

112TH CONGRESS }  
2d Session

HOUSE OF REPRESENTATIVES

{ REPT. 112-459  
Part 1

ENCOURAGING INNOVATION AND  
EFFECTIVE TEACHERS ACT

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R E P O R T

OF THE

COMMITTEE ON EDUCATION AND THE  
WORKFORCE

TO ACCOMPANY

H.R. 3990

TO ENCOURAGE EFFECTIVE TEACHERS IN THE CLASSROOMS OF  
THE UNITED STATES AND INNOVATIVE EDUCATION PROGRAMS  
IN OUR NATION'S SCHOOLS

together with

MINORITY VIEWS



APRIL 27, 2012.—Committed to the Committee of the Whole House on  
the State of the Union and ordered to be printed

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Mr. KLINE, from the Committee on Education and the Workforce,  
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 3990]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 3990) to encourage effective teachers in the classrooms of the United States and innovative education programs in our Nation's schools, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Encouraging Innovation and Effective Teachers Act".

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

The table of contents for this Act is as follows:

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

**TITLE I—TEACHER PREPARATION AND EFFECTIVENESS**

- Sec. 101. Teacher preparation and effectiveness.
- Sec. 102. Conforming repeals.

**TITLE II—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY**

- Sec. 201. Parental engagement and local flexibility.

## TITLE III—IMPACT AID

- Sec. 301. Purpose.
- Sec. 302. Payments relating to Federal acquisition of real property.
- Sec. 303. Payments for eligible federally connected children.
- Sec. 304. Policies and procedures relating to children residing on Indian lands.
- Sec. 305. Application for payments under sections 8002 and 8003.
- Sec. 306. Construction.
- Sec. 307. Facilities.
- Sec. 308. State consideration of payments providing State aid.
- Sec. 309. Federal administration.
- Sec. 310. Administrative hearings and judicial review.
- Sec. 311. Definitions.
- Sec. 312. Authorization of appropriations.
- Sec. 313. Conforming amendments.

## TITLE IV—TROOPS-TO-TEACHERS PROGRAM

- Sec. 401. Troops-to-teachers program.

## TITLE V—REPEAL

- Sec. 501. Repeal of title VI.

## TITLE VI—HOMELESS EDUCATION

- Sec. 601. Statement of policy.
- Sec. 602. Grants for State and local activities for the education of homeless children and youths.
- Sec. 603. Local educational agency subgrants for the education of homeless children and youths.
- Sec. 604. Secretarial responsibilities.
- Sec. 605. Definitions.
- Sec. 606. Authorization of appropriations.

**SEC. 3. REFERENCES.**

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

**SEC. 4. TRANSITION.**

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

**SEC. 5. EFFECTIVE DATES.**

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

(b) **NONCOMPETITIVE PROGRAMS.**—With respect to noncompetitive programs under which any funds are allotted by the Secretary of Education to recipients on the basis of a formula, this Act, and the amendments made by this Act, shall take effect on July 1, 2012.

(c) **COMPETITIVE PROGRAMS.**—With respect to programs that are conducted by the Secretary on a competitive basis, this Act, and the amendments made by this Act, shall take effect with respect to appropriations for use under those programs for fiscal year 2013.

(d) **IMPACT AID.**—With respect to title IV of the Act (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the amendments made by this Act, shall take effect with respect to appropriations for use under that title for fiscal year 2013.

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

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

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

“(a) **TITLE II.**—There are authorized to be appropriated to carry out title II \$2,988,070,000 for fiscal year 2013.

“(b) **TITLE III.**—

“(1) **PART A.**—

“(A) **SUBPART 1.**—There are authorized to be appropriated to carry out subpart 1 of part A of title III \$300,000,000 for fiscal year 2013.

“(B) **SUBPART 2.**—There are authorized to be appropriated to carry out subpart 2 of part A of title III \$99,611,000 for fiscal year 2013.

“(C) **SUBPART 3.**—There are authorized to be appropriated to carry out subpart 3 of part A of title III \$25,000,000 for fiscal year 2013.

“(2) **PART B.**—There are authorized to be appropriated to carry out part B of title III \$2,677,476,000 for fiscal year 2013.

“(c) TITLE IV.—

“(1) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 4002, there are authorized to be appropriated \$66,947,000 for fiscal year 2013.

“(2) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under section 4003(b), there are authorized to be appropriated \$1,153,540,000 for fiscal year 2013.

“(3) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 4003(d), there are authorized to be appropriated \$48,413,000 for fiscal year 2013.

“(4) CONSTRUCTION.—For the purpose of carrying out section 4007, there are authorized to be appropriated \$17,441,000 for fiscal year 2013.

“(5) FACILITIES MAINTENANCE.—For the purpose of carrying out section 4008, there are authorized to be appropriated \$4,845,000 for fiscal year 2013.

“(d) OUT YEARS.—The amounts authorized in subsections (a), (b), and (c) shall be increased for each of fiscal years 2014 through 2018 by a percentage equal to the percentage of inflation according to the Consumer Price Index, for the calendar year ending prior to the beginning of that fiscal year.”.

## **TITLE I—TEACHER PREPARATION AND EFFECTIVENESS**

### **SEC. 101. TEACHER PREPARATION AND EFFECTIVENESS.**

(a) HEADING.—The title heading for title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

### **“TITLE II—TEACHER PREPARATION AND EFFECTIVENESS”.**

(b) PART A.—Part A of title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

### **“PART A—SUPPORTING EFFECTIVE INSTRUCTION**

#### **“SEC. 2101. PURPOSE.**

“The purpose of this part is to provide grants to State educational agencies and subgrants to local educational agencies to—

“(1) increase student achievement consistent with State academic standards under section 1111;

“(2) improve teacher and school leader effectiveness;

“(3) provide evidence-based, continuous, job-embedded professional development; and

“(4) develop and implement teacher evaluation systems to link teacher performance with student achievement to determine teacher effectiveness.

### **“Subpart 1—Grants to States**

#### **“SEC. 2111. ALLOTMENTS TO STATES.**

“(a) IN GENERAL.—Of the amounts appropriated under section 3(a), the Secretary shall reserve 75 percent to make grants to States with applications approved under section 2112 to pay for the Federal share of the cost of carrying out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

“(b) DETERMINATION OF ALLOTMENTS.—

“(1) RESERVATION OF FUNDS.—Of the amount reserved under subsection (a) for a fiscal year, the Secretary shall reserve—

“(A) not more than 1 percent to carry out national activities under section 2132;

“(B) one-half of 1 percent for allotments to outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

“(C) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

“(2) STATE ALLOTMENTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), from the funds reserved under subsection (a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State the sum of—

“(i) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(ii) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

“(B) SMALL STATE MINIMUM.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total amount of funds allotted under such subparagraph for a fiscal year.

“(c) ALTERNATE DISTRIBUTION OF FUNDS.—

“(1) IN GENERAL.—Subject to paragraphs (2) through (5), if a State does not apply to the Secretary for an allotment under this section, a local educational agency located in such State may apply to the Secretary for a portion of the funds that would have been allotted to the State had such State applied for an allotment under this section to carry out the activities under this part.

“(2) APPLICATION.—In order to receive an allotment under paragraph (1), a local educational agency shall submit to the Secretary an application at such time, in such manner, and containing the information described in section 2122.

“(3) USE OF FUNDS.—A local educational agency receiving an allotment under paragraph (1)—

“(A) shall use such funds to carry out the activities described in section 2123(1); and

“(B) may use such funds to carry out the activities described in section 2123(2).

“(4) REPORTING REQUIREMENTS.—A local educational agency receiving an allotment under paragraph (1) shall carry out the reporting requirements described in section 2131(a), except that annual reports shall be submitted to the Secretary and not a State educational agency.

“(5) AMOUNT OF ALLOTMENT.—An allotment made to a local educational agency under paragraph (1) for a fiscal year shall be equal to the amount of subgrant funds that the local educational agency would have received under subpart 2 had such agency applied for a subgrant under such subpart for such fiscal year.

“(d) REALLOTMENT.—If a State does not apply for an allotment under this section for any fiscal year or only a portion of the State’s allotment is allotted under subsection (c), the Secretary shall reallocate the State’s entire allotment or the remaining portion of its allotment, as the case may be, to the remaining States in accordance with subsection (b).

“SEC. 2112. STATE APPLICATION.

“(a) IN GENERAL.—For a State to be eligible to receive a grant under this subpart, the State educational agency shall submit an application to the Secretary at such time and in such a manner as the Secretary may reasonably require, which shall include the following:

“(1) A description of how the State educational agency will meet the requirements of this subpart.

“(2) A description of how the State educational agency will use a grant received under section 2111, including the grant funds the State will reserve for State-level activities under section 2113(a)(2).

“(3) A description of how the State educational agency will facilitate the sharing of evidence-based and other effective strategies among local educational agencies.

“(4) In the case of a State educational agency that is not developing or implementing a statewide teacher evaluation system, a description of how the State educational agency will ensure that each local educational agency in the State receiving a subgrant under subpart 2 will implement a teacher evaluation system that meets the requirements of clauses (i) through (v) of section 2123(1)(A).

“(5) In the case of a State educational agency that is developing or implementing a statewide teacher evaluation system—

“(A) a description of how the State educational agency will work with local educational agencies in the State to implement the statewide teacher evaluation system within 3 years of the date of enactment of the Encouraging Innovation and Effective Teachers Act; and

“(B) an assurance that the statewide teacher evaluation system complies with clauses (i) through (v) of section 2123(1)(A).

“(6) An assurance that the State educational agency will comply with section 5501 (regarding participation by private school children and teachers).

“(b) DEEMED APPROVAL.—An application submitted by a State educational agency under subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

“(c) DISAPPROVAL.—The Secretary shall not finally disapprove an application, except after giving the State educational agency notice and an opportunity for a hearing.

“(d) NOTIFICATION.—If the Secretary finds that an application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

“(1) give the State educational agency notice and an opportunity for a hearing; and

“(2) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

“(A) cite the specific provisions in the application that are not in compliance; and

“(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

“(e) RESPONSE.—If a State educational agency responds to a notification from the Secretary under subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

“(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(2) the expiration of the 120-day period described in subsection (b).

“(f) FAILURE TO RESPOND.—If a State educational agency does not respond to a notification from the Secretary under subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

**“SEC. 2113. STATE USE OF FUNDS.**

“(a) IN GENERAL.—A State educational agency that receives a grant under section 2111 shall—

“(1) reserve 95 percent of the grant funds to make subgrants to local educational agencies under subpart 2; and

“(2) use the remainder of the funds, after reserving funds under paragraph (1), for the State activities described in subsection (b), except that the State may reserve not more than 1 percent of the grant funds for planning and administration related to carrying out activities described in subsection (b).

“(b) STATE-LEVEL ACTIVITIES.—A State educational agency that receives a grant under section 2111—

“(1) shall use the amount described in subsection (a)(2) to—

“(A) provide training and technical assistance to local educational agencies on—

“(i) in the case of a State educational agency not implementing a statewide teacher evaluation system—

“(I) the development and implementation of a teacher evaluation system that meets the requirements of clauses (i) through (v) of section 2123(1)(A); and

“(II) training school leaders in using such evaluation system; or

“(ii) in the case of a State educational agency implementing a statewide teacher evaluation system, implementing such evaluation system; and

“(B) fulfill the State educational agency’s responsibilities with respect to the proper and efficient administration of the subgrant program carried out under this part; and

“(2) may use the amount described in subsection (a)(2) to—

“(A) disseminate and share evidence-based and other effective practices related to teacher and school leader effectiveness and professional development; and

“(B) provide professional development for teachers and school leaders in the State consistent with clauses (i) through (v) of section 2123(2)(B).

## “Subpart 2—Subgrants to Local Educational Agencies

### “SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

“(a) IN GENERAL.—Each State receiving a grant under section 2111 shall use the funds reserved under section 2113(a)(1) to award subgrants to local educational agencies under this section.

“(b) ALLOCATION OF FUNDS.—From the funds reserved by a State under section 2113(a)(1), the State educational agency shall allocate to each local educational agency in the State the sum of—

“(1) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 in the geographic area served by the local educational agency, as determined by the State on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

“(2) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the local educational agency, as determined by the State on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

### “SEC. 2122. LOCAL APPLICATIONS.

“To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency involved at such time, in such a manner, and containing such information as the State educational agency may reasonably require that, at a minimum, shall include the following:

“(1) A description of—

“(A) how the local educational agency will meet the requirements of this subpart;

“(B) how the activities to be carried out by the local educational agency under this subpart will be evidence-based, improve student academic achievement, and improve teacher and school leader effectiveness;

“(C) in the case of a local educational agency not in a State with a statewide teacher evaluation system, the teacher evaluation system that will be developed and implemented under section 2123(1) and how such system will meet the requirements described in clauses (i) through (v) of section 2123(1)(A);

“(D) how, in developing and implementing such a teacher evaluation system, the local educational agency will work with parents, teachers, school leaders, and other staff of the schools served by the local educational agency; and

“(E) how the local educational agency will develop and implement such a teacher evaluation system within 3 years of the date of enactment of the Encouraging Innovation and Effective Teachers Act.

“(2) In the case of a local educational agency in a State with a statewide teacher evaluation system, a description of how the local educational agency will work with the State educational agency to implement the statewide teacher evaluation system within 3 years of the date of enactment of the Encouraging Innovation and Effective Teachers Act.

“(3) An assurance that the local educational agency will comply with section 5501 (regarding participation by private school children and teachers).

### “SEC. 2123. LOCAL USE OF FUNDS.

“A local educational agency receiving a subgrant under this subpart—

“(1) shall use such funds—

“(A) to develop and implement a teacher evaluation system that—

“(i) uses student achievement data derived from a variety of sources as a significant factor in determining a teacher’s evaluation, with the weight given to such data defined by the local educational agency;

“(ii) uses multiple measures of evaluation for evaluating teachers;

“(iii) has more than 2 categories for rating the performance of teachers;

- “(iv) shall be used to make personnel decisions, as determined by the local educational agency; and
- “(v) is based on input from parents, school leaders, teachers, and other staff of schools served by the local educational agency; or
- “(B) in the case of a local educational agency located in a State implementing a statewide teacher evaluation system, to implement such evaluation system; and
- “(2) may use such funds for—
  - “(A) the training of school leaders for the purpose of evaluating teachers under a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate;
  - “(B) professional development for teachers and school leaders that is evidence-based, job-embedded, and continuous, such as—
    - “(i) subject-based professional development for teachers;
    - “(ii) professional development aligned with the State’s academic standards;
    - “(iii) professional development for teachers of students with disabilities and English learners;
    - “(iv) professional development for teachers identified as in need of additional support through data provided by a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate;
    - “(v) professional development based on the current science of learning, which includes research on positive brain change and cognitive skill development;
    - “(vi) professional development for school leaders, including mentorship programs for such leaders; or
    - “(vii) professional development on integrated, interdisciplinary, and project-based teaching strategies, including for career and technical education teachers;
  - “(C) partnering with a public or private organization or a consortium of such organizations to develop and implement a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate;
  - “(D) any activities authorized under section 2222(a); or
  - “(E) class size reduction, except that the local educational agency may use not more than 10 percent of such funds for this purpose.

### **“Subpart 3—General Provisions**

#### **“SEC. 2131. REPORTING REQUIREMENTS.**

“(a) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under subpart 2 shall submit to the State educational agency involved, on an annual basis until the last year in which the local educational agency receives such subgrant funds, a report on—

- “(1) how the local educational agency is meeting the purposes of this part described in section 2101;
- “(2) how the local educational agency is using such subgrant funds;
- “(3) the number and percentage of teachers in each category established under clause (iii) of section 2123(1)(A), except that such report shall not reveal personally identifiable information about an individual teacher; and
- “(4) any such other information as the State educational agency may require.

“(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under subpart 1 shall submit to the Secretary a report, on an annual basis until the last year in which the State educational agency receives such grant funds, on—

- “(1) how the State educational agency is meeting the purposes of this part described in section 2101; and
- “(2) how the State educational agency is using such grant funds.

#### **“SEC. 2132. NATIONAL ACTIVITIES.**

“From the funds reserved by the Secretary under section 2111(b)(1)(A), the Secretary shall, directly or through grants and contracts—

- “(1) provide technical assistance to States and local educational agencies in carrying out activities under this part; and
- “(2) acting through the Institute of Education Sciences, conduct national evaluations of activities carried out by State educational agencies and local educational agencies under this part.

**“SEC. 2133. STATE DEFINED.**

“In this part, the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”.

(c) PART B.—Part B of title II (20 U.S.C. 6661 et seq.) is amended to read as follows:

**“PART B—TEACHER AND SCHOOL LEADER FLEXIBLE GRANT**

**“SEC. 2201. PURPOSE.**

“The purpose of this part is to improve student academic achievement in the core academic subjects by—

“(1) supporting all State educational agencies, local educational agencies, schools, teachers, and school leaders to help all students meet the State’s academic standards; and

“(2) increasing the number of teachers and school leaders who are effective in increasing student academic achievement.

**“Subpart 1—Formula Grants to States**

**“SEC. 2211. STATE ALLOTMENTS.**

“(a) RESERVATIONS.—From the amount appropriated under section 3(a) for any fiscal year, the Secretary—

“(1) shall reserve 25 percent to award grants to States under this subpart; and

“(2) of the amount reserved under paragraph (1), shall reserve—

“(A) not more than 1 percent for national activities described in section 2233;

“(B) one-half of 1 percent for allotments to outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

“(C) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

“(b) STATE ALLOTMENTS.—

“(1) IN GENERAL.—From the total amount reserved under subsection (a)(1) for each fiscal year and not reserved under subparagraphs (A) through (C) of subsection (a)(2), the Secretary shall allot, and make available in accordance with this section, to each State an amount that bears the same ratio to such sums as the school-age population of the State bears to the school-age population of all States.

“(2) SMALL STATE MINIMUM.—No State receiving an allotment under paragraph (1) may receive less than one-half of 1 percent of the total amount allotted under such paragraph.

“(3) REALLOTMENT.—If a State does not receive an allotment under this subpart for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this section.

“(c) STATE APPLICATION.—In order to receive an allotment under this section for any fiscal year, a State shall submit an application to the Secretary, at such time and in such manner as the Secretary may reasonably require. Such application shall—

“(1) designate the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

“(2) describe how the State educational agency will use funds received under this section for State level activities described in subsection (d)(3);

“(3) describe the procedures and criteria the State educational agency will use for reviewing applications and awarding subgrants to eligible entities under section 2221 on a competitive basis;

“(4) describe how the State educational agency will ensure that subgrants made under section 2221 are of sufficient size and scope to support effective programs that will help increase academic achievement in the classroom and are consistent with the purposes of this part;

“(5) describe the steps the State educational agency will take to ensure that eligible entities use subgrant funds received under section 2221 to carry out programs that implement effective strategies, including by providing ongoing technical assistance and training, and disseminating evidence-based and other effective strategies to such eligible entities;

“(6) describe how programs under this part will be coordinated with other programs under this Act; and

“(7) include an assurance that, other than providing technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised, and will not exercise, any influence in the decision-making processes of eligible entities as to the expenditure of funds made pursuant to an application submitted under section 2221(b).

“(d) STATE USE OF FUNDS.—

“(1) IN GENERAL.—Each State that receives an allotment under this section shall reserve not less than 92 percent of the amount allotted to such State under subsection (b), for each fiscal year, for subgrants to eligible entities under subpart 2.

“(2) STATE ADMINISTRATION.—A State educational agency may reserve not more than 1 percent of the amount made available to the State under subsection (b) for the administrative costs of carrying out such State educational agency’s responsibilities under this subpart.

“(3) STATE-LEVEL ACTIVITIES.—

“(A) INNOVATIVE TEACHER AND SCHOOL LEADER ACTIVITIES.—A State educational agency shall reserve not more than 4 percent of the amount made available to the State under subsection (b) to carry out 1 or more of the following activities:

“(i) Reforming teacher and school leader certification, recertification, licensing, and tenure systems to ensure that—

“(I) each teacher has the subject matter knowledge and teaching skills necessary to help students meet the State’s academic standards; and

“(II) school leaders have the instructional leadership skills to help teachers instruct and students learn.

“(ii) Carrying out programs that establish, expand, or improve alternative routes for State certification or licensure of teachers and school leaders, including such programs for—

“(I) mid-career professionals from other occupations, including science, technology, engineering, and math fields;

“(II) former military personnel; and

“(III) recent graduates of an institution of higher education, with a record of academic distinction, who demonstrate the potential to become effective teachers or school leaders.

“(iii) Developing, or assisting eligible entities in developing—

“(I) performance-based pay systems for teachers and school leaders;

“(II) strategies that provide differential, incentive, or bonus pay for teachers; or

“(III) teacher advancement initiatives that promote professional growth and emphasize multiple career paths and pay differentiation.

“(iv) Developing, or assisting eligible entities in developing, new teacher and school leaders induction and mentoring programs that are designed to—

“(I) improve instruction and student learning and achievement; and

“(II) increase the retention of effective teachers and school leaders.

“(v) Providing professional development for teachers and school leaders that is focused on—

“(I) improving teaching and student learning and achievement in the core academic subjects; and

“(II) improving teaching, student learning, and achievement for students with disabilities, English learners, and other special populations.

“(vi) Providing training and technical assistance to eligible entities that receive a subgrant under section 2221.

“(vii) Other activities identified by the State educational agency that meet the purposes of this part, including those activities authorized under subparagraph (B).

“(B) TEACHER OR SCHOOL LEADER PREPARATION ACADEMIES.—

“(i) IN GENERAL.—In the case of a State in which teacher or school leader preparation academies are allowable under State law, a State educational agency may reserve not more than 3 percent of the amount made available to the State under subsection (b) to support the estab-

lishment or expansion of one or more teacher or school leader preparation academies and, subject to the limitation under clause (iii), to support State authorizers for such academies.

“(ii) MATCHING REQUIREMENT.—A State educational agency shall not provide funds under this subparagraph to support the establishment or expansion of a teacher or school leader preparation academy unless the academy agrees to provide, either directly or through private contributions, non-Federal matching funds equal to not less than 10 percent of the amount of the funds the academy will receive under this subparagraph.

“(iii) FUNDING FOR STATE AUTHORIZERS.—Not more than 5 percent of funds provided to a teacher or school leader preparation academy under this subparagraph may be used to support activities of State authorizers for such academy.

**“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLICATIONS.**

“(a) DEEMED APPROVAL.—An application submitted by a State pursuant to section 2211(c) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with section 2211(c).

“(b) DISAPPROVAL PROCESS.—

“(1) IN GENERAL.—The Secretary shall not finally disapprove an application submitted under section 2211(c), except after giving the State educational agency notice and an opportunity for a hearing.

“(2) NOTIFICATION.—If the Secretary finds that an application is not in compliance, in whole or in part, with section 2211(c) the Secretary shall—

“(A) give the State educational agency notice and an opportunity for a hearing; and

“(B) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

“(i) cite the specific provisions in the application that are not in compliance; and

“(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

“(3) RESPONSE.—If a State educational agency responds to a notification from the Secretary under paragraph (2)(B) during the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the application with the requested information described in paragraph (2)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—

“(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(B) the expiration of the 120-day period described in subsection (a).

“(4) FAILURE TO RESPOND.—If the State educational agency does not respond to a notification from the Secretary under paragraph (2)(B) during the 45-day period beginning on the date on which the State educational agency received the notification, such application shall be deemed to be disapproved.

**“Subpart 2—Local Competitive Grant Program**

**“SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.**

“(a) IN GENERAL.—A State that receives an allotment under section 2211(b) for a fiscal year shall use the amount reserved under section 2211(d)(1) to award subgrants, on a competitive basis, to eligible entities in accordance with this section to enable such entities to carry out the programs and activities described in section 2222.

“(b) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive a subgrant under this section, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

“(A) a description of the programs and activities to be funded and how they are consistent with the purposes of this part; and

“(B) an assurance that the eligible entity will comply with section 5501 (regarding participation by private school children and teachers).

“(c) PEER REVIEW.—In reviewing applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications but the review shall only judge the likelihood of the activity to increase student academic achievement. The reviewers shall not make a determination based on the policy of the proposed activity.

“(d) GEOGRAPHIC DIVERSITY.—A State educational agency shall distribute funds under this section equitably among geographic areas within the State, including rural, suburban, and urban communities.

“(e) DURATION OF AWARDS.—A State educational agency may award subgrants under this section for a period of not more than 5 years.

“(f) MATCHING.—An eligible entity receiving a subgrant under this section shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 10 percent of the amount of the subgrant.

**“SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.**

“(a) IN GENERAL.—Each eligible entity receiving a subgrant under section 2221 shall use such subgrant funds to develop, implement, and evaluate comprehensive programs and activities, that are in accordance with the purpose of this part and—

“(1) are consistent with the principles of effectiveness described in subsection (b); and

“(2) may include, among other programs and activities—

“(A) developing and implementing initiatives to assist in recruiting, hiring, and retaining highly effective teachers and school leaders, including initiatives that provide—

“(i) differential, incentive, or bonus pay for teachers;

“(ii) performance-based pay systems for teachers and school leaders;

“(iii) teacher advancement initiatives that promote professional growth and emphasize multiple career paths and pay differentiation;

“(iv) new teacher and school leader induction and mentoring programs that are designed to improve instruction, student learning and achievement, and to increase teacher and school leader retention; and

“(v) teacher residency programs, and school leader residency programs, designed to develop and support new teachers or new school leaders, respectively;

“(B) supporting the establishment or expansion of teacher or school leader preparation academies under section 2221(d)(3)(B);

“(C) recruiting qualified individuals from other fields, including individuals from science, technology, engineering, and math fields, mid-career professionals from other occupations, and former military personnel;

“(D) establishing, improving, or expanding model instructional programs in the core academic subjects to ensure that all children meet the State’s academic standards;

“(E) providing high-quality professional development for teachers and school leaders focused on improving teaching and student learning and achievement in the core academic subjects;

“(F) implementing programs based on the current science of learning, which includes research on positive brain change and cognitive skill development; and

“(G) other activities and programs identified as necessary by the local educational agency that meet the purpose of this part.

“(b) PRINCIPLES OF EFFECTIVENESS.—For a program or activity developed pursuant to this section to meet the principles of effectiveness, such program or activity shall—

“(1) be based upon an assessment of objective data regarding the need for programs and activities in the elementary schools and secondary schools served to increase the number of teachers and school leaders who are effective in improving student academic achievement;

“(2) reflect evidence-based research, or in the absence of a strong research base, reflect effective strategies in the field, that provide evidence that the program or activity will improve student academic achievement in the core academic subjects; and

“(3) include meaningful and ongoing consultation with, and input from, teachers, school leaders, and parents, in the development of the application and administration of the program or activity.

### “Subpart 3—General Provisions

#### “SEC. 2231. PERIODIC EVALUATION.

“(a) IN GENERAL.—Each eligible entity and each teacher or school leader preparation academy that receives funds under this part shall undergo a periodic evaluation by the State educational agency involved to assess such entity’s or such academy’s progress toward achieving the purposes of this part.

“(b) USE OF RESULTS.—The results of an evaluation described in subsection (a) of an eligible entity or academy shall be—

“(1) used to refine, improve, and strengthen such eligible entity or such academy, respectively; and

“(2) made available to the public upon request, with public notice of such availability provided.

#### “SEC. 2232. REPORTING REQUIREMENTS.

“(a) ELIGIBLE ENTITIES AND ACADEMIES.—Each eligible entity and each teacher or school leader preparation academy that receives funds from a State educational agency under this part shall prepare and submit annually to such State educational agency a report that includes—

“(1) a description of the progress of the eligible entity or teacher or school leader preparation academy, respectively, in meeting the purposes of this part;

“(2) a description of the programs and activities conducted by the eligible entity or teacher or school leader preparation academy, respectively, with funds received under this part;

“(3) how the eligible entity or teacher or school leader preparation academy, respectively, is using such funds; and

“(4) any such other information as the State educational agency may require.

“(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency that receives a grant under this part shall prepare and submit, annually, to the Secretary a report that includes—

“(1) a description of the programs and activities conducted by the State educational agency with grant funds received under this part;

“(2) a description of the progress of the State educational agency in meeting the purposes of this part described in section 2201;

“(3) how the State educational agency is using grant funds received under this part;

“(4) the methods and criteria the State educational agency used to award subgrants to eligible entities under section 2221 and, if applicable, funds to teacher or school leader academies under section 2211(d)(3)(B); and

“(5) the results of the periodic evaluations conducted under section 2231.

#### “SEC. 2233. NATIONAL ACTIVITIES.

“From the funds reserved by the Secretary under section 2211(a)(1), the Secretary shall, directly or through grants and contracts—

“(1) provide technical assistance to States and eligible entities in carrying out activities under this part; and

“(2) acting through the Institute of Education Sciences, conduct national evaluations of activities carried out by States and eligible entities under this part.

#### “SEC. 2234. DEFINITIONS.

“In this part:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a local educational agency or consortium of local educational agencies;

“(B) an institution of higher education or consortium of such institutions in partnership with a local educational agency or consortium of local educational agencies;

“(C) a for-profit organization, a nonprofit organization, or a consortium of for-profit or nonprofit organizations in partnership with a local educational agency or consortium of local educational agencies; or

“(D) a consortium of the entities described in subparagraphs (B) and (C).

“(2) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(3) STATE AUTHORIZER.—The term ‘State authorizer’ means an entity designated by the Governor of a State to authorize teacher or school leader preparation academies within the State that—

“(A) enters into an agreement with a teacher or school leader preparation academy that—

- “(i) specifies the goals expected of the academy, which, at a minimum, include the goals described in paragraph (4); and
- “(ii) does not reauthorize the academy if such goals are not met; and
- “(B) may be a nonprofit organization, a State educational agency, or other public entity, or consortium of such entities (including a consortium of State educational agencies).
- “(4) **TEACHER OR SCHOOL LEADER PREPARATION ACADEMY.**—The term ‘teacher or school leader preparation academy’ means a public or private entity, or a nonprofit or for-profit organization, which may be an institution of higher education or an organization affiliated with an institution of higher education, that will prepare teachers or school leaders to serve in schools, and that—
- “(A) enters into an agreement with a State authorizer that specifies the goals expected of the academy, including—
- “(i) a requirement that prospective teachers or school leaders who are enrolled in a teacher or school leader preparation academy receive a significant part of their training through clinical preparation that partners the prospective candidate with an effective teacher or school leader, respectively, with a demonstrated record of increasing student achievement, while also receiving concurrent instruction from the academy in the content area (or areas) in which the prospective teacher or school leader will become certified or licensed;
- “(ii) the number of effective teachers or school leaders, respectively, who will demonstrate success in increasing student achievement that the academy will produce; and
- “(iii) a requirement that a teacher or school leader preparation academy will only award a certificate of completion after the graduate demonstrates that the graduate is an effective teacher or school leader, respectively, with a demonstrated record of increasing student achievement, except that an academy may award a provisional certificate for the period necessary to allow the graduate to demonstrate such effectiveness;
- “(B) does not have restrictions on the methods the academy will use to train prospective teacher or school leader candidates, including—
- “(i) obligating (or prohibiting) the academy’s faculty to hold advanced degrees or conduct academic research;
- “(ii) restrictions related to the academy’s physical infrastructure;
- “(iii) restrictions related to the number of course credits required as part of the program of study;
- “(iv) restrictions related to the undergraduate coursework completed by teachers teaching or working on alternative certificates, licenses, or credentials, as long as such teachers have successfully passed all relevant State-approved content area examinations; or
- “(v) restrictions related to obtaining accreditation from an accrediting body for purposes of becoming an academy;
- “(C) limits admission to its program to prospective teacher or school leader candidates who demonstrate strong potential to improve student achievement, based on a rigorous selection process that reviews a candidate’s prior academic achievement or record of professional accomplishment; and
- “(D) results in a certificate of completion that the State may recognize as at least the equivalent of a master’s degree in education for the purposes of hiring, retention, compensation, and promotion in the State.
- “(5) **TEACHER RESIDENCY PROGRAM.**—The term ‘teacher residency program’ means a school-based teacher preparation program in which a prospective teacher—
- “(A) for one academic year, teaches alongside an effective teacher, as determined by a teacher evaluation system implemented under part A, who is the teacher of record;
- “(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution (as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021)), which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed; and
- “(C) acquires effective teaching skills.”
- (d) **PART C.**—Part C of title II (20 U.S.C. 6671 et seq.) is amended—
- (1) by striking subparts 1 through 4;
  - (2) by striking the heading relating to subpart 5;
  - (3) by striking sections 2361 and 2368;
  - (4) in section 2362, by striking “principals” and inserting “school leaders”;

- (5) in section 2363(6)(A), by striking “principal” and inserting “school leader”;
  - (6) in section 2366(b), by striking “ate law” and inserting “(3) A State law”;
  - (7) by redesignating section 2362 as section 2361;
  - (8) by redesignating sections 2364 through 2367 as sections 2362 through 2365, respectively; and
  - (9) by redesignating section 2363 as section 2366 and transferring such section to appear after section 2365 (as so redesignated).
- (e) PART D.—Part D of title II (20 U.S.C. 6751 et seq.) is amended to read as follows:

## **“PART D—GENERAL PROVISIONS**

### **“SEC. 2401. INCLUSION OF CHARTER SCHOOLS.**

“In this title, the term ‘local educational agency’ includes a charter school (as defined in section 5101) that, in the absence of this section, would not have received funds under this title.

### **“SEC. 2402. PARENTS’ RIGHT TO KNOW.**

“At the beginning of each school year, a local educational agency that receives funds under this title shall notify the parents of each student attending any school receiving funds under this title that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student’s classroom teachers.

### **“SEC. 2403. SUPPLEMENT, NOT SUPPLANT.**

“Funds received under this title shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title.”.

### **SEC. 102. CONFORMING REPEALS.**

(a) CONFORMING REPEALS.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by repealing sections 201 through 204.

(b) EFFECTIVE DATE.—The repeals made by subsection (a) shall take effect October 1, 2012.

## **TITLE II—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY**

### **SEC. 201. PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY.**

Title III (20 U.S.C. 6801 et seq.) is amended to read as follows:

## **“TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY**

### **“PART A—PARENTAL ENGAGEMENT**

#### **“Subpart 1—Charter School Program**

### **“SEC. 3101. SENSE OF THE HOUSE OF REPRESENTATIVES.**

“It is the sense of the House of Representatives that the programs for public charter schools under part B of title V be reauthorized as such part was amended under the provisions of H.R. 2218, as passed by the House of Representatives on September 13, 2011, and be transferred and redesignated to this subpart.

#### **“Subpart 2—Magnet School Assistance**

### **“SEC. 3121. PURPOSE.**

“The purpose of this subpart is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

- “(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minor-

ity students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;

“(2) the development and implementation of magnet school programs that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet State academic standards;

“(3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;

“(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable career, technical, and professional skills of students attending such schools;

“(5) improving the ability of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and

“(6) ensuring that students enrolled in the magnet school programs have equitable access to a quality education that will enable the students to succeed academically and continue with postsecondary education or employment.

**“SEC. 3122. DEFINITION.**

“For the purpose of this subpart, the term ‘magnet school’ means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

**“SEC. 3123. PROGRAM AUTHORIZED.**

“From the amount appropriated under section 3(b)(1)(B), the Secretary, in accordance with this subpart, is authorized to award grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this subpart for magnet schools that are—

“(1) part of an approved desegregation plan; and

“(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

**“SEC. 3124. ELIGIBILITY.**

“A local educational agency, or consortium of such agencies where appropriate, is eligible to receive a grant under this subpart to carry out the purpose of this subpart if such agency or consortium—

“(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or

“(2) without having been required to do so, has adopted and is implementing, or will, if a grant is awarded to such local educational agency, or consortium of such agencies, under this subpart, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

**“SEC. 3125. APPLICATIONS AND REQUIREMENTS.**

“(a) APPLICATIONS.—An eligible local educational agency, or consortium of such agencies, desiring to receive a grant under this subpart shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(b) INFORMATION AND ASSURANCES.—Each application submitted under subsection (a) shall include—

“(1) a description of—

“(A) how a grant awarded under this subpart will be used to promote desegregation, including how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

“(B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school;

“(C) how the applicant will continue the magnet school program after assistance under this subpart is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this subpart cannot be continued without the use of grant funds under this subpart;

“(D) how grant funds under this subpart will be used—

“(i) to improve student academic achievement for all students attending the magnet school programs; and

“(ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate; and

“(E) the criteria to be used in selecting students to attend the proposed magnet school program; and

“(2) assurances that the applicant will—

“(A) use grant funds under this subpart for the purposes specified in section 3121;

“(B) employ effective teachers in the courses of instruction assisted under this subpart;

“(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

“(i) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;

“(ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and

“(iii) designing or operating extracurricular activities for students;

“(D) carry out a quality education program that will encourage greater parental decisionmaking and involvement; and

“(E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

“(c) SPECIAL RULE.—No grant shall be awarded under this subpart unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

**“SEC. 3126. PRIORITY.**

“In awarding grants under this subpart, the Secretary shall give priority to applicants that—

“(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;

“(2) propose to carry out new magnet school programs, or significantly revise existing magnet school programs;

“(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination; and

“(4) propose to serve the entire student population of a school.

**“SEC. 3127. USE OF FUNDS.**

“(a) IN GENERAL.—Grant funds made available under this subpart may be used by an eligible local educational agency, or consortium of such agencies—

“(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

“(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation of materials, equipment, and computers, necessary to conduct programs in magnet schools;

“(3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers, and instructional staff where applicable, who are necessary to conduct programs in magnet schools;

“(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

“(A) are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program; and

“(B) further the purpose of this subpart;

“(5) for activities, which may include professional development, that will build the recipient’s capacity to operate magnet school programs once the grant period has ended;

“(6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

“(7) to enable the local educational agency, or consortium of such agencies, to have flexibility in designing magnet schools for students in all grades.

“(b) SPECIAL RULE.—Grant funds under this subpart may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student academic achievement based on the State’s academic standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving career, technical, and professional skills.

**“SEC. 3128. LIMITATIONS.**

“(a) DURATION OF AWARDS.—A grant under this subpart shall be awarded for a period that shall not exceed 3 fiscal years.

“(b) LIMITATION ON PLANNING FUNDS.—A local educational agency, or consortium of such agencies, may expend for planning (professional development shall not be considered to be planning for purposes of this subsection) not more than 50 percent of the grant funds received under this subpart for the first year of the program and not more than 15 percent of such funds for each of the second and third such years.

“(c) AMOUNT.—No local educational agency, or consortium of such agencies, awarded a grant under this subpart shall receive more than \$4,000,000 under this subpart for any 1 fiscal year.

“(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this subpart not later than July 1 of the applicable fiscal year.

**“SEC. 3129. EVALUATIONS.**

“(a) RESERVATION.—The Secretary may reserve not more than 2 percent of the funds appropriated under section 3(b)(1)(B) for any fiscal year to carry out evaluations, provide technical assistance, and carry out dissemination projects with respect to magnet school programs assisted under this subpart.

“(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—

“(1) how and the extent to which magnet school programs lead to educational quality and academic improvement;

“(2) the extent to which magnet school programs enhance student access to a quality education;

“(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students; and

“(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

“(c) DISSEMINATION.—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

**“SEC. 3130. RESERVATION.**

“In any fiscal year for which the amount appropriated under section 3(b)(1)(B) exceeds \$75,000,000, the Secretary shall give priority in using such amounts in excess of \$75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this subpart in the preceding fiscal year.

### **“Subpart 3—Family Engagement in Education Programs**

**“SEC. 3141. PURPOSES.**

“The purposes of this subpart are the following:

“(1) To provide financial support to organizations to provide technical assistance and training to State and local educational agencies in the implementation and enhancement of systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

“(2) To assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.

“(3) To support State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children’s school in order to further the developmental progress of children.

“(4) To coordinate activities funded under this subpart with parent involvement initiatives funded under section 1118 and other provisions of this Act.

“(5) To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.

**“SEC. 3142. GRANTS AUTHORIZED.**

“(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—From the amount appropriated under section 3(b)(1)(C), the Secretary is authorized to award grants for each fiscal year to statewide organizations (and consortia of such organizations and State educational agencies), to establish Statewide Family Engagement Centers that provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that carry out, or carry out directly, parent education and family engagement in education programs.

“(b) MINIMUM AWARD.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a Statewide Family Engagement Center in an amount not less than \$500,000.

**“SEC. 3143. APPLICATIONS.**

“(a) SUBMISSIONS.—Each statewide organization, or a consortium of such an organization and a State educational agency, that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and including the information described in subsection (b).

“(b) CONTENTS.—Each application submitted under subsection (a) shall include, at a minimum, the following:

“(1) A description of the applicant’s approach to family engagement in education.

“(2) A description of the support that the Statewide Family Engagement Center that will be operated by the applicant will have from the applicant, including a letter from the applicant outlining the commitment to work with the center.

“(3) A description of the applicant’s plan for building a statewide infrastructure for family engagement in education, that includes—

“(A) management and governance;

“(B) statewide leadership; or

“(C) systemic services for family engagement in education.

“(4) A description of the applicant’s demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education policies and practices that are effective for parents (including low-income parents) and families, English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.

“(5) An assurance that the applicant will—

“(A) establish a special advisory committee, the membership of which includes—

“(i) parents, who shall constitute a majority of the members of the special advisory committee;

“(ii) representatives of education professionals with expertise in improving services for disadvantaged children;

“(iii) representatives of local elementary schools and secondary schools, including students;

“(iv) representatives of the business community; and

“(v) representatives of State educational agencies and local educational agencies;

“(B) use not less than 65 percent of the funds received under this subpart in each fiscal year to serve local educational agencies, schools, and community-based organizations that serve high concentrations of disadvantaged students, including English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students;

“(C) operate a Statewide Family Engagement Center of sufficient size, scope, and quality to ensure that the Center is adequate to serve the State educational agency, local educational agencies, and community-based organizations;

“(D) ensure that the Center will retain staff with the requisite training and experience to serve parents in the State;

“(E) serve urban, suburban, and rural local educational agencies and schools;

- “(F) work with—
- “(i) other Statewide Family Engagement Centers assisted under this subpart; and
  - “(ii) parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act;
- “(G) use not less than 30 percent of the funds received under this subpart for each fiscal year to establish or expand technical assistance for evidence-based parent education programs;
- “(H) provide assistance to State educational agencies and local educational agencies and community-based organizations that support family members in supporting student academic achievement;
- “(I) work with State educational agencies, local educational agencies, schools, educators, and parents to determine parental needs and the best means for delivery of services to address such needs; and
- “(J) conduct sufficient outreach to assist parents, including parents who the applicant may have a difficult time engaging with a school or local educational agency.

**“SEC. 3144. USES OF FUNDS.**

“(a) **IN GENERAL.**—Grantees shall use grant funds received under this subpart, based on the needs determined under section 3143(b)(5)(I), to provide training and technical assistance to State educational agencies, local educational agencies, and organizations that support family-school partnerships, and activities, services, and training for local educational agencies, school leaders, educators, and parents—

“(1) to assist parents in participating effectively in their children’s education and to help their children meet State standards, such as assisting parents—

“(A) to engage in activities that will improve student academic achievement, including understanding how they can support learning in the classroom with activities at home and in afterschool and extracurricular programs;

“(B) to communicate effectively with their children, teachers, school leaders, counselors, administrators, and other school personnel;

“(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

“(D) to participate in the design and provision of assistance to students who are not making academic progress;

“(E) to participate in State and local decisionmaking;

“(F) to train other parents; and

“(G) to help the parents learn and use technology applied in their children’s education;

“(2) to develop and implement, in partnership with the State educational agency, statewide family engagement in education policy and systemic initiatives that will provide for a continuum of services to remove barriers for family engagement in education and support school reform efforts; and

“(3) to develop, implement, and assess parental involvement policies under sections 1112 and 1118.

“(b) **MATCHING FUNDS FOR GRANT RENEWAL.**—For each fiscal year after the first fiscal year for which an organization or consortium receives assistance under this section, the organization or consortium shall demonstrate in the application that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

“(c) **TECHNICAL ASSISTANCE.**—The Secretary shall reserve not more than 2 percent of the funds appropriated under section 3(b)(C) to carry out this subpart to provide technical assistance, by grant or contract, for the establishment, development, and coordination of Statewide Family Engagement Centers.

“(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prohibit a Statewide Family Engagement Center from—

“(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

“(2) working with another agency that serves children.

“(e) **PARENTAL RIGHTS.**—Notwithstanding any other provision of this section—

“(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education or developmental screening under this section; and

“(2) no program or center assisted under this section shall take any action that infringes in any manner on the right of a parent to direct the education of their children.

**“SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

“The Secretary of the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with local Indian nonprofit parent organizations to establish and operate Family Engagement Centers.

