youth are being addressed; and

''(9) describe how the agency will monitor and evaluate the progress of each eligible entity receiving funds under this subpart toward meeting the timelines and goals for English proficiency required under section 1111(c)(1)(K) and the steps the State will take to further assist eligible entities if such strategies funded under this part are not effective in making such progress and meeting academic goals established under section 1111(b)(3)(B)(i) for English learners, such as providing technical assistance and modifying such strategies.'';

(C) in subsection (d)(2)(B), by striking ''part'' and inserting ''subpart''; and

(D) in subsection (f), by striking '', objectives,'';

(4) in section 3114—

(A) in subsection (a)—

(i) by striking ''section 3111(c)(3)'' and inserting ''section 3111(c)(2)''; and

(ii) by striking ''limited English proficient children'' both places the term appears and inserting ''English learners''; and

(B) in subsection (d)(1)—

(i) by striking ''section 3111(c)(3)'' and inserting ''section 3111(c)(2)''; and

(ii) by striking ''preceding the fiscal year'';

(5) by striking section 3115 and inserting the following:

''SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.

''(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of English learners by assisting the children to learn English and meet the challenging State academic standards described in section 1111(b)(1). In carrying out activities with such funds, the eligible entity shall use effective approaches and methodologies for teaching English learners and immigrant children and youth for the following purposes:

''(1) Developing and implementing new language instruction educational programs and academic content instruction programs for English learners and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs.

''(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instruction programs for English learners and immigrant children and youth.

''(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

''(4) Implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

''(b) DIRECT ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.

''(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds—

''(1) to increase the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and are based on high-quality research demonstrating success in increasing—

''(A) English language proficiency; and

''(B) student academic achievement;

''(2) to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, other school leaders, administrators, and other school or community-based organizational personnel, that is—

''(A) designed to improve the instruction and assessment of English learners;

''(B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement appropriate curricula, assessment practices, and instruction strategies for English learners;

''(C) effective in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

''(D) of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and

''(3) to provide and implement effective parent, family, and community engagement activities in order to enhance or supplement language instruction educational programs for English Learners.

''(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve 1 of the purposes described in subsection (a) by undertaking 1 or more of the following activities:

''(1) Upgrading program objectives and effective instructional strategies.

''(2) Improving the instructional program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

''(3) Providing to English learners—

''(A) tutorials and academic or career and technical education; and

''(B) intensified instruction.

''(4) Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

''(5) Improving the English language proficiency and academic achievement of English learners.

''(6) Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their families—

''(A) to improve the English language skills of English learners; and

''(B) to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children.

''(7) Improving the instruction of English learners, including English learners with a disability, by providing for—

''(A) the acquisition or development of educational technology or instructional materials;

''(B) access to, and participation in, electronic networks for materials, training, and communication; and

''(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

''(8) Carrying out other activities that are consistent with the purposes of this section.

''(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

''(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

''(A) family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;

''(B) recruitment of, and support for personnel, including early childhood educators, teachers, paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

''(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

''(D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;

''(E) basic instruction services that are directly attributable to the presence of immigrant children and youth in the local educational agency involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services;

''(F) other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

''(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.

''(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational agency under section 3114(d)(1) shall be determined by the agency in its discretion.

''(f) SELECTION OF METHOD OF INSTRUCTION.—

''(1) IN GENERAL.—To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of effective instruction to be used in the programs and activities undertaken by the entity to assist English learners to attain English language

proficiency and meet challenging State academic standards described in section 1111(b)(1).

''(2) CONSISTENCY.—Such selection shall be consistent with sections 3124 through 3126.

''(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.'';

(6) in section 3116—

(A) in subsection (b), by striking paragraphs (1) through (6) and inserting the following:

''(1) describe the high-quality programs and activities proposed to be developed, implemented, and administered under the subgrant and how these activities will help English learners increase their English language proficiency and meet the challenging State academic standards described in section 1111(b)(1);

''(2) describe how the eligible entity will ensure that elementary schools and secondary schools receiving funds under this subpart assist English learners in meeting—

''(A) annual timelines and goals for progress established under 1111(c)(1)(K) based on the State's English language proficiency assessment under section 1111(b)(2)(G); and

''(B) the challenging State academic standards described in section 1111(b)(1);

''(3) describe how the eligible entity will promote parent, family, and community engagement in the education of English learners;

''(4) describe how language instruction educational programs carried out under the subgrant will ensure that English learners being served by the programs develop English proficiency and demonstrate such proficiency through academic content mastery;

''(5) contain assurances that—

''(A) each local educational agency that is included in the eligible entity is complying with section 1112(d)(2) prior to, and throughout, each school year as of the date of application, and will continue to comply with such section throughout each school year for which the grant is received;

''(B) the eligible entity complies with any State law, including State constitutional law, regarding the education of English learners, consistent with sections 3125 and 3126;

''(C) the eligible entity has based its proposed plan on high-quality research on teaching English learners;

''(D) the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan; and

''(E) the eligible entity will, if applicable, coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers.'';

(B) in subsection (c), by striking ''limited English proficient children'' and inserting ''English learners''; and

(C) by striking subsection (d);

(7) by striking section 3121 and inserting the following:

''SEC. 3121. REPORTING.

''(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form prescribed by the agency, on the activities conducted and children served under such subpart that includes—

''(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years;

''(2) the number and percentage of English learners in the programs and activities who meet the annual State-determined goals for progress established under section 1111(c)(1)(K), including disaggregated, at a minimum, by—

''(A) long-term English learners; and

''(B) English learners with a disability;

''(3) the number and percentage of English learners in the programs and activities attaining English language proficiency based on State English language proficiency standards established under section 1111(b)(1)(F) by the end of each school year, as determined by the State's English language proficiency assessment under section 1111(b)(2)(G);

''(4) the number and percentage of English learners who exit the language instruction educational programs based on their attainment of English language proficiency;

''(5) the number and percentage of English learners meeting challenging State academic standards described in section 1111(b)(1) for each of the 4 years after such children are no longer receiving services under this part, including disaggregated, at a minimum, by—

''(A) long-term English learners; and

''(B) English learners with a disability;

''(6) the number and percentage of English learners who have not attained English language proficiency within 5 years of initial classification as an English learner; and

''(7) any other information as the State educational agency may require.

''(b) REPORT.—A report provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency for improvement or programs and activities under this part.

''(c) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—Each specially qualified agency receiving a grant under this part shall provide the reports described in subsection (a) to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.'';

(8) in section 3122, as redesignated by section 3001(2)—

(A) in subsection (a)—

(i) by striking ''evaluations'' and inserting ''reports''; and

(ii) by striking ''children who are limited English proficient'' and inserting ''English learners''; and

(B) in subsection (b)—

(i) in paragraph (1)—

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

(II) by striking ''children who are limited English proficient'' and inserting ''English learners'';

(ii) in paragraph (4), by striking ''section 3111(b)(2)(C)'' and inserting ''section 3111(b)(2)(D)'';

(iii) in paragraph (6), by striking ''major findings of scientifically based research carried out under this part'' and inserting ''findings of the evaluation related to English learners carried out under section 9601'';

(iv) in paragraph (8)—

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

(II) by striking ''into classrooms where instruction is not tailored for limited English proficient children''; and

(v) in paragraph (9), by striking ''title'' and inserting ''part'';

(9) in section 3123, as redesignated by section 3001(2)—

(A) by striking ''children of limited English proficiency'' and inserting ''English learners''; and

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

(10) in section 3124, as redesignated by section 3001(2)—

(A) in paragraph (1), by striking ''limited English proficient children'' and inserting ''English learners''; and

(B) in paragraph (2), by striking ''limited English proficient children'' and inserting ''English learners'';

(11) in section 3128, as redesignated by section 3001(2), by striking ''limited English proficient children'' and inserting ''English learners''; and

(12) by striking section 3131 and inserting the following:

''SEC. 3131. NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.

''The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or public or private entities with relevant experience and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development, capacity building, or evidence-based activities that will improve classroom instruction for English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve English learners. Grants awarded under this section may be used—

''(1) for preservice or inservice effective professional development programs that will assist local schools and may assist institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals, and for other activities to increase teacher and school leader effectiveness;

''(2) for the development of curricula or other instructional strategies appropriate to the needs of the consortia participants involved;

''(3) to support strategies that strengthen and increase parent, family, and community member engagement in the education of English learners;

''(4) to develop, share, and disseminate effective practices in the instruction of English learners and in increasing the student academic achievement of English learners, such as through the use of technology-based programs;

''(5) in conjunction with other Federal need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve English learners; and

''(6) as appropriate, to support strategies that promote school readiness of English learners and their transition from early childhood education programs, such as Head Start or State-run preschool programs to elementary school programs.''.

SEC. 3004. OTHER PROVISIONS.

Part B of title III, as redesignated by section 3001(4), is amended—

(1) in section 3201, as redesignated by section 3001(5)—

(A) by striking paragraphs (3), (4), and (5);

(B) by inserting after paragraph (2) the following:

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) one or more local educational agencies; or

''(B) one or more local educational agencies, in collaboration with an institution of higher education, educational service agency, community-based organization, or State educational agency.

''(4) ENGLISH LEARNER WITH A DISABILITY.—The term 'English learner with a disability' means an English learner who is also a child with a disability, as that term is defined in section 602 of the Individuals with Disabilities Education Act.'';

(C) by redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively;

(D) in paragraph (7)(A), as redesignated by subparagraph (C), by striking ''a limited English proficient child'' and inserting ''an English learner'';

(E) by inserting after paragraph (7) the following:

''(8) LONG-TERM ENGLISH LEARNER.—The term 'long-term English learner' means an English learner who has attended schools in the United States for not less than 5 years and who has not yet exited from English learner status by the culmination of the fifth year of services.''; and

(F) in paragraph (13), by striking '', as defined in section 3141,''; and

(2) in section 3202, as redesignated by section 3001(5)—

(A) in the matter preceding paragraph (1), by striking ''limited English proficient children'' and inserting ''English learners''; and

(B) in paragraph (4)—

(i) in subparagraph (A), by striking ''limited English proficient children'' and inserting ''English learners, including English learners with a disability (as defined in section 3141), that includes information on best practices on instructing and serving English learners''; and

(ii) in subparagraph (B), by striking ''limited English proficient children'' and inserting ''English learners''; and

(3) in section 3203, as redesignated by section 3001(5)—

(A) by striking ''limited English proficient individuals'' and inserting ''English learners''; and

(B) by striking ''limited English proficient children'' and inserting ''English learners''.

SEC. 3005. AMERICAN COMMUNITY SURVEY RESEARCH.

(a) STUDY.—The Director of the Institute of Education Sciences and the Secretary of Education, in consultation with the Director of the Bureau of the Census, shall conduct research on the accuracy of the American Community Survey language items for assessing population prevalence of English learner children and youth, including—

(1) the strength of such survey's association with more comprehensive English language proficiency measures;

(2) the effects on responses of situational, cultural, demographic, and socioeconomic factors;

(3) placement of the item in the questionnaire; and

(4) the ability of adult responders to make English language proficiency distinctions.

(b) IMPLEMENTATION.—The Director of the Bureau of the Census shall use the results of the study described in subsection (a) to improve the accuracy of the American Community Survey language items for assessing population prevalence of English learner students.

TITLE IV—SAFE AND HEALTHY STUDENTS

SEC. 4001. GENERAL PROVISIONS.

Title IV (20 U.S.C. 7101 et seq.) is amended—

(1) by redesignating subpart 3 of part A as subpart 5 of part F of title IX, as redesignated by section 9106(1), and moving that subpart to follow subpart 4 of part F of title IX, as redesignated by sections 2001 and 9106(1);

(2) by redesignating section 4141 as section 9561;

(3) by redesignating section 4155 as section 9537 and moving that section so as to follow section 9536;

(4) by redesignating part C as subpart 6 of part F of title IX, as redesignated by section 9106(1), and moving that subpart to follow subpart 5 of part F of title IX, as redesignated by section 9106(1) and paragraph (1);

(5) by redesignating sections 4301, 4302, 4303, and 4304, as sections 9571, 9572, 9573, and 9574, respectively; and

(6) by striking the title heading and inserting the following:

"TITLE IV—SAFE AND HEALTHY STUDENTS".

SEC. 4002. GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES.

Part A of title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

"PART A—GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES

"SEC. 4101. PURPOSE.

''The purpose of this part is to improve students' safety, health, well-being, and academic achievement during and after the school day by—

''(1) increasing the capacity of local educational agencies, schools, and local communities to improve conditions for learning through the creation of safe, healthy, supportive, and drug-free environments;

''(2) carrying out programs designed to improve school safety and promote students' physical and mental health and well-being;

''(3) preventing and reducing substance use and abuse, school violence, harassment, and bullying; and

''(4) strengthening parent and community engagement to ensure a healthy, safe, and supportive school environment.

"SEC. 4102. DEFINITIONS.

''In this part:

''(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

''(2) DRUG.—The term 'drug' includes controlled substances, the illegal use of alcohol or tobacco (including smokeless tobacco products and electronic cigarettes), and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

''(3) DRUG AND VIOLENCE PREVENTION.—The term 'drug and violence prevention' means—

''(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs, such as raising awareness about the evidence-based consequences of drug use; and

''(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

''(4) SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—The term 'school-based mental health services provider' includes a State licensed or State certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such mental health services to children and adolescents, including children in early childhood education programs.

''(5) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 4103. FORMULA GRANTS TO STATES.

''(a) RESERVATIONS.—From the total amount appropriated under section 4108 for a fiscal year, the Secretary shall reserve—

''(1) not more than 5 percent for national activities, which the Secretary may carry out directly or through grants, contracts, or agreements with public or private entities or individuals, or other Federal agencies, such as providing technical assistance to States and local educational agencies carrying out activities under this part or conducting a national evaluation;

''(2) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part;

''(3) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education; and

''(4) such funds as may be necessary for the Project School Emergency Response to Violence program (referred to as 'Project SERV'), which is authorized to provide education-related services to local educational agencies and institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis, and which funds shall remain available for obligation until expended.

''(b) STATE ALLOTMENTS.—

''(1) ALLOTMENT.—

''(A) IN GENERAL.—In accordance with subparagraph (B), the Secretary shall allot among each of the States the total amount made available to carry out this part for any fiscal year and not reserved under subsection (a).

''(B) DETERMINATION OF STATE ALLOTMENT AMOUNTS.—Subject to paragraph (2), the Secretary shall allot the amount made available under subparagraph (A) for a fiscal year among the States in proportion to the number of individuals, aged 5 to 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year.

''(2) SMALL STATE MINIMUM.—No State receiving an allotment under paragraph (1) shall receive less than one-half of 1 percent of the total amount allotted under such paragraph.

''(3) PUERTO RICO.—The amount allotted under subparagraph (A) to the Commonwealth of Puerto Rico for a fiscal year may not exceed one-half of 1 percent of the total amount allotted under such subparagraph.

''(4) REALLOTMENT.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

''(c) STATE USE OF FUNDS.—

''(1) IN GENERAL.—Each State that receives an allotment under this section shall reserve not less than 95 percent of the amount allotted to such State under subsection (b), for

each fiscal year, for subgrants to local educational agencies, which may include consortia of such agencies, under section 4104.

''(2) STATE ADMINISTRATION.—A State educational agency shall use not more than 1 percent of the amount made available to the State under subsection (b) for the administrative costs of carrying out its responsibilities under this part.

''(3) STATE ACTIVITIES.—A State educational agency shall use the amount made available to the State under subsection (b) and not reserved under paragraph (1) for activities and programs designed to meet the purposes of this part, which—

''(A) shall include—

''(i) providing training, technical assistance, and capacity building to local educational agencies that are recipients of a subgrant under section 4104, which may include identifying and disseminating best practices for professional development and capacity building for teachers, administrators, and specialized instructional support personnel in schools that are served by local educational agencies under this part; and

''(ii) publicly reporting on how funds made available under this part are being expended by local educational agencies under section 4104; and

''(B) may include—

''(i) identifying and eliminating State barriers to the coordination and integration of programs, initiatives, and funding streams that meet the purposes of this part, so that local educational agencies can better coordinate with other agencies, schools and community-based services and programs;

''(ii) assisting local educational agencies to expand access to or coordination of resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs described in section 4105(a)(4)(C);

''(iii) supporting programs and activities that offer a variety of well-rounded educational experiences to students;

''(iv) supporting activities that promote physical and mental health and well-being for students and staff;

''(v) designing and implementing a grant process for local entities that wish to use funds to reduce exclusionary discipline practices in elementary schools and secondary schools, in a manner consistent with State or federally identified best practices on the subject;

''(vi) assisting in the creation of a continuum of evidence-based or promising practices in the reduction of juvenile delinquency;

''(vii) promoting gender equity in education by supporting local educational agencies in meeting the requirements of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.);

''(viii) providing local educational agencies with evidence-based resources—

''(I) addressing—

''(aa) student athletic safety, such as developing a plan for concussion safety and recovery practices (which may include policies that prohibit student athletes suspected of having a concussion from returning to play the same day);

''(bb) cardiac conditions such as cardiomyopathy; and

''(cc) exposure to excessive heat and humidity; and

''(II) relating to the development of recommended guidelines for an emergency action plan for youth athletics; and

''(ix) other activities identified by the State that meet the purposes of this part.

''(d) STATE PLAN.—

''(1) IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time and in such manner as the Secretary may reasonably require.

''(2) CONTENTS.—Each plan submitted by a State under this section shall include the following:

''(A) A description of how the State educational agency will use funds received under this part for State-level activities.

''(B) A description of program objectives and outcomes for activities under this part.

''(C) An assurance that the State educational agency will review existing resources and programs across the State and will coordinate any new plans and resources under this part with such existing programs and resources.

''(D) An assurance that the State educational agency will monitor the implementation of activities under this part and provide technical assistance to local educational agencies in carrying out such activities.

''(3) ANNUAL REPORT.—Each State receiving a grant under this part shall annually prepare and submit a report to the Secretary, which shall include—

''(A) how the State and local educational agencies used funds provided under this part; and

''(B) the degree to which the State and local educational agencies have made progress toward meeting the objectives and outcomes described in the plan submitted by the State under paragraph (2)(B).

''SEC. 4104. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—A State that receives an allotment under this part for a fiscal year shall provide the amount made available under section 4103(c)(1) for subgrants to local educational agencies, which may include consortia of such agencies, in accordance with this section.

''(2) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—From the funds reserved by a State under section 4103(c)(1), the State shall allocate to each local educational agency or consortium of such agencies in the State an amount that bears the same relationship to such funds as the number of individuals aged 5 to 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 such individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

''(3) ADMINISTRATIVE COSTS.—Of the amount received under paragraph (2), a local educational agency or consortium of such agencies may use not more than 2 percent for the direct administrative costs of carrying out its responsibilities under this part.

''(b) LOCAL APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency or consortium of such agencies shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

''(2) CONSULTATION.—

''(A) IN GENERAL.—A local educational agency or consortium of such agencies shall conduct a needs assessment described in paragraph (3), and develop its application, through consultation with parents, teachers, principals, school leaders, specialized instructional support personnel, early childhood educators, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations (if applicable) that may be located in the region served by the local educational agency, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this part.

''(B) CONTINUED CONSULTATION.—On an ongoing basis, the local educational agency or consortium of such agencies shall consult with the individuals and organizations described in subparagraph (A) in order to seek advice regarding how best—

''(i) to improve the local activities in order to meet the purpose of this part; and

''(ii) to coordinate such activities under this part with other related strategies, programs, and activities being conducted in the community.

''(3) NEEDS ASSESSMENT.—

''(A) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency or consortium of such agencies shall conduct a comprehensive needs assessment of the local educational agency or agencies proposed to be served and of all schools within the jurisdiction of the local educational agency or agencies proposed to be served.

''(B) REQUIREMENTS.—In conducting the needs assessment required under subparagraph (A), the local educational agency or consortium of such agencies shall—

''(i) take into account applicable and available school-level data on indicators or measures of school quality, climate and safety, and discipline, including those described in section 1111(d)(1)(C)(v); and

''(ii) take into account risk factors in the community, school, family, or peer-individual domains that—

''(I) are known through prospective, longitudinal research efforts to be predictive of drug use, violent behavior, harassment, disciplinary issues, and to have an effect on the physical and mental health and well-being of youth in the school and community; and

''(II) may include using available State and local data on incidence, prevalence, and perception of such risk factors.

''(4) CONTENTS.—Each application submitted under this subsection shall be based on the needs assessment described in paragraph (3) and shall include the following:

''(A) The results of the needs assessment described in paragraph (3) and an identification of each school that will be served by a subgrant under this section.

''(B) A description of the activities that the local educational agency or consortium of such agencies will carry out under this part and how these activities are aligned with the results of the needs assessment conducted under paragraph (3).

''(C) A description of the performance indicators that the local educational agency or consortium of such agencies will use to evaluate the effectiveness of the activities carried out under this section.

''(D) a description of the programs or activities that the local educational agency or consortium of such agencies will carry out under this part to assist schools in facilitating safe relationship behavior between and among students, as determined necessary by the local educational agency to meet the purposes of this part and which may include—

''(i) providing age-appropriate education and training, and

''(ii) improving instructional practices on developing effective communication skills, and on how to recognize and prevent coercion, violence, or abuse, including teen and dating violence, stalking, domestic abuse, and sexual violence and harassment.

''(E) An assurance that such activities will comply with the principles of effectiveness described in section 4105(b), and foster a

healthy, safe, and supportive school environment that improves students' safety, health, and well-being during and after the school day.

''(F) An assurance that the local educational agency or consortium of such agencies will prioritize the distribution of funds to schools served by the local educational agency or consortium of such agencies that—

''(i) are among the schools with the greatest needs as identified through the needs assessment conducted under paragraph (3);

''(ii) have the highest percentages or numbers of children counted under section 1124(c);

''(iii) are identified under section 1114(a)(1)(A); or

''(iv) are identified as a persistently dangerous public elementary school or secondary school under section 9532.

''(G) An assurance that the local educational agency or consortium of such agencies will comply with section 9501 (regarding equitable participation by private school children and teachers).

''SEC. 4105. LOCAL EDUCATIONAL AGENCY AUTHORIZED ACTIVITIES.

''(a) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—A local educational agency or consortium of such agencies that receives a subgrant under section 4104 shall use the subgrant funds to develop, implement, and evaluate comprehensive programs and activities, which are coordinated with other schools and community-based services and programs and may be conducted in partnership with nonprofit organizations with a demonstrated record of success in implementing activities, that are in accordance with the purpose of this part and—

''(1) foster safe, healthy, supportive, and drug-free environments that support student academic achievement;

''(2) are consistent with the principles of effectiveness described in subsection (b);

''(3) promote the involvement of parents in the activity or program, as appropriate; and

''(4) may include, among other programs and activities—

''(A) drug and violence prevention activities and programs (including programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes), including professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, and intervention mentoring, and, where appropriate, rehabilitation referral, as related to drug and violence prevention;

''(B) programs that support extended learning opportunities, including before- and after-school programs and activities, programs during summer recess periods, and expanded learning time;

''(C) in accordance with subsections (c) and (d), school-based mental health services, including early identification of mental-health symptoms, drug use and violence, and appropriate referrals to direct individual or group counseling services provided by qualified school or community-based mental health services providers;

''(D) in accordance with subsections (c) and (d), school-based mental health services partnership programs that—

''(i) are conducted in partnership with a public or private mental-health entity or health care entity, which may also include a child welfare agency, family-based mental health entity, trauma network, or other community-based entity; and

''(ii) provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school that are based on trauma-informed and evidence practices, are coordinated (where appropriate) with early intervening services carried out under the Individuals with Disabilities Education Act, are provided by qualified mental and behavioral health professionals who are certified or licensed by the State involved and practicing within their area of expertise, and may include—

''(I) the early identification of social, emotional, or behavioral problems, or substance use disorders, and the provision of early intervening services;

''(II) notwithstanding section 4107, the treatment or referral for treatment of students with social, emotional, or behavioral health problems, or substance use disorders;

''(III) the development and implementation of programs to assist children in dealing with trauma and violence; and

''(IV) the development of mechanisms, based on best practices, for children to report incidents of violence or plans by other children or adults to commit violence;

''(E) emergency planning and intervention services following traumatic crisis events;

''(F) programs that train school personnel to identify warning signs of youth drug abuse and suicide;

''(G) mentoring programs and activities for children who—

''(i) are at risk of academic failure, dropping out of school, or involvement in criminal or delinquent activities, drug use and abuse; or

''(ii) lack strong positive role models;

''(H) early childhood, elementary school, and secondary school counseling programs, including college and career guidance programs, such as—

''(i) postsecondary education and career awareness and exploration activities;

''(ii) efforts to enhance the use of information about local workforce needs in postsecondary education and career guidance programs, which may include training counselors to effectively utilize labor market information in assisting students with postsecondary education and career planning;

''(iii) the development of personalized learning plans for students; and

''(iv) financial literacy and Federal financial aid awareness activities;

''(I) programs or activities that support a healthy, active lifestyle, including nutritional education and regular, structured physical education programs for early childhood, elementary school, and secondary school students;

''(J) implementation of schoolwide positive behavioral interventions and supports, including through coordination with similar activities carried out under the Individuals with Disabilities Education Act, in order to improve academic outcomes for students and reduce the need for suspensions, expulsions, and other actions that remove students from instruction;

''(K) programs and activities that offer a variety of well-rounded educational experience for students, such as those that—

''(i) use music and the arts as tools to promote constructive student engagement, problem solving, and conflict resolution; or

''(ii) further students' understanding and knowledge of computer science from elementary school through secondary school;

''(L) systems of high-capacity, integrated student supports;

''(M) strategies that establish learning environments to further students' academic and nonacademic skills essential for school readiness and academic success, such as by providing integrated systems of student and family supports and building teacher, principal, and other school leader capacity;

''(N) bullying and harassment prevention programs or activities, including professional development and training for school and specialized instructional support personnel in the prevention, early identification, and early intervention, as related to bullying and harassment;

''(O) programs or activities designed to increase school safety and improve school climate, which may include training for school personnel related to conflict prevention and resolution practices and raising awareness of issues such as—

''(i) suicide prevention;

''(ii) effective and trauma-informed practices in classroom management;

''(iii) crisis management techniques;

''(iv) conflict resolution practices;

''(v) human trafficking (defined, for purposes of this subparagraph, as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)); and

''(vi) school-based violence prevention strategies;

''(P) programs or activities that integrate health and safety practices into school or athletic programs, such as developing a plan for concussion safety and recovery or cardiac safety or implementing an excessive heat action plan to be used during school-sponsored athletic activities;

''(Q) pay-for-success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal Government;

''(R) programs or activities to connect youth who are involved in, or are at risk of involvement in, juvenile delinquency or street gang activity to evidence-based and promising prevention and intervention practices related to juvenile delinquency and criminal street gang activity;

''(S) child sexual abuse awareness and prevention programs or activities, such as programs or activities designed to provide—

''(i) age-appropriate and developmentally-appropriate instruction for early childhood education program, elementary school, and secondary school students in child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to safely report child sexual abuse; and

''(ii) information to parents and guardians of early childhood education program, elementary school, and secondary school students about child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to discuss child sexual abuse with a child;

''(T) the development and implementation of a school asthma management plan;

''(U) assisting schools in educating children facing substance abuse in the home, which may include providing professional development, training, and technical assistance to elementary schools and secondary schools that serve communities with high rates of substance abuse;

''(V) instructional and support activities and programs, such as activities and programs addressing chronic disease management, led by school nurses, nurse practitioners, social workers, and other appropriate specialists or professionals to help maintain the well-being of students;

''(W) programs and activities that facilitate safe relationship behavior between and among students; and

''(X) other activities and programs identified as necessary by the local educational agency through the needs assessment conducted under section 4104(b)(3) that will increase student achievement and otherwise meet the purpose of this part.

''(b) PRINCIPLES OF EFFECTIVENESS.—

''(1) IN GENERAL.—For a program or activity developed or carried out under this part to meet principles of effectiveness, such program or activity shall—

''(A) be based upon an assessment of objective data regarding the need for programs and activities in the early childhood, elementary school, secondary school, or community to be served to—

''(i) improve school safety and promote students' physical and mental health and well-being, healthy eating and nutrition, and physical fitness; and

''(ii) strengthen parent and community engagement to ensure a healthy, safe, and supportive school environment;

''(B) be based upon established State requirements and evidence-based criteria aimed at ensuring a healthy, safe, and supportive school environment for students in the early childhood, elementary school, secondary school, or community that will be served by the program; and

''(C) include meaningful and ongoing consultation with and input from teachers, principals, school leaders, and parents in the development of the application and administration of the program or activity.

''(2) PERIODIC EVALUATION.—

''(A) IN GENERAL.—The program or activity shall undergo a periodic independent, third-party evaluation to assess the extent to which the program or activity has helped the local educational agency or school provide students with a healthy, safe, and supportive school environment that promotes school safety and students' physical and mental health and well-being.

''(B) USE OF RESULTS.—The local educational agency or consortium of such agencies shall ensure that the results of the periodic evaluations described under subparagraph (A) are—

''(i) used to refine, improve, and strengthen the program or activity, and to refine locally determined criteria described under paragraph (1)(B); and

''(ii) made available to the public and the State.

''(3) PROHIBITION.—Nothing in this subsection shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control, the principles of effectiveness developed or utilized by a local educational agency under this subsection.

''(c) PARENTAL CONSENT.—

''(1) IN GENERAL.—Each local educational agency receiving a subgrant under this part shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment service or treatment that is funded under this part and conducted in connection with an elementary school or secondary school under this part.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the written, informed consent described in such paragraph shall not be required in—

''(A) an emergency, where it is necessary to protect the immediate health and safety of the student, other students, or school personnel; or

''(B) other instances where parental consent cannot be reasonably obtained, as defined by the Secretary.

''(d) PRIVACY.—Each local educational agency receiving a subgrant under this part shall ensure that student mental health records are accorded the privacy protections provided under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the 'Family Educational Rights and Privacy Act of 1974').

''SEC. 4106. SUPPLEMENT, NOT SUPPLANT.

''Funds made available under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this part.

''SEC. 4107. PROHIBITIONS.

''(a) PROHIBITED USE OF FUNDS.—No funds under this part may be used for—

''(1) construction; or

''(2) medical services or drug treatment or rehabilitation, except for integrated student supports or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs.

''(b) PROHIBITION ON MANDATORY MEDICATION.—No child shall be required to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of receiving an evaluation, services, or attending a school receiving assistance under this part.

''SEC. 4108. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 4003. 21ST CENTURY COMMUNITY LEARNING CENTERS.

(a) PROGRAM AUTHORIZED.—Part B of title IV (20 U.S.C. 7171 et seq.) is amended to read as follows:

''PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

''SEC. 4201. PURPOSE; DEFINITIONS.

''(a) PURPOSE.—The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that—

''(1) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet challenging State academic standards described in section 1111(b)(1);

''(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, art, music, physical fitness and wellness programs, technology education programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or occupation for high school students that are designed to reinforce and complement the regular academic program of participating students; and

''(3) offer families of students served by community learning centers opportunities for active and meaningful engagement in their children's education, including opportunities for literacy and related educational development.

''(b) DEFINITIONS.—In this part:

''(1) COMMUNITY LEARNING CENTER.—The term 'community learning center' means an entity that—

''(A) assists students to meet challenging State academic standards described in section 1111(b)(1) by providing the students with academic enrichment activities and a broad array of other activities (such as programs and activities described in subsection (a)(2)) during nonschool hours or periods when school is not in session (such as before and after school or during summer recess) that—

''(i) reinforce and complement the regular academic programs of the schools attended by the students served; and

''(ii) are targeted to the students' academic needs and aligned with the instruction students receive during the school day; and

''(B) offers families of students served by such center opportunities for literacy, and related educational development and opportunities for active and meaningful engagement in their children's education.

''(2) COVERED PROGRAM.—The term 'covered program' means a program for which —

''(A) the Secretary made a grant under part B of title IV (as such part was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015); and

''(B) the grant period had not ended on that date of enactment.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a local educational agency, community-based organization, Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 450b)), another public or private entity, or a consortium of 2 or more such agencies, organizations, or entities.

''(4) EXTERNAL ORGANIZATION.—The term 'external organization' means—

''(A) a nonprofit organization with a record of success in running or working with after school programs; or

''(B) in the case of a community where there is no such organization, a nonprofit organization in the community that enters into a formal agreement or partnership with an organization described in subparagraph (A) to receive mentoring and guidance.

''(5) RIGOROUS PEER-REVIEW PROCESS.—The term 'rigorous peer-review process' means a process by which—

''(A) employees of a State educational agency who are familiar with the 21st century community learning center program under this part review all applications that the State receives for awards under this part for completeness and applicant eligibility;

''(B) the State educational agency selects peer reviewers for such applications, who shall—

''(i) be selected for their expertise in providing effective academic, enrichment, youth development, and related services to children; and

''(ii) not include any applicant, or representative of an applicant, that has submitted an application under this part for the current application period; and

''(C) the peer reviewers described in subparagraph (B) review and rate the applications to determine the extent to which the applications meet the requirements under sections 4204(b) and 4205.

''(6) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''SEC. 4202. ALLOTMENTS TO STATES.

''(a) RESERVATION.—From the funds appropriated under section 4206 for any fiscal year, the Secretary shall reserve—

''(1) such amounts as may be necessary to make continuation awards to grant recipients under covered programs (under the terms of those grants);

''(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

''(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian 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 4206 for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A

of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

''(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this part.

''(c) STATE USE OF FUNDS.—

''(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 93 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section 4204.

''(2) STATE ADMINISTRATION.—A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

''(A) the administrative costs of carrying out its responsibilities under this part;

''(B) establishing and implementing a rigorous peer-review process for subgrant applications described in section 4204(b) (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and

''(C) awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

''(3) STATE ACTIVITIES.—A State educational agency may use not more than 5 percent of the amount made available to the State under subsection (b) for the following activities:

''(A) Monitoring and evaluation of programs and activities assisted under this part.

''(B) Providing capacity building, training, and technical assistance under this part.

''(C) Comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

''(D) Providing training and technical assistance to eligible entities that are applicants for or recipients of awards under this part.

''(E) Ensuring that any eligible entity that receives an award under this part from the State aligns the activities provided by the program with State academic standards.

''(F) Ensuring that any such eligible entity identifies and partners with external organizations, if available, in the community.

''(G) Working with teachers, principals, parents, the local workforce, the local community, and other stakeholders to review and improve State policies and practices to support the implementation of effective programs under this part.

''(H) Coordinating funds received under this part with other Federal and State funds to implement high-quality programs.

''(I) Providing a list of prescreened external organizations, as described in section 4203(a)(11).

''SEC. 4203. STATE APPLICATION.

''(a) IN GENERAL.—In order to receive an allotment under section 4202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

''(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

''(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

''(3) contains an assurance that the State educational agency—

''(A) will make awards under this part to eligible entities that serve students who primarily attend schools that have been identified under section 1114(a)(1)(A) and other schools determined by the local educational agency to be in need of intervention and support and the families of such students; and

''(B) will further give priority to eligible entities that propose in the application to serve students described in subclauses (I) and (II) of section 4204(i)(1)(A)(i);

''(4) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet State and local content and student academic achievement standards;

''(5) describes how the State educational agency will ensure that awards made under this part are—

''(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

''(B) in amounts that are consistent with section 4204(h);

''(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, dissemination of promising practices, and coordination of professional development for staff in specific content areas as well as youth development;

''(7) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

''(8) contains an assurance that the State educational agency—

''(A) will make awards for programs for a period of not less than 3 years and not more than 5 years; and

''(B) will require each eligible entity seeking such an award to submit a plan describing how the activities to be funded through the award will continue after funding under this part ends;

''(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;

''(10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section 4204(b) how the transportation needs of participating students will be addressed;

''(11) describes how the State will prescreen external organizations that could provide assistance in carrying out the activities under this part, and develop and make available to eligible entities a list of external organizations that successfully completed the prescreening process;

''(12) provides—

''(A) an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before- and after-school (or summer school) programs, the heads of the State health and mental health agencies or their designees, statewide after-school networks (where applicable) and representatives of teachers, local educational agencies, and community-based organizations; and

''(B) a description of any other representatives of teachers, parents, students, or the business community that the State has selected to assist in the development of the application, if applicable;

''(13) describes the results of the State's needs and resources assessment for before- and after-school activities, which shall be based on the results of on-going State evaluation activities;

''(14) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

''(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities with emphasis on alignment with the regular academic program of the school and the academic needs of participating students, including performance indicators and measures that—

''(i) are able to track student success and improvement over time;

''(ii) include State assessment results and other indicators of student success and improvement, such as improved attendance during the school day, better classroom grades, regular (or consistent) program attendance, and on-time advancement to the next grade level; and

''(iii) for high school students, may include indicators such as career competencies, successful completion of internships or apprenticeships, or work-based learning opportunities;

''(B) a description of how data collected for the purposes of subparagraph (A) will be collected; and

''(C) public dissemination of the evaluations of programs and activities carried out under this part; and

''(15) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

''(b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

''(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

''(d) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

''(1) give the State educational agency notice and an opportunity for a hearing; and

''(2) notify the State educational agency of the finding of noncompliance and, in such notification—

''(A) cite the specific provisions in the application that are not in compliance; and

''(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

''(e) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

''(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

''(2) the expiration of the 120-day period described in subsection (b).

''(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the

Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

''(g) LIMITATION.—The Secretary may not impose a priority or preference for States or eligible entities that seek to use funds made available under this part to extend the regular school day.

''SEC. 4204. LOCAL COMPETITIVE SUBGRANT PROGRAM.

''(a) IN GENERAL.—

''(1) COMMUNITY LEARNING CENTERS.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 4202(c)(1) to award subgrants to eligible entities for community learning centers in accordance with this part.

''(2) EXPANDED LEARNING PROGRAM ACTIVITIES.—A State that receives funds under this part for a fiscal year may also use funds under section 4202(c)(1) to support those enrichment and engaging academic activities described in section 4205(a) that—

''(A) are included as part of an expanded learning program that provide students at least 300 additional program hours before, during, or after the traditional school day;

''(B) supplement but do not supplant school day requirements; and

''(C) are awarded to entities that meet the requirements of subsection (i).

''(b) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) a description of the activities to be funded, including—

''(i) an assurance that the program will take place in a safe and easily accessible facility;

''(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home, if applicable; and

''(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

''(B) a description of how such activities are expected to improve student academic achievement as well as overall student success;

''(C) a demonstration of how the proposed program will coordinate Federal, State, and local programs and make the most effective use of public resources;

''(D) an assurance that the proposed program was developed and will be carried out—

''(i) in active collaboration with the schools the students attend (including through the sharing of relevant student data among the schools), all participants in the eligible entity, and any partnership entities described in subparagraph (H), while complying with applicable laws relating to privacy and confidentiality; and

''(ii) in alignment with State and local content and student academic achievement standards;

''(E) a description of how the activities will meet the measures of effectiveness described in section 4205(b);

''(F) an assurance that the program will target students who primarily attend schools eligible for schoolwide programs under section 1113(b) and the families of such students;

''(G) an assurance that subgrant funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;

''(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;

''(I) an evaluation of the community needs and available resources for the community learning center and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families);

''(J) a demonstration that the eligible entity will use best practices, including research or evidence-based practices, to provide educational and related activities that will complement and enhance academic performance, achievement, postsecondary and workforce preparation, and positive youth development of the students;

''(K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;

''(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;

''(M) if the eligible entity plans to use volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified persons to serve as the volunteers; and

''(N) such other information and assurances as the State educational agency may reasonably require.

''(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

''(d) PERMISSIVE LOCAL MATCH.—

''(1) IN GENERAL.—A State educational agency may require an eligible entity to match subgrant funds awarded under this part, except that such match may not exceed the amount of the subgrant and may not be derived from other Federal or State funds.

''(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding scale that takes into account—

''(A) the relative poverty of the population to be targeted by the eligible entity; and

''(B) the ability of the eligible entity to obtain such matching funds.

''(3) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

''(4) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity's ability to match funds when determining which eligible entities will receive subgrants under this part.

''(e) PEER REVIEW.—In reviewing local applications under this part, a State educational agency shall use a rigorous peer-review process or other methods of ensuring the quality of such applications.

''(f) GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute subgrant funds under this part equitably among geographic areas within the State, including urban and rural communities.

''(g) DURATION OF AWARDS.—Subgrants under this part shall be awarded for a period of not less than 3 years and not more than 5 years.

''(h) AMOUNT OF AWARDS.—A subgrant awarded under this part may not be made in an amount that is less than $50,000.

''(i) PRIORITY.—

''(1) IN GENERAL.—In awarding subgrants under this part, a State educational agency shall give priority to applications—

''(A) proposing to target services to—

''(i) students who primarily attend schools that—

''(I) have been identified under section 1114(a) and other schools determined by the local educational agency to be in need of intervention and support to improve student academic achievement and other outcomes; and

''(II) enroll students who may be at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or who lack strong positive role models; and

''(ii) the families of students described in clause (i);

''(B) submitted jointly by eligible entities consisting of not less than 1—

''(i) local educational agency receiving funds under part A of title I; and

''(ii) another eligible entity; and

''(C) demonstrating that the activities proposed in the application—

''(i) are, as of the date of the submission of the application, not accessible to students who would be served; or

''(ii) would expand accessibility to high-quality services that may be available in the community.

''(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

''(3) LIMITATION.—A State educational agency may not impose a priority or preference for eligible entities that seek to use funds made available under this part to extend the regular school day.

''(j) RENEWABILITY OF AWARDS.—A State educational agency may renew a subgrant provided under this part to an eligible entity, based on the eligible entity's performance during the original subgrant period.

''SEC. 4205. LOCAL ACTIVITIES.

''(a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under section 4204 may use the award funds to carry out a broad array of activities that advance student academic achievement and support student success, including—

''(1) academic enrichment learning programs, mentoring programs, remedial education activities, and tutoring services, that are aligned with—

''(A) State and local content and student academic achievement standards; and

''(B) local curricula that are designed to improve student academic achievement;

''(2) core academic subject education activities, including such activities that enable students to be eligible for credit recovery or attainment;

''(3) literacy education programs, including financial literacy programs and environmental literacy programs;

''(4) programs that support a healthy, active lifestyle, including nutritional education and regular, structured physical activity programs;

''(5) services for individuals with disabilities;

''(6) programs that provide after-school activities for students who are English learners that emphasize language skills and academic achievement;

''(7) cultural programs;

''(8) telecommunications and technology education programs;

''(9) expanded library service hours;

''(10) parenting skills programs that promote parental involvement and family literacy;

''(11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement;

''(12) drug and violence prevention programs and counseling programs;

''(13) programs that build skills in science, technology, engineering, and mathematics (referred to in this paragraph as 'STEM') and that foster innovation in learning by supporting nontraditional STEM education teaching methods; and

''(14) programs that partner with in-demand fields of the local workforce or build career competencies and career readiness and ensure that local workforce and career readiness skills are aligned with the Carl D. Perkins Career and Technical Education Act of 2006 and the Workforce Innovation and Opportunity Act.

''(b) MEASURES OF EFFECTIVENESS.—

''(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the measures of effectiveness, monitored by the State educational agency as described in section 4203(a)(14), such program or activity shall—

''(A) be based upon an assessment of objective data regarding the need for before- and after-school programs (including during summer recess periods) and activities in the schools and communities;

''(B) be based upon an established set of performance measures aimed at ensuring the availability of high-quality academic enrichment opportunities;

''(C) if appropriate, be based upon evidence-based research that the program or activity will help students meet the State and local student academic achievement standards;

''(D) ensure that measures of student success align with the regular academic program of the school and the academic needs of participating students and include performance indicators and measures described in section 4203(a)(14)(A); and

''(E) collect the data necessary for the measures of student success described in subparagraph (D).

''(2) PERIODIC EVALUATION.—

''(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation in conjunction with the State educational agency's overall evaluation plan as described in section 4203(a)(14), to assess the program's progress toward achieving the goal of providing high-quality opportunities for academic enrichment and overall student success.

''(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—

''(i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures;

''(ii) made available to the public upon request, with public notice of such availability provided; and

''(iii) used by the State to determine whether a subgrant is eligible to be renewed under section 4204(j).

''SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

(b) TRANSITION.—The recipient of a multiyear grant award under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.), as such Act was in effect on the day before the date of enactment of this Act, shall continue to receive funds in accordance with the terms and conditions of such award.

SEC. 4004. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING PROGRAMS.

Title IV (20 U.S.C. 7101 et seq.), as amended by section 4001, is further amended by inserting after part B the following:

''PART C—ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING PROGRAMS

''SEC. 4301. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING PROGRAMS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities to enable such agencies to establish or expand elementary school and secondary school counseling programs that comply with the requirements of subsection (c).

''(2) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall—

''(A) give special consideration to applications describing programs that—

''(i) demonstrate the greatest need for new or additional counseling services among children in the schools served by the eligible entity, in part by providing information on current ratios, as of the date of application for a grant under this section, of students to school counselors, students to school social workers, and students to school psychologists;

''(ii) propose promising and innovative approaches for initiating or expanding school counseling; and

''(iii) show strong potential for replication and dissemination; and

''(B) give priority to—

''(i) schools that serve students in rural and remote areas;

''(ii) schools in need of intervention and support and schools that are the persistently lowest-achieving schools; or

''(iii) schools with a high percentage of students aged 5 through 17 who—

''(I) are in poverty, as counted in the most recent census data approved by the Secretary;

''(II) are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

''(III) are in families receiving assistance under the State program funded under part A of title IV of the Social Security Act; or

''(IV) are eligible to receive medical assistance under the Medicaid program.

''(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among eligible entities located in urban, rural, and suburban areas.

''(4) DURATION.—A grant under this section shall be awarded for a period not to exceed 3 years.

''(5) MAXIMUM GRANT.—A grant awarded under this section shall not exceed $400,000 for any fiscal year.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each application for a grant under this section shall—

''(A) describe the school population to be targeted by the program, the particular counseling needs of such population, and the current school counseling resources available for meeting such needs;

''(B) include the information described in subparagraphs (B) through (D) of section 4104(b)(4), with respect to the grant under this part;

''(C) document that the eligible entity has personnel qualified to develop, implement, and administer the program; and

''(D) document how the eligible entity will engage in meaningful consultation with parents and families in the development of such program.

''(c) USE OF FUNDS.—Each eligible entity receiving a grant under this part shall use grant funds to develop, implement, and evaluate comprehensive, evidence-based, school counseling programs through activities that incorporate evidence-based practices, such as—

''(1) the implementation of a comprehensive school counseling program to meet the counseling and educational needs of all students;

''(2) increasing the range, availability, quantity, and quality of counseling services, provided by qualified school counselors, school psychologists, school social workers, and other qualified school-based mental health services providers, in the elementary schools and secondary schools of the eligible entity;

''(3) the implementation of innovative approaches to increase children's understanding of peer and family relationships, peer and family interaction, work and self, decisionmaking, or academic and career planning;

''(4) the implementation of academic, postsecondary education and career planning programs;

''(5) the initiation of partnerships with community groups, social service agencies, or other public or private non-profit entities in collaborative efforts to enhance the program and promote school-linked integration of services, as long as the eligible entity documents how such partnership supplements, not supplants, existing school-employed school-based mental health services providers and services, in accordance with subsection (f);

''(6) the implementation of a team approach to school counseling in the schools served by the eligible entity by working toward ratios of school counselors, school social workers, and school psychologists to students recommended to enable such personnel to effectively address the needs of students; and

''(7) any other activity determined necessary by the eligible entity that meets the purpose of this part.

''(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 4 percent of the amounts made available under this section for any fiscal year may be used for administrative costs to carry out this section.

''(e) REPORT.—Not later than 2 years after assistance is made available to eligible entities under subsection (a), the Secretary shall make publicly available a report—

''(1) evaluating the programs assisted pursuant to each grant under this section; and

''(2) outlining the information from eligible entities regarding the ratios of students to—

''(A) school counselors;

''(B) school social workers; and

''(C) school psychologists.

''(f) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other

Federal, State, or local funds used for providing school-based counseling and mental health services to students.

''(g) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a local educational agency;

''(B) an educational service agency serving more than 1 local educational agency; or

''(C) a consortium of local educational agencies.

''(2) SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—The term 'school-based mental health services provider' has the meaning given the term in section 4102.

''(3) SCHOOL COUNSELOR.—The term 'school counselor' means an individual who meets the criteria for licensure or certification as a school counselor in the State where the individual is employed.

''(4) SCHOOL PSYCHOLOGIST.—The term 'school psychologist' means an individual who is licensed or certified in school psychology by the State in which the individual is employed.

''(5) SCHOOL SOCIAL WORKER.—The term 'school social worker' means an individual who is licensed or certified as a school social worker for the State in which the individual is employed.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 4005. PHYSICAL EDUCATION PROGRAM.

Title IV (20 U.S.C. 7101 et seq.), as amended by sections 4001 and 4004, is further amended by adding at the end the following:

''PART D—PHYSICAL EDUCATION PROGRAM

''SEC. 4401. PURPOSE.

''The purpose of this part is to award grants and contracts to initiate, expand, and improve physical education programs for all students in kindergarten through grade 12.

''SEC. 4402. PROGRAM AUTHORIZED.

''(a) AUTHORIZATION.—From amounts made available to carry out this part, the Secretary is authorized to award grants or contracts to local educational agencies and community-based organizations to pay the Federal share of the costs of initiating, expanding, and improving physical education programs (including after-school programs) for students in kindergarten through grade 12, by—

''(1) providing materials and support to enable students to participate actively in physical education activities; and

''(2) providing funds for staff and teacher training and education relating to physical education.

''(b) PROGRAM ELEMENTS.—A physical education program that receives assistance under this part may provide for 1 or more of the following:

''(1) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.

''(2) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student.

''(3) Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.

''(4) Opportunities to develop positive social and cooperative skills through physical activity participation.