**“PART B—LOCAL ACADEMIC FLEXIBLE GRANT****“SEC. 3201. PURPOSE.**

“The purpose of this part is to—

“(1) provide local educational agencies with the opportunity to access funds to support the initiatives important to their schools and students to improve academic achievement; and

“(2) provide nonprofit and for-profit entities the opportunity to work with students to improve academic achievement.

**“SEC. 3202. ALLOTMENTS TO STATES.**

“(a) RESERVATIONS.—From the funds appropriated under section 3(b)(2) for any fiscal year, the Secretary shall reserve—

“(1) not more than one-half of 1 percent for national activities to provide technical assistance to eligible entities in carrying out programs under this part; and

“(2) not more than one-half of 1 percent for payments to the outlying areas and the Bureau of Indian Education, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

“(b) STATE ALLOTMENTS.—

“(1) DETERMINATION.—From the funds appropriated under section 3(b)(2) for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under chapter B of subpart 1 of part A of title I for the preceding fiscal year bears to the amount all States received under that chapter for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

“(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this section.

“(c) STATE USE OF FUNDS.—

“(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 75 percent of the amount allotted to the State under subsection (b) for each fiscal year for awards to eligible entities under section 3204.

“(2) AWARDS TO NONGOVERNMENTAL ENTITIES TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—Each State that receives an allotment under subsection (b) for each fiscal year shall reserve not less than 10 percent of the amount allotted to the State for awards to nongovernmental entities under section 3205.

“(3) STATE ACTIVITIES AND STATE ADMINISTRATION.—A State educational agency may reserve not more than 15 percent of the amount allotted to the State under subsection (b) for each fiscal year for the following:

“(A) Enabling the State educational agency—

“(i) to pay the costs of developing the State assessments and standards required under section 1111(b), which may include the costs of working, at the sole discretion of the State, in voluntary partnerships with other States to develop such assessments and standards; or

“(ii) if the State has developed the assessments and standards required under section 1111(b), to administer those assessments or carry out other activities related to ensuring that the State’s schools and local educational agencies are helping students meet the State’s academic standards under such section.

“(B) The administrative costs of carrying out its responsibilities under this part, except that not more than 5 percent of the reserved amount may be used for this purpose.

“(C) Monitoring and evaluation of programs and activities assisted under this part.

“(D) Providing training and technical assistance under this part.

“(E) Statewide academic focused programs.

“(F) Sharing evidence-based and other effective strategies with eligible entities.

**“SEC. 3203. STATE APPLICATION.**

“(a) **IN GENERAL.**—In order to receive an allotment under section 3202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

“(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

“(2) describes how the State educational agency will use funds reserved for State-level activities;

“(3) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include reviewing how the proposed project will help increase student academic achievement;

“(4) describes how the State educational agency will ensure that awards made under this part are—

“(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

“(B) in amounts that are consistent with section 3204(f);

“(5) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, and dissemination of evidence-based and other effective strategies;

“(6) describes how the State educational agency will consider students across all grades when making these awards;

“(7) an assurance that, other than providing technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised and will not exercise any influence in the decision-making process of eligible entities as to the expenditure of funds received by the eligible entities under this part;

“(8) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

“(9) contains an assurance that the State educational agency—

“(A) will make awards for programs for a period of not more than 5 years; and

“(B) will require each eligible entity seeking such an award to submit a plan describing how the project to be funded through the award will continue after funding under this part ends, if applicable; and

“(10) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, State and local public funds expended to provide programs and activities authorized under this part and other similar programs.

“(b) **DEEMED APPROVAL.**—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

“(c) **DISAPPROVAL.**—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

“(d) **NOTIFICATION.**—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

“(1) give the State educational agency notice and an opportunity for a hearing; and

“(2) notify the State educational agency of the finding of noncompliance, and, in such notification, shall—

“(A) cite the specific provisions in the application that are not in compliance; and

“(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

“(e) **RESPONSE.**—If the State educational agency responds to the Secretary’s notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

“(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(2) the expiration of the 120-day period described in subsection (b).

“(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary’s notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

“(g) RULE OF CONSTRUCTION.—An application submitted by a State educational agency pursuant to subsection (a) shall not be approved or disapproved based upon the activities for which the agency may make funds available to eligible entities under section 3204 if the agency’s use of funds is consistent with section 3204(b).

**“SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.**

“(a) IN GENERAL.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 3202(c)(1) to eligible entities in accordance with this section.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—An eligible entity that receives an award under this part shall use the funds for activities that—

“(A) are evidence-based;

“(B) will improve student academic achievement;

“(C) are allowable under State law; and

“(D) focus on one or more projects from the following two categories:

“(i) Supplemental student support activities such as before, after, or summer school activities, tutoring, and expanded learning time, but not including athletics or in-school learning activities.

“(ii) Activities designed to support students, such as academic subject specific programs, adjunct teacher programs, extended learning time programs, and parent engagement, but not including activities to—

“(I) support smaller class sizes or construction; or

“(II) provide compensation or benefits to teachers, school leaders, other school officials, or local educational agency staff.

“(2) PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.—An eligible entity that receives an award under this part shall ensure compliance with section 5501 (relating to participation of children enrolled in private schools).

“(c) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive an award under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require, including the contents required by paragraph (2).

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

“(A) a description of the activities to be funded and how they are consistent with subsection (b);

“(B) an assurance that funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant State, local, or non-Federal funds;

“(C) an assurance that the community will be given notice of an intent to submit an application with an opportunity for comment, and that the application will be available for public review after submission of the application; and

“(D) an assurance that students who benefit from any activity funded under this part shall continue to maintain enrollment in a public elementary or secondary school.

“(d) REVIEW.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications but the review shall be limited to the likelihood that the project will increase student academic achievement.

“(e) GEOGRAPHIC DIVERSITY.—A State educational agency shall distribute funds under this part equitably among geographic areas within the State, including rural, suburban, and urban communities.

“(f) AWARD.—A grant shall be awarded to all eligible entities that submit an application that meets the requirements of this section in an amount that is not less than \$10,000, but there shall be only one minimum award granted to any one local educational agency.

“(g) DURATION OF AWARDS.—Grants under this part may be awarded for a period of not more than 5 years.

“(h) ELIGIBLE ENTITY DEFINED.—In this section, the term ‘eligible entity’ means—

“(1) a local educational agency in partnership with a community-based organization, business entity, or nongovernmental entity;

“(2) a consortium of local educational agencies working in partnership with a community-based organization, business entity, or nongovernmental entity;

“(3) a community-based organization in partnership with a local educational agency and, if applicable, a business entity or nongovernmental entity; or

“(4) a business entity in partnership with a local educational agency and, if applicable, a community-based organization or nongovernmental entity.

**“SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO IMPROVE ACADEMIC ACHIEVEMENT.**

“(a) IN GENERAL.—From the amount reserved under section 3202(c)(2), a State educational agency shall award grants to nongovernmental entities, including public or private organizations, community-based or faith-based organizations, and business entities for a program or project to increase the academic achievement of public school students attending public elementary or secondary schools (or both) in compliance with the requirements in this section. Subject to the availability of funds, the State educational agency shall award a grant to each eligible applicant that meets the requirements in a sufficient size and scope to support the program.

“(b) APPLICATION.—The State educational agency shall require an application that includes the following information:

“(1) A description of the program or project the applicant will use the funds to support.

“(2) A description of how the applicant is using or will use other State, local, or private funding to support the program or project.

“(3) A description of how the program or project will help increase student academic achievement, including the evidence to support this claim.

“(4) A description of the student population the program or project is targeting to impact, and if the program will prioritize students in high-need local educational agencies.

“(5) A description of how the applicant will conduct sufficient outreach to ensure students can participate in the program or project.

“(6) A description of any partnerships the applicant has entered into with the local educational agencies or other entities the applicant will work with, if applicable.

“(7) A description of how the applicant will work to share evidence-based and other effective strategies from the program or project with local educational agencies and other entities working with students to increase academic achievement.

“(8) An assurance that students who benefit from any program or project funded under this section shall continue to maintain enrollment in a public elementary or secondary school.

“(c) MATCHING CONTRIBUTION.—An eligible applicant receiving a grant under this section shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

“(d) REVIEW.—The State educational agency shall review the application to ensure that—

“(1) the applicant is an eligible applicant;

“(2) the application clearly describes the required elements in subsection (b);

“(3) the entity meets the matching requirement described in subsection (c); and

“(4) the program is allowable and complies with Federal, State, and local laws.

“(e) DISTRIBUTION OF FUNDS.—If the application requests exceed the funds available, the State educational agency shall prioritize projects that support students in high-need local educational agencies and ensure geographic diversity, including serving rural, suburban, and urban areas.

“(f) ADMINISTRATIVE COSTS.—Not more than 1 percent of a grant awarded under this section may be used for administrative costs.

**“SEC. 3206. REPORT.**

“Each recipient of a grant under section 3204 or 3205 shall report to the State educational agency on—

“(1) the success of the program in reaching the goals of the program;

“(2) a description of the students served by the program and how the students’ academic achievement improved; and

“(3) the results of any evaluation conducted on the success of the program.”.

## TITLE III—IMPACT AID

### SEC. 301. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended by striking “challenging State standards” and inserting “State academic standards”.

### SEC. 302. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “2003” and inserting “2018”; and

(B) in paragraph (1)(C), by amending the matter preceding clause (i) to read as follows:

“(C) had an assessed value according to original records (including facsimiles or other reproductions of those records) or other records that the Secretary determines to be appropriate and reliable, including Federal agency records or local historical records, aggregating 10 percent or more of the assessed value of—”;

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking “section 8014(a)” and inserting “section 3(c)(1)”;

(B) by amending paragraph (2) to read as follows:

“(2) DETERMINATION OF ESTIMATED TAXABLE VALUE FOR ELIGIBLE FEDERAL PROPERTY.—

“(A) IN GENERAL.—Subject to subparagraph (B), in determining the estimated taxable value of eligible Federal property located within the boundaries of a local educational agency for fiscal year 2013 and each succeeding fiscal year, the Secretary shall carry out the following:

“(i) Determine the total taxable value of real property located within the boundaries of such local educational agency for the purpose of levying a property tax for current expenditures.

“(ii) Determine the per acre value of the eligible Federal property by dividing—

“(I) the total taxable value determined under clause (i), by

“(II) the difference between the total acres located within the boundaries of the local educational agency and the number of Federal acres in that agency eligible under this section.

“(iii) Multiply—

“(I) the per acre value calculated under clause (ii), by

“(II) the number of Federal acres in that agency eligible under this section.

“(B) SPECIAL RULE.—In a case in which a local educational agency shares eligible Federal property with 2 or more local educational agencies, the local educational agency may elect to have the Secretary—

“(i) calculate the per acre value of the eligible Federal property of each such local educational agency in accordance with subparagraph (A); and

“(ii) carry out the calculation under subparagraph (A)(iii) by multiplying—

“(I) the average of the per acre values of such eligible Federal properties, by

“(II) the acres of the Federal property in that agency eligible under this section.”; and

(C) by amending paragraph (3) to read as follows:

“(3) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In calculating the amount that a local educational agency is eligible to receive for a fiscal year, the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies, or imputed for fiscally dependent local educational agencies, to the current annually determined estimated taxable value of such acquired Federal property as calculated under paragraph (2).”;

(3) by amending subsection (f) to read as follows:

“(f) SPECIAL RULE.—Beginning with fiscal year 2013, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if records to determine eligibility under such subsection were destroyed prior to fiscal year 2000 and the agency received funds under subsection (b) in the previous year.”;

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

“(g) FORMER DISTRICTS.—

“(1) CONSOLIDATIONS.—For fiscal year 2006 and each succeeding fiscal year, if a local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility and any amount for which the local educational agency is eligible under this section for such fiscal year on the basis of one or more of those former districts, as designated by the local educational agency.

“(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is—

“(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for, and was determined to be eligible under section 2(c) of the Act of September 20, 1950 (Public Law 874, 81st Congress) as that section was in effect for that fiscal year; or

“(B) a local educational agency formed by the consolidation of 2 or more school districts, at least one of which was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, if—

“(i) for fiscal years 2006 through 2012, the local educational agency notifies the Secretary not later than 30 days after the date of enactment of the Encouraging Innovation and Effective Teachers Act of the designation described in paragraph (1); and

“(ii) for fiscal year 2013, and each subsequent fiscal year, the local educational agency includes the designation in its application under section 8005 or any timely amendment to such application.

“(3) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after fiscal year 2005, the Secretary may obligate funds remaining after final payments have been made for any of such fiscal years to carry out this subsection.”;

(5) in subsection (h)—

(A) by striking “section 8014(a)” and inserting “section 3(c)(1)”;

(B) by amending paragraph (1) to read as follows:

“(1) FOUNDATION PAYMENTS.—

“(A) IN GENERAL.—From the amount appropriated under section 3(c)(1) for the fiscal year involved, the Secretary shall first make a payment to the following local educational agencies:

“(i) Each local educational agency that received a payment under this section for fiscal year 2006 and was eligible for a payment under this section for fiscal year 2006.

“(ii) Each local educational agency that did not receive a payment under this section for fiscal year 2006 but was newly eligible for a payment under this section after fiscal year 2006.

“(B) AMOUNT.—The amount of payment under subparagraph (A) for a local educational agency shall be determined as follows:

“(i) For a local educational agency described in subparagraph (A)(i) the amount of payment shall be equal to 90 percent of the amount received by such local educational agency under subsection (b) for fiscal year 2006.

“(ii) For a local educational agency described in subparagraph (A)(ii) the amount of payment shall be determined by—

“(I) calculating a payment estimate for fiscal year 2006 for such local educational agency under subsection (b) in the same manner as payments were determined for local educational agencies eligible for and receiving payments for fiscal year 2006 under such section; and

“(II) multiplying the amount determined under subclause (I) by 90 percent.

“(C) FOUNDATION PAYMENT.—The amount of payments calculated under clause (i) or (ii) of subparagraph (B) for a local educational agency shall be considered the local educational agency’s foundation payments for each succeeding fiscal year.

“(D) INSUFFICIENT APPROPRIATIONS.—If the amount appropriated under section 3(c)(1) is insufficient to pay the full amount determined under this paragraph for all eligible local educational agencies for the fiscal year, then the Secretary shall ratably reduce the payment to each such local educational agency under this paragraph.”;

(C) by amending paragraph (2) to read as follows:

“(2) REMAINING FUNDS.—From any amounts remaining after making payments under paragraph (1) for the fiscal year involved, the Secretary shall—

“(A) sum the amounts determined for all eligible local educational agencies under subsection (b)(2);

“(B) determine each eligible local educational agency’s proportional share of the amount calculated under subparagraph (A); and

“(C) pay each eligible local educational agency its share of the remaining funds based on the proportion calculated under subparagraph (B).”; and

(D) by striking paragraphs (3) and (4);

(6) by repealing subsections (i) and (k);

(7) by redesignating subsection (l) as subsection (i);

(8) by amending subsection (i) (as so redesignated) by striking “(h)(4)(B)” and inserting “(h)(2)”;

(9) by repealing subsection (m); and

(10) by redesignating subsection (n) as subsection (j).

**SEC. 303. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.**

(a) COMPUTATION OF PAYMENT.—Section 8003(a) (20 U.S.C. 7703(a)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by inserting after “schools of such agency” the following: “(including those children enrolled in such agency as a result of the open enrollment policy of the State in which the agency is located, but not including children who are enrolled in a distance education program at such agency and who are not residing within the geographic boundaries of such agency”;

(2) in paragraph (4)—

(A) in the heading, by striking “OR REBUILDING” and inserting “, REBUILDING, OR AUTHORIZED FOR DEMOLITION”;

(B) in subparagraph (A), by striking “or rebuilding” each place it appears and inserting “, rebuilding, or authorized for demolition by the Secretary of Defense or the head of another Federal agency”; and

(C) in subparagraph (B)—

(i) by striking “or rebuilding” each place it appears and inserting “, rebuilding, or authorized for demolition by the Secretary of Defense or the head of another Federal agency”; and

(ii) by striking “3 fiscal years” each place it appears and inserting “4 fiscal years (which are not required to run consecutively)”;

(3) in paragraph (5)(A), by inserting after “1984,” the following: “or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code.”.

(b) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—Section 8003(b) (20 U.S.C. 7703(b)) is amended—

(1) by striking “section 8014(b)” each place it appears and inserting “section 3(c)(2)”;

(2) in paragraph (1), by repealing subparagraph (E);

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting at the end the following:

“(iii) The Secretary shall—

“(I) deem each local educational agency that received a basic support payment under this paragraph for fiscal year 2009 as eligible to receive a basic support payment under this paragraph for each of fiscal years 2010, 2011, and 2012; and

“(II) make a payment to each such local educational agency under this paragraph for each of fiscal years 2010, 2011, and 2012.”; and

(B) in subparagraph (B)—

(i) by striking “CONTINUING” in the heading;

(ii) by amending clause (i) to read as follows:

“(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

“(I) is a local educational agency—

“(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

“(bb) that has no taxing authority;

“(II) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;

“(bb) has a per-pupil expenditure that is less than—

“(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or

“(BB) for any agency that has a total student enrollment less than 500, 150 percent of the average per-pupil expenditure of the State in which the agency is located; or the average per-pupil expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and

“(cc) is an agency that—

“(AA) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

“(BB) was eligible to receive a payment under this subsection for fiscal year 2012 and is located in a State that by State law has eliminated ad valorem tax as a revenue for local educational agencies;

“(III) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent;

“(bb) for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent; and

“(cc) has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State;

“(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—

“(aa) not less than 50 percent are children described in subsection (a)(1); and

“(bb) not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

“(V) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency; and

“(bb) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.”; and

(iii) in clause (ii)—

(I) by striking “A heavily” and inserting the following:

“(I) IN GENERAL.—Subject to subclause (II), a heavily”; and

(II) by adding at the end the following:

“(II) LOSS OF ELIGIBILITY DUE TO FALLING BELOW 95 PERCENT OF THE AVERAGE TAX RATE FOR GENERAL FUND PURPOSES.—In a case of a heavily impacted local educational agency that fails to meet the requirements of clause (i) for a fiscal year by reason of having a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, subclause (I) shall be applied as if ‘and the subsequent fiscal year’ were inserted before the period at the end.”;

(C) by striking subparagraph (C);

(D) by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (G), respectively;

(E) in subparagraph (C) (as so redesignated)—

(i) in the heading, by striking “REGULAR”;

(ii) by striking “Except as provided in subparagraph (E)” and inserting “Except as provided in subparagraph (D)”;

- (iii) by amending subclause (I) of clause (ii) to read as follows:
- “(ii)(I)(aa) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), and that has an enrollment of children described in subparagraphs (A), (B), or (C) of such subsection equal to at least 10 percent of the agency’s total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.
- “(bb) Notwithstanding subitem (aa), a local educational agency that received a payment under this paragraph for fiscal year 2006 shall not be required to have an enrollment of children described in subparagraphs (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency’s total enrollment.”; and
- (iv) by amending subclause (III) of clause (ii) by striking “(B)(i)(II)(aa)” and inserting “subparagraph (B)(i)(I)”;
- (F) in subparagraph (D)(i)(II) (as so redesignated), by striking “6,000” and inserting “5,500”;
- (G) in subparagraph (E) (as so redesignated)—
- (i) by striking “Secretary” and all that follows through “shall use” and inserting “Secretary shall use”;
- (ii) by striking “; and” and inserting a period; and
- (iii) by striking clause (ii);
- (H) in subparagraph (F) (as so redesignated), by striking “subparagraph (C)(i)(II)(bb)” and inserting “subparagraph (B)(i)(II)(bb)”;
- (I) in subparagraph (G) (as so redesignated)—
- (i) in clause (i)—
- (I) by striking “subparagraph (B), (C), (D), or (E)” and inserting “subparagraph (B), (C), or (D)”;
- (II) by striking “by reason of” and inserting “due to”;
- (III) by inserting after “clause (iii)” the following “; or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or force relocation”; and
- (IV) by inserting before the period, the following: “or during such time as activities associated with base closure and realignment, modularization, force structure change, or force relocation are ongoing”; and
- (ii) in clause (ii), by striking “(D) or (E)” each place it appears and inserting “(C) or (D)”;
- (4) in paragraph (3)—
- (A) in subparagraph (B)—
- (i) by amending clause (iii) to read as follows:
- “(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, but which enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and which received a final payment in fiscal year 2009 calculated under this paragraph (as this paragraph was in effect on the day before the date of enactment of the Encouraging Innovation and Effective Teachers Act) for students in grades 9 through 12, the Secretary shall, in calculating the agency’s payment, consider only that portion of such agency’s total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).”; and
- (ii) by adding at the end the following:
- “(v) In the case of a local educational agency that is providing a program of distance education to children not residing within the geographic boundaries of the agency, the Secretary shall—
- “(I) for purposes of the calculation under clause (i)(I), disregard such children from the total number of children in average daily attendance at the schools served by such agency; and
- “(II) for purposes of the calculation under clause (i)(II), disregard any funds received for such children from the total current expenditures for such agency.”;
- (B) in subparagraph (C), by striking “subparagraph (D) or (E) of paragraph (2), as the case may be” and inserting “paragraph (2)(D)”; and
- (C) by amending subparagraph (D) to read as follows:

“(D) RATABLE DISTRIBUTION.—For any fiscal year described in subparagraph (A) for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraph (1) or (2) (as the case may be) by multiplying—

“(i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by;

“(ii) the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment as calculated under subparagraphs (B) and (C) of the agency.”; and

(D) by inserting at the end the following new subparagraphs:

“(E) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph (A) for which the sums appropriated under section 3(c)(2) are insufficient to pay each local educational agency all of the local educational agency’s threshold payment described in subparagraph (D), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

“(F) INCREASES.—If the sums appropriated under section 3(c)(2) are sufficient to increase the threshold payment above the 100 percent threshold payment described in subparagraph (D), then the Secretary shall increase payments on the same basis as such payments were reduced, except no local educational agency may receive a payment amount greater than 100 percent of the maximum payment calculated under this subsection.”; and (5) in paragraph (4)—

(A) in subparagraph (A), by striking “through (D)” and inserting “and (C)”;

(B) in subparagraph (B), by striking “subparagraph (D) or (E)” and inserting “subparagraph (C) or (D)”.

(c) PRIOR YEAR DATA.—Paragraph (2) of section 8003(c) (20 U.S.C. 7703(c)) is amended to read as follows:

“(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency—

“(A) is newly established by a State, for the first year of operation of such agency only;

“(B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of Interior, or the heads of other Federal agencies)—

“(i) of not less than 10 percent, or 100 students, of children described in—

“(I) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or

“(II) subparagraph (F) and (G) of subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Defense or the Department of Interior; and

“(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency;

or

“(C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary)—

“(i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and

“(ii) that is the direct result of the closure of a local educational agency that received a payment under subsection (b)(1) or (b)(2) in the previous fiscal year.”.

(d) CHILDREN WITH DISABILITIES.—Section 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking “section 8014(c)” and inserting “section 3(c)(3)”.

(e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C. 7703(e)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—Subject to paragraph (2), the total amount the Secretary shall pay a local educational agency under subsection (b)—

“(A) for fiscal year 2013, shall not be less than 90 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2012;

“(B) for fiscal year 2014, shall not be less than 85 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2012; and

“(C) for fiscal year 2015, shall not be less than 80 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2012.”; and

(2) by amending paragraph (2) to read as follows:

“(2) MAXIMUM AMOUNT.—The total amount provided to a local educational agency under subparagraph (A), (B), or C of paragraph (1) for a fiscal year shall not exceed the maximum basic support payment amount for such agency determined under paragraph (1) or (2) of subsection (b), as the case may be, for such fiscal year.”.

(f) MAINTENANCE OF EFFORT.—Section 8003 (20 U.S.C. 7703) is amended by striking subsection (g).

**SEC. 304. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.**

Section 8004(e)(9) is amended by striking “Bureau of Indian Affairs” and inserting “Bureau of Indian Education”.

**SEC. 305. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.**

Section 8005(b) (20 U.S.C. 7705(b)) is amended in the matter preceding paragraph (1) by striking “and shall contain such information,”.

**SEC. 306. CONSTRUCTION.**

Section 8007 (20 U.S.C. 7707) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “section 8014(e)” and inserting “section 3(c)(4)”;

(B) in paragraph (2), by adding at the end the following:

“(C) The agency is eligible under section 4003(b)(2) or is receiving basic support payments under circumstances described in section 4003(b)(2)(B)(ii).”; and

(C) in paragraph (3), by striking “section 8014(e)” each place it appears and inserting “section 3(c)(4)”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “section 8014(e)” and inserting “section 3(c)(4)”;

(B) in paragraph (3)—

(i) in subparagraph (C)(i)(I), by adding at the end the following:

“(cc) At least 10 percent of the property in the agency is exempt from State and local taxation under Federal law.”; and

(ii) by adding at the end the following:

“(F) LIMITATIONS ON ELIGIBILITY REQUIREMENTS.—The Secretary shall not limit eligibility—

“(i) under subparagraph (C)(i)(I)(aa), to those local educational agencies in which the number of children determined under section 8003(a)(1)(C) for each such agency for the preceding school year constituted more than 40 percent of the total student enrollment in the schools of each such agency during the preceding school year; and

“(ii) under subparagraph (C)(i)(I)(cc), to those local educational agencies in which more than 10 percent of the property in each such agency is exempt from State and local taxation under Federal law.”; and

(C) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking “in such manner, and accompanied by such information” and inserting “and in such manner”; and

(ii) by striking subparagraph (F).

**SEC. 307. FACILITIES.**

Section 8008 (20 U.S.C. 7708) is amended in subsection (a), by striking “section 8014(f)” and inserting “section 3(c)(5)”.

**SEC. 308. STATE CONSIDERATION OF PAYMENTS PROVIDING STATE AID.**

Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is amended by striking “and contain the information”.

**SEC. 309. FEDERAL ADMINISTRATION.**

Section 8010 (20 U.S.C. 7710) is amended—

(1) in subsection (c), by striking “paragraph (3)” each place it appears and inserting “paragraph (2)”; and

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

“(d) **TIMELY PAYMENTS.**—

“(1) **IN GENERAL.**—The Secretary shall pay the full amount that a local educational agency is eligible to receive under this title not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

“(2) **PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.**—For a fiscal year in which the amount appropriated under section 3(c) is insufficient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting ‘is available to pay the agency’ for ‘the agency is eligible to receive’ each place it appears.”.

**SEC. 310. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.**

Section 8011(a) (20 U.S.C. 7711(a)) is amended by striking “or under the Act” and all the follows through “1994”.

**SEC. 311. DEFINITIONS.**

Section 8013 is amended—

(1) in paragraph (1), by striking “and Marine Corps” and inserting “Marine Corps, and Coast Guard”;

(2) in paragraph (4), by striking “and title VI”;

(3) in paragraph (5)(A)(iii)—

(A) in subclause (II), by striking “Stewart B. McKinney Homeless Assistance Act” and inserting “McKinney-Vento Homeless Assistance Act (42 U.S.C. 114111 et seq.)”; and

(B) in subclause (III), by inserting before the semicolon, “(26 U.S.C. 4101 et seq.)”;

(4) in paragraph (8)(A), by striking “and verified by” and inserting “, and verified by,”; and

(5) in paragraph (9)(B), by inserting a comma before “on a case-by-case basis”.

**SEC. 312. AUTHORIZATION OF APPROPRIATIONS.**

Section 8014 (20 U.S.C. 7801) is repealed.

**SEC. 313. CONFORMING AMENDMENTS.**

(a) **REPEAL.**—Title IV (20 U.S.C. 7101 et seq.), as amended by section 201(b)(2) of the Student Success Act, is repealed.

(b) **TRANSFER AND REDESIGNATION.**—Title VIII (20 U.S.C. 7701 et seq.), as amended by this title, is redesignated as title IV (20 U.S.C. 7101 et seq.), and transferred and inserted after title III (as amended by this Act).

(c) **TITLE IV.**—The heading relating to title IV of such Act (20 U.S.C. 7101 et seq.) is amended to read as follows:

**“TITLE IV—IMPACT AID”.**

(d) **TITLE VIII REFERENCES.**—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating sections 8001 through 8005 as sections 4001 through 4005, respectively;

(2) by redesignating sections 8007 through 8013 as sections 4007 through 4013, respectively;

(3) by striking “section 8002” each place it appears and inserting “section 4002”;

(4) by striking “section 8002(b)” each place it appears and inserting “section 4002(b)”;

(5) by striking “section 8003” each place it appears and inserting “section 4003”, respectively;

(6) by striking “section 8003(a)” each place it appears and inserting “section 4003(a)”;

(7) by striking “section 8003(a)(1)” each place it appears and inserting “section 4003(a)(1)”;

- (8) by striking “section 8003(a)(1)(C)” each place it appears and inserting “section 4003(a)(1)(C)”;
- (9) by striking “section 8002(a)(2)” each place it appears and inserting “section 4002(a)(2)”;
- (10) by striking “section 8003(b)” each place it appears and inserting “section 4003(b)”;
- (11) by striking “section 8003(b)(1)” each place it appears and inserting “section 4003(b)(1)”;
- (12) in section 4002(b)(1)(C), by striking “section 8003(b)(1)(C)” and inserting “section 4003(b)(1)(C)”;
- (13) in section 4002(j)(1) (as so redesignated), by striking “section 8013(5)(C)(iii)” and inserting “section 4013(5)(C)(iii)”;
- (14) in section 4005 (as so redesignated)—
- (A) in the section heading, by striking “**8002 AND 8003**” and inserting “**4002 AND 4003**”;
  - (B) by striking “or 8003” each place it appears and inserting “or 4003”;
  - (C) in subsection (b)(2), by striking “section 8004” and inserting “section 4004”;
  - (D) in subsection (d)(2), by striking “section 8003(e)” and inserting “section 4003(e)”;
- (15) in section 4007(a)(3)(A)(i) (as so redesignated), by striking “section 8008(a)” and inserting “section 4008(a)”;
- (16) in section 4007(a)(4) (as so redesignated), by striking “section 8013(3)” and inserting “section 4013(3)”;
- (17) in section 4009 (as so redesignated)—
- (A) in subsection (b)(1)—
    - (i) by striking “or 8003(b)” and inserting “or 4003(b)”;
    - (ii) by striking “section 8003(a)(2)(B)” and inserting “section 4003(a)(2)(B)”;
    - (iii) by striking “section 8003(b)(2)” and inserting “section 4003(b)(2)”;
  - (B) by striking “section 8011(a)” each place it appears and inserting “section 4011(a)”;
- (18) in section 4010(c)(2)(D) (as so redesignated) by striking “section 8009(b)” and inserting “section 4009(b)”.

## TITLE IV—TROOPS-TO-TEACHERS PROGRAM

### SEC. 401. TROOPS-TO-TEACHERS PROGRAM.

(a) TRANSFER OF FUNCTIONS.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program is transferred from the Secretary of Education to the Secretary of Defense.

(b) ENACTMENT AND MODIFICATION OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

#### “§ 1154. Assistance to eligible members to obtain employment as teachers: troops-to-teachers program

“(a) DEFINITIONS.—In this section:

“(1) PROGRAM.—The term ‘Program’ means the Troops-to-Teachers Program authorized by this section.

“(2) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

“(3) MEMBER OF THE ARMED FORCES.—The term ‘member of the Armed Forces’ includes a former member of the Armed Forces.

“(4) ADDITIONAL TERMS.—The terms ‘elementary school’, ‘local educational agency’, ‘secondary school’, and ‘State’ have the meanings given those terms in section 5101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(b) PROGRAM AUTHORIZATION.—The Secretary of Defense (in this section referred to as the ‘Secretary’) may carry out a program (to be known as the ‘Troops-to-Teachers Program’)—

“(1) to assist eligible members of the armed forces described in subsection (c) to obtain certification or licensing as elementary school teachers, secondary school teachers, or career or technical teachers; and

“(2) to facilitate the employment of such members—

“(A) by local educational agencies or public charter schools that the Secretary of Education identifies as—

“(i) receiving grants under subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

“(ii) experiencing a shortage of effective teachers, in particular a shortage of science, mathematics, special education, or career or technical teachers; and

“(B) in elementary schools or secondary schools, or as career or technical teachers.

“(c) ELIGIBILITY AND APPLICATION PROCESS.—

“(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

“(A) Any member who—

“(i) on or after October 1, 1999, becomes entitled to retired or re-tainer pay under this title or title 14;

“(ii) has an approved date of retirement that is within one year after the date on which the member submits an application to participate in the Program; or

“(iii) transfers to the Retired Reserve.

“(B) Any member who, on or after January 8, 2002—

“(i)(I) is separated or released from active duty after 6 or more years of continuous active duty immediately before the separation or release; or

“(II) has completed a total of at least ten years of active duty service, 10 years of service computed under section 12732 of this title, or 10 years of any combination of such service; and

“(ii) executes a reserve commitment agreement for a period of not less than 3 years under paragraph (5)(B).

“(C) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of this title.

“(2) SUBMITTAL OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary. An application shall be in such form as the Secretary may require.

“(B) An application may be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later than 4 years after the date on which the member is retired or separated or released from active duty, whichever applies to the member.

“(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND HONORABLE SERVICE REQUIREMENT.—(A) Subject to subparagraphs (B) and (C), the Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

“(B)(i) If a member of the armed forces is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

“(ii) If a member of the armed forces is applying for assistance for placement as a career or technical teacher, the Secretary shall require the member—

“(I) to have received the equivalent of one year of college from an accredited institution of higher education or the equivalent in military education and training as certified by the Department of Defense; or

“(II) to otherwise meet the certification or licensing requirements for a career or technical teacher in the State in which the member seeks assistance for placement under the Program.

“(iii) A member of the armed forces is eligible to participate in the Program only if the member’s last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member’s last period of service is characterized as honorable by the Secretary concerned.

“(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary shall give priority to members who—

“(A) have educational or military experience in science, mathematics, special education, or career and technical subjects; and

“(B) agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

“(5) OTHER CONDITIONS ON SELECTION.—(A) The Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to the member.

“(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (d) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than 3 years (in addition to any other reserve commitment the member may have).

“(d) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

“(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (c) and receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

“(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or career and technical teacher; and

“(ii) to accept an offer of full-time employment beginning the school year after obtaining such certification or licensing as an elementary school teacher, secondary school teacher, or career and technical teacher for not less than three school years with a local educational agency receiving grants under subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C.6311 et seq.) or a public charter school.

“(B) The Secretary may waive the three-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines the waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (e), for failure to meet the three-year commitment.

“(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

“(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

“(B) is serving on active duty as a member of the armed forces;

“(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

“(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

“(E) is an effective teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a career and technical teacher for a single period not to exceed 27 months; or

“(F) satisfies such other criteria as may be prescribed by the Secretary.

“(3) STIPEND FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may pay to a participant in the Program selected under this section a stipend in an amount of not more than \$5,000.

“(B) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

“(4) BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may, in lieu of paying a stipend under paragraph (3), pay a bonus of \$10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to accept full-time employment as an elementary school teacher, secondary school teacher, or career and technical teacher for not less than 3 school years in a high-need school.

“(B) The total number of bonuses that may be paid under subparagraph (A) in any fiscal year may not exceed 3,000.

“(C) For purposes of subparagraph (A), the term ‘high-need school’ means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

“(i) At least 50 percent of the students enrolled in the school were from low-income families (as described in subsection (b)(2)(A)(i)).

“(ii) The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

“(5) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(e) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

“(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under subsection (d) shall be required to repay the stipend or bonus under the following circumstances:

“(A) The participant fails to obtain teacher certification or licensing or to obtain employment as an elementary school teacher, secondary school teacher, or career and technical teacher as required by the participation agreement under subsection (d)(1).

“(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or career and technical teacher during the 3 years of required service in violation of the participation agreement.

“(C) The participant executed a written agreement with the Secretary concerned under subsection (c)(5)(B) to serve as a member of a reserve component of the armed forces for a period of 3 years and fails to complete the required term of service.

“(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (d) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the three years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

“(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary under this subsection.

“(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

“(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under this subsection (d) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

“(g) PARTICIPATION BY STATES.—

“(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

“(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and career and technical teachers.

“(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed \$5,000,000.

“(h) COUNSELING AND REFERRAL SERVICES.—The Secretary may provide counseling and referral services to members of the Armed Forces who meet the criteria described in subsection (c), including those members who are not eligible for assistance under paragraphs (3) and (4) of subsection (d).”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by adding at the end the following new item:

“1154. Assistance to eligible members to obtain employment as teachers: Troops-to-Teachers Program.”

(3) CONFORMING AMENDMENT.—Section 1142(b)(4)(C) of such title is amended by striking “under sections 1152 and 1153 of this title and the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)” and inserting “under sections 1152, 1153, and 1154 of this title”.

## TITLE V—REPEAL

### SEC. 501. REPEAL OF TITLE VI.

The Act is amended by striking title VI (20 U.S.C. 7301 et seq.).

## TITLE VI—HOMELESS EDUCATION

### SEC. 601. STATEMENT OF POLICY.

Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) In any State where compulsory residency requirements or other requirements, laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youths, the State and local educational agencies will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as is provided to other children and youths.”;

(2) in paragraph (3), by striking “alone”; and

(3) in paragraph (4), by striking “challenging State student academic achievement” and inserting “State academic”.

### SEC. 602. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

Section 722 of such Act (42 U.S.C. 11432) is amended—

(1) in subsection (a), by striking “(g).” and inserting “(h).”;

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1)(A)—

(i) in clause (i), by adding “or” at the end;

(ii) in clause (ii), by striking “; or” a the end and inserting a period;

and

(iii) by striking clause (iii); and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “Grants” and inserting “Grant funds from a grant made to a State”;

(B) by amending paragraph (2) to read as follows:

“(2) To provide services and activities to improve the identification of homeless children (including preschool-aged homeless children and youths) that enable such children and youths to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.”;

(C) in paragraph (3), by inserting before the period at the end the following: “that can sufficiently carry out the duties described in this subtitle”;

(D) by amending paragraph (5) to read as follows:

“(5) To develop and implement professional development programs for liaisons designated under subsection (g)(1)(J)(ii) and other local educational agency personnel—

“(A) to improve their identification of homeless children and youths; and

“(B) to heighten their awareness of, and capacity to respond to, specific needs in the education of homeless children and youths.”.

(5) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “sums” and inserting “grant funds”; and

(ii) by inserting “a State under subsection (a) to” after “each year to”;

(B) in paragraph (2), by striking “funds made available for State use under this subtitle” and inserting “the grant funds remaining after the State educational agency distributes subgrants under paragraph (1)”; and

(C) in paragraph (3)—

(i) in subparagraph (C)(iv)(II), by striking “sections 1111 and 1116” and inserting “section 1111”;

(ii) in subparagraph (F)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking “a report” and inserting “an annual report”;

(bb) by striking “and” at the end of subclause (II);

(cc) by striking the period at the end of subclause (III) and inserting “; and”; and

(dd) by adding at the end the following:

“(IV) the progress the separate schools are making in helping all students meet the State academic standards.”; and

(II) in clause (iii), by striking “Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the” and inserting “The”;

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

“(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

“(1) gather and make publically available reliable, valid, and comprehensive information on—

“(A) the number of homeless children and youths identified in the State, posted annually on the State educational agency’s website;

“(B) the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools;

“(C) the difficulties in identifying the special needs and barriers to the participation and achievement of such children and youths;

“(D) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

“(E) the success of the programs under this subtitle in identifying homeless children and youths and allowing such children and youths to enroll in, attend, and succeed in, school;

“(2) develop and carry out the State plan described in subsection (g);

“(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing information necessary to assess the educational needs of homeless children and youths within the State, including data necessary for the Secretary to fulfill the responsibilities under section 724(h);

“(4) in order to improve the provision of comprehensive education and related support services to homeless children and youths and their families, coordinate and collaborate with—

“(A) educators, including teachers, special education personnel, administrators, and child development and preschool program personnel;

“(B) providers of services to homeless children and youths and their families, including services of public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

“(C) providers of emergency, transitional, and permanent housing to homeless children and youths, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youths;

“(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

“(E) community organizations and groups representing homeless children and youths and their families;

“(5) provide technical assistance to local educational agencies, in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of subsection (e)(3), paragraphs (3) through (7) of subsection (g), and subsection (h);

“(6) provide professional development opportunities for local educational agency personnel and the homeless liaison designated under subsection (g)(1)(J)(ii) to assist such personnel in meeting the needs of homeless children and youths; and

“(7) respond to inquiries from parents and guardians of homeless children and youths and unaccompanied youths to ensure that each child or youth who is the subject of such an inquiry receives the full protections and services provided by this subtitle.”;

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

“(g) STATE PLAN.—

“(1) IN GENERAL.—In order to be eligible to receive a grant under this section, each State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State that includes the following:

“(A) A description of how such children and youths are (or will be) given the opportunity to meet the same State academic standards that all students are expected to meet.

“(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their needs.

“(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

“(D) A description of programs for school personnel (including liaisons, school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless youths.

“(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local nutrition programs.

“(F) A description of procedures that ensure that—

“(i) homeless children have equal access to public preschool programs, administered by the State educational agency or local educational agency, as provided to other children in the State;

“(ii) homeless youths and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services; and

“(iii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local education programs.

“(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

“(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—

“(i) immunization and other health records requirements;

“(ii) residency requirements;

“(iii) lack of birth certificates, school records, or other documentation;

“(iv) guardianship issues; or

“(v) uniform or dress code requirements.

“(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the identification, enrollment, and retention of homeless children and youths in schools in the State.

“(J) Assurances that the following will be carried out:

“(i) The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.

“(ii) Local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A).

“(iii) The State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

“(I) If the child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child’s or youth’s transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

“(II) If the child’s or youth’s living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local

educational agency in which the child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

“(2) COMPLIANCE.—

“(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

“(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

“(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

“(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child’s or youth’s best interest—

“(i) continue the child’s or youth’s education in the school of origin for the duration of homelessness—

“(I) in any case in which a family becomes homeless between academic years or during an academic year; or

“(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

“(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

“(B) SCHOOL STABILITY.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

“(i) presume that keeping the child or youth in the school of origin is in the child or youth’s best interest, except when doing so is contrary to the wishes of the child’s or youth’s parent or guardian, or the unaccompanied youth;

“(ii) consider student-centered factors related to the child’s or youth’s best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the wishes of the homeless child’s or youth’s parent or guardian or the unaccompanied youth involved;

“(iii) if, after conducting the best interest determination based on consideration of the presumption in clause (i) and the student-centered factors in clause (ii), the local educational agency determines that it is not in the child’s or youth’s best interest to attend the school of origin or the school requested by the parent, guardian, or unaccompanied youth, provide the child’s or youth’s parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph (E); and

“(iv) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

“(C) ENROLLMENT.—

“(i) IN GENERAL.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

“(I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or

“(II) has missed application or enrollment deadlines during any period of homelessness.

“(ii) RELEVANT ACADEMIC RECORDS.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

“(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or

youth, or the unaccompanied child or youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records, in accordance with subparagraph (D).

“(iv) NO LIABILITY.—Whenever the school selected enrolls an unaccompanied youth in accordance with this paragraph, no liability shall be imposed upon the school by reason of enrolling the youth without parent or guardian consent.

“(D) RECORDS.—Any record ordinarily kept by the school, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

“(i) so that the records involved are available, in a timely fashion, when a child or youth enters a new school or school district; and

“(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

“(E) ENROLLMENT DISPUTES.—If a dispute arises over school selection or enrollment in a school—

“(i) the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;

“(ii) the parent, guardian, or unaccompanied youth shall be provided with a written explanation of any decisions made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or youth to appeal such decisions;

“(iii) the parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

“(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in school in which the youth seeks enrollment pending resolution of such dispute.

“(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

“(G) SCHOOL OF ORIGIN DEFINED.—

“(i) IN GENERAL.—In this paragraph, the term ‘school of origin’ means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

“(ii) RECEIVING SCHOOL.—When the child or youth completes the final grade level served by the school of origin, as described in clause (i), the term ‘school of origin’ shall include the designated receiving school at the next grade level for all feeder schools.

“(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

“(I) PRIVACY.—Information about a homeless child’s or youth’s living situation shall be treated as a student education record under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and shall not be released to housing providers, employers, law enforcement personnel, or other persons or agencies not authorized to have such information under section 99.31 of title 34, Code of Federal Regulations.

“(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this paragraph shall ensure that homeless children and youth have opportunities to meet the same State academic standards to which other students are held.

“(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

“(A) Transportation services.

“(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or similar State or local programs, educational programs for children with disabilities, and educational programs for English learners.

“(C) Programs in career and technical education.

- “(D) Programs for gifted and talented students.
- “(E) School nutrition programs.
- “(5) COORDINATION.—
- “(A) IN GENERAL.—Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate—
- “(i) the provision of services under this subtitle with local social services agencies and other agencies or entities providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and
- “(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.
- “(B) HOUSING ASSISTANCE.—If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.
- “(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—
- “(i) ensure that all homeless children and youths are promptly identified;
- “(ii) ensure that homeless children and youths have access to, and are in reasonable proximity to, available education and related support services; and
- “(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.
- “(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youth who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by that local educational agency and other involved local educational agencies.
- “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—
- “(A) DUTIES.—Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—
- “(i) homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;
- “(ii) homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;
- “(iii) homeless families, children, and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start, Early Head Start, early intervention, and preschool programs administered by the local educational agency;
- “(iv) homeless families, children, and youths receive referrals to health care services, dental services, mental health and substances abuse services, housing services, and other appropriate services;
- “(v) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- “(vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;
- “(vii) enrollment disputes are mediated in accordance with paragraph (3)(E);
- “(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in para-

graph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);

“(ix) school personnel providing services under this subtitle receive professional development and other support; and

“(x) unaccompanied youths—

“(I) are enrolled in school;

“(II) have opportunities to meet the same State academic standards to which other students are held, including through implementation of the policies and practices required by paragraph (1)(F)(ii); and

“(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

“(B) NOTICE.—State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons on the State educational agency’s website.

“(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

“(7) REVIEW AND REVISIONS.—

“(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of homeless children and youths in schools that are selected under paragraph (3).

“(B) CONSIDERATION.—In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

“(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.”; and

(8) in subsection (h)(1)(A), by striking “fiscal year 2009,” and inserting “fiscal years 2013 through 2018.”.

**SEC. 603. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.**

Section 723 of such Act (42 U.S.C. 11433) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “facilitating the enrollment,” and inserting “facilitating the identification, enrollment,”;

(B) in paragraph (2)(A)—

(i) by adding “and” at the end of clause (i);

(ii) by striking “; and” and inserting a period at the end of clause (ii); and

(iii) by striking clause (iii); and

(C) by adding at the end the following:

“(4) DURATION OF GRANTS.—Subgrants awarded under this section shall be for terms of not to exceed 3 years.”;

(2) in subsection (b)—

(A) by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(B) by adding at the end the following:

“(5) An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

“(6) An assurance that the local educational agency has removed barriers to complying with the requirements of section 722(g)(1)(I).”;

(3) in subsection (c)—

(A) in paragraph (1), by striking “726” and inserting “722(a)”;

(B) in paragraph (2)—

- (i) in subparagraph (A), by inserting “identification,” before “enrollment”;
- (ii) by amending subparagraph (B) to read as follows:
  - “(B) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youths.”; and
  - (iii) in subparagraph (C), by inserting “(as of the date of submission of the application)” after “current practice”;
- (C) in paragraph (3)—
  - (i) by amending subparagraph (C) to read as follows:
    - “(C) The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youths in the education of their children.”;
    - (ii) in subparagraph (D), by striking “within” and inserting “into”;
    - (iii) in subparagraph (G)—
      - (I) by striking “Such” and inserting “The extent to which the applicant’s program meets such”; and
      - (II) by striking “case management or related”;
    - (iv) by redesignating subparagraph (G) as subparagraph (I) and inserting after subparagraph (F) the following:
      - “(G) The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing nonsubgrant funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.
      - “(H) How the local educational agency uses funds to serve homeless children and youths under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).”; and
    - (v) by adding at the end the following:
      - “(J) An assurance that the applicant will meet the requirements of section 722(g)(3).”; and
  - (D) by striking paragraph (4).
- (4) in subsection (d)—
  - (A) in paragraph (1)—
    - (i) by striking “challenging State academic content standards” and inserting “State academic standards”; and
    - (ii) by striking “and challenging State student academic achievement standards”;
  - (B) in paragraph (2)—
    - (i) by striking “students with limited English proficiency,” and inserting “English learners,” ; and
    - (ii) by striking “vocational” and inserting “career”;
  - (C) in paragraph (3), by striking “pupil services” and inserting “specialized instructional support”;
  - (D) in paragraph (7), by striking “, and unaccompanied youths,” and inserting “, particularly homeless children and youths who are not enrolled in school,”;
  - (E) in paragraph (9) by striking “medical” and inserting “other required health”;
  - (F) in paragraph (10), by inserting before the period at the end “, and other activities designed to increase the meaningful involvement of parents or guardians of homeless children or youths in the education of their children”;
  - (G) in paragraph (12), by striking “pupil” and inserting “specialized instructional support”;
  - (H) in paragraph (13), by inserting before the period at the end “and parental mental health or substance abuse problems”.

**SEC. 604. SECRETARIAL RESPONSIBILITIES.**

Section 724 of such Act (42 U.S.C. 11434) is amended—

- (1) by amending subsection (c) to read as follows:

“(c) NOTICE.—

“(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of the enactment of the Encouraging Innovation and Effective Teachers Act, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) of the educational rights of homeless children and youths.

“(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally to all Federal agencies, program grantees, and grant recipients serving homeless families, children, and youths.”;

(2) in subsection (d), by striking “and dissemination” and inserting “, dissemination, and technical assistance”;

(3) in subsection (e)—

(A) by striking “this subtitle” and inserting “section 722”;

(B) by striking “60-day” and inserting “120-day”; and

(C) by striking “120-day” and inserting “180-day”;

(4) in subsection (f), by adding at the end the following: “The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.”;

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

“(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of the enactment of the Encouraging Innovation and Effective Teachers Act, strategies by which a State—

“(1) may assist local educational agencies to implement the provisions amended by the Act; and

“(2) can review and revise State policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youths in school.”;

(6) in subsection (h)(1)(A), by inserting “in all areas served by local educational agencies” before the semicolon at the end; and

(7) in subsection (i), by striking “McKinney-Vento Homeless Education Assistance Improvements Act of 2001” and inserting “Encouraging Innovation and Effective Teachers Act”.

**SEC. 605. DEFINITIONS.**

Section 725 of such Act (42 U.S.C. 11434a) is amended—

(1) in paragraph (2)(B)(iv), by striking “1309” and inserting “1139” and

(2) in paragraph (3), by striking “9101” and inserting “5101”

**SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

Section 726 of such Act (42 U.S.C. 11435) is amended to read as follows:

**“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—For the purpose of carrying out this subtitle, there are authorized to be appropriated \$65,173,000 for fiscal year 2013.

“(b) OUT YEARS.—The amount authorized under subsection (a) shall be increased for each of fiscal years 2014 through 2018 by a percentage equal to the percentage of inflation according to the Consumer Price Index, for the calendar year ending prior to the beginning of that fiscal year.”.

**H.R. 3990, ENCOURAGING INNOVATION AND EFFECTIVE  
TEACHERS ACT**

**COMMITTEE REPORT**

**PURPOSE**

H.R. 3990, the Encouraging Innovation and Effective Teachers Act, amends the Elementary and Secondary Education Act to encourage states and school districts to identify, recruit, and retain the teachers who have the most talent for improving student achievement and provide state and local leaders with the freedom to direct federal resources to the programs that best serve their student populations. The Encouraging Innovation and Effective Teachers Act will reduce burdensome federal mandates and regulations, grant states and school districts opportunities to innovate, and support more effective teachers in the classroom.

**COMMITTEE ACTION**

H.R. 3990 is one of the final pieces in a series of legislation the Committee on Education and the Workforce has considered in the 112th Congress to reauthorize the Elementary and Secondary Education Act (ESEA). The bill builds upon the committee’s efforts to

examine the federal investment in education and reduce the federal role in elementary and secondary education programs.

108TH CONGRESS

*Hearings—first session*

On September 29, 2003, the Committee on Education and the Workforce Subcommittee on Education Reform held a field hearing in Denver, CO, on “Keeping Schools Safe—the Implementation of No Child Left Behind’s Persistently Dangerous Schools Provision.” The purpose of the hearing was to learn how the implementation of the “persistently dangerous schools” provision, which allows parents to transfer their children out of dangerous schools, impacted schools, and communities. Testifying before the subcommittee were: Mr. William J. Moloney, Commissioner of Education, Colorado Department of Education, Denver, CO; Mr. David B. Smith, Director of Prevention Initiatives, Colorado Department of Education, Denver, CO; The Honorable Bob Schaffer, President, Colorado Alliance for Reform in Education, Denver, CO; Ms. Gloria Zradicka, Policy Analyst, Education Commission of the States, Denver, CO; Senator John K. Andrews, Jr., President of the Senate, Colorado State Senate, Denver, CO; and Ms. Vicki Ware, Parent, Denver, CO.

On October 20, 2003, the Committee on Education and the Workforce Subcommittee on Education Reform held a field hearing in Taylors, SC, on “No Child Left Behind’s Education Choice Provisions: Are States and School Districts Giving Parents the Information They Need?” The purpose of the hearing was to discuss how the public school choice and supplemental education services provisions in the No Child Left Behind Act were being implemented at the state and local level. Testifying before the subcommittee were: Ms. Nina S. Rees, Deputy Under Secretary, Office of Innovation and Improvement, U.S. Department of Education, Washington, DC; Mrs. Wanda Rushing-Jones, Coordinator, Federal Programs Unit, South Carolina Department of Education, Columbia, SC; Dr. William E. Harner, Superintendent, Greenville County School District, Greenville, SC; Mr. George Waggoner, Parent, retired Tech. Sergeant (E6), U.S. Air Force, Greenville, SC; and Dr. Dana Jeffrey, Vice President of Strategic Sales, Lightspan, Denver, CO.

*Second session*

On March 3, 2004, the Committee on Education and the Workforce held a hearing in Washington, DC, on “No Child Left Behind: Improving Results for Children with Disabilities.” The purpose of the hearing was to gain insight into the importance of including students with disabilities in state accountability systems under No Child Left Behind. Testifying before the committee were: Ms. Ricki Sabia, Parent, Associate Director of Public Policy, National Down Syndrome Society, Silver Spring, MD; Dr. Jane Rhyne, Assistant Superintendent for Exceptional Children, Charlotte-Mecklenburg Schools, Charlotte, NC; Dr. Pia Durkin, Superintendent of Schools, Narragansett School System, Narragansett, RI; and Dr. Martha Thurlow, Director, National Center on Education Outcomes, University of Minnesota, Minneapolis, MN.

On March 8, 2004, the Committee on Education and the Workforce held a field hearing in Columbus, OH, on “The Status of No

Child Left Behind Implementation in Ohio.” The purpose of the hearing was to gain local insights into the implementation and consequences of No Child Left Behind. Testifying before the committee were: Mr. Ron Tomalis, Counselor to the Secretary, U.S. Department of Education, Washington, DC; Dr. Richard A. Ross, Superintendent, Reynoldsburg City Schools, Reynoldsburg, OH; Dr. Howard Fleeter, Partner, Levin, Driscoll & Fleeter, Columbus, OH; and Mr. Ted Rebarber, President, Accountability Works, Washington, DC.

On April 15, 2004, the Committee on Education and the Workforce held a field hearing in Augusta, GA, on “No Child Left Behind: Improving Academic Achievement Through Flexibility & Accountability for Schools.” The purpose of the hearing was to gain local perspectives on the implementation and consequences of No Child Left Behind. Testifying before the committee were: Dr. Gene Hickok, Under Secretary of Education, U.S. Department of Education, Washington, DC; Ms. Kathy Cox, Superintendent of Schools, State of Georgia, Atlanta, GA; and Dr. Jeff McDaniel, Director of School Improvement & Federal Programs, Floyd County Board of Education, Rome, GA.

On April 21, 2004, the Committee on Education and the Workforce held a hearing in Washington, DC, on “The Importance of Highly Qualified Teachers in Raising Academic Achievement.” The purpose of the hearing was to discuss the importance of highly qualified teachers in improving academic achievement for all students regardless of race, income, geography, English fluency, or disability. Testifying before the committee were: Ms. Gaynor McCown, Executive Director, The Teaching Commission, New York, NY; Mr. Kurt Landgraf, President and CEO, Educational Testing Service, Princeton, NJ; Mr. Ross Wiener, Policy Director, The Education Trust, Washington, DC; Ms. Eileen Mitchell, Elementary School Teacher, P.S. 31—the William T. Davis School, Staten Island, NY; and Mr. Tracey Bailey, 1993 National Teacher of the Year, Director of National Projects, Association of American Educators, Fredericksburg, VA.

On May 24, 2004, the Committee on Education and the Workforce Subcommittee on 21st Century Competitiveness held a field hearing in Las Vegas, NV, on “H.R. 2649, the Schools Safely Acquiring Faculty Excellence Act of 2003.” The purpose of this legislative hearing was to gain local perspectives on the Schools Safely Acquiring Faculty Excellence Act of 2003. Testifying before the subcommittee were: Dr. George Ann Rice, Associate Superintendent, Human Resources Division, Clark County Schools, Las Vegas, NV; Ms. Carol Lark, Principal, C.P. Squires Elementary School, North Las Vegas, NV; and Mrs. D.J. Stutz, President, Nevada State PTA, member, Board of the National PTA, Las Vegas, NV.

On May 27, 2004, the Committee on Education and the Workforce Subcommittee on 21st Century Competitiveness held a field hearing in Phoenix, AZ, on “Highly Qualified Teachers and Raising Student Achievement.” The purpose of the hearing was to discuss the importance of highly qualified teachers in improving academic achievement for all students regardless of race, income, geography, English-fluency, or disability. Testifying before the subcommittee were: Mr. Raymond Simon, Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education,

Washington, DC; Dr. Karen Butterfield, Deputy Associate Superintendent, Innovative and Exemplary Programs, Arizona Department of Education, Phoenix, AZ; Dr. Laura Palmer Noone, President, University of Phoenix, Phoenix, AZ; and Dr. Lewis C. Solmon, Executive Vice President and Director, Teacher Advancement Programs, Milken Family Foundation, Santa Monica, CA.

On June 23, 2004, the Committee on Education and the Workforce held a hearing in Washington, DC, on “No Child Left Behind: Raising Student Achievement in America’s Big City Schools.” The purpose of the hearing was to look at how No Child Left Behind was helping improve student academic achievement in the nation’s urban schools. Testifying before the committee were: Dr. Michael D. Casserly, Executive Director, Council of Great City Schools, Washington, DC; Dr. Margaret Raymond, Director, Center for Research on Education Outcomes, Hoover Institution, Stanford University, Stanford, CA; Mr. Paul Vallas, Chief Executive Officer, School District of Philadelphia, Philadelphia, PA; and Dr. Marcus Newsome, Superintendent, Newport News County Public Schools, Newport News, VA.

On September 28, 2004, the Committee on Education and the Workforce Subcommittee on 21st Century Competitiveness held a hearing in Washington, DC, on “H.R. 2649, the Schools Safely Acquiring Faculty Excellence Act.” The purpose of this legislative hearing was to hear testimony on H.R. 2649, the Schools Safely Acquiring Faculty Excellence Act of 2003. Testifying before the subcommittee were: Ms. Barbara Belak, Assistant to the Associate Superintendent for Human Resources, Clark County Schools, Las Vegas, NV; Ms. Donna Uzzell, Director, Criminal Justice Information Services, Florida Department of Law Enforcement, Tallahassee, FL; Dr. William Dean, Superintendent, Frederick County Public Schools, Winchester, VA; and Chief Butch Asselin, Member, Fight Crime: Invest in Kids, Washington, DC.

#### 109TH CONGRESS

#### *Hearings—first session*

On April 26, 2005, the Committee on Education and the Workforce held a hearing in Washington, DC, on “No Child Left Behind: Supplemental Tutoring for Children in Underachieving Schools.” The purpose of the hearing was to examine strategies for maintaining high expectations of tutoring providers offering federally funded supplemental educational services, while also ensuring federal tutoring funds are spent responsibly. Testifying before the committee were: Ms. Donna Nola-Ganey, Assistant Superintendent, Office of School and Community Support, Louisiana Department of Education, Baton Rouge, LA; Mr. Kevin Teasley, Founder and President, GEO Foundation, Indianapolis, IN; Mr. Jeffrey Cohen, President, Catapult Learning, Inc., Baltimore, MD; and Ms. Beth Swanson, Director, Office of After School and Community Programs, Chicago Public Schools, Chicago, IL.

On May 17, 2005, the Committee on Education and the Workforce held a hearing in Washington, DC, on “High School Reform: Examining State and Local Efforts.” The purpose of the hearing was to examine state and local strategies for reforming high schools. Testifying before the committee were: The Honorable W.

Mitt Romney, Governor, Commonwealth of Massachusetts, Boston, MA; and The Honorable Thomas Vilsack, Governor, State of Iowa, Des Moines, IA.

On May 19, 2005, the Committee on Education and the Workforce Subcommittee on 21st Century Competitiveness held a hearing in Washington, DC, on "Challenges to American Competitiveness in Math and Science." The purpose of the hearing was to learn about the challenges to American competitiveness in math and science. Testifying before the subcommittee were: Mr. Norm Augustine, retired Chairman and Chief Executive Officer, Lockheed Martin Corporation, Bethesda, MD; Dr. Thomas Magnanti, Dean, School of Engineering, Massachusetts Institute of Technology, Cambridge, MA; Ms. June Streckfus, Executive Director, Maryland Business Roundtable for Education, Baltimore, MD; and Dr. Nancy Songer, Professor of Science Education and Learning Technologies, University of Michigan, Ann Arbor, MI.

On June 9, 2005, the Committee on Education and the Workforce Subcommittee on Education Reform held a hearing in Washington, DC, on "The Role of Non-Profit Organizations in State and Local High School Reform Efforts." The purpose of the hearing was to gain perspectives on the role of non-profit organizations in state and local high school reform efforts. Testifying before the subcommittee were: Mr. Tom Vander Ark, Executive Director, Education, Bill and Melinda Gates Foundation, Seattle, WA; Ms. Deborah Howard, Program Director, School Improvement, KnowledgeWorks Foundation, Cincinnati, OH; and Mr. Andres Henriquez, Program Officer, Education Division, Carnegie Corporation of New York, New York, NY.

On June 28, 2005, the Committee on Education and the Workforce Subcommittee on Education Reform held a hearing in Washington, DC, on "How the Private Sector is Helping States and Communities Improve High School Education." The purpose of the hearing was to examine how the private sector is helping states and communities improve high school education. Testifying before the subcommittee were: Mr. Bill A. Shore, Director of U.S. Community Partnerships, GlaxoSmithKline, Research Triangle Park, NC; Ms. Sarah Revi Sterling, Program Manager, University Relations, Microsoft Corporation, Redmond, WA; Mr. Mike Watson, Vice Chairman, BellSouth Foundation, Atlanta, GA; and Dr. Phyllis Hudecki, Executive Director, Oklahoma Business and Education Coalition, Oklahoma City, OK.

On September 29, 2005, the Committee on Education and the Workforce held a hearing in Washington, DC, on "Closing the Achievement Gap in America's Schools: the No Child Left Behind Act." The purpose of the hearing was to examine strategies for closing the achievement gap in America's schools. Testifying before the committee were: The Honorable Margaret Spellings, Secretary of Education, U.S. Department of Education, Washington, DC; Dr. Deborah Jewell-Sherman, Superintendent, Richmond Public Schools, Richmond, VA; and Ms. Kati Haycock, Director, The Education Trust, Washington, DC.

On November 17, 2005, the Committee on Education and the Workforce Subcommittee on Education Reform held a hearing in Washington, DC, on "Combating Methamphetamines Through Prevention and Education." The purpose of the hearing was to exam-

ine the federal role in shaping a response to the methamphetamine problem through the Safe and Drug Free Schools and Communities Act and other federal programs. Testifying before the subcommittee were: The Honorable Mark Souder, U.S. House of Representatives, Third District, Indiana; The Honorable Darlene Hooley, U.S. House of Representatives, Fifth District, Oregon; The Honorable Mary Ann Solberg, Deputy Director, Office of National Drug Control Policy, Executive Office of the President, Washington, DC; Dr. Richard Spoth, Director, Partnerships in Prevention Science Institute, Iowa State University, Ames, IA; The Honorable John Icenogle, District Judge, District 9, Buffalo County, NE; and Ms. Cristi Cain, State Coordinator, Kansas Methamphetamine Prevention Project, Topeka, KS.

*Second session*

On May 3, 2006, the Committee on Education and the Workforce held a hearing in Washington, DC, on “Building American Competitiveness: Examining the Scope and Success of Existing Federal Math and Science Programs.” The purpose of the hearing was to examine federal math and science programs and learn about their impact and effectiveness. Testifying before the committee were: The Honorable Tom Luce, Assistant Secretary, Office of Planning, Evaluation, and Policy Development, U.S. Department of Education, Washington, DC; Ms. Cornelia Ashby, Director of Education, Workforce, and Income Security Issues, U.S. Government Accountability Office, Washington, DC; and Mr. Bill Archey, President and Chief Executive Officer, American Electronics Association, Washington, DC.

On May 18, 2006, the Committee on Education and the Workforce held a hearing in Washington, DC, on “No Child Left Behind: How Innovative Educators Are Integrating Subject Matter to Improve Student Achievement.” The purpose of the hearing was to examine what methods are being employed to integrate math and reading instruction into the general education curriculum with the intent of improving student achievement. Testifying before the committee were: Mr. Garrett W. Lydic, 2006 State Teacher of the Year, North Laurel Elementary School, Laurel, DE; Mr. Rick Holt, Principal, Lewiston K–8 School, Lewiston, MI; Dr. Mickey Garrison, Principal, Fullerton IV Elementary School, Roseburg, OR; Ms. Betsy Ablott, Teacher, Science Focus School, Arlington, VA; and Mr. Ray Zeigler, Co-Director, Maryland Artist/Teacher Institute, Maryland State Department of Education, Baltimore, MD.

On June 13, 2006, the Committee on Education and the Workforce held a hearing in Washington, DC, on “No Child Left Behind: Disaggregating Student Achievement by Subgroups to Ensure All Students Are Learning.” The purpose of the hearing was to examine the consequences of disaggregating student achievement data by subgroups. Testifying before the committee were: The Honorable Raymond Simon, Deputy Secretary of Education, U.S. Department of Education, Washington, DC; Dr. Cynthia Kuhlman, Principal, Centennial Place Elementary School, Atlanta, GA; Dr. Ronald A. Peiffer, Deputy State Superintendent, Maryland State Department of Education, Baltimore, MD; and Mr. John C. Brittain, Chief Counsel and Deputy Director, Lawyers Committee for Civil Rights Under Law, Washington, DC.

On July 12, 2006, the Committee on Education and the Workforce held a hearing in Washington, DC, on “No Child Left Behind: Ensuring High Academic Achievement for Limited English Proficient Students and Students with Disabilities.” The purpose of the hearing was to examine how students with disabilities and limited English proficient students are evaluated, how effective those evaluation measures are, and whether there is enough flexibility granted to states and school districts by the Department of Education with regard to these student subgroups. Testifying before the committee were: Ms. Rachel Quenemoen, Senior Research Fellow, National Center on Educational Outcomes, University of Minnesota, Minneapolis, MN; Mr. Don Soifer, Executive Vice President, Lexington Institute, Arlington, VA; Ms. Margaret McLeod, Executive Director, Office of Bilingual Education, District of Columbia Public Schools, Washington, DC; Ms. Kristine Neuber, Doctoral Student, Graduate School of Education, George Mason University, Fairfax, VA; and Mr. Keith Buchanan, Office Coordinator, English for Speakers of Other Languages, Fairfax County Public Schools, Falls Church, VA.

On July 27, 2006, the Committee on Education and the Workforce held a hearing in Washington, DC, on “No Child Left Behind: Can Growth Models Ensure Improved Education for All Students.” The purpose of the hearing was to evaluate the implications of using growth models to determine if schools are making adequate yearly progress under No Child Left Behind. Testifying before the committee were: Ms. Marlene S. Shaul, Director, Education, Workforce, and Income Security Issues, U.S. Government Accountability Office, Washington, DC; Mr. Joel I. Klein, Chancellor, New York City Department of Education, New York, NY; Mr. Reg Weaver, President, National Education Association, Washington, DC; Ms. Katie Haycock, Director, The Education Trust, Washington, DC; and Dr. William L. Sanders, Senior Manager, Value-Added Assessment and Research, SAS Institute Inc., Cary, NC.

On August 28, 2006, the Committee on Education and the Workforce Subcommittee on Education Reform held a field hearing in Chicago, IL, on “No Child Left Behind: Successes and Challenges of Implementation in Urban and Suburban Schools.” The purpose of the hearing was to discuss what improvements could be made to assist the implementation of No Child Left Behind in urban and suburban schools. Testifying before the subcommittee were: Dr. Henry Johnson, Assistant Secretary, U.S. Department of Education, Washington, DC; Mr. Arne Duncan, Chief Executive Officer, Chicago Public Schools, Chicago, IL; Dr. Darlene J. Ruscitti, Regional Superintendent, DuPage Regional Office of Education, Wheaton, IL; Dr. Paul Kimmelman, Senior Advisor, Office of the Chief Executive Officer, Learning Point Associates, Naperville, IL; and Ms. Dianne Piche, Executive Director, Citizens’ Commission on Civil Rights, Washington, DC.

On September 21, 2006, the Committee on Education and the Workforce held a hearing in Washington, DC, on “No Child Left Behind: How Can We Increase Parental Awareness of Supplemental Education Services?” The purpose of the hearing was to examine the challenges and successes of implementation of the supplemental educational services provisions under the No Child Left Behind Act. Testifying before the committee were: Mr. Morgan

Brown, Assistant Deputy Secretary, Office of Innovation and Improvement, U.S. Department of Education, Washington, DC; Ms. Cornelia Ashby, Director, Education, Workforce, and Income Security Issues, U.S. Government Accountability Office, Washington, DC; Dr. Stephen Barr, Associate Superintendent, Center for School Improvement, Ohio Department of Education, Columbus, OH; Ms. Erica Harris, Manager, Academic After School Programs, Chicago Public Schools, Chicago, IL; Dr. Barbara Anderson, Vice President of Education, Knowledge Learning Corporation, School Partnerships, Washington, DC; and Ms. Monique Dollonne, Parent of a Supplemental Educational Services Student, Ventura, CA.

*Legislative action—first session*

On October 7, 2005, Rep. John Boehner (R-OH), Rep. Tom DeLay (R-TX), Rep. Roy Blunt (R-MO), Rep. Sam Johnson (R-TX), Rep. John Kline (R-MN), Rep. Kenny Marchant (R-TX), Rep. Virginia Foxx (R-NC), Rep. Chris Chocola (R-IN), Rep. John Doolittle (R-CA), Rep. Jeff Flake (R-AZ), Rep. Trent Franks (R-AZ), Rep. Patrick McHenry (R-NC), Rep. Mike Pence (R-IN), Rep. Pete Sessions (R-TX), Rep. John Shadegg (R-AZ), and Rep. Todd Tiahrt (R-KS) introduced H.R. 4018, the Setting Priorities in Spending Act of 2005. The bill repealed 14 ineffective elementary and secondary education programs, including: Ready to Learn Television; Star Schools Act; Ready to Teach; Foreign Language Assistance Act of 2001; Community Technology Centers; Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and their Historical Whaling and Trading Partners in Massachusetts; Arts in Education; and Women’s Educational Equity.

110TH CONGRESS

*Hearings—first session*

On March 13, 2007, the Committee on Education and Labor held a joint hearing with the Senate Committee on Health, Education, Labor, and Pensions in Washington, DC, on “Elementary and Secondary Education Act Reauthorization: Improving NCLB to Close the Achievement Gap.” The purpose of the hearing was to examine methods for closing the achievement gap and approaching reauthorization of the Elementary and Secondary Education Act. Testifying before the committees were: Mr. Roy Barnes, Co-Chair, Aspen Institute Commission on No Child Left Behind and former Governor of Georgia, Washington, DC; Ms. Elizabeth Burmaster, President, Council of Chief State School Officers, Madison, WI; Mr. Michael Casserly, Executive Director, Council of Great City Schools, Washington, DC; Mr. Wade J. Henderson, President and Chief Executive Officer, Leadership Conference on Civil Rights, Washington, DC; Mr. Edward J. McElroy, President, American Federation of Teachers, Washington, DC; Mr. Arthur J. Rothkopf, Senior Vice President, Business Coalition for Student Achievement, Washington, DC; and Mr. Reg Weaver, President, National Education Association, Washington, DC.

On March 21, 2007, the Committee on Education and Labor held a hearing in Washington, DC, on “ESEA Reauthorization: Options for Improving NCLB’s Measures of Progress.” The purpose of the

hearing was to discuss options for reforming the current definition of adequate yearly progress. Testifying before the committee were: Dr. Harold C. Doran, Senior Research Scientist, American Institutes for Research, Washington, DC; Dr. Chrys Dougherty, Director of Research, National Center for Educational Accountability, Austin, TX; Mr. Peter McWalters, Commissioner, Rhode Island Department of Education, Providence, RI; Mr. Allan Olson, Co-Founder and Chief Academic Officer, Northwest Evaluation Association, Lake Oswego, OR; and Ms. Valerie Woodruff, Secretary, Delaware Department of Education, Dover, DE.

On March 23, 2007, the Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing in Washington, DC, on "Impact of NCLB on English Language Learners." The purpose of the hearing was to learn how NCLB is working for English Language Learner students and what needs to be done to improve student achievement. Testifying before the subcommittee were: Ms. Cornelia M. Ashby, Director, Education, Workforce, and Income Security Issues, U.S. Government Accountability Office, Washington, DC; Dr. Beverly L. Young, Assistant Vice Chancellor, Teacher Education and Public School Program, California State University, Long Beach, CA; Mr. Peter Zamora, Regional Counsel, Mexican American Legal Defense and Educational Fund, Washington, DC; Ms. Francisca Sánchez, Assistant Superintendent for Curriculum and Instruction, San Bernardino County Superintendent of Schools, San Bernardino, CA; and Ms. Marta Guzmán, Principal, Oyster Bilingual Elementary School, Washington, DC.

On March 29, 2007, the Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing in Washington, DC, on "How NCLB Affects Students with Disabilities." The purpose of the hearing was to determine how students with disabilities are affected by certain provisions under No Child Left Behind. Testifying before the subcommittee were: Dr. Rebecca H. Cort, Deputy Commissioner, Office of Vocational and Educational Services for Individuals with Disabilities, New York State Department of Education, Albany, NY; Dr. Michael L. Hardman, Professor and Chair, Department of Special Education and Department of Teaching and Learning, University of Utah, Salt Lake City, UT; Dr. William Henderson, Principal, O'Hearn Elementary School, Boston, MA; Ms. Rachel Quenemoen, Technical Assistance Team Leader, National Center on Education Outcomes, University of Minnesota, Minneapolis, MN; and Dr. Jane Rhyne, Assistant Superintendent, Programs for Exceptional Children, Charlotte-Mecklenburg School System, Charlotte, NC.

On April 12, 2007, the Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education held a field hearing in Flint, MI, on "Local Perspectives on the No Child Left Behind Act." The purpose of the hearing was to gain local perspectives on the No Child Left Behind Act. Testifying before the subcommittee were: Mr. Steve Burroughs, President, United Teachers of Flint, on behalf of the National Education Association, Flint, MI; Ms. Andrea Debardeleben, Parent, Flint, MI; Mr. Jan D. Russell, Assistant Superintendent, Genesee Intermediate School District, Flint, MI; Mr. David Solis, Director of State, Federal, and Local Programs, on behalf of Dr. Walter Milton Jr., Su-

perintendent, Flint Community Schools, Flint, MI; and Mr. Donald Tilley, Social Studies Department Chair, Central High School, Flint, MI.

On April 18, 2007, the Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing in Washington, DC, on “Supplemental Education Services Under the No Child Left Behind Act: How to Improve Quality and Access.” The purpose of the hearing was to understand how supplemental education services are working and whether they can be better implemented or improved. Testifying before the subcommittee were: Ms. Cornelia M. Ashby, Director, Education, Workforce, and Income Security Issues, U.S. Government Accountability Office, Washington, DC; Ms. Ann E. Chafin, Assistant State Superintendent for Student, Family, and School Support, Maryland State Department of Education, Baltimore, MD; Ms. Ruth D. Murray, Director, Federal Grants, Newport News Public Schools, Newport News, VA; Ms. Dianne M. Piché, Executive Director, Citizens’ Commission on Civil Rights, Washington, DC; and Ms. Monica M. Roberts, Director, Office of Federal and State Programs, Boston Public Schools, Boston, MA.

On April 20, 2007, the Committee on Education and Labor held a hearing in Washington, DC, on “Mismanagement and Conflicts of Interest in the Reading First Program.” The purpose of the hearing was to investigate instances of mismanagement and uncover conflicts of interest in the Reading First Program. Testifying before the committee were: Mr. Christopher J. Doherty, former Program Director, Reading First, U.S. Department of Education, Washington, DC; Dr. Roland Good, Associate Professor, University of Oregon, Eugene, OR; Mr. John P. Higgins, Inspector General, U.S. Department of Education, Washington, DC; Dr. Edward Kame’enui, Commissioner of the National Center for Special Education Research, U.S. Department of Education, Washington, DC; Ms. Starr Lewis, Associate Commissioner, Kentucky Department of Education, Frankfort, KY; and Dr. Deborah C. Simmons, Professor of Special Education, Texas A&M University, College Station, TX.

On April 23, 2007, the Committee on Education and Labor held a hearing in Washington, DC, on “NCLB: Preventing Dropouts and Enhancing School Safety.” The purpose of the hearing was to examine strategies for preventing dropouts and listening to testimony on how to improve school safety. Testifying before the committee were: Dr. María Robledo Montecel, Executive Director, Intercultural Development Research Association, San Antonio, TX; Dr. Jane Norwood, Vice-Chair, North Carolina State Board of Education, Raleigh, NC; Mr. Kenneth M. Smith, President, Jobs for America’s Graduates, Alexandria, VA; Mr. Kenneth S. Trump, President and Chief Executive Officer, National School Safety and Security Services, Inc., Cleveland, OH; and The Honorable Bob Wise, President, Alliance for Excellent Education and former Governor of West Virginia, Washington, DC.

On April 27, 2007, the Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education held a field hearing in San Rafael, CA, on “Improving the No Child Left Behind Act’s Accountability System.” The purpose of the hearing was to gain local perspectives on accountability provisions within No Child Left Behind. Testifying before the sub-

committee were: Ms. Melanie Blake, Teacher, Sonoma Valley High School, Sonoma, CA; Mr. Pepe Gonzalez, Vice Principal, Venetia Valley K–8 School, San Rafael, CA; Dr. Sharon E. Liddell, Superintendent, Santa Rosa City Schools, Santa Rosa, CA; Ms. Elizabeth W. Schott, Principal, McDowell Elementary School, Petaluma, CA; and Dr. Fred Tempes, Senior Program Director, WestEd, San Francisco, CA.

On April 28, 2007, the Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education held a field hearing in Sacaton, AZ, on “The No Child Left Behind Act’s Impact on Indian Education.” The purpose of the hearing was to explore how certain provisions of No Child Left Behind affect Indian Education. Testifying before the subcommittee were: Dr. Roger Bordeaux, Director, Association of Community Tribal Schools, Agency Village, SD; Dr. Willard S. Gilbert, President-elect, National Indian Education Association, Washington, DC; Mr. Tom Miller, Member, Board of Directors, Sault Ste. Marie Tribe of Chippewa Indians, Sault Ste. Marie, MI; Mr. William R. Rhodes, Governor, Gila River Indian Community, Sacaton, AZ; and Mr. Wendtler Nosie, Sr., Chairman, San Carlos Apache Tribe, San Carlos, AZ.

On May 10, 2007, the Committee on Education and Labor held a hearing in Washington, DC, on “Accountability for the Department of Education’s Oversight of Student Loans and the Reading First Program.” The purpose of the hearing was to investigate unethical practices in the student loan industry and the Reading First program. Testifying before the committee was The Honorable Margaret Spellings, Secretary, U.S. Department of Education, Washington, DC.

On May 11, 2007, the Committee on Education and Labor held a hearing in Washington, DC, on “ESEA Reauthorization: Boosting Quality in the Teaching Profession.” The purpose of the hearing was to examine methods of ensuring teacher quality in every classroom. Testifying before the committee were: Ms. Joan Bibeau, Member, Education Minnesota, Teacher, Eagleville Elementary School, Leech Lake Reservation, MN; Dr. Joseph P. Burke, Superintendent of Schools, Springfield Public Schools, Springfield, MA; Dr. Jack D. Dale, Superintendent, Fairfax County Public Schools, Fairfax, VA; Mr. Joel I. Klein, Chancellor, New York City Department of Education, New York, NY; Ms. Valdine McLean, Teacher, Pershing County High School, Lovelock, NV; Mr. John D. Podesta, President and Chief Executive Officer, Center for American Progress, Washington, DC; Dr. Gary W. Ritter, Associate Professor, Endowed Chair in Education Policy, Department of Education Reform, College of Education and Health Professions, University of Arkansas, Fayetteville, AR; and Dr. Jarvis Sanford, Principal, Dodge Renaissance Academy, Chicago, IL.

On May 14, 2007, the Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education held a field hearing in King of Prussia, PA, on “Examining Local Perspectives on the No Child Left Behind Act.” The purpose of the hearing was to gain local perspectives on the consequences of No Child Left Behind. Testifying before the subcommittee were: Dr. Leslye S. Abrutyn, Superintendent, Penn Delco School District, Aston, PA; Dr. Theodore Hershberg, Public Policy and History Di-

rector, Center for Greater Philadelphia and Operation Public Education, University of Pennsylvania, Philadelphia, PA; Mr. Joe Howell, Principal, Norristown Area High School, Norristown, PA; Mr. Stephen Kozol, Chair, Department of Social Studies, Upper Merion Area High School, King of Prussia, PA; and Mr. Anthony C. Stevenson, incoming Principal, Radnor Middle School, Radnor Township, PA.

On May 17, 2007, the Committee on Education and Labor Subcommittee on Higher Education, Lifelong Learning, and Competitiveness held a hearing in Washington, DC, on “Preparing Teachers for the Classroom: The Role of the Higher Education Act and No Child Left Behind.” The purpose of the hearing was to examine the role the federal government can play in preparing teachers for the classroom. Testifying before the subcommittee were: Dr. Daniel Fallon, Director, Program in Higher Education, Carnegie Corporation of New York, New York, NY; Dr. Emily Feistritzer, President, National Center for Alternative Certification and the National Center for Education Information, Washington, DC; Dr. Sharon P. Robinson, President and Chief Executive Officer, American Association of Colleges for Teacher Education, Washington, DC; Mr. George A. Scott, Director, Education, Workforce, and Income Security Issues, U.S. Government Accountability Office, Washington, DC; and Dr. Janice Wiley, Deputy Director, Region One Education Service Center, Edinburg, TX.

On June 7, 2007, the Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing in Washington, DC, on “Reauthorization of the Elementary and Secondary Education Act: Current and Prospective Flexibility under the No Child Left Behind Act.” The purpose of the hearing was to hear perspectives on flexibility under No Child Left Behind. Testifying before the subcommittee were: Mr. Chester E. Finn, Jr., President, Thomas B. Fordham Institute, Washington, DC; Mr. Jack Jennings, President, Center on Education Policy, Washington, DC; Dr. Carol Johnson, Superintendent, Memphis City Schools, Memphis, TN; The Honorable Rick Melmer, Secretary, South Dakota Department of Education, Pierre, SD; and Ms. Kathleen N. Straus, President, Michigan State Board of Education, Lansing, MI.

On September 10, 2007, the Committee on Education and Labor held a hearing in Washington, DC, on “Reauthorization of the Elementary and Secondary Education Act of 1965.” The purpose of the hearing was to gain feedback on proposed legislation to reauthorize the Elementary and Secondary Education Act. Testifying before the committee were: Ms. Germaine Brown, Teacher, Stewart Street Elementary School, Gadsden County, FL; Mr. Barry Stark, Principal, Norris Middle School, Firth, NE; Mr. Jack Jennings, President, Center for Education Policy, Washington, DC; Dr. Linda Darling-Hammond, Charles Ducommun Professor of Education, Stanford University, Stanford, CA; Mr. John Podesta, President and Chief Executive Officer, Center for American Progress, Washington, DC; Ms. Andrea Messina, Commissioner, Aspen Institute Commission on NCLB, Washington, DC; Mr. Kevin Carey, Research and Policy Manager, Education Sector, Washington, DC; Dr. Billy Cannaday, Superintendent of Public Instruction, Virginia Department of Education, Richmond, VA; The Honorable Bob Wise, President, Alli-

ance for Excellent Education, Washington, DC; Ms. Adria Steinberg, Assistant Vice President of Youth Transition, Jobs for the Future, Boston, MA; Mr. James McPartland, Principal Research Scientist, Center for Social Organization of Schools, John Hopkins University, Baltimore, MD; Mr. Brian Gong, Executive Director, Center for Assessment, Dover, NH; Mr. Mike Cohen, President, Achieve Inc., Washington, DC; Ms. Janet Bray, Director, Association for Career and Technical Education, Alexandria, VA; Ms. Nancy Zirkin, Vice President and Director of Public Policy, Leadership Conference on Civil Rights, Washington, DC; Mr. Peter Zamora, Regional Counsel, Mexican American Legal Defense and Educational Fund, Washington, DC; Ms. Stephanie Jones, Executive Director, The Urban League, Washington, DC; Mr. Dan Losen, Senior Education Law and Policy Associate, The Civil Rights Project, Los Angeles, CA; Ms. Dianne Piche, Executive Director, Citizens Commission on Civil Rights, Washington, DC; Ms. Delia Poma, Vice President of Education Programs, National Council of La Raza, Washington, DC; Ms. Katie Neas, Director of Congressional Relations, Easter Seals, Washington, DC; Ms. Myrna Mandlawitz, Policy Director, Learning Disabilities Association of America, Washington, DC; Mr. Jon Schnur, Chief Executive Officer and Co-Founder, New Leaders for New Schools, New York, NY; Mr. Charles Harris, Co-Founder and Executive Partner, SeaChange Capital Partner, South Norwalk, CT; Mr. Nelson Smith, President, National Alliance for Public Charter Schools, Washington, DC; Mr. Joshua Wyner, Executive Vice President, Jack Kent Cooke Foundation, Lansdowne, VA; Ms. Sonia Hernandez Rodriguez, Executive Vice President, National Farm Workers Service Center, Los Angeles, CA; Mr. John Castellani, President, Business Roundtable, Washington, DC; Mr. Jim Kohlmoos, President and Chief Executive Officer, Knowledge Alliance, Washington, DC; Mr. Mike Petrilli, Vice President for National Programs and Policy, The Thomas B. Fordham Foundation, Washington, DC; Ms. MaryKate Hughes, Math Teacher, D.C. Preparatory Academy, Washington, DC; Ms. Kathleen Rooker, Principal, Neil Armstrong Elementary School, Port Charlotte, FL; Mr. Reg Weaver, President, National Education Association, Washington, DC; Ms. Kati Haycock, Director, The Education Trust, Washington, DC; Ms. Antonia Cortese, Executive Vice President, American Federation of Teachers, Washington, DC; Ms. Frances Bryant Bradburn, Director of Instructional Technologies, North Carolina Department of Education, Raleigh, NC; Ms. Mary Kay Sommers, Principal, Shepardson Elementary School, Fort Collins, CO; Ms. Kristan Van Hook, Senior Vice President for Public Policy and Development, National Institute for Excellence in Teaching, Santa Monica, CA; Mr. David Brewer, Superintendent, Los Angeles Unified School District, Los Angeles, CA; Ms. Joan Wodiska, Director of Education Policy, National Governors Association, Washington, DC; Mr. Michael Casserly, Executive Director, Council of Great City Schools, Washington, DC; Mr. Paul Houston, Executive Director, American Association of School Administrators, Arlington, VA; Ms. LaRuth Gray, Deputy Director, Metropolitan Center for Urban Education, New York, NY; and Mr. Michael Resnick, Associate Executive Director, National School Boards Association, Alexandria, VA.

On September 21, 2007, the Committee on Education and Labor Subcommittee on Higher Education, Lifelong Learning, and Competitiveness held a field hearing in Pomona, CA, on “Examining Competitiveness Through Science, Technology, Engineering and Math.” The purpose of the hearing was to examine strategies for improving the delivery of education in Science, Technology, Engineering, and Math (STEM) classes to students in the United States. Testifying before the subcommittee were: Dr. Warren J. Baker, President, California Polytechnic State University, San Luis Obispo, CA; Dr. Marshall E. Drummond, Chancellor, Los Angeles Community College District, Los Angeles, CA; Dr. Susan Hackwood, Executive Director, California Council on Science and Technology, Sacramento, CA; Dr. Charles B. Reed, Chancellor, California State University System, Sacramento, CA; Dr. Frederick A. Tarantino, President and Chief Executive Officer, Universities Space Research Association, Columbia, MD; and Dr. Todd Ullah, Director of Science, Los Angeles Unified School District, Los Angeles, CA.