''(5) Instruction in healthy eating habits and good nutrition.

''(6) Opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education.

''(c) SPECIAL RULE.—For purposes of this part, extracurricular activities, such as team sports and Reserve Officers' Training Corps program activities, shall not be considered as part of the curriculum of a physical education program assisted under this part.

''SEC. 4403. APPLICATIONS.

''(a) SUBMISSION.—Each local educational agency or community-based organization desiring a grant or contract under this part shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in order to make progress toward meeting State standards for physical education.

''(b) PRIVATE SCHOOL AND HOME-SCHOOLED STUDENTS.—An application for a grant or contract under this part may provide for the participation, in the activities funded under this part, of—

''(1) students enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers; or

''(2) home-schooled students, and their parents and teachers.

''SEC. 4404. REQUIREMENTS.

''(a) ANNUAL REPORT TO THE SECRETARY.—In order to continue receiving funding after the first year of a multiyear grant or contract under this part, the administrator of the grant or contract for the local educational agency or community-based organization shall submit to the Secretary an annual report that—

''(1) describes the activities conducted during the preceding year; and

''(2) demonstrates that progress has been made toward meeting State standards for physical education.

''(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the funds made available under this part to a local educational agency or community-based organization for any fiscal year may be used for administrative expenses.

''SEC. 4405. ADMINISTRATIVE PROVISIONS.

''(a) FEDERAL SHARE.—The Federal share under this part may not exceed—

''(1) 90 percent of the total cost of a program for the first year for which the program receives assistance under this part; and

''(2) 75 percent of such cost for the second and each subsequent such year.

''(b) PROPORTIONALITY.—To the extent practicable, the Secretary shall ensure that grants awarded under this part are equitably distributed among local educational agencies, and community-based organizations, serving urban and rural areas.

''(c) REPORT TO CONGRESS.—Not later than June 1, 2017, the Secretary shall submit a report to Congress that—

''(1) describes the programs assisted under this part;

''(2) documents the success of such programs in improving physical fitness; and

''(3) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this part.

''(d) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary to carry out this part shall remain available until expended.

''SEC. 4406. SUPPLEMENT, NOT SUPPLANT.

''Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds available for physical education activities.

''SEC. 4407. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

TITLE V—EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION

SEC. 5001. GENERAL PROVISIONS.

Title V (20 U.S.C. 7201 et seq.) is amended—

(1) by striking the title heading and inserting ''**EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION**'';

(2) by striking part A;

(3) by striking subparts 2 and 3 of part B;

(4) by striking part D;

(5) by redesignating parts B and C as parts A and B, respectively;

(6) in part A, as redesignated by paragraph (5), by striking ''**Subpart 1—Charter School Programs**'';

(7) by redesignating sections 5201 through 5211 as sections 5101 through 5111, respectively;

(8) by redesignating sections 5301 through 5307 as sections 5201 through 5207, respectively;

(9) by striking sections 5308 and 5310; and

(10) by redesignating sections 5309 and 5311 as sections 5208 and 5209, respectively.

SEC. 5002. PUBLIC CHARTER SCHOOLS.

Part A of title V (20 U.S.C. 7221 et seq.), as redesignated by section 5001(5), is amended—

(1) by striking sections 5101 through 5105, as redesignated by section 5001(7), and inserting the following:

''SEC. 5101. PURPOSE.

''It is the purpose of this part to—

''(1) provide financial assistance for the planning, program design, and initial implementation of charter schools;

''(2) increase the number of high-quality charter schools available to students across the United States;

''(3) evaluate the impact of such schools on student achievement, families, and communities, and share best practices among 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) expand opportunities for children with disabilities, students who are English learners, and other traditionally underserved students to attend charter schools and meet the challenging State academic standards under section 1111(b)(1); and

''(6) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, monitoring, including financial audits, and evaluation of such schools.

''SEC. 5102. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to carry out a charter school program that supports charter schools that serve early childhood, elementary school, and secondary school students by—

''(1) supporting the startup of charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;

''(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

''(3) carrying out national activities to support—

''(A) the startup of charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;

''(B) the dissemination of best practices of charter schools for all schools;

''(C) the evaluation of the impact of the charter school program under this part on schools participating in such program; and

''(D) stronger charter school authorizing.

''(b) FUNDING ALLOTMENT.—From the amount made available under section 5111 for a fiscal year, the Secretary shall—

''(1) reserve 12.5 percent to support charter school facilities assistance under section 5104;

''(2) reserve not less than 25 percent to carry out national activities under section 5105; and

''(3) use the remaining amount after the reservations under paragraphs (1) and (2) to carry out section 5103.

''(c) PRIOR GRANTS AND SUBGRANTS.—The recipient of a grant or subgrant under this part (as such part was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015) shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

''SEC. 5103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

''(a) STATE ENTITY DEFINED.—For purposes of this section, the term 'State entity' means—

''(1) a State educational agency;

''(2) a State charter school board;

''(3) a Governor of a State; or

''(4) a charter school support organization.

''(b) PROGRAM AUTHORIZED.—From the amount available under section 5102(b)(3), the Secretary shall award, on a competitive basis, grants to State entities having applications approved under subsection (f) to enable such entities to—

''(1) award subgrants to eligible applicants to enable such eligible applicants to—

''(A) open new charter schools;

''(B) replicate high-quality charter school models; or

''(C) expand high-quality charter schools; and

''(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1), and work with authorized public chartering agencies in the State to improve authorizing quality, including developing capacity for, and conducting, fiscal oversight and auditing of charter schools.

''(c) STATE ENTITY USES OF FUNDS.—

''(1) IN GENERAL.—A State entity receiving a grant under this section shall—

''(A) use not less than 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the State entity's application pursuant to subsection (f), for the purposes described in subparagraphs (A) through (C) of subsection (b)(1);

''(B) reserve not less than 7 percent of such funds to carry out the activities described in subsection (b)(2); and

''(C) reserve not more than 3 percent of such funds for administrative costs, which may include the administrative costs of providing technical assistance.

''(2) CONTRACTS AND GRANTS.—A State entity may use a grant received under this section to carry out the activities described in paragraph (1)(B) directly or through grants, contracts, or cooperative agreements.

''(3) RULES OF CONSTRUCTION.—

''(A) USE OF LOTTERY MECHANISMS.—Nothing in this Act shall prohibit the Secretary from awarding grants to State entities, or State entities from awarding subgrants to eligible applicants, that use a weighted lottery, or an equivalent lottery mechanism, to give better chances for school admission to all or a subset of educationally disadvantaged students if—

''(i) the use of a weighted lottery in favor of such students is not prohibited by State law, and such State law is consistent with the laws described in section 5110(2)(G); and

''(ii) such weighted lottery is not used for the purpose of creating schools exclusively to serve a particular subset of students.

''(B) STUDENTS WITH SPECIAL NEEDS.—Nothing in this paragraph shall be construed to prohibit schools from specializing in providing specific services for students with a demonstrated need for such services, such as students who need specialized instruction in reading, spelling, or writing.

''(d) PROGRAM PERIODS; PEER REVIEW; DISTRIBUTION OF SUBGRANTS; WAIVERS.—

''(1) PROGRAM PERIODS.—

''(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 3 years, and may be renewed by the Secretary for one additional 2-year period.

''(B) SUBGRANTS.—A subgrant awarded by a State entity under this section—

''(i) shall be for a period of not more than 3 years, of which an eligible applicant may use not more than 18 months for planning and program design; and

''(ii) may be renewed by the State entity for one additional 2-year period.

''(2) PEER REVIEW.—The Secretary, and each State entity awarding subgrants under this section, shall use a peer-review process to review applications for assistance under this section.

''(3) DISTRIBUTION OF SUBGRANTS.—Each State entity awarding subgrants under this section shall award subgrants in a manner that, to the extent practicable and applicable, ensures that such subgrants—

''(A) prioritize eligible applicants that plan to serve a significant number of students from low-income families;

''(B) are distributed throughout different areas, including urban, suburban, and rural areas; and

''(C) will assist charter schools representing a variety of educational approaches.

''(4) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority under this Act with respect to charter schools supported under this part, except any such requirement relating to the elements of a charter school described in section 5110(2), if—

''(A) the waiver is requested in an approved application under this section; and

''(B) the Secretary determines that granting such waiver will promote the purpose of this part.

''(e) LIMITATIONS.—

''(1) GRANTS.—A State entity may not receive more than 1 grant under this section at a time.

''(2) SUBGRANTS.—An eligible applicant may not receive more than 1 subgrant under this section for each individual charter school for each grant period or renewal period, unless the eligible applicant demonstrates to the State entity that such individual charter school has demonstrated a strong track record of positive results over the course of the grant period regarding the elements described in subparagraphs (A) and (D) of section 5110(8).

''(f) APPLICATIONS.—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

''(1) DESCRIPTION OF PROGRAM.—A description of the State entity's objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including—

''(A) a description of how the State entity will—

''(i) support the opening of new charter schools and, if applicable, the replication of high-quality charter schools and the expansion of high-quality charter schools, including the proposed number of charter schools to be opened, replicated, or expanded under the State entity's program;

''(ii) inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

''(iii) work with eligible applicants to ensure that the eligible applicants access all Federal funds that such applicants are eligible to receive, and help the charter schools supported by the applicants and the students attending those charter schools—

''(I) participate in the Federal programs in which the schools and students are eligible to participate; and

''(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs;

''(iv) in the case of a State entity that 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 operate the State entity's program under this section, if applicable;

''(v) ensure that each eligible applicant that receives a subgrant under the State entity's program—

''(I) is opening or expanding schools that meet the definition of a charter school under section 5110; and

''(II) is prepared to continue to operate such charter schools once the subgrant funds under this section are no longer available;

''(vi) support charter schools in local educational agencies with schools that have been identified by the State under section 1114(a)(1)(A);

''(vii) work with charter schools to promote inclusion of all students and support all students upon enrollment in order to promote retention of students in the school;

''(viii) work with charter schools on recruitment practices, including efforts to engage groups that may otherwise have limited opportunities to attend charter schools;

''(ix) share best and promising practices among charter schools and other public schools;

''(x) ensure that charter schools receiving funds under the State entity's program meet the educational needs of their students, including children with disabilities and students who are English learners; and

''(xi) support efforts to increase charter school quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(D);

''(B) a description of how the State will monitor and hold authorized public chartering agencies accountable to ensure high-quality authorizing activity, such as by establishing authorizing standards and by approving, reapproving, and revoking the authority of an authorized public chartering agency based on the performance of the charter schools authorized by such agency in the areas of student achievement, student safety, financial and operational management, and compliance with all applicable statutes, except that nothing in this subparagraph shall be construed to require a State to alter State law, policies, or procedures regarding State practices for holding accountable authorized public chartering agencies;

''(C) a description of the extent to which the State entity—

''(i) is able to meet and carry out the priorities described in subsection (g)(2);

''(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools and, if applicable, the replication of high-quality charter schools, and the expansion of high-quality charter schools; and

''(iii) will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school receiving funds under the State entity's charter school program under this section;

''(D) a description of how the State entity will award subgrants, on a competitive basis, including—

''(i) a description of the application each eligible applicant desiring to receive a subgrant will be required to submit, which application shall include—

''(I) a description of the roles and responsibilities of eligible applicants, and of any charter management organizations or other organizations with which the eligible applicant will partner to open charter schools, including the administrative and contractual roles and responsibilities of such partners;

''(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, financial audits to ensure adequate fiscal oversight, how a school's performance on the State's accountability system and impact on student achievement (which may include student academic growth) will be one of the most important factors for renewal or revocation of the school's charter, and procedures to be followed in the case of the closure or dissolution of a charter school;

''(III) a description of how the autonomy and flexibility granted to a charter school is consistent with the definition of a charter school in section 5110;

''(IV) a description of the eligible applicant's planned activities and expenditures of subgrant funds for purposes of opening a new charter school, replicating a high-quality charter school, or expanding a high-quality charter school, and how the eligible applicant will maintain fiscal sustainability after the end of the subgrant period; and

''(V) a description of how the eligible applicant will ensure that each charter school the eligible applicant operates will engage parents as partners in the education of their children; and

''(ii) a description of how the State entity will review applications from eligible applicants;

''(E) in the case of a State entity that partners with an outside organization to carry out the entity's quality charter school program, in whole or in part, a description of the roles and responsibilities of the partner;

''(F) a description of how the State entity will help the charter schools receiving funds under the State entity's program address the transportation needs of the schools' students; and

''(G) a description of how the State in which the State entity is located addresses charter schools in the State's open meetings and open records laws.

''(2) ASSURANCES.—Assurances that—

''(A) each charter school receiving funds through the State entity's program will have a high degree of autonomy over budget and operations, including autonomy over personnel decisions;

''(B) the State entity will support charter schools in meeting the educational needs of their students, as described in paragraph (1)(A)(x);

''(C) the State entity will ensure that the authorized public chartering agency of any charter school that receives funds under the entity's program—

''(i) ensures that the charter school under the authority of such agency is meeting the requirements of this Act, part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, and section 504 of the Rehabilitation Act of 1973; and

''(ii) adequately monitors and provides adequate technical assistance to each charter school under the authority of such agency in recruiting, enrolling, retaining, and meeting the needs of all students, including children with disabilities and students who are English learners;

''(D) the State entity will promote quality authorizing, consistent with State law, such as through providing technical assistance to support each authorized public chartering agency in the State to improve such agency's ability to monitor the charter schools authorized by the agency, including by—

''(i) using annual performance data, which may include graduation rates and student academic growth data, as appropriate, to measure a school's progress toward becoming a high-quality charter school;

''(ii) reviewing the schools' independent, annual audits of financial statements conducted in accordance with generally accepted accounting principles, and ensuring that any such audits are publically reported; and

''(iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school's charter; and

''(E) the State entity will ensure that each charter school in the State makes publicly available, consistent with the dissemination requirements of the annual State report card, including on the website of the school, information to help parents make informed decisions about the education options available to their children, including information on the educational program, student support services, parent contract requirements (as applicable), including any financial obligations or fees, enrollment criteria (as applicable), and annual performance and enrollment data for each of the categories of students, as defined in section 1111(b)(3)(A).

''(3) REQUESTS FOR WAIVERS.—

''(A) FEDERAL STATUTE AND REGULATION.—A request and justification for waivers of any Federal statutory or regulatory provisions that the State entity believes are necessary for the successful operation of the charter schools that will receive funds under the entity's program under this section.

''(B) STATE AND LOCAL RULES.—A description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply, to such schools or, in the case of a State entity defined in subsection (a)(4), a description of how the State entity will work with the State to request necessary waivers, if applicable.

''(g) SELECTION CRITERIA; PRIORITY.—

''(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (f), after taking into consideration—

''(A) the degree of flexibility afforded by the State's public charter school law and how the State entity will work to maximize the flexibility provided to charter schools under such law;

''(B) the proposed number of new charter schools to be opened, and, if applicable, the number of high-quality charter schools to be replicated or expanded under the program, and the number of new students to be served by such schools;

''(C) the likelihood that the schools opened, replicated, or expanded by eligible applicants receiving subgrant funds will increase the academic achievement of the school's students and progress toward becoming high-quality charter schools;

''(D) the quality of the State entity's plan to—

''(i) monitor the eligible applicants receiving subgrants under the State entity's program; and

''(ii) provide technical assistance and support for—

''(I) the eligible applicants receiving subgrants under the State entity's program; and

''(II) quality authorizing efforts in the State; and

''(E) the State entity's plan to solicit and consider input from parents and other members of the community on the implementation and operation of the charter schools in the State.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a State entity to the extent that the entity meets the following criteria:

''(A) The State entity is located in a State that—

''(i) allows at least one entity that is not the local educational agency to be an authorized public chartering agency for each developer seeking to open a charter school in the State; or

''(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, the State has an appeals process for the denial of an application for a charter school.

''(B) The State entity is located in a State that ensures that charter schools receive equitable financing, as compared to traditional public schools, in a prompt manner.

''(C) The State entity is located in a State that provides charter schools one or more of the following:

''(i) Funding for facilities.

''(ii) Assistance with facilities acquisition.

''(iii) Access to public facilities.

''(iv) The ability to share in bonds or mill levies.

''(v) The right of first refusal to purchase public school buildings.

''(vi) Low- or no-cost leasing privileges.

''(D) The State entity is located in a State that uses best practices from charter schools to help improve struggling schools and local educational agencies.

''(E) The State entity supports charter schools that support at-risk students through activities such as dropout prevention or dropout recovery.

''(F) The State entity ensures that each charter school has a high degree of autonomy over the charter school's budget and operations, including autonomy over personnel decisions.

''(G) The State entity has taken steps to ensure that all authorizing public chartering agencies implement best practices for charter school authorizing.

''(h) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to carry out activities related to opening a new charter school, replicating a high-quality charter school, or expanding a high-quality charter school, which may include—

''(1) supporting the acquisition, expansion, or preparation of a charter school building to meet increasing enrollment needs, including financing the development of a new building and ensuring that a school building complies with applicable statutes and regulations;

''(2) paying costs associated with hiring additional teachers to serve additional students;

''(3) providing transportation to students to and from the charter school;

''(4) providing instructional materials, implementing teacher and principal or other school leader professional development programs, and hiring additional nonteaching staff;

''(5) supporting any necessary activities that assist the charter school in carrying out this section, such as preparing individuals to

serve as members of the charter school's board; and

''(6) providing early childhood education programs for children, including direct support to, and coordination with, school- or community-based early childhood education programs.

''(i) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the grant period and at the end of any renewal period, a report that includes the following:

''(1) The number of students served by each subgrant awarded under this section and, if applicable, the number of new students served during each year of the grant period.

''(2) The number and amount 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 schools.

''(C) The expansion of high-quality charter schools.

''(3) The progress the State entity made toward meeting the priorities described in subparagraphs (E) through (G) of subsection (g)(2).

''(4) A description of—

''(A) how the State entity complied with, and ensured that eligible applicants complied with, the assurances described in the State entity's application;

''(B) how the State entity worked with authorized public chartering agencies, and how the agencies worked with the management company or leadership of the schools that receive subgrant funds, if applicable; and

''(C) how each recipient of a subgrant under this section uses the subgrant funds on early childhood education programs described in subsection (h)(6), if such recipient chooses to use such funds on such programs.

''SEC. 5104. FACILITIES FINANCING ASSISTANCE.

''(a) GRANTS TO ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—From the amount reserved under section 5102(b)(1), the Secretary shall use not less than 50 percent to award not less than 3 grants, on a competitive basis, to eligible entities that have the highest-quality applications approved under subsection (d) to demonstrate innovative methods of helping charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

''(2) ELIGIBLE ENTITY DEFINED.—For the purposes of this section, the term 'eligible entity' means—

''(A) a public entity, such as a State or local governmental entity;

''(B) a private nonprofit entity; or

''(C) a consortium of entities described in subparagraphs (A) and (B).

''(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

''(c) GRANT CHARACTERISTICS.—Grants under subsection (a) shall be of sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary in such form as the Secretary may reasonably require.

''(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

''(A) a statement identifying the activities that the eligible entity proposes to carry out with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

''(B) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

''(C) a description of the eligible entity's expertise in capital market financing;

''(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the entity under this section;

''(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

''(F) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding that charter schools need to have adequate facilities.

''(e) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private-sector capital to accomplish one or more of the following objectives:

''(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

''(2) The construction of new facilities, including predevelopment costs, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

''(3) The predevelopment costs that are required to assess sites for purposes of paragraph (1) or (2) and that are necessary to commence or continue the operation of a charter school.

''(f) RESERVE ACCOUNT.—

''(1) USE OF FUNDS.—To assist charter schools in accomplishing the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

''(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

''(B) Guaranteeing and insuring leases of personal and real property for an objective described in such subsection.

''(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 this subsection.

''(g) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

''(h) AUDITS AND REPORTS.—

''(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

''(2) REPORTS.—

''(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) annually shall submit to the Secretary a report of the entity's 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 carried out by the eligible entity under this section (excluding subsection (k)) during the reporting period.

''(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

''(i) NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

''(j) RECOVERY OF FUNDS.—

''(1) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

''(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under 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 such subsection.

''(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) 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 to funding charter school facilities; or

''(B) a portion of which is dedicated for funding charter school facilities.

''(2) GRANTS.—

''(A) IN GENERAL.—From the amount reserved under section 5102(b)(1) and remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, per-pupil facilities aid programs.

''(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

''(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

''(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

''(ii) 80 percent for the second such year;

''(iii) 60 percent for the third such year;

''(iv) 40 percent for the fourth such year; and

''(v) 20 percent for the fifth such year.

''(D) STATE SHARE.—A State receiving a grant under this subsection may partner with 1 or more organizations, and such organizations may provide not more than 50 percent of the State share of the cost of establishing or 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 grant 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.—In accordance with the method of determination described in section 1117, 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. 5105. NATIONAL ACTIVITIES.

''(a) IN GENERAL.—From the amount reserved under section 5102(b)(2), the Secretary shall—

''(1) use not less than 80 percent of such funds to award grants in accordance with subsection (b); and

''(2) use the remainder of such funds to—

''(A) disseminate technical assistance to State entities in awarding subgrants under section 5103(b)(1)(A);

''(B) disseminate best practices regarding public charter schools;

''(C) evaluate the impact of the charter school program carried out under this part, including the impact on student achievement; and

''(D) award grants, on a competitive basis, for the purpose of carrying out the activities described in section 5103(h), to eligible applicants that desire to open a charter school, replicate a high-quality charter school, or expand a high-quality charter school in—

''(i) a State that did not apply for a grant under section 5103; or

''(ii) a State that did not receive a grant under section 5103.

''(b) GRANTS FOR THE REPLICATION AND EXPANSION OF HIGH-QUALITY CHARTER SCHOOLS.—The Secretary shall make grants, on a competitive basis, to eligible entities having applications approved under paragraph (2) to enable such entities to replicate a high-quality charter school or expand a high-quality charter school.

''(1) DEFINITION OF ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means—

''(A) a charter management organization that, at the time of the application, operates or manages one or more high-quality charter schools; or

''(B) a nonprofit organization that oversees and coordinates the activities of a group of such charter management organizations.

''(2) APPLICATION REQUIREMENTS.—An eligible entity desiring to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

''(A) A description of the eligible entity's objectives for implementing a high-quality charter school program with funding under this subsection, including a description of the proposed number of high-quality charter schools to be replicated or expanded with funding under this subsection.

''(B) A description of the educational program that the eligible entity will implement in the charter schools that the eligible entity proposes to replicate or expand, including information on how the program will enable all students to meet the challenging State academic standards under section 1111(b)(1), the grade levels or ages of students who will be served, and the instructional practices that will be used.

''(C) A multi-year financial and operating model for the eligible entity, including a description of how the operation of the charter schools to be replicated or expanded will be sustained after the grant under this subsection has ended.

''(D) A description of how the eligible entity will inform all students in the community, including children with disabilities, students who are English learners, and other educationally disadvantaged students, about the charter schools to be replicated or expanded with funding under this subsection.

''(E) For each charter school currently operated or managed by the eligible entity—

''(i) student assessment results for all students and for each category of students described in section 1111(b)(2)(B)(xi); and

''(ii) attendance and student retention rates for the most recently completed school year and, if applicable, the most recent available 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates (as such rates were calculated on the day before enactment of the Every Child Achieves Act of 2015).

''(F) Information on any significant compliance issues encountered, within the last 3 years, by any school operated or managed by the eligible entity, including in the areas of student safety and financial management.

''(G) A request and justification for any waivers of Federal statutory or regulatory requirements that the eligible entity believes are necessary for the successful operation of the charter schools to be replicated or expanded with funding under this subsection.

''(3) SELECTION CRITERIA.—The Secretary shall select eligible entities to receive grants under this subsection, on the basis of the quality of the applications submitted under paragraph (2), after taking into consideration such factors as—

''(A) the degree to which the eligible entity has demonstrated success in increasing academic achievement and attainment for all students attending the charter schools the eligible entity operates or manages;

''(B) the degree to which the eligible entity has demonstrated success in increasing academic achievement and attainment for each of the categories of students, as defined in section 1111(b)(3)(A);

''(C) the quality of the eligible entity's financial and operating model as described under paragraph (2)(C), including the quality of the eligible entity's plan for sustaining the operation of the charter schools to be replicated or expanded after the grant under this subsection has ended;

''(D) a determination that the eligible entity has not operated or managed a significant proportion of charter schools that—

''(i) have been closed;

''(ii) have had a school charter revoked due to problems with statutory or regulatory compliance; or

''(iii) have had the school's affiliation with the eligible entity revoked; and

''(E) a determination that the eligible entity has not experienced significant problems with statutory or regulatory compliance that could lead to the revocation of a school's charter.

''(4) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that operate or manage charter schools that, in the aggregate, serve students at least 60 percent of whom are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act.

''(5) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, grants awarded under subsection (a)(2)(D) and this subsection shall have the same terms and conditions as grants awarded to State entities under section 5103.'';

(2) in section 5106 (20 U.S.C. 7221e), as redesignated by section 5001(7), by adding at the end the following:

''(c) NEW OR SIGNIFICANTLY EXPANDING CHARTER SCHOOLS.—For purposes of implementing the hold harmless protections in sections 1122(c) and 1125A(g)(3) for a newly opened or significantly expanded charter school under subsection (a), a State educational agency shall calculate a hold-harmless base for the prior year that, as applicable, reflects the new or significantly expanded enrollment of the charter school.'';

(3) in section 5108 (20 U.S.C. 7221g), as redesignated by section 5001(7), by inserting ''as quickly as possible and'' before ''to the extent practicable'';

(4) in section 5110 (20 U.S.C. 7221i), as redesignated by section 5001(7)—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (5), and (6), respectively;

(B) by redesignating paragraph (4) as paragraph (1), and moving such paragraph so as to precede paragraph (2), as redesignated by subparagraph (A);

(C) in paragraph (2), as redesignated by subparagraph (A)—

(i) in subparagraph (G), by striking '', and part B'' and inserting '', the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the 'Family Educational Rights and Privacy Act of 1974'), and part B'';

(ii) by striking subparagraph (H) and inserting the following:

''(H) is a school to which parents choose to send their children, and that—

''(i) admits students on the basis of a lottery, if more students apply for admission than can be accommodated; or

''(ii) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i);'';

(iii) by striking subparagraph (I) and inserting the following:

''(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;'';

(iv) in subparagraph (K), by striking ''and'' at the end;

(v) in subparagraph (L), by striking the period at the end and inserting ''; and''; and

(vi) by adding at the end the following:

''(M) may serve students in early childhood education programs or postsecondary students.'';

(D) by inserting after paragraph (2), as redesignated by subparagraph (A), the following:

''(3) CHARTER MANAGEMENT ORGANIZATION.—The term 'charter management organization' means a nonprofit organization that operates or manages multiple charter schools by centralizing or sharing certain functions or resources.

''(4) CHARTER SCHOOL SUPPORT ORGANIZATION.—The term 'charter school support organization' means a nonprofit, nongovernmental entity that is not an authorized public chartering agency and provides, on a statewide basis—

''(A) assistance to developers during the planning, program design, and initial implementation of a charter school; and

''(B) technical assistance to operating charter schools.'';

(E) in paragraph (6)(B), as redesignated by subparagraph (A), by striking ''under section 5203(d)(3)''; and

(F) by adding at the end the following:

''(7) EXPANSION OF A HIGH-QUALITY CHARTER SCHOOL.—The term 'expansion of a high-quality charter school' means increasing the enrollment at a high-quality charter school by not less than 50 percent or adding 2 or more grades to a high-quality charter school.

''(8) HIGH-QUALITY CHARTER SCHOOL.—The term 'high-quality charter school' means a charter school that—

''(A) shows evidence of strong academic results, which may include strong student academic growth, as determined by a State;

''(B) has no significant issues in the areas of student safety, financial and operational management, or statutory or regulatory compliance;

''(C) has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, for all students served by the charter school; and

''(D) has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for each of the categories of students, as defined in section 1111(b)(3)(A), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

''(9) REPLICATION OF A HIGH-QUALITY CHARTER SCHOOL.—The term 'replication of a high-quality charter school' means the opening of a charter school—

''(A) under an existing charter or an additional charter, if permitted by State law;

''(B) based on the model of a high-quality charter school; and

''(C) that will be operated or managed by the same nonprofit organization that operates or manages such high-quality charter school under an existing charter.''; and

(5) by striking section 5111 (20 U.S.C. 7221j), as redesignated by section 5001(7), and inserting the following:

''SEC. 5111. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 5003. MAGNET SCHOOLS ASSISTANCE.

Part B of title V (20 U.S.C. 7231 et seq.), as redesignated by section 5001(5), is amended—

(1) in section 5201(b), as redesignated by section 5001(8)—

(A) in paragraph (1)—

(i) by inserting ''and the increase of socioeconomic integration'' before ''in elementary schools and secondary schools''; and

(ii) by inserting ''low-income and'' before ''minority students'';

(B) in paragraph (2)—

(i) by striking ''and implementation'' and inserting '', implementation, and expansion''; and

(ii) by striking ''content standards and student academic achievement standards'' and inserting ''standards under section 1111(b)(1)'';

(C) in paragraph (3), by striking ''and design'' and inserting '', design, and expansion'';

(D) in paragraph (4), by striking ''vocational'' and inserting ''career''; and

(E) in paragraph (6), by striking ''productive employment'' and inserting ''to enter into the workforce without the need for postsecondary education'';

(2) in section 5202, as redesignated by section 5001(8), by striking ''backgrounds'' and inserting '', ethnic, and socioeconomic backgrounds'';

(3) in section 5205(b), as redesignated by section 5001(8)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''any available evidence on'' before ''how the proposed magnet school programs'';

(ii) in subparagraph (B), by inserting '', including any evidence available to support such description'' before the semicolon;

(iii) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(iv) by inserting after subparagraph (C) the following:

''(D) how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student achievement and integration;''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''will'';

(ii) in subparagraph (A)—

(I) by inserting ''will'' before ''use grant funds''; and

(II) by striking ''section 5301(b)'' and inserting ''section 5201(b)'';

(iii) in subparagraph (B), by striking ''employ highly qualified'' and inserting ''will employ effective'';

(iv) in subparagraph (C), by striking ''not engage in'' and inserting ''is not currently engaging in and will not engage in'';

(v) in subparagraph (D), by inserting ''will'' before carry out; and

(vi) in subparagraph (E), by inserting ''will'' before ''give students'';

(4) in section 5206, as redesignated by section 5001(8), by striking paragraph (2) and inserting the following:

''(2) propose to—

''(A) carry out a new, evidence-based magnet school program;

''(B) significantly revise an existing magnet school program, using evidence-based methods and practices, as available; or

''(C) expand an existing magnet school program that has a demonstrated record of success in increasing student academic achievement, reducing isolation of minority groups, and increasing socioeconomic integration; and'';

(5) in section 5207, as redesignated by section 5001(8)—

(A) in subsection (a)—

(i) in paragraph (3), by striking ''who are highly qualified'';

(ii) in paragraph (6), by striking ''and'' at the end;

(iii) in paragraph (7), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(8) to enable the local educational agency, or consortium of such agencies, or other organizations partnered with such agency or consortium, to establish, expand, or strengthen inter-district and regional magnet programs.''; and

(B) in subsection (b), by striking ''the State's challenging academic content'' and all that follows through the period and inserting ''the challenging State academic standards under section 1111(b)(1) or are directly related to improving student academic, career, or technological skills and professional skills.'';

(6) in section 5208, as redesignated by section 5001(10)—

(A) in subsection (a), by striking ''for a period'' and all that follows through the period and inserting ''for an initial period of not more than 3 fiscal years, and may be renewed for not more than an additional 2 years if the Secretary finds that the recipient of a grant under this part is achieving the intended outcomes of the grant and shows improvement in increasing student academic achievement, reducing minority group isolation, and increasing socioeconomic integration, or other indicators of success established by the Secretary.''; and

(B) in subsection (d), by striking ''July'' and inserting ''June''; and

(7) in section 5209, as redesignated by section 5001(10)—

(A) in subsection (a), by striking ''$125,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021.'';

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) RESERVATION FOR TECHNICAL ASSISTANCE.—The Secretary may reserve not more than 1 percent of the funds appropriated under subsection (a) for any fiscal year to provide technical assistance and carry out dissemination projects with respect to magnet school programs assisted under this part.''.

SEC. 5004. SUPPORTING HIGH-ABILITY LEARNERS AND LEARNING.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part B the following:

"PART C—SUPPORTING HIGH-ABILITY LEARNERS AND LEARNING

"SEC. 5301. SHORT TITLE.

''This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 2015'.

"SEC. 5302. PURPOSE.

''The purpose of this part is to initiate a coordinated program of evidence-based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to meet the special educational needs of gifted and talented students.

"SEC. 5303. RULE OF CONSTRUCTION.

''Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings, where appropriate.

"SEC. 5304. AUTHORIZED PROGRAMS.

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) is authorized to make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, other public agencies, and other private agencies and organizations to assist such agencies, institutions, and organizations in carrying out programs or projects authorized by this part that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

''(2) APPLICATION.—Each entity seeking assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall describe how—

''(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

''(B) the proposed programs can be evaluated.

''(b) USE OF FUNDS.—Programs and projects assisted under this section may include each of the following:

''(1) Conducting evidence-based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to serve all students.

''(2) Establishing and operating model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs (such as summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education).

''(3) Implementing innovative strategies, such as cooperative learning, peer tutoring, and service learning.

''(4) Carrying out programs of technical assistance and information dissemination, including assistance and information with respect to how gifted and talented programs and methods, where appropriate, may be adapted for use by all students.

''(c) SPECIAL RULE.—To the extent that the amount of funds appropriated to carry out this part for a fiscal year beginning with fiscal year 2016 exceed the amount of $7,500,000, the Secretary shall use such excess funds to award grants, on a competitive basis, to State educational agencies, local educational agencies, or both, to implement activities described in subsection (b).

''(d) CENTER FOR RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Research Center for the Education of Gifted and Talented Children and Youth through grants to, or contracts with, one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in subsection (b).

''(2) DIRECTOR.—The National Center shall be headed by a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.

''(3) FUNDING.—For each fiscal year, the Secretary may use not more than $2,250,000 to carry out this subsection.

''(e) COORDINATION.—Evidence-based activities supported under this part—

''(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and

''(2) may include collaborative evidence-based activities which are jointly funded and carried out with such Institute.

"SEC. 5305. PROGRAM PRIORITIES.

''(a) GENERAL PRIORITY.—In carrying out this part, the Secretary shall give highest priority to programs and projects designed to develop new information that—

''(1) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; and

''(2) assists schools in the identification of, and provision of services to, gifted and talented students (including economically disadvantaged individuals, individuals who are English learners, and children with disabilities) who may not be identified and served through traditional assessment methods.

''(b) SERVICE PRIORITY.—The Secretary shall ensure that not less than 50 percent of the applications approved under section 5304(a)(2) in a fiscal year address the priority described in subsection (a)(2).

"SEC. 5306. GENERAL PROVISIONS.

''(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this part, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students.

''(b) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

''(1) use a peer-review process in reviewing applications under this part;

''(2) ensure that information on the activities and results of programs and projects funded under this part is disseminated to appropriate State educational agencies, local educational agencies, and other appropriate organizations, including nonprofit private organizations; and

''(3) evaluate the effectiveness of programs under this part in accordance with section 9601, in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than 2 years after the date of enactment of the Every Child Achieves Act of 2015.

''(c) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

''(1) administer and coordinate the programs authorized under this part;

''(2) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

''(3) assist the Director of the Institute of Education Sciences in identifying research priorities that reflect the needs of gifted and talented students; and

''(4) disseminate, and consult on, the information developed under this part with other offices within the Department.

"SEC. 5307. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be

necessary for each of fiscal years 2016 through 2021.''.

SEC. 5005. EDUCATION INNOVATION AND RESEARCH.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part C, as added by section 5004, the following:

''PART D—EDUCATION INNOVATION AND RESEARCH

''SEC. 5401. GRANTS FOR EDUCATION INNOVATION AND RESEARCH.

''(a) PROGRAM AUTHORIZED.—From funds appropriated under subsection (e), the Secretary shall make grants to eligible entities for the development, implementation, replication, or scaling and rigorous testing of entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students, including—

''(1) early-phase grants to fund the development, implementation, and feasibility testing of a program that prior research suggests has promise, for the purpose of determining whether the program can successfully improve student achievement or attainment for high-need students;

''(2) mid-phase grants to fund implementation and a rigorous evaluation of a program that has been successfully implemented under an early-phase grant or other effort meeting similar criteria, for the purpose of measuring the program's impact and cost effectiveness, if possible using existing administrative data; or

''(3) expansion grants to fund implementation and a rigorous replication evaluation of a program that has been found to produce sizable, important impacts under a mid-phase grant or other effort meeting similar criteria, for the purpose of determining whether such impacts can be successfully reproduced and sustained over time, and identifying the conditions in which the program is most effective.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means any of the following:

''(1) A local educational agency.

''(2) A State educational agency.

''(3) A consortium of State educational agencies or local educational agencies.

''(4) A State educational agency or a local educational agency, in partnership with—

''(A) a nonprofit organization;

''(B) a small business;

''(C) a charter management organization;

''(D) an educational service agency; or

''(E) an institution of higher education.

''(c) RURAL AREAS.—In awarding grants under subsection (a), the Secretary shall ensure that not less than 25 percent of the funds for any fiscal year are awarded for projects that meet both of the following requirements:

''(1) The grantee is—

''(A) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

''(B) a consortium of such local educational agencies; or

''(C) an educational service agency or a nonprofit organization in partnership with such a local educational agency.

''(2) A majority of the schools to be served by the project are designated with a school locale code of 32, 33, 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

''(d) MATCHING FUNDS.—In order to receive a grant under subsection (a), an eligible entity shall demonstrate that the eligible entity will provide matching funds in an amount equal to 10 percent of the funds provided under a grant under this part, except that the Secretary may waive the matching funds requirement, on a case-by-case basis, upon a showing of exceptional circumstances, such as—

''(1) the difficulty of raising matching funds for a project to serve a rural area;

''(2) the difficulty of raising matching funds in areas with a concentration of local educational agencies or schools with a high percentage of students aged 5 through 17—

''(A) who are in poverty, as counted in the most recent census data approved by the Secretary;

''(B) who are eligible for a free or reduced priced lunch under the Richard B. Russell National School Lunch Act;

''(C) whose families receive assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

''(D) who are eligible to receive medical assistance under the Medicaid program; and

''(3) the difficulty of raising funds in designated tribal areas.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 5006. ACCELERATED LEARNING.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part D, as added by section 5005, the following:

''PART E—ACCELERATED LEARNING

''SEC. 5501. SHORT TITLE.

''This part may be cited as the 'Accelerated Learning Act of 2015'.

''SEC. 5502. PURPOSES.

''The purposes of this part are—

''(1) to raise student academic achievement through accelerated learning programs, including Advanced Placement and International Baccalaureate programs, dual or concurrent enrollment programs, and early college high schools that provide postsecondary-level instruction, examinations, or sequences of courses that are widely accepted for credit at institutions of higher education;

''(2) to increase the number of students attending high-need schools who enroll and succeed in accelerated learning courses, accelerated learning examinations, dual or concurrent enrollment programs, and early college high school courses;

''(3) to support efforts by States and local educational agencies to increase the availability of, and enrollment in, accelerated learning courses, pre-accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses in high-need schools; and

''(4) to provide high-quality professional development for teachers of accelerated learning courses, pre-accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses in high-need schools.

''SEC. 5503. FUNDING DISTRIBUTION RULE.

''From amounts appropriated under section 5508 for a fiscal year, the Secretary shall give priority to funding activities under section 5504 and shall distribute any remaining funds under section 5505.

''SEC. 5504. ACCELERATED LEARNING EXAMINATION FEE PROGRAM.

''(a) GRANTS AUTHORIZED.—From amounts made available under section 5503 for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under this section to enable the State educational agencies to reimburse low-income students to cover part or all of the costs of accelerated learning examination fees, if the low-income students—

''(1) are enrolled in accelerated learning courses; and

''(2) plan to take accelerated learning examinations.

''(b) AWARD BASIS.—In determining the amount of the grant awarded to a State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all States.

''(c) INFORMATION DISSEMINATION.—A State educational agency that is awarded a grant under this section shall make publicly available information regarding the availability of accelerated learning examination fee payments under this section, and shall disseminate such information to eligible high school students and parents, including through high school teachers and counselors.

''(d) APPLICATIONS.—Each State educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, each State educational agency application shall—

''(1) describe the accelerated learning examination fees the State educational agency will pay on behalf of low-income students in the State from grant funds awarded under this section;

''(2) provide an assurance that any grant funds awarded under this section will be used only to pay for accelerated learning examination fees; and

''(3) contain such information as the Secretary may require to demonstrate that the State educational agency will ensure that a student is eligible for payments authorized under this section, including ensuring that the student is a low-income student.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

''(f) REPORT.—

''(1) IN GENERAL.—Each State educational agency awarded a grant under this section shall, with respect to each accelerated learning course subject, annually report to the Secretary the following data for the preceding year:

''(A) The number of students in the State who are taking an accelerated learning course in such subject.

''(B) The number of accelerated learning examinations taken by students in the State who have taken an accelerated learning course in such subject.

''(C) The number of students in the State scoring at each level on accelerated learning examinations in such subject, disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

''(D) Demographic information regarding students in the State taking accelerated learning courses and accelerated learning examinations in such subject, disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

''(2) REPORT TO CONGRESS.—The Secretary shall annually compile the information received from each State educational agency under paragraph (1) and report to the authorizing committees of Congress regarding the information.

''(g) BUREAU OF INDIAN EDUCATION AS STATE EDUCATIONAL AGENCY.—For purposes of this section, the Bureau of Indian Education shall be treated as a State educational agency.

''SEC. 5505. ACCELERATED LEARNING INCENTIVE PROGRAM GRANTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts made available under section 5503 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable

such entities to carry out the authorized activities described in subsection (e).

''(2) DURATION, RENEWAL, AND PAYMENTS.—

''(A) DURATION.—The Secretary shall award a grant under this section for a period of not more than 3 years.

''(B) RENEWAL.—The Secretary may renew a grant awarded under this section for an additional period of not more than 2 years, if an eligible entity—

''(i) is achieving the objectives of the grant; and

''(ii) has shown improvement against baseline data on the performance measures described in subparagraphs (A) through (E) of subsection (g)(1).

''(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State educational agency;

''(2) a local educational agency; or

''(3) a partnership consisting of—

''(A) a national, regional, or statewide nonprofit organization, with expertise and experience in providing accelerated learning course services, dual or concurrent enrollment programs, and early college high school courses; and

''(B) a State educational agency or local educational agency.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONTENTS.—The application shall, at a minimum, include a description of—

''(A) the goals and objectives for the project supported by the grant under this section, including—

''(i) increasing the number of teachers serving high-need schools who are qualified to teach accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

''(ii) increasing the number of accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses that are offered at high-need schools; and

''(iii) increasing the number of students attending a high-need school, particularly low-income students, who enroll and succeed in—

''(I) accelerated learning courses;

''(II) if offered by the school, pre-accelerated learning courses;

''(III) dual or concurrent enrollment programs; and

''(IV) early college high school courses;

''(B) how the eligible entity will ensure that students have access to courses that will prepare them to enroll and succeed in accelerated learning courses, pre-accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

''(C) how the eligible entity will provide professional development for teachers that will further the goals and objectives of the grant project;

''(D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

''(E) how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in carrying out the activities described in subsection (e);

''(F) how the eligible entity will use funds received under this section; and

''(G) how the eligible entity will evaluate the success of the grant project.

''(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications from eligible entities that propose to carry out activities in a local educational agency that is eligible under the small rural school achievement program or the rural and low-income school program authorized under subpart 1 or 2 of part B of title VI.

''(e) AUTHORIZED ACTIVITIES.—Each eligible entity that receives a grant under this section may use grant funds for—

''(1) high-quality teacher professional development, in order to expand the pool of teachers in the participating State, local educational agency, or high-need school who are qualified to teach accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses, including through innovative models such as online academies and training institutes;

''(2) high-quality teacher and counselor professional development to prepare students for success in accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

''(3) coordination and articulation between grade levels to prepare students to enroll and succeed in accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

''(4) the purchase of instructional materials for accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

''(5) activities to increase the availability of, and participation in, online accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

''(6) carrying out the requirements of subsection (g); or

''(7) in the case of an eligible entity described in subsection (b)(1), awarding subgrants to local educational agencies to enable the local educational agencies to carry out authorized activities described in paragraphs (1) through (6).

''(f) CONTRACTS.—An eligible entity that is awarded a grant to provide online courses under this section may enter into a contract with an organization to provide accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses, including contracting for necessary support services.

''(g) COLLECTING AND REPORTING REQUIREMENTS.—

''(1) REPORT.—Each eligible entity receiving a grant under this section shall collect and report to the Secretary annually such data regarding the results of the grant as the Secretary may reasonably require, including—

''(A) the number of students served by the eligible entity enrolling in accelerated learning courses, pre-accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses, disaggregated by grade level of the student, and the grades received by such students in the courses;

''(B) the number of students taking an accelerated learning examination and the distribution of scores on those examinations, disaggregated by the grade level of the student at the time of examination;

''(C) the number of teachers who, as of the date of the report, are receiving training to teach accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses, and will teach such courses in the next school year;

''(D) the number of teachers becoming qualified to teach accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses; and

''(E) the number of qualified teachers who are teaching accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses in high-need schools served by the eligible entity.

''(2) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report the data required under paragraph (1)—

''(A) disaggregated by subject area;

''(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 1111(b)(2)(B)(xi); and

''(C) in a manner that allows for an assessment of the effectiveness of the grant program.

''(h) EVALUATION.—The Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this section, including progress as measured by the performance measures established under subparagraphs (A) through (E) of subsection (g)(1).

''(i) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall provide toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, except that an eligible entity that is a high-need local educational agency, as determined by the Secretary, shall provide an amount equal to not more than 50 percent of the amount of the grant.

''(2) MATCHING FUNDS.—The eligible entity may provide the matching funds described in paragraph (1) in cash or in kind, fairly evaluated, but may not provide more than 50 percent of the matching funds in kind. The eligible entity may provide the matching funds from State, local, or private sources.

''(3) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (e).

''SEC. 5506. SUPPLEMENT, NOT SUPPLANT.

''Grant funds provided under this part shall supplement, and not supplant, other non-Federal funds that are available to assist low-income students to pay for the cost of accelerated learning fees or to expand access to accelerated learning and pre-accelerated learning courses.

''SEC. 5507. DEFINITIONS.

''In this part:

''(1) ACCELERATED LEARNING COURSE.—The term 'accelerated learning course' means—

''(A) a course of postsecondary-level instruction provided to middle or high school students, terminating in an Advanced Placement or International Baccalaureate examination; or

''(B) another highly rigorous, evidence-based, postsecondary preparatory program terminating in—

''(i) an examination or sequence of courses that are widely accepted for credit at institutions of higher education; or

''(ii) another examination or sequence of courses approved by the Secretary.

''(2) ACCELERATED LEARNING EXAMINATION.—The term 'accelerated learning examination' means an Advanced Placement examination administered by the College Board, an International Baccalaureate examination administered by the International Baccalaureate, an examination that is widely accepted for college credit, or another such examination approved by the Secretary.

''(3) HIGH-NEED SCHOOL.—The term 'high-need school' means a high school—

''(A) with a demonstrated need for Advanced Placement or International Baccalaureate courses, dual or concurrent enrollment programs, or early college high school courses; and

''(B) that—

''(i) has a high concentration of low-income students; or

''(ii) is a local educational agency that is eligible, as determined by the Secretary, under the small, rural school achievement program, or the rural and low-income school program, authorized under subpart 1 or 2 of part B of title VI.

''(4) LOW-INCOME STUDENT.—The term 'low-income student' means a student who is eligible for a free or reduced price lunch under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''SEC. 5508. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 5007. READY-TO-LEARN TELEVISION.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part E, as added by section 5006, the following:

''PART F—READY-TO-LEARN TELEVISION

''SEC. 5601. READY-TO-LEARN.

''(a) PROGRAM AUTHORIZED; READY-TO-LEARN.—

''(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities described in paragraph (3) to enable such entities—

''(A) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

''(B) to facilitate the development, directly or through contracts with producers of children's and family educational television programming, of educational programming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;

''(C) to facilitate the development of programming and digital content containing Ready-to-Learn-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;

''(D) to contract with entities (such as public telecommunications entities) so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

''(E) to develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

''(i) to promote school readiness; and

''(ii) to promote the effective use of materials developed under subparagraphs (B) and (C) among parents, teachers, Head Start providers, providers of family literacy services, child care providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.

''(2) AVAILABILITY.—In awarding or entering into grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, and providers of family literacy services to increase the effective use of such programming.

''(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

''(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

''(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality.

''(C) A capacity, consistent with the entity's mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

''(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

''(4) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement under this section shall consult with the Secretary and the Secretary of Health and Human Services—

''(A) to maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

''(B) to coordinate activities with Federal programs that have major training components for early childhood development, including programs under the Head Start Act (42 U.S.C. 9831 et seq.) and State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), regarding the availability and utilization of materials developed under paragraph (1)(E) to enhance parent and child care provider skills in early childhood development and education.

''(b) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(c) REPORTS AND EVALUATIONS.—

''(1) ANNUAL REPORT TO THE SECRETARY.—An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:

''(A) The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programs developed.

''(B) The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.

''(C) The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

''(D) The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

''(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a biannual report that includes the following:

''(A) A summary of the activities assisted under subsection (a).

''(B) A description of the education and training materials made available under subsection (a)(1)(E), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

''(d) ADMINISTRATIVE COSTS.—An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

''(e) FUNDING RULE.—Not less than 60 percent of the amount appropriated under subsection (f) for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 5008. INNOVATIVE TECHNOLOGY EXPANDS CHILDREN'S HORIZONS (I–TECH).

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part F, as added by section 5007, the following:

''PART G—INNOVATIVE TECHNOLOGY EXPANDS CHILDREN'S HORIZONS (I–TECH)

''SEC. 5701. PURPOSES.

''The purposes of this part are—

''(1) to improve the achievement, academic growth, and college and career readiness of all students;

''(2) to ensure that all students have access to personalized, rigorous learning experiences that are supported through technology;

''(3) to ensure that educators have the knowledge and skills to use technology, including computer-based assessments and blended learning strategies, to personalize learning;

''(4) to ensure that local educational agency and school leaders have the skills required to implement, and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning;

''(5) to ensure that students in rural, remote, and underserved areas have the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators;

''(6) to ensure that students have increased access to online dual or concurrent enrollment opportunities, career and technical courses, and programs leading to a recognized postsecondary credential (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)), and courses taught by educators, including advanced coursework; and

''(7) to ensure that State educational agencies, local educational agencies, elementary schools, and secondary schools have the

technological capacity, infrastructure, and technical support necessary to meet purposes described in paragraphs (1) through (6).

"SEC. 5702. DEFINITIONS.

''In this part:

''(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, data analytics, and information to personalize learning and provide targeted supplementary instruction;

''(D) student collaboration with content experts and peers;

''(E) online and computer-based assessments;

''(F) digital learning content, software, or simulations;

''(G) access to online courses;

''(H) mobile devices for learning in school and at home;

''(I) learning environments that allow for rich collaboration and communication;

''(J) 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;

''(K) access to online course opportunities for students in rural or remote areas; and

''(L) discovery, modification, and sharing of openly licensed digital learning materials.

''(2) ELIGIBLE TECHNOLOGY.—The term 'eligible technology' means modern computer, and communication technology software, services, or tools, including computer or mobile devices, software applications, systems and platforms, and digital learning content, and related services and supports.

''(3) TECHNOLOGY READINESS SURVEY.—The term 'technology readiness survey' means a survey completed by a local educational agency that provides standardized information on the quantity and types of technology infrastructure and access available to the students and in the community served by the local educational agency, including computer devices, access to school libraries, Internet connectivity, operating systems, related network infrastructure, data systems, educator professional learning needs and priorities, and data security.

''(4) 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).

"SEC. 5703. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From the amounts appropriated under section 5708, the Secretary may reserve not more than 1.5 percent for national activities to support grantees and shall award the remainder to State educational agencies to strengthen State and local technological infrastructure and professional learning that supports digital learning through State activities under section 5705(c) and local activities under section 5706(c).

''(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—

''(1) RESERVATIONS.—From the amounts appropriated under section 5708 for any fiscal year, the Secretary shall reserve—

''(A) three-fourths of 1 percent for the Secretary of the Interior to provide assistance under this part for schools operated or funded by the Bureau of Indian Education; and

''(B) 1 percent to provide assistance under this part to the outlying areas.

''(2) GRANT ALLOTMENTS.—From the amounts appropriated under section 5708 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 5704 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 for such year bears to the amount all State educational agencies with an approved application under section 5704 received under such part for such year.

''(c) MINIMUM.—The amount of a grant to a State educational agency under subsection (b)(2) for a fiscal year shall 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 section 5704 for a fiscal year, or does not use the State educational agency's entire grant allotment 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 allotment, 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 10 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 5705(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. 5704. STATE APPLICATIONS.

''(a) APPLICATION.—To receive a grant under section 5703(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 that all students achieve college and career readiness and digital literacy, including by providing high-quality education opportunities to economically or geographically isolated student populations.

''(B) Provide educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to—

''(i) personalize learning to improve student academic achievement; and

''(ii) discover, adapt, and share relevant high-quality open educational resources.

''(C) Enable local educational agencies to build technological capacity and infrastructure.

''(2) An assurance that each local educational awarded a subgrant under this part has conducted a technology readiness survey and will take steps to address the identified readiness gaps not later than 3 years after the completion of the survey by the local educational agency.

''(3) An assurance that the State educational agency will ensure that the State educational agency's technology systems and school-based technology systems are interoperable.

''(4) 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 part.

''(5) A description of how the State educational agency will award subgrants to local educational agencies under section 5706.

''(6) 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 subgrant funds awarded under this part across the State and in each local educational agency.

''(7) An assurance that the State educational agency consulted with local educational agencies in the development of the State educational agency's application under this subsection.

''(8) An assurance that the State educational agency will provide matching funds as required under section 5703(e).

''(9) 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 445 of the General Education Provisions Act (20 U.S.C. 1232h).

''(10) An assurance that funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

"SEC. 5705. STATE USE OF GRANT FUNDS.

''(a) RESERVATION FOR SUBGRANTS TO SUPPORT TECHNOLOGY INFRASTRUCTURE.—Each State educational agency that receives a grant under section 5703(b)(2) shall expend not less than 90 percent of the grant amount for each fiscal year to award subgrants to local educational agencies in accordance with section 5706.

''(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 5703(b)(2) for the State activities described in subsection (c).

''(2) GRANT ADMINISTRATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), of the amount reserved by a State educational agency under paragraph (1), the State educational agency may reserve for the administration of the grant under this part not more than—

''(i) 1 percent in the case of a State educational agency awarding subgrants under section 5706(a)(1); or

''(ii) 3 percent in the case of a State educational agency awarding subgrants under section 5706(a)(2).

''(B) SPECIAL RULE.—Notwithstanding subparagraph (A), a State educational agency that forms a State purchasing consortium under subsection (d)—

''(i) may reserve an additional 1 percent to carry out the activities described in subsection (d)(1); and

''(ii) may reserve amounts in addition to the percentage described in clause (i) if the State purchasing consortium receives direct approval from the local educational agencies

receiving subgrants under section 5706(a) from the State educational agency prior to reserving more than the additional percentage authorized under clause (i).

''(c) STATE ACTIVITIES.—A State educational agency may use funds described in subsection (b) to carry out each of the following:

''(1) Except for the awarding of subgrants in accordance with section 5706, activities described in the State educational agency's application under section 5704(b).

''(2) Providing technical assistance to local educational agencies to—

''(A) identify and address technology readiness needs, as determined by the technology readiness surveys;

''(B) use technology, consistent with the principles of universal design for learning, to support the learning needs of all students, including children with disabilities and English learners;

''(C) build capacity for principals and local educational agency administrators to support teachers in using data and technology to improve teaching and personalize learning;

''(D) ensure that contractual requirements for third parties that have access to student data, its storage, or provide analytics on student data provide privacy protections consistent with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the 'Family Educational Rights and Privacy Act of 1974'); and

''(E) provide tools and processes to support the creation, modification, and distribution of open educational resources.

''(3) Developing or utilizing evidence-based or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology.

''(4) Integrating and coordinating activities under this part with other educational resources and programs across the State.

''(5) Disseminating information, including making publicly available on the website of the State educational agency, promising practices to improve technology instruction, best practices for data security, and acquiring and implementing technology tools and applications.

''(6) Ensuring that teachers, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, and administrators possess the knowledge and skills to use technology to meet the goals described in section 5704(b)(1).

''(7) Coordinating with teacher, principal, and other school leader preparation programs to ensure that preservice teachers, principals, and other school leaders have the skills to implement digital learning programs effectively.

''(8) Supporting schools in rural and remote areas to expand access to high-quality digital learning opportunities.

''(d) PURCHASING CONSORTIA.—

''(1) IN GENERAL.—A State educational agency receiving a grant under section 5703(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 subsection (c), including purchasing eligible technology;

''(B) encourage local educational agencies to form a local purchasing consortium under section 5706(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 5703(b)(2) shall 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 amount reserved 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. 5706. LOCAL SUBGRANTS.

''(a) SUBGRANTS.—

''(1) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the grant funds provided under section 5703(b)(2) to a State educational agency that are remaining after the State educational agency makes reservations under section 5705(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 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 $20,000 for a year.

''(2) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—If the amount of funds appropriated under section 5708 is less than $300,000,000 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 subsection (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;

''(ii) give priority to local educational agencies that have demonstrated substantial need for assistance in acquiring and using technology, based on the agency's technology readiness survey; and

''(iii) give priority to schools that serve students in rural and remote areas, schools identified under section 1114 as in need of intervention and support and the persistently lowest-achieving schools, or schools with a high percentage of students aged 5 through 17 who are in poverty, as counted in the most recent census data approved by the Secretary, who are eligible for a free or reduced priced lunch under the Richard B. Russell National School Lunch Act, in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or eligible to receive medical assistance under the Medicaid program.

''(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, such as—

''(1) a description of how the local educational agency will carry out the goals described in subparagraphs (A) through (C) of section 5704(b)(1);

''(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 (2) 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 who will coordinate and carry out the activities under this section, including individuals with responsibility and expertise in instructional technology, teachers who specialize in supporting students who are children with disabilities and English learners, other school leaders, school librarians and media personnel, technology officers, and staff responsible for assessments and data;

''(5) a description of how the local educational agency will build capacity for principals, other school leaders, and local educational agency administrators to support teachers in developing data literacy skills and in implementing digital tools to support teaching and learning;

''(6) a description of how the local educational agency will procure content and ensure content quality; and

''(7) 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').

''(c) USE OF FUNDS.—

''(1) PROFESSIONAL DEVELOPMENT IN DIGITAL LEARNING.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a) shall use not less than 50 percent of such funds to carry out professional development in digital learning for teachers, principals, other school leaders, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, technology coordinators, and administrators in the use of technology to support student learning.

''(2) TECHNOLOGY INFRASTRUCTURE.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a) shall use not less than 25 percent of such funds to support activities for the acquisition of eligible technology needed to—

''(A) except for the activities described in paragraph (1), carry out activities described in the application submitted under subsection (b), including purchasing devices, equipment, and software applications; and

''(B) address readiness shortfalls identified under the technology readiness survey completed by the local educational agency.

''(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 paragraph (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 CONSORTIUM.—Local educational agencies receiving subgrants under subsection (a) may—

''(A) form a local purchasing consortium 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 consortium under section 5705(d).

''(5) BLENDED LEARNING PROJECTS.—

''(A) IN GENERAL.—A local educational agency receiving a subgrant under subsection (a) may use such funds to carry out a blended learning project, which shall include at least 1 of the following activities:

''(i) Planning activities, which may include development of new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases, except that such expenditures may not include expenditures related to significant construction or renovation of facilities.

''(ii) Ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project.

''(B) NON-FEDERAL MATCH.—A local educational agency that carries out a blended learning project under this paragraph shall provide non-Federal matching funds equal to not less than 10 percent of the amount of funds used to carry out such project.

''(C) DEFINITION OF BLENDED LEARNING.—In this paragraph, the term 'blended learning' means a formal education program that leverages both technology-based and face-to-face instructional approaches that—

''(i) include an element of online or digital learning, combined with supervised learning time, and student-led learning, in which the elements are connected to provide an integrated learning experience; and

''(ii) where students are provided some control over time, path, or pace.

''SEC. 5707. REPORTING.

''(a) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under section 5706 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 5703(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 educational agency's plan described in section 5704(b) or the local education agency's technology plan under section 5706(b)(3), as applicable;

''(2) the categories of eligible technology acquired with funds under this part and how such technology is being used;

''(3) the professional learning activities funded under this part, including types of activities and entities involved in providing such professional learning to classroom teachers and other staff, such as school librarians; and

''(4) the types of programs funded under this part.

''SEC. 5708. AUTHORIZATION.

''There are authorized to be appropriated such sums as may be necessary to carry out this part.''.

SEC. 5009. LITERACY AND ARTS EDUCATION.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part G, as added by section 5008, the following:

''PART H—LITERACY AND ARTS EDUCATION

''SEC. 5801. LITERACY AND ARTS EDUCATION.

''(a) IN GENERAL.—From funds made available under subsection (c), the Secretary may award grants, contracts, or cooperative agreements, on a competitive basis, to eligible entities for the purposes of promoting—

''(1) arts education for disadvantaged students and students who are children with disabilities, through activities such as—

''(A) professional development for arts educators, teachers, and principals;

''(B) development and dissemination of instructional materials and arts-based educational programming, including online resources, in multiple arts disciplines; and

''(C) community and national outreach activities that strengthen and expand partnerships among schools, local educational agencies, communities, or national centers for the arts; and

''(2) literacy programs that support the development of literacy skills in low-income communities, including—

''(A) developing and enhancing effective school library programs, which may include providing professional development for school librarians, books, and up-to-date materials to low-income schools;

''(B) early literacy services, including pediatric literacy programs through which, during well-child visits, medical providers trained in research-based methods of early language and literacy promotion provide developmentally appropriate books and recommendations to parents to encourage them to read aloud to their children starting in infancy; and

''(C) programs that provide high-quality books on a regular basis to children and adolescents from disadvantaged communities to increase reading motivation, performance, and frequency.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a local educational agency in which 20 percent or more of the students served by the local educational agency are from families with an income below the poverty line;

''(B) a consortium of such local educational agencies; or

''(C) an eligible national nonprofit organization.

''(2) ELIGIBLE NATIONAL NONPROFIT ORGANIZATION.—The term 'eligible national nonprofit organization' means an organization of national scope that—

''(A) is supported by staff, which may include volunteers, or affiliates at the State and local levels; and

''(B) demonstrates effectiveness or high-quality plans for addressing childhood literacy activities for the population targeted by the grant.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.''.

SEC. 5010. EARLY LEARNING ALIGNMENT AND IMPROVEMENT GRANTS.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part H, as added by section 5009, the following:

''PART I—EARLY LEARNING ALIGNMENT AND IMPROVEMENT GRANTS

''SEC. 5901. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are to assist States with—

''(1) more efficiently using existing Federal resources to improve, strengthen, and expand existing high-quality early childhood education, as determined by the State;

''(2) coordinating existing funding streams and delivery models to promote—

''(A) program quality, while maintaining services;

''(B) parental choice among high-quality early childhood education program providers; and

''(C) early care and learning access for children from birth to kindergarten entry; and

''(3) improving access for children from low-income families to high-quality early childhood education programs in order to enhance school readiness.

''(b) DEFINITIONS.—In this part:

''(1) CENTER OF EXCELLENCE.—The term 'Center of Excellence' means a local public or private nonprofit agency, including a community-based or faith-based organization, or a for-profit agency, within a community, that provides early learning and care services in the State, including the use of best practices for—

''(A) achieving school readiness, including the development of early literacy and mathematics skills;

''(B) acquisition of English language skills; and

''(C) providing high-quality comprehensive services for eligible children and their families.

''(2) ELIGIBLE CHILD.—The term 'eligible child' means an individual—

''(A) who is less than 6 years of age; and

''(B) whose family income does not exceed—

''(i) 200 percent of the poverty line;

''(ii) 85 percent of the State median income for a family of the same size, and whose family assets do not exceed $1,000,000 (as certified by a member of such family); or

''(iii) a State-determined threshold for eligibility that does not exceed the thresholds in clauses (i) and (ii).

''(3) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that, at a minimum, includes, as applicable and appropriate, the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act, and all of the following partners, which may be represented on the Council:

''(A) One or more public and private (including nonprofit or for-profit) providers of early childhood education that serve eligible children residing in the State and meet applicable standards of licensing and quality as determined by the State.

''(B) One or more Head Start agencies, which may include Early Head Start, migrant and seasonal Head Start, and Indian Head Start agencies that serve eligible children residing in the State.

''(C) The State educational agency.

''(D) Other relevant State agencies with oversight of preschool, early education, and child care in the State.

''(E) One or more local educational agencies in the State.

''(F) One or more institutions of higher education in the State.

''(G) One or more representatives of business in the State.

''(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meanings given the term in section 101 and subparagraphs (A) and (B) of section 102(a)(1) of the Higher Education Act of 1965.

"SEC. 5902. EARLY LEARNING ALIGNMENT AND IMPROVEMENT GRANTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts made available under section 5903, the Secretary, in consultation with the Secretary of Health and Human Services, shall award grants, on a competitive basis, to States to enable the States to carry out the activities described in subsection (d).

''(2) RESERVATION FOR STATES SERVING RURAL AREAS.—From the amounts appropriated under section 5903 for a fiscal year, the Secretary shall reserve not less than 30 percent for grants to States that propose to carry out the activities described in subsection (d) for eligible children living in rural areas. The Secretary shall reduce the amount described in the preceding sentence if the Secretary does not receive a sufficient number of applications that are deserving of a grant under this part for such purpose.

''(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a State that will use funds under this grant to focus on eligible children—

''(A) who are 3 and 4 years of age; and

''(B) whose family income does not exceed 130 percent of the poverty line.

''(4) DURATION OF GRANTS.—A grant awarded under this section shall be for a period of not more than 3 years and may not be renewed by the Secretary.

''(5) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a State may receive a grant under this section once.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), a State may receive more than 1 grant under this section only—

''(i) if the State is proposing, for such additional grants, to carry out activities for eligible children living in rural areas; or

''(ii) after all States, which meet the requirements and have submitted an application under this section, have received a grant, to the extent that funds for a grant are still available.

''(6) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this section.

''(b) STATE REQUIREMENTS.—

''(1) LEAD AGENCY.—

''(A) DESIGNATION.—A State desiring a grant under this section shall designate an agency (which may be an appropriate collaborative agency) or establish a joint interagency office, that complies with the requirements of subparagraph (B), to serve as a lead agency for the State under this section.

''(B) DUTIES.—The lead agency designated under subparagraph (A) shall—

''(i) administer, directly or through other governmental or nongovernmental agencies, the Federal assistance received under this section by the State;

''(ii) develop the application submitted to the Secretary under subsection (c); and

''(iii) coordinate the provision of activities under this section with existing Federal, State, and local early childhood education programs.

''(2) PARTNERS.—In order to be eligible for a grant under this section, a State shall partner with an eligible partnership.

''(3) MATCHING REQUIREMENT.—Each State that receives a grant under this part shall provide from Federal or non-Federal sources (which may be provided in cash or in kind) to carry out the activities supported by the grant, an amount equal to—

''(A) 30 percent of the amount of the grant in the first year of such grant; and

''(B) not less than 30 percent of the amount of the grant in each of the second and third years of such grant, respectively.

''(c) APPLICATIONS.—A State desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

''(1) an identification of the lead agency that the Governor of the State has appointed to be responsible for the grant under this section;

''(2) a description of the eligible partnership required under subsection (b)(2), which will assist the State in developing the plan and implementing the activities under this part;

''(3) to the extent practicable, the unduplicated counts of the number of eligible children served using existing Federal, State, and local resources and programs that the State will coordinate to meet the purposes of this part, including—

''(A) programs carried out under the Head Start Act, including the Early Head Start programs carried out under such Act;

''(B) programs carried out under section 619 and parts B and C of the Individuals with Disabilities Education Act;

''(C) child care programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) or section 418 of the Social Security Act (42 U.S.C. 618);

''(D) other Federal, State, local, and Indian tribe or tribal organization programs of early learning, childhood education, child care, and development in the State; and

''(E) as applicable—

''(i) programs carried out under other provisions of this Act;

''(ii) programs carried out under subtitle A of title XX of the Social Security Act (42 U.S.C. 1397 et seq.);

''(iii) programs carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);

''(iv) programs serving homeless children and services of local educational agency liaisons for homeless children and youths designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

''(v) State agencies and programs serving children in foster care and the foster families of such children; and

''(vi) child care programs funded through State veterans affairs offices;

''(4) a description of how the State proposes to coordinate such resources and programs identified under paragraph (3) in order to meet the purposes of this part;

''(5) a description of how the State will identify early childhood education program providers that demonstrate a high level of quality;

''(6) a description of how the State will define eligible children, in accordance with section 5901(b)(2);

''(7) a description of how the State will expand access to existing high-quality early learning and care for eligible children in the State or, if no high-quality early learning and care is accessible for eligible children, expand access to high-quality early learning and care for such children;

''(8) in the case of a State that has elected to use funds under this section to designate Centers of Excellence—

''(A) an assurance that the State will designate an entity, such as an agency, an institution of higher education, a consortium of local educational agencies or Head Start centers, or another entity, to designate early childhood education programs as Centers of Excellence;

''(B) an assurance that the designee will meet the definition of a Center of Excellence;

''(C) a description of the process by which an entity that carries out an early childhood education program would be designated as a Center of Excellence, including evidence that the early childhood education program involved has demonstrated excellence in program delivery in a manner designed to improve the school readiness of children who have participated in the program; and

''(D) a description of how the State will assist Centers of Excellence in the dissemination of best practices;

''(9) a description of the measurable outcomes and anticipated levels of performance for such outcomes, as determined by the State, in the areas of program coordination, program quality improvement, and increased access to high-quality programs, that the State will use to evaluate the coordinated statewide or locally implemented system of voluntary early care and learning supported by the grant;

''(10) an assurance that the State will provide technical assistance to partners on methods by which Federal and State early learning and care funding can be coordinated and lead to cost-saving and efficiencies strategies, and other methods that will enhance the quality of the early childhood education programs in the State;

''(11) a description of how the State will sustain early learning and care activities coordinated under this section, including for rural areas in the State, if applicable, once grant funding is no longer available under this section;

''(12) a description of the process that the State proposes to use to collect and disseminate, to parents and the general public, consumer information that will promote informed early learning and care choices in the State;

''(13) a description of how the State will serve eligible children residing in rural areas, if applicable; and

''(14) an assurance that funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—A State that receives a grant under this part shall use the grant funds to develop, implement, or improve a coordinated statewide or locally implemented system of voluntary early care and learning, which includes a plan—

''(A) for coordinating funding available through existing Federal, State, and local sources; and

''(B) that is designed in collaboration with an eligible partnership.

''(2) AUTHORIZED ACTIVITIES.—Grant funds under this section may be used for the following:

''(A) Aligning existing Federal, State, and local funding and resources with a statewide or locally designed system for delivering high-quality early learning and care for eligible children in the State, including developing evidence-based practices to improve staff quality, instructional programming, and time in program.

''(B) Analyzing needs for expanded access to existing high-quality early childhood education programs in the State, including child care, preschool, and Early Head Start, Head Start, and special education for all children, particularly low-income children.

''(C) Developing or expanding eligible partnerships to—

''(i) expand access for eligible children to existing high-quality providers or programs or, if no high-quality early learning and care is accessible for eligible children, expand access to high-quality early learning and care for eligible children;

''(ii) share best practices; and

''(iii) ensure that parents have maximum choices in selecting the providers that meet their individual needs, consistent with State and local laws.

''(D) Developing or expanding Centers of Excellence for the purposes of—

''(i) disseminating best practices for achieving early academic success in the State, including best practices for—

''(I) achieving school readiness, including developing early literacy and mathematics skills;

''(II) the acquisition of the English language for English learners; or

''(III) providing high-quality comprehensive services to low-income and at-risk children and their families;

''(ii) coordinating early education, child care, and other social services available in the State and local communities for low-income and at-risk children and families; or

''(iii) providing effective transitions between preschool programs and elementary schools, including by facilitating ongoing communication between early education and elementary school teachers and by improving the ability of teachers to work effectively with low-income and at-risk children and their families.

''(E) Expanding existing high-quality early education and care for infants and toddlers or, if no high-quality early education and care is accessible for infants and toddlers, expand access to high-quality education and care.

''(F) Developing, implementing, or coordinating programs or strategies determined by the State to increase the involvement of the parents and family of an eligible child in the education of the child, such as programs or strategies that—

''(i) encourage effective ongoing communication between such children and the parents and families of such children, early childhood education providers, early learning administrators, and other early childhood education personnel; and

''(ii) promote active participation of parents, families, and communities as partners in the education of such children.

''(G) Carrying out other strategies determined by the State to improve access to, and expand the overall quality of, a coordinated State or locally designed system of voluntary early learning and care services in the State.

''(3) PRIORITY.—The activities implemented by a State under this subsection shall prioritize parental choice of providers and evidence-based practices for improving early learning program quality and access, to the extent permitted under State and local law.

''(e) REPORTING.—A State that receives a grant under this part shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, an annual report that includes—

''(1) the number and percentage of children who are served in high-quality early childhood education programs, as identified by the State, during each year of the grant duration using funds from—

''(A) only this part, as applicable;

''(B) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) or section 418 of the Social Security Act (42 U.S.C. 618);

''(C) the Head Start Act; and

''(D) other public and private providers, as applicable;

''(2) the quality improvements undertaken at the State level;

''(3) the extent to which funds are being blended with other public and private funding;

''(4) the progress made regarding the measurable outcomes and the anticipated levels of performance selected by the State under subsection (c)(9); and

''(5) any other ways in which funds are used to meet the purposes of this part.

''(f) REPORT TO CONGRESS.—The Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a biennial report containing the information described in subsection (e) for all States receiving funds under this part.

''(g) LIMITATIONS ON FEDERAL INTERFERENCE.—Nothing in this part shall be construed to authorize the Secretary to establish any criterion that specifies, defines, or prescribes—

''(1) early learning and development guidelines, standards, or specific assessments, including the standards or measures that States use to develop, implement, or improve such guidelines, standards, or assessments;

''(2) specific measures or indicators of quality early learning and care, including—

''(A) the systems that States use to assess the quality of early childhood education programs and providers, school readiness, and achievement; and

''(B) the term 'high-quality' early learning or care;

''(3) early learning or preschool curriculum, program of instruction, or instructional content;

''(4) teacher and staff qualifications and salaries;

''(5) class sizes and child-to-instructional staff ratios; and

''(6) any aspect or parameter of a teacher, principal, other school leader, or staff evaluation system within a State or local educational agency.

''SEC. 5903. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.''.

TITLE VI—INNOVATION AND FLEXIBILITY

SEC. 6001. PURPOSES.

Title VI (20 U.S.C. 7301 et seq.) is amended by inserting before part A of title VI, the following:

''SEC. 6001. PURPOSES.

''The purposes of this title are—

''(1) to support State and local innovation in preparing all students to meet challenging State academic standards under section 1111(b);

''(2) to provide States and local educational agencies with maximum flexibility in using Federal funds provided under this Act; and

''(3) to support education in rural areas.''.

SEC. 6002. IMPROVING ACADEMIC ACHIEVEMENT.

Part A of title VI (20 U.S.C. 7301 et seq.) is amended—

(1) by striking subparts 1 and 4;

(2) by redesignating subpart 2 as subpart 1;

(3) by redesignating sections 6121 through 6123 as sections 6111 through 6113, respectively;

(4) in section 6113, as redesignated by paragraph (3)—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''not more than 50 percent of the nonadministrative State funds'' and inserting ''all, or any lesser amount, of State funds''; and

(II) by striking subparagraphs (A) through (D) and inserting the following:

''(A) Part A of title II.

''(B) Part A of title IV.

''(C) Part G of title V.''; and

(ii) in paragraph (2), by striking ''and subject to the 50 percent limitation described in paragraph (1)''; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''(except'' and all that follows through ''subparagraph (C))'' and inserting ''may transfer all, or any lesser amount, of the funds allocated to it'';

(II) by striking subparagraph (B);

(III) by redesignating subparagraph (C) as subparagraph (B); and

(IV) in subparagraph (B), as redesignated by subclause (III), by striking ''and subject to the percentage limitation described in subparagraph (A) or (B), as applicable''; and

(ii) in paragraph (2)—

(I) by striking ''subparagraph (A), (B), or (C)'' and inserting ''subparagraph (A) or (B)''; and

(II) by striking subparagraphs (A) through (D) and inserting the following:

''(A) Part A of title II.

''(B) Part A of title IV.

''(C) Part G of title V.''; and

(5) by striking subpart 3 and inserting the following:

"Subpart 2—Weighted Student Funding Flexibility Pilot Program

''SEC. 6121. WEIGHTED STUDENT FUNDING FLEXIBILITY PILOT PROGRAM.

''(a) PURPOSE.—The purpose of the pilot program under this section is to provide local educational agencies with flexibility to consolidate Federal, State, and local funding in order to create a single school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

''(b) AUTHORITY.—The Secretary may, on a competitive basis, enter into local flexibility demonstration agreements—

''(1) for not more than 2 years with local educational agencies that are selected under subsection (c) and submit proposed agreements that meet the requirements of subsection (d); and

''(2) under which such agencies may consolidate and use funds in accordance with subsection (d) in order to develop and implement a school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

''(c) SELECTION OF LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—The Secretary may enter into local flexibility demonstration agreements with not more than 25 local educational agencies, reflecting the size and geographic diversity of all such agencies nationwide to the maximum extent feasible.

''(2) SELECTION.—Each local educational agency shall be selected on a competitive basis from among those local educational agencies that—

''(A) submit a proposed local flexibility demonstration agreement under subsection (d) to the Secretary;

''(B) demonstrate to the satisfaction of the Secretary that the agreement meets the requirements of subsection (d); and

''(C) agree to meet the continued demonstration requirements under subsection (e).

''(d) REQUIRED TERMS OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—

''(1) APPLICATION.—Each local educational agency that desires to participate in the pilot program under this section shall submit, at such time, in such form, and including such information as the Secretary may prescribe, an application to enter into a local flexibility demonstration agreement with the Secretary in order to develop and implement a school funding system based on

weighted per-pupil allocations that meets the requirements of this section, including—

''(A) a description of the school funding system based on weighted per-pupil allocations, including how the system will meet the requirements under paragraph (2);

''(B) a list of funding sources, including eligible Federal funds the local educational agency will include in such system;

''(C) a description of the amount and percentage of total local educational agency funding, including State, local, and eligible Federal funds, that will be allocated through such system;

''(D) the per-pupil expenditures (including actual personnel expenditures, including staff salary differentials for years of employment, and actual nonpersonnel expenditures) of State and local funds for each school served by the agency for the preceding fiscal year;

''(E) the per-pupil amount of eligible Federal funds each school served by the agency, disaggregated by program, received in the preceding fiscal year;

''(F) a description of how the system will continue to ensure that any eligible Federal funds allocated through the system will continue to meet the purposes of each Federal funding stream, including serving students from low-income families, English learners, migratory children, and children who are neglected, delinquent, or at risk, as applicable;

''(G) a description of how the local educational agency will develop and employ a weighted student funding system to support public elementary schools and secondary schools in order to improve the academic achievement of students, including low-income students, the lowest-achieving students, English learners, and students with disabilities;

''(H) an assurance that the local educational agency developed and will implement the local flexibility demonstration agreement in consultation with teachers, principals, other school leaders, administrators of Federal programs impacted by the agreement, parents, civil rights leaders, and other relevant stakeholders;

''(I) an assurance that the local educational agency will use fiscal control and sound accountability procedures that ensure proper disbursement of, and accounting for, eligible Federal funds consolidated and used under such system;

''(J) an assurance that the local educational agency will continue to meet the fiscal provisions in section 1117 and the requirements under section 9501; and

''(K) an assurance that the local educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in consolidating and using funds under the agreement.

''(2) REQUIREMENTS OF SYSTEM.—A local educational agency's school funding system based on weighted per-pupil allocations shall meet each of the following requirements:

''(A) The system shall—

''(i) allocate a significant portion of funds, including State, local, and eligible Federal funds, to the school level through a formula that determines per-pupil weighted amounts based on individual student characteristics;

''(ii) use weights or allocation amounts that allocate substantially more funding to students from low-income families and English learners than to other students; and

''(iii) demonstrate to the Secretary that each high-poverty school received at least as much total per-pupil funding, including from Federal, State, and local sources, for low-income students and at least as much total per-pupil funding, including from Federal, State, and local sources, for English learners as the school received in the year prior to carrying out the pilot program.

''(B) The system shall be used to allocate a significant portion, including all school-level personnel expenditures for instructional staff and nonpersonnel expenditures, but not less than 65 percent, of all the local educational agency's local and State funds to schools.

''(C) After allocating funds through the school funding system, the local educational agency shall charge schools for the per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures for instructional staff and actual nonpersonnel expenditures.

''(D) The system may include weights or allocation amounts according to other characteristics.

''(e) CONTINUED DEMONSTRATION.—Each local educational agency that is selected to participate in the pilot program under this section shall annually—

''(1) demonstrate to the Secretary that no high-poverty school served by the agency received less total per-pupil funding, including from Federal, State, and local sources, for low-income students or less total per-pupil funding, including from Federal, State, and local sources, for English learners than the school received in the previous year;

''(2) make public and report to the Secretary the per-pupil expenditures (including actual personnel expenditures that include staff salary differentials for years of employment, and actual non-personnel expenditures) of State, local, and Federal funds for each school served by the agency, and disaggregated by student poverty quartile and by minority student quartile for the preceding fiscal year; and

''(3) make public the total number of students enrolled in each school served by the agency and the number of students enrolled in each such school disaggregated by each of the categories of students, as defined in section 1111(b)(3)(A).

''(f) ELIGIBLE FEDERAL FUNDS.—In this section, the term 'eligible Federal funds' means funds received by a local educational agency under titles I, II, III, and IV of this Act.

''(g) LIMITATIONS ON ADMINISTRATIVE EXPENDITURES.—Each local educational agency that has entered into a local flexibility demonstration agreement with the Secretary under this section may use, for administrative purposes, from eligible Federal funds not more than the percentage of funds allowed for such purpose under any of titles I, II, III, or IV.

''(h) PEER REVIEW.—The Secretary may establish a peer-review process to assist in the review of a proposed local flexibility demonstration agreement.

''(i) NONCOMPLIANCE.—The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide information as provided for in subsection (j)), terminate a local flexibility demonstration agreement under this section if there is evidence that the local educational agency has failed to comply with the terms of the agreement and the requirements under subsections (d) and (e).

''(j) EVIDENCE.—If a local educational agency believes that the Secretary's determination under subsection (i) is in error for statistical or other substantive reasons, the local educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final termination determination.

''(k) PROGRAM EVALUATION.—From the amount reserved for evaluation activities in section 9601, the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the local flexibility demonstration agreements under this section, consistent with section 9601 and specifically on improving the equitable distribution of State and local funding and increasing student achievement.

''(l) RENEWAL OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—The Secretary may renew for additional 3-year terms a local flexibility demonstration agreement under this section if—

''(1) the local educational agency has met the requirements under subsections (d)(2) and (e) and agrees to and has a high likelihood of continuing to meet such requirements; and

''(2) the Secretary determines that renewing the local flexibility demonstration agreement is in the interest of students served under titles I and III, including students from low-income families, English learners, migratory children, and children who are neglected, delinquent, or at risk.

''(m) DEFINITION OF HIGH-POVERTY SCHOOL.—In this section, the term 'high-poverty school' means a school that is in the highest 2 quartiles of schools served by a local educational agency, based on the percentage of enrolled students from low-income families.''.

SEC. 6003. RURAL EDUCATION INITIATIVE.

Part B of title VI (20 U.S.C. 7341 et seq.) is amended—

(1) in section 6211—

(A) in subsection (a)(1), by striking subparagraphs (A) through (E) and inserting the following:

''(A) Part A of title I.

''(B) Part A of title II.

''(C) Title III.

''(D) Part A or B of title IV.

''(E) Part G of title V.'';

(B) in subsection (b)(1)—

(i) in subparagraph (A)(ii), by striking ''7 or 8, as determined by the Secretary; or'' and inserting ''41, 42, or 43, as determined by the Secretary;'';

(ii) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(C) the local educational agency is a member of an educational service agency that does not receive funds under this subpart and the local educational agency meets the requirements of this part.''; and

(C) in subsection (c), by striking paragraphs (1) through (3) and inserting the following:

''(1) Part A of title II.

''(2) Part A of title IV.

''(3) Part G of Title V.'';

(2) in section 6212—

(A) in subsection (a), by striking paragraphs (1) through (5) and inserting the following:

''(1) Part A of title I.

''(2) Part A of title II.

''(3) Title III.

''(4) Part A or B of title IV.

''(5) Part G of title V.'';

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) ALLOCATION.—

''(A) IN GENERAL.—Except as provided in paragraphs (3) and (4), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under section 6211(b) for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in section 6211(c) for the preceding fiscal year.

''(B) SPECIAL DETERMINATION.—For a local educational agency that is eligible under section 6211 and is a member of an educational service agency, the Secretary may determine the award amount by subtracting

from the initial amount determined under paragraph (2), an amount that is equal to that local educational agency's per-pupil share of the total amount received by the educational service agency under titles II and IV, as long as a determination under this subparagraph would not disproportionately affect any State.'';

(ii) by striking paragraph (2) and inserting the following:

''(2) DETERMINATION OF INITIAL AMOUNT.—

''(A) IN GENERAL.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.

''(B) SPECIAL RULE.—For any fiscal year for which the amount made available to carry out this part is $252,000,000 or more, subparagraph (A) shall be applied—

''(i) by substituting '$25,000' for '$20,000'; and

''(ii) by substituting '$80,000' for '$60,000'.''; and

(iii) by adding at the end the following:

''(4) HOLD HARMLESS.—For a local educational agency that is not eligible under this subpart but met the eligibility requirements under section 6211(b) as such section was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015, the agency shall receive—

''(A) for fiscal year 2016, 75 percent of the amount such agency received for fiscal year 2015;

''(B) for fiscal year 2017, 50 percent of the amount such agency received for fiscal year 2015; and

''(C) for fiscal year 2018, 25 percent of the amount such agency received for fiscal year 2015.''; and

(C) by striking subsection (d);

(3) by striking section 6213 and inserting the following:

''SEC. 6213. ACADEMIC ACHIEVEMENT ASSESSMENTS.

''Each local educational agency that uses or receives funds under this subpart for a fiscal year shall administer an assessment that is consistent with section 1111(b)(2).'';

(4) in section 6221—

(A) in subsection (b)(1)(B), by striking ''6, 7, or 8'' and inserting ''32, 33, 41, 42, or 43''; and

(B) in subsection (c)(1), by striking ''Bureau of Indian Affairs'' and inserting ''Bureau of Indian Education'';

(5) in section 6222(a), by striking paragraphs (1) through (7) and inserting the following:

''(1) Activities authorized under part A of title I.

''(2) Activities authorized under part A of title II.

''(3) Activities authorized under title III.

''(4) Activities authorized under part A of title IV.

''(5) Parental involvement activities.

''(6) Activities authorized under part G of title V.'';

(6) in section 6223—

(A) in subsection (a), by striking ''at such time, in such manner, and accompanied by such information'' and inserting ''at such time and in such manner''; and

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

''(b) CONTENTS.—Each application submitted under subsection (a) shall include information on—

''(1) program objectives and outcomes for activities under this subpart, including how the State educational agency or specially qualified agency will use funds to help all students meet the challenging State academic standards under section 1111(b);

''(2) if the State educational agency or specially qualified agency will competitively award grants to eligible local educational agencies, as described in section 6221(b)(2)(A), the application under the section shall include—

''(A) the methods and criteria the State educational agency or specially qualified agency will use for reviewing applications and awarding funds to local educational agencies on a competitive basis; and

''(B) how the State educational agency or specially qualified agency will notify eligible local educational agencies of the grant competition; and

''(3) a description of how the State educational agency or specially qualified agency will provide technical assistance to eligible local educational agencies to help such agencies implement the activities described in section 6222.'';

(7) in section 6224—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ''or specially qualified agency'' after ''Each State educational agency'';

(ii) by striking paragraph (1) and inserting the following:

''(1) if the report is submitted by a State educational agency, the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;''; and

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

''(3) the degree to which progress has been made toward meeting the objectives and outcomes described in the application submitted under section 6223, including having all students in the State or the area served by the specially qualified agency, as applicable, meet the challenging State academic standards under section 1111(b).'';

(B) by striking subsection (b) and (c) and inserting the following:

''(b) REPORT TO CONGRESS.—The Secretary shall prepare a summary of the reports under subsection (a) and submit a biennial report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.'';

(C) by redesignating subsection (d) as subsection (c);

(D) in subsection (c), as redesignated by subparagraph (C), by striking ''assessment that is consistent with section 1111(b)(3)'' and inserting ''assessment that is consistent with section 1111(b)(2)''; and

(E) by striking subsection (e);

(8) by inserting after section 6224 the following:

''SEC. 6225. CHOICE OF PARTICIPATION.

''(a) IN GENERAL.—If a local educational agency is eligible for funding under both subparts 1 and 2 of this part, such local educational agency may receive funds under either subpart 1 or subpart 2 for a fiscal year, but may not receive funds under both subparts for such fiscal year.

''(b) NOTIFICATION.—A local educational agency eligible for funding under both subparts 1 and 2 of this part shall notify the Secretary and the State educational agency under which of such subparts the local educational agency intends to receive funds for a fiscal year by a date that is established by the Secretary for the notification.''; and

(9) in section 6234, by striking ''$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years,'' and inserting ''such sums as may be necessary for each of the fiscal years 2016 through 2021,''.

SEC. 6004. GENERAL PROVISIONS.

Part C of title VI (20 U.S.C. 7371) is amended to read as follows:

''PART C—GENERAL PROVISIONS

''SEC. 6301. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

''Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this Act.

''SEC. 6302. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.

''Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.''.

SEC. 6005. REVIEW RELATING TO RURAL LOCAL EDUCATIONAL AGENCIES.

(a) REVIEW AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Education shall—

(1) review the organization, structure, and process and procedures of the Department of Education for administering its programs and developing policy and regulations, in order to—

(A) assess the methods and manner through which, and the extent to which, the Department of Education takes into account, considers input from, and addresses the unique needs and characteristics of rural schools and rural local educational agencies; and

(B) determine actions that the Department of Education can take to meaningfully increase the consideration and participation of rural schools and rural local educational agencies in the development and execution of the processes, procedures, policies, and regulations of the Department of Education;

(2) make public a preliminary report containing the information described under paragraph (1) and provide Congress and the public with 60 days to comment on the proposed actions under paragraph (1)(B); and

(3) taking into account comments submitted under paragraph (2), issue a final report to the Committee on Health, Education, Labor, and Pensions of the Senate, which shall describe the final actions developed pursuant to paragraph (1)(B).

(b) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall—

(1) implement each action described in the report under subsection (a)(3); or

(2) provide a written explanation to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives of why the action was not carried out.

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

SEC. 7001. INDIAN EDUCATION.

Part A of title VII (20 U.S.C. 7401 et seq.) is amended—

(1) by striking sections 7132, 7133, 7134, and 7136;

(2) by redesignating section 7135 as section 7132;

(3) by striking section 7102 and inserting the following:

''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;

''(2) to ensure that American Indian and Alaska Native students gain knowledge and

understanding of Native communities, languages, tribal histories, traditions, and cultures; and

''(3) to ensure that teachers, principals, other school leaders, and other staff who serve American Indian and Alaska Native students have the ability to provide effective instruction and supports to such students.'';

(4) by striking section 7111 and inserting the following:

''SEC. 7111. PURPOSE.

''It is the purpose of this subpart to support local educational agencies in developing elementary school and secondary school programs for American Indian and Alaska Native students that are designed to—

''(1) meet the unique cultural, language, and educational needs of such students; and

''(2) ensure that all students meet the challenging State academic standards adopted under section 1111(b).'';

(5) in section 7112—

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

''(a) IN GENERAL.—The Secretary may make grants, from allocations made under section 7113, and in accordance with this section and section 7113, to—

''(1) local educational agencies;

''(2) Indian tribes; and

''(3) consortia of 2 or more local educational agencies, Indian tribes, Indian organizations, or Indian community-based organizations, provided that each local educational agency participating in such a consortium—

''(A) provides an assurance that the eligible Indian children served by such local educational agency receive the services of the programs funded under this subpart; and

''(B) is subject to all the requirements, assurances, and obligations applicable to local educational agencies under this subpart.'';

(B) in subsection (b)—

(i) in paragraph (1), by striking ''A local educational agency shall'' and inserting ''Subject to paragraph (2), a local educational agency shall'';

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following:

''(2) COOPERATIVE AGREEMENTS.—A local educational agency may enter into a cooperative agreement with an Indian tribe under this subpart if such Indian tribe—

''(A) represents not less than 25 percent of the eligible Indian children who are served by such local educational agency; and

''(B) requests that the local educational agency enter into a cooperative agreement under this subpart.''; and

(C) 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)(4) for such grant, an Indian tribe, an Indian organization, or a consortium of such entities, that represents more than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

''(2) UNAFFILIATED INDIAN TRIBES.—An Indian tribe that operates a public school and that is not affiliated with either a 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)(4) 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 an Indian 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.—In any case where 2 or more local educational agencies, Indian tribes, or Indian organizations 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, Indian tribe, and Indian organization 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, Indian tribe, and Indian organization 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, Indian tribe, and Indian organization receiving a grant under this subpart.'';

(6) in section 7113—

(A) in subsection (b)(1), by striking ''Bureau of Indian Affairs'' and inserting ''Bureau of Indian Education''; and

(B) in subsection (d)—

(i) in the subsection heading, by striking ''INDIAN AFFAIRS'' and inserting ''INDIAN EDUCATION''; and

(ii) in paragraph (1)(A)(i), by striking ''Bureau of Indian Affairs'' and inserting ''Bureau of Indian Education'';

(7) in section 7114—

(A) in subsection (a), by inserting ''Indian tribe, or consortia as described in section 7113(b)(2)'' after ''Each local educational agency,'';

(B) in subsection (b)—

(i) in paragraph (2)—

(I) in subparagraph (A), by striking ''is consistent with the State and local plans'' and inserting ''supports the State, tribal, and local plans''; and

(II) by striking subparagraph (B) and inserting the following:

''(B) includes program objectives and outcomes for activities under this subpart that are based on the same challenging State academic standards developed by the State under title I for all students;'';

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

''(3) explains how the local educational agency, tribe, or consortium will use funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of such students;'';

(iii) in paragraph (5)(B), by striking ''and'' after the semicolon;

(iv) in paragraph (6)—

(I) in subparagraph (B)—

(aa) in clause (i), by striking ''and'' after the semicolon; and

(bb) by adding at the end the following:

''(iii) the Indian tribes whose children are served by the local educational agency, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the 'Family Educational Rights and Privacy Act of 1974'); and''; and

(II) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(v) by adding at the end the following:

''(7) describes the process the local educational agency used to collaborate with Indian tribes located in the community in the development of the comprehensive programs and the actions taken as a result of such collaboration.'';

(C) in subsection (c)—

(i) in paragraph (1), by striking ''the education of Indian children,'' and inserting ''services and activities consistent with those described in this subpart,'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''and'' after the semicolon;

(II) in subparagraph (B), by striking ''served by such agency;'' and inserting ''served by such agency, and meet program objectives and outcomes for activities under this subpart; and''; and

(III) by adding at the end the following:

''(C) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students;'';

(iii) in paragraph (3)(C)—

(I) by inserting ''representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribe has any children in such school,'' after ''parents of Indian children and teachers,''; and

(II) by striking ''and'' after the semicolon;

(iv) in paragraph (4)—

(I) in subparagraph (A)—

(aa) in clause (i), by inserting ''and family members'' after ''parents'';

(bb) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(cc) by inserting after clause (i) the following:

''(ii) representatives of Indian tribes on Indian lands located within 50 miles of any

school that the agency will serve if such tribe has any children in such school;'';

(II) by striking subparagraph (B) and inserting the following:

''(B) a majority of whose members are parents and family members of Indian children and representatives of Indian tribes described in subparagraph (A)(ii), as applicable;'';

(III) in subparagraph (C), by inserting ''and family members'' after '', parents'';

(IV) in subparagraph (D)(ii), by striking ''and'' after the semicolon;

(V) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(VI) by adding at the end the following:

''(F) that will determine the extent to which the activities of the local educational agency will address the unique cultural, linguistic, and educational needs of Indian students;''; and

(v) by adding at the end the following:

''(5) the local educational agency will coordinate activities under this title with other Federal programs supporting educational and related services administered by such agency;

''(6) the local educational agency conducted outreach to parents and family members to meet the requirements under this paragraph; and

''(7) the local educational agency will use funds received under this subpart only for activities described and authorized in this subpart.''; and

(D) 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.