*Second session*

On February 13, 2008, the Committee on Education and Labor held a hearing in Washington, DC, on “Modern Public School Facilities: Investing in the Future.” The purpose of the hearing was to highlight the poor quality of public school buildings, particularly in low-income areas, and federal investment in public school buildings. Testifying before the committee were: The Honorable Ben Chandler, U.S. House of Representatives, Sixth District, Kentucky; The Honorable Michael Castle, U.S. House of Representatives, At-Large, Delaware; The Honorable Bob Etheridge, U.S. House of Representatives, Second District, North Carolina; The Honorable David Loebsack, U.S. House of Representatives, Second District, Iowa; The Honorable Charles Boustany, U.S. House of Representatives, Seventh District, Louisiana; The Honorable Darlene Hooley, U.S. House of Representatives, Fifth District, Oregon; The Honorable Steve King, U.S. House of Representatives, Fifth District, Iowa; The Honorable Rush Holt, U.S. House of Representatives, Twelfth District, New Jersey; Ms. Kathleen J. Moore, Director, School Facilities Planning Division, California Department of Education, Sacramento, CA; Ms. Judi Caddick, Teacher, Memorial Junior High School, Illinois Education Association, Lansing, IL; Ms. Mary Cullinane, Director, Innovation and Business Development Team, Microsoft Corporation, New York, NY; Dr. Paula Vincent, Superintendent, Clear Creek Amana School District, Oxford, IA; Mr. Paul Vallas, Superintendent, Louisiana Recovery School District, New Orleans, LA; Mr. Jim Waters, Director, Policy and Communications, Bluegrass Institute for Public Policy Solutions, Bowling Green, KY; and Mr. Neal McCluskey, Associate Director, Center for Educational Freedom, CATO Institute, Washington, DC.

On March 11, 2008, the Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing in Washington, DC, on “After School Programs: How the Bush Administration’s Budget Impacts Children and Families.” The purpose of the hearing was to examine the 21st Century Learning Centers program and discuss its progress. Testifying before the subcommittee were: Mr. Michael J. Carroll, Chief

of Police, West Goshen Township Police Department, Chester County, PA; Ms. LaDonna Gamble, Interim Project Director, Bridges to the Future Before and Afterschool Program's 21st Century Community Learning Center, Flint, MI; Ms. Theresa Vandrzyk Kough, Education Associate, After School Programs, Delaware Department of Education, Dover, DE; and Ms. Priscilla M. Little, Associate Director, Harvard Family Research Project, Medford, MA.

On May 21, 2008, the Committee on Education and Labor held a hearing in Washington, DC, on "The National Mathematics Advisory Panel Report: Foundations for Success." The purpose of the hearing was to discuss the findings of the National Math Panel's report and how U.S. math education can be improved. Testifying before the committee were: Mr. John Castellani, President, Business Roundtable, Washington, DC; Dr. Francis Fennell, former President, National Council of Teachers of Mathematics, Reston, VA; Dr. William Haver, Professor of Mathematics, Virginia Commonwealth University, Richmond, VA; Ms. Laura Slover, Vice President, Achieve, Inc., Washington, DC; Dr. Wanda Talley Staggers, Dean of Manufacturing and Engineering, Anderson School District Five, Anderson, SC; and Ms. Mary Ann Wolf, Executive Director, State Educational Technology Directors Association, Glen Burnie, MD.

On July 17, 2008, the Committee on Education and Labor held a hearing in Washington, DC, on "Mayor and Superintendent Partnerships in Education: Closing the Achievement Gap." The purpose of the hearing was to examine superintendent partnerships in education and closing the achievement gap. Testifying before the committee were: The Honorable Michael R. Bloomberg, Mayor, City of New York, New York, NY; Mr. Arne Duncan, Chief Executive Officer, Chicago Public Schools, Chicago, IL; The Honorable Adrian M. Fenty, Mayor, District of Columbia, Washington, DC; Dr. Beverly L. Hall, Superintendent, Atlanta Public Schools, Atlanta, GA; Mr. Joel I. Klein, Chancellor, New York City Department of Education, New York, NY; and Ms. Michelle Rhee, Chancellor, District of Columbia Public Schools, Washington, DC.

On July 22, 2008, the Committee on Education and Labor held a hearing in Washington, DC, on "Innovation in STEM Education through Business and Education Partnerships." The purpose of the hearing was to examine innovative business and education partnerships in Science, Technology, Engineering, and Mathematics education. Testifying before the committee were: Dr. Ramona Chang, Director of Curriculum, Torrance Unified School District, Torrance, CA; Ms. Melendy Lovett, Senior Vice President and President, Education Technology, Texas Instruments, Dallas, TX; Mr. Tom Luce, Chief Executive Officer, National Math and Science Initiative, Dallas, TX; Mr. Phil Mickelson, Professional Golfer and Cofounder, Mickelson ExxonMobil Teachers Academy, Rancho Santa Fe, CA; Dr. Carlo Parravano, Executive Director, Merck Institute for Science Education, Rahway, NJ; Dr. Sally Ride, President and Chief Executive Officer, Sally Ride Science, San Diego, CA; Ms. Patricia Sullivan, Education Solutions Executive, Global Education Industry at IBM, Armonk, NY; and Mr. Brian H. Wells, Chief Systems Engineer, Raytheon Co., Waltham, MA.

On July 24, 2008, the Committee on Education and Labor held a hearing in Washington, DC, on “The Benefits of Physical and Health Education for Our Nation’s Children.” The purpose of the hearing was to discuss the problem of childhood obesity, and the benefits of physical education. Testifying before the committee were: The Honorable Ron Kind, U.S. House of Representatives, Third District, Wisconsin; The Honorable Zach Wamp, U.S. House of Representatives, Third District, Tennessee; Ms. Lori Rose Benson, Director, Office of Fitness and Health Education, New York City Department of Education, New York, NY; Mr. Tim Brown, former NFL all-pro player, National Chairman, Athletes and Entertainers for Kids, Long Beach, CA; Mr. Robert Keiser, Student Advisor to Governor Charlie Crist, Council on Physical Fitness, Tallahassee, FL; Dr. Russell Pate, Associate Vice President for Health Sciences, Professor, Department of Exercise Science, Arnold School of Public Health, University of South Carolina, Columbia, SC; and Mr. Richard Simmons, ASK America, Beverly Hills, CA.

On September 9, 2008, the Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing in Washington, DC, on “Challenges Facing Bureau of Indian Education Schools in Improving Student Achievement.” The purpose of the hearing was to examine challenges encountered by Bureau of Indian Education schools in their efforts to improve student achievement. Testifying before the subcommittee were: Ms. Cornelia Ashby, Director, Education, Workforce, and Income Security Issues, U.S. Government Accountability Office, Washington, DC; Ms. Anne Dudro, Chief of Staff, Office of Elementary and Secondary Education, U.S. Department of Education, Washington, DC; Dr. Willard Sakiestewa Gilbert, President, National Indian Education Association, Washington, DC; Mr. Theodore Hamilton, Executive Director, Oceti Sakowin Education Consortium, Kyle, SD; and Mr. Stanley Holder, Chief, Division of Performance and Accountability, Bureau of Indian Education, U.S. Department of the Interior, Washington, DC.

*Legislative action—first session*

On July 12, 2007, Rep. Ben Chandler (D-KY), Rep. George Miller (D-CA), and Rep. Dale Kildee (D-MI) introduced H.R. 3021, the 21st Century High-Performing Public School Facilities Act. The bill sought to create a new federal school construction program. Under the bill, the Secretary of Education would make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes.

On July 12, 2007, Rep. John Sarbanes (D-MD) introduced H.R. 3036, the No Child Left Inside Act of 2007. The bill sought to amend the Elementary and Secondary Education Act of 1965 to create new environmental education programs.

On August 1, 2007, Rep. Mazie Hirono (D-HI), Rep. Robert Andrews (D-NJ), Rep. Susan Davis (D-CA), Rep. George Miller (D-CA), and Rep. John Tierney (D-MA) introduced H.R. 3289, the Providing Resources Early for Kids (PRE-K) Act of 2007. The bill sought to amend the Elementary and Secondary Education Act of 1965 to create a new early education program.

*Second session*

On April 30, 2008, the Committee on Education and Labor considered H.R. 3021, the 21st Century High-Performing Public School Facilities Act, in legislative session, and reported the bill favorably, as amended, to the House of Representatives by a vote of 28–19.

The committee considered and adopted the following amendment to H.R. 3021:

- Rep. Dave Loebsack (D–IA) and Rep. Dale Kildee (D–MI) offered an amendment in the nature of a substitute. The amendment passed by a voice vote.

The committee further considered the following amendments to H.R. 3021, which were not adopted:

- Rep. Howard P. “Buck” McKeon (R–CA) offered an amendment to strike the provision subjecting new school construction projects to the requirements of the Davis-Bacon Act. The amendment failed by a vote of 16–27.

- Rep. Mike Castle (R–DE) offered an amendment requiring Title I and the Individuals with Disabilities Education Act (IDEA) to be fully funded before federal resources could be dedicated to school construction. The amendment failed by a vote of 20–24.

- Rep. Rob Bishop (R–UT) offered an amendment on the equitable treatment of charter schools. The amendment failed by a vote of 19–25.

- Rep. John Kline (R–MN) offered an amendment to require local educational agencies to provide military recruiters with access to secondary student information. The amendment was ruled not germane by the Chair. A motion to appeal the ruling of the Chair failed by a vote of 20–25.

- Rep. Tom Price (R–GA) offered an amendment requiring local educational agencies to conduct independent audits. The amendment failed by a vote of 18–26.

- Rep. Tom Price (R–GA) offered an amendment prohibiting earmarks. The amendment failed by a vote of 21–25.

- Rep. Vernon Ehlers (R–MI) offered an amendment prohibiting the purchase of carbon offsets. The amendment failed by a vote of 21–25.

- Rep. David Davis (R–TN) offered an amendment requiring local educational agencies to certify compliance with school prayer provisions. The amendment was ruled not germane by the Chair. A motion to appeal the ruling of the Chair failed by a vote of 21–26.

The House of Representatives passed H.R. 3021 on June 4, 2008, by a vote of 250–164. The bill was sent to the Senate and referred to the Senate Committee on Health, Education, Labor, and Pensions.

On June 18, 2008, the Committee on Education and Labor considered H.R. 3036, the No Child Left Inside Act of 2007, in legislative session and reported the bill favorably, as amended, to the House of Representatives by a vote of 37–8.

The committee considered and adopted the following amendments to H.R. 3036:

- Rep. George Miller (D–CA) offered an amendment in the nature of a substitute. The amendment passed by a voice vote.

- Rep. Mike Castle (R–DE) offered an amendment to require the Administrator of the Environmental Protection Agency, the Sec-

retary of Education, and the National Environmental Education Foundation to establish indicators of program quality for environmental education programs. The amendment was adopted by a voice vote.

- Rep. John Sarbanes (D–MD) offered an amendment to make technical edits. The amendment was adopted by a voice vote.

- Rep. Vern Ehlers (R–MI) offered an en bloc amendment to expand the list of subject studies to determine the effectiveness of environmental education programs and to allow grantees to conduct studies of national significance. The amendment was adopted by a voice vote.

- Rep. Rush Holt (D–NJ) and Rep. Mark Souder (R–IN) offered an amendment to allow grantees to coordinate with any program operated by a federal natural resource management agency. The amendment was adopted by a voice vote.

- Rep. Tim Bishop (D–NY) offered an amendment to allow grantees to replicate and disseminate information about proven and tested environmental education programs. The amendment was adopted by a voice vote.

- Rep. Mark Souder (R–IN) offered an amendment to allow grantees to develop environmental education standards that include information on the need to balance conservation of the environment with the development of the nation’s energy resources. The amendment was adopted by a voice vote.

- Rep. Yvette Clark (D–NY) offered an amendment to allow grantees to address environmental justice issues. The amendment was adopted by a voice vote.

- Rep. Tom Price (R–GA) offered an amendment to clarify that federal funds may not be used to mandate, direct, or control a state or local educational agency’s curriculum or program of instruction. The amendment was adopted by a voice vote.

The committee further considered the following amendment to H.R. 3036, which was not adopted:

- Rep. Tom Price (R–GA) offered an amendment on the environmental benefits of American-made energy. The amendment failed by a vote of 13–28.

The House of Representatives passed H.R. 3036 on September 18, 2008, by a vote of 293–109. The bill was sent to the Senate and referred to the Senate Committee on Environment and Public Works.

On June 25, 2008, the Committee on Education and Labor considered H.R. 3289, the Providing Resources Early for Kids (PRE-K) Act of 2007, in legislative session and reported the bill favorably, as amended, to the House of Representatives by a vote of 31–11.

The committee considered and adopted the following amendments to H.R. 3289:

- Rep. George Miller (D–CA) offered an amendment in the nature of a substitute. The amendment passed by a voice vote.

- Rep. Phil Hare (D–IL) offered an en bloc amendment to address the deficiency of pre-K opportunities to children in rural areas and to increase coordination of state supported early childhood providers and local educational agencies to ensure a smooth transition to kindergarten. The amendment passed by a voice vote.

- Rep. Susan Davis (D–CA) offered an amendment to add an allowable use of funds for instruction and support for program directors and staff during the first three years of employment. The amendment passed by a vote of 26–17.

- Rep. Dennis Kucinich (D–OH) offered an en bloc amendment to require states to report on how they are addressing transportation needs where transportation is a barrier to accessing state-funded preschool programs and to require states to coordinate with a state advisory board on early childhood education or similar entity. The amendment passed by a voice vote.

- Rep. Dennis Kucinich (D–OH) and Rep. Lynn Woolsey (D–CA) offered an amendment to require states to report on their activities to expand state-funded preschool programs and to require the Secretary of Education to report to Congress on the activities carried out by this bill. The amendment (as amended) passed by a voice vote.

- Rep. Phil Hare (D–IL) offered a secondary amendment to Reps. Kucinich and Woolsey’s amendment to add rural areas into the reporting requirements. The amendment passed by a voice vote.

- Rep. Rubén Hinojosa (D–TX) offered an amendment requiring states to provide assurances they will target resources or strengthen services to English Language Learners. The amendment passed by a voice vote.

The committee considered the following amendments to H.R. 3289, which were not adopted:

- Rep. Howard P. “Buck” McKeon (R–CA) offered an amendment to ensure states invest the resources provided in the bill to enroll all eligible children in the existing Head Start program. The amendment was defeated by a vote of 18–25.

- Rep. Mike Castle (R–DE) offered an amendment to align the new pre-K program with Head Start. The amendment was defeated by a vote of 18–25.

- Rep. Charles Boustany (R–LA) offered an amendment to prioritize services only to low-income children. The amendment was defeated by a vote of 17–26.

- Rep. Tom Price (R–GA) offered an amendment to allow states to provide parents a choice of preschool providers. The amendment was defeated by a vote of 14–29.

- Rep. Tom Price (R–GA) also offered an amendment that would require the bill to have offsets. The amendment was defeated by a vote of 17–26.

- Rep. Virginia Foxx (R–NC) and Rep. Tom Price (R–GA) offered an amendment that would limit federally funded programs to legal U.S. residents and citizens. The amendment was defeated by a vote of 18–25.

On September 26, 2008, the House of Representatives passed H.R. 7110, the Job Creation and Unemployment Relief Act of 2008, introduced by Rep. David Obey (D–WI). H.R. 7110 appropriated \$3 billion for public school modernization, renovation, and repair, similar to the provisions included in H.R. 3021. The bill was placed on the Senate calendar.

*Hearings—first session*

On April 29, 2009, the Committee on Education and Labor held a hearing in Washington, DC, on “Strengthening America’s Competitiveness through Common Academic Standards.” The purpose of the hearing was to examine how to ensure rigorous academic standards keep American students competitive. Testifying before the committee were: Mr. James B. Hunt Jr., Chairman of the Board, James B. Hunt, Jr., Institute for Educational Leadership and Policy Foundation, former Governor of North Carolina, Raleigh, NC; Dr. Kenneth James, Commissioner, Arkansas Department of Education, Little Rock, AR; Mr. Greg Jones, President and Chief Executive Officer (retired), State Farm General Insurance, Chairman, California Business Roundtable, Playa del Rey, CA; Mr. David Levin, Co-founder, KIPP Schools, New York, NY; and Ms. Randi Weingarten, President, American Federation of Teachers, New York, NY.

On May 12, 2009, the Committee on Education and Labor held a hearing in Washington, DC, on “America’s Competitiveness through High School Reform.” The purpose of the hearing was to learn about the challenges facing our nation’s high schools in providing competitive, capable graduates. Testifying before the committee were: The Honorable Chaka Fattah, U.S. House of Representatives, Second District, Pennsylvania; The Honorable Michael Castle, U.S. House of Representatives, At-Large, Delaware; The Honorable Raúl M. Grijalva, U.S. House of Representatives, Seventh District, Arizona; The Honorable David P. Roe, U.S. House of Representatives, First District, Tennessee; Mr. Robert Balfanz, Associate Research Scientist, Everyone Graduates Center, Johns Hopkins University, Baltimore, MD; Mr. Scott Gordon, Chief Executive Officer, Mastery Charter Schools, Philadelphia, PA; Ms. Marguerite Kondracke, President and Chief Executive Officer, America’s Promise Alliance, Washington, DC; Dr. Vicki Phillips, Director, Education Initiative, Bill and Melinda Gates Foundation, Seattle, WA; The Honorable Bob Wise, President, Alliance for Excellent Education, former Governor of West Virginia, Washington, DC; and Mr. Michael Wotorsen, Executive Director, Campaign for High School Equity, Washington, DC.

On May 19, 2009, the Committee on Education and Labor held a hearing in Washington, DC, on “Examining the Abusive and Deadly Use of Seclusion and Restraint in Schools.” The purpose of the hearing was to understand the nature and magnitude of the practice of abusive restraint and seclusion techniques in public and private schools. Testifying before the committee were: Mr. Greg Kutz, Managing Director, Forensic Audits and Special Investigations, U.S. Government Accountability Office, Washington, DC; Ms. Toni Price, foster mother of a child victim, Killeen, TX; Ms. Anne Gaydos, mother of a child victim, Monument, CO; Ms. Elizabeth Hanselman, Assistant Superintendent, Special Education and Support Services, Illinois State Board of Education, Springfield, IL; and Dr. Reece L. Peterson, Professor of Special Education, University of Nebraska, Lincoln, NE.

On May 20, 2009, the Committee on Education and Labor held a hearing in Washington, DC, on “The Obama Administration’s

Education Agenda.” The purpose of the hearing was to learn about the administration’s policies and priorities for education in the coming fiscal year. Testifying before the committee was the Honorable Arne Duncan, Secretary, U.S. Department of Education, Washington, DC.

On June 4, 2009, the Committee on Education and Labor held a hearing in Washington, DC, on “Building on What Works at Charter Schools.” The purpose of the hearing was to learn how states, charter school authorizers, and charter school providers produce high-quality charter schools and how those programs can be replicated and brought to scale. Testifying before the committee were: The Honorable Barbara O’Brien, Lieutenant Governor, State of Colorado, Denver, CO; Mr. James Shelton, Assistant Deputy Secretary for Innovation and Improvement, U.S. Department of Education, Washington, DC; Mr. Steve Barr, Founder and Chairman, Green Dot Public Schools, Los Angeles, CA; Dr. John King, Managing Director, Excellence and Preparatory Network of Uncommon Schools, New York, NY; Mr. David Dunn, Executive Director, Texas Charter Schools Association, Austin, TX; and Mr. James Goenner, Executive Director, The Center for Charter Schools, Central Michigan University, Mount Pleasant, MI.

On June 16, 2009, the Committee on Education and Labor held a hearing in Washington, DC, on “The Future of Learning: How Technology is Transforming Public Schools.” The purpose of the hearing was to examine the federal government’s role in promoting the effective use of technology to improve public education. Testifying before the committee were: Ms. Jennifer Bergland, Chief Technology Officer, Bryan Independent School District, Bryan, TX; Mr. Aneesh Chopra, Chief Technology Officer, White House Office for Science and Technology, Washington, DC; Dr. Wayne Hartschuh, Executive Director, Delaware Center for Educational Technology, Delaware Department of Education, Dover, DE; Mr. Scott Kinney, Vice President Of Media And Technology, Discovery Education, Silver Spring, MD; Mr. John McAuliffe, General Manager, Educate Online Learning, Baltimore, MD.; Mr. Abel Alejandro Real, Student, East Carolina University, Greenville, NC; and Ms. Lisa Short, Middle School Teacher, Gaithersburg Middle School, Gaithersburg, MD.

On July 8, 2009, the Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education held a joint hearing with the subcommittee on Healthy Families and Communities in Washington, DC, on “Strengthening School Safety through Prevention of Bullying.” The purpose of the hearing was to discuss how the federal government could support anti-bullying efforts. Testifying before the subcommittees were: Ms. Jacquelyn Andrews and Ms. Josie Andrews, daughters of Rep. Rob Andrews (D–NJ); Ms. Rona C. Kaufmann, Principal, William Penn Senior High School, York, PA; Dr. Scott Poland, Coordinator, Office of Suicide and Violence Prevention, Center for Psychological Studies, Nova Southeastern University, Fort Lauderdale, FL; Mr. Steve Riach, Founder and Chairman, Heart of a Champion Foundation, Colleyville, TX; Ms. Cassady Tetsworth, Vice Chair, National SAVE Youth Advisory Board, Greensboro, NC; Mr. Kenneth S. Trump, President and Chief Executive Officer, National School Safety and

Security Services, Inc., Cleveland, OH; and Ms. Sirdeaner Walker, parent of a bullied child, Springfield, MA.

On September 18, 2009, the Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education held a field hearing in Flint, MI, on “High School/College Dual Enrollment Program.” The purpose of the hearing was to learn about dual enrollment programs. Testifying before the subcommittee were: Mr. John Otis Brooks, Student, Mott Community College, Flint, MI; Dr. Vahid Lotfi, Interim Provost and Vice Chancellor, Academic Affairs, University of Michigan, Flint, MI; Dr. M. Richard Shaink, President, Mott Community College, Flint, MI; Mr. Stephen Skorcz, President and Chief Executive Officer, Greater Flint Health Coalition, Flint, MI; Dr. Thomas Svitkovich, Superintendent, Genesee Intermediate School District, Flint, MI; and Dr. Michael Webb, Associate Vice President, Early College High School Initiative, Jobs for the Future, Boston, MA.

On September 30, 2009, the Committee on Education and Labor held a hearing in Washington, DC, on “Teacher Equity: Effective Teachers for All Children.” The purpose of the hearing was to examine how to ensure students are taught by effective teachers. Testifying before the committee were: The Honorable Chaka Fattah, U.S. House of Representatives, Second District, Pennsylvania; The Honorable Tom Price, U.S. House of Representatives, Sixth District, Georgia; Ms. Layla Avila, Vice President, The New Teacher Project, Brooklyn, NY; Ms. Latanya Daniels, Assistant Principal, Edison High School, Minneapolis, MN; Dr. Frederick M. Hess, Director of Education Policy Studies, American Enterprise Institute, Washington, DC; Dr. Linda Murray, Executive Director, Education Trust—West, Oakland, CA; Dr. Marguerite Roza, Research Associate Professor, Center on Reinventing Public Education, University of Washington, Seattle, WA; and Mr. Dennis Van Roekel, President, National Education Association, Washington, DC.

On November 19, 2009, the Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing in Washington, DC, on “Improving the Literacy Skills of Children and Young Adults.” The purpose of the hearing was to examine strategies for improving literacy skills among students. Testifying before the subcommittee were: Mr. Larry Berger, Co-Founder and Chief Executive Officer, Wireless Generation, Brooklyn, NY; Ms. Mary Kay Doré, District Student Support Services Manager, Summit School District, Frisco, CO; Dr. Leo Gomez, Professor, the University of Texas Pan American, Officer, the National Association for Bilingual Education, Edinburg, TX; Mr. Andrés Henríquez, Program Officer, Carnegie Corporation of New York, New York, NY; Dr. Sandra D. Meyers, Education Associate, Delaware Department of Education, Dover, DE; and Dr. Dorothy S. Strickland, Professor Emeritus, Rutgers, the State University of New Jersey, Newark, NJ.

On December 8, 2009, the Committee on Education and Labor held a hearing in Washington, DC, on “Improving Our Competitiveness: Common Core Education Standards.” The purpose of the hearing was to take a closer look at the Common Core State Standards Initiative and how coordinated efforts to strengthen academic standards can enhance American competitiveness. Testifying before the committee were: Ms. Cathy Allen, Vice Chair, St. Mary’s Coun-

ty Board of Education, Leonardtown, MD; Mr. Douglas Kubach, President and Chief Executive Officer, Pearson Assessment and Information, Bloomington, MN; The Honorable Bill Ritter Jr., Governor, State of Colorado, Denver, CO; and Mr. Gene Wilhoit, Executive Director, Council of Chief State School Officers (CCSSO), Washington, DC.

*Second session*

On February 24, 2010, the Committee on Education and Labor held a legislative hearing in Washington, DC, on “H.R. 4330, the All Students Achieving through Reform Act.” The purpose of this legislative hearing was to learn how charter school providers maintain quality in charter schools, what student populations charter schools serve, and the importance of keeping charter schools autonomous. The hearing also focused on H.R. 4430, which would create a new initiative under the Charter School Program to provide funding for the expansion and replication of charter schools. Testifying before the committee were: Ms. Eva Moskowitz, Founder, Success Charter Network, New York, NY; Ms. Robin J. Lake, Associate Director, Center on Reinventing Public Education, Seattle, WA; Dr. Thomas Hehir, Professor of Practice, Harvard Graduate School of Education, Cambridge, MA; Mr. Greg Richmond, President and Chief Executive Officer, National Association of Charter School Authorizers, Chicago, IL; Ms. Eileen Ahern, Director, National Association of State Directors of Special Education, Alexandria, VA; and Dr. Caprice Young, President and Chief Executive Officer, KC Distance Learning, Portland, OR.

On March 3, 2010, the Committee on Education and Labor held a hearing in Washington, DC, on “Building a Stronger Economy: Spurring Reform and Innovation in American Education.” The purpose of the hearing was to identify the administration’s priorities for education in the coming fiscal year. Testifying before the committee was The Honorable Arne Duncan, Secretary, U.S. Department of Education, Washington, DC.

On March 17, 2010, the Committee on Education and Labor held a hearing in Washington, DC, on “The Obama Administration’s Elementary and Secondary Education Act Reauthorization.” The purpose of the hearing was to discuss the administration’s blueprint for reauthorization of the Elementary and Secondary Education Act. Testifying before the committee was the Honorable Arne Duncan, Secretary, U.S. Department of Education, Washington, DC.

On March 18, 2010, the Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing in Washington, DC, on “Elementary and Secondary Education Act Reauthorization: Addressing the Needs of Diverse Students.” The purpose of the hearing was to discuss the importance of, and the challenges states and school districts face in, educating diverse student learners. Testifying before the subcommittee were: Dr. Daniel Curry, Superintendent, Lake Forest School District, Kent County, DE; Dr. Jack Dale, Superintendent, Fairfax County Public Schools, Fairfax, VA; Ms. Arelis E. Diaz, Assistant Superintendent of Instruction, Godwin Heights Public Schools, Wyoming, MI; Dr. David M. Gipp, President, United Tribes Technical College, Bismarck, ND; Dr. Jacqui Farmer Kearns, Principal Investigator, National Alternate Assessment

Center, Lexington, KY; and Mr. Michael Wotorson, Executive Director, Campaign for High School Equity, Washington, DC.

On April 14, 2010, the Committee on Education and Labor held a hearing in Washington, DC, on “How Data Can Be Used to Inform Educational Outcomes.” The purpose of the hearing was to examine possible methods for using data to inform and improve test scores and other educational indicators. Testifying before the committee were: Ms. Katie Hartley, Teacher, Value Added Data Specialist, Miami East Junior High School, Casstown, OH; Mr. Joe Kitchens, Superintendent, Western Heights School District, Oklahoma City, OK; Mr. Joel R. Reidenberg, Professor of Law and Founding Academic Director, Center on Law and Information Policy, Fordham University School of Law, New York, NY; and Mr. Richard J. Wenning, Associate Commissioner, Colorado Department of Education, Denver, CO.

On April 15, 2010, the Committee on Education and Labor Subcommittee on Healthy Families and Communities held a hearing in Washington, DC, on “Corporal Punishment in Schools and its Effect on Academic Success.” The purpose of the hearing was to examine corporal punishment in schools and its effect on academic performance. Testifying before the subcommittee were: Ms. Jana Frieler, Principal, Overland High School, President-elect, National Association of Secondary School Principals, Aurora, CO; Mr. Wynell Gilbert, Teacher, Erwin High School, Center Point, AL; Dr. Donald E. Greydanus, Professor of Pediatrics & Human Development, Michigan State University College of Human Medicine, Pediatrics Program Director, Michigan State University/Kalamazoo Center for Medical Studies, Kalamazoo, MI; and Ms. Linda Pee, parent of a student who received corporal punishment, Hot Springs, AR.

On May 4, 2010, the Committee on Education and Labor held a hearing in Washington, DC, on “Supporting America’s Educators: The Importance of Quality Teachers and Leaders.” The purpose of the hearing was to look at the importance of quality teachers and explore ways to support the best educators for the nation’s children. Testifying before the committee were: Ms. Deborah Ball, Dean, School of Education, University of Michigan, Ann Arbor, MI; Mr. Tony Bennett, Superintendent of Public Instruction, Indiana Department of Education, Indianapolis, IN; Dr. Jeanne M. Burns, Associate Commissioner, Teacher and Leadership Initiatives, Louisiana Board of Regents, Baton Rouge, LA; Mr. Jonathan A. Kaplan, President, Walden University, Minneapolis, MN; Ms. Marie Parker-McElroy, Cluster-based Instructional Coach, Fairfax County Public Schools, Fairfax, VA; Dr. Pamela S. Salazar, Assistant Professor, Department of Educational Leadership, University of Nevada, Las Vegas, NV; Mr. Christopher J. Steinhauser, Superintendent of Schools, Long Beach Unified School District, Long Beach, CA; Ms. Monique Burns Thompson, President, Teach Plus, Boston, MA; Ms. Randi Weingarten, President, American Federation of Teachers, New York, NY; and Dr. Marcus A. Winters, Senior Fellow, Manhattan Institute for Policy Research, New York, NY.

On May 19, 2010, the Committee on Education and Labor held a hearing in Washington, DC, on “Research and Best Practices on Successful School Turnaround.” The purpose of the hearing was to discuss school turnaround strategies that improve struggling

schools and protect the best interests of students. Testifying before the committee were: Ms. Susan E. Bridges, Principal, A.G. Richardson Elementary School, Culpeper, VA; Dr. Thomas Butler, Superintendent of Schools, Ridgway Area School District, Ridgway, PA; Ms. Jessica Johnson, Chief Program Officer, Learning Point Associates, Naperville, IL; Dr. Daniel King, Superintendent, Pharr-San Juan-Alamo Independent School District, Pharr, TX; Mr. David Silver, Principal, Think College Now, Oakland, CA; and Mr. John Simmons, President, Strategic Learning Initiatives, Chicago, IL.

On May 20, 2010, the Committee on Education and Labor held a hearing in Washington, DC, on “The Impact of Concussions on High School Athletes.” The purpose of the hearing was to discuss research conducted by the Government Accountability Office into concussions among high school athletes. Testifying before the committee were: Dr. Gerard A. Gioia, Director, Division of Pediatric Neuropsychology, Children’s National Medical Center, Washington, DC; Dr. Linda Kohn, Director of Health Care Issues, U.S. Government Accountability Office, Washington, DC; Mr. Michael T. Monacelli, Director of Athletics and Head Football Coach, Caledonia-Mumford Central School District, Caledonia, NY; Ms. Michelle Pelton, former high school athlete, Swansea, MA; and Mr. James Schmutz, Executive Director, American Sport Education Program, Champaign, IL.

On June 24, 2010, the Committee on Education and Labor Subcommittee on Healthy Families and Communities held a hearing in Washington, DC, on “Ensuring Student Cyber Safety.” The purpose of the hearing was to discuss strategies aimed at developing both innovative and practical approaches to identify, prevent, and curb the prevalence of cyberbullying. Testifying before the subcommittee were: Mr. Parry Aftab, Esq., Executive Director, WiredSafety.org, Wycoff, NJ; Mr. Dave Finnegan, Chief Information and Logistics Bear, Build-A-Bear Workshop, Inc., St. Louis, MO; Dr. Phillip C. McGraw, syndicated daytime television talk show host and best-selling author, Los Angeles, CA; Ms. Dominique Napolitano, Student, on behalf of Girl Scouts of the USA, Suffolk County, NY; Ms. Barbara-Jane “BJ” Paris, Member, National Association of Secondary School Principals, Austin, TX; and Dr. Jorge C. Srabstein, Medical Director, Clinic for Health Problems Related to Bullying, Department of Psychiatry and Behavioral Sciences, Children’s National Medical Center, Washington, DC.

On September 13, 2010, the Committee on Education and Labor Subcommittee on Healthy Families and Communities held a field hearing in Selden, NY, on “The Impact of Concussions on High School Athletes: The Local Perspective.” The purpose of the hearing was to gain a local perspective on student concussion safety. Testifying before the subcommittee were: Mr. Richard C. Caster, former NFL Football Player, Rockville Centre, NY; Mr. Courtney Hall, former NFL Football Player, Cofounder, Hillcrest Venture Partners, New York, NY; Mr. Craig LoNigro, Athletic Trainer, Comsewogue High School, Port Jefferson Station, NY; Ms. Caitlin Monaghan, former high school athlete, Garden City, NJ; and Dr. Hayley C. Rintel Queller, Primary Care Sports Medicine, Orthopedic Associates of Long Island, East Setauket, NY.

On September 23, 2010, the Committee on Education and Labor held a legislative hearing in Washington, DC, on “H.R. 6172, the

Protecting Student Athletes from Concussions Act.” The purpose of this legislative hearing was to look at the issue of concussions among high school athletes and the effects of traumatic brain injuries on a student’s academic achievement. Testifying before the committee were: Rev. Dr. Katherine E. Brearley, parent of the late Owen Thomas, South Whitehall Township, PA; Ms. Alison Conca-Cheng, Centennial High School, Ellicott City, MD; Dr. Gerard A. Gioia, Ph.D., Chief, Division of Pediatric Neuropsychology, and Director, Safe Concussion Outcome, Recovery, and Education (SCORE) Program, Children’s National Medical Center, Washington, DC; Dr. Stanley Herring, M.D., Clinical Professor, Department of Rehabilitation Medicine, Orthopedics and Sports Medicine, and Neurological Surgery, University of Washington, Co-Medical Director, Seattle Sports Concussion Program, Team Physician, Seattle Seahawks and Seattle Mariners, and Member, National Football League’s Head, Neck and Spine Committee, Seattle, WA; and Mr. Sean Morey, Executive Board Member, NFL Players Association, Toronto, Ontario.

*Legislative action—first session*

On January 28, 2009, the House of Representatives passed H.R. 1, the American Recovery and Reinvestment Act (ARRA), introduced by Rep. David Obey (D-WI). H.R. 1 appropriated \$14 billion for public school modernization, renovation, and repair. On February 12, 2009, the House passed the Conference Report to H.R. 1, which did not include dedicated funds for public school modernization, renovation, and repair. However, Title XIV of the bill, the State Fiscal Stabilization Fund, included \$48.6 billion for states and local educational agencies, of which public school modernization, renovation, and repair (including modernization, renovation, and repair that complies with a recognized green building standard) is an authorized use.

On April 30, 2009, Rep. Ben Chandler (D-KY), Rep. Robert Andrews (D-NJ), Rep. Joe Courtney (D-CT), Rep. Raúl Grijalva (D-AZ), Rep. Phil Hare (D-IL), Rep. Mazie Hirono (D-HI), Rep. Rush Holt (D-NJ), Rep. Dale Kildee (D-MI), Rep. David Loebsack (D-IA), Rep. George Miller (D-CA), Rep. Pedro R. Pierluisi (D-PR), Rep. Jared Polis (D-CO), Rep. Gregorio Kilili Camacho Sablan (D-MP), Rep. John Tierney (D-MA), Rep. Paul Tonko (D-NY), Rep. Lynn Woolsey (D-CA), and Rep. David Wu (D-OR) introduced H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act. The bill would direct the Secretary of Education to make grants to state educational agencies for the modernization, renovation, or repair of public school facilities.

On May 6, 2009, the Committee on Education and Labor considered H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act, in legislative session and ordered the bill reported favorably, as amended, to the House of Representatives by a vote of 31–14.

The committee considered and adopted the following amendments to H.R. 2187:

- Rep. George Miller (D-CA) offered an amendment in the nature of a substitute. The amendment was adopted by a voice vote.

- Rep. Jared Polis (D-CO) offered an amendment to provide equitable resources to charter schools. The amendment was adopted by a voice vote.
- Rep. Joe Sestak (D-PA) offered an amendment to clarify that improvements to ceilings and floors are authorized uses of funds. The amendment was adopted by a voice vote.
- Rep. Howard P. “Buck” McKeon (R-CA) offered an amendment to require local educational agencies to conduct a state-certified, independent third-party audit. The amendment was adopted by a voice vote.

The committee further considered the following amendments to H.R. 2187, which were not adopted:

- Rep. Mike Castle (R-DE) offered an amendment to require Congress to provide full funding for the Title I program before providing funding for a new federal school construction program. The amendment failed by a vote of 15–28.
- Rep. John Kline (R-MN) offered an amendment to require Congress to provide full funding for state grants for the Individual with Disabilities Education Act before providing funding for a new school construction program. The amendment failed by a vote of 15–28.

The House of Representatives passed H.R. 2187 on May 14, 2009, by a vote of 275–155. The bill was sent to the Senate and referred to the Senate Committee on Health, Education, Labor, and Pensions.

On May 6, 2009, Rep. Howard P. “Buck” McKeon (R-CA), Rep. John Boehner (R-OH), Rep. Eric Cantor (R-VA), Rep. Mike Pence (R-IN), Rep. Pete Hoekstra (R-MI), Rep. John Kline (R-MN), Rep. Rob Bishop (R-UT), Rep. Tom McClintock (R-CA), Rep. Duncan Hunter (R-CA), Rep. Sam Johnson (R-TX), Rep. Roscoe Bartlett (R-MD), Rep. John Linder (R-GA), Rep. Sue Myrick (R-NC), Rep. Jeb Hensarling (R-TX), Rep. John Culberson (R-TX), Rep. Kenny Marchant (R-TX), Rep. Michele Bachmann (R-MN), Rep. Doug Lamborn (R-CO), and Rep. Jason Chaffetz (R-UT) introduced H.R. 2274, the Priorities in Education Spending Act. The bill repealed 70 ineffective elementary and secondary education programs, including: William F. Goodling Even Start Family Literacy Program; Improving Literacy Through School Libraries; Close Up Fellowship; Comprehensive School Reform; School Leadership; Advanced Certification or Advanced Credentialing; National Writing Project; Teaching of Traditional American History; Enhancing Education Through Technology; Ready to Learn Television; Bilingual and Emergency Immigrant Education; Grants to Reduce Alcohol Abuse; Mentoring Program; Elementary and Secondary School Counseling; Smaller Learning Communities; Reading is Fundamental; Star Schools Act; Ready to Teach; Foreign Language Assistance Program; Carol M. White Physical Education Program; Community Technology Centers; Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and their Historical Whaling and Trading Partners in Massachusetts; Mental Health Integration and Foundations for Learning; Arts in Education; Healthy, High-Performance Schools; Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition; Women’s Educational Equity; Native Hawaiian Education; and Alaska Native Education Equity.

On December 9, 2009, Rep. George Miller (D–CA) and Rep. Cathy McMorris Rodgers (R–WA) introduced H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act. The bill would prevent and reduce the use of physical restraint and seclusion techniques in public and private schools.

*Second session*

On February 4, 2010, the Committee on Education and Labor considered H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act, in legislative session and reported the bill favorably, as amended, to the House of Representatives by a vote of 34–10.

The committee considered and adopted the following amendment to H.R. 4247:

- Rep. George Miller (D–CA) offered an amendment in the nature of a substitute. The amendment was adopted by a voice vote.

The House of Representatives passed H.R. 4247 on March 3, 2010, by a vote of 262–153. The bill was sent to the Senate and referred to the Senate Committee on Health, Education, Labor, and Pensions.

112TH CONGRESS

*Hearings—first session*

On February 10, 2011, the Committee on Education and the Workforce held a hearing in Washington, DC, on “Education in the Nation: Examining the Challenges and Opportunities Facing America’s Classrooms.” The purpose of the hearing was to learn what challenges states face in developing a high-quality education system, explore innovative policies that are being proposed and implemented at the state and local level, and examine the federal investment in education and its limited impact on student achievement. Testifying before the committee were: Dr. Tony Bennett, Superintendent of Public Instruction, Indiana Department of Education, Indianapolis, IN; Ms. Lisa Graham Keegan, Founder, Education Breakthrough Network, Phoenix, AZ; Mr. Andrew Coulson, Director, Center for Educational Freedom, CATO Institute, Seattle, WA; and Mr. Ted Mitchell, President and Chief Executive Officer, New Schools Venture Fund, San Francisco, CA.

On March 1, 2011, the Committee on Education and the Workforce held a hearing in Washington, DC, on “Education Regulations: Weighing the Burden on Schools and Students.” The purpose of the hearing was to examine the burden of federal, state, and local regulations on the nation’s education system and to learn whether these time consuming and duplicative requirements ultimately improve student achievement. Testifying before the committee were: Mr. Gene Wilhoit, Executive Director, Council of Chief State School Officers, Washington, DC; Dr. Edgar Hatrick, Superintendent, Loudoun County Public Schools, Ashburn, VA; Mr. Christopher B. Nelson, President, St. John’s College, Annapolis, MD; and Ms. Kati Haycock, President, The Education Trust, Washington, DC.

On March 9, 2011, the Committee on Education and the Workforce held a hearing in Washington, DC, on, “The Budget and Policy Proposals of the U.S. Department of Education.” The purpose

of the hearing was to discuss the department's budget request for Fiscal Year 2012. Testifying before the committee was the Honorable Arne Duncan, Secretary, U.S. Department of Education, Washington, DC.

On March 15, 2011, the Committee on Education and the Workforce Subcommittee on Early Childhood, Elementary, and Secondary Education, held a hearing in Washington, DC, on "Education Regulations: Burying Schools in Paperwork." The purpose of the hearing was to hear from local officials representing elementary and secondary schools about the paperwork burden bureaucratic regulations impose on their schools and school districts. Testifying before the subcommittee were: Mr. Robert P. "Bob" Grimesey, Jr., Superintendent, Orange County Public Schools, Orange, VA; Mr. James Willcox, Chief Executive Officer, Aspire Public Schools, Oakland, CA; Ms. Jennifer A. Marshall, Director of Domestic Policy Studies, Heritage Foundation, Washington, DC; and Mr. Chuck Grable, Assistant Superintendent for Instruction, Huntington County Community School Corporation, Huntington, IN.

On April 7, 2011, the Committee on Education and the Workforce held a hearing in Washington, DC, on "Education Reforms: Promoting Flexibility and Innovation." The purpose of the hearing was to discuss the appropriate federal role in elementary and secondary education and explore the work of state and local education leaders who are pushing for innovative approaches to education reform and greater state and local flexibility. Testifying before the committee were: Dr. Janet Barresi, State Superintendent of Public Instruction, Oklahoma State Department of Education, Oklahoma City, OK; Dr. Gary Amoroso, Superintendent, Lakeville Area Public Schools, Lakeville, MN; Mr. Yohance Maqubela, Chief Operating Officer, Howard University Middle School of Mathematics and Science, Washington, DC; and Dr. Terry Grier, Superintendent, Houston Independent School District, Houston, TX.

On June 1, 2011, the Committee on Education and the Workforce Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing in Washington, DC, on "Education Reforms: Exploring the Vital Role of Charter Schools." The purpose of the hearing was to examine the contributions of charter schools to state and local efforts to improve public education and the importance of empowering parents to choose the best school environment for their children. Testifying before the subcommittee were: Ms. DeAnna Rowe, Executive Director, Arizona State Board for Charter Schools, Phoenix, AZ; Ms. Debbie Beyer, Executive Director, Literacy First Charter Schools, El Cajon, CA; Dr. Gary Miron, College of Education, Western Michigan University, Kalamazoo, MI; and Dr. Beth Purvis, Executive Director, Chicago International Charter School, Chicago, IL.