''(e) TECHNICAL ASSISTANCE.—The Secretary shall, directly or by contract, provide technical assistance to a local educational agency or Bureau of Indian Education school upon request (in addition to any technical assistance available under other provisions of this Act or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

''(1) the development of applications under this subpart;

''(2) improvement in the quality of implementation, content, and evaluation of activities supported under this subpart; and

''(3) integration of activities under this subpart with other educational activities carried out by the local educational agency.'';

(8) in section 7115—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''solely for the services and activities described in such application'' after ''under section 7114(a)''; and

(ii) in paragraph (2), by inserting ''to be responsive to the unique learning styles of Indian and Alaska Native children'' after ''Indian students'';

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

''(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

''(1) activities that support Native American language programs and Native American language restoration programs, which may be taught by traditional leaders;

''(2) culturally related activities that support the program described in the application submitted by the local educational agency;

''(3) high-quality early childhood and family programs that emphasize school readiness;

''(4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic standards described in 1111(b);

''(5) integrated educational services in combination with other programs that meet the needs of Indian children and their families, including programs that promote parental involvement in school activities and increase student achievement;

''(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006, including programs for tech-prep education, mentoring, and apprenticeship;

''(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;

''(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 7111;

''(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

''(10) family literacy services;

''(11) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; and

''(12) dropout prevention strategies and strategies to—

''(A) meet the educational needs of at-risk Indian students in correctional facilities; and

''(B) support Indian students who are transitioning from such facilities to schools served by local educational agencies.'';

(C) in subsection (c)—

(i) in paragraph (1), by striking ''and'' after the semicolon;

(ii) in paragraph (2), by striking the period and inserting ''; and''; and

(iii) 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 provide benefits to Indian students.''; and

(D) by adding at the end the following:

''(e) LIMITATION ON USE OF FUNDS.—Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities available locally or regionally.'';

(9) in section 7116—

(A) in subsection (g)—

(i) by striking ''No Child Left Behind Act of 2001'' and inserting ''Every Child Achieves Act of 2015'';

(ii) by inserting ''the Secretary of Health and Human Services,'' after ''the Secretary of the Interior,''; and

(iii) by inserting ''and coordination'' after ''providing for the implementation''; and

(B) in subsection (o)—

(i) in paragraph (1), by striking ''Not later than 2 years after the date of enactment of the No Child Left Behind Act of 2001,'' and inserting ''Not later than 2 years after date of enactment of the Every Child Achieves Act of 2015, and every 5 years thereafter,''; and

(ii) by striking paragraph (2) and inserting the following:

''(2) CONTENTS.—The report required under paragraph (1) shall identify—

''(A) any statutory barriers to the ability of participants to more effectively integrate their education and related services to Indian students in a manner consistent with the objectives of this section; and

''(B) the effective practices for program integration that result in increased student achievement, graduation rates, and other relevant outcomes for Indian students.'';

(10) in section 7117—

(A) in subsection (b)(1)—

(i) in subparagraph (A)(ii), by inserting ''or membership'' after ''the enrollment''; and

(ii) in subparagraph (B), by inserting ''or membership'' after ''the enrollment'';

(B) by striking subsection (e) and inserting the following:

''(e) DOCUMENTATION.—

''(1) IN GENERAL.—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 Every Child Achieves Act of 2015 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.'';

(C) in subsection (g), by striking ''Bureau of Indian Affairs'' and inserting ''Bureau of Indian Education''; and

(D) by adding at the end the following:

''(i) TECHNICAL ASSISTANCE.—The Secretary shall, directly or through contract, provide technical assistance to a local educational agency or Bureau of Indian Education school upon request, in addition to any technical assistance available under section 1114 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 and sharing of best practices.'';

(11) in section 7118, by striking subsection (c) and inserting the following:

''(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—Each local educational agency shall maintain fiscal effort in accordance with section 9521 or be subject to reduced payments under this subpart in accordance with such section 9521.'';

(12) in section 7121—

(A) by striking the section header and inserting the following:

''SEC. 7121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.'';

(B) in subsection (a)—

(i) in paragraph (1), by inserting ''and youth'' after ''Indian children''; and

(ii) in paragraph (2)(B), by inserting ''and youth'' after ''Alaska Native children'';

(C) in subsection (b), by striking ''Indian institution (including an Indian institution of higher education)'' and inserting ''a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965)'';

(D) in subsection (c)—

(i) in paragraph (1)—

(I) in subparagraph (A), by inserting ''and youth'' after ''disadvantaged children'';

(II) in subparagraph (B), by inserting ''and youth'' after ''such children'';

(III) in subparagraph (D), by inserting ''and youth'' after ''Indian children'';

(IV) in subparagraph (E), by inserting ''and youth'' after ''Indian children'' both places the term appears;

(V) by striking subparagraph (G) and inserting the following:

''(G) high-quality early childhood education programs that are effective in preparing young children to be making sufficient academic progress by the end of grade 3, including kindergarten and prekindergarten programs, family-based preschool programs that emphasize school readiness, and the provision of services to Indian children with disabilities;''; and

(VI) in subparagraph (L)—

(aa) by striking ''appropriately qualified tribal elders and seniors'' and inserting ''traditional leaders''; and

(bb) by inserting ''and youth'' after ''Indian children'';

(ii) in paragraph (2), by striking ''Professional development'' and inserting ''High-quality professional development'';

(E) in subsection (d)—

(i) in paragraph (1)(C), by striking ''make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines'' and inserting ''award grants for an initial period of not more than 3 years and may renew such grants for not more than an additional 2 years if the Secretary determines''; and

(ii) in paragraph (3)(B)—

(I) in clause (i), by striking ''parents of Indian children'' and inserting ''parents and family of Indian children''; and

(II) in clause (iii), by striking ''information demonstrating that the proposed program for the activities is a scientifically based research program'' and inserting ''evidence demonstrating that the proposed program is an evidence-based program''; and

(F) by adding at the end the following:

''(f) CONTINUATION.—Notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the Every Child Achieves Act of 2015 may continue to carry out such activities after such date of enactment under such grant in accordance with the terms of such grant award.'';

(13) in section 7122—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''PURPOSES'' and inserting ''PURPOSE'';

(ii) in the matter preceding paragraph (1), by striking ''The purposes of this section are'' and inserting ''The purpose of this section is'';

(iii) in paragraph (1), by striking ''individuals in teaching or other education professions that serve Indian people'' and inserting ''or Alaska Native teachers and administrators serving Indian or Alaska Native students'';

(iv) in paragraph (2)—

(I) by inserting ''and support'' after ''to provide training'';

(II) by inserting ''or Alaska Native'' after ''Indian'';

(III) by striking ''teachers, administrators, teacher aides'' and inserting ''effective teachers, principals, other school leaders, administrators, teacher aides, counselors'';

(IV) by striking ''ancillary educational personnel'' and inserting ''specialized instructional support personnel''; and

(V) by striking ''and'' after the semicolon;

(v) in paragraph (3)—

(I) by inserting ''or Alaska Native'' after ''Indian''; and

(II) by striking the period at the end and inserting ''; and''; and

(vi) by adding at the end the following:

''(4) to develop and implement initiatives to promote retention of effective teachers, principals, and school leaders who have a record of success in helping low-achieving Indian or Alaska Native students improve their academic achievement, outcomes, and preparation for postsecondary education or the workforce without the need for postsecondary remediation.'';

(B) in subsection (b)—

(i) in paragraph (1), by striking ''including an Indian institution of higher education'' and inserting ''including a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965''; and

(ii) in paragraph (4), by inserting ''in a consortium with at least one Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965, where feasible'' before the period at the end;

(C) in subsection (d)—

(i) in paragraph (1)—

(I) in the first sentence—

(aa) by inserting ''or Alaska Native'' after ''Indian''; and

(bb) by striking ''purposes'' and inserting ''purpose''; and

(II) by striking the second sentence and inserting ''Such activities may include—''

''(A) continuing education programs, symposia, workshops, and conferences;

''(B) teacher mentoring programs, professional guidance, and instructional support provided by educators, local tribal elders, or cultural experts, as appropriate for teachers during their first 3 years of employment as teachers;

''(C) direct financial support; and

''(D) programs designed to train tribal elders and cultural experts to assist those personnel referenced in subsection (a)(2), as appropriate, with relevant Native language and cultural mentoring, guidance, and support.''; and

(ii) in paragraph (2), by adding at the end the following:

''(C) CONTINUATION.—Notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the Every Child Achieves Act of 2015 may continue to carry out such activities under such grant in accordance with the terms of that award.'';

(D) 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 or Alaska Native individuals, such as students who may not be of traditional college age, to become teachers, principals, or school leaders;

''(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian or Alaska Native teachers or principals in local educational agencies that serve a high proportion of Indian or Alaska Native students; and

''(3) assist participants in meeting the requirements under subsection (h).'';

(E) in subsection (f)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(ii) by inserting before paragraph (2), as redesignated by clause (i), the following:

''(1) may give priority to tribally chartered and federally chartered institutions of higher education;''; and

(iii) in paragraph (3), as redesignated by clause (i), by striking ''basis of'' and all that follows through the period at the end and inserting ''basis of the length of any period for which the eligible entity has received a grant.'';

(F) by striking subsection (g) and inserting the following:

''(g) GRANT PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for an additional period of not more than 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.''; and

(G) in subsection (h)(1)(A)(ii), by striking ''people'' and inserting ''students in a local educational agency that serves a high proportion of Indian or Alaska Native students'';

(14) by striking section 7132, as redesignated by section 7001(2), and inserting the following:

''SEC. 7132. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING, DEVELOPMENT, AND COORDINATION.

''(a) IN GENERAL.—The Secretary may award grants under this section to eligible applicants to enable the eligible applicants to—

''(1) promote tribal self-determination in education;

''(2) improve the academic achievement of Indian children and youth; and

''(3) promote the coordination and collaboration of tribal educational agencies with State and local educational agencies to meet the unique educational and culturally related academic needs of Indian students.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE APPLICANT.—In this section, the term 'eligible applicant' means—

''(A) an Indian tribe or tribal organization approved by an Indian tribe; or

''(B) a tribal educational agency.

''(2) INDIAN TRIBE.—The term 'Indian tribe' means a federally recognized tribe or a State-recognized tribe.

''(3) TRIBAL EDUCATIONAL AGENCY.—The term 'tribal educational agency' means the agency, department, or instrumentality of an Indian tribe that is primarily responsible for supporting tribal students' elementary and secondary education.

''(c) GRANT PROGRAM.—The Secretary may award grants to—

''(1) eligible applicants described under subsection (b)(1)(A) to plan and develop a tribal educational agency, if the tribe or organization has no current tribal educational agency, for a period of not more than 1 year; and

''(2) eligible applicants described under subsection (b)(1)(B), for a period of not more than 3 years, in order to—

''(A) directly administer education programs, including formula grant programs under this Act, consistent with State law and under a written agreement between the parties;

''(B) build capacity to administer and coordinate such education programs, and to improve the relationship and coordination between such applicants and the State educational agencies and local educational

agencies that educate students from the tribe;

''(C) receive training and support from the State educational agency and local educational agency, in areas such as data collection and analysis, grants management and monitoring, fiscal accountability, and other areas as needed;

''(D) train and support the State educational agency and local educational agency in areas related to tribal history, language, or culture;

''(E) build on existing activities or resources rather than replacing other funds; and

''(F) carry out other activities, subject to the approval of the Secretary.

''(d) GRANT APPLICATION.—

''(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may reasonably prescribe.

''(2) CONTENTS.—Each application described in paragraph (1) shall contain—

''(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant;

''(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved; and

''(C) for applications for activities under subsection (c)(2), evidence of—

''(i) a preliminary agreement with the appropriate State educational agency, 1 or more local educational agencies, or both the State educational agency and a local educational agency; and

''(ii) existing capacity as a tribal educational agency.

''(3) APPROVAL.—The Secretary may approve an application submitted by an eligible applicant under this subsection only if the Secretary is satisfied that such application, including any documentation submitted with the application—

''(A) demonstrates that the eligible applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant that will be affected by the activities to be conducted under the grant;

''(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

''(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought.

''(e) RESTRICTIONS.—

''(1) IN GENERAL.—A tribe may not receive funds under this section if such tribe receives funds under section 1140 of the Education Amendments of 1978.

''(2) DIRECT SERVICES.—No funds under this section may be used to provide direct services.

''(f) SUPPLEMENT, NOT SUPPLANT.—Funds under this section shall be used to supplement, and not supplant, other Federal, State, and local programs that meet the needs of tribal students.'';

(15) in section 7141(b)(1), by inserting ''and the Secretary of the Interior'' after ''advise the Secretary'';

(16) in section 7151, by adding at the end the following:

''(4) TRADITIONAL LEADERS.—The term 'traditional leaders' has the meaning given the term in section 103 of the Native American Languages Act (25 U.S.C. 2902).''; and

(17) in section 7152—

(A) in subsection (a), by striking ''$96,400,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years'' and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021''; and

(B) in subsection (b) by striking ''$24,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years'' and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021''.

SEC. 7002. NATIVE HAWAIIAN EDUCATION.

Part B of title VII (20 U.S.C. 7511 et seq.) is amended—

(1) in section 7202, by striking paragraphs (14) through (21);

(2) by striking section 7204 and inserting the following:

''SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.

''(a) GRANT AUTHORIZED.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs that receive funding under this part, the Secretary shall award a grant to the education council described under subsection (b).

''(b) EDUCATION COUNCIL.—

''(1) ELIGIBILITY.—To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the 'Education Council') that meets the requirements of this subsection.

''(2) COMPOSITION.—The Education Council shall consist of 15 members, of whom—

''(A) 1 shall be the President of the University of Hawaii (or a designee);

''(B) 1 shall be the Governor of the State of Hawaii (or a designee);

''(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

''(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

''(E) 1 shall be the executive director of Hawaii's Charter School Network (or a designee);

''(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

''(G) 1 shall be the Chief Executive Officer of the Queen Liliuokalani Trust (or a designee);

''(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grant-making entity;

''(I) 1 shall be the Mayor of the County of Hawaii (or a designee);

''(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

''(K) 1 shall be the Mayor of the County of Kauai (or a designee);

''(L) 1 shall be appointed by the Mayor of Maui County from the Island of Molokai or the Island of 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 educational or cultural activities, with traditional cultural experience given due consideration.

''(4) LIMITATION.—A member (including a designee), while serving on the Education Council, shall not be a direct recipient or administrator of grant funds that are awarded under this part.

''(5) TERM OF MEMBERS.—A member who is a designee shall serve for a term of not more than 4 years.

''(6) CHAIR; VICE CHAIR.—

''(A) SELECTION.—The Education Council shall select a Chairperson and a Vice-Chairperson from among the members of the Education Council.

''(B) TERM LIMITS.—The Chairperson and Vice-Chairperson shall each serve for a 2-year term.

''(7) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.—The Education Council shall meet at the call of the Chairperson of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

''(8) NO COMPENSATION.—None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

''(c) USE OF FUNDS FOR COORDINATION ACTIVITIES.—The Education Council shall use funds made available through a grant under subsection (a) to carry out each of the following activities:

''(1) Providing advice about the coordination of, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

''(2) Assessing the extent to which such services and programs meet the needs of Native Hawaiians, and collecting data on the status of Native Hawaiian education.

''(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity.

''(4) Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).

''(5) Hiring an executive director, who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).

''(d) USE OF FUNDS FOR TECHNICAL ASSISTANCE.—The Education Council shall use funds made available through a grant under subsection (a) to—

''(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

''(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—

''(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

''(B) the effectiveness of such grantees in carrying out any of the activities described in paragraphs (2) and (3) of section 7205(a) that are related to the specific goals and purposes of each grantee's grant project, using metrics related to these priorities;

''(3) assess and define the educational needs of Native Hawaiians;

''(4) assess the programs and services available to address the educational needs of Native Hawaiians;

''(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals

of this part, using metrics related to these goals; and

''(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—

''(A) a description of the activities of the Education Council during the calendar year;

''(B) a description of significant barriers to achieving the goals of this part;

''(C) a summary of each community consultation session described in subsection (e); and

''(D) recommendations to establish priorities for funding under this part, based on an assessment of—

''(i) the educational needs of Native Hawaiians;

''(ii) programs and services available to address such needs;

''(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State academic standards under section 1111(b)(1); and

''(iv) priorities for funding in specific geographic communities.

''(e) USE OF FUNDS FOR COMMUNITY CONSULTATIONS.—The Education Council shall use funds made available through the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

''(1) not less than 3 members of the Education Council shall be in attendance;

''(2) the Education Council shall gather community input regarding—

''(A) current grantees under this part, as of the date of the consultation;

''(B) priorities and needs of Native Hawaiians; and

''(C) other Native Hawaiian education issues; and

''(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

''(f) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 7205(c)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.'';

(3) in section 7205—

(A) in subsection (a)(1)—

(i) in subparagraph (C), by striking ''and'' after the semicolon;

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

''(D) charter schools; and''; and

(B) in subsection (c)—

(i) in paragraph (1), by striking ''for fiscal year 2002 and each of the 5 succeeding 5 fiscal years'' and inserting ''for each of fiscal years 2016 through 2021''; and

(ii) in paragraph (2), by striking ''for fiscal year 2002 and each of the 5 succeeding fiscal years'' and inserting ''for each of fiscal years 2016 through 2021''; and

(4) in section 7207—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following:

''(1) COMMUNITY CONSULTATION.—The term 'community consultation' means a public gathering—

''(A) to discuss Native Hawaiian education concerns; and

''(B) about which the public has been given not less than 30 days notice.''.

SEC. 7003. ALASKA NATIVE EDUCATION.

Part C of title VII (20 U.S.C. 7541 et seq.) is amended—

(1) in section 7302, by striking paragraphs (1) through (7) and inserting the following:

''(1) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Native peoples in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

''(2) Many Alaska Native children enter and exit school with serious educational disadvantages.

''(3) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between academic achievement of Alaska Native students and non-Native students continues, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.

''(4) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and local, place-based, and culture-based programming are critical to the attainment of educational success and the long-term well-being of Alaska Native students.

''(5) Improving educational outcomes for Alaska Native students increases access to employment opportunities.

''(6) The programs and activities authorized under this part should be led by Alaska Native entities as a means of increasing Alaska Native parent and community involvement in the promotion of academic success of Alaska Native students.

''(7) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98–63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this part supports the Federal trust responsibility of the United States to Alaska Natives.'';

(2) in section 7303—

(A) in paragraph (1), by inserting ''and address'' after ''To recognize'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (4) and paragraph (4) as paragraph (5);

(D) by inserting after paragraph (1) the following:

''(2) To recognize the role of Alaska Native languages and cultures in the educational success and long-term well-being of Alaska Native students.

''(3) To integrate Alaska Native cultures and languages into education, develop Alaska Native students' positive identity, and support local place-based and culture-based curriculum and programming.'';

(E) in paragraph (4), as redesignated by subparagraph (C), by striking ''of supplemental educational programs to benefit Alaska Natives.'' and inserting '', management, and expansion of effective educational programs to benefit Alaska Native peoples.''; and

(F) by adding at the end the following:

''(6) To ensure the maximum participation by Alaska Native educators and leaders in the planning, development, implementation, management, and evaluation of programs designed to serve Alaska Native students, and to ensure that Alaska Native tribes and tribal organizations play a meaningful role in providing supplemental educational services to Alaska Native students.'';

(3) by striking section 7304 and inserting the following:

''SEC. 7304. PROGRAM AUTHORIZED.

''(a) GENERAL AUTHORITY.—

''(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, any of the following to carry out the purposes of this part:

''(A) Alaska Native tribes, Alaska Native tribal organizations, or Alaska Native regional nonprofit corporations with experience operating programs that fulfill the purposes of this part.

''(B) Alaska Native tribes, Alaska Native tribal organizations, or Alaska Native regional nonprofit corporations without such experience that are in partnership with—

''(i) a State educational agency or a local educational agency; or

''(ii) Indian tribes, tribal organizations, or Alaska Native regional nonprofit corporations that operate programs that fulfill the purposes of this part.

''(C) An entity located in Alaska, and predominately governed by Alaska Natives, that does not meet the definition of an Alaska Native tribe, an Alaska Native tribal organization, or an Alaska Native regional nonprofit corporation, under this part, provided that the entity—

''(i) has experience operating programs that fulfill the purposes of this part; and

''(ii) is granted an official charter or sanction, as prescribed in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), from at least one Alaska Native tribe or Alaska Native tribal organization to carry out programs that meet the purposes of this part.

''(2) MULTI-YEAR AWARDS.—The recipient of a multi-year award under this part, as this part was in effect prior to the date of enactment of the Every Child Achieves Act of 2015, shall be eligible to receive continuation funds in accordance with the terms of that award.

''(3) MANDATORY ACTIVITIES.—Activities provided through the programs carried out under this part shall include the following:

''(A) The development and implementation of plans, methods, strategies and activities to improve the educational outcomes of Alaska Native peoples.

''(B) The collection of data to assist in the evaluation of the programs carried out under this part.

''(4) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include the following:

''(A) The development of curricula and programs that address the educational needs of Alaska Native students, including the following:

''(i) Curriculum materials that reflect the cultural diversity, languages, history, or the contributions of Alaska Native people.

''(ii) Instructional programs that make use of Alaska Native languages and cultures.

''(iii) Networks that develop, test, and disseminate best practices and introduce successful programs, materials, and techniques to meet the educational needs of Alaska Native students in urban and rural schools.

''(iv) Methods to evaluate teachers' inclusion of diverse Alaska Native cultures in their lesson plans.

''(B) Training and professional development activities for educators, including the following:

''(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for and understanding of Alaska Native history, cultures, values, and ways of knowing and learning in order to effectively address the

cultural diversity and unique needs of Alaska Native students and incorporate them into lesson plans and teaching methods.

''(ii) Recruitment and preparation of teachers who are Alaska Native.

''(iii) Programs that will lead to the certification and licensing of Alaska Native teachers, principals, other school leaders, and superintendents.

''(C) Early childhood and parenting education activities designed to improve the school readiness of Alaska Native children, including—

''(i) the development and operation of home visiting programs for Alaska Native preschool children, to ensure the active involvement of parents in their children's education from the earliest ages;

''(ii) training, education, and support, including in-home visitation, for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development, reading readiness, observation, storytelling, and critical thinking);

''(iii) family literacy services;

''(iv) activities carried out under the Head Start Act;

''(v) programs for parents and their infants, from the prenatal period of the infant through age 3;

''(vi) early childhood education programs; and

''(vii) Native language immersion within early childhood, Head Start, or preschool programs.

''(D) The development and operation of student enrichment programs, including those in science, technology, engineering, and mathematics that—

''(i) are designed to prepare Alaska Native students to excel in such subjects;

''(ii) provide appropriate support services to enable such students to benefit from the programs; and

''(iii) include activities that recognize and support the unique cultural and educational needs of Alaska Native children and incorporate appropriately qualified Alaska Native elders and other tradition bearers.

''(E) Research and data collection activities to determine the educational status and needs of Alaska Native children and adults and other such research and evaluation activities related to programs funded under this part.

''(F) Activities designed to increase Alaska Native students' graduation rates and assist Alaska Native students to be prepared for postsecondary education or the workforce without the need for postsecondary remediation, such as—

''(i) remedial and enrichment programs;

''(ii) culturally based education programs such as—

''(I) programs of study and other instruction in Alaska Native history and ways of living to share the rich and diverse cultures of Alaska Native peoples among Alaska Native youth and elders, non-Native students and teachers, and the larger community;

''(II) instructing Alaska Native youth in leadership, communication, and Native culture, arts, and languages;

''(III) inter-generational learning and internship opportunities to Alaska Native youth and young adults;

''(IV) cultural immersion activities;

''(V) culturally informed curricula intended to preserve and promote Alaska Native culture;

''(VI) Native language instruction and immersion activities;

''(VII) school-within-a-school model programs; and

''(VIII) college preparation and career planning; and

''(iii) holistic school or community-based support services to enable such students to benefit from the supplemental programs offered, including those that address family instability, school climate, trauma, safety, and nonacademic learning.

''(G) The establishment or operation of Native language immersion nests or schools.

''(H) Student and teacher exchange programs, cross-cultural immersion programs, and culture camps designed to build mutual respect and understanding among participants.

''(I) Education programs for at-risk urban Alaska Native students that are designed to improve academic proficiency and graduation rates, utilize strategies otherwise permissible under this part, and incorporate a strong data collection and continuous evaluation component.

''(J) Strategies designed to increase parents' involvement in their children's education.

''(K) Programs and strategies that provide technical assistance and support to schools and communities to engage adults in promoting the academic progress and overall well-being of Alaska Native people, such as through—

''(i) strength-based approaches to child and youth development;

''(ii) positive youth-adult relationships; and

''(iii) improved conditions for learning (school climate, student connection to school and community), and increased connections between schools and families.

''(L) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

''(M) Provision of operational support and purchasing of equipment, to develop regional vocational schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities.

''(N) Regional leadership academies that demonstrate effectiveness in building respect and understanding, and fostering a sense of Alaska Native identity to promote their pursuit of and success in completing higher education or career training.

''(O) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.'';

(4) by striking section 7305 and inserting the following:

''SEC. 7305. FUNDS FOR ADMINISTRATIVE PURPOSES.

''Not more than 5 percent of funds provided to an award recipient under this part for any fiscal year may be used for administrative purposes.''; and

(5) in section 7306—

(A) in paragraph (1), by inserting ''(43 U.S.C. 1602(b)) and includes the descendants of individuals so defined'' after ''Settlement Act'';

(B) by striking paragraph (2); and

(C) by inserting after paragraph (1) the following:

''(2) ALASKA NATIVE TRIBE.—The term 'Alaska Native tribe' has the meaning given the term 'Indian tribe' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), except that the term applies only to Indian tribes in Alaska.

''(3) ALASKA NATIVE TRIBAL ORGANIZATION.—The term 'Alaska Native tribal organization' has the meaning given the term 'tribal organization' in section 4 of the Indian Self-Determination and Education Assistance Act, (25 U.S.C. 450b), except that the term applies only to tribal organizations in Alaska.

''(4) ALASKA NATIVE REGIONAL NONPROFIT CORPORATION.—The term 'Alaska Native regional nonprofit corporation' means an organization listed in clauses (i) through (xii) of section 419(4)(B) of the Social Security Act (42 U.S.C. 619(4)(B)(i)-(xii)), or the successor of an entity so listed.''.

SEC. 7004. NATIVE AMERICAN LANGUAGE IMMERSION SCHOOLS AND PROGRAMS.

Title VII (20 U.S.C. 7401) is further amended by adding at the end the following:

''PART D—NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION SCHOOLS AND PROGRAMS

''SEC. 7401. NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION SCHOOLS AND PROGRAMS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to establish a grant program to support schools that use Native American and Alaska Native languages as the primary language of instruction;

''(2) to maintain, protect, and promote the rights and freedom of Native Americans and Alaska Natives to use, practice, maintain, and revitalize their languages, as envisioned in the Native American Languages Act (25 U.S.C. 2901 et seq.); and

''(3) to support the Nation's First Peoples' efforts to maintain and revitalize their languages and cultures, and to improve student outcomes within Native American and Alaska Native communities.

''(b) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—From the amounts made available to carry out this part, the Secretary may award grants to eligible entities to develop and maintain, or to improve and expand, programs that support schools, including prekindergarten through postsecondary education sites and streams, using Native American and Alaska Native languages as the primary language of instruction.

''(2) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means any of the following entities that has a plan to develop and maintain, or to improve and expand, programs that support the entity's use of Native American or Alaska Native languages as the primary language of instruction:

''(A) An Indian tribe.

''(B) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965).

''(C) A tribal education agency.

''(D) A local educational agency, including a public charter school that is a local educational agency under State law.

''(E) A school operated by the Bureau of Indian Education.

''(F) An Alaska Native Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

''(G) A private, tribal, or Alaska Native nonprofit organization.

''(c) APPLICATION.—

''(1) IN GENERAL.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including the following:

''(A) The name of the Native American or Alaska Native language to be used for instruction at the school supported by the eligible entity.

''(B) The number of students attending such school.

''(C) The number of present hours of instruction in or through 1 or more Native American or Alaska Native languages being provided to targeted students at such school, if any.

''(D) A description of how the applicant will—

''(i) use the funds provided to meet the purposes of this part;

''(ii) implement the activities described in subsection (f);

''(iii) ensure the implementation of rigorous academic content; and

''(iv) ensure that students progress towards high-level fluency goals.

''(E) Information regarding the school's organizational governance or affiliations, including information about—

''(i) the school governing entity (such as a local educational agency, tribal education agency or department, charter organization, private organization, or other governing entity);

''(ii) the school's accreditation status;

''(iii) any partnerships with institutions of higher education; and

''(iv) any indigenous language schooling and research cooperatives.

''(F) An assurance that—

''(i) the school is engaged in meeting State or tribally designated proficiency levels for students, as may be required by applicable Federal, State, or tribal law;

''(ii) the school provides assessments of students using the Native American or Alaska Native language of instruction, where possible;

''(iii) the qualifications of all instructional and leadership personnel at such school is sufficient to deliver high-quality education through the Native American or Alaska Native language used in the school; and

''(iv) the school will collect and report to the public data relative to student achievement and, if appropriate, rates of high school graduation, career readiness, and enrollment in postsecondary education or job training programs, of students who are enrolled in the school's programs.

''(2) LIMITATION.—The Secretary shall not give a priority in awarding grants under this part based on the information described in paragraph (1)(E).

''(3) SUBMISSION OF CERTIFICATION.—

''(A) IN GENERAL.—An eligible entity that is a public elementary school or secondary school (including a public charter school) or a non-tribal for-profit or nonprofit organization shall submit, along with the application requirements described in paragraph (1), a certification described in subparagraph (B) indicating that the school has the capacity to provide education primarily through a Native American or Alaska Native language and that there are sufficient speakers of the target language at the school or available to be hired by the school.

''(B) CERTIFICATION.—The certification described in subparagraph (A) shall be from one of the following entities, on whose land the school is located, that is an entity served by such school, or that is an entity whose members (as defined by that entity) are served by the school:

''(i) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965).

''(ii) A federally recognized Indian tribe or tribal organization.

''(iii) An Alaska Native Regional Corporation or an Alaska Native nonprofit organization.

''(iv) A Native Hawaiian organization.

''(d) AWARDING OF GRANTS.—In awarding grants under this section, the Secretary shall—

''(1) determine the amount of each grant and the duration of each grant, which shall not exceed 3 years; and

''(2) ensure, to the maximum extent feasible, that diversity in languages is represented.

''(e) ACTIVITIES AUTHORIZED.—

''(1) REQUIRED ACTIVITIES.—An eligible entity that receives a grant under this section shall use such funds to carry out the following activities:

''(A) Supporting Native American or Alaska Native language education and development.

''(B) Providing professional development for teachers and, as appropriate, staff and administrators to strengthen the overall language and academic goals of the school that will be served by the grant program.

''(C) Carrying out other activities that promote the maintenance and revitalization of the Native American or Alaska Native language relevant to the grant program.

''(2) ALLOWABLE ACTIVITIES.—An eligible entity that receives a grant under this section may use such funds to carry out the following activities:

''(A) Developing or refining curriculum, including teaching materials and activities, as appropriate.

''(B) Creating or refining assessments written in the Native American or Alaska Native language of instruction that measure student proficiency and that are aligned with State or tribal academic standards.

''(f) REPORT TO SECRETARY.—Each eligible entity that receives a grant under this part shall provide an annual report to the Secretary in such form and manner as the Secretary may require.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2016 through 2021.''.

SEC. 7005. IMPROVING INDIAN STUDENT DATA COLLECTION, REPORTING, AND ANALYSIS.

(a) IN GENERAL.—The Comptroller General, in consultation with the Secretary of Education, the Secretary of the Interior, and tribal communities, shall carry out a study that examines the following:

(1) The representation, at the time of the study, of Indian students in national, State, local, and tribal educational reporting required by law.

(2) The varying ways that individuals are identified as American Indian and Alaska Native (for example, such as through self-reporting or tribal enrollment records) at the time of the study, by national, State, local, and tribal educational reporting systems, and the impact that such variation has on data analysis or statistical trend comparability across such systems.

(3) How reporting of data within the Indian student population can be improved to facilitate comparisons between—

(A) Indian students living in urban and rural settings;

(B) Indian students living in tribal communities, areas with large Indian populations, and in areas with a low percentage of Indian population; and

(C) any other classifications that the Comptroller General determines are significant.

(4) The timeliness of Indian student record transfer between schools and other entities or individuals who may receive student records in accordance with the requirements of section 444 of the General Education Provisions Act ((20 U.S.C.1232g); commonly referred to as the ''Family Educational Rights and Privacy Act of 1974'').

(5) The effectiveness and usefulness for parental, student, Federal, State, tribal, and local educational stakeholders of the findings and structure of the National Indian Education Study conducted by the National Center for Education Statistics in conjunction with the National Assessment of Educational Progress described under section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622).

(6) Any other areas of Indian student data collection, reporting, and analysis, as determined by the Comptroller General.

(b) REPORTING.—

(1) RECIPIENTS.—The Comptroller General shall prepare and submit reports setting forth the conclusions of the study described in subsection (a), in accordance with subsection (c), to each of the following:

(A) The Committee on Indian Affairs of the Senate.

(B) The Committee on Health, Education, Labor, and Pensions of the Senate.

(C) The Committee on Education and the Workforce of the House of Representatives.

(D) The Subcommittee on Indian, Insular, and Alaska Native Affairs of the House of Representatives.

(2) FUTURE LEGISLATION.—The Comptroller General shall include in the reports described in subsection (b) recommendations to inform future legislation regarding the collection, reporting, and analysis of Indian student data.

(c) TIMEFRAME.—The Comptroller General shall—

(1) submit not less than 1 report addressing 1 or more of the areas identified in paragraphs (1) through (6) of subsection (a) not later than 18 months after the enactment of this section; and

(2) submit any other reports necessary to address the areas identified in paragraphs (1) through (6) of subsection (a) not later than 5 years after the enactment of this section.

TITLE VIII—IMPACT AID

SEC. 8001. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended in the matter preceding paragraph (1), by striking ''challenging State standards'' and inserting ''the same challenging State academic standards''.

SEC. 8002. AMENDMENT TO IMPACT AID IMPROVEMENT ACT OF 2012.

Section 563(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1748; 20 U.S.C. 7702 note) is amended—

(1) by striking paragraphs (1) and (4); and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 8003. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702) is amended—

(1) in subsection (b)(3), by striking subparagraph (B) and inserting the following:

''(B) SPECIAL RULE.—In the case of Federal property eligible under this section that is within the boundaries of 2 or more local educational agencies that are eligible under this section, any of such agencies may ask the Secretary to calculate (and the Secretary shall calculate) the taxable value of the eligible Federal property that is within its boundaries by—

''(i) first calculating the per-acre value of the eligible Federal property separately for each eligible local educational agency that shared the Federal property, as provided in subparagraph (A)(ii);

''(ii) then averaging the resulting per-acre values of the eligible Federal property from each eligible local educational agency that shares the Federal property; and

''(iii) then applying the average per-acre value to determine the total taxable value of the eligible Federal property under subparagraph (A)(iii) for the requesting local educational agency.'';

(2) in subsection (e)(2), by adding at the end the following: ''For each fiscal year beginning with fiscal year 2015, the Secretary shall treat local educational agencies chartered in 1871 having more than 70 percent of the county in Federal ownership as meeting the eligibility requirements of subparagraphs (A) and (C) of subsection (a)(1). For each fiscal year beginning with fiscal year 2015, the Secretary shall treat local educational agencies that serve a county chartered or formed in 1734 having more than 24 percent of the county in Federal ownership as meeting the eligibility requirements of subparagraphs (A) and (C) of subsection (a)(1).'';

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

''(f) SPECIAL RULE.—Beginning with fiscal year 2015, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if the agency was eligible under paragraph (1) or (3) of this subsection, as such subsection was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015.'';

(4) in subsection (h)(4), by striking ''For each local educational agency that received a payment under this section for fiscal year 2010 through the fiscal year in which the Impact Aid Improvement Act of 2012 is enacted'' and inserting ''For each local educational agency that received a payment under this section for fiscal year 2010 or any succeeding fiscal year'';

(5) by striking subsection (k); and

(6) by redesignating subsections (l), (m), and (n), as subsections (j), (k), and (l), respectively.

SEC. 8004. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

Section 8003 (20 U.S.C. 7703) is amended—

(1) in subsection (a)(5)(A), by striking ''to be children'' and all that follows through the period at the end and inserting ''or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code, to be children described under paragraph (1)(B), if the property described is—''

''(i) within the fenced security perimeter of the military facility; or

''(ii) attached to, and under any type of force protection agreement with, the military installation upon which such housing is situated.;''.

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (E); and

(ii) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(B) in paragraph (2), by striking subparagraphs (B) through (H) and inserting the following:

''(B) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

''(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

''(I) is a local educational agency—

''(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

''(bb) that has no taxing authority;

''(II) is a local educational agency that—

''(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;

''(bb) has a per-pupil expenditure that is less than—

''(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or

''(BB) for any agency that has a total student enrollment 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 a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State; and

''(bb)(AA) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 30 percent; or

''(BB) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent, and for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent;

''(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—

''(aa) not less than 50 percent are children described in subsection (a)(1); and

''(bb) not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

''(V) is a local educational agency that—

''(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency;

''(bb) has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State; and

''(cc) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.

''(ii) LOSS OF ELIGIBILITY.—

''(I) IN GENERAL.—Subject to subclause (II), a heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

''(II) LOSS OF ELIGIBILITY DUE TO FALLING BELOW 95 PERCENT OF THE AVERAGE TAX RATE FOR GENERAL FUND PURPOSES.—In a case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has had, for 2 consecutive fiscal years, a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, such agency shall be determined to be ineligible under clause (i) and ineligible to receive a basic support payment under subparagraph (A) for each fiscal year succeeding such 2 consecutive fiscal years for which the agency has such a tax rate for general fund purposes, and until the fiscal year for which the agency resumes such eligibility in accordance with clause (iii).

''(III) TAKEN OVER BY STATE BOARD OF EDUCATION.—In the case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has been taken over by a State board of education in 2 previous years, such agency shall be deemed to maintain heavily impacted status for 2 fiscal years following the date of enactment of the Every Child Achieves Act of 2015.

''(iii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

''(C) MAXIMUM AMOUNT FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

''(i) IN GENERAL.—Except as provided in subparagraph (D), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

''(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

''(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

''(ii) CALCULATION OF WEIGHTED STUDENT UNITS.—

''(I) IN GENERAL.—

''(aa) IN GENERAL.—For a local educational agency in which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), and that has an enrollment of children described in subparagraph (A), (B), or (C) of such subsection equal to at least 10 percent of the agency's total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

''(bb) EXCEPTION.—Notwithstanding item (aa), a local educational agency that received a payment under this paragraph for fiscal year 2013 shall not be required to have an enrollment of children described in subparagraph (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency's

total enrollment and shall be eligible for the student weight as provided for in item (aa).

''(II) ENROLLMENT OF 100 OR FEWER CHILDREN.—For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

''(III) ENROLLMENT OF MORE THAN 100 CHILDREN BUT LESS THAN 1000.—For a local educational agency that is not described under subparagraph (B)(i)(I) and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

''(D) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

''(i) IN GENERAL.—

''(I) IN GENERAL.—Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

''(II) HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCY.—A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

''(ii) FACTOR.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

''(E) DATA.—For purposes of providing assistance under this paragraph the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.

''(F) DETERMINATION OF AVERAGE TAX RATES FOR GENERAL FUND PURPOSES.—

''(i) IN GENERAL.—Except as provided in clause (ii), for the purpose of determining the average tax rates for general fund purposes for local educational agencies in a State under this paragraph, the Secretary shall use either—

''(I) the average tax rate for general fund purposes for comparable local educational agencies, as determined by the Secretary in regulations; or

''(II) the average tax rate of all the local educational agencies in the State.

''(ii) FISCAL YEARS 2010-2015.—

''(I) IN GENERAL.—For fiscal years 2010 through 2015, any local educational agency that was found ineligible to receive a payment under subparagraph (A) because the Secretary determined that it failed to meet the average tax rate requirement for general fund purposes in subparagraph (B)(i)(II)(cc)(AA), shall be considered to have met that requirement, if its State determined, through an alternate calculation of average tax rates for general fund purposes, that such local educational agency met that requirement.

''(II) SUBSEQUENT FISCAL YEARS AFTER 2015.—For any succeeding fiscal year after 2015, any local educational agency identified in subclause (I) may continue to have its State use that alternate methodology to calculate whether the average tax rate requirement for general fund purposes under subparagraph (B)(i)(II)(cc)(AA) is met.

''(III) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after 2012, the Secretary shall reserve an amount equal to a total of $14,000,000 from funds that remain unobligated under this section from fiscal years 2013 or 2014 in order to make payments under this clause for fiscal years 2011 through 2014.

''(G) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.—

''(i) ELIGIBILITY.—For any fiscal year, a heavily impacted local educational agency that received a basic support payment under this paragraph for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph (B), (C), or (D), as the case may be, due to of the conversion of military housing units to private housing described in clause (iii), or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or force relocation, shall be deemed to meet the eligibility requirements under subparagraph (B) or (C), as the case may be, for the period during which the housing units are undergoing such conversion or during such time as activities associated with base closure and realignment, modularization, force structure change, or force relocation are ongoing.

''(ii) AMOUNT OF PAYMENT.—The amount of a payment to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph (C) or (D), as the case may be, shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year and under the same provisions of subparagraph (C) or (D) under which the agency was paid during the prior fiscal year.

''(iii) CONVERSION OF MILITARY HOUSING UNITS TO PRIVATE HOUSING DESCRIBED.—For purposes of clause (i), 'conversion of military housing units to private housing' means the conversion of military housing units to private housing units pursuant to subchapter IV of chapter 169 of title 10, United States Code, or pursuant to any other related provision of law.''; and

(C) in paragraph (3)—

(i) in subparagraph (B), by striking clause (iii) and inserting the following:

''(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, that enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and that received a final payment in fiscal year 2009 calculated under this paragraph (as this paragraph was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015) for students in grades 9 through 12, the Secretary shall, in calculating the agency's payment, consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).'';

(ii) in subparagraph (C), by striking ''subparagraph (D) or (E) of paragraph (2),'' and inserting ''subparagraph (C) or (D) of paragraph (2)''; and

(iii) by striking subparagraph (D) and inserting the following:

''(D) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraphs (1) or (2) (as the case may be) by multiplying—

''(i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by

''(ii) the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment (as calculated under subparagraphs (B) or (C)) of the agency, except that no local educational agency shall receive more than 100 percent of the maximum payment calculated under subparagraphs (C) or (D) of paragraph (2).

''(E) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph (A) for which the sums appropriated are insufficient to pay each local educational agency all of the local educational agency's threshold payment described in subparagraph (B), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

''(F) PROVISION OF TAX RATE AND RESULTING PERCENTAGE.—The Secretary shall provide the local educational agency's tax rate and the resulting percentage to each eligible local educational agency immediately following the payments of funds under paragraph (2).''; and

(D) in paragraph (4)(B), by striking ''subparagraph (D) or (E)'' and inserting ''subparagraph (C) or (D)'';

(3) in subsection (c), by striking paragraph (2) and inserting the following:

''(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency—

''(A) is newly established by a State, for the first year of operation of such agency only;

''(B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of 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) subparagraphs (F) and (G) of subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Defense or the Department of Interior; and

''(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or

''(C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary)—

''(i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and

''(ii) that is the direct result of the closure of a local educational agency that received a payment under subsection (b)(1) or (b)(2) in the previous fiscal year.'';

(4) in subsection (d)—

(A) in the subsection heading, by striking ''CHILDREN'' and inserting ''STUDENTS'';

(B) in paragraph (1), by striking ''children'' both places the term appears and inserting ''students''; and

(C) in paragraph (2), by striking ''children'' and inserting ''students'';

(5) in subsection (e)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—

''(A) IN GENERAL.—In the case of any local educational agency whose payment under subsection (b) for a fiscal year is determined to be reduced by an amount greater than $5,000,000 or by 20 percent, as compared to the amount received for the previous fiscal year, the Secretary shall, subject to subparagraph (B), pay a local educational agency, for each of the 3 years following the reduction under subsection (b), the amount determined under subparagraph (B).

''(B) AMOUNT OF REDUCTION.—Subject to subparagraph (C), a local educational agency described in subparagraph (A) shall receive—

''(i) for the first year for which the reduced payment is determined, an amount that is not less than 90 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) for the fiscal year prior to the reduction (referred to in this paragraph as the 'base year');

''(ii) for the second year following such reduction, an amount that is not less than 85 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) for the base year; and

''(iii) for the third year following such reduction, an amount that is not less than 80 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) for the base year.

''(C) SPECIAL RULE.—For any fiscal year for which a local educational agency would be subject to a reduced payment under clause (ii) or (iii) of subparagraph (B), but the total amount of the payment for which the local educational agency is eligible under subsection (b) for that fiscal year is greater than the amount that initially subjected the local educational agency to the requirements of this subsection, the Secretary shall pay the greater amount to the local educational agency for such year.''; and

(B) by redesignating paragraph (3) as paragraph (2); and

(6) by striking subsection (g).

SEC. 8005. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

Section 8004(e)(9) (20 U.S.C. 7704(e)(9)) is amended by striking ''Affairs'' both places the term appears and inserting ''Education''.

SEC. 8006. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.

Section 8005 (20 U.S.C. 7705) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking '', and shall contain such information,'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

''(c) STUDENT COUNT.—In collecting information to determine the eligibility of a local educational agency and the number of federally connected children for the local educational agency, the Secretary shall, in addition to any options provided under section 222.35 of title 34, Code of Federal Regulations, or a successor regulation, allow a local educational agency to count the number of such children served by the agency as of the date by which the agency requires all students to register for the school year of the fiscal year for which the application is filed.''; and

(4) in subsection (d), by striking ''subsection (c)'' and inserting ''subsection (d)'' each place the term appears.

SEC. 8007. CONSTRUCTION.

Section 8007 (20 U.S.C. 7707(b)) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''section 8014(e)'' and inserting ''section 8014(d)''; and

(B) in paragraph (3)—

(i) in subparagraph (A)(i)—

(I) by redesignating the first subclause (II) as subclause (I); and

(II) by striking ''section 8014(e)'' and inserting ''section 8014(d)''; and

(ii) in subparagraph (B)(i)(I), by striking ''section 8014(e)'' and inserting ''section 8014(d)''; and

(2) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''section 8014(e)'' and inserting ''section 8014(d)'';

(B) in paragraph (3)(C)(i)(I), by adding at the end the following:

''(cc) Not less than 10 percent of the property in the agency is exempt from State and local taxation under Federal law.''; and

(C) in paragraph (6), by striking subparagraph (F).

SEC. 8008. FACILITIES.

Section 8008(a) (20 U.S.C. 7708) is amended by striking ''section 8014(f)'' and inserting ''section 8014(e)''.

SEC. 8009. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is amended by striking ''and contain the information''.

SEC. 8010. DEFINITIONS.

Section 8013(5)(A) (20 U.S.C. 7713(5)(A)) is amended—

(1) in clause (ii), by striking subclause (III) and inserting the following:

''(III) conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation (including single family occupancy properties that may have been subsequently sold or leased to a third party), except that property that is conveyed under such Act—

''(aa) that is not taxed is, for the purposes of this paragraph, considered tax-exempt due to Federal law; and

''(bb) is considered Federal property for the purpose of this paragraph if the property is located within a Regional Educational Attendance Area''; and

(2) in clause (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) by striking subclause (III) and inserting the following:

''(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); or''.

SEC. 8011. AUTHORIZATION OF APPROPRIATIONS.

Section 8014 (20 U.S.C. 7714) is amended—

(1) in subsection (a), by striking ''$32,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years'' and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021'';

(2) in subsection (b), by striking ''$809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years'' and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021'';

(3) in subsection (c), by striking ''$50,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years'' and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021'';

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(5) in subsection (d), as redesignated by paragraph (4), by striking ''$10,052,000 for fiscal year 2000 and such sums as may be necessary for fiscal year 2001, $150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years'' and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021''; and

(6) in subsection (e), as redesignated by paragraph (4), by striking ''$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years'' and inserting ''such sums as may be necessary for each of fiscal years 2016 through 2021''.

TITLE IX—GENERAL PROVISIONS

SEC. 9101. DEFINITIONS.

Section 9101 (20 U.S.C. 7801) is amended—

(1) by striking paragraphs (3), (19), (23), (35), (36), (37), and (42);

(2) by redesignating paragraphs (1), (2), (17), (18), (20), (21), (22),(24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (38), (39), (41), and (43) as paragraphs (2), (3), (20), (21), (26), (27), (28), (30), (22), (31), (32), (34), (35), (36), (38), (39), (40), (41), (43), (44), (47) and (48), respectively, and by transferring such paragraph (22), as so redesignated, so as to follow such paragraph (21), as so redesignated;

(3) by inserting before paragraph (2), as redesignated by paragraph (2), the following:

''(1) 4-YEAR ADJUSTED COHORT GRADUATION RATE.—The term '4-year adjusted cohort graduation rate' has the meaning given the term 'four-year adjusted cohort graduation rate' in section 200.19(b)(1) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008.'';

(4) by striking paragraph (11) and inserting the following:

''(11) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' means English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, health, and physical education, and any other subject as determined by the State or local educational agency.'';

(5) in paragraph (13)—

(A) by striking subparagraphs (B), (E), (G), and (K);

(B) by redesignating subparagraphs (C), (D), (F), (H), (I), (J), and (L), as subparagraphs (B), (C), (D), (E), (F), (G), and (I), respectively; and

(C) by inserting after subparagraph (G), as redesignated by subparagraph (B), the following:

''(H) part G of title V; and'';

(6) by inserting after paragraph (16) the following:

''(17) DUAL OR CONCURRENT ENROLLMENT.—The term 'dual or concurrent enrollment' means a course or program provided by an institution of higher education through which a student who has not graduated from high school with a regular high school diploma is able to earn postsecondary credit.

''(18) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' has the meaning given the term in section 103 of the Higher Education Act of 1965.

''(19) EARLY COLLEGE HIGH SCHOOL.—The term 'early college high school' means a formal partnership between at least one local educational agency and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and earn not less than 12 transferable credits as part of an organized course of study toward a postsecondary degree or credential at no cost to the participant or participant's family.''.

(7) in paragraph (22), as redesignated and moved by paragraph (2)—

(A) in the paragraph heading, by striking ''LIMITED ENGLISH PROFICIENT'' and inserting ''ENGLISH LEARNER'';

(B) in the matter preceding subparagraph (A), by striking ''limited English proficient'' and inserting ''English learner''; and

(C) in subparagraph (D)(i), by striking ''State's proficient level of achievement on State assessments described in section 1111(b)(3)'' and inserting ''challenging State academic standards described in section 1111(b)(1)'';

(8) by inserting after paragraph (22), as transferred and redesignated by paragraph (2), the following:

''(23) EVIDENCE-BASED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'evidence-based', when used with respect to an activity, means an activity that—

''(i) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

''(I) strong evidence from at least 1 well-designed and well-implemented experimental study;

''(II) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

''(III) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

''(ii)(I) demonstrates a rationale that is based on high-quality research findings that such activity is likely to improve student outcomes or other relevant outcomes; and

''(II) includes ongoing efforts to examine the effects of such activity.

''(B) DEFINITION FOR PART A OF TITLE I.—For purposes of part A of title I, the term 'evidence-based', when used with respect to an activity, means an activity that meets the requirements of subclause (I) or (II) of subparagraph (A)(i).

''(24) EXPANDED LEARNING TIME.—The term 'expanded learning time' means using a longer school day, week, or year schedule to significantly increase the total number of school hours, in order to include additional time for—

''(A) instruction and enrichment in core academic subjects, other academic subjects, and other activities that contribute to a well-rounded education; and

''(B) instructional and support staff to collaborate, plan, and engage in professional development (including professional development on family and community engagement) within and across grades and subjects.