On July 27, 2011, the Committee on Education and the Workforce held a hearing in Washington, DC, on "Education Reforms: Exploring Teacher Quality Initiatives." The purpose of the hearing was to highlight state and local efforts to improve teacher quality and examine select teacher reform issues that could be addressed as part of the committee's ongoing effort to reauthorize the Elementary and Secondary Education Act. Testifying before the committee were: Mr. Kevin S. Huffman, Commissioner, Tennessee Department of Education, Nashville, TN; Mr. Tom Boasberg, Super-

intendent, Denver Public Schools, Denver, CO; Ms. Kate Walsh, President, National Council on Teacher Quality, Washington, DC; and Mr. David Cicarella, President, New Haven Federation of Teachers, New Haven, CT.

On September 14, 2011, the Committee on Education and the Workforce held a hearing in Washington, DC, on “Education Reforms: Examining the Federal Role in Public School Accountability.” The purpose of the hearing was to examine the role of the federal government in holding public schools accountable for student achievement. Testifying before the committee were: Ms. Hanna Skandera, Secretary-Designate of Education, New Mexico Department of Public Education, Santa Fe, NM; Dr. Amy Sichel, Superintendent of Schools, Abington School District, Abington, PA; Ms. Blaine Hawley, Principal, Red Pump Elementary School, Bel Air, MD; and Mr. Alberto M. Carvalho, Superintendent of Schools, Miami-Dade County Public Schools, Miami, FL.

On September 21, 2011, the Education and the Workforce Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing in Washington, DC, on “Education Reforms: Ensuring the Education System is Accountable to Parents and Communities.” The purpose of the hearing was to examine the role of the federal government in holding public schools accountable for student achievement. Testifying before the subcommittee were: Dr. Jay P. Greene, Professor, University of Arkansas, Fayetteville, AR; Dr. Benny L. Gooden, Superintendent of Schools, Fort Smith Public Schools, Fort Smith, AR; Mr. Bill Jackson, Founder and Chief Executive Officer, GreatSchools, San Francisco, CA; and Ms. Laura W. Kaloi, Public Policy Director, National Center for Learning Disabilities, Oak Hill, VA.

On November 16, 2011, the Education and the Workforce Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing in Washington, DC, on “Education Research: Identifying Effective Programs to Support Students and Teachers.” The purpose of the hearing was to examine the federal role in supporting education research and evaluation, the role of the private and non-profit sector in supporting education research, and how states, school districts, and other practitioners use data gleaned from research to improve student achievement. Testifying before the subcommittee were: Dr. Grover J. “Russ” Whitehurst, Senior Fellow and Director of the Brown Center on Education Policy, Brookings Institution, Washington, DC; Dr. Caroline M. Hoxby, Scott and Donya Bommer Professor of Economics, Stanford University, Stanford, CA; Dr. Eric Smith, former Florida Commissioner of Education, Annapolis, MD; and Mr. Steve Fleischman, Director, Regional Educational Laboratory (REL) Northwest, Portland, OR.

#### *Second session*

On Thursday, February 16, 2012, the Committee on Education and the Workforce held a legislative hearing in Washington, DC, on “H.R. 3989, the Student Success Act and H.R. 3990, the Encouraging Innovation and Effective Teachers Act.” The purpose of this legislative hearing was to hear testimony on the committee’s two remaining bills to complete work on reauthorization of the Elementary and Secondary Education Act. Testifying before the committee were: Mr. Tom Luna, Superintendent of Public Instruction, Idaho

Department of Education, Boise, ID; Ms. Delia Pompa, Senior Vice President of Programs, National Council of La Raza, Washington, DC; The Honorable Bob Schaffer, Chairman, Colorado State Board of Education, Fort Collins, CO; Dr. Robert Balfanz, Co-Director, Everyone Graduates Center, School of Education, Johns Hopkins University, Baltimore, MD; Ms. Felicia Kazmier, Art Teacher, Otero Elementary School, Colorado Springs, CO; and Mr. Jimmy Cunningham, Superintendent of Schools, Hampton School District, Hampton, AR.

*Legislative action—first session*

On May 13, 2011, Rep. Duncan Hunter (R-CA), Rep. John Kline (R-MN), and Rep. Howard P. “Buck” McKeon (R-CA) introduced H.R. 1891, the Setting New Priorities in Education Spending Act. The bill repeals the authorizations of 41 wasteful elementary and secondary education programs, reducing the number of federal Elementary and Secondary Education Act programs by half.

On May 25, 2011, the Committee on Education and the Workforce considered H.R. 1891 in legislative session and reported the bill favorably, as amended, to the House of Representatives by a vote of 23–16.

The committee considered and adopted the following amendments to H.R. 1891:

- Rep. Duncan Hunter (R-CA) offered an amendment in the nature of a substitute to make technical corrections to the legislation. The amendment was adopted by a voice vote.

- Rep. Todd Russell Platts (R-PA) offered an amendment to restore authority for the Parent Information and Resource Center (PIRC) program. The amendment was adopted by a vote of 20–19.

The committee further considered the following amendments to H.R. 1891, which were not adopted:

- Rep. Dale Kildee (D-MI) offered an amendment to amend Reading First to provide literacy services in Pre-K through 12. The amendment failed by a vote of 16–23.

- Rep. Rush Holt (D-NJ) offered an amendment to amend the Fund for Improvement of Education to support foreign language education and other activities. The amendment failed by a vote of 16–23.

- Rep. Dave Loebsack (D-IA) offered an amendment to amend Safe and Drug Free Schools to provide essential support services for students. The amendment failed by a vote of 16–23.

- Rep. Robert “Bobby” Scott (D-VA) offered an amendment to amend Title V, Part A (Innovative Programs) to provide services for drop-out prevention. The amendment failed by a vote of 16–23.

- Rep. Todd Russell Platts (R-PA) offered an amendment to restore authority for Even Start. The amendment failed by a vote of 16–23.

- Rep. Mazie Hirono (D-HI) offered an amendment to restore Native Hawaiian Education and Alaska Native programs. The amendment failed by a vote of 16–23.

On June 16, 2011, Rep. Duncan Hunter (R-CA) and Rep. John Kline (R-MN) introduced H.R. 2218, the Empowering Parents through Quality Charter Schools Act. The bill reauthorizes and improves the existing charter school provisions under the Elementary and Secondary Education Act.

On June 22, 2011, the Committee on Education and the Workforce considered H.R. 2218 in legislative session and reported it favorably, as amended, to the House of Representatives by a bipartisan vote of 34–5. The committee considered and adopted one amendment to the bill, an amendment in the nature of a substitute offered by Rep. Duncan Hunter (R–CA). The amendment was adopted by voice vote.

The House of Representatives passed H.R. 2218 on September 13, 2011, by a bipartisan vote of 365–54. The bill was sent to the Senate and referred to the Senate Committee on Health, Education, Labor, and Pensions.

On July 7, 2011, Rep. John Kline (R–MN), Rep. Lou Barletta (R–PA), Rep. Larry Bucshon (R–IN), Rep. Scott DesJarlais (R–TN), Rep. Bob Goodlatte (R–VA), Rep. Richard Hanna (R–NY), Rep. Joseph Heck (R–NV), Rep. Duncan Hunter (R–CA), Rep. Mike Kelly (R–PA), Rep. Howard P. “Buck” McKeon (R–CA), Rep. Kristi Noem (R–SD), Rep. David P. Roe (R–TN), and Rep. Glenn Thompson (R–PA) introduced H.R. 2445, the State and Local Funding Flexibility Act. This bill strikes the State and Local Educational Agencies Funding Transferability program under the Elementary and Secondary Education Act and replaces it with a more flexible program allowing for greater use of federal education funds.

On July 13, 2011, the Committee on Education and the Workforce considered H.R. 2445 in legislative session and reported it favorably, as amended, to the House of Representatives by a vote of 23–17.

The committee considered and adopted the following amendment to H.R. 2445:

- Rep. Glenn Thompson (R–PA) offered an amendment in the nature of a substitute to make technical corrections to the legislation. It also reiterated that states and school districts must comply with all civil rights requirements and school funding allocation requirements. The amendment was adopted by a voice vote.

The committee further considered the following amendments to H.R. 2445, which were not adopted:

- Rep. George Miller (D–CA) offered an amendment to prohibit local educational agencies from using funds allocated for Title I, Part A, for any other purpose. The amendment failed by a vote of 17–23.

- Rep. Raúl Grijalva (D–AZ) offered an amendment to prohibit state and local educational agencies from using funds allocated for English Language Acquisition, Language Enhancement, and Academic Achievement for any other purpose. The amendment failed by a vote of 17–23.

- Rep. Rubén Hinojosa (D–TX) offered an amendment to prohibit state and local educational agencies from using funds allocated for the Education of Migratory Children for any other purpose. The amendment failed by a vote of 17–23.

- Rep. Robert “Bobby” Scott (D–VA) offered an amendment to prohibit state and local educational agencies from using funds allocated for the Education of Neglected, Delinquent, or At-Risk Children for any other purpose. The amendment failed by a vote of 17–23.

- Rep. Dale Kildee (D–MI) offered an amendment to prohibit local educational agencies from using funds allocated for Indian

Education for any other purpose. The amendment failed by a vote of 17–23.

- Rep. Rush Holt (D–NJ) offered an amendment to add reporting requirements on state and local educational agencies on how funds are used. The amendment failed by a vote of 17–23.

*Second session*

On February 9, 2012, Rep. John Kline (R–MN), Rep. Scott DesJarlais (R–TN), Rep. Joseph Heck (R–NV), Rep. Duncan Hunter (R–CA), Rep. Kristi Noem (R–SD), Rep. Thomas Petri (R–WI), Rep. Martha Roby (R–AL), Rep. David P. Roe (R–TN), Rep. Glenn Thompson (R–PA), and Rep. Joe Wilson (R–SC) introduced H.R. 3989, the Student Success Act. H.R. 3989 is co-sponsored by Rep. Mike Kelly (R–PA) and Rep. Austin Scott (R–GA). The bill eliminates onerous federal “Adequate Yearly Progress,” “Highly Qualified Teacher,” and “Maintenance of Effort” requirements, and provides states and school districts with increased flexibility and control to boost student achievement.

On February 9, 2012, Rep. John Kline (R–MN), Rep. Scott DesJarlais (R–TN), Rep. Joseph Heck (R–NV), Rep. Duncan Hunter (R–CA), Rep. Kristi Noem (R–SD), Rep. Thomas Petri (R–WI), Rep. Martha Roby (R–AL), Rep. David P. Roe (R–TN), and Rep. Joe Wilson (R–SC) introduced H.R. 3990, the Encouraging Innovation and Effective Teachers Act. H.R. 3990 is co-sponsored by Rep. Mike Kelly (R–PA). The bill consolidates more than 70 existing elementary and secondary education programs into a new Local Academic Flexible Grant, requires locally developed and implemented teacher evaluations, and supports opportunities for parents to enroll their children in local magnet schools and charter schools.

On February 28, 2012, the Committee on Education and the Workforce considered H.R. 3989 in legislative session and reported the bill favorably, as amended, to the House of Representatives by a vote of 23–16.

The committee considered and adopted the following amendments to H.R. 3989:

- Rep. John Kline (R–MN) offered an amendment in the nature of a substitute. The amendment was adopted by a voice vote.
- Rep. Todd Rokita (R–IN) offered an amendment to require the Secretary of Education to eliminate the full time equivalent employee positions associated with the eliminated and consolidated programs under the bill. The amendment was adopted by a vote of 23–16.

The committee further considered the following amendments to H.R. 3989, which were not adopted:

- Rep. George Miller (D–CA) offered an amendment in the nature of a substitute. The amendment failed by a vote of 16–23.
- Rep. Glenn Thompson (R–PA) offered an amendment to alter the Title I formula to provide greater weight to the percentage of a district’s students in poverty. The amendment failed by a vote of 16–22, with one member voting “present.”
- Rep. Joseph Heck (R–NV) offered a secondary amendment to the Thompson amendment to hold harmless existing grantees. The amendment was withdrawn.
- Rep. Todd Rokita (R–IN) offered an amendment to allow states to opt out of the Elementary and Secondary Education Act and re-

ceive a tax credit for their citizens in lieu of federal education funds. The amendment was withdrawn.

On February 28, 2012, the Committee on Education and the Workforce considered H.R. 3990 in legislative session and reported the bill favorably, as amended, to the House of Representatives by a vote of 23–16.

The committee considered and adopted the following amendment to H.R. 3990:

- Rep. John Kline (R–MN) offered an amendment in the nature of a substitute. The amendment was adopted by a voice vote.

The committee further considered the following amendments to H.R. 3990, which were not adopted:

- Rep. George Miller (D–CA) offered an amendment in the nature of a substitute. The amendment failed by a vote of 16–23.

- Rep. Judy Biggert (R–IL) offered an amendment to remove mandates on teacher evaluations. The amendment was withdrawn.

#### SUMMARY

H.R. 3990, the Encouraging Innovation and Effective Teachers Act, offers a new way forward for education reform by:

- Supporting local efforts to measure teacher effectiveness.
- Engaging parents in their child’s education.
- Increasing state and local innovation to reform public education.
- Eliminating unnecessary and ineffective federal programs.
- Supporting Impact Aid.
- Providing services for homeless students.
- Strengthening the Troops-to-Teachers program.

#### *Supporting local efforts to measure teacher effectiveness*

The Encouraging Innovation and Effective Teachers Act builds on the repeal of the “highly qualified teacher (HQT)” requirement in the Student Success Act. Parents know the best teachers are those who keep students motivated and challenged in the classroom. Instead of relying on teacher credentials or tenure requirements, which provide little information about teachers’ ability to help students excel in the classroom, states and school districts should have the tools to measure an educator’s influence on student achievement.

- *Teacher Evaluations:* The bill rewrites the main teacher quality program authorized under Title II of current law to support the development and implementation of state and locally driven teacher evaluation systems. The bill sets five broad parameters that must be included in any teacher evaluation system. This gives greater flexibility to school districts or states to develop teacher evaluation systems that best meet the specific needs of their teachers and students. The evaluation systems must:

- Make student achievement data, derived from a variety of sources, a significant part of the evaluation.
- Use multiple measures of evaluation in assessing teacher performance.
- Have more than two rating categories for the performance of teachers.
- Make personnel decisions based on the evaluations, as determined by the school district.

- Seek input from parents, teachers, school leaders, and other staff in the school in developing the evaluation system.
- *Uses of Funds:* The bill allows states that have already developed statewide teacher evaluation systems to use teacher quality funds to work with their school districts to implement the system. Funds may also be used to train school leaders in how to evaluate teachers under the system; provide evidence-based, job-embedded, and continuous professional development for teachers and school leaders focused on core academic subjects or specific student populations; and provide additional support to teachers identified as in need of additional assistance. States and school districts can also use teacher funds for class size reduction, but the bill caps this use at 10 percent. A substantial amount of teacher quality funds under current law are used to reduce class size, which has little to no effect on student learning.
- *Teacher and School Leader Innovation:* The bill consolidates the remaining teacher quality programs, including the Teacher Quality Partnership Grant program authorized under the Higher Education Act, into a new Teacher and School Leader Flexible Grant. The program awards grants to states and school districts to increase student achievement through evidence-based innovative initiatives. School districts, solely or in partnership with institutions of higher education and other entities, can receive funding to:
  - Increase access to or develop alternative certification or licensure routes.
  - Recruit, hire, and retain effective teachers.
  - Implement performance-based pay systems and differential incentive pay.
  - Create teacher advancement and multiple career paths.
  - Establish new teacher or school leader induction programs and teacher residency programs.
  - Provide additional professional development activities or other evidence-based initiatives likely to increase teacher effectiveness.
- *Teacher and School Leader Academies:* The bill includes an optional state set-aside of up to 3 percent so states can award grants to eligible entities for the establishment or expansion of teacher or school leader preparation academies.
- *Teacher Liability:* The bill maintains liability protections included in current law that protect school employees (including teachers, administrators, and school board members) acting to control, discipline, expel, or suspend a student or to maintain order in the classroom or school through reasonable actions.

#### *Engaging parents in their child's education*

The Encouraging Innovation and Effective Teachers Act builds on the successful passage of H.R. 2218, the Empowering Parents through Quality Charter Schools Act, which supports the replication and expansion of high quality charter schools. The bill maintains and strengthens the existing Magnet School and Parent Information and Resource Center programs, which provide states, school districts, and other entities with federal support so parents can identify quality options and participate in their children's education. The legislation moves these programs from the current Title V to a new Title III.

- *Magnet Schools:* The bill continues to provide funds to support the development and implementation of innovative education methods and practices that promote diversity and increase choices in public education. The legislation makes minor changes to improve the operation of the program.

- *Family Engagement Centers:* The bill renames and makes improvements to the existing Parental Information and Resource Centers (PIRC) program, which helps implement family engagement policies, programs, and activities that lead to improvements in student academic achievement. It also strengthens partnerships among parents, teachers, school leaders, administrators, and other school personnel designed to meet the educational needs of children. The legislation promotes the better sharing of effective strategies and increases coordination between states, family engagement centers, and parents.

#### *Increasing state and local innovation to reform public education*

- *State and Local Innovation:* The bill creates a new Local Academic Flexible Grant to provide funds to states and school districts to support initiatives based on their unique priorities. While ensuring the funds are spent to increase student achievement as part of in-school or after-school activities, states and school districts will have maximum flexibility to spend their resources on activities authorized under state law. Instead of Washington bureaucrats making the decisions for superintendents, school leaders, and teachers, local officials will be able to make funding decisions based on what they know will help improve student learning.

- *Private Sector Initiatives:* Under the Local Academic Flexible Grant, states will reserve 10 percent of their funds to support state and local programs that operate outside of traditional public school systems. This infusion of private sector innovation will support states and districts in improving student achievement.

#### *Eliminating unnecessary and ineffective federal programs*

- *Streamlining Education Spending:* Consistent with H.R. 1891, the Setting New Priorities in Education Spending Act, the bill eliminates more than 70 existing elementary and secondary education programs, many of which have never been funded, are too small to meaningfully impact student achievement, or have been deemed ineffective by the federal government. This will restore fiscal discipline and promote a more appropriate federal role in education.

- *Earmarks:* The bill eliminates all of the current programs and special provisions targeted to specific national organizations to comply with the House earmark ban.

#### *Supporting Impact Aid*

The Encouraging Innovation and Effective Teachers Act strengthens the five existing Impact Aid programs, which provide direct funding to school districts impacted by the presence of the federal government. The programs reimburse districts located near, or serving students from, military bases, federal lands, and Indian reservations for the loss of property taxes. The legislation moves the programs from Title VIII of current law to a new Title IV.

- *Payments for Federal Property:* The bill updates the formula by which school district allotments are determined for a district with federal property located within its boundaries that cannot be taxed. The legislation enables alternative verification of tax data for districts that cannot provide original tax records, including facsimiles or other reproductions of the records. It also establishes an initial payment for districts eligible for federal property compensation based on 90 percent of the 2006 applications.

- *Payments for Federally Connected Children:* The bill streamlines provisions for Heavily Impacted school districts, which are districts with high percentages of military, Native American, or other federally connected children. The legislation standardizes eligibility criteria for these districts at 45 percent enrollment of federally connected children, bases per pupil expenditure eligibility requirements on state average expenditures rather than national average expenditures, and maintains the tax rate requirement for eligible districts of at least 95 percent of the average tax rate for general fund purposes of comparable districts in the state. The bill also allows federally connected children to be counted in enrollment numbers in the case of open enrollment policies in a state, but does not allow children to be counted if they are enrolled in a distance education program located outside the boundaries of the district. The bill also provides equal prorated payments greater than 100 percent of Learning Opportunity Threshold for eligible districts. The bill extends from three to four years the timeline for which a district may count children relocated to off-base housing due to authorized Department of Defense housing renovations and demolitions.

- *Timely Payments:* The bill requires the Secretary to provide Impact Aid payments within three years. This addresses long-standing school district concerns regarding the lack of on-time payments from the Department of Education.

#### *Providing services for homeless students*

The Encouraging Innovation and Effective Teachers Act reauthorizes the McKinney-Vento Homeless Assistance Act, the primary federal law that provides funding to states and school districts to educate homeless children and youth.

- *Improved Collaboration:* The bill places a greater emphasis on improved identification of homeless children and youth, and provides better collaboration and information sharing among federal and state agencies to provide services for homeless students.

- *School Stability:* The legislation strengthens provisions in current law to provide greater school stability and protections for homeless youth and parents.

#### *Strengthening the troops-to-teachers program*

- *Transfer to DOD:* The bill transfers Troops-to-Teachers, a long-standing program that provides opportunities to military personnel to transition into the teaching profession, to the Department of Defense, where it is currently administered.

## COMMITTEE VIEWS

## INTRODUCTION

In 1965, Congress passed the Elementary and Secondary Education Act (ESEA) with the limited goal of providing states and local school districts additional resources to ensure disadvantaged students have access to a quality education. Since that time, the number of federal programs, each with its own eligibility and reporting requirements, have grown exponentially, providing states and school districts with little flexibility in how they can use federal funds to meet their own unique needs. The latest iteration of federal elementary and secondary education law, the No Child Left Behind Act passed in 2001, includes more than 80 K–12 programs. Many of these federal education programs overlap and have little impact on student achievement. Other programs, created decades ago, are outdated and do not reflect current practices or priorities from the local, state, or federal level.

The Committee on Education and the Workforce seeks to streamline the maze of federal funding streams, provide flexibility in the use of federal funds, and allow states and school districts to fund important and innovative practices and programs that improve student achievement. The committee is also dedicated to rethinking federal teacher policy, which emphasizes credentials and tenure over an educator's ability to effectively motivate students and improve achievement levels. States and school districts should be able to identify, recruit, and retain the teachers who have the most talent for improving student achievement. H.R. 3990, the Encouraging Innovation and Effective Teachers Act, will grant states and school districts the freedom to innovate, support effective teachers in the classroom, increase parental choice, reduce burdensome federal mandates, and protect limited taxpayer dollars.

*Teacher preparation and effectiveness*

Title I of the Encouraging Innovation and Effective Teachers Act restructures and amends Title II of current law, and addresses the following major issues:

*Supporting Effective Instruction*

H.R. 3990 rewrites the existing Teacher and Principal Training and Recruiting Fund included in Part A of Title II to support the development and implementation of teacher evaluation systems, refocusing federal teacher policy on teacher effectiveness in the classroom. The bill builds on the repeal of the "highly qualified teacher" requirement in H.R. 3989, the Student Success Act. Instead of relying on teacher credentials or tenure requirements, which provide little information about a teacher's ability to help students excel in the classroom, the legislation creates a new Supporting Effective Instruction program that encourages states and school districts to measure an educator's success in increasing student achievement. Contrary to the teacher evaluation provisions in the Department of Education's Race to the Top plan or waiver package (which mandate specific and onerous requirements school districts must follow), H.R. 3990 sets five broad parameters that must be included in any teacher evaluation system:

- Student achievement data, derived from a variety of sources, must be a significant part of the evaluation, with the weight given to such data defined by the local school district.
- States and/or school districts must use multiple measures when assessing teacher performance.
- There must be more than two rating categories for the performance of teachers.
- Personnel decisions must be based on the evaluations, as determined by the school district.
- States and/or school districts must seek input from parents, teachers, school leaders, and other staff in the school in developing the evaluation system.

The bill establishes these general, yet important, guidelines around the evaluation components, but leaves the details of the system up to local school districts. The committee takes this approach for two reasons. First, even though a number of states and school districts are taking proactive steps to redesign their teacher evaluation systems, independent research about the best metrics for measuring teacher performance remains in its infancy. There is consensus at the federal, state, and local levels that many current teacher evaluation systems fail to properly measure teacher effectiveness and should be retooled to include measurements of student achievement. However, school districts need the flexibility to determine and define the actual metrics that meet the specific needs of their teachers and students, especially those educators who teach non-tested subjects. The committee believes school districts, and states choosing to implement statewide systems, should include student achievement metrics from a number of sources in their teacher evaluations. These options include end-of-course exams, student coursework, formative assessments, and other objective measurements of student achievement that cannot be easily manipulated.

Second, past practice of dictating specific and prescriptive requirements at the federal level, such as defining what constitutes a highly qualified teacher and mandating that only educators who meet these standards can teach in the classroom, has been a dismal failure. The federal government plays an important, though limited, role in education policy decisions. Federal policy should include broad parameters and goals for success to ensure taxpayer dollars are spent effectively and efficiently. But federal law must allow local school districts to determine how best to get there, and refrain from imposing overly prescriptive requirements that restrict innovation and undermine local control.

To this end, the committee believes there must be buy-in from education stakeholders, including teachers, school leaders, and parents, for any teacher evaluation system to be effective. During the February 16, 2012 legislative hearing entitled, “H.R. 3989, ‘Student Success Act’ and H.R. 3990, ‘Encouraging Innovation and Effective Teachers Act,’” Felicia Kazmier, an art teacher at Otero Elementary School in Colorado Springs, CO outlined the reasoning behind this approach. She stated:

“I believe that what makes our District’s system work is that all teachers have been given the opportunity to help in creating our evaluation system. While I am not a [core subjects] classroom teacher, as an Art teacher, I teach the entire school. So when it

came time to have a say into what my evaluation process would look like, I chose the leadership role and stepped up to the challenge . . . How can I take issue with a system that I myself have been asked to help create?"

As noted above, the committee also believes teacher evaluation systems should be tied to personnel decisions as part of a comprehensive effort to identify, support, and reward teachers. For example, the systems should be used to make personnel decisions involving educator recruitment, hiring, placement, retention, compensation, professional development, tenure, promotion, and dismissal. At a July 27, 2011 hearing entitled, "Education Reforms: Exploring Teacher Quality Initiatives," Kevin Huffman, Tennessee Commissioner of Education, talked about the importance of looking at teacher evaluation systems as a means for ongoing feedback and not a simple end-of-the-year assessment of teacher performance. He stated:

"Because the national conversation has often focused primarily on evaluation as a means for removal of ineffective teachers, we too often lose sight of the way the vast majority of teachers will experience the evaluation system: as a means for feedback and professional development, and an opportunity to learn from the very best teachers."

At the same time, to be meaningful, teacher evaluation systems should be used to reward good teachers and remove ineffective teachers from the classroom. Too often, misguided "last in, first out" tenure rules are valued over student outcomes. Instead of receiving bonuses, promotions, or the opportunity to become master teachers, in many states and districts the newest teachers are automatically let go, even if they are the most effective teachers. School districts should have the flexibility to decide how this parameter is implemented.

Overall, as was evident in various hearings the committee held in the 112th Congress, states and school districts are advancing the important work of developing and implementing teacher evaluation systems. In the previously mentioned legislative hearing on February 16, 2012, Ms. Kazmier sums up the importance of the direction H.R. 3990 takes with respect to teacher evaluations, stating:

"I am a supporter of the Encouraging Innovation and Effective Teachers Act and the direction that the Act is going because it requires districts to design teacher evaluation systems around broad parameters while giving the districts the flexibility they need to create a system that works for their needs and the needs of their students and staff.

When districts make student achievement data a significant part of their teacher evaluation process, they help teachers to better understand the power of and utilize the information gleaned from data itself. When districts use multiple measures of evaluation in assessing teacher performance, teachers are responsible for two things, their effectiveness in the classroom and the results their students produce. When districts have more than two rating categories for the performance of teachers, it gives the teachers a way to not only increase their effectiveness, but also the effectiveness of those around them. If teachers believe that they can move up the scale through improving the quality of their performance in the classroom, achievement scores will improve as well. When districts

make personnel decisions based on evaluations, they are doing so to ensure that students receive the best teaching possible provided by the most effective teacher available. In our district, if you are a Proficient II teacher or above, you can be asked to change schools so as to provide effective instruction where it is most needed. When districts seek input from parents, teachers, school leaders, and other staff in the school in the development of the evaluation system, everyone has a stake in the outcome.”

Because H.R. 3990 requires all states and school districts, regardless of their poverty levels, to implement teacher evaluation systems, the legislation revises the current formula, basing 50 percent of available funds on total student population and 50 percent on students in poverty. The committee believes that all schools and districts should hold their students and teachers to high standards, and that federal formula funds should reflect this high expectation without bias.

Under H.R. 3990, Part A funds can also be used for other activities. States that have statewide teacher evaluation systems in place can use funds to work with their school districts to implement the system. Funds may also be used to train school leaders in how to evaluate teachers under the evaluation system; provide evidence-based, job-embedded, and continuous professional development for teachers and schools leaders focused on subject-based academic courses (including civics, geography, literacy, and STEM), specific student populations, or student needs, including the social and emotional development needs of all students; provide support to teachers identified by the evaluation system as in need of additional assistance; and support any other initiatives that will assist teachers and school leaders in increasing student achievement.

#### *Class size reduction*

H.R. 3990 caps the use of funds from the Supporting Effective Instruction program for class size reduction at 10 percent. The committee notes that a substantial amount of teacher quality funds under current law are used for this purpose, which has little to no effect on student learning. At a July 27, 2011 hearing entitled, “Education Reforms: Exploring Teacher Quality Initiatives,” Kate Walsh, President of the National Council on Teacher Quality, discusses the problems with current law, stating:

“The class size reduction and professional development programs that consumed the bulk of ESEA Title II funds in the past largely continued under NCLB. For 2009–2010, the U.S. Department of Education reported that the majority of the funds were used for professional development activities (42 percent) and to reduce class size (36 percent) Given that research shows general reductions in class size are expensive with little or no systemic relationship to improvements in student achievement and typical professional development programs are poorly designed, it is not surprising that Title II has been largely ineffective at generating the kinds of teacher reforms most likely to make a difference to student achievement. Title II will continue to consume precious federal funds unless Congress sets stronger and clearer priorities.”

The Encouraging Innovation and Effective Teachers Act pares down the uses of funds provided for teachers and school leaders

and focuses them on specific initiatives that will ultimately increase student achievement.

*Teacher and School Leader Flexible Grant*

H.R. 3990 consolidates the remaining teacher quality programs, including the Title II, Part B programs and the Teacher Quality Partnership Grant program authorized under the Higher Education Act, into a new Teacher and School Leader Flexible Grant. Under the new construct, states are provided funds to award grants to eligible entities, including school districts, for-profit organizations, non-profit organizations, institutions of higher education, or a consortium of such entities, to pursue evidence-based innovative initiatives focused on teachers and school leaders. If an eligible entity other than a local educational agency is awarded a grant, the entity must partner with a school district to ensure funds are being used to support increased student achievement.

The committee believes a single consolidated program that provides greater flexibility to states, school districts, and other eligible entities in the use of federal teacher quality activities is preferable to the existing system of small programs that cater to certain constituencies and have very limited impact on classroom instruction. For example, a 2011 Government Accountability Office (GAO) report entitled, *“Opportunities to Reduce Potential Duplication in Federal Teacher Quality Programs,”* revealed more than 80 distinct federal programs designed to help improve teacher quality. Not only does this jumble of programs add to the confusion and red tape already facing educators, it is also a costly burden for taxpayers. According to GAO Comptroller General Gene Dodaro, the federal government spent more than \$4 billion on these programs in fiscal year 2009, yet little is known about whether they are actually successful.

The Teacher and School Leader Flexible Grant program retains many of the same uses of funds for the consolidated programs. For example, states and eligible entities can support creative approaches to:

- Increase access to or develop alternative certification, recertification, or licensure routes.
- Reform tenure systems.
- Recruit, hire, and retain effective teachers, including individuals from science, technology, engineering, and mathematics fields.
- Implement performance-based pay systems and differential incentive pay.
- Create teacher advancement initiatives and multiple career pathways.
- Establish new teacher or school leader induction or mentoring programs and teacher residency programs.
- Provide additional professional development activities or other evidence-based initiatives likely to increase teacher effectiveness.
- Implement other activities the eligible entity chooses to increase student achievement.

The legislation also provides flexibility to eligible entities to fund initiatives that have evidence of working within particular schools. It engages the private sector, including the for- and non-profit communities, to partner with school districts to drive improvements and innovation in the teaching profession. The committee antici-

pates organizations with a track record of success, such as Teach for America and the National Writing Project, will partner effectively with states and school districts to improve the teaching profession and student achievement.

*Teacher preparation academies*

H.R. 3990 contains an optional 3 percent set-aside within the Teacher and School Leader Flexible Grant that states can use to create and fund teacher and school leader preparation academies. These funds allow for a state-based approach to creating a competitive market for teacher and school leader training. States taking advantage of this new funding source can use funds to reform educator preparation practices and free academies from satisfying antiquated, input-based requirements. States will be required to ensure candidates recruited for the academies will be high-achieving, receive clinical training in the classroom from an accomplished mentor, and complete the academy only after they demonstrate they are an effective educator. The program's emphasis on flexibility, combined with accountability, will enable these academies to innovate and transform the practice of teacher and school leader training.

*Teacher liability protections*

H.R. 3990 maintains liability protections included in current law that protect school employees (including teachers, administrators, and school board members) when acting to control, discipline, expel, or suspend a student, or maintain order in the classroom or school through reasonable actions. The committee believes educators must be protected when acting to maintain a safe school environment for all students.

*Parents' right to know and teacher privacy*

H.R. 3990 maintains the "parents' right to know" provision in current law that allows parents to request the professional qualifications of their children's teachers and receive it in a timely manner. Though the Encouraging Innovation and Effective Teachers Act supports the development of teacher evaluations with results used to make personnel decisions, the committee believes state and local leaders should decide whether and how the results of teacher evaluations are made public or shared with parents. The bill protects the privacy of individual teachers when the numbers and percentages of teachers in each teacher evaluation category are reported.

*Parental engagement*

Title II of H.R. 3990 rewrites Title III, Part A of current law to support parental engagement and provide educational options for parents beyond traditional public schools. The legislation incorporates the provisions of H.R. 2218, the Empowering Parents through Quality Charter Schools Act, which reauthorizes the Charter School Program and passed the House of Representatives in September 2011 with strong bipartisan support. Charter schools offer important choices for parents whose students want an alternative to traditional public schools. By agreeing to increased accountability to states, charter authorizers, and parents, charter

schools operate with more flexibility and are able to provide varied education models in which students may learn more effectively. The bill also reauthorizes the Magnet School Program with minimal changes. Through more rigorous programs, which focus on improving diversity, the Magnet School Program offers students a unique opportunity to attend a school with a rigorous curriculum.

The Encouraging Innovation and Effective Teachers Act also authorizes Statewide Family Engagement Centers as a replacement for the existing Parental Information Resource Centers. This revised program is intended to help strengthen family engagement through assistance to states, school districts, teachers, and families. The changes to the program will strengthen outcomes and continue critical direct services to families to help them support their children's education, while sharing best practices with schools. This will ensure states and school districts are equipped with the proper tools to partner with parents to increase student learning. The committee believes that sharing proven models amongst practitioners and providing effective direct services will support parents in helping their children find success in the classroom.

#### *Local Academic Flexible Grant*

In hearings, roundtables, and meetings held around the country in the 112th Congress, the committee has heard from countless state and local school officials asking Congress to remove barriers to spending and let local officials spend federal funds on problems they know exist, rather than spending money on Washington priorities that do not benefit their schools or districts. At a March 1, 2011 hearing entitled, "*Education Regulations: Weighing the Burden on Schools and Students*," Edgar Hatrick, Loudon County (VA) Public Schools Superintendent, stated that navigating the burdensome rules and reporting requirements of the approximately 80 federal programs often results in ". . . resources being diverted from the mission of teaching and learning." In a letter sent in support of H.R. 1891, the Setting New Priorities in Education Spending Act, Michael Casserly, Executive Director of the Council of Great City Schools, wrote, "[A]n array of small grant programs contributes little to the academic attainment necessary for national competitiveness nor helps overcome the achievement gaps that serve as a persistent barrier to educational and economic opportunity."

H.R. 3990 consolidates most federal elementary and secondary education programs—many of which have conflicting eligibility and other requirements—into a new Local Academic Flexible Grant that will provide unprecedented flexibility to states and school districts in using federal funds. Instead of determining the priorities for states and school districts, the legislation allows school officials to decide what funding is needed to support programs and projects they believe will increase student academic achievement, including those programs focused on 21st century skills.

The committee strongly believes that the new Local Academic Flexible Grant will provide states and school districts with true flexibility to support innovative approaches to reforming public education. Rather than funding programs like Race to the Top, which awards funds to the few states willing to adopt numerous federal requirements, or Investing in Innovation (i3), which artificially limit participation to only non-profit entities, this new grant

will provide funds to all states and school districts in need of additional assistance to support initiatives that will help improve student learning.

Under the new program, states will receive funding through a formula and offer competitive grants to school districts, in partnership with nongovernmental entities, to support programs or projects that provide supplemental student support activities, such as tutoring or after-school programs, or student-focused activities, such as extended learning time programs, parent engagement, or core academic subject initiatives. Unlike most federal programs concerned solely with compliance with federal requirements, the Local Academic Flexible Grant is focused on student outcomes. The only requirements for the use of funds are that the program or project will increase student academic achievement and is allowed under state law.

#### *Private sector engagement*

H.R. 3990 requires states to reserve 10 percent of their Local Academic Flexible Grant to award grants to nongovernmental entities, including businesses and community-based organizations, to support important and innovative programs outside of the public school system that will benefit students in public schools. These grants could be awarded to museums that offer interesting science programs or companies that provide students with real-world applications of classroom material. Under the program, nongovernmental entities will be required to provide a 50 percent match, and the project must help increase academic achievement. The intent of this program is to recognize that the public school system does not have a monopoly on student learning and outside entities can bring great value to students' academic success.

#### *Statewide activities*

H.R. 3990 authorizes states to reserve 15 percent of funds from the Local Academic Flexible Grant, before grants are awarded to school districts or nongovernmental entities, for statewide activities. Through these funds, states can support the development and implementation of academic assessments required under Title I of this Act. The remaining funds set aside at the state level can be used to administer the program, support statewide activities to increase academic achievement, and share best practices among school districts of programs and projects that have proven successful for students.

#### *Impact Aid*

Title III of H.R. 3990 reauthorizes and strengthens the existing Impact Aid program, which provides direct funding to school districts impacted by the presence of the federal government. The program reimburses districts located near, or serving students from, military bases, federal lands, and Indian reservations for the loss of property taxes. The committee believes the federal government has a fundamental responsibility to compensate school districts impacted by the presence of the federal government to ensure they have adequate resources to provide their students with a quality education.

The legislation updates the formula by which school district allotments are determined for a district with federal property located within its boundaries that cannot be taxed. The bill enables alternative verification of tax data for districts that cannot provide original tax records, including facsimiles or other reproductions of the records. It also establishes an initial payment for districts eligible for federal property compensation based on 90 percent of the 2006 applications. The committee notes that the Encouraging Innovation and Effective Teachers Act reauthorizes Payments for Federal Property and rejects the Obama administration's recent budget request to eliminate this important program that provides critical resources to school districts that lack revenue due to federal ownership of land.

H.R. 3990 streamlines provisions for Heavily Impacted school districts, which are districts with high percentages of military, Native American, or other federally connected children. The legislation standardizes eligibility criteria for these districts at 45 percent enrollment of federally connected children, bases per pupil expenditure eligibility requirements on state average expenditures rather than national average expenditures, and maintains the tax rate requirement for eligible districts of at least 95 percent of the average tax rate for general fund purposes of comparable districts in the state. The bill also allows federally connected children to be counted in enrollment numbers in the case of open enrollment policies in a state, but does not allow children to be counted if they are enrolled in a distance education program located outside the boundaries of the district.

H.R. 3990 provides equal prorated payments greater than 100 percent of the Learning Opportunity Threshold for eligible districts. The bill extends from three to four years the timeline for which a district may count children relocated to off-base housing due to authorized Department of Defense housing renovations and demolitions. Finally, the bill requires the Secretary to provide Impact Aid payments within three years. The committee has included the timely payment language to address long-standing school district concerns regarding the lack of on-time payments from the Department of Education. The committee expects the proposed changes to payments for federal property to reduce significantly the delays school districts are currently experiencing, and urges the department to set a goal of providing timely payments more quickly than called for under this legislation.

#### TROOPS-TO-TEACHERS

H.R. 3990 transfers the existing Troops-to-Teachers program from the Department of Education to the Department of Defense. The program assists eligible military personnel in beginning a new career as teachers in public schools in which their skills, knowledge, and experience are most needed. The committee notes the program has been fully funded and administered out of the Department of Defense since Fiscal Year 2011. Transferring the program will give the Department of Defense and the House Committee on Armed Services the authority to improve the program by making necessary policy changes.

## PROVIDING SERVICES FOR HOMELESS STUDENTS

H.R. 3990 reauthorizes the McKinney-Vento Homeless Assistance Act, the primary federal law that provides funding to states and school districts to educate homeless children and youth. The bill places a greater emphasis on improved identification of homeless children and youth, and provides better collaboration and information sharing among federal and state agencies to provide services for homeless students. The legislation also strengthens provisions in current law to provide greater school stability and protections for homeless youth and parents, ensuring that designated homeless liaisons in the school district inform parents of all rights available to them under the law and have the opportunity to receive professional development around the specific needs of homeless youth.

## CONCLUSION

The committee is pursuing a new approach to education reform by re-evaluating the federal role in elementary and secondary education. Instead of the federal government setting artificial and burdensome requirements around teacher qualifications, states and school districts should be encouraged to measure an educator's influence on student achievement. The current muddle of ESEA programs, each with its own onerous requirements, offers states and school districts little flexibility in how they can use federal dollars to meet their unique needs. The federal government should move away from a compliance-based approach, focusing federal programs on one single factor: whether students are learning. The committee's efforts will support more effective teachers in the classroom, grant states and school districts the freedom to innovate, roll back federal bureaucratic requirements and regulations, and eliminate and consolidate ineffective and duplicative federal education programs.

## SECTION-BY-SECTION ANALYSIS

## SECTION 1—SHORT TITLE

States the short title as the Encouraging Innovation and Effective Teachers Act.

## SECTION 2—TABLE OF CONTENTS

Lists the table of contents for the Act.

## SECTION 3—REFERENCES

References the Elementary and Secondary Education Act.

## SECTION 4—TRANSITIONS

States that any person or agency that previously received a grant under the Elementary and Secondary Education Act prior to enactment of this Act will continue to receive that award in accordance with the terms of that award up to one year from the enactment of the Act, unless otherwise stated in this Act.

## SECTION 5—EFFECTIVE DATES

Specifies the effective dates of the amendments and programs within the Act.

## SECTION 6—AUTHORIZATION OF APPROPRIATIONS

Amends 20 U.S.C. 6301 et seq. to authorize the appropriations for the Act.

## TITLE I

*Section 101—Teacher Preparation and Effectiveness*

Amends the title heading for Title II to read “Title II—Teacher Preparation and Effectiveness.” Amends Part A of Title II (20 U.S.C. 6601 et seq.) to specify general requirements for providing grants to state educational agencies and subgrants to local educational agencies in order to support effective instruction. Amends Part B of Title II (20 U.S.C. 6661 et seq.) to specify general requirements of teacher and school leader flexible grants in order to improve student achievement in core academic subjects. Amends Part C of Title II (20 U.S.C. 6671 et seq.) to repeal Subparts 1 to 4 and specifies general requirements for teacher liability protection. Amends Part D of Title II (20 U.S.C. 6751 et seq.) to specify general provisions of the title.

*Section 102—Conforming repeals*

Repeals Sections 201 to 204 of Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) to address the changes made under this legislation and specifies the effective date of the repeals.

## TITLE II

*Section 201—Parental engagement and local flexibility*

Amends Title III (20 U.S.C. 6801 et seq.) to specify general requirements regarding parental engagement and local flexibility. Specifies the Charter School Program under Part B of Title V be reauthorized as amended under the provisions of H.R. 2218. Specifies general requirements for magnet school assistance, family engagement in education programs, and local academic flexible grants.

## TITLE III

*Section 301—Purpose*

Amends Section 8002 (20 U.S.C. 7701) to reflect the purpose of Title III—Impact Aid.

*Section 302—Payments relating to federal acquisition of real property*

Amends Section 8002 (20 U.S.C. 7702) to specify general requirements for payments relating to federal acquisitions of real property.

*Section 303—Payments for eligible federally connected children*

Amends Section 8003(a) (20 U.S.C. 7703(a)) to specify the computation of payments for Eligible Federally Connected Children.

Amends Section 8003(b) (20 U.S.C. 7703(b)) to specify basic support payments for heavily impacted local educational agencies. Amends paragraph (2) of Section 8003(c) (20 U.S.C. 7703(c)) to specify general requirements with regards to prior year data. Amends Section 8003(d)(1) (20 U.S.C. 7703(d)) to specify general requirements for appropriations regarding children with disabilities. Amends Section 8003(e) (20 U.S.C. 7703(e)) to specify general requirements of the hold harmless provision. Strikes Subsection (g) of Section 8003 (20 U.S.C. 7703) to repeal the maintenance of effort provision.

*Section 304—Policies and procedures relating to children residing on Indian lands*

Amends Section 8004(e)(9) by changing “Bureau of Indian Affairs” to “Bureau of Indian Education.”

*Section 305—Applications for payments under Sections 8002 and 8003*

Amends Section 8005(b) (20 U.S.C. 7705(b)) to specify general requirements for applications for payments under Sections 8002 and 8003.

*Section 306—Construction*

Amends Section 8007 (20 U.S.C. 7707) to specify general requirements for the authorization of construction payments and school facility emergency and modernization grants.

*Section 307—Facilities*

Amends Section 8008 (20 U.S.C. 7708) to specify general requirements regarding facilities.

*Section 308—State consideration of payments providing state aid*

Amends Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) to specify the general requirements of state consideration of payments providing state aid.

*Section 309—Federal administration*

Amends Section 8010 (20 U.S.C. 7710) to specify general requirements of federal administration of impact aid and to include a provision on timely payments.

*Section 310—Administrative hearings and judicial review*

Amends Section 8011(a) (20 U.S.C. 7711(a)) to make minor and technical changes.

*Section 311—Definitions*

Amends Section 8013 by making a change to the definition of ‘armed forces,’ ‘current expenditures,’ ‘federal property,’ ‘local contribution percentage,’ and ‘local educational agency.’

*Section 312—Authorization of appropriations*

Repeals Section 8014 (20 U.S.C. 7801) regarding the authorization of appropriations for this title.

*Section 313—Confirming amendments*

Modifies the Elementary and Secondary Education Act to address the changes made under this legislation.

## TITLE IV

*Section 401—Troops to Teachers program*

Transfers the Troops-to-Teachers program to the U.S. Department of Defense, where it is currently administered. Amends Chapter 58 of Title 10, United States Code, by adding Section 1154 which specifies assistance to eligible members to obtain employment as teachers in the Troops-to-Teachers program.

## TITLE V

*Section 501—Repeal of Title VI*

Repeals Title VI—Flexibility and Accountability (20 U.S.C. 7301 et seq.).

## TITLE VI

*Section 601—Statement of policy*

Amends Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) to specify the policy of Congress with regard to homeless education.

*Section 602—Grants for state and local activities for the education of homeless children and youths*

Amends Section 722 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432) to specify the general requirements for grants for state and local activities for the education of homeless children and youths.

*Section 603—Local educational agency subgrants for the education of homeless children and youths*

Amends Section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433) to specify the general requirements of local educational agency subgrants for the education of homeless children and youths.

*Section 604—Secretarial responsibilities*

Amends Section 724 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434) to specify the responsibilities of the secretary.

*Section 605—Definitions*

Amends Section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a) by modifying the definition of 'homeless children and youths,' 'local educational agency,' and 'State educational agency' to address prior changes made under this legislation.

*Section 606—Authorization of appropriations*

Amends Section 726 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11435) to specify the authorization of appropriations for the Act.

## EXPLANATION OF AMENDMENTS

The amendments, including the amendment in the nature of a substitute, are explained in the body of this report.

## APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. H.R. 3990 reduces burdensome federal mandates and regulations, grants states and school districts opportunities to innovate, and supports more effective teachers in the classroom. H.R. 3990 would have no direct impact on the Legislative Branch.

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. This issue is addressed in the CBO letter.

## EARMARK STATEMENT

H.R. 3990 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of House Rule XXI.

## ROLL CALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against.

Date: February 28, 2012**COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE**

Roll Call: 1 Bill: H.R. 3990 Amendment Number: 2

Disposition: Defeated by a vote of 16 to 23

Sponsor/Amendment: Mr. Miller /Democratic substitute, strikes all of H.R. 3990 and amends Titles II, IV, and Title V, Part D of ESEA

Name and State	Aye	No	Not Voting	Name and State	Aye	No	Not Voting
Mr. KLINE (MN) (Chairman)		X		Mr. MILLER (CA) (Ranking)	X		
Mr. PETRI (WI)		X		Mr. KILDEE (MI)	X		
Mr. McKEON (CA)		X		Mr. PAYNE (NJ)			X
Mrs. BIGGERT (IL)		X		Mr. ANDREWS (NJ)	X		
Mr. PLATTS (PA)		X		Mr. SCOTT (VA)	X		
Mr. WILSON (SC)		X		Ms. WOOLSEY (CA)	X		
Mrs. FOXX (NC)		X		Mr. HINOJOSA (TX)	X		
Mr. GOODLATTE (VA)		X		Mrs. McCARTHY (NY)	X		
Mr. HUNTER (CA)		X		Mr. TIERNEY (MA)	X		
Mr. ROE (TN)		X		Mr. KUCINICH (OH)	X		
Mr. THOMPSON (PA)		X		Mr. HOLT (NJ)	X		
Mr. WALBERG (MI)		X		Mrs. DAVIS (CA)	X		
Mr. DesJARLAIS (TN)		X		Mr. GRIJALVA (AZ)	X		
Mr. HANNA (NY)		X		Mr. BISHOP (NY)	X		
Mr. ROKITA (IN)		X		Mr. LOEBSACK (IA)	X		
Mr. BUCSHON (IN)		X		Ms. HIRONO (HI)	X		
Mr. GOWDY (SC)		X		Mr. ALTMIRE (PA)	X		
Mr. BARLETTA (PA)		X					
Mrs. NOEM (SD)		X					
Mrs. ROBY (AL)		X					
Mr. HECK (NV)		X					
Mr. ROSS (FL)		X					
Mr. KELLY (PA)		X					

Date: February 28, 2012

**COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE**

Roll Call: 2

Bill: H.R. 3990

Disposition: Ordered favorably reported, as amended, to the House by a vote of 23 to 16

Sponsor/Amendment: Mr. Petri / motion to report the bill to the House with an amendment and with the recommendation that the amendment be agreed to, and the bill as amended do pass

Name and State	Aye	No	Not Voting	Name and State	Aye	No	Not Voting
Mr. KLINE (MN) (Chairman)	X			Mr. MILLER (CA) (Ranking)		X	
Mr. PETRI (WI)	X			Mr. KILDEE (MI)		X	
Mr. McKEON (CA)	X			Mr. PAYNE (NJ)			X
Mrs. BIGGERT (IL)	X			Mr. ANDREWS (NJ)		X	
Mr. PLATTS (PA)	X			Mr. SCOTT (VA)		X	
Mr. WILSON (SC)	X			Ms. WOOLSEY (CA)		X	
Mrs. FOXX (NC)	X			Mr. HINOJOSA (TX)		X	
Mr. GOODLATTE (VA)	X			Mrs. McCARTHY (NY)		X	
Mr. HUNTER (CA)	X			Mr. TIERNEY (MA)		X	
Mr. ROE (TN)	X			Mr. KUCINICH (OH)		X	
Mr. THOMPSON (PA)	X			Mr. WU (OR)		X	
Mr. WALBERG (MI)	X			Mr. HOLT (NJ)		X	
Mr. DesJARLAIS (TN)	X			Mrs. DAVIS (CA)		X	
Mr. HANNA (NY)	X			Mr. GRIJALVA (AZ)		X	
Mr. ROKITA (IN)	X			Mr. BISHOP (NY)		X	
Mr. BUCSHON (IN)	X			Mr. LOEBSACK (IA)		X	
Mr. GOWDY (SC)	X			Ms. HIRONO (HI)		X	
Mr. BARLETTA (PA)	X						
Mrs. NOEM (SD)	X						
Mrs. ROBY (AL)	X						
Mr. HECK (NV)	X						
Mr. ROSS (FL)	X						
Mr. KELLY (PA)	X						

CORRESPONDENCE

Exchange of jurisdictional letters with Financial Services Committee and Armed Services Committee.

SPENCER BACHUS, AL. CHAIRMAN

United States House of Representatives  
Committee on Financial Services  
Washington, D.C. 20515

BARNEY FRANK, MA. RANKING MEMBER

March 30, 2012

The Honorable John Kline  
Chairman  
Committee on Education and the Workforce  
U.S. House of Representatives  
2181 Rayburn House Office Building  
Washington, D.C. 20515

Dear Mr. Chairman:

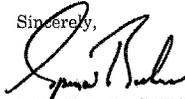
I write to confirm our mutual understanding regarding the consideration of H.R. 3990, the Encouraging Innovation and Effective Teachers Act, and to express my thanks to you for consulting with the Committee on Financial Services on those matters in H.R. 3990 that are within the jurisdiction of the Committee on Financial Services.

On February 28, 2012, the Committee on Education and the Workforce ordered H.R. 3990 reported favorably to the House. In the interest of expediting the House's consideration of H.R. 3990, the Committee on Financial Services will forgo further consideration of this bill, but only with the understanding that doing so will not prejudice the Financial Services Committee's jurisdictional interest and prerogatives on this bill or any other similar legislation, and that it will not be considered as precedent for consideration of matters of jurisdictional interest to the Financial Services Committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Financial Services if this bill or a similar bill is considered in a conference with the Senate. I also request that you include our exchange of letters on this matter in the Committee Report on H.R. 3990 and in the *Congressional Record* during consideration of H.R. 3990 the House Floor.

Thank you for your attention to these matters.

Sincerely,

  
SPENCER BACHUS  
Chairman

cc: The Honorable John Boehner  
The Honorable George Miller  
The Honorable Barney Frank  
Mr. John Sullivan, Parliamentarian



COMMITTEE ON EDUCATION  
AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
2181 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

## MAJORITY MEMBERS:

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MAZE H. HIRONO, HAWAII  
JASON ALTMEER, PENNSYLVANIA  
MARCIA L. FUJIOE, OHIO

April 2, 2012

The Honorable Spencer Bachus  
Chairman  
Committee on Financial Services  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter regarding the Committee on Financial Services' jurisdictional interest in H.R. 3990, the Encouraging Innovation and Effective Teachers Act, and your willingness to forgo consideration of H.R. 3990 by your committee.

I agree that the Committee on Financial Services has a valid jurisdictional interest in certain provisions of H.R. 3990 and that the committee's jurisdiction will not be adversely affected by your decision to forgo further committee action on this bill. As you have requested, I will support your request for an appropriate appointment of outside conferees from your committee in the event of a House-Senate conference on this or similar legislation, should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Committee Report and in the *Congressional Record* during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

John Kline  
Chairman

CC: The Honorable John Boehner  
The Honorable George Miller  
The Honorable Barney Frank  
Mr. Tom Wickham, Parliamentarian

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 NO BROOKS, ALABAMA  
 TODD YOUNG, INDIANA

## COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED TWELFTH CONGRESS

March 15, 2012

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 LORETTA SANCHEZ, CALIFORNIA  
 MIKE MONTYRE, NORTH CAROLINA  
 ROBERT A. BRADY, PENNSYLVANIA  
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 BETTY SUTTON, OHIO  
 COLLEEN HANABUSA, HAWAII

ROBERT L. SIMMONS, II, STAFF DIRECTOR

The Honorable John Kline  
 Chairman, Committee on Education and the Workforce  
 U.S. House of Representatives  
 Washington, D.C. 20515

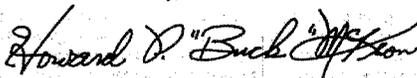
Dear Mr. Chairman:

I am writing to confirm our mutual understanding with respect to the consideration of H.R. 3990, the Encouraging Innovation and Effective Teachers Act.

On February 28, 2011, your committee ordered H.R. 3990 reported favorably to the House. I thank you for your agreement to support the transfer of the Troops to Teachers program from the Department of Education to the Department of Defense. I also appreciate your willingness to seek modifications to the ordered reported version of H.R. 3990 as agreed upon by our committees. In the interest of expediting the House's consideration of H.R. 3990, the Committee on Armed Services will waive further consideration of the bill. However, I do so with the understanding that this procedural route will not be construed to prejudice the Committee on Armed Services' jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Armed Services should this bill or a similar bill be considered in a conference with the Senate. I also request that you include our exchange of letters on this matter in the Committee Report on H.R. 3990 and in the *Congressional Record* during consideration of this bill on the House floor. Thank you for your attention to these matters.

Sincerely,



Howard P. "Buck" McKeon  
 Chairman

cc: The Honorable John Boehner  
 The Honorable George Miller  
 The Honorable Adam Smith  
 The Honorable John V. Sullivan



COMMITTEE ON EDUCATION  
AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
2181 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

## MAJORITY MEMBERS:

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TIMOTHY H. BISHOP, NEW YORK  
DAVE LOEBACK, IOWA  
MAZIE H. HIRONO, HAWAII  
JASON ALTMIRE, PENNSYLVANIA

March 16, 2012

The Honorable Howard P. "Buck" McKeon  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter regarding the Committee on Armed Services' jurisdictional interest in H.R. 3990, the Encouraging Innovation and Effective Teachers Act, and your willingness to forgo further consideration of H.R. 3990 by your committee.

I agree that the Committee on Armed Services has a valid jurisdictional interest in certain provisions of H.R. 3990 and that the committee's jurisdiction will not be adversely affected by your decision to forgo further consideration of the bill. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Committee Report and in the *Congressional Record* during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

John Kline  
Chairman

CC: The Honorable John Boehner  
The Honorable George Miller  
The Honorable Adam Smith  
Mr. John Sullivan, Parliamentarian

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House Rule XIII, the goal of H.R. 3990 is to reform the Elementary and Secondary Education Act. The Committee expects the Department of Education to comply with these provisions and implement the changes to the law in accordance with these stated goals.

## STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

## NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for H.R. 3990 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, March 21, 2012.*

Hon. JOHN KLINE,  
*Chairman, Committee on Education and the Workforce,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3990, the Encouraging Innovation and Effective Teachers Act.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*H.R. 3990—Encouraging Innovation and Effective Teachers Act*

Summary: H.R. 3990 would amend and reauthorize several titles of the Elementary and Secondary Education Act of 1965 (the ESEA, commonly referred to, in its most recently authorized form, as No Child Left Behind). The underlying authorizations for those programs have expired, although such programs have received annual appropriations since their authorizations have expired. This bill would authorize funding through fiscal year 2018 for various activities, including support for teacher preparation and magnet and charter schools, as well as assistance to school districts affected by activities of the federal government (such as those on a military base). These authorizations would automatically be extended one year through 2019, under the General Education Provisions Act. H.R. 3990 also would reauthorize funding for the McKinney-Vento Homeless Assistance Act.

CBO estimates that H.R. 3990 would authorize the appropriation of \$7.5 billion in 2013 and \$38.6 billion over the 2013–2017 period. CBO projects that implementing the bill would have discretionary costs of \$28.1 billion over the 2013–2017 period, assuming appropriation of the estimated amounts. Enacting the bill would have no effect on direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

H.R. 3989 (the Student Success Act), also ordered reported by the House Committee on Education and the Workforce on February 28, 2012, would amend and reauthorize additional sections of the ESEA. Together, CBO estimates that H.R. 3989 and H.R. 3990 would authorize the appropriation of approximately \$24 billion for fiscal year 2013. The Congress appropriated a little more than \$24 billion for activities authorized in the ESEA for fiscal year 2012. (More detailed analysis of H.R. 3989 is included in a separate cost estimate.)

H.R. 3990 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. The bill would impose a private-sector mandate, as defined in UMRA, on parents and guardians of unaccompanied youth who enroll in school without their consent by shielding schools from liability for that enrollment. CBO expects that the costs of the mandate would not exceed the annual threshold established in UMRA for private-sector mandates (\$146 million in 2012, adjusted annually for inflation).

**Estimated cost to the Federal Government:** The estimated budgetary impact of H.R. 3990 is shown in the following table. The costs of this legislation fall within budget functions 050 (national defense) and 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars—					
	2013	2014	2015	2016	2017	2013–2017
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION</b>						
<b>Title II—Teacher Preparation and Effectiveness:</b>						
Estimated Authorization Level .....	2,988	3,031	3,077	3,130	3,193	15,419
Estimated Outlays .....	60	1,794	2,716	3,055	3,105	10,730
<b>Title III—Parental Engagement and Local Flexibility:</b>						
Estimated Authorization Level .....	3,102	3,147	3,194	3,250	3,315	16,007
Estimated Outlays .....	155	1,553	2,662	3,167	3,218	10,754
<b>Title IV—Impact Aid:</b>						
Estimated Authorization Level .....	1,294	1,313	1,333	1,356	1,383	6,678
Estimated Outlays .....	1,091	1,158	1,314	1,350	1,376	6,288
<b>Troops to Teachers Program:</b>						
Estimated Authorization Level .....	25	25	25	25	25	125
Estimated Outlays .....	1	15	23	25	25	88
<b>Homeless Education:</b>						
Estimated Authorization Level .....	65	66	67	68	70	336
Estimated Outlays .....	1	39	59	67	68	234
<b>Total Changes:</b>						
Estimated Authorization Level .....	7,474	7,583	7,695	7,829	7,985	38,566
Estimated Outlays .....	1,308	4,559	6,774	7,663	7,792	28,095

Notes: Some programs received advance appropriations for fiscal year 2013. CBO does not reflect advance appropriations in its estimates. Components may not sum to totals because of rounding.

**Basis of estimate:** For this estimate, CBO assumes that the bill will be enacted by October 1, 2012, that the estimated amounts will

be appropriated for each year, and that spending will follow historical patterns.

CBO estimates that H.R. 3990 would authorize the appropriation of \$7.5 billion in 2013 and \$38.6 billion over the 2013–2017 period. Assuming appropriation of the estimated amounts, implementing the provisions in the bill would cost \$28.1 billion over the 2013–2017 period.

*Title II of ESEA—Teacher Preparation and Effectiveness*

Title I of H.R. 3990 would reauthorize the grant programs designed to support teacher training and improvement under title II of the ESEA. Part A would amend the current state grant program and part B would replace the current Math and Science Partnership program with the Teacher and School Leader Flexible Grant program. The bill would authorize \$3.0 billion for fiscal year 2013 and adjust that total by inflation for each year through fiscal year 2018. CBO estimates that the bill would authorize the appropriation of \$15.4 billion over the 2013–2017 period and that implementing this title would cost \$10.7 billion over the same period, assuming appropriation of the estimated amounts. In fiscal year 2012, the Congress appropriated about \$2.5 billion for state grants and \$150 million for math and science partnerships.

*Title III of ESEA—Parental Engagement and Local Flexibility*

Title II of H.R. 3990 would amend the charter and magnet school programs currently authorized under title V of the ESEA and transfer them to title III of the ESEA. It also would create two new grant programs to encourage parental engagement in their children’s education and provide additional funding to support supplemental learning activities for students. The bill would authorize the appropriation of \$3.1 billion for fiscal year 2013 to fund those programs and activities with adjustments for inflation to those totals for each fiscal year through 2018. Assuming appropriation of the estimated amounts, CBO estimates that implementing those provisions would cost \$10.8 billion over the 2013–2017 period.

Part A—Parental Engagement. The bill would authorize the appropriation of about \$2.2 billion over the 2013–2017 period for programs that provide funds to states and localities for charter and magnet schools and the newly created program for family engagement in education.

- Subpart 1—Charter School Program. H.R. 3990 would amend the Charter School Program and the Credit Enhancement for Charter School Initiatives and would authorize the appropriation of \$300 million for fiscal year 2013 and adjust those amounts by inflation for each year through 2018. CBO estimates that H.R. 3990 would authorize the appropriation of \$1.5 billion over the 2013–2017 period and that implementing this provision would cost \$1.0 billion over the same period. In 2012, \$255 million was appropriated for the Charter School Program (no funding was provided for Credit Enhancement for Charter School Initiatives).

- Subpart 2—Magnet School Assistance. H.R. 3990 would amend the Magnet School Program and would authorize the appropriation of \$100 million for fiscal year 2013 with adjustments for inflation for each year through 2018. CBO estimates that H.R. 3990 would authorize the appropriation of about \$500 million over the 2013–

2017 period and that implementing this provision would cost about \$300 million over the same period, assuming appropriation of the estimated amounts. The Congress appropriated \$100 million for charter schools in 2012.

- Subpart 3—Family Engagement in Education Programs. The bill would create a new program to encourage greater parental involvement and engagement in their children’s schools and education. The bill would authorize the appropriation of \$25 million for fiscal year 2013 and increase those amounts by inflation for each year through 2018. CBO estimates that H.R. 3990 would authorize the appropriation of about \$130 million over the 2013–2017 period and that implementing this provision would cost about \$90 million over the same period.

Part B—Local Academic Flexible Grants. Title II of H.R. 3990 would authorize a new grant program that would provide funds to school districts to develop supplemental student activities, such as before or after school learning, and additional activities that support students, such as adjunct teacher programs and academic subject specific programs. The bill would authorize the appropriation of \$2.7 billion for fiscal year 2013 with adjustments for inflation for each year through 2018. CBO estimates that implementing this new program would cost \$9.3 billion over the 2013–2017 period, assuming appropriation of the estimated amounts.

#### *Title IV of ESEA—Impact Aid*

Title III of H.R. 3990 would amend the impact aid programs (currently authorized under title VIII of the ESEA). The impact aid programs provide funding to assist local education agencies (LEAs) affected by the activities of the federal government, such as those on a military base or Indian reservation. The bill would authorize approximately \$1.3 billion in fiscal year 2013 and adjust that total for inflation for each fiscal year through 2018. CBO estimates that the bill would authorize the appropriation of \$6.7 billion over the 2013–2017 period and that fully funding this title would result in discretionary costs of \$6.3 billion over the 2013–2017 period, assuming the appropriation of the authorized amounts. The bulk of that spending (about \$6.0 billion), would be for basic support payments to LEAs to assist in the education of children in federally connected areas. The additional \$300 million would be used to construct and maintain schools that educate children in federally connected areas. Impact aid programs received appropriations of approximately \$1.3 billion in fiscal year 2012.

#### *Troops to Teachers*

Title IV of H.R. 3990 would permanently reauthorize the Troops to Teachers program and move it under the auspices of the Department of Defense.<sup>1</sup> CBO estimates that reauthorizing the Troops to Teachers program, which assists members of the armed forces in obtaining their teaching certification or license and with placement in schools, would have discretionary costs of about \$88 million over the 2013–2017 period, assuming appropriation of the estimated amounts.

<sup>1</sup> Funding for the Troops to Teachers program for fiscal years 2011 and 2012 was appropriated for the Department of Defense rather than the Department of Education.

*McKinney-Vento Homeless Assistance*

Title VI of H.R. 3990 would reauthorize the McKinney-Vento Homeless Assistance Act, which authorizes grants to states to assist in the education of homeless children. The bill would authorize the appropriation of \$65 million for fiscal year 2013 with adjustments for inflation for each year through 2018. CBO estimates that this title would authorize the appropriation of about \$340 million and have discretionary costs of about \$230 million for the 2013–2017 period, assuming the appropriation of the necessary amounts. Support for the education of homeless children totaled \$65 million for fiscal year 2012.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: H.R. 3990 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Those governments would benefit from grants authorized in the bill for elementary and secondary education. Any costs associated with those grants would be incurred voluntarily as a result of complying with conditions of federal assistance.

Estimated impact on the private sector: H.R. 3990 would shield schools from liability that might result from enrolling unaccompanied youth without parental or guardian consent. The bill would impose a private-sector mandate, as defined in UMRA, on parents and guardians of unaccompanied youth to the extent that they would be denied an existing right to compensation. However, such claims are very rare, and no damages have been awarded for such claims in the past 10 years. Therefore, CBO expects that the costs of the mandate would not exceed the annual threshold established in UMRA for private-sector mandates (\$146 million in 2012, adjusted annually for inflation).

Previous CBO estimates: On January 4, 2012, CBO transmitted a cost estimate for the Elementary and Secondary Education Reauthorization Act of 2011, as ordered reported by the Senate Committee on Health, Education, Labor, and Pensions on October 20, 2011. CBO estimated that the bill, which also reauthorized the ESEA, would authorize the appropriation of \$25.9 billion for fiscal year 2013.

On March 15, 2012, CBO transmitted a revised estimate of the Elementary and Secondary Education Reauthorization Act of 2011 that supersedes the cost estimate transmitted on January 4, 2012. CBO updated the estimate to reflect the private-sector mandate that was omitted in the initial estimate. The estimated costs of implementing the bill remain unchanged.

On March 21, 2012, CBO transmitted a cost estimate for H.R. 3989, the Student Success Act, as ordered report by the House Committee on Education and the Workforce on February 28, 2012. CBO estimated that H.R. 3989, which would amend and reauthorize sections of the ESEA in addition to those that would be amended by H.R. 3990, would authorize the appropriation of \$85.9 billion over the 2013–2017 period.

Estimated prepared by: Federal Costs: Justin Humphrey; Impact on State, Local, and Tribal Governments: J'nell Blanco; Impact on the Private Sector: Jimmy Jin and Michael Levine.

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

## COMMITTEE COST ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out H.R. 3990. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**ELEMENTARY AND SECONDARY EDUCATION ACT OF  
1965**

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Elementary and Secondary Education Act of 1965”.

\* \* \* \* \*

**SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.**

(a) *TITLE II.*—There are authorized to be appropriated to carry out title II \$2,988,070,000 for fiscal year 2013.

(b) *TITLE III.*—

(1) *PART A.*—

(A) *SUBPART 1.*—There are authorized to be appropriated to carry out subpart 1 of part A of title III \$300,000,000 for fiscal year 2013.

(B) *SUBPART 2.*—There are authorized to be appropriated to carry out subpart 2 of part A of title III \$99,611,000 for fiscal year 2013.

(C) *SUBPART 3.*—There are authorized to be appropriated to carry out subpart 3 of part A of title III \$25,000,000 for fiscal year 2013.

(2) *PART B.*—There are authorized to be appropriated to carry out part B of title III \$2,677,476,000 for fiscal year 2013.

(c) *TITLE IV.*—

(1) *PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.*—For the purpose of making payments under section 4002, there are authorized to be appropriated \$66,947,000 for fiscal year 2013.

(2) *BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.*—For the purpose of making payments under section 4003(b), there are authorized to be appropriated \$1,153,540,000 for fiscal year 2013.

(3) *PAYMENTS FOR CHILDREN WITH DISABILITIES.*—For the purpose of making payments under section 4003(d), there are authorized to be appropriated \$48,413,000 for fiscal year 2013.

(4) *CONSTRUCTION.*—For the purpose of carrying out section 4007, there are authorized to be appropriated \$17,441,000 for fiscal year 2013.

(5) *FACILITIES MAINTENANCE.*—For the purpose of carrying out section 4008, there are authorized to be appropriated \$4,845,000 for fiscal year 2013.

(d) *OUT YEARS.*—The amounts authorized in subsections (a), (b), and (c) shall be increased for each of fiscal years 2014 through 2018 by a percentage equal to the percentage of inflation according to the Consumer Price Index, for the calendar year ending prior to the beginning of that fiscal year.

\* \* \* \* \*

**[TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS**

**[PART A—TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND**

**[SEC. 2101. PURPOSE.**

[The purpose of this part is to provide grants to State educational agencies, local educational agencies, State agencies for higher education, and eligible partnerships in order to—

[(1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and

[(2) hold local educational agencies and schools accountable for improvements in student academic achievement.

**[SEC. 2102. DEFINITIONS.**

[In this part:

[(1) **ARTS AND SCIENCES.**—The term “arts and sciences” means—

[(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subjects in which teachers teach; and

[(B) when referring to a specific academic subject, the disciplines or content areas in which an academic major is offered by an organizational unit described in subparagraph (A).

[(2) **CHARTER SCHOOL.**—The term “charter school” has the meaning given the term in section 5210.

[(3) **HIGH-NEED LOCAL EDUCATIONAL AGENCY.**—The term “high-need local educational agency” means a local educational agency—

[(A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

[(ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

[(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

[(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

[(4) HIGHLY QUALIFIED PARAPROFESSIONAL.—The term “highly qualified paraprofessional” means a paraprofessional who has not less than 2 years of—

[(A) experience in a classroom; and

[(B) postsecondary education or demonstrated competence in a field or academic subject for which there is a significant shortage of qualified teachers.

[(5) OUT-OF-FIELD TEACHER.—The term “out-of-field teacher” means a teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified.

[(6) PRINCIPAL.—The term “principal” includes an assistant principal.

#### **[SEC. 2103. AUTHORIZATIONS OF APPROPRIATIONS.**

[(a) GRANTS TO STATES, LOCAL EDUCATIONAL AGENCIES, AND ELIGIBLE PARTNERSHIPS.—There are authorized to be appropriated to carry out this part (other than subpart 5) \$3,175,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) NATIONAL PROGRAMS.—There are authorized to be appropriated to carry out subpart 5 such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

### **[Subpart 1—Grants to States**

#### **[SEC. 2111. ALLOTMENTS TO STATES.**

[(a) IN GENERAL.—The Secretary shall make grants to States with applications approved under section 2112 to pay for the Federal share of the cost of carrying out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

[(b) DETERMINATION OF ALLOTMENTS.—

[(1) RESERVATION OF FUNDS.—

[(A) IN GENERAL.—From the total amount appropriated under section 2103(a) for a fiscal year, the Secretary shall reserve—

[(i) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

[(ii) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Affairs.

[(2) STATE ALLOTMENTS.—

[(A) HOLD HARMLESS.—

[(i) IN GENERAL.—Subject to subparagraph (B), from the funds appropriated under section 2103(a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 2001 under—

[(I) section 2202(b) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(II) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

[(ii) RATABLE REDUCTION.—If the funds described in clause (i) are insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

[(B) ALLOTMENT OF ADDITIONAL FUNDS.—

[(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the funds appropriated under section 2103(a) and not reserved under paragraph (1) exceed the total amount required to make allotments under subparagraph (A), the Secretary shall allot to each of the States described in subparagraph (A) the sum of—

[(I) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

[(II) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

[(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than one-half of 1 percent of the total excess amount allotted under such clause for a fiscal year.

[(3) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate the amount of the allotment to the remaining States in accordance with this subsection.

**[SEC. 2112. STATE APPLICATIONS.**

[(a) IN GENERAL.—For a State to be eligible to receive a grant under this part, the State educational agency shall submit an ap-

plication to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

[(b) CONTENTS.—Each application submitted under this section shall include the following:

[(1) A description of how the activities to be carried out by the State educational agency under this subpart will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.

[(2) A description of how the State educational agency will ensure that a local educational agency receiving a subgrant to carry out subpart 2 will comply with the requirements of such subpart.

[(3) A description of how the State educational agency will ensure that activities assisted under this subpart are aligned with challenging State academic content and student academic achievement standards, State assessments, and State and local curricula.

[(4) A description of how the State educational agency will use funds under this part to improve the quality of the State's teachers and principals.

[(5)(A) A description of how the State educational agency will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs.

[(B) A description of the comprehensive strategy that the State educational agency will use, as part of such coordination effort, to ensure that teachers are trained in the use of technology so that technology and applications of technology are effectively used in the classroom to improve teaching and learning in all curricula and academic subjects, as appropriate.

[(6) A description of how the State educational agency will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

[(7)(A) A description of how the State educational agency will ensure compliance with the requirements for professional development activities described in section 9101 and how the activities to be carried out under the grant will be developed collaboratively and based on the input of teachers, principals, parents, administrators, paraprofessionals, and other school personnel.

[(B) In the case of a State in which the State educational agency is not the entity responsible for teacher professional standards, certification, and licensing, an assurance that the State activities carried out under this subpart are carried out in conjunction with the entity responsible for such standards, certification, and licensing under State law.

[(8) A description of how the State educational agency will ensure that the professional development (including teacher mentoring) needs of teachers will be met using funds under this subpart and subpart 2.

[(9) A description of the State educational agency's annual measurable objectives under section 1119(a)(2).

[(10) A description of how the State educational agency will use funds under this part to meet the teacher and paraprofessional requirements of section 1119 and how the State educational agency will hold local educational agencies accountable for meeting the annual measurable objectives described in section 1119(a)(2).

[(11) In the case of a State that has a charter school law that exempts teachers from State certification and licensing requirements, the specific portion of the State law that provides for the exemption.

[(12) An assurance that the State educational agency will comply with section 9501 (regarding participation by private school children and teachers).

[(c) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

[(d) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

[(e) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

[(1) give the State educational agency notice and an opportunity for a hearing; and

[(2) notify the State educational agency of the finding of non-compliance and, in such notification, shall—

[(A) cite the specific provisions in the application that are not in compliance; and

[(B) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

[(f) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (e)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

[(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

[(2) the expiration of the 120-day period described in subsection (c).

[(g) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

**[SEC. 2113. STATE USE OF FUNDS.**

[(a) IN GENERAL.—A State that receives a grant under section 2111 shall—

【(1) reserve 95 percent of the funds made available through the grant to make subgrants to local educational agencies as described in subpart 2;

【(2) reserve 2.5 percent (or, for a fiscal year described in subsection (b), the percentage determined under subsection (b)) of the funds to make subgrants to local partnerships as described in subpart 3; and

【(3) use the remainder of the funds for State activities described in subsection (c).

【(b) SPECIAL RULE.—For any fiscal year for which the total amount that would be reserved by all States under subsection (a)(2), if the States applied a 2.5 percentage rate, exceeds \$125,000,000, the Secretary shall determine an alternative percentage that the States shall apply for that fiscal year under subsection (a)(2) so that the total amount reserved by all States under subsection (a)(2) equals \$125,000,000.

【(c) STATE ACTIVITIES.—The State educational agency for a State that receives a grant under section 2111 shall use the funds described in subsection (a)(3) to carry out one or more of the following activities, which may be carried out through a grant or contract with a for-profit or nonprofit entity:

【(1) Reforming teacher and principal certification (including recertification) or licensing requirements to ensure that—

【(A)(i) teachers have the necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach; and

【(ii) principals have the instructional leadership skills to help teachers teach and students learn;

【(B) teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and

【(C) teachers have the subject matter knowledge and teaching skills, including technology literacy, and principals have the instructional leadership skills, necessary to help students meet challenging State student academic achievement standards.

【(2) Carrying out programs that provide support to teachers or principals, including support for teachers and principals new to their profession, such as programs that—

【(A) provide teacher mentoring, team teaching, reduced class schedules, and intensive professional development; and

【(B) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement standards and with the requirements for professional development activities described in section 9101.

【(3) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers and principals, especially in the areas of mathematics and science, for highly qualified individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic

distinction who demonstrate the potential to become highly effective teachers or principals.

【(4) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only—

【(A) if the State educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and

【(B) in a manner consistent with mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers and principals.

【(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965.

【(6) Providing professional development for teachers and principals and, in cases in which a State educational agency determines support to be appropriate, supporting the participation of pupil services personnel in the same type of professional development activities as are made available to teachers and principals.

【(7) Developing systems to measure the effectiveness of specific professional development programs and strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach.

【(8) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration of the programs carried out under this part, including provision of technical assistance to local educational agencies.

【(9) Funding projects to promote reciprocity of teacher and principal certification or licensing between or among States, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.

【(10) Developing or assisting local educational agencies in the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

【(11) Encouraging and supporting the training of teachers and administrators to effectively integrate technology into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability.

【(12) Developing, or assisting local educational agencies in developing, merit-based performance systems, and strategies that provide differential and bonus pay for teachers in high-need academic subjects such as reading, mathematics, and science and teachers in high-poverty schools and districts.

[(13) Providing assistance to local educational agencies for the development and implementation of professional development programs for principals that enable the principals to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards, and the development and support of school leadership academies to help exceptionally talented aspiring or current principals and superintendents become outstanding managers and educational leaders.

[(14) Developing, or assisting local educational agencies in developing, teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

[(15) Providing assistance to teachers to enable them to meet certification, licensing, or other requirements needed to become highly qualified by the end of the fourth year for which the State receives funds under this part (as amended by the No Child Left Behind Act of 2001).

[(16) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement.

[(17) Funding projects and carrying out programs to encourage men to become elementary school teachers.

[(18) Establishing and operating a center that—

[(A) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and

[(B) establishes and carries out programs to improve teacher recruitment and retention within the State.

[(d) ADMINISTRATIVE COSTS.—A State educational agency or State agency for higher education receiving a grant under this part may use not more than 1 percent of the grant funds for planning and administration related to carrying out activities under subsection (c) and subpart 3.

[(e) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section.

[(f) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

## **[Subpart 2—Subgrants to Local Educational Agencies**

### **[SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.**

[(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

[(1) IN GENERAL.—The Secretary may make a grant to a State under subpart 1 only if the State educational agency agrees to distribute the funds described in this subsection as subgrants to local educational agencies under this subpart.

**[(2) HOLD HARMLESS.—**

**[(A) IN GENERAL.—**From the funds reserved by a State under section 2113(a)(1), the State educational agency shall allocate to each local educational agency in the State an amount equal to the total amount that such agency received for fiscal year 2001 under—

**[(i)** section 2203(1)(B) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

**[(ii)** section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

**[(B) NONPARTICIPATING AGENCIES.—**In the case of a local educational agency that did not receive any funds for fiscal year 2001 under one or both of the provisions referred to in clauses (i) and (ii) of subparagraph (A), the amount allocated to the agency under such subparagraph shall be the total amount that the agency would have received for fiscal year 2001 if the agency had elected to participate in all of the programs for which the agency was eligible under each of the provisions referred to in those clauses.

**[(C) RATABLE REDUCTION.—**If the funds described in subparagraph (A) are insufficient to pay the full amounts that all local educational agencies in the State are eligible to receive under subparagraph (A) for any fiscal year, the State educational agency shall ratably reduce such amounts for the fiscal year.

**[(3) ALLOCATION OF ADDITIONAL FUNDS.—**For any fiscal year for which the funds reserved by a State under section 2113(a)(1) exceed the total amount required to make allocations under paragraph (2), the State educational agency shall allocate to each of the eligible local educational agencies in the State the sum of—

**[(A)** an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

**[(B)** an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

**[SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESSMENT.**

**[(a) IN GENERAL.—**To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

[(b) CONTENTS.—Each application submitted under this section shall be based on the needs assessment required in subsection (c) and shall include the following:

[(1)(A) A description of the activities to be carried out by the local educational agency under this subpart and how these activities will be aligned with—

[(i) challenging State academic content standards and student academic achievement standards, and State assessments; and

[(ii) the curricula and programs tied to the standards described in clause (i).

[(B) A description of how the activities will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.

[(2) A description of how the activities will have a substantial, measurable, and positive impact on student academic achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students.

[(3) An assurance that the local educational agency will target funds to schools within the jurisdiction of the local educational agency that—

[(A) have the lowest proportion of highly qualified teachers;

[(B) have the largest average class size; or

[(C) are identified for school improvement under section 1116(b).

[(4) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs.

[(5) A description of the professional development activities that will be made available to teachers and principals under this subpart and how the local educational agency will ensure that the professional development (which may include teacher mentoring) needs of teachers and principals will be met using funds under this subpart.

[(6) A description of how the local educational agency will integrate funds under this subpart with funds received under part D that are used for professional development to train teachers to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy.

[(7) A description of how the local educational agency, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of activities to be carried out under this subpart and in the preparation of the application.

[(8) A description of the results of the needs assessment described in subsection (c).

[(9) A description of how the local educational agency will provide training to enable teachers to—

[(A) teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including stu-

dents who are gifted and talented), and students with limited English proficiency;

[(B) improve student behavior in the classroom and identify early and appropriate interventions to help students described in subparagraph (A) learn;

[(C) involve parents in their child's education; and

[(D) understand and use data and assessments to improve classroom practice and student learning.

[(10) A description of how the local educational agency will use funds under this subpart to meet the requirements of section 1119.

[(11) An assurance that the local educational agency will comply with section 9501 (regarding participation by private school children and teachers).

**[(c) NEEDS ASSESSMENT.—**

[(1) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local educational agency shall conduct an assessment of local needs for professional development and hiring, as identified by the local educational agency and school staff.

[(2) REQUIREMENTS.—Such needs assessment shall be conducted with the involvement of teachers, including teachers participating in programs under part A of title I, and shall take into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and teaching skills, and to give principals the instructional leadership skills to help teachers, to provide students with the opportunity to meet challenging State and local student academic achievement standards.

**[(SEC. 2123. LOCAL USE OF FUNDS.**

[(a) IN GENERAL.—A local educational agency that receives a subgrant under section 2121 shall use the funds made available through the subgrant to carry out one or more of the following activities, including carrying out the activities through a grant or contract with a for-profit or nonprofit entity:

[(1) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only—

[(A) if the local educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and

[(B) in a manner consistent with mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals.

[(2) Developing and implementing initiatives to assist in recruiting highly qualified teachers (particularly initiatives that have proven effective in retaining highly qualified teachers), and hiring highly qualified teachers, who will be assigned teaching positions within their fields, including—

[(A) providing scholarships, signing bonuses, or other financial incentives, such as differential pay, for teachers to teach—



[(II) identifying early and appropriate interventions to help students described in clause (ii) learn;

[(iv) provide training to enable teachers and principals to involve parents in their child's education, especially parents of limited English proficient and immigrant children; and

[(v) provide training on how to understand and use data and assessments to improve classroom practice and student learning.

[(4) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, particularly within elementary schools and secondary schools with a high percentage of low-achieving students, including programs that provide—

[(A) teacher mentoring from exemplary teachers, principals, or superintendents;

[(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively;

[(C) incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic achievement; or

[(D) incentives, including financial incentives, to principals who have a record of improving the academic achievement of all students, but particularly students from economically disadvantaged families, students from racial and ethnic minority groups, and students with disabilities.

[(5) Carrying out programs and activities that are designed to improve the quality of the teacher force, such as—

[(A) innovative professional development programs (which may be provided through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, are consistent with the requirements of section 9101, and are coordinated with activities carried out under part D;

[(B) development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning;

[(C) tenure reform;

[(D) merit pay programs; and

[(E) testing of elementary school and secondary school teachers in the academic subjects that the teachers teach.

[(6) Carrying out professional development activities designed to improve the quality of principals and superintendents, including the development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders.

[(7) Hiring highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification, and special education teachers, in order to reduce class size, particularly in the early grades.

[(8) Carrying out teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

[(10) Carrying out programs and activities related to exemplary teachers.

[(b) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

### **[Subpart 3—Subgrants to Eligible Partnerships**

#### **[SEC. 2131. DEFINITIONS.**

[In this subpart:

[(1) ELIGIBLE PARTNERSHIP.—The term “eligible partnership” means an entity that—

[(A) shall include—

[(i) a private or State institution of higher education and the division of the institution that prepares teachers and principals;

[(ii) a school of arts and sciences; and

[(iii) a high-need local educational agency; and

[(B) may include another local educational agency, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, a principal organization, or a business.

[(2) LOW-PERFORMING SCHOOL.—The term “low-performing school” means an elementary school or secondary school that is identified under section 1116.

#### **[SEC. 2132. SUBGRANTS.**

[(a) IN GENERAL.—The State agency for higher education for a State that receives a grant under section 2111, working in conjunction with the State educational agency (if such agencies are separate), shall use the funds reserved under section 2113(a)(2) to make subgrants, on a competitive basis, to eligible partnerships to enable such partnerships to carry out the activities described in section 2134.

[(b) DISTRIBUTION.—The State agency for higher education shall ensure that—

[(1) such subgrants are equitably distributed by geographic area within a State; or

[(2) eligible partnerships in all geographic areas within the State are served through the subgrants.

[(c) SPECIAL RULE.—No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under this section.

**[SEC. 2133. APPLICATIONS.**

[To be eligible to receive a subgrant under this subpart, an eligible partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may require.

**[SEC. 2134. USE OF FUNDS.**

[(a) IN GENERAL.—An eligible partnership that receives a subgrant under section 2132 shall use the subgrant funds for—

[(1) professional development activities in core academic subjects to ensure that—

[(A) teachers and highly qualified paraprofessionals, and, if appropriate, principals have subject matter knowledge in the academic subjects that the teachers teach, including the use of computer related technology to enhance student learning; and

[(B) principals have the instructional leadership skills that will help such principals work most effectively with teachers to help students master core academic subjects; and

[(2) developing and providing assistance to local educational agencies and individuals who are teachers, highly qualified paraprofessionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that—

[(A) ensure that the individuals are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement;

[(B) may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph (A) to other such individuals within such school; and

[(C) may include activities of partnerships between one or more local educational agencies, one or more schools served by such local educational agencies, and one or more institutions of higher education for the purpose of improving teaching and learning at low-performing schools.

[(b) COORDINATION.—An eligible partnership that receives a subgrant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section 203.

**[Subpart 4—Accountability****[SEC. 2141. TECHNICAL ASSISTANCE AND ACCOUNTABILITY.**

[(a) IMPROVEMENT PLAN.—After the second year of the plan described in section 1119(a)(2), if a State educational agency determines, based on the reports described in section 1119(b)(1), that a local educational agency in the State has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), for 2 consecutive years, such local educational

agency shall develop an improvement plan that will enable the agency to meet such annual measurable objectives and that specifically addresses issues that prevented the agency from meeting such annual measurable objectives.