''(25) EXTENDED-YEAR ADJUSTED COHORT GRADUATION RATE.—The term 'extended-year adjusted cohort graduation rate' has the meaning given the term in section 200.19(b)(1)(v) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008.'';

(9) by inserting after paragraph (28), as redesignated by paragraph (2), the following:

''(29) HIGH SCHOOL.—The term 'high school' means a secondary school that—

''(A) grants a diploma, as defined by the State; and

''(B) includes, at least, grade 12.'';

(10) in paragraph (31), as redesignated by paragraph (2), in subparagraph (C)—

(A) in the subparagraph heading, by striking ''BIA'' and inserting ''BIE''; and

(B) by striking ''Affairs'' both places the term appears and inserting ''Education'';

(11) by inserting after paragraph (32), as redesignated by paragraph (2), the following:

''(33) MULTI-TIER SYSTEM OF SUPPORTS.—The term 'multi-tier system of supports' means a comprehensive continuum of evidence-based, system-wide practices to support a rapid response to academic and behavioral needs, with frequent data-based monitoring for instructional decisionmaking.'';

(12) in paragraph (35), as redesignated by paragraph (2), by striking ''pupil services'' and inserting ''specialized instructional support'';

(13) in paragraph (36), as redesignated by paragraph (2), by striking ''includes the freely associated states'' and all that follows through the period at the end and inserting ''includes the Republic of Palau except during any period for which the Secretary determines that a Compact of Free Association is in effect that contains provisions for education assistance prohibiting the assistance provided under this Act.'';

(14) by inserting after paragraph (36), as redesignated by paragraph (2), the following:

''(37) PARAPROFESSIONAL.—The term 'paraprofessional', also known as a 'paraeducator', includes an education assistant and instructional assistant.''.

(15) in paragraph (39), as redesignated by paragraph (2)—

(A) in subparagraph (C), by inserting ''and'' after the semicolon; and

(B) in subparagraph (D), by striking ''section 1118'' and inserting ''section 1115'';

(16) by striking paragraph (41), as redesignated by paragraph (2), and inserting the following:

''(41) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means activities that—

''(A) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in the core academic subjects and to meet challenging State academic standards; and

''(B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, classroom-focused, and may include activities that—

''(i) improve and increase teachers'—

''(I) knowledge of the academic subjects the teachers teach;

''(II) understanding of how students learn; and

''(III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

''(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

''(iii) allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;

''(iv) improve classroom management skills;

''(v) support the recruiting, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;

''(vi) advance teacher understanding of—

''(I) effective instructional strategies that are evidence-based; and

''(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;

''(vii) are aligned with, and directly related to academic goals of the school or local educational agency;

''(viii) are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under this Act;

''(ix) are designed to give teachers of children who are English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

''(x) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;

''(xi) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

''(xii) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tiered systems of supports, and use of accommodations;

''(xiii) include instruction in the use of data and assessments to inform and instruct classroom practice;

''(xiv) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;

''(xv) involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c (b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;

''(xvi) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

''(xvii) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

''(xviii) where applicable and practical, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.'';

(17) by inserting after paragraph (41), as redesignated by paragraph (2), the following:

''(42) SCHOOL LEADER.—The term 'school leader' means a principal, assistant principal, or other individual who is—

''(A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and

''(B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.'';

(18) by inserting after paragraph (44), as redesignated by paragraph (2), the following:

''(45) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—

''(A) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term 'specialized instructional support personnel' means —

''(i) school counselors, school social workers, and school psychologists; and

''(ii) other qualified professional personnel, such as school nurses and speech language pathologists, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

''(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term 'specialized instructional support services' means the services provided by specialized instructional support personnel.'';

(19) by inserting after paragraph (48), as redesignated by paragraph (2), the following:

''(49) 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.''; and

(20) by striking the undesignated paragraph between paragraphs (45), as added by paragraph (18), and (47), as redesignated by paragraph (2), and inserting the following:

''(46) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.''.

SEC. 9102. APPLICABILITY TO BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS.

Section 9103 (20 U.S.C. 7803) is amended—

(1) in the section heading, by striking ''**BUREAU OF INDIAN AFFAIRS**'' and inserting ''**BUREAU OF INDIAN EDUCATION**''; and

(2) by striking ''Bureau of Indian Affairs'' each place the term appears and inserting ''Bureau of Indian Education''.

SEC. 9103. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

Section 9203(b) (20 U.S.C. 7823(b)) is amended by striking ''Within 1 year after the date of enactment of the No Child Left Behind Act of 2001, a State'' and inserting ''A State''.

SEC. 9104. RURAL CONSOLIDATED PLAN.

Section 9305 (20 U.S.C. 7845) is amended by adding at the end the following:

''(e) RURAL CONSOLIDATED PLAN.—

''(1) IN GENERAL.—Two or more eligible local educational agencies, a consortium of eligible local educational service agencies, or an educational service agency on behalf of eligible local educational agencies may submit plans or applications for 1 or more covered programs to the State educational agency on a consolidated basis, if each eligible local educational agency impacted elects to participate in the joint application or elects to allow the educational service agency to apply on its behalf.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—For the purposes of this subsection, the term 'eligible local educational agency' means a local educational agency that is an eligible local educational agency under part B of title VI.''.

SEC. 9105. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

Section 9401 (20 U.S.C. 7861) is amended—

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

''(a) IN GENERAL.—

''(1) REQUEST FOR WAIVER BY STATE OR INDIAN TRIBE.—A State educational agency or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

''(2) LOCAL EDUCATIONAL AGENCY AND SCHOOL REQUESTS SUBMITTED THROUGH THE STATE.—

''(A) REQUEST FOR WAIVER BY LOCAL EDUCATIONAL AGENCY.—A local educational agency that receives funds under a program authorized under this Act and desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the appropriate State educational agency. The State educational agency may then submit the request to the Secretary if the State educational agency determines the waiver appropriate.

''(B) REQUEST FOR WAIVER BY SCHOOL.—An elementary school or secondary school that desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the local educational agency serving the school. The local educational agency may then submit the request to the State educational agency in accordance with subparagraph (A) if the local educational agency determines the waiver appropriate.

''(3) RECEIPT OF WAIVER.—Except as provided in subsection (b)(4) or (c), the Secretary may waive any statutory or regulatory requirement of this Act for which a waiver request is submitted to the Secretary pursuant to this subsection.'';

(2) in subsection (b)—

(A) in paragraph (1)—

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

(I) by striking '', local educational agency,'' and inserting '', acting on its own behalf or on behalf of a local educational agency in accordance with subsection (a)(2),''; and

(II) by inserting '', which shall include a plan'' after ''to the Secretary''; and

(ii) by striking subparagraphs (C) and (D) and inserting the following:

''(C) describes the methods the State educational agency, local educational agency, or Indian tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the plan;

''(D) includes only information directly related to the waiver request on how the State educational agency, local educational agency, or Indian tribe will maintain and improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of students according to each category of students described in section 1111(b)(2)(B)(xi); and'';

(B) in paragraph (2)(B)(i)(II), by striking ''(on behalf of, and based on the requests of, local educational agencies)'' and inserting ''(on behalf of those agencies or on behalf of, and based on the requests of, local educational agencies in the State)'';

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting ''or on behalf of local educational agencies in the State under subsection (a)(2),'' after ''acting on its own behalf,''; and

(II) in clause (i)—

(aa) by striking ''all interested local educational agencies'' and inserting ''any interested local educational agency''; and

(bb) by inserting '', to the extent that the request impacts the local educational agency'' before the semicolon at the end; and

(ii) in subparagraph (B)(i), by striking ''reviewed by the State educational agency'' and inserting ''reviewed and approved by the State educational agency in accordance with subsection (a)(2) before being submitted to the Secretary''; and

(D) by adding at the end the following:

''(4) WAIVER DETERMINATION, DEMONSTRATION, AND REVISION.—

''(A) IN GENERAL.—The Secretary shall issue a written determination regarding the approval or disapproval of a waiver request not more than 90 days after the date on which such request is submitted, unless the Secretary determines and demonstrates that—

''(i) the waiver request does not meet the requirements of this section; or

''(ii) the waiver is not permitted under subsection (c).

''(B) WAIVER DETERMINATION AND REVISION.—If the Secretary determines and demonstrates that the waiver request does not meet the requirements of this section, the Secretary shall—

''(i) immediately—

''(I) notify the State educational agency, local educational agency (through the State educational agency), or Indian tribe, as applicable, of such determination; and

''(II) provide detailed reasons for such determination in writing and in a public manner, such as posting to the Department's website in a clear and easily accessible manner;

''(ii) offer the State educational agency, local educational agency (through the State educational agency), or Indian tribe an opportunity to revise and resubmit the waiver request by a date that is not more than 60 days after the date of such determination; and

''(iii) if the Secretary determines that the resubmission does not meet the requirements of this section, at the request of the State educational agency, local educational agency, or Indian tribe, conduct a public hearing not more than 30 days after the date of such resubmission.

''(C) WAIVER DISAPPROVAL.—The Secretary may disapprove a waiver request if—

''(i) the State educational agency, local educational agency, or Indian tribe has been notified and offered an opportunity to revise and resubmit the waiver request, as described under clauses (i) and (ii) of subparagraph (B); and

''(ii) the State educational agency, local educational agency (through the State educational agency), or Indian tribe—

''(I) does not revise and resubmit the waiver request; or

''(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this section after a hearing conducted under subparagraph (B)(iii).

''(D) EXTERNAL CONDITIONS.—The Secretary shall not disapprove a waiver request under this section based on conditions outside the scope of the waiver request.'';

(3) in subsection (c)—

(A) in paragraph (8), by striking ''subpart 1 of part B of title V'' and inserting ''part A of title V''; and

(B) in paragraph (10), by striking ''subsections (a) and (b) of section 1113'' and insert ''section 1113(a)'' both places the term appears;

(4) in subsection (d)—

(A) in the subsection heading, by adding ''; LIMITATIONS'' after ''WAIVER''; and

(B) by adding at the end the following:

''(3) SPECIFIC LIMITATIONS.—The Secretary shall not place any requirements on a State educational agency, local educational agency, or Indian tribe as a condition, criterion,

or priority for the approval of a waiver request, unless such requirements are—

''(A) otherwise requirements under this Act; and

''(B) directly related to the waiver request.'';

(5) by striking subsection (e) and inserting the following:

''(e) REPORTS.—A State educational agency, local educational agency, or Indian tribe receiving a waiver under this section shall describe, as part of, and pursuant to, the required annual reporting under section 1111(d)—

''(1) the progress of schools covered under the provisions of such waiver toward improving the quality of instruction to students and increasing student academic achievement; and

''(2) how the use of the waiver has contributed to such progress.'';

(6) in subsection (f), by striking ''if the Secretary determines'' and all that follows through the period at the end and inserting the following: ''if, after notice and an opportunity for a hearing, the Secretary—

''(A) presents substantial evidence that clearly demonstrates that the waiver is not contributing to the progress of schools described in subsection (e)(1); or

''(B) determines that the waiver is no longer necessary to achieve its original purposes.''; and

(7) by adding at the end the following:

''(h) EFFECT OF ENACTMENT OF ECAA ON WAIVER REQUIREMENTS AND CONDITIONS.—

''(1) IN GENERAL.—Any requirement or condition of any waiver agreement entered into by a State, local educational agency, or Indian tribe with the Secretary, as authorized under this section, between September 23, 2011, and the day before the effective date of the Every Child Achieves Act of 2015 shall be void and have no force of law if such requirement or condition is not otherwise a requirement or condition under this Act.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed as voiding any waiver granted by the Secretary under this section before the date of enactment of the Every Child Achieves Act of 2015 that is not voided under paragraph (1), which shall remain in effect for the period of time specified under the waiver.''.

SEC. 9106. PLAN APPROVAL PROCESS.

Title IX (20 U.S.C. 7801 et seq.) is amended—

(1) by redesignating parts E and F as parts F and G, respectively;

(2) in section 9573—

(A) in subsection (b)(1), by striking ''early childhood development (Head Start) services'' and inserting ''early childhood education programs'';

(B) in subsection (c)(2)—

(i) in the paragraph heading by striking ''DEVELOPMENT SERVICES'' and inserting ''EDUCATION PROGRAMS''; and

(ii) by striking ''development (Head Start) services'' and inserting ''education programs''; and

(C) in subsection (e), as redesignated by section 4001(5), in paragraph (3), by striking subparagraph (C) and inserting the following:

''(C) such other matters as justice may require.''; and

(3) by inserting after section 9401 the following:

''PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

''SEC. 9451. APPROVAL AND DISAPPROVAL OF STATE PLANS.

''(a) DEEMED APPROVAL.—A plan submitted by a State pursuant to section 2101(d), 4103(d), or 9302 shall be deemed to be approved by the Secretary unless—

''(1) the Secretary makes a written determination, prior to the expiration of the 90-day period beginning on the date on which the Secretary received the plan, that the plan is not in compliance with section 2101(d) or 4103(d) or part C, respectively; and

''(2) the Secretary presents substantial evidence that clearly demonstrates that such State plan does not meet the requirements of section 2101(d) or 4103(d) or part C, respectively.

''(b) DISAPPROVAL PROCESS.—

''(1) IN GENERAL.—The Secretary shall not finally disapprove a plan submitted under section 2101(d), 4103(d), or 9302, except after giving the State educational agency notice and an opportunity for a hearing.

''(2) NOTIFICATIONS.—If the Secretary finds that the plan is not in compliance, in whole or in part, with section 2101(d) or 4103(d) or part C, as applicable, the Secretary shall–

''(A) immediately notify the State of such determination;

''(B) provide a detailed description of the specific provisions of the plan that the Secretary determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

''(C) offer the State an opportunity to revise and resubmit its plan within 45 days of such determination, including the chance for the State to present substantial evidence to clearly demonstrate that the State plan meets the requirements of such section or part, as applicable;

''(D) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of such section or part, as applicable;

''(E) conduct a public hearing within 30 days of the plan's resubmission under subparagraph (C), with public notice provided not less than 15 days before such hearing, unless a State declines the opportunity for such public hearing; and

''(F) request additional information, only as to the noncompliant provisions, needed to make the plan compliant.

''(3) RESPONSE.—If the State educational agency responds to the Secretary's notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the plan with the requested information described in paragraph (2)(C), the Secretary shall approve or disapprove such plan prior to the later of—

''(A) the expiration of the 45-day period beginning on the date on which the plan is resubmitted; or

''(B) the expiration of the 90-day period described in subsection (a).

''(4) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the State educational agency received the notification, such plan shall be deemed to be disapproved.

''(c) PEER-REVIEW REQUIREMENTS.—Notwithstanding any other requirements of this part, the Secretary shall ensure that any portion of a consolidated State plan that is related to part A of title I is subject to the peer-review process described in section 1111(a)(3).

''SEC. 9452. APPROVAL AND DISAPPROVAL OF LOCAL EDUCATIONAL AGENCY APPLICATIONS.

''(a) DEEMED APPROVAL.—An application submitted by a local educational agency pursuant to section 2102(b), 4104(b), or 9305, shall be deemed to be approved by the State educational agency unless—

''(1) the State educational agency makes a written determination, prior to the expiration of the 90-day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with section 2102(b) or 4104(b), or part C, respectively; and

''(2) the State presents substantial evidence that clearly demonstrates that such application does not meet the requirements of section 2102(b) or 4104(b), or part C, respectively.

''(b) DISAPPROVAL PROCESS.—

''(1) IN GENERAL.—The State educational agency shall not finally disapprove an application submitted under section 2102(b), 4104(b), or 9305 except after giving the local educational agency notice and opportunity for a hearing.

''(2) NOTIFICATIONS.—If the State educational agency finds that the application submitted under section 2102(b), 4104(b), or 9305 is not in compliance, in whole or in part, with section 2102(b) or 4104(b), or part C, respectively, the State educational agency shall—

''(A) immediately notify the local educational agency of such determination;

''(B) provide a detailed description of the specific provisions of the application that the State determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

''(C) offer the local educational agency an opportunity to revise and resubmit its application within 45 days of such determination, including the chance for the local educational agency to present substantial evidence to clearly demonstrate that the application meets the requirements of such section or part;

''(D) provide technical assistance, upon request of the local educational agency, in order to assist the local educational agency to meet the requirements of such section or part, as applicable;

''(E) conduct a public hearing within 30 days of the application's resubmission under subparagraph (C), with public notice provided not less than 15 days before such hearing, unless a local educational agency declines the opportunity for such public hearing; and

''(F) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

''(3) RESPONSE.—If the local educational agency responds to the State educational agency's notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the local educational agency received the notification, and resubmits the application with the requested information described in paragraph (2)(C), the State educational agency shall approve 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 90-day period described in subsection (a).

''(4) FAILURE TO RESPOND.—If the local educational agency does not respond to the State educational agency's notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the local educational agency received the notification, such application shall be deemed to be disapproved.''.

SEC. 9107. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

Section 9501 (20 U.S.C. 7881) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (A) through (H) and inserting the following:

''(A) part C of title I;

''(B) part A of title II;

''(C) part E of title II;

''(D) part A of title III;

''(E) parts A and B of title IV; and

''(F) part G of title V.''; and

(B) by striking paragraph (3); and

(2) in subsection (c)(1)—

(A) in subparagraph (E)—

(i) by striking ''and the amount'' and inserting '', the amount''; and

(ii) by striking ''services; and'' and inserting ''services, and how that amount is determined;'';

(B) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(G) whether the agency, consortium, or entity shall provide services directly or assign responsibility for the provision of services to a separate government agency, consortium, or entity, or to a third-party contractor.''.

SEC. 9108. MAINTENANCE OF EFFORT.

Section 9521 (20 U.S.C. 7901) is amended—

(1) in subsection (a), by inserting '', subject to the requirements of subsection (b)'' after ''for the second preceding fiscal year'';

(2) in subsection (b)(1), by inserting before the period at the end the following: '', if such local educational agency has also failed to meet such requirement (as determined using the measure most favorable to the local agency) for 1 or more of the 5 immediately preceding fiscal years''; and

(3) in subsection (c)(1), by inserting ''or a change in the organizational structure of the local educational agency'' after '', such as a natural disaster''.

SEC. 9109. SCHOOL PRAYER.

Section 9524(a) (20 U.S.C. 7904(a)) is amended by striking ''on the Internet'' and inserting ''by electronic means, including by posting the guidance on the Department's website in a clear and easily accessible manner''.

SEC. 9110. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

Section 9527 (20 U.S.C. 7907) is amended to read as follows:

''SEC. 9527. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

''(a) GENERAL PROHIBITION.—

''(1) IN GENERAL.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government, through grants, contracts, or other cooperative agreements (including as a condition of any waiver provided under section 9401) to—

''(A) mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, instructional content, specific academic standards or assessments, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act;

''(B) incentivize a State, local educational agency, or school to adopt any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction, including by providing any priority, preference, or special consideration during the application process for any grant, contract, or cooperative agreement that is based on the adoption of any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction; or

''(C) make financial support available in a manner that is conditioned upon a State, local educational agency, or school's adoption of any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction (such as the Common Core State Standards developed under the Common Core State Standards Initiative, any other standards common to a significant number of States, or any specific assessment, instructional content, or curriculum aligned to such standards).

''(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other prohibition of Federal law, no funds provided to the Department under this Act may be used by the Department directly or indirectly, including through any grant, contract, cooperative agreement, or waiver provided by the Secretary under section 9401, to endorse, approve, or sanction any curriculum (including the alignment of such curriculum to any specific academic standard) designed to be used in an early childhood education program, elementary school, secondary school, or institution of higher education.

''(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law, no State shall be required to have academic content or academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

''(2) RULES OF CONSTRUCTION.—

''(A) APPLICABILITY.—Nothing in this subsection shall be construed to affect requirements under title I.

''(B) STATE OR LOCAL AUTHORITY.—Nothing in this section shall be construed to prohibit a State, local educational agency, or school from using funds provided under this Act for the development or implementation of any instructional content, academic standards, academic assessments, curriculum, or program of instruction that a State, local educational agency, or school chooses, as permitted under State and local law, as long as the use of such funds is consistent with the terms of the grant, contract, or cooperative agreement providing such funds.

''(3) BUILDING STANDARDS.—Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.''.

SEC. 9111. ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.

Section 9528 (20 U.S.C. 7908) is amended by striking subsection (d).

SEC. 9112. PROHIBITION ON FEDERALLY SPONSORED TESTING.

Section 9529 (20 U.S.C. 7909) is amended to read as follows:

''SEC. 9529. PROHIBITION ON FEDERALLY SPONSORED TESTING.

''(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, incentivize, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law, including any assessment or testing materials aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(6) of the Education Sciences Reform Act of 2002 and administered to only a representative sample of pupils in the United States and in foreign nations.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State, local educational agency, or school from using funds provided under this Act for the development or implementation of any instructional content, academic standards, academic assessments, curriculum, or program of instruction that a State or local educational agency or school chooses, as permitted under State and local law, as long as the use of such funds is consistent with the terms of the grant, contract, or cooperative agreement providing such funds.''.

SEC. 9113. LIMITATIONS ON NATIONAL TESTING OR CERTIFICATION FOR TEACHERS.

Section 9530(a) (20 U.S.C. 7910(a)) is amended—

(1) by inserting '', principals,'' after ''teachers''; and

(2) by inserting '', or incentive regarding,'' after ''administration of''.

SEC. 9114. CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by section 4001(3), and redesignated by section 9106(1), is further amended by adding at the end the following:

''SEC. 9538. CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

''(a) IN GENERAL.—To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency during the design and development of the affected local educational agency's programs under this Act, with the overarching goal of meeting the unique cultural, language, and educational needs of American Indian and Alaska Native students.

''(b) TIMING.—The consultation described in subsection (a) shall include meetings of officials from the affected local educational agency and the tribes or tribal organizations approved by the tribes and shall occur before the affected local educational agency makes any decision regarding how the needs of American Indian and Alaska Native children will be met in covered programs or in services or activities provided under title VII.

''(c) DOCUMENTATION.—Each affected local educational agency shall maintain in the agency's records and provide to the State educational agency a written affirmation signed by officials of the participating tribes or tribal organizations approved by the tribes that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the affected local educational agency shall forward documentation that such consultation has taken place to the State educational agency.

''(d) AFFECTED LOCAL EDUCATIONAL AGENCY.—In this section, the term 'affected local educational agency' means a local educational agency—

''(1) with an enrollment of American Indian or Alaska Native students that is not less than 50 percent of the total enrollment of the local educational agency; or

''(2) with an enrollment of not less than 50 American Indian or Alaska Native students.''.

SEC. 9115. OUTREACH AND TECHNICAL ASSISTANCE FOR RURAL LOCAL EDUCATIONAL AGENCIES.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 4001(3) and 9114, and redesignated by section 9106(1), is further amended by adding at the end the following:

''SEC. 9539. OUTREACH AND TECHNICAL ASSISTANCE FOR RURAL LOCAL EDUCATIONAL AGENCIES.

''(a) OUTREACH.—The Secretary shall engage in outreach to rural local educational agencies regarding opportunities to apply for competitive grant programs under this Act.

''(b) TECHNICAL ASSISTANCE.—If requested to do so, the Secretary shall provide technical assistance to rural local educational agencies with locale codes 32, 33, 41, 42, or 43, or an educational service agency representing rural local educational agencies with locale codes 32, 33, 41, 42, or 43 on applications or pre-applications for any competitive grant program under this Act. No rural

local educational agency or educational service agency shall be required to request technical assistance or include any technical assistance provided by the Secretary in any application.''.

SEC. 9116. EVALUATIONS.

Section 9601 (20 U.S.C. 7941) is amended to read as follows:

''SEC. 9601. EVALUATIONS.

''(a) RESERVATION OF FUNDS.—Except as provided in subsection (b) and (e), the Secretary, in consultation with the Director of the Institute of Education Sciences, may reserve not more than 0.5 percent of the amount appropriated for each program authorized under this Act to carry out activities under this section. If the Secretary elects to make a reservation under this subsection, the reserved amounts—

''(1) shall first be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

''(A) conduct comprehensive, high-quality evaluations of the programs that—

''(i) are consistent with the evaluation plan under subsection (d); and

''(ii) primarily include impact evaluations that use experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences;

''(B) conduct studies of the effectiveness of the programs and the administrative impact of the programs on schools and local educational agencies; and

''(C) widely disseminate evaluation findings under this section related to programs authorized under this Act—

''(i) in a timely fashion;

''(ii) in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice;

''(iii) through electronic transfer and other means, such as posting, as available, to the websites of State educational agencies, local educational agencies, the Institute of Education Sciences, or the Department, or in another relevant place; and

''(iv) in a manner that promotes the utilization of such findings; and

''(2) may be used by the Secretary, acting through the Director of the Institute of Education Sciences—

''(A) to evaluate the aggregate short- and long-term effects and cost efficiencies across—

''(i) Federal programs assisted or authorized under this Act; and

''(ii) related Federal early childhood education programs, preschool programs, elementary school programs, and secondary school programs, under any other Federal law;

''(B) to increase the usefulness of the evaluations conducted under this section by improving the quality, timeliness, efficiency, and use of information relating to performance to promote continuous improvement of programs assisted or authorized under this Act; and

''(C) to assist recipients of grants under such programs in collecting and analyzing data and other activities related to conducting high-quality evaluations under paragraph (1).

''(b) TITLE I.—The Secretary, acting through the Director of the Institute of Education Sciences, shall use funds authorized under section 1002(e) to carry out evaluation activities under this section related to title I, and shall not reserve any other money from such title for evaluation.

''(c) CONSOLIDATION.—Notwithstanding any other provision of this section or section 1002(e), the Secretary, in consultation with the Director of the Institute of Education Sciences—

''(1) may consolidate the funds reserved under subsections (a) and (b) for purposes of carrying out the activities under subsection (a)(1); and

''(2) shall not be required to evaluate under subsection (a)(1) each program authorized under this Act each year.

''(d) EVALUATION PLAN.—The Director of the Institute of Education Sciences, shall, on a biennial basis, develop, submit to Congress, and make publicly available an evaluation plan, that—

''(1) describes the specific activities that will be carried out under subsection (a) for the 2-year period applicable to the plan, and the timelines of such activities;

''(2) contains the results of the activities carried out under subsection (a) for the most recent 2-year period; and

''(3) describes how programs authorized under this Act will be regularly evaluated.

''(e) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—If, under any other provision of this Act, funds are authorized to be reserved or used for evaluation activities with respect to a program, the Secretary may not reserve additional funds under this section for the evaluation of that program.''.

TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS; OTHER LAWS; MISCELLANEOUS

PART A—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

SEC. 10101. STATEMENT OF POLICY.

Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

(1) in paragraph (2), by striking ''In any State'' and all that follows through ''will review'' and inserting ''In any State where compulsory residency requirements or other requirements, in laws, regulations, practices, or policies, may act as a barrier to the identification of, or enrollment, attendance, or success in school of homeless children and youths, the State educational agency and local educational agencies in the State will review'';

(2) in paragraph (3), by striking ''alone''; and

(3) in paragraph (4), by striking ''challenging State student academic achievement standards'' and inserting ''challenging State academic standards''.

SEC. 10102. GRANTS FOR STATE AND LOCAL ACTIVITIES.

Section 722 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432) is amended—

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

''(b) RESERVATIONS.—

''(1) STUDENTS IN TERRITORIES.—The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726, to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective needs for assistance under this subtitle, as determined by the Secretary.

''(2) INDIAN STUDENTS.—

''(A) TRANSFER.—The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior. The transferred funds shall be used for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), that are consistent with the purposes of the programs described in this subtitle.

''(B) AGREEMENT.—The Secretary of Education and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this subtitle, for the distribution and use of the transferred funds under terms that the Secretary of Education determines best meet the purposes of the programs described in this subtitle. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.'';

(2) in subsection (c)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by striking the subsection heading and all that follows through paragraph (2) and inserting the following:

''(c) ALLOTMENTS.—

''(1) IN GENERAL.—The Secretary is authorized to allot to each State for a fiscal year an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under subsection (b) and uses funds to carry out subsections (d) and (h) of section 724, 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 paragraph (2).

''(2) MINIMUM ALLOTMENTS.—Subject to paragraph (3), no State shall receive less under this subsection for a fiscal year than the greatest of—

''(A) $150,000;

''(B) one-fourth of 1 percent of the amount appropriated under section 726 for that year; or

''(C) the amount such State received under this section for fiscal year 2001.

''(3) REDUCTION FOR INSUFFICIENT FUNDS.—If there are insufficient funds in a fiscal year to allot to each State the minimum amount under paragraph (2), 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.'';

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking ''To provide'' and all that follows through ''that enable'' and inserting ''To provide services and activities to improve the identification of homeless children and youths (including preschool-aged homeless children) and enable''; and

(ii) by striking ''or, if'' and inserting ''including, if''; and

(B) in paragraph (3), by striking ''designate'' and all that follows and inserting ''designate in the State educational agency an Office of the Coordinator for Education of Homeless Children and Youths that can sufficiently carry out the duties described for the Office in this subtitle.'';

(4) in subsection (e)—

(A) in paragraph (1), by striking ''subsection (c)(1)'' and inserting ''subsection (c)(2)''; and

(B) in paragraph (3)—

(i) in subparagraph (E)(ii)(II), by striking ''subsection (g)(6)(A)(v)'' and inserting ''subsection (g)(6)(A)(vi)''; and

(ii) in subparagraph (F)(iii), by striking ''Not later'' and all that follows through ''the Secretary'' and inserting ''The Secretary'';

(5) by striking subsection (f) and inserting the following:

''(f) FUNCTIONS OF THE OFFICE OF THE COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

''(1) gather and make publicly available reliable, valid, and comprehensive information on—

''(A) the number of homeless children and youths identified in the State, which shall be

posted annually on the State educational agency's website;

''(B) the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools;

''(C) the difficulties in identifying the special needs and barriers to the participation and achievement of such children and youths;

''(D) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

''(E) the success of the programs under this subtitle in identifying homeless children and youths and allowing such children and youths to enroll in, attend, and succeed in, school;

''(2) develop and carry out the State plan described in subsection (g);

''(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may reasonably require, a report containing information necessary to assess the educational needs of homeless children and youths within the State, including data necessary for the Secretary to fulfill the responsibilities under section 724(h);

''(4) in order to improve the provision of comprehensive education and related services to homeless children and youths and their families, coordinate activities and collaborate with—

''(A) educators, including teachers, special education personnel, administrators, and child development and preschool program personnel;

''(B) providers of services to homeless children and youths and their families, including services of public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

''(C) providers of emergency, transitional, and permanent housing to homeless children and youths, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youths;

''(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

''(E) community organizations and groups representing homeless children and youths and their families;

''(5) provide technical assistance to and conduct monitoring of local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of subsection (e)(3) and paragraphs (3) through (7) of subsection (g);

''(6) provide professional development opportunities for local educational agency personnel and the local educational agency liaison designated under subsection (g)(1)(J)(ii) to assist such personnel and liaison in identifying and meeting the needs of homeless children and youths; and

''(7) respond to inquiries from parents and guardians of homeless children and youths, including (in the case of unaccompanied youths) such youths, to ensure that each child or youth who is the subject of such an inquiry receives the full protections and services provided by this subtitle.'';

(6) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''achievement'';

(ii) in subparagraph (B), by striking ''special'';

(iii) in subparagraph (D)—

(I) by striking ''(including'' and all that follows through ''personnel)'' and inserting ''(including liaisons designated under subparagraph (J)(ii), principals and school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel)''; and

(II) by striking ''of runaway and homeless youths'' and inserting ''of homeless children and youths, including such children and youths who are runaway and homeless youths'';

(iv) in subparagraph (E), by striking ''food'' and inserting ''nutrition'';

(v) in subparagraph (F)—

(I) in clause (i), by striking ''equal'' and all that follows and inserting ''access to the same public preschool programs, administered by the State educational agency or local educational agency, as are provided to other children in the State, including ensuring that access by having the administering agency carry out the policies and practices required under paragraph (3);'';

(II) in clause (ii), by striking ''services; and'' and inserting ''services, including through the implementation of policies and practices to ensure that youths described in this clause are able to receive appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies;''; and

(III) by striking clause (iii) and inserting the following:

''(iii) homeless children and youths who meet the relevant eligibility criteria have access to magnet school, summer school, career and technical education, dual or concurrent enrollment opportunities, early college high school, advanced placement, online learning, and charter school programs, if such programs are available at the State or local levels; and

''(iv) the State educational agency and local educational agencies will adopt policies and practices to promote school success for homeless children and youth, including providing access to full participation in the academic and extracurricular activities that are made available to students who are not homeless children and youth.'';

(vi) in subparagraph (H)(i), by striking ''medical'' and inserting ''other health'';

(vii) in subparagraph (I)—

(I) by striking ''enrollment'' and inserting ''identification of homeless children and youths, and the enrollment,''; and

(II) by striking ''State.'' and inserting ''State, including barriers related to fees, fines, absences, and credit accrual policies.''; and

(viii) in subparagraph (J)—

(I) in clause (ii), by striking ''to carry out'' and inserting ''and assurances that the liaison will have sufficient training and time to carry out'';

(II) in clause (iii), in the matter preceding subclause (I), by striking ''origin, as determined in paragraph (3)(A),'' and inserting ''origin (within the meaning of paragraph (3)(A)), which may include a preschool,''; and

(III) in subclauses (I) and (II) of clause (iii), by striking ''homeless'' each place it appears;

(B) in paragraph (3)—

(i) in subparagraph (A)(i)(I), by striking ''or'' at the end and inserting ''and'';

(ii) in subparagraph (B)—

(I) by striking ''BEST INTEREST'' and inserting ''SCHOOL STABILITY'';

(II) by redesignating clause (iii) as clause (iv);

(III) by striking clauses (i) and (ii) and inserting the following:

''(i) presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;

''(ii) consider factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth;

''(iii) if after carrying out clauses (i) and (ii) the local educational agency sends the child or youth to a school other than the school of origin or a school requested as described in clause (ii), provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth; and''; and

(IV) in that clause (iv), by inserting ''and takes into account'' after ''considers'';

(iii) by striking subparagraph (C) and inserting the following:

''(C) IMMEDIATE ENROLLMENT.—

''(i) IN GENERAL.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

''(I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or

''(II) has missed application or enrollment deadlines during any period of homelessness.

''(ii) RELEVANT ACADEMIC RECORDS.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

''(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations or health records, the enrolling school shall immediately refer the parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or health records, in accordance with subparagraph (D).'';

(iv) in subparagraph (D)—

(I) in the matter preceding clause (i), by striking ''medical records'' and inserting ''health records''; and

(II) in clause (i), by inserting ''involved'' after ''records'';

(v) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking ''If'' and all that follows through ''school—'' and inserting ''If a dispute arises over eligibility for enrollment, school selection, or enrollment in a public school, including a public preschool—'';

(II) in clause (i), by inserting before the semicolon the following: '', including all available appeals''; and

(III) by striking clause (ii) and inserting the following:

''(ii) the parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions;'';

(vi) by striking subparagraph (G) and inserting the following:

''(G) PRIVACY.—Information about a homeless child's or youth's living situation shall be treated as a student education record, and not as directory information, under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).''; and

(vii) by adding at the end the following:

''(I) SCHOOL OF ORIGIN DEFINED.—In this paragraph:

''(i) IN GENERAL.—The term 'school of origin' means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

''(ii) RECEIVING SCHOOL.—In the case of a child or youth who completed 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.'';

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting before the period the following '', which may include transportation to a preschool'';

(ii) in subparagraph (B), by striking ''and educational'' and all that follows and inserting ''educational programs for English learners, charter school programs, and magnet school programs.''; and

(iii) in subparagraph (C), by striking ''vocational'' and inserting ''career'';

(D) in paragraph (5)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''programs providing'' and inserting ''entities providing''; and

(II) in clause (ii), by striking ''such as transportation or'' and inserting ''including transportation and'';

(ii) in subparagraph (C)—

(I) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively;

(II) by inserting before clause (ii), as redesignated by subclause (I), the following:

''(i) ensure that all homeless children and youths are promptly identified;''; and

(III) in clause (ii), as redesignated by subclause (I), by striking ''have access and'' and inserting ''have access to and are in''; and

(iii) by adding at the end the following:

''(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youths who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by that local educational agency and other involved local educational agencies.'';

(E) in paragraph (6)—

(i) in subparagraph (A)—

(I) by redesignating clauses (iv) through (vii) as clauses (v) through (viii), respectively;

(II) by striking clause (iii) and inserting the following:

''(iii) homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. 9831 et seq.), early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and other preschool programs administered by the local educational agency;

''(iv) homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;'';

(III) by striking clause (vi), as redesignated by subclause (I), and inserting the following:

''(vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents and guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;'';

(IV) in clause (vii), as redesignated by subclause (I), by striking ''and'' at the end;

(V) in clause (viii), as redesignated by subclause (I), by striking the period and inserting a semicolon; and

(VI) by adding at the end the following:

''(ix) school personnel providing services under this subtitle receive professional development and other support; and

''(x) unaccompanied youths—

''(I) are enrolled in school;

''(II) have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including through implementation of the procedures under paragraph (1)(F)(ii); and

''(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and may obtain assistance to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).'';

(ii) in subparagraph (B), by striking ''and advocates'' and all that follows and inserting ''advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths who are in secondary school, of the duties of the local educational agency liaisons, and publish an annually updated list of the liaisons on the State educational agency's website.'';

(iii) in subparagraph (C), by adding at the end the following: ''Such coordination shall include collecting and providing to the State coordinator the reliable, valid, and comprehensive information and data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).''; and

(iv) by adding at the end the following:

''(D) PROFESSIONAL DEVELOPMENT.—As determined appropriate by the State coordinator, the local educational agency liaisons shall participate in the professional development activities provided, and other technical assistance activities provided pursuant to paragraphs (5) and (6) of subsection (f), by the State coordinator.''; and

(F) in paragraph (7)—

(i) in subparagraph (A), by striking ''that receives'' and all that follows through ''enrollment'' and inserting ''shall review and revise any policies that may act as barriers to the identification of homeless children and youths or enrollment''; and

(ii) in subparagraph (C), by striking ''enrollment'' and inserting ''identification, enrollment,''; and

(7) by striking subsection (h).

SEC. 10103. LOCAL EDUCATIONAL AGENCY SUBGRANTS.

Section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''identification of homeless children and youths and'' before ''enrollment,''; and

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting ''the related'' before ''schools'';

(2) in subsection (b), by adding at the end the following:

''(6) An assurance that the local educational agency will collect and promptly provide the information and data requested by the State coordinator pursuant to paragraphs (1) and (3) of section 722(f).

''(7) An assurance that the applicant will meet the requirements of section 722(g)(3).'';

(3) in subsection (c)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''preschool, elementary, and secondary schools'' and inserting ''early childhood education and other preschool programs, elementary schools, and secondary schools,'';

(ii) in subparagraph (A), by inserting ''identification,'' before ''enrollment,'';

(iii) in subparagraph (B), by striking ''application—'' and all that follows and inserting ''application reflects coordination with other local and State agencies that serve homeless children and youths.''; and

(iv) in subparagraph (C), by inserting ''(as of the date of submission of the application)'' after ''practice'';

(B) in paragraph (3)—

(i) in subparagraph (C), by inserting ''extent to which the applicant will promote meaningful'' after ''The'';

(ii) in subparagraph (D), by striking ''within'' and inserting ''into'';

(iii) by redesignating subparagraph (G) as subparagraph (I);

(iv) by inserting after subparagraph (F) the following:

''(G) The extent to which the local educational agency will use the subgrant to leverage resources.

''(H) How the local educational agency uses funds to serve homeless children and youths under section 1113(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(4)).''; and

(v) in subparagraph (I), as redesignated by clause (iii), by striking ''Such'' and inserting ''The extent to which the applicant's program meets such''; and

(4) in subsection (d)—

(A) in paragraph (1), by striking ''the same challenging State academic content standards and challenging State student academic achievement standards'' and inserting ''the same challenging State academic standards as'';

(B) in paragraph (2)—

(i) by striking ''students with limited English proficiency'' and inserting ''English learners''; and

(ii) by striking ''vocational'' and inserting ''career'';

(C) in paragraph (3), by striking ''pupil services'' and inserting ''specialized instructional support services'';

(D) in paragraph (7), by striking ''and unaccompanied youths,'' and inserting ''particularly homeless children and youths who are not enrolled in school,'';

(E) in paragraph (9), by striking ''medical'' and inserting ''other health'';

(F) by striking paragraph (10) and inserting the following:

''(10) The provision of education and training to the parents and guardians of homeless children and youths about the rights of, and resources available to, such children and youths, and the provision of other activities designed to increase the meaningful involvement of parents and guardians of homeless children or youths in the education of the children or youths.'';

(G) in paragraph (12), by striking ''pupil services'' and inserting ''specialized instructional support services'';

(H) in paragraph (13), by inserting before the period the following: ''or parental mental health or substance abuse problems''; and

(I) in paragraph (16), by striking ''to attend school'' and inserting ''to enroll, attend, and succeed in school (including a preschool program)''.

SEC. 10104. SECRETARIAL RESPONSIBILITIES.

Section 724 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434) is amended—

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

''(c) NOTICE.—

''(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of enactment of the Every Child Achieves Act of 2015, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) of the educational rights of homeless children and youths.

''(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally to all Federal agencies, and grant recipients, serving homeless families or homeless children and youth.'';

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

''(d) EVALUATION, DISSEMINATION, AND TECHNICAL ASSISTANCE.—The Secretary shall conduct evaluation, dissemination, and technical assistance activities for programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.'';

(3) in subsection (f), by adding at the end the following: ''The Secretary shall provide support and technical assistance to State educational agencies, concerning areas in which documented barriers to a free appropriate public education persist.'';

(4) by striking subsection (g) and inserting the following:

''(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the Every Child Achieves Act of 2015, guidelines concerning ways in which a State—

''(1) may assist local educational agencies to implement the provisions related to homeless children and youth amended by that Act; and

''(2) may review and revise State policies and procedures that may present barriers to the identification of homeless children and youth, and the enrollment, attendance, and success of homeless children and youths in school.'';

(5) in subsection (h)—

(A) in the matter preceding subparagraph (A), by striking ''periodically'' and inserting ''periodically but not less frequently than once every 2 years,'';

(B) in subparagraph (A), by striking ''location'' and all that follows and inserting ''location (in cases in which location can be identified) of homeless children and youth, in all areas served by local educational agencies under this subtitle;'';

(C) in subparagraph (C), by striking ''and'' at the end;

(D) by redesignating subparagraph (D) as subparagraph (E); and

(E) by inserting after subparagraph (C) the following:

''(D) the academic progress being made by homeless children and youth, including the percentage or number of homeless children and youth participating in State assessments under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and''; and

(6) in subsection (i), by striking ''McKinney-Vento Homeless Education Assistance Improvements Act of 2001'' and inserting ''Every Child Achieves Act of 2015''.

SEC. 10105. DEFINITIONS.

(a) AMENDMENTS.—Section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a) is amended—

(1) in paragraph (2)(B)(i), by striking ''or are awaiting foster care placement;''; and

(2) in paragraph (6), by striking ''youth'' and inserting ''homeless child or youth''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—In the case of a State that is not a covered State, the amendment made by subsection (a)(1) shall take effect on the date that is 1 year after the date of enactment of this Act.

(2) COVERED STATE.—In the case of a covered State, the amendment made by subsection (a)(1) shall take effect on the date that is 2 years after the date of enactment of this Act.

(c) COVERED STATE.—For purposes of this section the term ''covered State'' means a State that has a statutory law that defines or describes the phrase ''awaiting foster care placement'', for purposes of a program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

SEC. 10106. AUTHORIZATION OF APPROPRIATIONS.

Section 726 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11435) is amended to read as follows:

''SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for each of fiscal years 2016 through 2021.''.

PART B—OTHER LAWS; MISCELLANEOUS

SEC. 10201. USE OF TERM ''HIGHLY QUALIFIED'' IN OTHER LAWS.

Beginning on the date of the enactment of this Act, any reference in law to the term ''highly qualified'', as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), shall be treated as a reference to such term under section 9101 of the Elementary and Secondary Education Act of 1965 as in effect on the day before the date of the enactment of this Act.

SEC. 10202. DEPARTMENT STAFF.

The Secretary of Education shall—

(1) not later than 90 days after the date of the enactment of this Act—

(A) identify the number of Department of Education employees who worked on or administered each education program and project authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as such program or project was in effect on the day before such enactment date, and publish such information on the Department of Education's website; and

(B) identify the number of full-time equivalent employees who work on or administer programs or projects that—

(i) were authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before such enactment date; and

(ii) have been eliminated or consolidated since such date; and

(2) not later than 1 year after the date of the enactment of this Act, prepare and submit a report to Congress on—

(A) the number of employees associated with each program or project authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) administered by the Department, disaggregated by employee function with each such program or project;

(B) the number of full-time equivalent employees who were determined to be associated with eliminated or consolidated programs or projects under paragraph (1)(B); and

(C) how the Secretary addressed the findings of paragraph (1)(B) relating to the number of full-time equivalent employees who worked on or administered programs or projects authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before such enactment date, that have been eliminated or consolidated since such date.

SEC. 10203. REPORT ON DEPARTMENT ACTIONS TO ADDRESS OFFICE OF THE INSPECTOR GENERAL CHARTER SCHOOL REPORTS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Education shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the relevant appropriations committees of Congress, and to the public via the Department's website, a report containing an update on the Department of Education's continued implementation of the recommendations—

(1) responding to the March 9, 2010, final management information report of the Office of the Inspector General of the Department of Education, which expressed concern about findings of inadequate oversight by local educational agencies and authorized public chartering agencies to ensure Federal funds are properly used and accounted for;

(2) responding to the September 2012 report of the Office of the Inspector General of the Department of Education entitled ''The Office of Innovation and Improvement's Oversight and Monitoring of the Charter Schools Program's Planning and Implementation Grants Final Audit Report'' finding that none of the 3 States whose charter schools programs that Office investigated adequately monitored the public charter schools that the States funded; and

(3) describing actions the Department of Education has taken to address the concerns described in such memorandum and final audit report.

SA 2090. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XI—PROTECTING STUDENTS FROM SEXUAL AND VIOLENT PREDATORS

SEC. 11001. SHORT TITLE.

This title may be cited as the ''Protecting Students from Sexual and Violent Predators Act''.

SEC. 11002. DEFINITIONS.

In this title—

(1) the terms ''elementary school'', ''local educational agency'', ''secondary school'', ''State'', and ''State educational agency'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(2) the term ''covered local educational agency'' means a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(3) the term ''covered school'' means an elementary school or secondary school that receives funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(4) the term ''covered State'' means a State that receives funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(5) the term ''covered State educational agency'' means a State educational agency that receives funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(6) the term ''current school employee'' means a school employee who has begun employment with a covered school, covered State educational agency, or covered local educational agency or an employee of any person or company who has a contract or agreement to provide services with a covered school, covered local educational agency, or covered State educational agency before the effective date of this title;

(7) the term ''designated State agency'' means the agency designated in section 11003(d)(1)(A); and

(8) the term ''school employee'' means—

(A) an employee of, or a person seeking employment with, a covered school, covered local educational agency, or covered State educational agency and who, as a result of such employment, has (or, in the case of a person seeking employment, will have) a job duty that includes unsupervised contact or interaction with elementary school or secondary school students; or

(B) any person, or an employee of any person, who has a contract or agreement to provide services with a covered school, covered local educational agency, or covered State educational agency, and such person or employee, as a result of such contract or agreement, has a job duty that includes unsupervised contact or interaction with elementary school or secondary school students.

SEC. 11003. BACKGROUND CHECKS.

(a) IN GENERAL.—Each covered State shall ensure that the State has in effect laws, regulations, or policies and procedures requiring that—

(1) a criminal background check be conducted for each school employee in a manner that is consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) and otherwise meets the requirements of this section, including—

(A) a search of the State criminal registry or repository of the State in which the school employee resides;

(B) a search of State-based child abuse and neglect registries and databases of the State in which the school employee resides;

(C) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System, conducted in accordance with section 11006; and

(D) a search of the National Sex Offender Registry established under section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919); and

(2) each criminal background check conducted under paragraph (1) be periodically repeated or updated in accordance with State law or the policies of the covered State educational agency or the covered local educational agencies in the State.

(b) TIMING OF BACKGROUND CHECKS.—

(1) CURRENT SCHOOL EMPLOYEES.—For a current school employee—

(A) the criminal background check required under subsection (a) shall be completed by not later than 3 years after the effective date of this title or by the date of the current school employee's next scheduled performance review as provided by State law (including regulations), whichever is first; and

(B) the employment of the current school employee shall not be terminated by reason of this title while the criminal background check is being conducted.

(2) ALL OTHER SCHOOL EMPLOYEES.—For any school employee who is not a current school employee, the criminal background check required under subsection (a) shall be completed before the school employee begins employment.

(c) EXCEPTION FOR CURRENT SCHOOL EMPLOYEES WITH PRIOR BACKGROUND CHECKS.—

(1) IN GENERAL.—A covered State shall not be required to obtain a criminal background check under subsection (a)(1) for a current school employee if—

(A)(i) the current school employee has received 1 or more criminal background checks (whether on one occasion or on separate occasions) that included—

(I) a search of the State criminal registry or repository of the State in which the current school employee resides;

(II) a search of the State-based child abuse and neglect registries and databases of the State in which the current school employee resides;

(III) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System, conducted in accordance with section 11006; and

(IV) a search of the National Sex Offender Registry established under section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919); or

(ii) the current school employee has received 1 or more criminal background checks (whether on one occasion or on separate occasions) that included 1 or more of the searches and checks described in subclauses (I) through (IV) of clause (i), and the designated State agency ensures that a criminal background check including all of the remaining searches and checks described in such subclauses is conducted for the current school employee within the timeframe established by subsection (b)(1)(A);

(B) each of the searches and checks described in subclauses (I) through (IV) of subparagraph (A)(i) were conducted for the school employee, whether as part of 1 criminal background check or on separate occasions, on or after the date that is 5 years before the effective date of this title;

(C) the appropriate Federal, State, or local agency provides the results of all the searches and checks described in subclauses (I) through (IV) of subparagraph (A)(i) to the appropriate body, as designated by State law or the policies of the covered State educational agency or the employing covered local educational agency; and

(D) the appropriate body, as designated by State law or the policies of the covered State agency or covered local educational agency, takes steps to verify all criminal background checks in accordance with State law or the policies of the covered State educational agency or the employing covered local educational agency.