[(b) TECHNICAL ASSISTANCE.—During the development of the improvement plan described in subsection (a) and throughout implementation of the plan, the State educational agency shall—

[(1) provide technical assistance to the local educational agency; and

[(2) provide technical assistance, if applicable, to schools served by the local educational agency that need assistance to enable the local educational agency to meet the annual measurable objectives described in section 1119(a)(2).

[(c) ACCOUNTABILITY.—After the third year of the plan described in section 1119(a)(2), if the State educational agency determines, based on the reports described in section 1119(b)(1), that the local educational agency has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), and has failed to make adequate yearly progress as described under section 1111(b)(2)(B), for 3 consecutive years, the State educational agency shall enter into an agreement with such local educational agency on the use of that agency's funds under this part. As part of this agreement, the State educational agency—

[(1) shall develop, in conjunction with the local educational agency, teachers, and principals, professional development strategies and activities, based on scientifically based research, that the local educational agency will use to meet the annual measurable objectives described in section 1119(a)(2) and require such agency to utilize such strategies and activities; and

[(2)(A) except as provided in subparagraphs (B) and (C), shall prohibit the use of funds received under part A of title I to fund any paraprofessional hired after the date such determination is made;

[(B) shall allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate that the hiring is to fill a vacancy created by the departure of another paraprofessional funded under title I and such new paraprofessional satisfies the requirements of section 1119(c); and

[(C) may allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate—

[(i) that a significant influx of population has substantially increased student enrollment; or

[(ii) that there is an increased need for translators or assistance with parental involvement activities.

[(d) SPECIAL RULE.—During the development of the strategies and activities described in subsection (c)(1), the State educational agency shall, in conjunction with the local educational agency, provide from funds allocated to such local educational agency under subpart 2 directly to one or more schools served by such local educational agency, to enable teachers at the schools to choose, with continuing consultation with the principal involved, professional development activities that—

- [(1) meet the requirements for professional development activities described in section 9101; and
- [(2) are coordinated with other reform efforts at the schools.

### **[Subpart 5—National Activities**

#### **[SEC. 2151. NATIONAL ACTIVITIES OF DEMONSTRATED EFFECTIVENESS.**

[(a) NATIONAL TEACHER RECRUITMENT CAMPAIGN.—The Secretary is authorized to establish and carry out a national teacher recruitment campaign, which may include activities carried out through the National Teacher Recruitment Clearinghouse, to assist high-need local educational agencies in recruiting teachers (particularly those activities that are effective in retaining new teachers) and training teachers and to conduct a national public service campaign concerning the resources for, and the routes to, entering the field of teaching. In carrying out the campaign, the Secretary may promote and link the activities of the campaign to the information and referral activities of the National Teacher Recruitment Clearinghouse. The Secretary shall coordinate activities under this subsection with State and regional recruitment activities.

#### [(b) SCHOOL LEADERSHIP.—

[(1) IN GENERAL.—The Secretary is authorized to establish and carry out a national principal recruitment program to assist high-need local educational agencies in recruiting and training principals (including assistant principals) through such activities as—

[(A) providing financial incentives to aspiring new principals;

[(B) providing stipends to principals who mentor new principals;

[(C) carrying out professional development programs in instructional leadership and management; and

[(D) providing incentives that are appropriate for teachers or individuals from other fields who want to become principals and that are effective in retaining new principals.

[(2) GRANTS.—If the Secretary uses sums made available under section 2103(b) to carry out paragraph (1), the Secretary shall carry out such paragraph by making grants, on a competitive basis, to—

[(A) high-need local educational agencies;

[(B) consortia of high-need local educational agencies; and

[(C) partnerships of high-need local educational agencies, nonprofit organizations, and institutions of higher education.

#### [(c) ADVANCED CERTIFICATION OR ADVANCED CREDENTIALING.—

[(1) IN GENERAL.—The Secretary is authorized to support activities to encourage and support teachers seeking advanced certification or advanced credentialing through high quality professional teacher enhancement programs designed to improve teaching and learning.

[(2) IMPLEMENTATION.—In carrying out paragraph (1), the Secretary shall make grants to eligible entities to—

[(A) develop teacher standards that include measures tied to increased student academic achievement; and

[(B) promote outreach, teacher recruitment, teacher subsidy, or teacher support programs, related to teacher certification or credentialing by the National Board for Professional Teaching Standards, the National Council on Teacher Quality, or other nationally recognized certification or credentialing organizations.

[(3) ELIGIBLE ENTITIES.—In this subsection, the term “eligible entity” includes—

[(A) a State educational agency;

[(B) a local educational agency;

[(C) the National Board for Professional Teaching Standards, in partnership with a high-need local educational agency or a State educational agency;

[(D) the National Council on Teacher Quality, in partnership with a high-need local educational agency or a State educational agency; or

[(E) another recognized entity, including another recognized certification or credentialing organization, in partnership with a high-need local educational agency or a State educational agency.

[(d) SPECIAL EDUCATION TEACHER TRAINING.—The Secretary is authorized to award a grant to the University of Northern Colorado to enable such university to provide, to other institutions of higher education, assistance in training special education teachers.

[(e) EARLY CHILDHOOD EDUCATOR PROFESSIONAL DEVELOPMENT.—

[(1) PURPOSE.—The purpose of this subsection is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent young children from encountering difficulties once the children enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

[(2) PROGRAM AUTHORIZED.—

[(A) GRANTS TO PARTNERSHIPS.—The Secretary is authorized to carry out the purpose of this subsection by awarding grants, on a competitive basis, to partnerships consisting of—

[(i)(I) one or more institutions of higher education that provide professional development for early childhood educators who work with children from low-income families in high-need communities; or

[(II) another public or private entity that provides such professional development;

[(ii) one or more public agencies (including local educational agencies, State educational agencies, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), Head Start agencies, or private organizations; and

[(iii) to the extent feasible, an entity with demonstrated experience in providing training to edu-

cators in early childhood education programs concerning identifying and preventing behavior problems or working with children identified as or suspected to be victims of abuse.

[(B) DURATION AND NUMBER OF GRANTS.—

[(i) DURATION.—The Secretary shall award grants under this subsection for periods of not more than 4 years.

[(ii) NUMBER.—No partnership may receive more than one grant under this subsection.

[(3) APPLICATIONS.—

[(A) APPLICATIONS REQUIRED.—Any partnership that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[(B) CONTENTS.—Each such application shall include—

[(i) a description of the high-need community to be served by the project proposed to be carried out through the grant, including such demographic and socioeconomic information as the Secretary may request;

[(ii) information on the quality of the early childhood educator professional development program currently conducted (as of the date of the submission of the application) by the institution of higher education or another provider in the partnership;

[(iii) the results of a needs assessment that the entities in the partnership have undertaken to determine the most critical professional development needs of the early childhood educators to be served by the partnership and in the broader community, and a description of how the proposed project will address those needs;

[(iv) a description of how the proposed project will be carried out, including a description of—

[(I) how individuals will be selected to participate;

[(II) the types of professional development activities, based on scientifically based research, that will be carried out;

[(III) how research on effective professional development and on adult learning will be used to design and deliver project activities;

[(IV) how the project will be coordinated with and build on, and will not supplant or duplicate, early childhood education professional development activities in the high-need community;

[(V) how the project will train early childhood educators to provide developmentally appropriate school-readiness services that are based on the best available research on early childhood pedagogy and child development and learning domains;

[(VI) how the project will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, children with

disabilities, or children with other special needs; and

[(VII) how the project will train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse;

[(v) a description of—

[(I) the specific objectives that the partnership will seek to attain through the project, and the methods that the partnership will use to measure progress toward attainment of those objectives; and

[(II) how the objectives and the measurement methods align with the achievement indicators established by the Secretary under paragraph (6)(A);

[(vi) a description of the partnership's plan for continuing the activities carried out under the project after Federal funding ceases;

[(vii) an assurance that, where applicable, the project will provide appropriate professional development to volunteers working directly with young children, as well as to paid staff; and

[(viii) an assurance that, in developing the application and in carrying out the project, the partnership has consulted with, and will consult with, relevant agencies, early childhood educator organizations, and early childhood providers that are not members of the partnership.

[(4) SELECTION OF GRANT RECIPIENTS.—

[(A) CRITERIA.—The Secretary shall select partnerships to receive grants under this subsection on the basis of the degree to which the communities proposed to be served require assistance and the quality of the applications submitted under paragraph (3).

[(B) GEOGRAPHIC DISTRIBUTION.—In selecting partnerships to receive grants under this subsection, the Secretary shall seek to ensure that communities in different regions of the Nation, as well as both urban and rural communities, are served.

[(5) USES OF FUNDS.—

[(A) IN GENERAL.—Each partnership receiving a grant under this subsection shall use the grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in high-need communities and serve concentrations of children from low-income families.

[(B) ALLOWABLE ACTIVITIES.—Such activities may include—

[(i) professional development for early childhood educators, particularly to familiarize those educators with the application of recent research on child, language, and literacy development and on early childhood pedagogy;

[(ii) professional development for early childhood educators in working with parents, so that the educators and parents can work together to provide and support developmentally appropriate school-readiness services that are based on scientifically based research on early childhood pedagogy and child development and learning domains;

[(iii) professional development for early childhood educators to work with children who have limited English proficiency, children with disabilities, and children with other special needs;

[(iv) professional development to train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse;

[(v) activities that assist and support early childhood educators during their first 3 years in the field;

[(vi) development and implementation of early childhood educator professional development programs that make use of distance learning and other technologies;

[(vii) professional development activities related to the selection and use of screening and diagnostic assessments to improve teaching and learning; and

[(viii) data collection, evaluation, and reporting needed to meet the requirements of paragraph (6) relating to accountability.

[(6) ACCOUNTABILITY.—

[(A) ACHIEVEMENT INDICATORS.—On the date on which the Secretary first issues a notice soliciting applications for grants under this subsection, the Secretary shall announce achievement indicators for this subsection, which shall be designed—

[(i) to measure the quality and accessibility of the professional development provided;

[(ii) to measure the impact of that professional development on the early childhood education provided by the individuals who receive the professional development; and

[(iii) to provide such other measures of program impact as the Secretary determines to be appropriate.

[(B) ANNUAL REPORTS; TERMINATION.—

[(i) ANNUAL REPORTS.—Each partnership receiving a grant under this subsection shall report annually to the Secretary on the partnership's progress toward attaining the achievement indicators.

[(ii) TERMINATION.—The Secretary may terminate a grant under this subsection at any time if the Secretary determines that the partnership receiving the grant is not making satisfactory progress toward attaining the achievement indicators.

[(7) COST-SHARING.—

[(A) IN GENERAL.—Each partnership carrying out a project through a grant awarded under this subsection shall provide, from sources other than the program carried

out under this subsection, which may include Federal sources—

[(i) at least 50 percent of the total cost of the project for the grant period; and

[(ii) at least 20 percent of the project cost for each year.

[(B) ACCEPTABLE CONTRIBUTIONS.—A partnership may meet the requirements of subparagraph (A) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

[(C) WAIVERS.—The Secretary may waive or modify the requirements of subparagraph (A) for partnerships in cases of demonstrated financial hardship.

[(8) FEDERAL COORDINATION.—The Secretary and the Secretary of Health and Human Services shall coordinate activities carried out through programs under this subsection with activities carried out through other early childhood programs administered by the Secretary or the Secretary of Health and Human Services.

[(9) DEFINITIONS.—In this subsection:

[(A) EARLY CHILDHOOD EDUCATOR.—The term “early childhood educator” means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

[(B) HIGH-NEED COMMUNITY.—

[(i) IN GENERAL.—The term “high-need community” means—

[(I) a political subdivision of a State, or a portion of a political subdivision of a State, in which at least 50 percent of the children are from low-income families; or

[(II) a political subdivision of a State that is among the 10 percent of political subdivisions of the State having the greatest numbers of such children.

[(ii) DETERMINATION.—In determining which communities are described in clause (i), the Secretary shall use such data as the Secretary determines are most accurate and appropriate.

[(C) LOW-INCOME FAMILY.—The term “low-income family” means a family with an income below the poverty line for the most recent fiscal year for which satisfactory data are available.

[(f) TEACHER MOBILITY.—

[(1) ESTABLISHMENT.—The Secretary is authorized to establish a panel to be known as the National Panel on Teacher Mobility (referred to in this subsection as the “panel”).

[(2) MEMBERSHIP.—The panel shall be composed of 12 members appointed by the Secretary. The Secretary shall appoint the members from among practitioners and experts with expe-

rience relating to teacher mobility, such as teachers, members of teacher certification or licensing bodies, faculty of institutions of higher education that prepare teachers, and State policymakers with such experience.

[(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall not affect the powers of the panel, but shall be filled in the same manner as the original appointment.

[(4) DUTIES.—

[(A) STUDY.—

[(i) IN GENERAL.—The panel shall study strategies for increasing mobility and employment opportunities for highly qualified teachers, especially for States with teacher shortages and States with school districts or schools that are difficult to staff.

[(ii) DATA AND ANALYSIS.—As part of the study, the panel shall evaluate the desirability and feasibility of State initiatives that support teacher mobility by collecting data and conducting effective analysis concerning—

[(I) teacher supply and demand;

[(II) the development of recruitment and hiring strategies that support teachers; and

[(III) increasing reciprocity of certification and licensing across States.

[(B) REPORT.—Not later than 1 year after the date on which all members of the panel have been appointed, the panel shall submit to the Secretary and to the appropriate committees of Congress a report containing the results of the study.

[(5) POWERS.—

[(A) HEARINGS.—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers advisable to carry out the objectives of this subsection.

[(B) INFORMATION FROM FEDERAL AGENCIES.—The panel may secure directly from any Federal department or agency such information as the panel considers necessary to carry out the provisions of this subsection. Upon request of a majority of the members of the panel, the head of such department or agency shall furnish such information to the panel.

[(C) POSTAL SERVICES.—The panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

[(6) PERSONNEL.—

[(A) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31,

United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

[(B) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

[(7) PERMANENT COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.

## **[PART B—MATHEMATICS AND SCIENCE PARTNERSHIPS**

### **[SEC. 2201. PURPOSE; DEFINITIONS.**

[(a) PURPOSE.—The purpose of this part is to improve the academic achievement of students in the areas of mathematics and science by encouraging State educational agencies, institutions of higher education, local educational agencies, elementary schools, and secondary schools to participate in programs that—

[(1) improve and upgrade the status and stature of mathematics and science teaching by encouraging institutions of higher education to assume greater responsibility for improving mathematics and science teacher education through the establishment of a comprehensive, integrated system of recruiting, training, and advising mathematics and science teachers;

[(2) focus on the education of mathematics and science teachers as a career-long process that continuously stimulates teachers' intellectual growth and upgrades teachers' knowledge and skills;

[(3) bring mathematics and science teachers in elementary schools and secondary schools together with scientists, mathematicians, and engineers to increase the subject matter knowledge of mathematics and science teachers and improve such teachers' teaching skills through the use of sophisticated laboratory equipment and work space, computing facilities, libraries, and other resources that institutions of higher education are better able to provide than the elementary schools and secondary schools;

[(4) develop more rigorous mathematics and science curricula that are aligned with challenging State and local academic content standards and with the standards expected for postsecondary study in engineering, mathematics, and science; and

[(5) improve and expand training of mathematics and science teachers, including training such teachers in the effective integration of technology into curricula and instruction.

[(b) DEFINITIONS.—In this part:

[(1) ELIGIBLE PARTNERSHIP.—The term “eligible partnership” means a partnership that—

[(A) shall include—

[(i) if grants are awarded under section 2202(a)(1), a State educational agency;

[(ii) an engineering, mathematics, or science department of an institution of higher education; and

- [(iii) a high-need local educational agency; and
- [(B) may include—
  - [(i) another engineering, mathematics, science, or teacher training department of an institution of higher education;
  - [(ii) additional local educational agencies, public charter schools, public or private elementary schools or secondary schools, or a consortium of such schools;
  - [(iii) a business; or
  - [(iv) a nonprofit or for-profit organization of demonstrated effectiveness in improving the quality of mathematics and science teachers.

[(2) SUMMER WORKSHOP OR INSTITUTE.—The term “summer workshop or institute” means a workshop or institute, conducted during the summer, that—

- [(A) is conducted for a period of not less than 2 weeks;
- [(B) includes, as a component, a program that provides direct interaction between students and faculty; and
- [(C) provides for followup training during the academic year that is conducted in the classroom for a period of not less than three consecutive or nonconsecutive days, except that—

- [(i) if the workshop or institute is conducted during a 2-week period, the followup training shall be conducted for a period of not less than 4 days; and

- [(ii) if the followup training is for teachers in rural school districts, the followup training may be conducted through distance learning.

**[SEC. 2202. GRANTS FOR MATHEMATICS AND SCIENCE PARTNERSHIPS.**

[(a) GRANTS AUTHORIZED.—

[(1) GRANTS TO PARTNERSHIPS.—For any fiscal year for which the funds appropriated under section 2203 are less than \$100,000,000, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to carry out the authorized activities described in subsection (c).

[(2) GRANTS TO STATE EDUCATIONAL AGENCIES.—

[(A) IN GENERAL.—For any fiscal year for which the funds appropriated under section 2203 equal or exceed \$100,000,000—

- [(i) if an eligible partnership in the State was previously awarded a grant under paragraph (1), and the grant period has not ended, the Secretary shall reserve funds in a sufficient amount to make payments to the partnership in accordance with the terms of the grant; and

- [(ii) the Secretary is authorized to award grants to State educational agencies to enable such agencies to award subgrants, on a competitive basis, to eligible partnerships to carry out the authorized activities described in subsection (c).

[(B) ALLOTMENT.—The Secretary shall allot the amount made available under this part for a fiscal year and not reserved under subparagraph (A)(i) among the State educational agencies in proportion to the number of children,

aged 5 to 17, who are from families with incomes below the poverty line and reside in a State for the most recent fiscal year for which satisfactory data are available, as compared to the number of such children who reside in all such States for such year.

[(C) MINIMUM ALLOTMENT.—The amount of any State educational agency's allotment under subparagraph (B) for any fiscal year may not be less than one-half of 1 percent of the amount made available under this part for such year.

[(3) DURATION.—The Secretary shall award grants under this part for a period of 3 years.

[(4) SUPPLEMENT, NOT SUPPLANT.—Funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

[(b) APPLICATION REQUIREMENTS.—

[(1) IN GENERAL.—Each eligible partnership desiring a grant or subgrant under this part shall submit an application—

[(A) in the case of grants awarded pursuant to subsection (a)(1), to the Secretary, at such time, in such manner, and accompanied by such information as the Secretary may require; or

[(B) in the case of subgrants awarded pursuant to subsection (a)(2), to the State educational agency, at such time, in such manner, and accompanied by such information as the State educational agency may require.

[(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include—

[(A) the results of a comprehensive assessment of the teacher quality and professional development needs of any schools, local educational agencies, and State educational agencies that comprise the eligible partnership with respect to the teaching and learning of mathematics and science;

[(B) a description of how the activities to be carried out by the eligible partnership will be aligned with challenging State academic content and student academic achievement standards in mathematics and science and with other educational reform activities that promote student academic achievement in mathematics and science;

[(C) a description of how the activities to be carried out by the eligible partnership will be based on a review of scientifically based research, and an explanation of how the activities are expected to improve student academic achievement and strengthen the quality of mathematics and science instruction;

[(D) a description of—

[(i) how the eligible partnership will carry out the authorized activities described in subsection (c); and

[(ii) the eligible partnership's evaluation and accountability plan described in subsection (e); and

[(E) a description of how the eligible partnership will continue the activities funded under this part after the original grant or subgrant period has expired.

[(c) AUTHORIZED ACTIVITIES.—An eligible partnership shall use funds provided under this part for one or more of the following activities related to elementary schools or secondary schools:

[(1) Creating opportunities for enhanced and ongoing professional development of mathematics and science teachers that improves the subject matter knowledge of such teachers.

[(2) Promoting strong teaching skills for mathematics and science teachers and teacher educators, including integrating reliable scientifically based research teaching methods and technology-based teaching methods into the curriculum.

[(3) Establishing and operating mathematics and science summer workshops or institutes, including followup training, for elementary school and secondary school mathematics and science teachers that—

[(A) shall—

[(i) directly relate to the curriculum and academic areas in which the teacher provides instruction, and focus only secondarily on pedagogy;

[(ii) enhance the ability of the teacher to understand and use the challenging State academic content standards for mathematics and science and to select appropriate curricula; and

[(iii) train teachers to use curricula that are—

[(I) based on scientific research;

[(II) aligned with challenging State academic content standards; and

[(III) object-centered, experiment-oriented, and concept- and content-based; and

[(B) may include—

[(i) programs that provide teachers and prospective teachers with opportunities to work under the guidance of experienced teachers and college faculty;

[(ii) instruction in the use of data and assessments to inform and instruct classroom practice; and

[(iii) professional development activities, including supplemental and followup activities, such as curriculum alignment, distance learning, and activities that train teachers to utilize technology in the classroom.

[(4) Recruiting mathematics, engineering, and science majors to teaching through the use of—

[(A) signing and performance incentives that are linked to activities proven effective in retaining teachers, for individuals with demonstrated professional experience in mathematics, engineering, or science;

[(B) stipends provided to mathematics and science teachers for certification through alternative routes;

[(C) scholarships for teachers to pursue advanced course work in mathematics, engineering, or science; and

[(D) other programs that the State educational agency determines to be effective in recruiting and retaining individuals with strong mathematics, engineering, or science backgrounds.

[(5) Developing or redesigning more rigorous mathematics and science curricula that are aligned with challenging State

and local academic content standards and with the standards expected for postsecondary study in mathematics and science.

[(6) Establishing distance learning programs for mathematics and science teachers using curricula that are innovative, content-based, and based on scientifically based research that is current as of the date of the program involved.

[(7) Designing programs to prepare a mathematics or science teacher at a school to provide professional development to other mathematics or science teachers at the school and to assist beginning and other teachers at the school, including (if applicable) a mechanism to integrate the teacher's experiences from a summer workshop or institute into the provision of professional development and assistance.

[(8) Establishing and operating programs to bring mathematics and science teachers into contact with working scientists, mathematicians, and engineers, to expand such teachers' subject matter knowledge of and research in science and mathematics.

[(9) Designing programs to identify and develop exemplary mathematics and science teachers in the kindergarten through grade 8 classrooms.

[(10) Training mathematics and science teachers and developing programs to encourage young women and other underrepresented individuals in mathematics and science careers (including engineering and technology) to pursue postsecondary degrees in majors leading to such careers.

[(d) COORDINATION AND CONSULTATION.—

[(1) PARTNERSHIP GRANTS.—An eligible partnership receiving a grant under section 203 of the Higher Education Act of 1965 shall coordinate the use of such funds with any related activities carried out by such partnership with funds made available under this part.

[(2) NATIONAL SCIENCE FOUNDATION.—In carrying out the activities authorized by this part, the Secretary shall consult and coordinate with the Director of the National Science Foundation, particularly with respect to the appropriate roles for the Department and the Foundation in the conduct of summer workshops, institutes, or partnerships to improve mathematics and science teaching in elementary schools and secondary schools.

[(e) EVALUATION AND ACCOUNTABILITY PLAN.—

[(1) IN GENERAL.—Each eligible partnership receiving a grant or subgrant under this part shall develop an evaluation and accountability plan for activities assisted under this part that includes rigorous objectives that measure the impact of activities funded under this part.

[(2) CONTENTS.—The plan developed pursuant to paragraph (1)—

[(A) shall include measurable objectives to increase the number of mathematics and science teachers who participate in content-based professional development activities;

[(B) shall include measurable objectives for improved student academic achievement on State mathematics and science assessments or, where applicable, an International Mathematics and Science Study assessment; and

[(C) may include objectives and measures for—

[(i) increased participation by students in advanced courses in mathematics and science;

[(ii) increased percentages of elementary school teachers with academic majors or minors, or group majors or minors, in mathematics, engineering, or the sciences; and

[(iii) increased percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics, engineering, and science.

[(f) REPORT.—Each eligible partnership receiving a grant or subgrant under this part shall report annually to the Secretary regarding the eligible partnership's progress in meeting the objectives described in the accountability plan of the partnership under subsection (e).

**[SEC. 2203. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated to carry out this part \$450,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.]

## ***TITLE II—TEACHER PREPARATION AND EFFECTIVENESS***

### ***PART A—SUPPORTING EFFECTIVE INSTRUCTION***

**SEC. 2101. PURPOSE.**

*The purpose of this part is to provide grants to State educational agencies and subgrants to local educational agencies to—*

*(1) increase student achievement consistent with State academic standards under section 1111;*

*(2) improve teacher and school leader effectiveness;*

*(3) provide evidence-based, continuous, job-embedded professional development; and*

*(4) develop and implement teacher evaluation systems to link teacher performance with student achievement to determine teacher effectiveness.*

#### ***Subpart 1—Grants to States***

**SEC. 2111. ALLOTMENTS TO STATES.**

*(a) IN GENERAL.—Of the amounts appropriated under section 3(a), the Secretary shall reserve 75 percent to make grants to States with applications approved under section 2112 to pay for the Federal share of the cost of carrying out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).*

*(b) DETERMINATION OF ALLOTMENTS.—*

*(1) RESERVATION OF FUNDS.—Of the amount reserved under subsection (a) for a fiscal year, the Secretary shall reserve—*

*(A) not more than 1 percent to carry out national activities under section 2132;*

(B) one-half of 1 percent for allotments to outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

(C) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

(2) STATE ALLOTMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), from the funds reserved under subsection (a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State the sum of—

(i) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(ii) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(B) SMALL STATE MINIMUM.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total amount of funds allotted under such subparagraph for a fiscal year.

(c) ALTERNATE DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (5), if a State does not apply to the Secretary for an allotment under this section, a local educational agency located in such State may apply to the Secretary for a portion of the funds that would have been allotted to the State had such State applied for an allotment under this section to carry out the activities under this part.

(2) APPLICATION.—In order to receive an allotment under paragraph (1), a local educational agency shall submit to the Secretary an application at such time, in such manner, and containing the information described in section 2122.

(3) USE OF FUNDS.—A local educational agency receiving an allotment under paragraph (1)—

(A) shall use such funds to carry out the activities described in section 2123(1); and

(B) may use such funds to carry out the activities described in section 2123(2).

(4) REPORTING REQUIREMENTS.—A local educational agency receiving an allotment under paragraph (1) shall carry out the reporting requirements described in section 2131(a), except that annual reports shall be submitted to the Secretary and not a State educational agency.

(5) AMOUNT OF ALLOTMENT.—An allotment made to a local educational agency under paragraph (1) for a fiscal year shall be equal to the amount of subgrant funds that the local educational agency would have received under subpart 2 had such

agency applied for a subgrant under such subpart for such fiscal year.

(d) **REALLOTMENT.**—If a State does not apply for an allotment under this section for any fiscal year or only a portion of the State's allotment is allotted under subsection (c), the Secretary shall reallocate the State's entire allotment or the remaining portion of its allotment, as the case may be, to the remaining States in accordance with subsection (b).

**SEC. 2112. STATE APPLICATION.**

(a) **IN GENERAL.**—For a State to be eligible to receive a grant under this subpart, the State educational agency shall submit an application to the Secretary at such time and in such a manner as the Secretary may reasonably require, which shall include the following:

(1) A description of how the State educational agency will meet the requirements of this subpart.

(2) A description of how the State educational agency will use a grant received under section 2111, including the grant funds the State will reserve for State-level activities under section 2113(a)(2).

(3) A description of how the State educational agency will facilitate the sharing of evidence-based and other effective strategies among local educational agencies.

(4) In the case of a State educational agency that is not developing or implementing a statewide teacher evaluation system, a description of how the State educational agency will ensure that each local educational agency in the State receiving a subgrant under subpart 2 will implement a teacher evaluation system that meets the requirements of clauses (i) through (v) of section 2123(1)(A).

(5) In the case of a State educational agency that is developing or implementing a statewide teacher evaluation system—

(A) a description of how the State educational agency will work with local educational agencies in the State to implement the statewide teacher evaluation system within 3 years of the date of enactment of the Encouraging Innovation and Effective Teachers Act; and

(B) an assurance that the statewide teacher evaluation system complies with clauses (i) through (v) of section 2123(1)(A).

(6) An assurance that the State educational agency will comply with section 5501 (regarding participation by private school children and teachers).

(b) **DEEMED APPROVAL.**—An application submitted by a State educational agency under subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

(c) **DISAPPROVAL.**—The Secretary shall not finally disapprove an application, except after giving the State educational agency notice and an opportunity for a hearing.

(d) **NOTIFICATION.**—If the Secretary finds that an application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

(1) give the State educational agency notice and an opportunity for a hearing; and

(2) notify the State educational agency of the finding of non-compliance and, in such notification, shall—

(A) cite the specific provisions in the application that are not in compliance; and

(B) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

(e) **RESPONSE.**—If a State educational agency responds to a notification from the Secretary under subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

(2) the expiration of the 120-day period described in subsection (b).

(f) **FAILURE TO RESPOND.**—If a State educational agency does not respond to a notification from the Secretary under subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

**SEC. 2113. STATE USE OF FUNDS.**

(a) **IN GENERAL.**—A State educational agency that receives a grant under section 2111 shall—

(1) reserve 95 percent of the grant funds to make subgrants to local educational agencies under subpart 2; and

(2) use the remainder of the funds, after reserving funds under paragraph (1), for the State activities described in subsection (b), except that the State may reserve not more than 1 percent of the grant funds for planning and administration related to carrying out activities described in subsection (b).

(b) **STATE-LEVEL ACTIVITIES.**—A State educational agency that receives a grant under section 2111—

(1) shall use the amount described in subsection (a)(2) to—

(A) provide training and technical assistance to local educational agencies on—

(i) in the case of a State educational agency not implementing a statewide teacher evaluation system—

(I) the development and implementation of a teacher evaluation system that meets the requirements of clauses (i) through (v) of section 2123(1)(A); and

(II) training school leaders in using such evaluation system; or

(ii) in the case of a State educational agency implementing a statewide teacher evaluation system, implementing such evaluation system; and

(B) fulfill the State educational agency's responsibilities with respect to the proper and efficient administration of the subgrant program carried out under this part; and

(2) may use the amount described in subsection (a)(2) to—

(A) disseminate and share evidence-based and other effective practices related to teacher and school leader effectiveness and professional development; and

(B) provide professional development for teachers and school leaders in the State consistent with clauses (i) through (v) of section 2123(2)(B).

### **Subpart 2—Subgrants to Local Educational Agencies**

#### **SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.**

(a) *IN GENERAL.*—Each State receiving a grant under section 2111 shall use the funds reserved under section 2113(a)(1) to award subgrants to local educational agencies under this section.

(b) *ALLOCATION OF FUNDS.*—From the funds reserved by a State under section 2113(a)(1), the State educational agency shall allocate to each local educational agency in the State the sum of—

(1) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 in the geographic area served by the local educational agency, as determined by the State on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

(2) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the local educational agency, as determined by the State on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

#### **SEC. 2122. LOCAL APPLICATIONS.**

To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency involved at such time, in such a manner, and containing such information as the State educational agency may reasonably require that, at a minimum, shall include the following:

(1) A description of—

(A) how the local educational agency will meet the requirements of this subpart;

(B) how the activities to be carried out by the local educational agency under this subpart will be evidence-based, improve student academic achievement, and improve teacher and school leader effectiveness;

(C) in the case of a local educational agency not in a State with a statewide teacher evaluation system, the teacher evaluation system that will be developed and implemented under section 2123(1) and how such system will meet the requirements described in clauses (i) through (v) of section 2123(1)(A);

(D) how, in developing and implementing such a teacher evaluation system, the local educational agency will work

*with parents, teachers, school leaders, and other staff of the schools served by the local educational agency; and*

*(E) how the local educational agency will develop and implement such a teacher evaluation system within 3 years of the date of enactment of the Encouraging Innovation and Effective Teachers Act.*

*(2) In the case of a local educational agency in a State with a statewide teacher evaluation system, a description of how the local educational agency will work with the State educational agency to implement the statewide teacher evaluation system within 3 years of the date of enactment of the Encouraging Innovation and Effective Teachers Act.*

*(3) An assurance that the local educational agency will comply with section 5501 (regarding participation by private school children and teachers).*

**SEC. 2123. LOCAL USE OF FUNDS.**

*A local educational agency receiving a subgrant under this subpart—*

*(1) shall use such funds—*

*(A) to develop and implement a teacher evaluation system that—*

*(i) uses student achievement data derived from a variety of sources as a significant factor in determining a teacher's evaluation, with the weight given to such data defined by the local educational agency;*

*(ii) uses multiple measures of evaluation for evaluating teachers;*

*(iii) has more than 2 categories for rating the performance of teachers;*

*(iv) shall be used to make personnel decisions, as determined by the local educational agency; and*

*(v) is based on input from parents, school leaders, teachers, and other staff of schools served by the local educational agency; or*

*(B) in the case of a local educational agency located in a State implementing a statewide teacher evaluation system, to implement such evaluation system; and*

*(2) may use such funds for—*

*(A) the training of school leaders for the purpose of evaluating teachers under a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate;*

*(B) professional development for teachers and school leaders that is evidence-based, job-embedded, and continuous, such as—*

*(i) subject-based professional development for teachers;*

*(ii) professional development aligned with the State's academic standards;*

*(iii) professional development for teachers of students with disabilities and English learners;*

*(iv) professional development for teachers identified as in need of additional support through data provided by a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate;*

(v) professional development based on the current science of learning, which includes research on positive brain change and cognitive skill development;

(vi) professional development for school leaders, including mentorship programs for such leaders; or

(vii) professional development on integrated, interdisciplinary, and project-based teaching strategies, including for career and technical education teachers;

(C) partnering with a public or private organization or a consortium of such organizations to develop and implement a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate;

(D) any activities authorized under section 2222(a); or

(E) class size reduction, except that the local educational agency may use not more than 10 percent of such funds for this purpose.

### **Subpart 3—General Provisions**

#### **SEC. 2131. REPORTING REQUIREMENTS.**

(a) **LOCAL EDUCATIONAL AGENCIES.**—Each local educational agency receiving a subgrant under subpart 2 shall submit to the State educational agency involved, on an annual basis until the last year in which the local educational agency receives such subgrant funds, a report on—

(1) how the local educational agency is meeting the purposes of this part described in section 2101;

(2) how the local educational agency is using such subgrant funds;

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

(4) any such other information as the State educational agency may require.

(b) **STATE EDUCATIONAL AGENCIES.**—Each State educational agency receiving a grant under subpart 1 shall submit to the Secretary a report, on an annual basis until the last year in which the State educational agency receives such grant funds, on—

(1) how the State educational agency is meeting the purposes of this part described in section 2101; and

(2) how the State educational agency is using such grant funds.

#### **SEC. 2132. NATIONAL ACTIVITIES.**

From the funds reserved by the Secretary under section 2111(b)(1)(A), the Secretary shall, directly or through grants and contracts—

(1) provide technical assistance to States and local educational agencies in carrying out activities under this part; and

(2) acting through the Institute of Education Sciences, conduct national evaluations of activities carried out by State educational agencies and local educational agencies under this part.

**SEC. 2133. STATE DEFINED.**

*In this part, the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.*

**PART B—TEACHER AND SCHOOL LEADER  
FLEXIBLE GRANT**

**SEC. 2201. PURPOSE.**

*The purpose of this part is to improve student academic achievement in the core academic subjects by—*

*(1) supporting all State educational agencies, local educational agencies, schools, teachers, and school leaders to help all students meet the State’s academic standards; and*

*(2) increasing the number of teachers and school leaders who are effective in increasing student academic achievement.*

**Subpart 1—Formula Grants to States**

**SEC. 2211. STATE ALLOTMENTS.**

*(a) RESERVATIONS.—From the amount appropriated under section 3(a) for any fiscal year, the Secretary—*

*(1) shall reserve 25 percent to award grants to States under this subpart; and*

*(2) of the amount reserved under paragraph (1), shall reserve—*

*(A) not more than 1 percent for national activities described in section 2233;*

*(B) one-half of 1 percent for allotments to outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and*

*(C) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.*

*(b) STATE ALLOTMENTS.—*

*(1) IN GENERAL.—From the total amount reserved under subsection (a)(1) for each fiscal year and not reserved under subparagraphs (A) through (C) of subsection (a)(2), the Secretary shall allot, and make available in accordance with this section, to each State an amount that bears the same ratio to such sums as the school-age population of the State bears to the school-age population of all States.*

*(2) SMALL STATE MINIMUM.—No State receiving an allotment under paragraph (1) may receive less than one-half of 1 percent of the total amount allotted under such paragraph.*

*(3) REALLOTMENT.—If a State does not receive an allotment under this subpart for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this section.*

*(c) STATE APPLICATION.—In order to receive an allotment under this section for any fiscal year, a State shall submit an application to the Secretary, at such time and in such manner as the Secretary may reasonably require. Such application shall—*

(1) designate the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

(2) describe how the State educational agency will use funds received under this section for State level activities described in subsection (d)(3);

(3) describe the procedures and criteria the State educational agency will use for reviewing applications and awarding subgrants to eligible entities under section 2221 on a competitive basis;

(4) describe how the State educational agency will ensure that subgrants made under section 2221 are of sufficient size and scope to support effective programs that will help increase academic achievement in the classroom and are consistent with the purposes of this part;

(5) describe the steps the State educational agency will take to ensure that eligible entities use subgrant funds received under section 2221 to carry out programs that implement effective strategies, including by providing ongoing technical assistance and training, and disseminating evidence-based and other effective strategies to such eligible entities;

(6) describe how programs under this part will be coordinated with other programs under this Act; and

(7) include an assurance that, other than providing technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised, and will not exercise, any influence in the decision-making processes of eligible entities as to the expenditure of funds made pursuant to an application submitted under section 2221(b).

(d) STATE USE OF FUNDS.—

(1) IN GENERAL.—Each State that receives an allotment under this section shall reserve not less than 92 percent of the amount allotted to such State under subsection (b), for each fiscal year, for subgrants to eligible entities under subpart 2.

(2) STATE ADMINISTRATION.—A State educational agency may reserve not more than 1 percent of the amount made available to the State under subsection (b) for the administrative costs of carrying out such State educational agency's responsibilities under this subpart.

(3) STATE-LEVEL ACTIVITIES.—

(A) INNOVATIVE TEACHER AND SCHOOL LEADER ACTIVITIES.—A State educational agency shall reserve not more than 4 percent of the amount made available to the State under subsection (b) to carry out 1 or more of the following activities:

(i) Reforming teacher and school leader certification, recertification, licensing, and tenure systems to ensure that—

(I) each teacher has the subject matter knowledge and teaching skills necessary to help students meet the State's academic standards; and

(II) school leaders have the instructional leadership skills to help teachers instruct and students learn.

(ii) Carrying out programs that establish, expand, or improve alternative routes for State certification or licensure of teachers and school leaders, including such programs for—

(I) mid-career professionals from other occupations, including science, technology, engineering, and math fields;

(II) former military personnel; and

(III) recent graduates of an institution of higher education, with a record of academic distinction, who demonstrate the potential to become effective teachers or school leaders.

(iii) Developing, or assisting eligible entities in developing—

(I) performance-based pay systems for teachers and school leaders;

(II) strategies that provide differential, incentive, or bonus pay for teachers; or

(III) teacher advancement initiatives that promote professional growth and emphasize multiple career paths and pay differentiation.

(iv) Developing, or assisting eligible entities in developing, new teacher and school leaders induction and mentoring programs that are designed to—

(I) improve instruction and student learning and achievement; and

(II) increase the retention of effective teachers and school leaders.

(v) Providing professional development for teachers and school leaders that is focused on—

(I) improving teaching and student learning and achievement in the core academic subjects; and

(II) improving teaching, student learning, and achievement for students with disabilities, English learners, and other special populations.

(vi) Providing training and technical assistance to eligible entities that receive a subgrant under section 2221.

(vii) Other activities identified by the State educational agency that meet the purposes of this part, including those activities authorized under subparagraph (B).

**(B) TEACHER OR SCHOOL LEADER PREPARATION ACADEMIES.—**

(i) **IN GENERAL.**—In the case of a State in which teacher or school leader preparation academies are allowable under State law, a State educational agency may reserve not more than 3 percent of the amount made available to the State under subsection (b) to support the establishment or expansion of one or more teacher or school leader preparation academies and, subject to the limitation under clause (iii), to support State authorizers for such academies.

(ii) **MATCHING REQUIREMENT.**—A State educational agency shall not provide funds under this subpara-

graph to support the establishment or expansion of a teacher or school leader preparation academy unless the academy agrees to provide, either directly or through private contributions, non-Federal matching funds equal to not less than 10 percent of the amount of the funds the academy will receive under this subparagraph.

(iii) *FUNDING FOR STATE AUTHORIZERS.*—Not more than 5 percent of funds provided to a teacher or school leader preparation academy under this subparagraph may be used to support activities of State authorizers for such academy.

**SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLICATIONS.**

(a) *DEEMED APPROVAL.*—An application submitted by a State pursuant to section 2211(c) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with section 2211(c).

(b) *DISAPPROVAL PROCESS.*—

(1) *IN GENERAL.*—The Secretary shall not finally disapprove an application submitted under section 2211(c), except after giving the State educational agency notice and an opportunity for a hearing.

(2) *NOTIFICATION.*—If the Secretary finds that an application is not in compliance, in whole or in part, with section 2211(c) the Secretary shall—

(A) give the State educational agency notice and an opportunity for a hearing; and

(B) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

(i) cite the specific provisions in the application that are not in compliance; and

(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

(3) *RESPONSE.*—If a State educational agency responds to a notification from the Secretary under paragraph (2)(B) during the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the application with the requested information described in paragraph (2)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—

(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

(B) the expiration of the 120-day period described in subsection (a).

(4) *FAILURE TO RESPOND.*—If the State educational agency does not respond to a notification from the Secretary under paragraph (2)(B) during the 45-day period beginning on the date on which the State educational agency received the notification, such application shall be deemed to be disapproved.

## **Subpart 2—Local Competitive Grant Program**

### **SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.**

(a) *IN GENERAL.*—A State that receives an allotment under section 2211(b) for a fiscal year shall use the amount reserved under section 2211(d)(1) to award subgrants, on a competitive basis, to eligible entities in accordance with this section to enable such entities to carry out the programs and activities described in section 2222.

(b) *APPLICATION.*—

(1) *IN GENERAL.*—To be eligible to receive a subgrant under this section, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

(2) *CONTENTS.*—Each application submitted under paragraph (1) shall include—

(A) a description of the programs and activities to be funded and how they are consistent with the purposes of this part; and

(B) an assurance that the eligible entity will comply with section 5501 (regarding participation by private school children and teachers).

(c) *PEER REVIEW.*—In reviewing applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications but the review shall only judge the likelihood of the activity to increase student academic achievement. The reviewers shall not make a determination based on the policy of the proposed activity.

(d) *GEOGRAPHIC DIVERSITY.*—A State educational agency shall distribute funds under this section equitably among geographic areas within the State, including rural, suburban, and urban communities.

(e) *DURATION OF AWARDS.*—A State educational agency may award subgrants under this section for a period of not more than 5 years.

(f) *MATCHING.*—An eligible entity receiving a subgrant under this section shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 10 percent of the amount of the subgrant.