(2) CONTINUED EMPLOYMENT DURING VERIFICATION PERIOD.—

(A) CONTINUED EMPLOYMENT.—During any period during which the requirements of paragraph (1) are being verified for a current school employee—

(i) the employing covered State educational agency, covered local educational agency, or covered school shall not terminate the employment of the covered school employee or reduce the employee's pay or benefits by reason of this title; and

(ii) nothing in this title shall be construed to prohibit the covered State educational agency, covered local educational agency, or covered school from transferring the employee to a position not meeting the criteria of section 11002(8) during such period of verification.

(3) PERIODIC UPDATING.—Each covered State shall ensure that the State has in effect laws, regulations, or policies and procedures requiring that, for each current school employee who meets the requirements of this title through paragraph (1), all of the searches and checks described in paragraph (1)(A)(i) be periodically repeated or updated through a criminal background check, in accordance with State law or the policies of the covered State educational agency or the covered local educational agencies in the State.

(d) CONFIDENTIALITY OF AND ACCESS TO BACKGROUND CHECKS.—

(1) CONFIDENTIALITY.—Each covered State shall have in effect laws, regulations, or policies and procedures that—

(A) designate a single State agency to administer the criminal background checks required under subsection (a) and paragraphs (1)(A)(ii) and (3) of subsection (c); and

(B) require that information obtained through a criminal background check under subsection (a) or (c) shall only be revealed to the school employee, the designated representative of the school employee, and persons authorized by the State to receive the information in order to make employment decisions.

(2) COPY OF BACKGROUND CHECK RESULTS.—

(A) UPON REQUEST.—Upon a request by a school employee, the designated State agency shall directly provide a copy of the results of the criminal background check conducted pursuant to subsection (a) or (c) to the school employee or to the school employee's designated representative.

(B) UPON TERMINATION OR DISQUALIFICATION.—If a school employee is terminated or disqualified from employment under subparagraphs (B) through (D) of section 11004(a)(3), the designated State agency shall provide the school employee with a copy of the results of any criminal background check conducted under this title.

(e) APPEALS PROCESS.—

(1) IN GENERAL.—Each covered State shall have in effect laws, regulations, or policies and procedures—

(A) providing for a process by which a school employee may appeal the results of a criminal background check conducted pursuant to subsection (a) or (c) to challenge the accuracy or completeness of the information yielded by the criminal background check; and

(B) ensuring that—

(i) each school employee shall be given prompt notice of the opportunity to appeal;

(ii) each school employee will receive instructions about how to complete the appeals process; and

(iii) the appeals process is completed no later than 30 days after the appeal is filed for each school employee.

(2) EMPLOYMENT STATUS OF CURRENT SCHOOL EMPLOYEES FILING AN APPEAL.—If a current school employee is disqualified from employment under section 11004(a) but files an appeal under this subsection, during the pendency of the appeal, such employee shall not lose employment or face a reduction in pay or benefits. During the pendency of the appeal, the employing covered State educational agency, covered local educational agency, or covered school may place the school employee in a capacity where the school employee's job duties do not include unsupervised contact or interaction with children.

(f) PUBLICATION OF POLICIES AND PROCEDURES.—Each covered State shall ensure that the laws, regulations, or policies and procedures required under this section are published on the website of the covered State educational agency and the website of each covered local educational agency that has a website as of the effective date of this title.

(g) FEES FOR BACKGROUND CHECKS.—

(1) REQUIREMENT FOR REASONABLE FEES.—The Attorney General of the United States, and the State Attorney General or other State law enforcement official of a covered State, may charge a fee for conducting a criminal background check under subsection

(a) or (c) if the amount of the fee does not exceed the actual costs to the Federal Government or the State, as the case may be, for processing and administration.

(2) ADMINISTRATIVE FUNDS.—A covered State educational agency or covered local educational agency may use administrative funds received under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to pay any reasonable fees charged for conducting criminal background checks under subsection (a) or (c).

SEC. 11004. PROHIBITION ON HIRING & TRANSFER.

(a) PROHIBITION ON HIRING.—Each covered State shall have in effect laws, regulations, or policies and procedures that prohibit any covered State educational agency, covered local educational agency, or covered school from employing an individual as a school employee if such employee—

(1) refuses to consent to a criminal background check under section 11003;

(2) makes a knowingly false statement in connection with a criminal background check under section 11003; or

(3) has been convicted of a felony consisting of—

(A) murder, as described in section 1111 of title 18, United States Code;

(B) child abuse;

(C) child pornography; or

(D) a crime involving rape or sexual assault, except for statutory rape where the victim and perpetrator engaged in consensual sexual conduct, the victim and perpetrator were both under the age of 21, and the victim and perpetrator differed in age by not more than 3 years at the time of the offense.

(b) REVIEW.—

(1) IN GENERAL.—Each covered State shall have in effect laws, regulations, or policies and procedures that establish a timely review process, not to exceed 30 days from the date that an appeal is received by the State, through which the State may determine that, notwithstanding paragraph (2) or (3) of subsection (a), a school employee identified under paragraph (2) or (3) of subsection (a) is eligible for employment with the covered State educational agency, covered local educational agency, or covered school. The review process shall be an individualized assessment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) and may include consideration of the following factors:

(A) Nature and seriousness of the offense.

(B) Circumstances under which the offense was committed.

(C) Lapse of time since the offense was committed or the individual was released from prison.

(D) Individual's age at the time of the offense.

(E) Social conditions that may have fostered the offense.

(F) Relationship of the nature of the offense to the position sought.

(G) Number of criminal convictions.

(H) Honesty and transparency of the candidate in admitting the conviction record.

(I) Individual's work history, including evidence that the individual performed the same or similar work, post-conviction, with the same or different employer, with no known incidents of criminal conduct.

(J) Evidence of rehabilitation, as demonstrated by the individual's good conduct while in correctional custody or in the community, counseling or psychiatric treatment received, acquisition of additional academic or career or technical schooling, successful participation in a correctional work-release program, or the recommendation of a current or former supervisor of the individual.

(K) Whether the individual is bonded under a Federal, State, or local bonding program.

(L) Any other factor that may lead to the conclusion that the individual does not pose a risk to children.

(2) EMPLOYMENT DURING REVIEW.—During the pendency of the review described in paragraph (1) of a school employee, the employing covered State educational agency, covered local educational agency, or covered school may place the school employee in a capacity where the employee's job duties do not include unsupervised contact or interaction with children.

(c) PROHIBITION ON TRANSFER.—A covered State educational agency, covered local educational agency, covered school, or any employee or agent of a covered State educational agency, covered local educational agency, or covered school, shall not knowingly transfer or facilitate the transfer of any school employee if the agency, school, employee, or agent knows or has reasonable cause to believe that the school employee engaged in abuse of a child, unless—

(1) the allegations of abuse have been properly reported as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations; and

(2) with respect to the allegations—

(A) no prosecution is undertaken by local or Federal prosecutors within 1 year of the report;

(B) the local prosecutors have indicated that the individual will not be charged; or

(C) the school employee has been charged and exonerated of the charges, as defined by law or by regulations or policies of the State, covered State educational agency, or applicable covered local educational agency.

SEC. 11005. REPORTING OF ABUSE ALLEGATIONS.

(a) PROHIBITION ON AGREEMENTS TO WITHHOLD ALLEGATIONS.—Each covered State shall have laws, regulations, or policies and procedures that—

(1) prohibit any State educational agency, local educational agency, elementary school, secondary school, or employee or agent of any State educational agency, local educational agency, elementary school, or secondary school, from making any agreement—

(A) to withhold, from any law enforcement authority, State educational agency, local educational agency, elementary school, or secondary school, the reporting of the fact that an allegation of child abuse in an educational setting has been made against a school employee or volunteer; or

(B) to waive any portion of subsection (c); and

(2) provide that the punishment for any violation of paragraph (1) is not less than the punishment for a violation of the State's law requiring mandatory reporting of concerns of child abuse and neglect.

(b) IMMUNITY FROM LIABILITY FOR REPORTING.—Each covered State shall have laws, regulations, or policies and procedures ensuring that, notwithstanding any other Federal, State, or local law or any agreement or contract, any State educational agency, local educational agency, elementary school, secondary school, or employee or agent of any State educational agency, local educational agency, elementary school, or secondary school who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation or voluntary suspension due to circumstances described in subsection (a)(1) shall have immunity from any civil or criminal liability.

(c) WARNINGS TO OTHER EDUCATIONAL AGENCIES AND SCHOOLS.—Each covered State shall have in effect laws, regulations, or policies and procedures ensuring that, notwithstanding any other Federal, State, or local law or any agreement or contract, if the State educational agency or any local educational agency, elementary school, secondary school, or employee or agent of the State educational agency, local educational agency, elementary school, or secondary school, has reasonably and in good faith reported to law enforcement officials information regarding allegations of child abuse in an educational setting made against a school employee, and the circumstances described in section 11004(c)(2) do not apply to such allegations, the agency, school, employee, or agent may share the report with any other State educational agency, local educational agency, elementary school, or secondary school that is considering hiring that school employee.

(d) TRAINING.—Notwithstanding any other provision of this title, a local educational agency may use funds provided under part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) to train school employees in—

(1) recognizing signs of abuse, neglect, or sexual abuse in students;

(2) properly identifying and reporting suspected child physical or sexual abuse, including appropriate behaviors by school personnel and inappropriate behaviors, such as grooming behaviors (defined as actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in order to sexually abuse the child); and

(3) effectively responding to incidents of child physical and sexual abuse, including linking students and families to law enforcement, school, community, mental health, or medical supports.

SEC. 11006. FBI REQUIREMENTS FOR FINGERPRINT CHECKS.

Notwithstanding any other provision of law, if a fingerprint check by the Federal Bureau of Investigation, conducted pursuant to section 11003(a) or in accordance with section 11003(c) after the effective date of this title, reveals a record that indicates that an individual was arrested or criminal proceedings were instituted against an individual, but that does not include the final disposition of the arrest or proceeding, the Federal Bureau of Investigation shall—

(1) further investigate the school employee's criminal history until the earlier of—

(A) the date on which the Bureau is able to determine whether a final disposition was reached and what the final disposition was; or

(B) 3 business days (exclusive of the day on which the initial request is made) after the date of the initial request;

(2) notify the State through the designated State agency of the results of the further investigation; and

(3) promptly correct the record, including by making deletions to the record, if the Federal Bureau of Investigations determined that the record was inaccurate.

SEC. 11007. RULES OF CONSTRUCTION.

Nothing in this title shall be construed to—

(1) alter or otherwise affect the rights and remedies provided for school employees residing in a State that disqualifies individuals for employment as a school employee based on convictions for crimes not specifically listed in this title;

(2) prevent a State or locality from applying the requirements of this title to State educational agencies, local educational agencies, elementary schools, or secondary schools that do not receive funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); or

(3) create a private right of action against a State educational agency, local educational agency, elementary school, secondary school, or an employee or agent of a State educational agency, local educational agency, elementary school, or secondary school that is in compliance with this title and with any laws, regulations, or policies and procedures promulgated pursuant to this title.

SEC. 11008. EFFECTIVE DATE.

This title shall take effect on the date that is 2 years from the date of enactment of this Act.

SA 2091. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. 2007. PROGRAM FOR INTERSTATE TEACHING APPLICATIONS.

Part F of title II, as added by section 2006, is further amended by adding at the end the following:

"SEC. 2602. PROGRAM FOR INTERSTATE TEACHING APPLICATIONS.

''(a) ESTABLISHMENT.—The Secretary may establish and carry out a program to allow States to voluntarily participate in an interstate teaching application process that allows teachers who are licensed or certified in any participating State—

''(1) to be eligible for licensure or certification in other participating States without subsequently completing additional licensure or certification requirements; and

''(2) to be able to apply for open teaching positions in schools that receive funds under part A of title I in other participating States, unless the open position falls outside the applicant's content area or grade level for which the applicant is already licensed or certified.

''(b) PROGRAM REQUIREMENTS.—In carrying out a program established under subsection (a), the Secretary shall—

''(1) create an application for eligible teachers licensed or certified in a State participating in the program who wish to teach in other States participating in the program;

''(2) require each participating State to recognize a teaching licensure or certification of each such teacher who meets the application requirements under subsection (c)(1), and allow such teacher to teach in an open teaching position described in subsection (a)(2), without requiring such teacher to complete additional requirements for licensure or certification;

''(3) ensure that participating States maintain the eligibility requirements described in subsection (d);

''(4) provide technical assistance to participating States; and

''(5) provide an electronic application process for teachers to apply for the program.

''(c) PARTICIPATING TEACHERS.—

''(1) IN GENERAL.—Each teacher seeking to participate in a program established under subsection (a) shall submit an application containing—

''(A) proof of an active teaching license or certification in a participating State;

''(B) the teacher's results on each of the assessments described in subparagraphs (A) through (C) of subsection (d)(1) that are required by the initial licensing or certifying participating State; and

''(C) such other information as the Secretary considers appropriate.

''(2) CONTRACT.—The Secretary shall award a contract to a qualified entity to collect the teacher applications submitted under paragraph (1).

''(d) PARTICIPATING STATES.—A State shall be eligible to participate in a program established under subsection (a) if—

''(1) such State, in awarding a teaching license or certification to an individual, requires—

''(A) an assessment of the content knowledge necessary for postsecondary education and a career before a teacher begins teaching in a classroom;

''(B) an assessment of pedagogical skills not later than 1 year after the date on which a teacher first begins teaching in a classroom; and

''(C) a performance assessment not later than one year after the date on which a teacher first begins teaching, which may include a performance assessment completed as part of a teacher preparation program; and

''(2) the assessments described in paragraph (1) and required by such State are identified as sufficiently rigorous by an organization such as the Council of Chief State School Officers.

''(e) REGULATIONS.—The Secretary may issue such regulations as the Secretary considers necessary to carry out this section.''.

SA 2092. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 284, between lines 11 and 12, insert the following:

''(xxi) Enabling States, as a consortium, to voluntarily develop a process that allows teachers who are licensed or certified in a participating State to teach in other participating States without completing additional licensure or certification requirements, except that nothing in this clause shall be construed to allow the Secretary to exercise any direction, supervision, or control over State teacher licensing or certification requirements.

SA 2093. Mr. FRANKEN (for himself, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of part B of title X, insert the following:

SEC. ____. STUDENT NON-DISCRIMINATION.

(a) SHORT TITLE.—This section may be cited as the ''Student Non-Discrimination Act of 2015''.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress makes the following findings:

(A) Public school students who are lesbian, gay, bisexual, or transgender (referred to in this section as ''LGBT''), or are perceived to be LGBT, or who associate with LGBT people, have been and are subjected to pervasive discrimination, including harassment, bullying, intimidation, and violence, and have been deprived of equal educational opportunities, in schools in every part of the Nation.

(B) While discrimination of any kind is harmful to students and to the education system, actions that target students based on sexual orientation or gender identity represent a distinct and severe problem that remains inadequately addressed by current Federal law.

(C) Numerous social science studies demonstrate that discrimination at school has contributed to high rates of absenteeism, academic underachievement, dropping out, and adverse physical and mental health consequences among LGBT youth.

(D) When left unchecked, discrimination in schools based on sexual orientation or gender identity can lead, and has led, to life-threatening violence and to suicide.

(E) Public school students enjoy a variety of constitutional rights, including rights to equal protection, privacy, and free expression, which are infringed when school officials engage in or fail to take prompt and effective action to stop discrimination on the basis of sexual orientation or gender identity.

(F) Provisions of Federal statutory law expressly prohibit discrimination on the basis of race, color, sex, religion, disability, and national origin. The Department of Education and the Department of Justice, as well as numerous courts, have correctly interpreted the prohibitions on sex discrimination to include discrimination based on sex stereotypes and gender identity, even when that sex-based discrimination coincides or overlaps with discrimination based on sexual orientation. However, the absence of express Federal law prohibitions on discrimination on the basis of sexual orientation and gender identity has created unnecessary uncertainty that risks limiting access to legal remedies under Federal law for LGBT students and their parents.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that all students have access to public education in a safe environment free from discrimination, including harassment, bullying, intimidation, and violence, on the basis of sexual orientation or gender identity;

(B) to provide a comprehensive Federal prohibition of discrimination in public schools based on actual or perceived sexual orientation or gender identity;

(C) to provide meaningful and effective remedies for discrimination in public schools based on actual or perceived sexual orientation or gender identity;

(D) to invoke congressional powers, including the power to enforce the 14th Amendment to the Constitution of the United States and to provide for the general welfare pursuant to section 8 of article I of the Constitution and the power to make all laws necessary and proper for the execution of the foregoing powers pursuant to section 8 of article I of the Constitution, in order to prohibit discrimination in public schools on the basis of sexual orientation or gender identity; and

(E) to allow the Department of Education and the Department of Justice to effectively combat discrimination based on sexual orientation and gender identity in public schools, through regulation and enforcement, as the Departments have issued regulations under and enforced title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and other nondiscrimination laws in a manner that effectively addresses discrimination.

(c) DEFINITIONS AND RULE.—

(1) DEFINITIONS.—For purposes of this section:

(A) EDUCATIONAL AGENCY.—The term ''educational agency'' means a local educational agency, an educational service agency, or a State educational agency, as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(B) GENDER IDENTITY.—The term ''gender identity'' means the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

(C) HARASSMENT.—The term ''harassment'' means conduct that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from a program or activity of a public school or educational agency, including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility, if such conduct is based on—

(i) a student's actual or perceived sexual orientation or gender identity; or

(ii) the actual or perceived sexual orientation or gender identity of a person with whom a student associates or has associated.

(D) PROGRAM OR ACTIVITY.—The terms ''program or activity'' and ''program'' have the same meanings given such terms as applied under section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a) to the operations of public entities under paragraph (2)(B) of such section.

(E) PUBLIC SCHOOL.—The term ''public school'' means an elementary school (as the term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that is a public institution, and a secondary school (as so defined) that is a public institution.

(F) SEXUAL ORIENTATION.—The term ''sexual orientation'' means homosexuality, heterosexuality, or bisexuality.

(G) STUDENT.—The term ''student'' means an individual within the age limits for which the State provides free public education who is enrolled in a public school or who, regardless of official enrollment status, attends classes or participates in the programs or activities of a public school or local educational agency.

(2) RULE.—Consistent with Federal law, in this section the term ''includes'' means ''includes but is not limited to''.

(d) PROHIBITION AGAINST DISCRIMINATION.—

(1) IN GENERAL.—No student shall, on the basis of actual or perceived sexual orientation or gender identity of such individual or of a person with whom the student associates or has associated, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(2) HARASSMENT.—For purposes of this section, discrimination includes harassment of a student on the basis of actual or perceived sexual orientation or gender identity of such student or of a person with whom the student associates or has associated.

(3) RETALIATION PROHIBITED.—

(A) PROHIBITION.—No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination, retaliation, or reprisal under any program or activity receiving Federal financial assistance based on the person's opposition to conduct made unlawful by this section.

(B) DEFINITION.—For purposes of this paragraph, ''opposition to conduct made unlawful by this section'' includes—

(i) opposition to conduct believed to be made unlawful by this section or conduct that could be believed to become unlawful under this section if allowed to continue;

(ii) any formal or informal report, whether oral or written, to any governmental entity, including public schools and educational agencies and employees of the public schools or educational agencies, regarding conduct made unlawful by this section, conduct believed to be made unlawful by this section, or conduct that could be believed to become unlawful under this section if allowed to continue;

(iii) participation in any investigation, proceeding, or hearing related to conduct made unlawful by this section, conduct believed to be made unlawful by this section, or conduct that could be believed to become unlawful under this section if allowed to continue; and

(iv) assistance or encouragement provided to any other person in the exercise or enjoyment of any right granted or protected by this section,

if in the course of that expression, the person involved does not purposefully provide information known to be false to any public school or educational agency or other governmental entity regarding conduct made unlawful by this section, or conduct believed to be made unlawful by this section, or conduct that could be believed to become unlawful under this section if allowed to continue.

(e) FEDERAL ADMINISTRATIVE ENFORCEMENT; REPORT TO CONGRESSIONAL COMMITTEES.—

(1) REQUIREMENTS.—Each Federal department and agency which is empowered to extend Federal financial assistance to any education program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of subsection (d) with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President.

(2) ENFORCEMENT.—Compliance with any requirement adopted pursuant to this subsection may be effected—

(A) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made, and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found; or

(B) by any other means authorized by law, except that no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means.

(3) REPORTS.—In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this subsection, the head of the Federal department or agency shall file with the committees of the House of Representatives and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until 30 days have elapsed after the filing of such report.

(f) PRIVATE CAUSE OF ACTION.—

(1) PRIVATE CAUSE OF ACTION.—Subject to paragraph (3), and consistent with the cause of action recognized under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), an aggrieved individual may bring an action in a court of competent jurisdiction, asserting a violation of this section. Aggrieved individuals may be awarded all appropriate relief, including equitable relief, compensatory damages, and costs of the action.

(2) RULE OF CONSTRUCTION.—This subsection shall not be construed to preclude an aggrieved individual from obtaining remedies under any other provision of law or to require such individual to exhaust any administrative complaint process or notice of claim requirement before seeking redress under this subsection.

(3) STATUTE OF LIMITATIONS.—For actions brought pursuant to this subsection, the statute of limitations period shall be determined in accordance with section 1658(a) of title 28, United States Code. The tolling of any such limitations period shall be determined in accordance with the law governing actions under section 1979 of the Revised Statutes (42 U.S.C. 1983) in the State in which the action is brought.

(g) CAUSE OF ACTION BY THE ATTORNEY GENERAL.—The Attorney General is authorized to institute for or in the name of the United States a civil action for a violation of this section in any appropriate district court of the United States against such parties and for such relief as may be appropriate, including equitable relief and compensatory damages. Whenever a civil action is instituted for a violation of this section, the Attorney General may intervene in such action upon timely application and shall be entitled to the same relief as if the Attorney General had instituted the action. Nothing in this section shall adversely affect the right of any person to sue or obtain relief in any court for any activity that violates this section, including regulations promulgated pursuant to this section.

(h) STATE IMMUNITY.—

(1) STATE IMMUNITY.—A State shall not be immune under the 11th Amendment to the Constitution of the United States from suit in Federal court for a violation of this section.

(2) WAIVER.—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment or otherwise, to a suit brought by an aggrieved individual for a violation of subsection (d).

(3) REMEDIES.—In a suit against a State for a violation of this section, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

(i) ATTORNEY'S FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting ''the Student Non-Discrimination Act of 2015,'' after ''Religious Land Use and Institutionalized Persons Act of 2000,''.

(j) EFFECT ON OTHER LAWS.—

(1) FEDERAL AND STATE NONDISCRIMINATION LAWS.—Nothing in this section shall be construed to preempt, invalidate, or limit rights, remedies, procedures, or legal standards available to victims of discrimination or retaliation, under any other Federal law or law of a State or political subdivision of a State, including titles IV and VI of the Civil Rights Act of 1964 (42 U.S.C. 2000c et seq., 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), or section 1979 of the Revised Statutes (42 U.S.C. 1983). The obligations imposed by this section are in addition to those imposed by titles IV and VI of the Civil Rights Act of 1964 (42 U.S.C. 2000c et seq., 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 1979 of the Revised Statutes (42 U.S.C. 1983).

(2) FREE SPEECH AND EXPRESSION LAWS AND RELIGIOUS STUDENT GROUPS.—Nothing in this section shall be construed to alter legal standards regarding, or affect the rights available to individuals or groups under, other Federal laws that establish protections for freedom of speech and expression, such as legal standards and rights available to religious and other student groups under the First Amendment and the Equal Access Act (20 U.S.C. 4071 et seq.).

(k) SEVERABILITY.—If any provision of this section, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this section, and the application of the provision to any other person or circumstance shall not be impacted.

(l) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this section and shall not apply to conduct occurring before the effective date of this section.

SA 2094. Mr. TOOMEY (for himself, Mr. MANCHIN, Mr. COTTON, Mr. MCCAIN, Mr. GARDNER, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; as follows:

At the end of title IX, add the following:

SEC. _____. PROTECTING CHILDREN FROM CHILDREN FROM CONVICTED PEDOPHILES, CHILD MOLESTERS, AND OTHER SEX OFFENDERS.

Title IX (20 U.S.C. 7801 et seq.), as amended by this title, is further amended by adding at the end the following:

"PART H—SCHOOL EMPLOYEE BACKGROUND CHECKS

"SEC. 9651. SHORT TITLE.

"This part may be cited as the 'Protecting Students from Sexual and Violent Predators Act'.

"SEC. 9652. DEFINITION OF SCHOOL EMPLOYEE.

"In this part, the term 'school employee' means—

"(1) a person who—

"(A) is an employee of, or is seeking employment with, an elementary school, secondary school, local educational agency, or State educational agency, that receives funds under this Act; and

"(B) as a result of such employment, has (or will have) a job duty that results in unsupervised access to elementary school or secondary school students; or

"(2) a person, or an employee of a person, who—

"(A) has a contract or agreement to provide services with an elementary school, secondary school, local educational agency, or State educational agency, that receives funds under this Act; and

"(B) as a result of such contract or agreement, the person or employee, respectively, has a job duty that results in unsupervised access to elementary school or secondary school students.

"SEC. 9653. BACKGROUND CHECKS.

"(a) BACKGROUND CHECKS.—Not later than 2 years after the date of enactment of the Every Child Achieves Act of 2015, each State educational agency, or each local educational agency in any case where State law designates a local educational agency to carry out the requirements of this part, that receives funds under this Act shall, as a condition of receiving such funds, have in effect policies and procedures that—

"(1) require that a criminal background check be conducted for each school employee that includes—

"(A) a search of the State criminal registry or repository of the State in which the school employee resides;

"(B) a search of State-based child abuse and neglect registries and databases of the State in which the school employee resides;

"(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 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

"(2) prohibit the employment of a school employee as a school employee if such employee—

"(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) murder;

"(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 on or after the date that is 5 years before the date of such employee'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 each criminal background check conducted under paragraph (1) be periodically repeated or updated in accordance with State law or the policies of local educational agencies served by the State educational agency;

"(4) upon request, provide each school employee who has had a criminal background check under paragraph (1) with a copy of the results of the criminal background check;

"(5) provide for a timely process, by which a school employee may appeal, but which does not permit the employee to be employed as a school employee during such appeal, the results of a criminal background check conducted under paragraph (1) which prohibit the employee from being employed as a school employee under paragraph (2) to—

"(A) challenge the accuracy or completeness of the information produced by such criminal background check; and

"(B) establish or reestablish eligibility to be hired or reinstated as a school employee by demonstrating that the information is materially inaccurate or incomplete, and has been corrected;

"(6) ensure that such policies and procedures are published on the website of the State educational agency and the website of each local educational agency served by the State educational agency; and

"(7) allow a local educational agency to share the results of a school employee's criminal background check recently conducted under paragraph (1) with another local educational agency that is considering such school employee for employment as a school employee.

"(b) FEES FOR BACKGROUND CHECKS.—

"(1) CHARGING OF FEES.—The Attorney General, attorney general of a State, or other State law enforcement official may charge reasonable fees for conducting a criminal background check under subsection (a)(1), but such fees shall not exceed the actual costs for the processing and administration of the criminal background check.

"(2) ADMINISTRATIVE FUNDS.—A local educational agency or State educational agency may use administrative funds received under this Act to pay any reasonable fees charged for conducting such criminal background check.

"PART I—BAN ON AIDING AND ABETTING CHILD SEXUAL ABUSE THROUGH 'PASSING THE TRASH'

"SEC. 9661. BAN ON AIDING AND ABETTING CHILD SEXUAL ABUSE THROUGH 'PASSING THE TRASH'.

"Each State or State educational agency, or each local educational agency in any case where State law designates a local educational agency to carry out the requirements of this part, that receives funds under this Act shall, as a condition of receiving such funds, have in effect laws, regulations, or policies and procedures that prohibit any agency or person from transferring, or facilitating the transfer of, any school employee if the agency or person knows, or recklessly disregards information showing, that such school employee engaged in sexual misconduct with a minor in violation of law.".

SA 2095. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; as follows:

On page 172, line 25, insert "financial literacy activities and" before "adult education".

SA 2096. Mr. KAINE (for himself, Mr. MERKLEY, Ms. AYOTTE, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 759, line 3, insert "career and technical education," after "music,".

SA 2097. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize

the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Beginning on page 494, strike line 1 and all that follows through page 544, line 9, and insert the following:

SEC. 5002. PUBLIC CHARTER SCHOOLS.

Part A of title V (20 U.S.C. 7221 et seq.), as redesignated by section 5001(5), is amended—

(1) by striking sections 5101 through 5105, as redesignated by section 5001(7), and inserting the following:

"SEC. 5101. PURPOSE.

''It is the purpose of this part to—

''(1) provide authorization and support for public charter schools providing elementary or secondary education as a means to test and learn from innovations aimed at improving the education of all students and strengthening public education;

''(2) evaluate the impact of such schools on student achievement, families, and communities, and share best practices among charter schools and other public schools;

''(3) expand opportunities for children with disabilities, students who are English learners, and other traditionally underserved students to attend charter schools and meet the challenging State academic standards under section 1111(b)(1); and

''(4) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, monitoring, including financial audits, and evaluation of such schools.

"SEC. 5102. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary may award grants to eligible State educational agencies having applications approved pursuant to section 5103(f) to enable such agencies to conduct a charter school grant program in accordance with this part, by—

''(1) supporting the startup of charter schools that are evaluated by the charter school authorizer for quality and local impact;

''(2) supporting the replication and expansion of high-quality charter schools;

''(3) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

''(4) carrying out national activities to support—

''(A) the dissemination of best and promising practices between and among magnet, traditional district, and charter schools;

''(B) the evaluation of the impacts of the charter school program under this part on educational quality and equity for students, and the overall strength of public education in local communities; and

''(C) stronger charter school authorizing.

''(b) FUNDING ALLOTMENT.—From the amount made available under section 5113 for a fiscal year, the Secretary shall—

''(1) reserve 12.5 percent to support charter school facilities assistance under section 5104;

''(2) reserve not more than 25 percent to carry out section 5103A and section 5105; and

''(3) use the remaining amount after the reservations under paragraphs (1) and (2) to carry out section 5103.

''(c) PRIOR GRANTS AND SUBGRANTS.—The recipient of a grant or subgrant under this part (as such part was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015) shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

"SEC. 5103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

''(a) PROGRAM AUTHORIZED.—From the amount available under section 5102(b)(3), the Secretary shall award, on a competitive basis, grants to eligible State educational agencies having applications approved under subsection (f) to enable such eligible State educational agencies to—

''(1) award subgrants to eligible applicants to enable such eligible applicants to—

''(A) support the startup of charter schools that are thoroughly vetted by the authorizer for quality and local impact;

''(B) replicate or expand high-quality charter schools, which may include—

''(i) supporting the acquisition, expansion, or preparation of a charter school building to meet increasing enrollment needs, including financing the development of a new building and ensuring that a school building complies with applicable statutes and regulations;

''(ii) paying costs associated with hiring additional teachers to serve additional students;

''(iii) providing transportation to students to and from the charter school;

''(iv) providing instructional materials, implementing teacher and principal or other school leader professional development programs, and hiring additional nonteaching staff;

''(v) supporting any necessary activities that assist the charter school in carrying out this section; and

''(vi) providing early childhood education programs for children, including direct support to, and coordination with, school or community based early childhood education programs; or

''(C) in the case of the closure or dissolution of a charter school, transfer students and student records to another school in the school district in which the charter school is located; and

''(2) provide technical assistance to eligible applicants and charter school authorizers in carrying out the activities described in paragraph (1), and work with charter school authorizers in the State to improve authorizing quality, including developing capacity for and conducting fiscal oversight and auditing of charter schools.

''(b) ELIGIBLE STATE EDUCATIONAL AGENCY DEFINED.—For purposes of this section, the term 'eligible State educational agencies' are State educational agencies with all of the following student, family, community and taxpayer protection laws and policies in place:

''(1) STATE LAW AUTHORIZING THE CREATION OF CHARTER SCHOOLS.—The State must have a law in force that authorizes the creation and operation of charter schools.

''(2) FIDUCIARY DUTIES AND CONFLICT OF INTEREST RULES.—The State must have legally binding rules establishing fiduciary duties for officers, directors, managers, and employees of charter schools and prohibitions against conflicts of interest among officers, directors, managers, and employees of charter schools, education management organizations, and related entities. Specifically, the State must have legally binding rules—

''(A) providing that charter school officers, directors, managers, and employees occupy positions of trust when they handle the money or property of the charter school;

''(B) prohibiting charter school officers, directors, managers, and employees from dealing with the charter school as an adverse party or acting on behalf of an adverse party in any matter connected with the duties of such officer, director, manager, or employee;

''(C) prohibiting charter school officers, directors, managers, and employees from holding or acquiring any pecuniary or personal interest that conflicts with the interests of the charter school;

''(D) prohibiting education management organizations from entering into any transaction with a related party, including—

''(i) any related entity formed for the purpose of managing or providing support to a charter school or group of related charter schools;

''(ii) any direct or indirect wholly owned subsidiary of any such entity, if the transaction benefits the education management organization, the related party, or both; or

''(iii) any other related party; and

''(E) providing civil remedies and criminal penalties, as applicable, that will apply to a breach of fiduciary duties and prohibited actions described in this paragraph in the same manner that such remedies or penalties apply to a breach of fiduciary duties or an action similar to a prohibited action under this paragraph in the case of officers, directors, managers, and employees of an entity that is not a charter school.

''(3) PUBLIC REMOVAL OF CHARTER SCHOOL GOVERNING BOARD MEMBERS.—The State charter school law shall ensure that a State agency or charter school authorizer has the authority to remove a member of a charter school's governing board if the member has violated the member's fiduciary responsibilities or the applicable conflict of interest rules.

''(4) INDEPENDENT FINANCIAL AUDIT REQUIREMENTS WITH PUBLIC DISCLOSURE.—The State must require that all charter schools, and all education management organizations that enter into management services contracts with charter schools—

''(A) conduct annual, independent audits of their financial statements and submit these required audit reports to the eligible State educational agency; and

''(B) make the required audit reports, including any management letters, publicly available via disclosure by the eligible State educational agency.

''(5) CHARTER SCHOOL ACCESS TO BOOKS AND RECORDS OF EDUCATION MANAGEMENT ORGANIZATIONS.—The State must require that a charter school's governing board have access to all the books and records—

''(A) of any education management organization with which the board has contracted to manage the school; and

''(B) that are applicable to that charter school.

''(6) OPEN MEETINGS AND OPEN RECORDS REQUIREMENTS FOR CHARTER SCHOOLS.—The State must provide that charter schools are covered by the State's open meetings and open records laws to the same extent that public schools and school boards are covered by such laws.

''(7) CHARTER SCHOOL AUTHORIZER AUTHORITY.—The State must have policies in force that provide charter school authorizers with the authority to—

''(A) inspect and obtain copies of any books and records of the charter schools they authorize, including all contracts entered into by the charter schools; and

''(B) conduct a review or audit of educational performance and financial operations of the charter schools they authorize.

''(8) CHARTER SCHOOL AUTHORIZER ACCOUNTABILITY.—The State must have policies holding charter school authorizers responsible for monitoring the educational performance and financial operations of all charter schools that the charter school authorizer has authorized. Such policies must include all of the following:

''(A) Performance standards for charter school authorizers.

''(B) A standardized and public charter school authorizer performance reporting system that discloses, for each authorizer in each school year—

''(i) the number of applications received;

''(ii) the number of applications approved;

''(iii) the name, location, and status of each authorized school; and

''(iv) all charter school closures, decisions to deny renewal of charters, or decisions to cancel charters, including reasons for the closures, nonrenewal decisions, or cancellation decisions.

''(C) The provision of technical assistance to help authorizers meet performance standards.

''(D) Authority on the part of an agency or instrumentality of the State to suspend or revoke an authorizer's ability to authorize charter schools on the basis of poor performance, and policies relating to that authority, including—

''(i) published criteria for such suspensions or revocations based on the educational or financial performance of the schools that are authorized by the charter school authorizer; and

''(ii) a protocol or policy for reassigning authorizer responsibilities for each such school to another appropriate authorizer and assisting with the necessary transition (except in the case of a State that has only one charter school authorizer).

''(E) A policy regarding how charter schools are monitored and held accountable for—

''(i) meeting the requirements described in section 5110(1); and

''(ii) providing equitable access and effectively serving the needs of all students, including students with disabilities and English learners.

''(F) A policy regarding how the charter school authorizer will ensure that the local educational agency that serves a charter school that such charter school authorizer has authorized will comply with subsections (a)(5) and (e)(1)(B) of section 613 of the Individuals with Disabilities Education Act.

''(9) FOR-PROFIT CHARTER SCHOOLS.—The State must have laws in effect that require for-profit charter schools to—

''(A) ensure that the charter school's educational responsibilities take primacy over other purposes, such as generating financial returns for investors, contributing to a related or parent organization, or supporting external interests; and

''(B) include board members who have no significant administrative position and no ownership interest in the charter school or a related party, as described in 5103(b)(2)(D).

''(10) DISTRICTWIDE MULTI-YEAR SCHOOL PLAN.—The State must require local educational agencies, charter school authorizers, and charter schools to jointly develop and regularly update a districtwide multi-year school plan, which shall be coordinated by the charter school authorizer.

''(11) IMPACT STATEMENT.—The State must require that before any new charter school application is approved, the local educational agency that serves the charter school or is in the geographic area of the charter school, in accordance with the districtwide multi-year school plan, shall—

''(A) prepare an impact statement—

''(i) assessing the proposed charter school's impact on the districtwide multi-year school plan; and

''(ii) identifying the role that the charter school intends to fill within the local educational agency;

''(B) make such impact statement available to community members prior to the hearing described in subparagraph (C); and

''(C) hold a community input hearing prior to the determination about the approval or disapproval of a pending charter school application.

''(12) IMPACT REPORT.—The State educational agency must prepare, and publish on the State educational agency website, an annual assessment of the impact of charter schools on local educational agencies in the State, including—

''(A) a review of the flow of funding between sectors, student enrollment trends, and educational outcomes;

''(B) identification of noteworthy innovative or promising practices carried out by charter schools in the State; and

''(C) documentation of efforts that lead to two-way cross sector sharing of promising practices.

''(13) CHARTER SCHOOL DISCLOSURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the State must require each charter school to publicly disclose, on the school's website, the following:

''(i) The school's charter documents.

''(ii) Any performance agreements in effect between the charter school and the charter school's authorizer.

''(iii) A description of the schools' program, including courses and programs offered.

''(iv) Whether or not transportation services are provided, and any fees for transportation.

''(v) Whether or not meals and snacks are served at school and whether or not free or reduced-price meals are available (and, if so, to which students).

''(vi) Annual student attrition rates by grade level.

''(vii) Student behavior or discipline codes, policies, and processes, including parent appeal options.

''(viii) Annual teacher attrition rates.

''(ix) The amounts of non-public funding sources, including the duration of philanthropic funding commitments.

''(x) The names of legal title holders of land and buildings that the charter school utilizes, along with a description of any public subsidies used directly or indirectly to purchase or lease charter school property.

''(xi) Fees related to incidentals of attendance, and whether any of those fees are waived for certain students (such as for students who are eligible to receive a free or reduced price lunch).

''(xii) Information related to financial and in-kind contributions of support, which shall be—

''(I) the amount and duration of any Federal, State, local, and private financial and in-kind contributions of support, and how such funding and in-kind contributions are spent or used;

''(II) the information required to be submitted to the Office for Civil Rights for the Civil Rights Data Collection; or

''(III) in the case of an organization described in section 501(c)(3) of the Internal Revenue Code that is exempt from taxation under section 501(a) of that Code, the information required to be submitted on any return to be filed under section 6033 of that Code.

''(B) PERSONALLY IDENTIFIABLE INFORMATION.—Notwithstanding the requirements under subparagraph (A), a charter school shall not provide any information under this paragraph that would reveal personally identifiable information about an individual.

''(c) ELIGIBLE STATE EDUCATIONAL AGENCY USES OF FUNDS.—

''(1) IN GENERAL.—An eligible State educational agency receiving a grant under this section shall—

''(A) use not less than 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the eligible State educational agency's application pursuant to subsection (f), for the purposes described in subsection (a)(1);

''(B) reserve not less than 5 percent of such funds to carry out the activities described in subsection (a)(2);

''(C) reserve not more than 3 percent of such funds for administrative costs, which may include the administrative costs of providing technical assistance; and

''(D) reserve not less than 2 percent of such funds for the oversight of charter school use of Federal, State, and local public funds and private funds, including the investigation of fraud, waste, mismanagement and misconduct and ensuring compliance with paragraphs (2), (4), and (13) of subsection (b), which may be used by—

''(i) the State for oversight of each charter school in the State;

''(ii) local educational agencies for oversight of public charter schools served by the local educational agency; and

''(iii) charter school authorizers for—

''(I) oversight of each charter school that is authorized by such authorizer; and

''(II) coordination of the districtwide multi-year school plan, as described in subsection (b)(10).

''(2) RULES OF CONSTRUCTION.—Nothing in this part shall prohibit the Secretary from awarding grants to eligible State educational agencies, or eligible State educational agencies from awarding subgrants to eligible applicants, that use a weighted lottery, or an equivalent lottery mechanism, to give better chances for school admission to all or a subset of educationally disadvantaged students if—

''(A) the use of a weighted lottery in favor of such students is not prohibited by State law; and

''(B) such weighted lottery is not used for the purpose of creating schools exclusively to serve a particular subset of students.

''(d) PROGRAM PERIODS; PEER REVIEW; DISTRIBUTION OF SUBGRANTS; WAIVERS.—

''(1) PROGRAM PERIODS.—

''(A) GRANTS.—A grant awarded by the Secretary to an eligible State educational agency under this section shall be for a period of not more than 3 years, and may be renewed by the Secretary for one additional 2-year period.

''(B) SUBGRANTS.—A subgrant awarded by an eligible State educational agency under this section—

''(i) shall be for a period of not more than 3 years, of which an eligible applicant may use not more than 18 months for planning and program design; and

''(ii) may be renewed by the eligible State educational agency for one additional 2-year period.

''(2) PEER REVIEW.—The Secretary, and each eligible State educational agency awarding subgrants under this section, shall use a peer-review process to review applications for assistance under this section.

''(3) DISTRIBUTION OF SUBGRANTS.—Each eligible State educational agency awarding subgrants under this section shall award subgrants in a manner that, to the extent practicable and applicable, ensures that such subgrants—

''(A) prioritize eligible applicants that plan to serve a significant number of students from low-income families;

''(B) are distributed throughout different areas, including urban, suburban, and rural areas; and

''(C) will assist charter schools representing a variety of educational approaches.

''(4) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority under this Act with respect to charter schools supported under this part, except any such requirement relating to the elements of a charter school, if—

''(A) the waiver is requested in an approved application; and

''(B) the Secretary determines that granting such waiver will promote the purposes of this part.

''(e) LIMITATIONS.—

''(1) GRANTS.—An eligible State educational agency may not receive more than 1 grant under this section at a time.

''(2) SUBGRANTS.—An eligible applicant may not receive more than 1 subgrant under this section for each individual charter school for each grant period or renewal period, unless the eligible applicant demonstrates to the eligible State educational agency that such individual charter school has demonstrated a strong track record of positive results over the course of the grant period regarding the elements described in subparagraphs (A) and (D) of section 5110(8).

''(f) APPLICATIONS.—

''(1) IN GENERAL.—An eligible State educational agency 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.

''(2) CONTENTS.—The application shall, in addition to citing the applicable policies necessary to satisfy the grant eligibility criteria set forth in subsection (b), provide a description of the eligible State educational agency's objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including a description of the following:

''(A) How the eligible State educational agency will—

''(i) support the opening of new charter schools and, if applicable, the replication or expansion of high-quality charter schools, and the proposed number of charter schools to be opened, replicated, or expanded under the eligible State educational agency's program;

''(ii) inform eligible charter schools, developers, and charter school authorizers of the availability of funds under the program;

''(iii) work with eligible applicants to ensure that the eligible applicants access all Federal funds that such applicants are eligible to receive, and help the charter schools supported by the applicants and the students attending those charter schools—

''(I) participate in the Federal programs in which the schools and students are eligible to participate; and

''(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs;

''(iv) ensure each eligible applicant that receives a subgrant under the eligible State educational agency's program—

''(I) is opening or expanding schools that meet the definition of a charter school under section 5110; and

''(II) is prepared to continue to operate such charter schools once the subgrant funds under this section are no longer available;

''(v) support charter schools in local educational agencies with schools that have been identified by the State under section 1114(a)(1)(A);

''(vi) work with charter schools to promote inclusion of all students and support all students upon enrollment in order to promote retention of students in the school;

''(vii) work with charter schools on recruitment practices, including efforts to engage groups that may otherwise have limited opportunities to attend charter schools;

''(viii) promote the sharing of best and promising practices among and across their charter, magnet, and traditional school sectors;

''(ix) ensure that charter schools receiving funds under the eligible State educational agency's program meet the educational needs of their students, including students with disabilities and students who are English learners;

''(x) support efforts to increase charter school quality initiatives, including meeting quality authorizing elements in this part;

''(xi) hold charter schools within such eligible State educational agency's jurisdiction accountable if such schools do not meet the objectives specified in the performance contract described in section 5110(1), including by closing unsuccessful schools; and

''(xii) ensure that local educational agencies within such eligible State educational agency's jurisdiction comply with subsections (a)(5) and (e)(1)(B) of section 613 of the Individuals with Disabilities Education Act.

''(B) The eligible State educational agency's authorizer accountability policies and operations, and plans pursuant to section 5103(b)(8).

''(C) How the eligible State educational agency will ensure that each eligible applicant will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school that will receive funds under the eligible State educational agency's program.

''(D) How the eligible State educational agency will allow for an impartial appeals process for a denial by a charter school authorizer of a developer's application for a charter school.

''(E) How the eligible State educational agency will award subgrants, on a competitive basis, to eligible applicants, on the basis of applications that include—

''(i) the name and address of the public charter school and its mission, purpose, and any specialized innovation of the charter school;

''(ii) a description of the roles and responsibilities of eligible applicants, and of any education management organizations or other organizations with which the eligible applicant will partner to open charter schools, including the administrative and contractual roles and responsibilities of such partners;

''(iii) the proposed governance structure of the school, developed with public input and including, at a minimum, a list of members of the governing board with each member's qualifications, terms, and full financial disclosure of any potential conflicts of interest, including relationships with education management organizations, vendors, or other business dealings with the school or other charter schools;

''(iv) for a traditional public school applying to convert to a charter school, demonstrated support of two-thirds of the families of children attending the school and two-thirds of the school staff for the conversion;

''(v) any contract between the charter school and an education management organization;

''(vi) student recruitment, admission, and retention policies and practices, including a description of how the school provides equitable access and effectively serves the needs of all students, including students with disabilities and English learners, and implements outreach and recruitment practices that include the families of all students;

''(vii) the ages and grades of students and an estimate of the total enrollment of the school to be served by the charter school;

''(viii) the number of staff and school leadership positions, including full-time and part-time employees, and qualifications of employees;

''(ix) a description of the educational program, methodology, and services to be offered to students, including students who are English learners and students with disabilities;

''(x) information about the school's daily hours of operation and number of days in the school year;

''(xi) a description of how the school will engage parents as partners in the education of their children;

''(xii) a description of transportation services provided to and from school for students;

''(xiii) a statement that the school will not discriminate on the basis of race, national origin, gender, sexual orientation and gender identity, ethnicity, disability, academic achievement, or home language and that the school will comply with Federal and State civil rights laws applicable to other publicly funded elementary and secondary schools;

''(xiv) evidence of adequate community support for and interest in the charter school sufficient to allow the school to reach its anticipated enrollment, and an assessment of the projected programmatic and fiscal impact of the school on other public and nonpublic schools in the area;

''(xv) a description of the health and food services to be provided to students attending the school, including whether the school participates in any free or reduced price lunch programs;

''(xvi) methods and strategies for serving students with disabilities, students who are English learners, and students who are homeless, including compliance with all applicable Federal laws;

''(xvii) a description of the procedures to be followed in the case of the closure or dissolution of the charter school, including—

''(I) provisions for the transfer of students and student records to the school district in which the charter school is located, which transfer activities may be carried out using funds under this part;

''(II) the amount of funds that will be held in escrow annually to fund closure or dissolution related costs; and

''(III) unless State law requires otherwise, procedures for the disposition of the charter school's assets to the local educational agency that serves the charter school or is in the geographic area of the charter school;

''(xviii) the hiring and personnel policies and procedures of the school;

''(xix) a description of the manner by which employees of the charter school will be covered by the State teachers' retirement system, the public employees' retirement system, or other pension or retirement plan as well as compensation, health, and other benefits provided to the school's employees;

''(xx) for the purposes of a traditional public school that seeks to convert to a public charter school, how the charter school will comply with the same public sector labor relations laws and regulations as required of traditional public schools, including collective bargaining rights of the employees of the charter school, as applicable under State law;

''(xxi) a statement that the public charter school will conduct or arrange for the performance of annual independent financial audits and submit the audits to the eligible State educational agency;

''(xxii) a 3-year plan to sustain the maintenance, operation, and fiscal stability of the school;

''(xxiii) a statement that the school will maintain a public online site with information as required in this section, and as otherwise provided in Federal, State, and local requirements applicable to other public schools, and a statement that the public charter school will participate in an independent evaluation, and any other evaluations or assessments, in the time and manner determined by the eligible State educational agency; and

''(xxiv) a description of the quality controls agreed to between the eligible applicant and the authorizer, such as a contract

or a performance agreement or financial audits to ensure adequate fiscal oversight.

''(F) In the case of an eligible State educational agency that partners with an outside organization to carry out the entity's quality charter school program, in whole or in part, a description of the roles and responsibilities of the partner.

''(G) How the eligible State educational agency will help the charter schools receiving funds under the eligible State educational agency's program address the transportation needs of the schools' students.

''(3) ASSURANCES.—The application shall, in addition to the information described in paragraph (2), include assurances that the eligible State educational agency will ensure that the charter school authorizer of any charter school that receives funds under the eligible State educational agency's program—

''(A) ensures that the charter school under the authority of such agency is meeting the requirements of this Act, part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, and section 504 of the Rehabilitation Act of 1973;

''(B) adequately monitors and provides adequate technical assistance to each charter school under the authority of such agency in recruiting, enrolling, retaining, and meeting the needs of all students, including children with disabilities and students who are English learners; and

''(C) ensures that each such charter school solicits and considers input from parents and other members of the community on the implementation and operation of the school.

''(g) PARENT INFORMATION AND RIGHTS.—

''(1) As a condition for eligibility for funding under this part, eligible State educational agencies shall—

''(A) ensure that each charter school in the State provides the information described in paragraph (2) to the parents of the students who attend the charter school in a manner that is—

''(i) concise;

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

''(iii) widely accessible to the public; and

''(B) make such information available on a single webpage of the State educational agency's website.

''(2) Such information shall include, at a minimum, each of the following:

''(A) Information about the charter school's mission, educational programs, and services.

''(B) The charter application and the approved charter document for the school, as well as any performance or other agreements in effect between the charter school and its authorizer.

''(C) Rules and policies regarding student behavior and student disciplinary policies and practices, including suspension and expulsion policies.

''(D) Information about the provision of meals and snacks, including—

''(i) the number and type of meals and snacks served each day;

''(ii) whether such meals and snacks are fully or partially subsidized; and

''(iii) information about student eligibility for free and reduced price lunch programs.

''(E) Information about transportation to and from the school, including any transportation that is free or subsidized to students and the eligibility requirements for free or subsidized transportation.

''(F) Recruitment and admission policies and practices used at each charter school site.

''(G) Information about the school's daily, weekly, and school year schedule, including hours of operation and number of days in the school year.

''(H) The number of years that the public charter school has operated.

''(I) The maximum number of students in each classroom by grade.

''(J) Staff qualifications (including school leadership) and languages spoken by staff.

''(K) Fees related to incidentals of attendance (other than tuition), and whether any of those fees are waived for certain students (such as for students who are eligible to receive a free or reduced price lunch).

''(L) Data on attendance and the number of suspensions and expulsions by school year, in total and disaggregated by each of the categories of students, as defined in section 1111(b)(3)(A).

''(M) Annual student attrition rates by grade level.

''(N) Annual teacher attrition rates and numbers, disaggregated by grade level and teaching subject matter, years of experience, and credential.

''(O) Procedures for parents, students, and school employees to appeal school decisions and the procedures and processes for such appeals.

''(P) Other information that would assist a parent in making a decision to enroll a child in the public charter school.

''(3) Notwithstanding the requirements under paragraph (2), a charter school shall not provide any information under this subsection that would reveal personally identifiable information about an individual.

''(h) SELECTION CRITERIA; PRIORITY.—The Secretary shall award grants to eligible State educational agencies under this section on the basis of—

''(1) the quality of the applications submitted;

''(2) the performance record of the charter sector in the applicant State, including in the areas of promoting high student achievement and growth, identification and use of instructional and other educational program innovations to strengthen public education, financial management, student safety, and compliance with applicable policies; and

''(3) the eligible State educational agency's plan to solicit and consider input from parents and other members of the community on the implementation and operation of the charter schools in the State.

''(i) STATE EVALUATION AND REPORT.—

''(1) IN GENERAL.—Beginning not later than 2 years after the date of enactment of the Every Child Achieves Act, each eligible State educational agency receiving a grant under this section shall enter into a contract for an independent evaluation of the charter schools in the State, which shall be carried out on an annual basis. The State educational agency may use grant funds under this section to pay the cost of the independent evaluation and related reporting.

''(2) SUBMISSION TO THE SECRETARY; PUBLIC AVAILABILITY.—Each such independent evaluation shall be submitted to the Secretary and shall also be made publicly available on the website of the agency.

''(3) CONTENTS.—The independent evaluation described in paragraph (1) shall include an evaluation of the following:

''(A) An assessment of the cumulative impact of charter schools on local educational agencies within the State, including on the flows of funding between sectors, student enrollment trends, staffing, and educational outcomes, along with recommendations for any changes to laws, regulations, or policies to address identified problems.

''(B) A compilation of profiles of public charter school and other charter schools in the State relating to demographic information on student enrollment and retention.

''(C) Staff and leadership qualifications, demographic information and retention information regarding staff, and academic and nonacademic programs provided, in charter schools in the State.

''(D) The academic achievement of students in each public charter school in the State, as compared to students enrolled in other public charter schools within the same local educational agency and as compared to other students enrolled in all public schools in the local educational agency, accounting for differences in student populations served, programs and services provided, and public and nonpublic funding available in the schools students are attending.

''(E) Adequacy of funding and resource distribution among public charter schools and noncharter public schools in the State, accounting for differences in student populations served and programs and services provided.

''(F) Recommendations for any changes to laws, regulations, or policies that would facilitate improvement of student outcomes in public charter schools in the State.

''(G) Recommendations for improvements in equity, transparency, and accountability of public charter schools in the State to the public and the parents and staff at such public charter schools.

''(H) Identification of best and promising practices within the sectors of public schools, private schools, and charter schools, in the State and the extent to which these are being shared to improve educational outcomes as a whole, barriers to effective sharing, and recommendations for how to reduce such barriers, in the State.

''(I) How the eligible State educational agency has worked with charter schools receiving funds under the State educational agency's program to foster community involvement in the planning for and opening of such schools.

''SEC. 5103A. GRANTS FOR THE REPLICATION AND EXPANSION OF HIGH-QUALITY CHARTER SCHOOLS.

''(a) IN GENERAL.—From amounts reserved under section 5102(b)(2), the Secretary shall make grants, on a competitive basis, to eligible entities having applications approved under this section to enable such eligible entities to replicate a high-quality charter school or expand a high-quality charter school.

''(b) ELIGIBLE ENTITY DEFINED.—For purposes of this section, the term 'eligible entity' means an entity that—

''(1)(A) is a charter management organization that, at the time of the application, operates or manages one or more high-quality charter schools; or

''(B) is a nonprofit organization that oversees and coordinates the activities of a group of such charter management organizations; and

''(2)(A) operates in a State that meets the requirements of section 5103(b); or

''(B) if the entity does not operate in such a State, the Secretary has certified that the eligible entity has policies and controls in place that are in compliance with section 5103(b) and the Secretary has determined that awarding a grant under this section to the entity will promote the purposes of this part.

''(c) APPLICATION REQUIREMENTS.—An eligible 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) Each item that is required for an application as described in clauses (i) through (xxiv) of section 5103(f)(2)(E), except that the term 'eligible entity' shall be substituted for the term 'eligible applicant'.

''(2) A description of the eligible entity's objectives for implementing a high-quality charter school program with funding under this section, including a description of the proposed number of high-quality charter schools to be replicated or expanded with funding under this section.

''(3) A description of the educational program that the eligible entity will implement in the charter schools that the eligible entity proposes to replicate or expand, including information on how the program will enable all students to meet the challenging State academic standards under section 1111(b)(1), the grade levels or ages of students that will be served, and the instructional practices that will be used.

''(4) A multi-year financial and operating model for the eligible entity, including a description of how the operation of the charter schools to be replicated or expanded will be sustained after the grant under this section has ended.

''(5) A description of how the eligible entity will inform all students in the community, including children with disabilities, students who are English learners, and other educationally disadvantaged students, about the charter schools to be replicated or expanded with funding under this section.

''(6) For each charter school currently operated or managed by the eligible entity—

''(A) student assessment results for all students and for each category of students described in section 1111(b)(2)(B)(xi); and

''(B) attendance and student retention rates for the most recently completed school year and, if applicable, the most recent available 4-year adjusted cohort graduate rate and extended-year adjusted cohort graduation rate (as such rates were calculated on the day before enactment of the Every Child Achieves Act of 2015).

''(7) Information on any significant compliance issues encountered, within the last 3 years, by any school operated or managed by the eligible entity, including in the areas of student safety and financial management.

''(8) An assurance that the eligibly entity will comply with the requirements of—

''(A) section 5103(f)(3); and

''(B) section 5103(g).

''(d) SELECTION CRITERIA.—The Secretary shall select eligible entities to receive grants under this section, on the basis of the quality of—

''(1) the selection criteria described in section 5103(h);

''(2) the eligible entity's financial and operating model, including the quality of the eligible entity's plan for sustaining the operation of the charter schools to be replicated or expanded after the grant under this section has ended;

''(3) a determination that the eligible entity has not operated or managed a significant proportion of charter schools that—

''(A) have been closed;

''(B) have had a school charter revoked due to problems with statutory or regulatory compliance; or

''(C) have had the school's affiliation with the eligible entity revoked; and

''(4) a determination that the eligible entity has not experienced significant problems with statutory or regulatory compliance that could lead to the revocation of a school's charter.

''(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that operate or manage charter schools that, in the aggregate, serve students at least 60 percent of whom are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act.

''(f) TERMS AND CONDITIONS.—Except as otherwise provided in this section, grants awarded under this section shall have the same terms and conditions as grants awarded to eligible State educational agencies under section 5103.

''SEC. 5104. FACILITIES FINANCING ASSISTANCE.

''(a) GRANTS TO ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—From the amount reserved under section 5102(b)(1), the Secretary shall use not less than 50 percent to award not less than 3 grants, on a competitive basis, to eligible entities that have the highest-quality applications approved under subsection (d) to demonstrate innovative methods of helping charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

''(2) ELIGIBLE ENTITY DEFINED.—For the purposes of this section, the term 'eligible entity' means an entity with at least an upper medium grade credit rating, which shall be—

''(A) a public entity, such as a State or local governmental entity;

''(B) a private nonprofit entity; or

''(C) a consortium of entities described in subparagraphs (A) and (B).

''(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

''(c) GRANT CHARACTERISTICS.—Grants under subsection (a) shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary in such form as the Secretary may reasonably require.

''(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

''(A) a statement identifying the activities that the eligible entity proposes to carry out with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

''(B) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

''(C) a description of the eligible entity's expertise in capital market financing;

''(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the entity under this section;

''(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

''(F) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding that charter schools need to have adequate facilities.

''(e) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private sector capital to accomplish one or more of the following objectives:

''(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

''(2) The construction of new facilities, including predevelopment costs, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

''(3) The predevelopment costs required to assess sites for purposes of paragraph (1) or (2) and which are necessary to commence or continue the operation of a charter school.

''(f) RESERVE ACCOUNT.—

''(1) USE OF FUNDS.—To assist charter schools in accomplishing the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

''(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

''(B) Guaranteeing and insuring leases of personal and real property for an objective described in such subsection.

''(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 this subsection.

''(g) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

''(h) AUDITS AND REPORTS.—

''(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

''(2) REPORTS.—

''(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) annually shall submit to the Secretary a report of the entity's 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 carried out by the eligible entity under this section (excluding subsection (k)) during the reporting period.

''(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

''(i) NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds 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 such subsection.

''(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 5102(b)(1) and remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, per-pupil facilities aid programs.

''(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

''(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

''(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

''(ii) 80 percent for the second such year;

''(iii) 60 percent for the third such year;

''(iv) 40 percent for the fourth such year; and

''(v) 20 percent for the fifth such year.

''(D) STATE SHARE.—A State receiving a grant under this subsection may partner with 1 or more organizations, and such organizations may provide not more than 50 percent of the State share of the cost of establishing or 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 grant 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.—In accordance with the method of determination described in section 1117, 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. 5105. NATIONAL ACTIVITIES.

''(a) IN GENERAL.—From the amount reserved under section 5102(b)(2) the Secretary shall use such funds to—

''(1) disseminate technical assistance to eligible State educational agencies in awarding grants under section 5103;

''(2) disseminate best and promising practices regarding charter schools;

''(3) evaluate the impact of the charter school program carried out under this part on all students in charter and traditional public schools and on local communities and the overall strength and performance of their public schools; and

''(4) award grants, on a competitive basis, for the purpose of carrying out the activities described in section 5103(a)(1)(B), to eligible applicants that desire to open a charter school, replicate a high-quality charter school, or expand a high quality charter school in—

''(A) a State that did not apply for a grant under section 5103; or

''(B) a State that did not receive a grant under section 5103.

''(b) REPORT BY THE SECRETARY.—Not later than 6 months after the date of enactment of the Every Child Achieves Act of 2015, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the relevant appropriations committees of Congress, and to the public via the Department's website, a report responding to—

''(1) the March 9, 2010, final management information report of the Office of the Inspector General of the Department of Education, which expressed concern about findings of inadequate oversight by local educational agencies and charter school authorizers to ensure Federal funds are properly used and accounted for;

''(2) the September 2012 report of the Office of the Inspector General of the Department of Education entitled ''The Office of Innovation and Improvement's Oversight and Monitoring of the Charter Schools Program's Planning and Implementation Grants Final Audit Report'' finding that none of the 3 States whose charter schools programs that Office investigated adequately monitored the public charter schools that the States funded; and

''(3) describing actions the Department has taken to address the concerns described in such memorandum and final audit report.''.

(2) in section 5106 (20 U.S.C. 7221e), as redesignated by section 5001(7), by adding at the end the following:

''(c) NEW OR SIGNIFICANTLY EXPANDING CHARTER SCHOOLS.—For purposes of implementing the hold harmless protections in sections 1122(c) and 1125A(g)(3) for a newly opened or significantly expanded charter school under subsection (a), a State educational agency shall calculate a hold-harmless base for the prior year that, as applicable, reflects the new or significantly expanded enrollment of the charter school.'';

(3) in section 5108 (20 U.S.C. 7221g), as redesignated by section 5001(7), by inserting ''as quickly as possible and'' before ''to the extent practicable'';

(4) in section 5109 (20 U.S.C. 7221f), as redesignated by section 5001(7), by striking ''authorized public chartering agency shall ensure that implementation of this subpart'' and inserting ''charter school authorizer

shall ensure that implementation of this part''; and

(5) by striking sections 5110 and 5111 (20 U.S.C. 7221i; 7221j), as redesignated by section 5001(7) and inserting the following:

''SEC. 5110. DEFINITIONS.

''(1) CHARTER SCHOOL.—The term 'charter school' means a public school that—

''(A) is afforded autonomy to test innovative educational approaches, consistent with the provisions of this Act, which local educational agencies consider promising;

''(B) complies with the data collection, reporting, auditing, and disclosure provisions of this Act as well as those applicable to other public schools through other Federal, State, and local laws, regulations and policies;

''(C) admits students on the basis of a lottery, if more students apply for admission that can be accommodated;

''(D) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in subparagraph (C);

''(E) complies with the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the 'Family Educational Rights and Privacy Act of 1974'), and part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);

''(F) meets all applicable Federal, State, and local health and safety requirements;

''(G) operates in accordance with State law;

''(H) has a written performance contract with a charter school authorizer that includes—

''(i) a description of how student performance will be measured on the basis of—

''(I) State assessments that are required of other public schools; and

''(II) any other assessments that are mutually agreeable to the charter school authorizer and the charter school;

''(ii) a requirement that student academic achievement and growth, for the students enrolled at the school as a whole and for each of the categories of students, as defined in section 1111(b)(3)(A) (except in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student) will be used as a primary factor in decisions about the renewal or revocation of the charter, in addition to other criteria, as appropriate;

''(iii) the student academic achievement and growth and student retention goals, and, in the case of a high school, graduation rate goals for the students enrolled at the school as a whole and for each of the categories of students, as defined in section 1111(b)(3)(A) (except in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student), and any other goals to be achieved by the end of the contract period; and

''(iv) the obligations and responsibilities of the charter school and the charter school authorizer;

''(I) does not charge tuition;

''(J) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

''(K) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

''(L) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the charter school authorizer;

''(M) provides 1 or more programs of elementary education, secondary education, or both, including early childhood education, and may also provide adult education, in accordance with State law; and

''(N) is governed by a separate and independent board that exercises authority over 1 or more schools, including authority in the areas of governance, personnel, budget, schedule, and instructional program.

''(2) CHARTER MANAGEMENT ORGANIZATION.—The term 'charter management organization' means a nonprofit organization that operates or manages multiple charter schools by centralizing or sharing certain functions or resources.

''(3) CHARTER SCHOOL AUTHORIZER.—The term 'charter school authorizer' means a local educational agency or other public entity that has authority pursuant to State law and has been approved by the Secretary to authorize and approve a charter school, and that shall—

''(A) develop and update regularly a districtwide multi-year school plan;

''(B) monitor and assist charter schools in complying with applicable requirements, including data collection and public disclosure requirements and participation in the development of the districtwide multi-year school plan;

''(C) establish criteria and processes that the charter school authorizer will use in monitoring the performance of each charter school authorized by the charter school authorizer, including interventions and any actions leading up to the revocation of a school's charter if the charter school authorizer finds that such a revocation is necessary to protect the public interest;

''(D) review the application and hold meaningful public hearings to gather input from the public and parents on applications to establish a charter school or convert another school to a public charter school;

''(E) provide a statement on the impact of the charter school within the local educational agency; and

''(F) in the case of a State with a cap on the number of public charter schools in the State—

''(i) review and render a decision within 120 days of receipt of the application for a charter school (whether a new school or a conversion); and

''(ii) submit to the State educational agency the charter school authorizer's recommendation regarding approval of charter school applicants, in order to allow the State educational agency to conduct an expedited review to determine if the approval described in clause (i) will violate the cap on the number of public charter schools in operation in the State.

''(4) DEVELOPER.—The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

''(5) DISTRICTWIDE MULTI-YEAR SCHOOL PLAN.—The term 'districtwide multi-year school plan' means a plan that—

''(A) is developed and regularly updated, with meaningful public input from across the local educational agency; and

''(B) takes into consideration projected demographic changes, criteria for new school openings or closings, and equitable geographic distribution of schools and students to ensure that all students have access to schools in their communities and a range of specialized programs.

''(6) EDUCATION MANAGEMENT ORGANIZATION.—The term 'education management organization' means a for-profit or nonprofit organization that operates or manages multiple charter schools by centralizing or sharing certain functions or resources.

''(7) ELIGIBLE APPLICANT.—The term 'eligible applicant' means a developer that has—

''(A) applied to a charter school authorizer to operate a charter school; and

''(B) provided adequate and timely notice to that charter school authorizer.

''(8) HIGH-QUALITY CHARTER SCHOOL.—The term 'high-quality charter school' means a charter school that—

''(A) shows evidence of strong academic results, which may include strong student academic growth, as determined by a State;

''(B) has no significant issues in the areas of student safety, financial management, or statutory or regulatory compliance;

''(C) has demonstrated success in significantly increasing student academic achievement, including—

''(i) graduation rates, where applicable, for all students served by the charter school; and

''(ii) graduation rates, where applicable, for each of the categories of students, as defined in section 1111(b)(3)(A), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

''(D) has demonstrated community involvement during the development and operation of the school; and

''(E) has had 3 successful consecutive annual audits that have not indicated fiscal difficulties, as determined by typical accounting standards.

''SEC. 5111. TRANSITION ARRANGEMENTS.

''No new Federal grants under this part shall be awarded for a period of one year following the date of enactment of the Every Child Achieves Act of 2015, at which time the definition of eligible State educational agency under this part shall take effect.

''SEC. 5112. CAPS.

''In awarding grants under this part, the Secretary may neither disadvantage nor advantage eligible State educational agency applicants based on whether the State—

''(1) has a cap on the number of charter schools in the State; or

''(2) expresses an intention to adopt such State charter school caps.

''SEC. 5113. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2016 and for each of the next 5 succeeding fiscal years.''.

SA 2098. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize

the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 630, between lines 4 and 5, insert the following:

SEC. 5011. FIX AMERICA'S SCHOOLS TODAY.

Title V (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"PART J—FIX AMERICA'S SCHOOLS TODAY

"SEC. 5910. SHORT TITLE.

''This part may be cited as the 'Fix America's Schools Today Act of 2015'.

"Subpart 1—Elementary and Secondary Schools

"SEC. 5911. PURPOSE.

''The purpose of this subpart is to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings for schools that are served by local educational agencies across the United States, in order to support the achievement of improved educational outcomes in such schools.

"SEC. 5912. AUTHORIZATION OF APPROPRIATIONS; APPROPRIATION OF FUNDS.

''There are authorized to be appropriated, and there are appropriated, $25,000,000,000 to carry out this subpart which shall be available for obligation by the Secretary until September 30, 2016.

"SEC. 5913. ALLOCATION OF FUNDS.

''(a) RESERVATIONS.—From the amount made available to carry out this subpart, the Secretary shall reserve—

''(1) one-half of 1 percent for the Secretary of the Interior to carry out modernization, renovation, and repair activities described in section 5916 in schools operated or funded by the Bureau of Indian Education;

''(2) one-half of 1 percent to make grants to the outlying areas for modernization, renovation, and repair activities described in section 5916; and

''(3) such funds as the Secretary determines are needed—

''(A) to conduct a survey, through the National Center for Education Statistics, of the school construction, modernization, renovation, and repair needs of the public schools of the United States; and

''(B) to encourage the States to coordinate and share information about school facilities standards and best practices.

''(b) STATE ALLOCATION.—From the amount made available to carry out this subpart and not reserved under subsection (a), the Secretary shall allocate funds among the States in proportion to their respective allocations under part A of title I for fiscal year 2015, except that—

''(1) the Secretary shall allocate 40 percent of such funds to the 100 local educational agencies with the largest numbers of children ages 5 to 17 living in poverty, as determined using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, in proportion to such local educational agencies' respective allocations under part A of title I for fiscal year 2015; and

''(2) the allocation to any State shall be reduced by the aggregate amount of the allocations under paragraph (1) to local educational agencies in such State.

''(c) REMAINING ALLOCATION.—

''(1) IN GENERAL.—If a State does not apply for its allocation under subsection (b), applies for less than the full allocation for which the State is eligible, or does not use the allocation in a timely manner, the Secretary may—

''(A) reallocate all or a portion of the allocation to the other States in accordance with subsection (b); or

''(B) use all or a portion of the allocation to make direct allocations to local educational agencies within the State based on their respective allocations under part A of title I for fiscal year 2015 or such other method as the Secretary may determine.

''(2) REALLOCATION OF LOCAL EDUCATIONAL AGENCY FUNDS.—If a local educational agency does not apply for its allocation under subsection (b)(1), applies for less than the full allocation for which the local educational agency is eligible, or does not use the allocation in a timely manner, the Secretary may reallocate all or a portion of such local educational agency's allocation to the State in which such agency is located.

"SEC. 5914. STATE USE OF FUNDS.

''(a) RESERVATION.—Each State that receives a grant under this subpart may reserve not more than 1 percent of the State's allocation under section 5913(b) for the purpose of administering the grant.

''(b) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) FORMULA SUBGRANTS.—From the grant funds that are not reserved under subsection (a), a State shall allocate not less than 50 percent to local educational agencies, including charter schools that are local educational agencies, that did not receive funds under section 5913(b)(1) from the Secretary, in accordance with their respective allocations under part A of title I for fiscal year 2015, except that no such local educational agency shall receive less than $10,000.

''(2) ADDITIONAL SUBGRANTS.—The State shall use any funds remaining, after reserving funds under subsection (a) and allocating funds under paragraph (1), for subgrants to local educational agencies that did not receive funds under section 5913(b)(1), including charter schools that are local educational agencies, to support modernization, renovation, and repair projects that the State determines, using objective criteria, are most needed in the State, with priority given to projects in rural local educational agencies.

''(c) REMAINING FUNDS.—If a local educational agency does not apply for an allocation under subsection (b)(1), applies for less than its full allocation, or fails to use the allocation in a timely manner, the State may reallocate any unused portion to other local educational agencies in accordance with subsection (b).

"SEC. 5915. STATE AND LOCAL APPLICATIONS.

''(a) STATE APPLICATION.—A State that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, which shall include—

''(1) an identification of the State agency or entity that will administer the program;

''(2) a description of the State's process for determining how the grant funds will be distributed and administered, including—

''(A) how the State will determine the criteria and priorities in making subgrants under section 5914(b)(2);

''(B) any additional criteria the State will use in determining which projects the State will fund under such section;

''(C) a description of how the State will consider—

''(i) the needs of local educational agencies for assistance under this subpart;

''(ii) the impact of potential projects on job creation in the State;

''(iii) the fiscal capacity of local educational agencies applying for assistance;

''(iv) the percentage of children in such local educational agencies who are from low-income families; and

''(v) the potential for leveraging assistance provided by the grant program through matching or other financing mechanisms;

''(D) a description of how the State will ensure that the local educational agencies receiving subgrants under this subpart meet the requirements of this subpart;

''(E) a description of how the State will ensure that the State and the local educational agencies in the State meet the deadlines established in section 5917;

''(F) a description of how the State will give priority to the use of green practices that are certified, verified, or consistent with any applicable provisions of—

''(i) the LEED Green Building Rating System;

''(ii) Energy Star;

''(iii) the CHPS Criteria;

''(iv) Green Globes; or

''(v) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency; and

''(G) a description of the steps that the State will take to ensure that local educational agencies receiving subgrants will adequately maintain any facilities that are modernized, renovated, or repaired with subgrant funds under this subpart.

''(b) LOCAL APPLICATION.—A local educational agency that is eligible to receive a grant under section 5913(b)(1) and desires to receive such grant shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, which shall include—

''(1) a description of how the local educational agency will meet the deadlines and requirements of this subpart; and

''(2) a description of the steps that the local educational agency will take to adequately maintain any facilities that are modernized, renovated, or repaired with funds under this subpart.

"SEC. 5916. USE OF FUNDS.

''(a) IN GENERAL.—A local educational agency that receives funds under this subpart shall use such funds only for one or both of the following modernization, renovation, and repair activities in facilities that are used for elementary or secondary education or for early learning programs:

''(1) Direct payments for school modernization, renovation, and repair.

''(2) Payment of interest on bonds or payments for other financing instruments that are newly issued for the purpose of financing school modernization, renovation, and repair.

''(b) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subpart shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to modernize, renovate, or repair eligible school facilities.

''(c) PROHIBITION.—Funds awarded to local educational agencies under this subpart shall not be used for—

''(1) new construction;

''(2) routine janitorial costs; or

''(3) modernization, renovation, and repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

"SEC. 5917. ADDITIONAL PROVISIONS.

''(a) FUNDS AVAILABLE FOR OBLIGATION FOR TWO YEARS.—Funds appropriated under section 5912 shall be available for obligation by local educational agencies receiving grants from the Secretary under section 5913(b)(1), by States reserving funds under section 5914(a), and by local educational agencies receiving subgrants under section 5914(b)(1) only during the period that ends 24 months after the date of enactment of the Every Child Achieves Act of 2015.

''(b) FUNDS AVAILABLE FOR OBLIGATION FOR THREE YEARS.—Funds appropriated under section 5912 shall be available for obligation by local educational agencies receiving subgrants under section 5914(b)(2) only during the period that ends 36 months after the date of enactment of the Every Child Achieves Act of 2015.

''(c) NOT CONSIDERED LOCAL EDUCATIONAL AGENCIES.—For purposes of section 5913(b)(1), Hawaii, the District of Columbia, and the Commonwealth of Puerto Rico are not local educational agencies.

''SEC. 5918. REPORTS.

''(a) DIRECT GRANTS TO LEAS.—Each local educational agency that receives a grant under section 5913(b)(1) shall, not later than September 30, 2016, and annually thereafter for each fiscal year in which the local educational agency expends funds received under such section, submit to the Secretary a report that includes—

''(1) a description of the projects for which the grant was, or will be, used; and

''(2) the number of jobs created by the projects funded under such section.

''(b) SUBGRANT TO LEAS THROUGH THE STATE.—Each local educational agency that receives a subgrant from a State under paragraph (1) or (2) of section 5314(b) shall, not later than September 30, 2016, and annually thereafter for each fiscal year in which the local educational agency expends funds received under such section, submit to the State a report that includes—

''(1) a description of the projects for which the subgrant was, or will be, used; and

''(2) the number of jobs created by the projects funded under such section.

''(c) STATE REPORT TO THE SECRETARY.—Each State that receives a report described under subsection (b) shall submit a report to the Secretary containing the information in each report that such State receives in accordance with subsection (b).

''Subpart 2—Community College Modernization

''SEC. 5921. FEDERAL ASSISTANCE FOR COMMUNITY COLLEGE MODERNIZATION.

''(a) IN GENERAL.—

''(1) GRANT PROGRAM.—From the amount made available under subsection (g), the Secretary shall award grants to States to modernize, renovate, or repair existing facilities at community colleges.

''(2) ALLOCATION.—

''(A) RESERVATIONS.—From the amount made available to carry out this subpart for a fiscal year, the Secretary shall reserve—

''(i) not more than 0.25 percent for grants to institutions that are eligible to receive a grant under section 316 of the Higher Education Act of 1965 to provide for modernization, renovation, and repair activities described in this subpart; and

''(ii) not more than 0.25 percent for grants to the outlying areas to provide for modernization, renovation, and repair activities described in this subpart.

''(B) ALLOCATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), from the funds made available to carry out this subpart for a fiscal year, and not reserved under subparagraph (A), the Secretary shall allocate to each State that has an application approved by the Secretary an amount that bears the same relation to such funds as the total number of students in such State who are enrolled in institutions described in section 5931(2)(A) plus the number of students who are estimated to be enrolled in and pursuing a degree or certificate that is not a baccalaureate, master's, professional, or other advanced degree at institutions described in section 5931(2)(B), based on the proportion of degrees or certificates awarded by such institutions that are not baccalaureate, master's, professional, or other advanced degrees, as reported to the Integrated Postsecondary Data System, bears to the estimated total number of such students in all States.

''(ii) MINIMUM ALLOCATION.—No State shall receive an allocation under clause (i) for a fiscal year that is less than $2,500,000.

''(C) REALLOCATION.—Amounts not allocated under this section to a State because the State either did not submit an application under subsection (b), the State submitted an application that the Secretary determined did not meet the requirements of such subsection, or the State cannot demonstrate to the Secretary a sufficient demand for projects to warrant the full allocation of the funds, shall be proportionately reallocated under this paragraph to the other States that have a demonstrated need for, and are receiving, allocations under this section.

''(D) STATE ADMINISTRATION.—A State that receives a grant under this section may use not more than 1 percent of such grant for administration costs.

''(3) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to modernize, renovate, or repair existing community college facilities.

''(b) APPLICATION.—A State that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require. Such application shall include a description of—

''(1) how the funds provided under this section will improve—

''(A) instruction at community colleges in the State, including how faculty and staff will be consulted regarding uses of funds for projects that will improve instruction at community colleges in the State; and

''(B) the ability of such colleges to educate and train students to meet the workforce needs of employers in the State;

''(2) the projected start date of each project; and

''(3) the estimated number of persons who will be employed through each project.

''(c) PROHIBITED USES OF FUNDS.—

''(1) IN GENERAL.—Funds awarded under this section shall not be used for—

''(A) routine janitorial costs;

''(B) construction, modernization, renovation, and repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or

''(C) construction, modernization, renovation, and repair of facilities—

''(i) used for sectarian instruction, religious worship, or a school or department of divinity; or

''(ii) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

''(2) 4-YEAR INSTITUTIONS.—Funds awarded to a 4-year public institution of higher education under this section shall not be used for any facility, service, or program of the institution that is not available to students who are pursuing a degree or certificate that is not a baccalaureate, master's, professional, or other advanced degree.

''(d) GREEN PROJECTS.—In providing assistance to community college projects under this section, the State shall consider the extent to which a community college's project involves activities that are certified, verified, or consistent with the applicable provisions of—

''(1) the LEED Green Building Rating System;

''(2) Energy Star;

''(3) the CHPS Criteria, as applicable;

''(4) Green Globes; or

''(5) an equivalent program adopted by the State or the State higher education agency that includes a verifiable method to demonstrate compliance with such program.

''(e) REPORTS.—Each State that receives a grant under this subpart, shall, not later than September 30, 2016, and annually thereafter for each fiscal year in which the State expends funds received under this subpart, submit to the Secretary a report that includes—

''(1) a description of the projects for which the grant was, or will be, used;

''(2) a description of the amount and nature of the assistance provided to each community college under this subpart; and

''(3) the number of jobs created by the projects funded under this subpart.

''(f) AVAILABILITY OF FUNDS.—

''(1) AUTHORIZATION OF APPROPRIATIONS; APPROPRIATION OF FUNDS.—There are authorized to be appropriated, and there are appropriated, to carry out this section (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated), $5,000,000,000 for fiscal year 2016.

''(2) FUNDS AVAILABLE FOR OBLIGATION.—Funds appropriated under this subsection shall be available for obligation by community colleges only during the period that ends 36 months after the date of enactment of the Every Child Achieves Act of 2015.

''Subpart 3—General Provisions

''SEC. 5931. DEFINITIONS.

''In this part:

''(1) COMMUNITY COLLEGE.—The term 'community college' means—

''(A) a junior or community college, as that term is defined in section 312(f) of the Higher Education Act of 1965; or

''(B) a 4-year public institution of higher education that awards a significant number of degrees and certificates, as determined by the Secretary, that are not—

''(i) baccalaureate degrees (or an equivalent); or

''(ii) master's, professional, or other advanced degrees.

''(2) CHPS CRITERIA.—The term 'CHPS Criteria' means the green building rating program developed by the Collaborative for High Performance Schools.

''(3) ENERGY STAR.—The term 'Energy Star' means the Energy Star program of the Department of Energy and the Environmental Protection Agency.

''(4) GREEN GLOBES.—The term 'Green Globes' means the Green Building Initiative environmental design and rating system referred to as Green Globes.

''(5) LEED GREEN BUILDING RATING SYSTEM.—The term 'LEED Green Building Rating System' means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the LEED Green Building Rating System.

''(6) MODERNIZATION, RENOVATION, AND REPAIR.—The term 'modernization, renovation and repair' means—

''(A) comprehensive assessments of facilities to identify—

''(i) facility conditions or deficiencies that could adversely affect student and staff health, safety, performance, or productivity or energy, water, or materials efficiency; and

''(ii) needed facility improvements;

''(B) repairing, replacing, or installing roofs (which may be extensive, intensive, or semi-intensive 'green' roofs), electrical wiring, water supply and plumbing systems, sewage systems, storm water runoff systems,

lighting systems (or components of such systems); or building envelope, windows, ceilings, flooring, or doors, including security doors;

''(C) repairing, replacing, or installing heating, ventilation, or air conditioning systems, or components of those systems (including insulation), including by conducting indoor air quality assessments;

''(D) repairing, replacing, or installing an interior or exterior system that may include paint or coatings, wall covering, drywall or plaster, ceiling, baseboards, or floor covering;

''(E) compliance with fire, health, seismic, and safety codes, including professional installation of fire and life safety alarms, and modernizations, renovations, and repairs that ensure that facilities are prepared for such emergencies as acts of terrorism, campus violence, and natural disasters, such as improving building infrastructure to accommodate security measures and installing or upgrading technology to ensure that a school or incident is able to respond to such emergencies;

''(F) making modifications necessary to make educational facilities accessible in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), except that such modifications shall not be the primary use of a grant or subgrant;

''(G) abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, or lead-based hazards, including lead-based paint hazards;

''(H) retrofitting necessary to increase energy efficiency, which may include insulation or reducing heating and cooling costs through thermal coating of school facility roofs;

''(I) measures, such as selection and substitution of products and materials, and implementation of improved maintenance and operational procedures, such as 'green cleaning' programs, to reduce or eliminate potential student or staff exposure to—

''(i) volatile organic compounds;

''(ii) particles such as dust and pollens; or

''(iii) combustion gases;

''(J) modernization, renovation, or repair necessary to reduce the consumption of coal, electricity, land, oil, or water;

''(K) installation or upgrading of educational technology infrastructure;

''(L) installation or upgrading of renewable energy generation and heating systems, including solar, photovoltaic, wind, biomass (including wood pellet and woody biomass), waste-to-energy, solar-thermal, fuel cell, and geothermal systems, and energy audits;

''(M) modernization, renovation, or repair activities related to energy efficiency and renewable energy, including—

''(i) insulation of systems functioning as heating, venting, or air conditioning; and

''(ii) improvements to building infrastructures to accommodate bicycle and pedestrian access;

''(N) required environmental remediation related to facilities modernization, renovation, or repair activities described in subparagraphs (A) through (M);

''(O) ground improvements, storm water management, landscaping and environmental clean-up when necessary;

''(P) other modernization, renovation, or repair to—

''(i) improve teachers' ability to teach and students' ability to learn;

''(ii) ensure the health and safety of students and staff; or

''(iii) improve classroom, laboratory, and vocational facilities in order to enhance the quality of science, technology, engineering, and mathematics instruction; and

''(Q) measures designed to reduce or eliminate human exposure to classroom noise and environmental noise pollution.

''(7) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

''(8) STATE.—The term 'State' means each of the 50 States of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

"SEC. 5932. BUY AMERICAN.

''Section 1605 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) shall apply to funds made available under this Act.

"SEC. 5933. COMPLIANCE WITH DAVIS-BACON ACT.

''All laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

"SEC. 5934. REPORTS.

''(a) REPORT BY THE SECRETARY.—The Secretary shall submit to the appropriations committees and the authorizing committees (as defined in section 103 of the Higher Education Act of 1965) of the House of Representatives and the Senate an annual report regarding the grants made under this Act, including the information described in sections 5918 and 5921(e).

''(b) GAO.—Not later than 2 years after the date of enactment of the Every Child Achieves Act of 2015, the Comptroller General of the United States shall submit to Congress a report evaluating the programs carried out under this part that includes an assessment of the impact and benefits of each school improvement project funded under this part.''.

SA 2099. Mr. BROWN (for himself, Mr. MANCHIN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 447, between lines 16 and 17, insert the following:

''(X) designating a site resource coordinator at a school or local educational agency to provide a variety of services, such as—

''(i) establishing partnerships within the community to provide resources and support for schools;

''(ii) ensuring all service and community partners are aligned with the academic expectations of a community school in order to improve student success; and

''(iii) strengthening relationships between schools and communities; and

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SA 2100. Mr. BROWN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 630, between lines 4 and 5, insert the following:

SEC. 5011. FULL-SERVICE COMMUNITY SCHOOLS.

Title V (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"PART J—FULL-SERVICE COMMUNITY SCHOOLS

"SECTION 5911. SHORT TITLE.

''This part may be cited as the 'Full-Service Community Schools Act of 2015'.

"SEC. 5912. PURPOSES.

''The purposes of this title are to—

''(1) improve student learning and development by providing supports for students that enable them to graduate college- and career-ready;

''(2) provide support for the planning, implementation, and operation of full-service community schools;

''(3) improve the coordination and integration, accessibility, and effectiveness of services for children and families, particularly for students attending high-poverty schools, including high-poverty rural schools;

''(4) enable educators and school personnel to complement and enrich efforts to improve academic achievement and other results;

''(5) ensure that children have the physical, social, and emotional well-being to come to school ready to engage in the learning process every day;

''(6) promote and enable family and community engagement in the education of children;

''(7) enable more efficient use of Federal, State, local, and private sector resources that serve children and families;

''(8) facilitate the coordination and integration of programs and services operated by community-based organizations, nonprofit organizations, and State, local, and tribal governments;

''(9) engage students as resources to their communities; and

''(10) engage the business community and other community organizations as partners in the development and operation of full-service community schools.

"SEC. 5913. DEFINITION OF FULL-SERVICE COMMUNITY SCHOOL.

''In this part, the term 'full-service community school' means a public elementary school or secondary school that—

''(1) participates in a community-based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships; and

''(2) provides access to such services to students, families, and the community, such as access during the school year (including before- and after-school hours and weekends), as well as during the summer.

"SEC. 5914. LOCAL PROGRAMS.

''(a) GRANTS.—The Secretary may award grants to eligible entities to assist public elementary schools or secondary schools to function as full-service community schools.

''(b) USE OF FUNDS.—Grants awarded under this section shall be used to—

''(1) coordinate not less than 3 existing qualified services and provide not less than 2 additional qualified services at 2 or more public elementary schools or secondary schools;

''(2) integrate multiple services into a comprehensive, coordinated continuum supported by research-based activities which achieve the performance goals established under subsection (c)(4)(E) to meet the holistic needs of children; and

''(3) if applicable, coordinate and integrate services provided by community-based organizations and government agencies with services provided by specialized instructional support personnel.

''(c) APPLICATION.—To seek a grant under this section, an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The Secretary shall require that each such application include the following:

''(1) A description of the eligible entity.

''(2) A memorandum of understanding among all partner entities that will assist the eligible entity to coordinate and provide qualified services and that describes the roles the partner entities will assume.

''(3) A description of the capacity of the eligible entity to coordinate and provide qualified services at 2 or more full-service community schools.

''(4) A comprehensive plan that includes descriptions of the following:

''(A) The student, family, and school community to be served, including information about demographic characteristics that include major racial and ethnic groups, median family income, percentage of students eligible for free- and reduced-price lunch under the Richard B. Russell National School Lunch Act, and other information.

''(B) A needs assessment that identifies the academic, physical, social, emotional, health, mental health, and other needs of students, families, and community residents.

''(C) A community assets assessment which identifies existing resources, as of the date of the assessment, that could be aligned.

''(D) The most appropriate metric to describe the plan's reach within a community using either—

''(i) the number of families and students to be served, and the frequency of services; or

''(ii) the proportion of families and students to be served, and the frequency of services.

''(E) Yearly measurable performance goals, including an increase in the percentage of families and students targeted for services each year of the program, which are consistent with the following objectives:

''(i) Children are ready for school.

''(ii) Students are engaged and achieving academically.

''(iii) Students are physically, mentally, socially, and emotionally healthy.

''(iv) Schools and neighborhoods are safe and provide a positive climate for learning that is free from bullying or harassment.

''(v) Families are supportive and engaged in their children's education.

''(vi) Students and families are prepared for postsecondary education and 21st century careers.

''(vii) Students are contributing to their communities.

''(F) Performance measures to monitor progress toward attainment of the goals established under subparagraph (E), including a combination of the following, to the extent applicable:

''(i) Multiple objective measures of student achievement, including assessments, classroom grades, and other means of assessing student performance.

''(ii) Attendance (including absences related to illness and truancy) and chronic absenteeism rates.

''(iii) Disciplinary actions against students, including suspensions and expulsions.

''(iv) Access to health care and treatment of illnesses demonstrated to impact academic achievement.

''(v) Performance in making progress toward intervention services goals as established by specialized instructional support personnel.

''(vi) Participation rates by parents and family members in school-sanctioned activities and activities that occur as a result of community and school collaboration, as well as activities intended to support adult education and workforce development.

''(vii) Number and percentage of students and family members provided services under this part.

''(viii) Valid measures of postsecondary education and career readiness.

''(ix) Service-learning and community service participation rates.

''(x) Student satisfaction surveys.

''(G) Qualified services, including existing and additional qualified services, to be coordinated and provided by the eligible entity and its partner entities, including an explanation of—

''(i) why such services have been selected;

''(ii) how such services will improve student academic achievement; and

''(iii) how such services will address performance goals established under subparagraph (E).

''(H) Plans to ensure that each site has full-time coordination of qualified services at each full-service community school, including coordination with the specialized instructional support personnel employed prior to the receipt of the grant.

''(I) Planning, coordination, management, and oversight of qualified services at each school to be served, including the role of the school principal, partner entities, parents, and members of the community.

''(J) Funding sources for qualified services to be coordinated and provided at each school to be served, including whether such funding is derived from a grant under this section or from other Federal, State, local, or private sources.

''(K) Plans for professional development for personnel managing, coordinating, or delivering qualified services at the schools to be served.

''(L) Plans for joint utilization and maintenance of school facilities by the eligible entity and its partner entities.

''(M) How the eligible entity and its partner entities will focus services on schools eligible for a schoolwide program under section 1113(c).

''(N) Plans for periodic evaluation based upon attainment of the performance measures described in subparagraph (F).

''(O) How the qualified services will meet the principles of effectiveness described in subsection (d).

''(5) A plan for sustaining the programs and services outlined in this part.

''(d) PRINCIPLES OF EFFECTIVENESS.—For a program developed pursuant to this section to meet principles of effectiveness, such program shall be based upon—

''(1) an assessment of objective data regarding the need for the establishment of a full-service community school and qualified services at each school to be served and in the community involved;

''(2) an established set of performance measures aimed at ensuring the availability and effectiveness of high-quality services; and

''(3) if appropriate, scientifically based research that provides evidence that the qualified services involved will help students meet State and local student academic achievement standards.

''(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

''(1)(A) will serve a minimum of 2 or more full-service community schools eligible for a schoolwide program under section 1113(c), as part of a community- or district-wide strategy; or

''(B) include a local educational agency that satisfies the requirements of—

''(i) subparagraph (A) or (B) of section 6211(b)(1); or

''(ii) subparagraphs (A) and (B) of section 6221(b)(1); and

''(2) will be connected to a consortium comprised of a broad representation of stakeholders, or a consortium demonstrating a history of effectiveness.

''(f) GRANT PERIOD.—Each grant awarded under this section shall be for a period of 5 years and may be renewed at the discretion of the Secretary based on the eligible entity's demonstrated effectiveness in meeting the performance goals and measures established under subparagraphs (E) and (F) of subsection (c)(4).

''(g) PLANNING.—The Secretary may authorize an eligible entity to use grant funds under this section for planning purposes in an amount not greater than 10 percent of the total grant amount.

''(h) MINIMUM AMOUNT.—The Secretary may not award a grant to an eligible entity under this section in an amount that is less than $75,000 for each year of the 5-year grant period.

''(i) DEFINITIONS.—In this section:

''(1) ADDITIONAL QUALIFIED SERVICES.—The term 'additional qualified services' means qualified services directly funded under this part.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a consortium of 1 or more local educational agencies and 1 or more community-based organizations, nonprofit organizations, or other public or private entities.

''(3) EXISTING QUALIFIED SERVICES.—The term 'existing qualified services' means qualified services already being financed, as of the time of the application, by Federal, State, local, or private sources, or volunteer activities being supported as of such time by civic, business, faith-based, social, or other similar organizations.

''(4) QUALIFIED SERVICES.—The term 'qualified services' means any of the following:

''(A) Early childhood education.

''(B) Remedial education activities and enrichment activities, including expanded learning time.

''(C) Summer or after-school enrichment and learning experiences.

''(D) Programs under the Head Start Act, including Early Head Start programs.

''(E) Nurse home visitation services.

''(F) Teacher home visiting.

''(G) Programs that promote parental involvement and family literacy.

''(H) Mentoring and other youth development programs, including peer mentoring and conflict mediation.

''(I) Parent leadership development activities.

''(J) Parenting education activities.

''(K) Child care services.

''(L) Community service and service-learning opportunities.

''(M) Developmentally appropriate physical education.

''(N) Programs that provide assistance to students who have been truant, suspended, or expelled.

''(O) Job training, internship opportunities, and career counseling services.

''(P) Nutrition services.

''(Q) Primary health and dental care.

''(R) Mental health counseling services.

''(S) Adult education, including instruction in English as a second language.

''(T) Juvenile crime prevention and rehabilitation programs.

''(U) Specialized instructional support services.

''(V) Homeless prevention services.

''(W) Other services consistent with this part.

''SEC. 5915. STATE PROGRAMS.

''(a) GRANTS.—The Secretary may award grants to State collaboratives to support the development of full-service community school programs in accordance with this section.

''(b) USE OF FUNDS.—Grants awarded under this section shall be used only for the following:

''(1) Developing a State comprehensive results and indicators framework to implement full-service community schools, consistent with performance goals described in section 5914(c)(4)(E).

''(2) Planning, coordinating, and expanding the development of full-service community schools in the State, particularly such schools in high-poverty local educational agencies, including high-poverty rural local educational agencies.

''(3) Providing technical assistance and training for full-service community schools, including professional development for personnel and creation of data collection and evaluation systems.

''(4) Collecting, evaluating, and reporting data about the progress of full-service community schools.

''(5) Evaluating the impact of Federal and State policies and guidelines on the ability of eligible entities (as defined in section 5914(i)) to integrate Federal and State programs at full-service community schools, and taking action to make necessary changes.

''(c) APPLICATION.—To seek a grant under this section, a State collaborative shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The Secretary shall require that each such application include the following:

''(1) A memorandum of understanding among all governmental agencies and nonprofit organizations that will participate as members of the State collaborative.

''(2) A description of the expertise of each member of the State collaborative—

''(A) in coordinating Federal and State programs across multiple agencies;

''(B) in working with and developing the capacity of full-service community schools; and

''(C) in working with high-poverty schools or rural schools and local educational agencies.

''(3) A comprehensive plan describing how the grant will be used to plan, coordinate, and expand the delivery of services at full-service community schools.

''(4) A comprehensive accountability plan that will be used to demonstrate effectiveness, including the measurable performance goals of the program and performance measures to monitor progress and assess services' impact on students and families and academic achievement.

''(5) An explanation of how the State collaborative will work to ensure State policies and guidelines can support the development of full-service community schools, as well as provide technical assistance and training, including professional development, for full-service community schools.

''(6) An explanation of how the State will collect and evaluate information on full-service community schools.

''(d) GRANT PERIOD.—Each grant awarded under this section shall be for a period of 5 years.

''(e) MINIMUM AMOUNT.—The Secretary may not award a grant to a State collaborative under this section in an amount that is less than $500,000 for each year of the 5-year grant period.

''(f) DEFINITIONS.—For purposes of this section:

''(1) STATE.—The term 'State' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

''(2) STATE COLLABORATIVE.—The term 'State collaborative' means a collaborative of a State educational agency and not less than 2 other governmental agencies or nonprofit organizations that provide services to children and families.

''SEC. 5916. ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—There is hereby established an advisory committee to be known as the 'Full-Service Community Schools Advisory Committee' (in this section referred to as the 'Advisory Committee').

''(b) DUTIES.—Subject to subsection (c), the Advisory Committee shall—

''(1) consult with the Secretary on the development and implementation of programs under this part;

''(2) identify strategies to improve the coordination of Federal programs in support of full-service community schools; and

''(3) issue an annual report to Congress on efforts under this part, including a description of—

''(A) the results of local and national evaluations of such efforts; and

''(B) the scope of services being coordinated under this part.

''(c) CONSULTATION.—In carrying out its duties under this section, the Advisory Committee shall consult annually with eligible entities awarded grants under section 5914, State collaboratives awarded grants under section 5915, and other entities with expertise in operating full-service community schools.

''(d) MEMBERS.—The Advisory Committee shall consist of 5 members as follows:

''(1) The Secretary of Education (or the Secretary's delegate).

''(2) The Attorney General of the United States (or the Attorney General's delegate).

''(3) The Secretary of Agriculture (or the Secretary's delegate).

''(4) The Secretary of Health and Human Services (or the Secretary's delegate).

''(5) The Secretary of Labor (or the Secretary's delegate).

''SEC. 5917. GENERAL PROVISIONS.

''(a) TECHNICAL ASSISTANCE.—The Secretary, directly or through grants, shall provide such technical assistance as may be appropriate to accomplish the purposes of this part.

''(b) EVALUATIONS BY SECRETARY.—The Secretary shall conduct evaluations on the effectiveness of grants under sections 5914 and 5915 in achieving the purposes of this part.

''(c) EVALUATIONS BY GRANTEES.—The Secretary shall require each recipient of a grant under this part—

''(1) to conduct periodic evaluations of the progress achieved with the grant toward achieving the purposes of this part;

''(2) to use such evaluations to refine and improve activities conducted with the grant and the performance measures for such activities; and

''(3) to make the results of such evaluations publicly available, including by providing public notice of such availability.

''(d) CONSTRUCTION CLAUSE.—Nothing in this part shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

''(e) SUPPLEMENT, NOT SUPPLANT.—Funds made available to a grantee under this part may be used only to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

''(f) MATCHING FUNDS.—

''(1) IN GENERAL.—The Secretary shall require each recipient of a grant under this part to provide matching funds from non-Federal sources in an amount determined under paragraph (2).

''(2) DETERMINATION OF AMOUNT OF MATCH.—

''(A) SLIDING SCALE.—Subject to subparagraph (B), the Secretary shall determine the amount of matching funds to be required of a grantee under this subsection based on a sliding fee scale that takes into account—

''(i) the relative poverty of the population to be targeted by the grantee; and

''(ii) the ability of the grantee to obtain such matching funds.

''(B) MAXIMUM AMOUNT.—The Secretary may not require any grantee under this part to provide matching funds in an amount that exceeds the amount of the grant award.

''(3) IN-KIND CONTRIBUTIONS.—The Secretary shall permit grantees under this part to match funds in whole or in part with in-kind contributions.

''(4) CONSIDERATION.—Notwithstanding this subsection, the Secretary shall not consider an applicant's ability to match funds when determining which applicants will receive grants under this part.

''(g) SPECIAL RULE.—Entities receiving funds under this part shall comply with all existing Federal statutes that prohibit discrimination.

''SEC. 5918. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.

''(b) ALLOCATION.—Of the amounts appropriated to carry out this part for each fiscal year—

''(1) 85 percent shall be for section 5914, and of the funds available for new grants awarded under such section after the date of enactment of the Every Child Achieves Act of 2015, not less than 10 percent of such funds shall be made available for local educational agencies that satisfy the requirements of—

''(A) subparagraph (A) or (B) of section 6211(b)(1); or

''(B) subparagraphs (A) and (B) of section 6221(b)(1);

''(2) 10 percent shall be for section 5915; and

''(3) 5 percent shall be for subsections (a) and (b) of section 5917, of which not less than $500,000 shall be for technical assistance under section 5917(a).''.

SA 2101. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 1020____. PROTECTION OF THE RIGHTS AND PRIVACY OF PARENTS AND STUDENTS.

Section 444 of the General Education Provisions Act (20 U.S.C. 1232g) is amended—

(1) in subsection (a)(4)(A)(ii), by striking ''by an educational agency or institution, or

by a person acting for such agency or institution'' and inserting ''in any format by an educational agency or institution, by a person or third party collecting or maintaining such information through the active intervention, facilitation, or authorization of such agency or institution, or by a person or third party acting for such agency or institution''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (A) and inserting the following:

''(A)(i) employees and other school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate educational interests, including the educational interests of the child for whom consent would otherwise be required; or

''(ii) a contractor, or an organization conducting a study under subparagraph (F), if such contractor or organization—

''(I) performs an institutional service of function for which the educational agency or institution would otherwise use employees;

''(II) is under the direct control of the educational agency or institution with respect to the use and maintenance of education records;

''(III) limits internal access to education records to those individuals who are determined to have legitimate educational interests;

''(IV) does not use education records for any other purposes than those explicitly authorized in the contract or agreement;

''(V) does not disclose any personally identifiable information to any other party—

''(aa) without the prior written consent of the parent of the student; or

''(bb) unless required by law or court order, in which case the party shall provide a notice of the required disclosure to the educational agency or institution that provided the information by not later than the date the disclosure is required except when providing notice of the disclosure is expressly prohibited by the law or court order;

''(VI) maintains reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of student personally identifiable information in its custody;

''(VII) uses encryption technologies to protect data while in motion or in its custody from unauthorized disclosure using a technology or methodology specified by the Secretary of Health and Human Services in the guidance issued on April 27, 2009 (74 Fed. Reg. 19006) under section 13402(h)(2) of the American Recovery and Reinvestment Act of 2009 (42 U.S.C. 17932(h)(2));

''(VIII) has sufficient administrative and technical procedures to monitor continuously the security of personally identifiable information in the custody of the contractor or organization;

''(IX) conducts a security audit annually and provides the results of that audit to the educational agency or institution from which the contractor, consultant, or other party received education records;

''(X) provides the educational agency or institution with a breach remediation plan acceptable to the educational agency or institution prior to initial receipt of education records;

''(XI) reports all suspected security breaches to the educational agency or institution that provided education records as soon as possible, but not later than 48 hours, after a suspected breach was known or would have been known by exercising reasonable diligence;

''(XII) reports all actual security breaches to the educational agency or institution that provided education records as soon as possible, but no later than 24 hours after an actual breach was known or would have been known by exercising reasonable diligence;

''(XIII) in the event of a security breach or unauthorized disclosure of personally identifiable information, pays all costs and liabilities incurred by the educational agency or institution providing the education record related to the security breach or unauthorized disclosure, including the costs of—

''(aa) responding to inquiries about the security breach or unauthorized disclosure;

''(bb) notifying individuals, including parents of students, whose personally identifiable information was held by the contractor, consultant, or other party about the breach or unauthorized disclosure;

''(cc) mitigating the effects of the breach or unauthorized disclosure for such individuals; and

''(dd) investigating the cause or consequences of the security breach or unauthorized disclosure; and

''(XIV) destroys or returns to the educational agency or institution all personally identifiable information in its custody upon request and at the termination of the contract or agreement;'';

(ii) in subparagraph (C)(i), by inserting ''under the direct control'' after ''authorized representatives''; and

(iii) by striking subparagraph (F) and inserting the following:

''(F) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are—

''(i) explicitly approved by the educational agencies or institutions through a written agreement;

''(ii) conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted; and

''(iii) consistent with subparagraph (A)(ii);'';

(B) in paragraph (3), by inserting ''administered by State or local educational agencies or by an institution'' after ''Federally-supported education program''; and

(C) in paragraph (5), by inserting ''administered by a State or local educational agency or by an institution'' after ''State supported education program''.

SA 2102. Mr. MANCHIN (for himself, Mr. BROWN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 137, between lines 7 and 8, insert the following:

''(6) COMPREHENSIVE SERVICES.—If health, nutrition, and other social services are not otherwise available to children in a school operating a schoolwide program under this section and such school, if appropriate, has established a collaborative partnership with local service providers and funds are not reasonably available from other public or private sources to provide such services, then the school may use a portion of the funds provided under this subsection to provide such services to economically disadvantaged students, including through—

''(A) the provision of basic medical equipment and services, such as eyeglasses and hearing aids;

''(B) compensation of a coordinator;

''(C) family support and engagement services;

''(D) health care services and integrated student supports to address the physical, mental, and emotional well-being of children; and

''(E) professional development necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of the children in the school.

SA 2103. Mr. MANCHIN (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 444, strike line 2 and insert the following:

school; or

''(iii) promote volunteerism and community service;''.

SA 2104. Mr. MANCHIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 69, between lines 16 and 17, insert the following:

''(N) how the State educational agency will provide support to local educational agencies for the education of children facing substance abuse in the home, which may include how such agency will provide professional development, training, and technical assistance to local educational agencies, elementary schools, and secondary schools in communities with high rates of substance abuse; and''.

SA 2105. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 181, between lines 18 and 19, insert the following:

(b) COMPARABILITY OF SERVICES.—Section 1117, as redesignated by section 1004(3) and amended by this section, is further amended by striking subsection (c) and inserting the following:

''(c) COMPARABILITY.—

''(1) IN GENERAL.—

''(A) COMPARABILITY.—Beginning for the 2017–2018 school year, a local educational agency may receive funds under this part only if the local educational agency demonstrates to the State educational agency that the combined State and local per-pupil expenditures (including actual personnel and actual non-personnel expenditures) in each school served under this part, in the most recent year for which such data are available, were not less than the average combined

State and local per-pupil expenditures (including actual personnel and actual non-personnel expenditures) for those schools that are not served under this part.

''(B) ALTERNATIVE COMPARABILITY.—If the local educational agency is serving all of the schools under its jurisdiction under this part, the agency shall demonstrate to the State educational agency that the combined State and local per-pupil expenditures (including actual personnel and actual non-personnel expenditures) for each of its higher-poverty schools, in the most recent year for which such data are available, were not less than the average combined State and local per-pupil expenditures (including actual personnel and actual non-personnel expenditures) for its lower-poverty schools.

''(C) BASIS.—A local educational agency may meet the requirements of subparagraphs (A) and (B) on a local educational agency-wide basis or a grade-span by grade-span basis.

''(D) EXCLUSION OF FUNDS.—

''(i) IN GENERAL.—For the purpose of complying with this paragraph, a local educational agency shall exclude any State or local funds expended in any school for—

''(I) excess costs of providing services to English learners;

''(II) excess costs of providing services to children with disabilities;

''(III) capital expenditures; and

''(IV) such other expenditures as the Secretary determines appropriate.

''(ii) CHANGES AFTER THE BEGINNING OF THE SCHOOL YEAR.—A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining compliance under this subsection.

''(2) DOCUMENTATION.—A local educational agency shall demonstrate that it is meeting the requirements of paragraph (1) by submitting to the State educational agency for each school served by the local educational agency—

''(A) the State and local per-pupil expenditures (including actual personnel expenditures and actual non-personnel expenditures);

''(B) actual personnel expenditures from State and local sources;

''(C) actual non-personnel expenditures from State and local sources; and

''(D) total expenditures from State and local sources.

''(3) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than 1 building for each grade span.

''(4) PROCESS AND PROCEDURES.—

''(A) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—Each local educational agency assisted under this part shall, by October 31, 2018, report to the State educational agency on its compliance with the requirements of this subsection for the preceding school year, including by providing a listing, by school, of actual combined per-pupil State and local personnel and non-personnel expenditures, consistent with paragraph (2).

''(B) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—Each State educational agency assisted under this part shall ensure that the information under subparagraph (A), including the listings of expenditures by school, is made publicly available by the State or the local educational agency.

''(5) TRANSITION PROVISIONS.—

''(A) SCHOOL YEARS PRECEDING THE 2017–2018 SCHOOL YEAR.—For school years preceding the 2017–2018 school year, a local educational agency may receive funds under this part only if the local educational agency demonstrates to the State educational agency that the local educational agency meets the requirements of this subsection, as in effect on the day before the date of enactment of the Every Child Achieves Act of 2015.

''(B) TRANSITION BETWEEN REQUIREMENTS.—The Secretary shall take such steps as are necessary to provide for the orderly transition between the requirements under this section, as in effect on the day before the date of enactment of the Every Child Achieves Act of 2015, and the new requirements under this section, as amended by such Act.

''(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a local educational agency to transfer school personnel in order to comply with this subsection.

''(7) DEFINITIONS.—For the purposes of this subsection:

''(A) HIGHER-POVERTY SCHOOL.—The term 'higher poverty school' means a school that is in the highest 3 quartiles of schools served by a local educational agency, based on the percentage of enrolled students from low-income families.

''(B) LOWER-POVERTY SCHOOL.—The term 'lower poverty school' means a school that is in the lowest quartile of schools served by a local educational agency, based on the percentage of enrolled students from low-income families.''.

SA 2106. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 361, line 3, strike ''school leaders, and'' and insert ''school leaders, specialized instructional support personnel (as appropriate), and''.

On page 362, line 19, insert ''specialized instructional support personnel (as appropriate),'' after ''other school leaders,''.

On page 364, line 20, strike ''and school personnel'' and insert ''school personnel, and specialized instructional support personnel (as appropriate)''.

On page 366, line 5, strike ''and school personnel'' and insert ''specialized instructional support personnel (as appropriate), and school personnel''.

On page 367, line 2, insert ''or specialized instructional support personnel'' after ''librarians''.

SA 2107. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 654, strike lines 7 through 10.

On page 683, lines 16 and 17, strike ''7132, as redesignated by section 7001(2),'' and insert ''7135''.

On page 683, line 18, strike ''**7132**'' and insert ''**7135**''.

SA 2108. Mrs. GILLIBRAND (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 369, strike lines 1 and 2 and insert the following:

''(2) improving student engagement in, and increasing student access to, such subjects, including for students from groups underrepresented in such subjects, such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students;

Beginning on page 374, strike lines 17 through 22 and insert the following:

''(C) how the State's proposed project will ensure increased access for students who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields (which may include female students, minority students, English learners, children with disabilities, and economically disadvantaged students) to high-quality courses in 1 or more of the identified subjects; and

On page 375, strike lines 8 through 12 and insert the following:

''(1) Increasing access for students through grade 12 who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields, such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students, to high-quality courses in the identified subjects.

On page 377, between lines 22 and 23, insert the following:

''(iii) A description of how the eligible subgrantee will use funds provided under this subsection for services and activities to increase access for students who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields, which may include female students, minority students, English learners, children with disabilities, and economically disadvantaged students, to high-quality courses in 1 or more of the State's identified subjects. Such activities and services may include after-school activities or other informal learning opportunities designed to encourage interest and develop skills in 1 or more of such subjects.

On page 381, between lines 4 and 5, insert the following:

''(iv) broaden student access to mentorship, tutoring, and after-school activities or other informal learning opportunities designed to encourage interest and develop skills in 1 or more of the State's identified subjects;

SA 2109. Ms. HIRONO (for herself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 43, between lines 5 and 6, insert the following:

''(VI) for local educational agencies with not less than 1,000 total Asian and Native Hawaiian/Pacific Islander students, the same race response categories as the decennial census of the population; and

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SA 2110. Mr. DAINES (for himself, Mr. GRASSLEY, Mr. CRUZ, Mr. VITTER, Mr. JOHNSON, Mr. LEE, Mr. LANKFORD, Mr. BLUNT, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs.

MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

After part B of title X, insert the following:

PART C—A PLUS ACT

SECTION 10301. SHORT TITLE; PURPOSE; DEFINITIONS.

(a) SHORT TITLE.—This part may be cited as the ''Academic Partnerships Lead Us to Success Act'' or the ''A PLUS Act''.

(b) PURPOSE.—The purposes of this part are as follows:

(1) To give States and local communities added flexibility to determine how to improve academic achievement and implement education reforms.

(2) To reduce the administrative costs and compliance burden of Federal education programs in order to focus Federal resources on improving academic achievement.

(3) To ensure that States and communities are accountable to the public for advancing the academic achievement of all students, especially disadvantaged children.

(c) DEFINITIONS.—

(1) IN GENERAL.—Except as otherwise provided, the terms used in this part have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.).

(2) OTHER TERMS.—In this part:

(A) ACCOUNTABILITY.—The term ''accountability'' means that public schools are answerable to parents and other taxpayers for the use of public funds and shall report student progress to parents and taxpayers regularly.

(B) DECLARATION OF INTENT.—The term ''declaration of intent'' means a decision by a State, as determined by State Authorizing Officials or by referendum, to assume full management responsibility for the expenditure of Federal funds for certain eligible programs for the purpose of advancing, on a more comprehensive and effective basis, the educational policy of such State.

(C) STATE.—The term ''State'' has the meaning given such term in section 1122(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332(e)).

(D) STATE AUTHORIZING OFFICIALS.—The term ''State Authorizing Officials'' means the State officials who shall authorize the submission of a declaration of intent, and any amendments thereto, on behalf of the State. Such officials shall include not less than 2 of the following:

(i) The governor of the State.

(ii) The highest elected education official of the State, if any.

(iii) The legislature of the State.

(E) STATE DESIGNATED OFFICER.—The term ''State Designated Officer'' means the person designated by the State Authorizing Officials to submit to the Secretary, on behalf of the State, a declaration of intent, and any amendments thereto, and to function as the point-of-contact for the State for the Secretary and others relating to any responsibilities arising under this part.

SEC. 10302. DECLARATION OF INTENT.

(a) IN GENERAL.—Each State is authorized to submit to the Secretary a declaration of intent permitting the State to receive Federal funds on a consolidated basis to manage the expenditure of such funds to advance the educational policy of the State.

(b) PROGRAMS ELIGIBLE FOR CONSOLIDATION AND PERMISSIBLE USE OF FUNDS.—

(1) SCOPE.—A State may choose to include within the scope of the State's declaration of intent any program for which Congress makes funds available to the State if the program is for a purpose described in the Elementary and Education Secondary Act of 1965 (20 U.S.C. 6301). A State may not include any program funded pursuant to the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(2) USES OF FUNDS.—Funds made available to a State pursuant to a declaration of intent under this part shall be used for any educational purpose permitted by State law of the State submitting a declaration of intent.

(3) REMOVAL OF FISCAL AND ACCOUNTING BARRIERS.—Each State educational agency that operates under a declaration of intent under this part shall modify or eliminate State fiscal and accounting barriers that prevent local educational agencies and schools from easily consolidating funds from other Federal, State, and local sources in order to improve educational opportunities and reduce unnecessary fiscal and accounting requirements.

(c) CONTENTS OF DECLARATION.—Each declaration of intent shall contain—

(1) a list of eligible programs that are subject to the declaration of intent;

(2) an assurance that the submission of the declaration of intent has been authorized by the State Authorizing Officials, specifying the identity of the State Designated Officer;

(3) the duration of the declaration of intent;

(4) an assurance that the State will use fiscal control and fund accounting procedures;

(5) an assurance that the State will meet the requirements of applicable Federal civil rights laws in carrying out the declaration of intent and in consolidating and using the funds under the declaration of intent;

(6) an assurance that in implementing the declaration of intent the State will seek to advance educational opportunities for the disadvantaged;

(7) a description of the plan for maintaining direct accountability to parents and other citizens of the State; and

(8) an assurance that in implementing the declaration of intent, the State will seek to use Federal funds to supplement, rather than supplant, State education funding.

(d) DURATION.—The duration of the declaration of intent shall not exceed 5 years.

(e) REVIEW AND RECOGNITION BY THE SECRETARY.—

(1) IN GENERAL.—The Secretary shall review the declaration of intent received from the State Designated Officer not more than 60 days after the date of receipt of such declaration, and shall recognize such declaration of intent unless the declaration of intent fails to meet the requirements under subsection (c).

(2) RECOGNITION BY OPERATION OF LAW.—If the Secretary fails to take action within the time specified in paragraph (1), the declaration of intent, as submitted, shall be deemed to be approved.

(f) AMENDMENT TO DECLARATION OF INTENT.—

(1) IN GENERAL.—The State Authorizing Officials may direct the State Designated Officer to submit amendments to a declaration of intent that is in effect. Such amendments shall be submitted to the Secretary and considered by the Secretary in accordance with subsection (e).

(2) AMENDMENTS AUTHORIZED.—A declaration of intent that is in effect may be amended to—

(A) expand the scope of such declaration of intent to encompass additional eligible programs;

(B) reduce the scope of such declaration of intent by excluding coverage of a Federal program included in the original declaration of intent;

(C) modify the duration of such declaration of intent; or

(D) achieve such other modifications as the State Authorizing Officials deem appropriate.

(3) EFFECTIVE DATE.—The amendment shall specify an effective date. Such effective date shall provide adequate time to assure full compliance with Federal program requirements relating to an eligible program that has been removed from the coverage of the declaration of intent by the proposed amendment.

(4) TREATMENT OF PROGRAM FUNDS WITHDRAWN FROM DECLARATION OF INTENT.—Beginning on the effective date of an amendment executed under paragraph (2)(B), each program requirement of each program removed from the declaration of intent shall apply to the State's use of funds made available under the program.

SEC. 10303. TRANSPARENCY FOR RESULTS OF PUBLIC EDUCATION.

(a) IN GENERAL.—Each State operating under a declaration of intent under this part shall inform parents and the general public regarding the student achievement assessment system, demonstrating student progress relative to the State's determination of student proficiency, as described in paragraph (2), for the purpose of public accountability to parents and taxpayers.

(b) ACCOUNTABILITY SYSTEM.—The State shall determine and establish an accountability system to ensure accountability under this part.

(c) REPORT ON STUDENT PROGRESS.—Not later than 1 year after the effective date of the declaration of intent, and annually thereafter, a State shall disseminate widely to parents and the general public a report that describes student progress. The report shall include—

(1) student performance data disaggregated in the same manner as data are disaggregated under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)); and

(2) a description of how the State has used Federal funds to improve academic achievement, reduce achievement disparities between various student groups, and improve educational opportunities for the disadvantaged.

SEC. 10304. ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—Except as provided in subsection (b), the amount that a State with a declaration of intent may expend for administrative expenses shall be limited to 1 percent of the aggregate amount of Federal funds made available to the State through the eligible programs included within the scope of such declaration of intent.

(b) STATES NOT CONSOLIDATING FUNDS UNDER PART A OF TITLE I.—If the declaration of intent does not include within its scope part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), the amount spent by the State on administrative expenses shall be limited to 3 percent of the aggregate amount of Federal funds made available to the State pursuant to such declaration of intent.

SEC. 10305. EQUITABLE PARTICIPATION OF PRIVATE SCHOOLS.

Each State consolidating and using funds pursuant to a declaration of intent under this part shall provide for the participation of private school children and teachers in the activities assisted under the declaration of intent in the same manner as participation is provided to private school children and teachers under section 9501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881).

SA 2111. Mr. MCCAIN (for himself and Mr. REID) submitted an amendment intended to be proposed to amendment

SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of part B of title X, add the following:

SEC. _____. POSTHUMOUS PARDON.

(a) FINDINGS.—Congress finds the following:

(1) John Arthur ''Jack'' Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases.

(2) Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves.

(3) Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights.

(4) After being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White title-holder, Tommy Burns.

(5) Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World.

(6) The victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the ''great white hope''.

(7) In 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada.

(8) Jim Jeffries lost to Jack Johnson in what was deemed the ''Battle of the Century''.

(9) The defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially-motivated murder of African-Americans throughout the United States.

(10) The relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites.

(11) Between 1901 and 1910, 754 African-Americans were lynched, some simply for being ''too familiar'' with White women.

(12) In 1910, Congress passed the Act of June 25, 1910 (commonly known as the ''White Slave Traffic Act'' or the ''Mann Act'') (18U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce ''for the purpose of prostitution or debauchery, or for any other immoral purpose''.

(13) In October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter.

(14) Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an ''immoral purpose'' in violation of the Mann Act.

(15) The Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson.

(16) Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across States lines for the purpose of ''prostitution and debauchery''.

(17) In 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison.

(18) Jack Johnson fled the United States to Canada and various European and South American countries.

(19) Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915.

(20) Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas.

(21) Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title.

(22) Jack Johnson served the United States during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause.

(23) Jack Johnson died in an automobile accident in 1946.

(24) In 1954, Jack Johnson was inducted into the Boxing Hall of Fame.

(25) Senate Concurrent Resolution 29,111th Congress, agreed to July 29, 2009, expressed the sense of the 111th Congress that Jack Johnson should receive a posthumous pardon for his racially-motivated 1913 conviction.

(b) RECOMMENDATIONS.—It remains the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially-motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

SA 2112. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 284, between lines 11 and 12, insert the following:

''(C) OPTIONAL USES.—

''(i) IN GENERAL.—The State educational agency for a State that receives an allotment under subsection (b) may use not more than 1 percent of funds available and not reserved under paragraph (1) to establish, expand, or implement 1 or more teacher or principal preparation academies and to provide for a State authorizer, if—

''(I) the State does not have in place legal, statutory, or regulatory barriers to the creation or operation of teacher or principal preparation academies;

''(II) the State enables candidates attending a teacher or principal preparation academy to be eligible for State financial aid to the same extent as participants in other State-approved teacher or principal preparation programs, including alternative certification, licensure, or credential programs;

''(III) the State enables teachers or principals who are teaching or working while on alternative certificates, licenses, or credentials to teach or work in the State while enrolled in a teacher or principal preparation academy; and

''(IV) the State will recognize a certificate of completion (from any teacher or principal preparation academy that is not, or is unaffiliated with, an institution of higher education), as at least the equivalent of a master's degree in education for the purposes of hiring, retention, compensation, and promotion in the State.

''(ii) DEFINITIONS.—In this subparagraph:

''(I) TEACHER OR PRINCIPAL PREPARATION ACADEMY.—The term 'teacher or principal preparation academy' means a public or other nonprofit institution that will prepare teachers or principals, or both, to serve in high need schools and that—

''(aa) enters into an agreement with a State authorizer that specifies the goals expected of the institution, including—

''(AA) a requirement that teacher or principal candidates, or teachers teaching or principals serving on alternative certificates, licenses, or credentials, who are enrolled in the academy receive a significant part of their training through clinical preparation that partners candidates with mentor teachers or principals with a demonstrated track record of success in improving student growth, including (where applicable) children with disabilities, children living in poverty, and English learners; and

''(BB) a requirement that the academy will provide instruction to teacher candidates that links to the clinical preparation experience;

''(CC) the number of teachers or principals the academy will produce and the minimum number and percentage of teachers or principals who will demonstrate success in improving student performance based on multiple measures (including student growth);

''(DD) a requirement that the teacher preparation component of the academy will only award a certificate of completion (or degree, if the academy is, or is affiliated with, an institution of higher education) after the graduate demonstrates a track record of success in improving student performance based on multiple measures (including student growth), either as a student teacher or teacher-of-record on an alternative certificate, license, or credential;

''(EE) a requirement that the principal preparation component of the academy will only award a certificate of completion (or degree, if the academy is, or is affiliated with, an institution of higher education) after the graduate demonstrates a track record of success in improving student performance for some or all of a school's students; and

''(FF) timelines for producing cohorts of graduates and conferring certificates of completion (or degrees, if the academy is, or is affiliated with, an institution of higher education) from the academy;

''(bb) shall not have unnecessary restrictions placed on the methods the academy will use to train teacher or principal candidates (or teachers or principals that are teaching or working while on alternative certificates, licenses, or credentials), including restrictions or requirements—

''(AA) obligating the faculty of the academy to hold advanced degrees, or prohibiting the faculty of the academy from holding advanced degrees;

''(BB) obligating such faculty to conduct academic research;

''(CC) related to the physical infrastructure of the academy;

''(DD) related to the number of course credits required as part of the program of study;

''(EE) related to the undergraduate coursework completed by teachers teaching on alternative certificates, licenses, or credentials, as long as such teachers have successfully passed all relevant State-approved content area examinations; or

''(FF) related to obtaining additional accreditation from a national accrediting body; and

''(cc) limits admission to its program to candidates who demonstrate strong potential to improve student achievement, based on a rigorous selection process that reviews a candidate's prior academic achievement or record of professional accomplishment.

''(II) STATE AUTHORIZER.—The term 'State authorizer' means an entity designated by the Governor of a State to recognize teacher or principal preparation academies within the State that—

''(aa) enters into an agreement with a teacher or principal preparation academy that specifies the goals expected of the academy, as described in subclause (I)(aa);

''(bb) may be a nonprofit organization, State educational agency, or other public entity, or consortium of such entities (including a consortium of States); and

''(cc) does not reauthorize a teacher or principal preparation academy if the academy fails to produce the minimum number or percentage of effective teachers or principals, respectively, identified in the academy's authorizing agreement.

''(iii) SUPPLEMENT, NOT SUPPLANT.—Funds used in accordance with this subparagraph shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subparagraph.''.

SA 2113. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 424, strike lines 5 through 12 and insert the following:

''(1) not more than 5 percent for national activities authorized under section 4109;

On page 452, between lines 4 and 5, insert the following:

''SEC. 4109. NATIONAL ACTIVITIES.

''(a) APRA-ED.—From the funds reserved under section 4103(a)(1) to carry about this section, the Secretary may reserve not more than 40 percent for each fiscal year to carry out the activities of the Advanced Research Projects Agency-Education established under section 221 of the Department of Education Organization Act, as added by part C of title X of the Every Child Achieves Act of 2015.

''(b) NATIONAL ACTIVITIES.—From the funds reserved under section 4103(a)(1) and not further reserved in accordance with subsection (a), the Secretary may carry out national activities directly or through grants, contracts, or agreements with public or private entities or individuals, or other Federal agencies, such as providing technical assistance to States and local educational agencies carrying out activities under this part or conducting a national evaluation.''.

At the end of title X, add the following:

PART C—ADVANCED RESEARCH PROJECTS AGENCY-EDUCATION

SEC. 10301. ADVANCED RESEARCH PROJECTS AGENCY-EDUCATION.

The Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended by inserting after section 220 the following new section:

''SEC. 221. ADVANCED RESEARCH PROJECTS AGENCY-EDUCATION.

''(a) ESTABLISHMENT.—There shall be in the Department an Advanced Research Projects Agency-Education (referred to in this section as 'ARPA-ED').

''(b) PURPOSES.—ARPA-ED is established under this section for the purposes of pursuing breakthrough research and development in educational technology and providing the effective use of the technology to improve achievement for all students, by—

''(1) identifying and promoting revolutionary advances in fundamental and applied sciences and engineering that could be translated into new learning technologies;

''(2) developing novel learning technologies, and the enabling processes and contexts for effective use of those technologies;

''(3) developing, testing, and evaluating the impact and efficacy of those technologies;

''(4) accelerating transformational technological advances in areas in which the private sector, by itself, is not likely to accelerate such advances because of difficulties in implementation or adoption, or technical and market uncertainty;

''(5) coordinating activities with nongovernmental entities to demonstrate technologies and research applications to facilitate technology transfer; and

''(6) encouraging educational research using new technologies and the data produced by the technologies.

''(c) AUTHORITIES OF SECRETARY.—The Secretary is authorized to—

''(1) appoint a Director, who shall be responsible for carrying out the purposes of ARPA-ED, as described in subsection (b), and such additional functions as the Secretary may prescribe;

''(2) establish processes for the development and execution of projects and the solicitation of entities to carry out the projects in a manner that is—

''(A) tailored to the purposes of ARPA-ED and not constrained by other Department-wide administrative requirements that could detract from achieving program results; and

''(B) designed to heighten transparency, and public- and private-sector involvement, to ensure that investments are made in the most promising areas;

''(3) award grants, contracts, cooperative agreements, and cash prizes, and enter into other transactions (in accordance with such regulations as the Secretary may establish regarding other transactions);

''(4) make appointments of up to 20 scientific, engineering, professional, and other mission-related employees, for periods of up to 4 years (which appointments may not be renewed) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service;

''(5)(A) prescribe the rates of basic pay for the personnel described in paragraph (4) at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5, United States Code, notwithstanding any provision of that title governing the rates of basic pay or classification of employees in the executive branch, but those personnel shall not receive any payment for service (such as an award, premium payment, incentive payment or bonus, allowance, or other similar payment) under any other provision of that title; and

''(B) pay any employee appointed pursuant to paragraph (4) payments in addition to that basic pay, except that the total amount of those payments for any calendar year shall not exceed the lesser of—

''(i) $25,000; or

''(ii) the difference between the employee's annual rate of basic pay under paragraph (4) and the annual rate for level I of the Executive Schedule under section 5312 of title 5, United States Code, based on the rates in effect at the end of the applicable calendar year (or, if the employee separated during that year, on the date of separation);

''(6) obtain independent, periodic, rigorous evaluations, as appropriate, of—

''(A) the effectiveness of the processes ARPA-ED is using to achieve its purposes; and

''(B) the effectiveness of individual projects assisted by ARPA-ED, using evidence standards developed in consultation with the Institute of Education Sciences, and the suitability of ongoing projects assisted by ARPA-ED for further investment or increased scale; and

''(7) disseminate, through the comprehensive centers established under section 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602), the regional educational laboratories system established under section 174 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9564), or such other means as the Secretary determines to be appropriate, information on effective practices and technologies developed with ARPA-ED support.

''(d) EVALUATION FUNDS.—The Secretary may use funds made available for ARPA-ED to pay the cost of the evaluations under subsection (c)(6).

''(e) FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding any other provision of law, any advisory committee convened by the Secretary to provide advice with respect to this section shall be exempt from the requirements of the Federal Advisory Committee Act (5 U.S.C. App.) and the definition of 'employee' in section 2105 of title 5, United States Code, shall not be considered to include any appointee to such a committee.

''(f) NONDUPLICATION.—To the maximum extent practicable, the Secretary shall ensure that grants, contracts, cooperative agreements, cash prizes, or other assistance or arrangements awarded or entered into pursuant to this section that are designed to carry out the purposes of ARPA-ED do not duplicate activities under programs carried out under Federal law other than this section by the Department or other Federal agencies.''.

SA 2114. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

PART C—PROVIDING PROGRAMS THROUGH SCHOOLS

SEC. 10301. PROVIDING PROGRAMS THROUGH SCHOOLS.

(a) PURPOSE.—The purpose of this section is to provide flexibility to allow services related to health, education, workforce training, and other social issues affecting the well-being of children and their families to be co-located in public elementary and secondary schools, if the school so chooses.

(b) DEFINITIONS.—In this section:

(1) APPLICABLE SECRETARY.—The term ''applicable Secretary'' means the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, or another head of an agency, as the case may be, who has administrative responsibility over a program, activity, or service authorized under a covered HELP program.

(2) COVERED HELP PROGRAM.—The term ''covered HELP program'' means the following:

(A) A program, activity, or service authorized under—

(i) the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note);

(ii) the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.);

(iii) the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.);

(iv) the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

(v) the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.);

(vi) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858);

(vii) the Children's Health Act of 2000 (Public Law 106–310; 114 Stat. 1101);

(viii) the Christopher and Dana Reeve Paralysis Act (42 U.S.C. 284o et seq.);

(ix) the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);

(x) the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.);

(xi) the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.);

(xii) the Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.);

(xiii) the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(xiv) the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(xv) the Head Start Act (42 U.S.C. 9831 et seq.);

(xvi) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(xvii) the Low Income Home Energy Assistance Act of 1981 (42 U.S.C. 8261 et seq.);

(xviii) the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.);

(xix) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

(xx) the Public Health Service Act (42 U.S.C. 201 et seq.);

(xxi) the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

(xxii) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(xxiii) section 212 of the Second Chance Act (Public Law 110–199);

(xxiv) the Special Olympics Sport and Empowerment Act of 2004 (42 U.S.C. 15001 note);

(xxv) section 1404A of the Victims of Crime Act of 1984 (42 U.S.C. 10603a);

(xxvi) the Wagner-Peyser Act (29 U.S.C. 49 et seq.); and

(xxvii) the Workforce Innovation and Opportunity Act (29 U.S.C. 3101); or

(B) a program, activity, or service designated by an applicable Secretary under subsection (d).

(3) ESEA DEFINITIONS.—The terms ''elementary school'', ''local educational agency'', and ''secondary school'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(c) OFFERING PROGRAMS IN SCHOOLS.—An applicable Secretary who has administrative responsibility under Federal law for any covered HELP program shall allow funds for the covered HELP program to be used to provide the authorized program, activities, or services at a public elementary school or secondary school, notwithstanding any provision of the law authorizing the covered HELP program or any other provision of law, if—

(1) the Secretary determines that such use—

(A) furthers the purpose of the covered HELP program;

(B) serves the population designated to be served by the covered HELP program, as determined by the Secretary; and

(C) is beneficial to the children served by the school and the families of such students; and

(2) the school at which the program, activities, or services will be offered—

(A) believes that the program is beneficial to the children served by the school and the families of such students and would not endanger the safety of the students; and

(B) provides the Secretary with an assurance demonstrating that the requirement of subparagraph (A) is met and that the school has consulted with the local educational agency serving the school regarding the provision of the program, activities, or services.

(d) USE IN OTHER PROGRAMS.—An applicable Secretary may designate a program under such Secretary's authority to be included as a covered HELP program if—

(1) the applicable Secretary—

(A) determines that expanding the program, or the activities or services offered through the program, to be offered through schools would benefit the population to be served by the program and be consistent with the purposes of this Act; and

(B) determines, in consultation with the Secretary of Education, that providing such program, activities, or services at a public elementary school or secondary school would benefit the students attending the school and the families of such students; and

(2) the applicable Secretary notifies Congress of the Secretary's determination not less than 60 days before the applicable Secretary carries out subsection (b) with respect to the program.

SA 2115. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of part B of title X, insert the following:

SEC. _____. COMPTROLLER GENERAL STUDY ON INCREASING EFFECTIVENESS OF EXISTING SERVICES AND PROGRAMS INTENDED TO BENEFIT CHILDREN.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall provide to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that includes—

(1) a description and assessment of the existing federally funded services and programs across all agencies that have a purpose or are intended to benefit or serve children, including—

(A) the purposes, goals, and organizational and administrative structure of such services and programs at the Federal, State, and local level; and

(B) methods of delivery and implementation; and

(2) recommendations to increase the effectiveness, coordination, and integration of such services and programs, across agencies and levels of government, in order to leverage existing resources and better and more comprehensively serve children.

SA 2116. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

After section 3005, insert the following:

SEC. 3006. REPORT ON IDENTIFICATION OF ENGLISH LEARNERS IN EARLY CHILDHOOD.

Not later than 1 year after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of Health and Human Services and the National Academy of Sciences, shall provide a written report to the authorizing committees containing information about—

(1) how federally funded early childhood education programs identify students as English learners; and

(2) the extent to which the transition between early childhood education and elementary school can be strengthened for English learners, including recommendations for improving the quality and delivery of early childhood education programs in order to help early childhood English learners achieve a level of English language proficiency such that those children can be transitioned from English learner programs and services.

SA 2117. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 111, between lines 24 and 25, insert the following:

''(2) TESTING TRANSPARENCY.—

''(A) IN GENERAL.—Subject to subparagraph (B), each local educational agency that receives funds under this part shall make widely available through public means, including by posting in a clear, concise, and easily accessible manner on the local educational agency's website and, to the extent practicable, on the website of each school served by the local educational agency, for each grade served by the local educational agency or school, information on each assessment required by the State to comply with section 1111, other assessments required by the State, and assessments required districtwide by the local educational agency, including—

''(i) the subject matter assessed;

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

''(iii) the source of the requirement for the assessment;

''(iv) the amount of time students will spend taking the assessment, and the schedule and calendar for the assessment; and

''(v) the time and format for disseminating results.

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

SA 2118. Mr. KAINE (for himself, Mr. PORTMAN, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 56, strike lines 9 through 12 and insert the following:

''(aa) student readiness to enter postsecondary education or the workforce without the need for postsecondary remediation, which may include—

''(AA) measures that integrate preparation for postsecondary education and the workforce, including performance in coursework sequences that integrate rigorous academics, work-based learning, and career and technical education;

''(BB) measures of a high-quality and accelerated academic program as determined

appropriate by the State, which may include the percentage of students who participate in a State-approved career and technical program of study as described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006 and measures of technical skill attainment and placement described in section 113(b) of such Act and reported by the State in a manner consistent with section 113(c) of such Act, or other substantially similar measures;

''(CC) student performance on assessments aligned with the expectations for first-year postsecondary education success;

''(DD) student performance on admissions tests for postsecondary education;

''(EE) student performance on assessments of career readiness and acquisition of industry-recognized credentials that meet the quality criteria established by the State under section 123(a) of the Workforce Innovation and Opportunity Act (29 U.S. C. 3102);

''(FF) student enrollment rates in postsecondary education;

''(GG) measures of student remediation in postsecondary education; and

''(HH) measures of student credit accumulation in postsecondary education;

On page 57, line 14, strike ''; and'' and insert '', which may include participation and performance in Advanced Placement, International Baccalaureate, dual enrollment, and early college high school programs; and''.

SA 2119. Mr. GARDNER (for himself, Mr. CARPER, Mr. COONS, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 19, line 22, insert ''public charter school representatives (if applicable),'' before ''specialized''.

On page 95, line 12, insert ''public charter school representatives (if applicable),'' after ''leaders,''.

SA 2120. Ms. WARREN (for herself and Mr. GARDNER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 75, strike line 1 and all that follows through line 4 on page 76 and insert the following:

''(iii) TECHNICAL ASSISTANCE.—Upon request by a State or local educational agency, the Secretary shall provide technical assistance to States and local educational agencies in collecting, cross-tabulating, or disaggregating data in order to meet the requirements of this paragraph.

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

''(i) A clear and concise description of the State's accountability system under subsection (b)(3), including the goals for all students and for each of the categories of students, as defined in subsection (b)(3)(A), the indicators used in the accountability system to evaluate school performance described in subsection (b)(3)(B), and the weights of the indicators used in the accountability system to evaluate school performance.

''(ii) Information on student achievement on the academic assessments described in subsection (b)(2) at each level of achievement, as determined by the State under subsection (b)(1), for all students and disaggregated and cross-tabulated in accordance with the following:

''(I) Such information shall be disaggregated by each category of students described in subsection (b)(2)(B)(xi), homeless status, and status as a child in foster care and, within each category of students described in subsection (b)(2)(B)(xi), cross-tabulated by—

''(aa) each major racial and ethnic group, gender, English proficiency, and children with or without disabilities; and

''(bb) any other category of students that the State chooses to include.

''(II) The disaggregation or cross-tabulation for a category described in sub clause (I) shall not be required in a case in which the number of students in the category is insufficient to yield statistically reliable information or the results of such disaggregation or cross-tabulation would reveal personally identifiable information about an individual student.

''(iii) For all students and disaggregated by each category of students described in subsection (b)(2)(B)(xi), the percentage of students assessed and not assessed.

''(iv)(I) For all students, and disaggregated and cross-tabulated in accordance with subclauses (II) and (III)—

''(aa) information on the performance on the other academic indicator under subsection (b)(3)(B)(ii)(II)(aa) used by the State in the State accountability system; and

''(bb) high school graduation rates, including 4-year adjusted cohort graduation rates and, at the State's discretion, extended-year adjusted cohort graduation rates.

''(II) The information described in sub clause (I) shall be disaggregated by each of the categories of students, as defined in subsection (b)(3)(A), and, within each such disaggregation category, cross-tabulated by—

''(aa) each major racial and ethnic group, gender, English proficiency, and children with or without disabilities; and

''(bb) any other category of students that the State chooses to include.

''(III) The disaggregation or cross-tabulation for a category described in sub clause (II) shall not be required in a case in which the number of students in the category is insufficient to yield statistically reliable information or the results of such disaggregation or cross-tabulation would reveal personally identifiable information about an individual student.

On page 89, between lines 5 and 6, insert the following:

''(5) CROSS-TABULATION PROVISIONS.—

''(A) CROSS-TABULATION DATA NOT USED FOR ACCOUNTABILITY.—Nothing in this subsection shall be construed to require groups of students obtained by cross-tabulating data under this subsection to be considered categories of students under subsection (b)(3)(A) for purposes of the State accountability system under subsection (b)(3) or section 1114.

''(B) CROSS-TABULATED DATA IMPLEMENTATION.—Information obtained by cross-tabulating data under this subsection shall be widely accessible to the public in accordance with paragraph (1)(B)(i)(III) and, upon request, by any additional public means that the State determines.

SA 2121. Mr. HELLER (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 800, between lines 17 and 18, insert the following:

SEC. 9115A. CONSULTATION WITH THE GOVERNOR.

Subpart 2 of part F of title IX (20 U.S. C. 7901 et se.), as amended by sections 4001(3), 9114, and 9115, and redesignated by section 9106(1), is further amended by adding at the end the following:

''SEC. 9540. CONSULTATION WITH THE GOVERNOR.

''(a) IN GENERAL.—A State educational agency shall consult in a timely and meaningful manner with the Governor, or appropriate officials from the Governor's office, in the development of State plans under titles I and II and section 9302.

''(b) TIMING.—The consultation described in subsection (a) shall include meetings of officials from the State educational agency and the Governor's office and shall occur—

''(1) during the development of such plan; and

''(2) prior to submission of the plan to the Secretary.

''(c) JOINT SIGNATURE AUTHORITY.—A Governor shall have 30 days prior to the State educational agency submitting the State plan under title I or II or section 9302 to the Secretary to sign such plan. If the Governor has not signed the plan within 30 days of delivery by the State educational agency to the Governor, the State educational agency shall submit the plan to the Secretary without such signature.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on July 7, 2015, at 3 p.m., in room SR–328A of the Russell Senate Office Building, to conduct a hearing entitled ''Highly Pathogenic Avian Influenza: The Impact on the U.S. Poultry Sector and Protecting U.S. Poultry Flocks.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 7, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 7, 2015, at 1:30 p.m., in room SR–253 of the Russell Senate Office Building to conduct a hearing entitled ''Technologies Transforming Transportation: Is the Government Keeping Up?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 7, 2015, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet during the session of the Senate on July 7, 2015, at 2 p.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Small Business Health Care Challenges and Opportunities.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 7, 2015, at 10 a.m. to conduct a hearing entitled ''The 2014 Humanitarian Crisis at Our Border: A Review of the Government's Response to Unaccompanied Minors One Year Later.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 7, 2015, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, with that, I ask unanimous consent that Leslie Clithero, a detailee from the U.S. Department of Education; Shruti Shah, a detailee from the U.S. Department of Labor; and Okey Enyia, a fellow in my Health, Education, Labor and Pensions Committee office, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Stephen Townsend, a fellow in my office, be granted floor privileges for the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2015 second quarter Mass Mailing report is Monday, July 27, 2015. An electronic option is now available on Webster that will allow forms to be submitted via a fillable pdf document. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports can be submitted electronically or delivered to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Senate Office of Public Records will be open from 9:00 a.m. to 6:00 p.m. For further information, please contact the Senate Office of Public Records at (202) 224–0322.

DEPARTMENT OF THE INTERIOR TRIBAL SELF-GOVERNANCE ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 102, S. 286.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 286) to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that amendment No. 1471 be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1471) in the nature of a substitute was agreed to.

(The amendment is printed in the RECORD of June 2, 2015, under ''Text of Amendments.'')

The bill (S. 286), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, JULY 8, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, July 8; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate resume consideration of S. 1177; and, finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Senators should expect votes in the morning in relation to the Every Child Achieves bill prior to the noon hour recess.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator COTTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR NEGOTIATIONS WITH IRAN

Mr. COTTON. Mr. President, today, on July 7, we have seen yet another extension of the nuclear negotiations with Iran—a terrorist-sponsoring, anti-American, outlaw regime with the blood of hundreds of Americans on its hands, from Lebanon, to Iraq, to Afghanistan. This extension is yet another folly. Yet the President and the Secretary of State act as if it is cost free. These extensions are not cost free.

First, Iran repeatedly violates the interim agreements—for example, by enriching uranium beyond specified limits or exporting more oil than allowed.

Second, we have repeatedly taught Iran a very dangerous lesson, which is that the window for diplomacy never ends with this President and the United States. They can get extension after extension after extension, and we will grant concession after concession after concession.

Just 3 months ago, Iran reneged on its commitments to send its uranium stockpiles overseas and to close its underground fortified military bunker. Now, again, they have taken that lesson and introduced a new demand into these negotiations. They are now demanding that the West lift its arms embargo on conventional arms to Iran at a time when Iran is destabilizing the entire Middle East and that we lift sanctions on their ballistic missile program, which was explicitly ruled off the negotiating table at the beginning of these negotiations.

Well, here is my proposal: If Iran wants to introduce new terms to the debate at this late hour, the U.S. Government should leave the table. We should break off the negotiations, and we should say to Iran: If you want to introduce new terms, you will release American hostages within 24 hours. Bob Levinson, Amir Hekmati, Saeed Abedini, and Jason Rezaian will be released within 24 hours or the negotiations are over, we will reimpose sanctions, the U.S. Congress will impose new sanctions.

It is a disgrace that we are letting Iran add new terms to the negotiations at this late hour when four Americans are still held hostage by the Government of Iran.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow morning.

Thereupon, the Senate, at 6:54 p.m., adjourned until Wednesday, July 8, 2015, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 7, 2015:

THE JUDICIARY

KARA FARNANDEZ STOLL, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.