### **SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.**

(a) *IN GENERAL.*—Each eligible entity receiving a subgrant under section 2221 shall use such subgrant funds to develop, implement, and evaluate comprehensive programs and activities, that are in accordance with the purpose of this part and—

(1) are consistent with the principles of effectiveness described in subsection (b); and

(2) may include, among other programs and activities—

(A) developing and implementing initiatives to assist in recruiting, hiring, and retaining highly effective teachers and school leaders, including initiatives that provide—

(i) differential, incentive, or bonus pay for teachers;

(ii) performance-based pay systems for teachers and school leaders;

(iii) *teacher advancement initiatives that promote professional growth and emphasize multiple career paths and pay differentiation;*

(iv) *new teacher and school leader induction and mentoring programs that are designed to improve instruction, student learning and achievement, and to increase teacher and school leader retention; and*

(v) *teacher residency programs, and school leader residency programs, designed to develop and support new teachers or new school leaders, respectively;*

(B) *supporting the establishment or expansion of teacher or school leader preparation academies under section 2221(d)(3)(B);*

(C) *recruiting qualified individuals from other fields, including individuals from science, technology, engineering, and math fields, mid-career professionals from other occupations, and former military personnel;*

(D) *establishing, improving, or expanding model instructional programs in the core academic subjects to ensure that all children meet the State's academic standards;*

(E) *providing high-quality professional development for teachers and school leaders focused on improving teaching and student learning and achievement in the core academic subjects;*

(F) *implementing programs based on the current science of learning, which includes research on positive brain change and cognitive skill development; and*

(G) *other activities and programs identified as necessary by the local educational agency that meet the purpose of this part.*

(b) **PRINCIPLES OF EFFECTIVENESS.**—*For a program or activity developed pursuant to this section to meet the principles of effectiveness, such program or activity shall—*

(1) *be based upon an assessment of objective data regarding the need for programs and activities in the elementary schools and secondary schools served to increase the number of teachers and school leaders who are effective in improving student academic achievement;*

(2) *reflect evidence-based research, or in the absence of a strong research base, reflect effective strategies in the field, that provide evidence that the program or activity will improve student academic achievement in the core academic subjects; and*

(3) *include meaningful and ongoing consultation with, and input from, teachers, school leaders, and parents, in the development of the application and administration of the program or activity.*

### **Subpart 3—General Provisions**

#### **SEC. 2231. PERIODIC EVALUATION.**

(a) **IN GENERAL.**—*Each eligible entity and each teacher or school leader preparation academy that receives funds under this part shall undergo a periodic evaluation by the State educational agency involved to assess such entity's or such academy's progress toward achieving the purposes of this part.*

(b) *USE OF RESULTS.*—*The results of an evaluation described in subsection (a) of an eligible entity or academy shall be—*

- (1) *used to refine, improve, and strengthen such eligible entity or such academy, respectively; and*
- (2) *made available to the public upon request, with public notice of such availability provided.*

**SEC. 2232. REPORTING REQUIREMENTS.**

(a) *ELIGIBLE ENTITIES AND ACADEMIES.*—*Each eligible entity and each teacher or school leader preparation academy that receives funds from a State educational agency under this part shall prepare and submit annually to such State educational agency a report that includes—*

- (1) *a description of the progress of the eligible entity or teacher or school leader preparation academy, respectively, in meeting the purposes of this part;*
- (2) *a description of the programs and activities conducted by the eligible entity or teacher or school leader preparation academy, respectively, with funds received under this part;*
- (3) *how the eligible entity or teacher or school leader preparation academy, respectively, is using such funds; and*
- (4) *any such other information as the State educational agency may require.*

(b) *STATE EDUCATIONAL AGENCIES.*—*Each State educational agency that receives a grant under this part shall prepare and submit, annually, to the Secretary a report that includes—*

- (1) *a description of the programs and activities conducted by the State educational agency with grant funds received under this part;*
- (2) *a description of the progress of the State educational agency in meeting the purposes of this part described in section 2201;*
- (3) *how the State educational agency is using grant funds received under this part;*
- (4) *the methods and criteria the State educational agency used to award subgrants to eligible entities under section 2221 and, if applicable, funds to teacher or school leader academies under section 2211(d)(3)(B); and*
- (5) *the results of the periodic evaluations conducted under section 2231.*

**SEC. 2233. NATIONAL ACTIVITIES.**

*From the funds reserved by the Secretary under section 2211(a)(1), the Secretary shall, directly or through grants and contracts—*

- (1) *provide technical assistance to States and eligible entities in carrying out activities under this part; and*
- (2) *acting through the Institute of Education Sciences, conduct national evaluations of activities carried out by States and eligible entities under this part.*

**SEC. 2234. DEFINITIONS.**

*In this part:*

- (1) *ELIGIBLE ENTITY.*—*The term “eligible entity” means—*
  - (A) *a local educational agency or consortium of local educational agencies;*

(B) an institution of higher education or consortium of such institutions in partnership with a local educational agency or consortium of local educational agencies;

(C) a for-profit organization, a nonprofit organization, or a consortium of for-profit or nonprofit organizations in partnership with a local educational agency or consortium of local educational agencies; or

(D) a consortium of the entities described in subparagraphs (B) and (C).

(2) *STATE*.—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(3) *STATE AUTHORIZER*.—The term “State authorizer” means an entity designated by the Governor of a State to authorize teacher or school leader preparation academies within the State that—

(A) enters into an agreement with a teacher or school leader preparation academy that—

(i) specifies the goals expected of the academy, which, at a minimum, include the goals described in paragraph (4); and

(ii) does not reauthorize the academy if such goals are not met; and

(B) may be a nonprofit organization, a State educational agency, or other public entity, or consortium of such entities (including a consortium of State educational agencies).

(4) *TEACHER OR SCHOOL LEADER PREPARATION ACADEMY*.—The term “teacher or school leader preparation academy” means a public or private entity, or a nonprofit or for-profit organization, which may be an institution of higher education or an organization affiliated with an institution of higher education, that will prepare teachers or school leaders to serve in schools, and that—

(A) enters into an agreement with a State authorizer that specifies the goals expected of the academy, including—

(i) a requirement that prospective teachers or school leaders who are enrolled in a teacher or school leader preparation academy receive a significant part of their training through clinical preparation that partners the prospective candidate with an effective teacher or school leader, respectively, with a demonstrated record of increasing student achievement, while also receiving concurrent instruction from the academy in the content area (or areas) in which the prospective teacher or school leader will become certified or licensed;

(ii) the number of effective teachers or school leaders, respectively, who will demonstrate success in increasing student achievement that the academy will produce; and

(iii) a requirement that a teacher or school leader preparation academy will only award a certificate of completion after the graduate demonstrates that the graduate is an effective teacher or school leader, respectively, with a demonstrated record of increasing student achievement, except that an academy may award

*a provisional certificate for the period necessary to allow the graduate to demonstrate such effectiveness;*

*(B) does not have restrictions on the methods the academy will use to train prospective teacher or school leader candidates, including—*

*(i) obligating (or prohibiting) the academy's faculty to hold advanced degrees or conduct academic research;*

*(ii) restrictions related to the academy's physical infrastructure;*

*(iii) restrictions related to the number of course credits required as part of the program of study;*

*(iv) restrictions related to the undergraduate coursework completed by teachers teaching or working on alternative certificates, licenses, or credentials, as long as such teachers have successfully passed all relevant State-approved content area examinations; or*

*(v) restrictions related to obtaining accreditation from an accrediting body for purposes of becoming an academy;*

*(C) limits admission to its program to prospective teacher or school leader candidates who demonstrate strong potential to improve student achievement, based on a rigorous selection process that reviews a candidate's prior academic achievement or record of professional accomplishment; and*

*(D) results in a certificate of completion that the State may recognize as at least the equivalent of a master's degree in education for the purposes of hiring, retention, compensation, and promotion in the State.*

**(5) TEACHER RESIDENCY PROGRAM.**—*The term “teacher residency program” means a school-based teacher preparation program in which a prospective teacher—*

*(A) for one academic year, teaches alongside an effective teacher, as determined by a teacher evaluation system implemented under part A, who is the teacher of record;*

*(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution (as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021)), which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed; and*

*(C) acquires effective teaching skills.*

## **PART C—INNOVATION FOR TEACHER QUALITY**

### **[Subpart 1—Transitions to Teaching**

#### **[CHAPTER A—TROOPS-TO-TEACHERS PROGRAM**

##### **[SEC. 2301. DEFINITIONS.**

**[In this chapter:**

**[(1) ARMED FORCES.**—The term “Armed Forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

[(2) MEMBER OF THE ARMED FORCES.—The term “member of the Armed Forces” includes a former member of the Armed Forces.

[(3) PROGRAM.—The term “Program” means the Troops-to-Teachers Program authorized by this chapter.

[(4) RESERVE COMPONENT.—The term “reserve component” means—

[(A) the Army National Guard of the United States;

[(B) the Army Reserve;

[(C) the Navy Reserve;

[(D) the Marine Corps Reserve;

[(E) the Air National Guard of the United States;

[(F) the Air Force Reserve; and

[(G) the Coast Guard Reserve.

[(5) SECRETARY CONCERNED.—The term “Secretary concerned” means—

[(A) the Secretary of the Army, with respect to matters concerning a reserve component of the Army;

[(B) the Secretary of the Navy, with respect to matters concerning reserve components named in subparagraphs (C) and (D) of paragraph (4);

[(C) the Secretary of the Air Force, with respect to matters concerning a reserve component of the Air Force; and

[(D) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard Reserve.

**[SEC. 2302. AUTHORIZATION OF TROOPS-TO-TEACHERS PROGRAM.**

[(a) PURPOSE.—The purpose of this section is to authorize a mechanism for the funding and administration of the Troops-to-Teachers Program, which was originally established by the Troops-to-Teachers Program Act of 1999 (title XVII of the National Defense Authorization Act for Fiscal Year 2000) (20 U.S.C. 9301 et seq.).

[(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the “Troops-to-Teachers Program”)—

[(1) to assist eligible members of the Armed Forces described in section 2303 to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and

[(2) to facilitate the employment of such members—

[(A) by local educational agencies or public charter schools that the Secretary identifies as—

[(i) receiving grants under part A of title I as a result of having within their jurisdictions concentrations of children from low-income families; or

[(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers; and

[(B) in elementary schools or secondary schools, or as vocational or technical teachers.

[(c) ADMINISTRATION OF PROGRAM.—The Secretary shall enter into a memorandum of agreement with the Secretary of Defense under which the Secretary of Defense, acting through the Defense Activity for Non-Traditional Education Support of the Department

of Defense, will perform the actual administration of the Program, other than section 2306. Using funds appropriated to the Secretary to carry out this chapter, the Secretary shall transfer to the Secretary of Defense such amounts as may be necessary to administer the Program pursuant to the memorandum of agreement.

[(d) INFORMATION REGARDING PROGRAM.—The Secretary shall provide to the Secretary of Defense information regarding the Program and applications to participate in the Program, for distribution as part of preseparation counseling provided under section 1142 of title 10, United States Code, to members of the Armed Forces described in section 2303.

[(e) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services to members of the Armed Forces who meet the criteria described in section 2303, including meeting education qualification requirements under subsection 2303(c)(2). Such members shall not be eligible for financial assistance under subsections (c) and (d) of section 2304.

**[SEC. 2303. RECRUITMENT AND SELECTION OF PROGRAM PARTICIPANTS.**

[(a) ELIGIBLE MEMBERS.—The following members of the Armed Forces are eligible for selection to participate in the Program:

[(1) Any member who—

[(A) on or after October 1, 1999, becomes entitled to retired or retainer pay in the manner provided in title 10 or title 14, United States Code;

[(B) has an approved date of retirement that is within 1 year after the date on which the member submits an application to participate in the Program; or

[(C) has been transferred to the Retired Reserve.

[(2) Any member who, on or after the date of enactment of the No Child Left Behind Act of 2001—

[(A)(i) is separated or released from active duty after 6 or more years of continuous active duty immediately before the separation or release; or

[(ii) has completed a total of at least 10 years of active duty service, 10 years of service computed under section 12732 of title 10, United States Code, or 10 years of any combination of such service; and

[(B) executes a reserve commitment agreement for a period of not less than 3 years under subsection (e)(2).

[(3) Any member who, on or after the date of enactment of the No Child Left Behind Act of 2001, is retired or separated for physical disability under chapter 61 of title 10, United States Code.

[(4) Any member who—

[(A) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after 6 or more years of continuous active duty immediately before the discharge or release; or

[(B) applied for the teacher placement program administered under section 1151 of title 10, United States Code, before the repeal of that section, and satisfied the eligi-

bility criteria specified in subsection (c) of such section 1151.

**[(b) SUBMISSION OF APPLICATIONS.—**

**[(1) FORM AND SUBMISSION.—**Selection of eligible members of the Armed Forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in paragraph (2). An application shall be in such form and contain such information as the Secretary may require.

**[(2) TIME FOR SUBMISSION.—**An application shall be considered to be submitted on a timely basis under paragraph (1) if—

**[(A)** in the case of a member described in paragraph (1)(A), (2), or (3) of subsection (a), the application is submitted not later than 4 years after the date on which the member is retired or separated or released from active duty, whichever applies to the member; or

**[(B)** in the case of a member described in subsection (a)(4), the application is submitted not later than September 30, 2003.

**[(c) SELECTION CRITERIA.—**

**[(1) ESTABLISHMENT.—**Subject to paragraphs (2) and (3), the Secretary shall prescribe the criteria to be used to select eligible members of the Armed Forces to participate in the Program.

**[(2) EDUCATIONAL BACKGROUND.—**

**[(A) ELEMENTARY OR SECONDARY SCHOOL TEACHER.—**If a member of the Armed Forces described in paragraph (1), (2), or (3) of subsection (a) is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

**[(B) VOCATIONAL OR TECHNICAL TEACHER.—**If a member of the Armed Forces described in paragraph (1), (2), or (3) of subsection (a) is applying for assistance for placement as a vocational or technical teacher, the Secretary shall require the member—ave received the equivalent of 1 year of college from an accredited institution of higher education and have 6 or more years of military experience in a vocational or technical field; or

**[(ii)** to otherwise meet the certification or licensing requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the Program.

**[(3) HONORABLE SERVICE.—**A member of the Armed Forces is eligible to participate in the Program only if the member's last period of service in the Armed Forces was honorable, as characterized by the Secretary concerned (as defined in section 101(a)(9) of title 10, United States Code). A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned (as so defined).

[(d) SELECTION PRIORITIES.—In selecting eligible members of the Armed Forces to receive assistance under the Program, the Secretary shall give priority to members who have educational or military experience in science, mathematics, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

[(e) OTHER CONDITIONS ON SELECTION.—

[(1) SELECTION SUBJECT TO FUNDING.—The Secretary may not select an eligible member of the Armed Forces to participate in the Program under this section and receive financial assistance under section 2304 unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under section 2304 with respect to the member.

[(2) RESERVE COMMITMENT AGREEMENT.—The Secretary may not select an eligible member of the Armed Forces described in subsection (a)(2)(A) to participate in the Program under this section and receive financial assistance under section 2304 unless—

[(A) the Secretary notifies the Secretary concerned and the member that the Secretary has reserved a full stipend or bonus under section 2304 for the member; and

[(B) the member executes a written agreement with the Secretary concerned to serve as a member of the Selected Reserve of a reserve component of the Armed Forces for a period of not less than 3 years (in addition to any other reserve commitment the member may have).

**[SEC. 2304. PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.**

[(a) PARTICIPATION AGREEMENT.—

[(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—

[(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher, and to become a highly qualified teacher; and

[(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years with a high-need local educational agency or public charter school, as such terms are defined in section 2101, to begin the school year after obtaining that certification or licensing.

[(2) WAIVER.—The Secretary may waive the 3-year commitment described in paragraph (1)(B) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be re-

quired to provide reimbursement under subsection (f), for failure to meet the 3-year commitment.

[(b) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under subsection (a) during any period in which the participant—

[(1) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

[(2) is serving on active duty as a member of the Armed Forces;

[(3) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

[(4) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

[(5) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

[(6) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

[(c) STIPEND FOR PARTICIPANTS.—

[(1) STIPEND AUTHORIZED.—Subject to paragraph (2), the Secretary may pay to a participant in the Program selected under section 2303 a stipend in an amount of not more than \$5,000.

[(2) LIMITATION.—The total number of stipends that may be paid under paragraph (1) in any fiscal year may not exceed 5,000.

[(d) BONUS FOR PARTICIPANTS.—

[(1) BONUS AUTHORIZED.—Subject to paragraph (2), the Secretary may, in lieu of paying a stipend under subsection (c), pay a bonus of \$10,000 to a participant in the Program selected under section 2303 who agrees in the participation agreement under subsection (a) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in a high-need school.

[(2) LIMITATION.—The total number of bonuses that may be paid under paragraph (1) in any fiscal year may not exceed 3,000.

[(3) HIGH-NEED SCHOOL DEFINED.—In this subsection, the term “high-need school” means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

[(A) LOW-INCOME CHILDREN.—At least 50 percent of the students enrolled in the school were from low-income families (as described in section 2302(b)(2)(A)(i)).

[(B) CHILDREN WITH DISABILITIES.—The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act.

[(e) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this section to a participant in the Program shall be

taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965.

**[(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—**

**[(1) REIMBURSEMENT REQUIRED.—**A participant in the Program who is paid a stipend or bonus under this section shall be required to repay the stipend or bonus under the following circumstances:

**[(A) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—**The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement under subsection (a).

**[(B) TERMINATION OF EMPLOYMENT.—**The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

**[(C) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—**The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.

**[(2) AMOUNT OF REIMBURSEMENT.—**A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under this section shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the 3 years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

**[(3) TREATMENT OF OBLIGATION.—**The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11, United States Code, shall not release a participant from the obligation to reimburse the Secretary under this subsection.

**[(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—**A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

**[(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—**The receipt by a participant in the Program of a stipend or bonus under this section shall not reduce or otherwise affect the entitlement of the participant to any benefits under chap-

ter 30 of title 38, United States Code, or chapter 1606 of title 10, United States Code.

**[SEC. 2305. PARTICIPATION BY STATES.**

**[(a) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—**The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

**[(b) ASSISTANCE TO STATES.—**

**[(1) GRANTS AUTHORIZED.—**Subject to paragraph (2), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the Armed Forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers.

**[(2) LIMITATION.—**The total amount of grants made under paragraph (1) in any fiscal year may not exceed \$5,000,000.

**[SEC. 2306. SUPPORT OF INNOVATIVE PRERETIREMENT TEACHER CERTIFICATION PROGRAMS.**

**[(a) PURPOSE.—**The purpose of this section is to provide funding to develop, implement, and demonstrate teacher certification programs.

**[(b) DEVELOPMENT, IMPLEMENTATION AND DEMONSTRATION.—**The Secretary may enter into a memorandum of agreement with a State educational agency, an institution of higher education, or a consortia of State educational agencies or institutions of higher education, to develop, implement, and demonstrate teacher certification programs for members of the Armed Forces described in section 2303(a)(1)(B) for the purpose of assisting such members to consider and prepare for a career as a highly qualified elementary school teacher, secondary school teacher, or vocational or technical teacher upon retirement from the Armed Forces.

**[(c) PROGRAM ELEMENTS.—**A teacher certification program under subsection (b) shall—

**[(1)** provide recognition of military experience and training as related to certification or licensing requirements;

**[(2)** provide courses of instruction that may be conducted on or near a military installation;

**[(3)** incorporate alternative approaches to achieve teacher certification, such as innovative methods to gaining field-based teaching experiences, and assessment of background and experience as related to skills, knowledge, and abilities required of elementary school teachers, secondary school teachers, or vocational or technical teachers;

**[(4)** provide for courses to be delivered via distance education methods; and

**[(5)** address any additional requirements or specifications established by the Secretary.

**[(d) APPLICATION PROCEDURES.—**

**[(1) IN GENERAL.—**A State educational agency or institution of higher education (or a consortium of State educational agencies or institutions of higher education) that desires to enter into a memorandum under subsection (b) shall prepare and

submit to the Secretary a proposal, at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State educational agency, institution, or consortium is operating a program leading to State approved teacher certification.

[(2) PREFERENCE.—The Secretary shall give preference to State educational agencies, institutions, and consortia that submit proposals that provide for cost sharing with respect to the program involved.

[(e) CONTINUATION OF PROGRAMS.—Upon successful completion of the demonstration phase of teacher certification programs funded under this section, the continued operation of the teacher certification programs shall not be the responsibility of the Secretary. A State educational agency, institution, or consortium that desires to continue a program that is funded under this section after such funding is terminated shall use amounts derived from tuition charges to continue such program.

[(f) FUNDING LIMITATION.—The total amount obligated by the Secretary under this section for any fiscal year may not exceed \$10,000,000.

**[SEC. 2307. REPORTING REQUIREMENTS.**

[(a) REPORT REQUIRED.—Not later than March 31, 2006, the Secretary (in consultation with the Secretary of Defense and the Secretary of Homeland Security) and the Comptroller General of the United States shall submit to Congress a report on the effectiveness of the Program in the recruitment and retention of qualified personnel by local educational agencies and public charter schools.

[(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on the following:

[(1) The number of participants in the Program.

[(2) The schools in which the participants are employed.

[(3) The grade levels at which the participants teach.

[(4) The academic subjects taught by the participants.

[(5) The rates of retention of the participants by the local educational agencies and public charter schools employing the participants.

[(6) Such other matters as the Secretary or the Comptroller General of the United States, as the case may be, considers to be appropriate.

**[CHAPTER B—TRANSITION TO TEACHING PROGRAM**

**[SEC. 2311. PURPOSES.**

[(The purposes of this chapter are—

[(1) to establish a program to recruit and retain highly qualified mid-career professionals (including highly qualified paraprofessionals), and recent graduates of an institution of higher education, as teachers in high-need schools, including recruiting teachers through alternative routes to certification; and

[(2) to encourage the development and expansion of alternative routes to certification under State-approved programs that enable individuals to be eligible for teacher certification within a reduced period of time, relying on the experience, expertise, and academic qualifications of an individual, or other

factors in lieu of traditional course work in the field of education.

**[SEC. 2312. DEFINITIONS.**

**[In this chapter:**

**[(1) ELIGIBLE PARTICIPANT.—**The term “eligible participant” means—

**[(A)** an individual with substantial, demonstrable career experience, including a highly qualified paraprofessional; or

**[(B)** an individual who is a graduate of an institution of higher education who—

**[(i)** has graduated not more than 3 years before applying to an eligible entity to teach under this chapter; and

**[(ii)** in the case of an individual wishing to teach in a secondary school, has completed an academic major (or courses totaling an equivalent number of credit hours) in the academic subject that the individual will teach.

**[(2) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—**The term “high-need local educational agency” has the meaning given the term in section 2102.

**[(3) HIGH-NEED SCHOOL.—**The term “high-need school” means a school that—

**[(A)** is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more; or

**[(B)(i)** is located in an area with a high percentage of out-of-field teachers, as defined in section 2102;

**[(ii)** is within the top quartile of elementary schools and secondary schools statewide, as ranked by the number of unfilled, available teacher positions at the schools;

**[(iii)** is located in an area in which there is a high teacher turnover rate; or

**[(iv)** is located in an area in which there is a high percentage of teachers who are not certified or licensed.

**[SEC. 2313. GRANT PROGRAM.**

**[(a) IN GENERAL.—**The Secretary may establish a program to make grants on a competitive basis to eligible entities to develop State and local teacher corps or other programs to establish, expand, or enhance teacher recruitment and retention efforts.

**[(b) ELIGIBLE ENTITY.—**To be eligible to receive a grant under this section, an entity shall be—

**[(1)** a State educational agency;

**[(2)** a high-need local educational agency;

**[(3)** a for-profit or nonprofit organization that has a proven record of effectively recruiting and retaining highly qualified teachers, in a partnership with a high-need local educational agency or with a State educational agency;

**[(4)** an institution of higher education, in a partnership with a high-need local educational agency or with a State educational agency;

**[(5)** a regional consortium of State educational agencies; or

**[(6)** a consortium of high-need local educational agencies.

[(c) PRIORITY.—In making such a grant, the Secretary shall give priority to a partnership or consortium that includes a high-need State educational agency or local educational agency.

[(d) APPLICATION.—

[(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity described in subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[(2) CONTENTS.—The application shall describe—

[(A) one or more target recruitment groups on which the applicant will focus its recruitment efforts;

[(B) the characteristics of each such target group that—

[(i) show the knowledge and experience of the group's members; and

[(ii) demonstrate that the members are eligible to achieve the objectives of this section;

[(C) describe how the applicant will use funds received under this section to develop a teacher corps or other program to recruit and retain highly qualified midcareer professionals (which may include highly qualified paraprofessionals), recent college graduates, and recent graduate school graduates, as highly qualified teachers in high-need schools operated by high-need local educational agencies;

[(D) explain how the program carried out under the grant will meet the relevant State laws (including regulations) related to teacher certification or licensing and facilitate the certification or licensing of such teachers;

[(E) describe how the grant will increase the number of highly qualified teachers, in high-need schools operated by high-need local educational agencies (in urban or rural school districts), and in high-need academic subjects, in the jurisdiction served by the applicant; and

[(F) describe how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit (particularly through activities that have proven effective in retaining highly qualified teachers), train, place, support, and provide teacher induction programs to program participants under this chapter, including providing evidence of the commitment of the institutions, agencies, or organizations to the applicant's programs.

[(e) DURATION OF GRANTS.—The Secretary may make grants under this section for periods of 5 years. At the end of the 5-year period for such a grant, the grant recipient may apply for an additional grant under this section.

[(f) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this section among the regions of the United States.

[(g) USES OF FUNDS.—

[(1) IN GENERAL.—An entity that receives a grant under this section shall use the funds made available through the grant to develop a teacher corps or other program in order to establish, expand, or enhance a teacher recruitment and retention program for highly qualified mid-career professionals (including highly qualified paraprofessionals), and recent graduates of an institution of higher education, who are eligible partici-

pants, including activities that provide alternative routes to teacher certification.

[(2) AUTHORIZED ACTIVITIES.—The entity shall use the funds to carry out a program that includes two or more of the following activities:

[(A) Providing scholarships, stipends, bonuses, and other financial incentives, that are linked to participation in activities that have proven effective in retaining teachers in high-need schools operated by high-need local educational agencies, to all eligible participants, in an amount not to exceed \$5,000 per participant.

[(B) Carrying out pre- and post-placement induction or support activities that have proven effective in recruiting and retaining teachers, such as—

[(i) teacher mentoring;

[(ii) providing internships;

[(iii) providing high-quality, preservice coursework;

and

[(iv) providing high-quality, sustained inservice professional development.

[(C) Carrying out placement and ongoing activities to ensure that teachers are placed in fields in which the teachers are highly qualified to teach and are placed in high-need schools.

[(D) Making payments to pay for costs associated with accepting teachers recruited under this section from among eligible participants or provide financial incentives to prospective teachers who are eligible participants.

[(E) Collaborating with institutions of higher education in developing and implementing programs to facilitate teacher recruitment (including teacher credentialing) and teacher retention programs.

[(F) Carrying out other programs, projects, and activities that are designed and have proven to be effective in recruiting and retaining teachers, and that the Secretary determines to be appropriate.

[(G) Developing long-term recruitment and retention strategies including developing—

[(i) a statewide or regionwide clearinghouse for the recruitment and placement of teachers;

[(ii) administrative structures to develop and implement programs to provide alternative routes to certification;

[(iii) reciprocity agreements between or among States for the certification or licensing of teachers; or

[(iv) other long-term teacher recruitment and retention strategies.

[(3) EFFECTIVE PROGRAMS.—The entity shall use the funds only for programs that have proven to be effective in both recruiting and retaining teachers.

[(h) REQUIREMENTS.—

[(1) TARGETING.—An entity that receives a grant under this section to carry out a program shall ensure that participants in the program recruited with funds made available under this section are placed in high-need schools operated by high-need

local educational agencies. In placing the participants in the schools, the entity shall give priority to the schools that are located in areas with the highest percentages of students from families with incomes below the poverty line.

[(2) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, State and local public funds expended for teacher recruitment and retention programs, including programs to recruit the teachers through alternative routes to certification.

[(3) PARTNERSHIPS AND CONSORTIA OF LOCAL EDUCATIONAL AGENCIES.—In the case of a partnership established by a local educational agency to carry out a program under this chapter, or a consortium of such agencies established to carry out a program under this chapter, the local educational agency or consortium shall not be eligible to receive funds through a State program under this chapter.

[(i) PERIOD OF SERVICE.—A program participant in a program under this chapter who receives training through the program shall serve a high-need school operated by a high-need local educational agency for at least 3 years.

[(j) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines to be appropriate to ensure that program participants who receive a stipend or other financial incentive under subsection (g)(2)(A), but fail to complete their service obligation under subsection (i), repay all or a portion of such stipend or other incentive.

[(k) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made available through the grant for the administration of a program under this chapter carried out under the grant.

**[(SEC. 2314. EVALUATION AND ACCOUNTABILITY FOR RECRUITING AND RETAINING TEACHERS.]**

[(a) EVALUATION.—Each entity that receives a grant under this chapter shall conduct—

[(1) an interim evaluation of the program funded under the grant at the end of the third year of the grant period; and

[(2) a final evaluation of the program at the end of the fifth year of the grant period.

[(b) CONTENTS.—In conducting the evaluation, the entity shall describe the extent to which local educational agencies that received funds through the grant have met the goals relating to teacher recruitment and retention described in the application.

[(c) REPORTS.—The entity shall prepare and submit to the Secretary and to Congress interim and final reports containing the results of the interim and final evaluations, respectively.

[(d) REVOCATION.—If the Secretary determines that the recipient of a grant under this chapter has not made substantial progress in meeting such goals and the objectives of the grant by the end of the third year of the grant period, the Secretary—

[(1) shall revoke the payment made for the fourth year of the grant period; and

[(2) shall not make a payment for the fifth year of the grant period.

## [CHAPTER C—GENERAL PROVISIONS

### ISEC. 2321. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart \$150,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) RESERVATION.—From the funds appropriated to carry out this subpart for fiscal year 2002, the Secretary shall reserve not more than \$30,000,000 to carry out chapter A.

## [Subpart 2—National Writing Project

### ISEC. 2331. PURPOSES.

[The purposes of this subpart are—

[(1) to support and promote the expansion of the National Writing Project network of sites so that teachers in every region of the United States will have access to a National Writing Project program;

[(2) to ensure the consistent high quality of the sites through ongoing review, evaluation, and technical assistance;

[(3) to support and promote the establishment of programs to disseminate effective practices and research findings about the teaching of writing; and

[(4) to coordinate activities assisted under this subpart with activities assisted under this Act.

### ISEC. 2332. NATIONAL WRITING PROJECT.

[(a) AUTHORIZATION.—The Secretary is authorized to award a grant to the National Writing Project, a nonprofit educational organization that has as its primary purpose the improvement of the quality of student writing and learning (hereafter in this section referred to as the “grantee”) to improve the teaching of writing and the use of writing as a part of the learning process in our Nation’s classrooms.

[(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

[(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as “contractors”) under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

[(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

[(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

[(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

[(1) be conducted during the school year and during the summer months;

[(2) train teachers who teach grades kindergarten through college;

[(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

[(4) encourage teachers from all disciplines to participate in such teacher training programs.

[(d) FEDERAL SHARE.—

[(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term “Federal share” means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

[(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (e) determines, on the basis of financial need, that such waiver is necessary.

[(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed \$100,000 for any one contractor, or \$200,000 for a statewide program administered by any one contractor in at least five sites throughout the State.

[(e) NATIONAL ADVISORY BOARD.—

[(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

[(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

[(A) national educational leaders;

[(B) leaders in the field of writing; and

[(C) such other individuals as the National Writing Project determines necessary.

[(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

[(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

[(B) review the activities and programs of the National Writing Project; and

[(C) support the continued development of the National Writing Project.

[(f) EVALUATION.—

[(1) IN GENERAL.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this subpart. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of Congress.

[(2) FUNDING LIMITATION.—The Secretary shall reserve not more than \$150,000 from the total amount appropriated pursuant to the authority of subsection (h) for fiscal year 2002 and each of the 5 succeeding fiscal years to conduct the evaluation described in paragraph (1).

**[(g) APPLICATION REVIEW.—**

**[(1) REVIEW BOARD.—**The National Writing Project shall establish and operate a National Review Board that shall consist of—

**[(A) leaders in the field of research in writing; and**

**[(B) such other individuals as the National Writing Project deems necessary.**

**[(2) DUTIES.—**The National Review Board shall—

**[(A) review all applications for assistance under this subsection; and**

**[(B) recommend applications for assistance under this subsection for funding by the National Writing Project.**

**[(h) AUTHORIZATION OF APPROPRIATIONS.—**There are authorized to be appropriated to carry out this subpart \$15,000,000 as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

### **[Subpart 3—Civic Education**

**[SEC. 2341. SHORT TITLE.**

**[This subpart may be cited as the “Education for Democracy Act”.**

**[SEC. 2342. PURPOSE.**

**[It is the purpose of this subpart—**

**[(1) to improve the quality of civics and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights;**

**[(2) to foster civic competence and responsibility; and**

**[(3) to improve the quality of civic education and economic education through cooperative civic education and economic education exchange programs with emerging democracies.**

**[SEC. 2343. GENERAL AUTHORITY.**

**[(a) AUTHORITY.—**The Secretary is authorized to award grants to, or enter into contracts with—

**[(1) the Center for Civic Education, to carry out civic education activities under sections 2344 and 2345;**

**[(2) the National Council on Economic Education, to carry out economic education activities under section 2345; and**

**[(3) organizations experienced in the development of curricula and programs in civics and government education and economic education for students in elementary schools and secondary schools in countries other than the United States, to carry out civic education activities under section 2345.**

**[(b) DISTRIBUTION FOR COOPERATIVE CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS.—**

**[(1) LIMITATION.—**Not more than 40 percent of the amount appropriated under section 2346 for a fiscal year shall be used to carry out section 2345.

**[(2) DISTRIBUTION.—**Of the amount used to carry out section 2345 for a fiscal year (consistent with paragraph (1)), the Secretary shall use—

**[(A) 37.5 percent for a grant or contract for the Center for Civic Education;**

[(B) 37.5 percent for a grant or contract for the National Council on Economic Education; and

[(C) 25 percent for not less than 1, but not more than 3, grants or contracts for organizations described in subsection (a)(3).

**[SEC. 2344. WE THE PEOPLE PROGRAM.**

**[(a) THE CITIZEN AND THE CONSTITUTION.—**

**[(1) EDUCATIONAL ACTIVITIES.—**The Center for Civic Education—

[(A) shall use funds made available under grants or contracts under section 2343(a)(1)—

[(i) to continue and expand the educational activities of the program entitled the “We the People... The Citizen and the Constitution” program administered by such center;

[(ii) to carry out activities to enhance student attainment of challenging academic content standards in civics and government;

[(iii) to provide a course of instruction on the basic principles of the Nation’s constitutional democracy and the history of the Constitution of the United States, including the Bill of Rights;

[(iv) to provide, at the request of a participating school, school and community simulated congressional hearings following the course of instruction described in clause (iii); and

[(v) to provide an annual national competition of simulated congressional hearings for secondary school students who wish to participate in such a program; and

[(B) may use funds made available under grants or contracts under section 2343(a)(1)—

[(i) to provide advanced, sustained, and ongoing training of teachers about the Constitution of the United States and the political system of the United States;

[(ii) to provide materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

[(iii) to provide civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

**[(2) AVAILABILITY OF PROGRAM.—**The education program authorized under this subsection shall be made available to public and private elementary schools and secondary schools, including Bureau funded schools, in the 435 congressional districts, and in the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**[(b) PROJECT CITIZEN.—**

**[(1) EDUCATIONAL ACTIVITIES.—**The Center for Civic Education—

[(A) shall use funds made available under grants or contracts under section 2343(a)(1)—

[(i) to continue and expand the educational activities of the program entitled the “We the People... Project Citizen” program administered by the Center;

[(ii) to carry out activities to enhance student attainment of challenging academic content standards in civics and government;

[(iii) to provide a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution of the United States; and

[(iv) to provide an annual national showcase or competition; and

[(B) may use funds made available under grants or contracts under section 2343(a)(1)—

[(i) to provide optional school and community simulated State legislative hearings;

[(ii) to provide advanced, sustained, and ongoing training of teachers on the roles of State and local governments in the Federal system established by the Constitution of the United States;

[(iii) to provide materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

[(iv) to provide civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

[(2) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public and private middle schools, including Bureau funded schools, in the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[(c) BUREAU-FUNDED SCHOOL DEFINED.—In this section, the term “Bureau-funded school” has the meaning given such term in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

**[SEC. 2345. COOPERATIVE CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS.**

[(a) COOPERATIVE EDUCATION EXCHANGE PROGRAMS.—The Center for Civic Education, the National Council on Economic Education, and organizations described in section 2343(a)(3) shall use funds made available under grants or contracts under section 2343 to carry out cooperative education exchange programs in accordance with this section.

[(b) PURPOSE.—The purpose of the cooperative education exchange programs carried out under this section shall be—

[(1) to make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education, and economics education, developed in the United States;

[(2) to assist eligible countries in the adaptation, implementation, and institutionalization of such programs;

[(3) to create and implement civics and government education, and economic education, programs for students that draw upon the experiences of the participating eligible countries;

[(4) to provide a means for the exchange of ideas and experiences in civics and government education, and economic education, among political, educational, governmental, and private sector leaders of participating eligible countries; and

[(5) to provide support for—

[(A) independent research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

[(B) effective participation in, and the preservation and improvement of, an efficient market economy.

[(c) ACTIVITIES.—In carrying out the cooperative education exchange programs assisted under this section, the Center for Civic Education, the National Council on Economic Education, and organizations described in section 2343(a)(3) shall—

[(1) provide to the participants from eligible countries—

[(A) seminars on the basic principles of United States constitutional democracy and economic system, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

[(B) visits to school systems, institutions of higher education, and nonprofit organizations conducting exemplary programs in civics and government education, and economic education, in the United States;

[(C) translations and adaptations with respect to United States civics and government education, and economic education, curricular programs for students and teachers, and in the case of training programs for teachers, translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas; and

[(D) independent research and evaluation assistance—

[(i) to determine the effects of the cooperative education exchange programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

[(ii) to identify effective participation in, and the preservation and improvement of, an efficient market economy;

[(2) provide to the participants from the United States—

[(A) seminars on the histories, economies, and systems of government of eligible countries;

[(B) visits to school systems, institutions of higher education, and organizations conducting exemplary programs in civics and government education, and economic education, located in eligible countries;

[(C) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government, and economy of such countries that are useful in United States classrooms;

[(D) opportunities to provide onsite demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

[(E) independent research and evaluation assistance to determine—

[(i) the effects of the cooperative education exchange programs assisted under this section on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

[(ii) effective participation in, and improvement of, an efficient market economy; and

[(3) assist participants from eligible countries and the United States to participate in international conferences on civics and government education, and economic education, for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

[(d) PARTICIPANTS.—The primary participants in the cooperative education exchange programs assisted under this section shall be educational leaders in the areas of civics and government education, and economic education, including teachers, curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, and government and private sector leaders from the United States and eligible countries.

[(e) CONSULTATION.—The Secretary may award a grant to, or enter into a contract with, the entities described in section 2343 to carry out programs assisted under this section only if the Secretary of State concurs with the Secretary that such grant, or contract, respectively, is consistent with the foreign policy of the United States.

[(f) AVOIDANCE OF DUPLICATION.—With the concurrence of the Secretary of State, the Secretary shall ensure that—

[(1) the activities carried out under the programs assisted under this section are not duplicative of other activities conducted in eligible countries; and

[(2) any institutions in eligible countries, with which the Center for Civic Education, the National Council on Economic Education, or organizations described in section 2343(a)(3) may work in conducting such activities, are creditable.

[(g) ELIGIBLE COUNTRY DEFINED.—In this section, the term “eligible country” means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, the independent states of the former Soviet Union as defined in section 3 of the FREEDOM Support Act (22 U.S.C. 5801), the Republic of Ireland, the province of Northern Ireland in the United Kingdom, and any developing country (as such term is defined in section 209(d) of the Education for the Deaf Act) if the Secretary, with the concurrence of the Secretary of State, determines that such developing country has a democratic form of government.

**[SEC. 2346. AUTHORIZATION OF APPROPRIATIONS.**

【There are authorized to be appropriated to carry out this subpart \$30,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

### **[Subpart 4—Teaching of Traditional American History**

**[SEC. 2351. ESTABLISHMENT OF PROGRAM.**

【(a) IN GENERAL.—The Secretary may establish and implement a program to be known as the “Teaching American History Grant Program”, under which the Secretary shall award grants on a competitive basis to local educational agencies—

【(1) to carry out activities to promote the teaching of traditional American history in elementary schools and secondary schools as a separate academic subject (not as a component of social studies); and

【(2) for the development, implementation, and strengthening of programs to teach traditional American history as a separate academic subject (not as a component of social studies) within elementary school and secondary school curricula, including the implementation of activities—

【(A) to improve the quality of instruction; and

【(B) to provide professional development and teacher education activities with respect to American history.

【(b) REQUIRED PARTNERSHIP.—A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with one or more of the following:

【(1) An institution of higher education.

【(2) A nonprofit history or humanities organization.

【(3) A library or museum.

【(c) APPLICATION.—To be eligible to receive an grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

**[SEC. 2352. AUTHORIZATION OF APPROPRIATIONS.**

【There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.】

### **[Subpart 5 Teacher Liability Protection]**

**[SEC. 2361. SHORT TITLE.**

【This subpart may be cited as the “Paul D. Coverdell Teacher Protection Act of 2001”.】

**SEC. [2362.] 2361. PURPOSE.**

The purpose of this subpart is to provide teachers, [principals] *school leaders*, and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.

**SEC. [2364.] 2362. APPLICABILITY.**

This subpart shall only apply to States that receive funds under this Act, and shall apply to such a State as a condition of receiving such funds.

**SEC. [2365.] 2363. PREEMPTION AND ELECTION OF STATE NON-APPLICABILITY.**

(a) \* \* \*

\* \* \* \* \*

**SEC. [2366.] 2364. LIMITATION ON LIABILITY FOR TEACHERS.**

(a) \* \* \*

(b) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) \* \* \*

\* \* \* \* \*

**[late law]** (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.

\* \* \* \* \*

**SEC. [2367.] 2365. ALLOCATION OF RESPONSIBILITY FOR NON-ECONOMIC LOSS.**

(a) \* \* \*

\* \* \* \* \*

**SEC. [2363.] 2366. DEFINITIONS.**

For purposes of this subpart:

(1) \* \* \*

\* \* \* \* \*

(6) TEACHER.—The term “teacher” means—

(A) a teacher, instructor, **[principal]** *school leader*, or administrator;

\* \* \* \* \*

**[SEC. 2368. EFFECTIVE DATE.**

**[(a) IN GENERAL.—**This subpart shall take effect 90 days after the date of enactment of the No Child Left Behind Act of 2001.

**[(b) APPLICATION.—**This subpart applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the No Child Left Behind Act of 2001 without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.]

**[PART D—ENHANCING EDUCATION THROUGH TECHNOLOGY**

**[SEC. 2401. SHORT TITLE.**

**[**This part may be cited as the “Enhancing Education Through Technology Act of 2001”.

**SEC. 2402. PURPOSES AND GOALS.**

**(a) PURPOSES.**—The purposes of this part are the following:

**(1)** To provide assistance to States and localities for the implementation and support of a comprehensive system that effectively uses technology in elementary schools and secondary schools to improve student academic achievement.

**(2)** To encourage the establishment or expansion of initiatives, including initiatives involving public-private partnerships, designed to increase access to technology, particularly in schools served by high-need local educational agencies.

**(3)** To assist States and localities in the acquisition, development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure in a manner that expands access to technology for students (particularly for disadvantaged students) and teachers.

**(4)** To promote initiatives that provide school teachers, principals, and administrators with the capacity to integrate technology effectively into curricula and instruction that are aligned with challenging State academic content and student academic achievement standards, through such means as high-quality professional development programs.

**(5)** To enhance the ongoing professional development of teachers, principals, and administrators by providing constant access to training and updated research in teaching and learning through electronic means.

**(6)** To support the development and utilization of electronic networks and other innovative methods, such as distance learning, of delivering specialized or rigorous academic courses and curricula for students in areas that would not otherwise have access to such courses and curricula, particularly in geographically isolated regions.

**(7)** To support the rigorous evaluation of programs funded under this part, particularly regarding the impact of such programs on student academic achievement, and ensure that timely information on the results of such evaluations is widely accessible through electronic means.

**(8)** To support local efforts using technology to promote parent and family involvement in education and communication among students, parents, teachers, principals, and administrators.

**(b) GOALS.**—

**(1) PRIMARY GOAL.**—The primary goal of this part is to improve student academic achievement through the use of technology in elementary schools and secondary schools.

**(2) ADDITIONAL GOALS.**—The additional goals of this part are the following:

**(A)** To assist every student in crossing the digital divide by ensuring that every student is technologically literate by the time the student finishes the eighth grade, regardless of the student's race, ethnicity, gender, family income, geographic location, or disability.

**(B)** To encourage the effective integration of technology resources and systems with teacher training and curriculum development to establish research-based instructional methods that can be widely implemented as best

practices by State educational agencies and local educational agencies.

**[SEC. 2403. DEFINITIONS.**

**[In this part:**

**[(1) ELIGIBLE LOCAL ENTITY.—**The term “eligible local entity” means—

**[(A)** a high-need local educational agency; or

**[(B)** an eligible local partnership.

**[(2) ELIGIBLE LOCAL PARTNERSHIP.—**The term “eligible local partnership” means a partnership that—

**[(A)** shall include at least one high-need local educational agency and at least one—

**[(i)** local educational agency that can demonstrate that teachers in schools served by the agency are effectively integrating technology and proven teaching practices into instruction, based on a review of relevant research, and that the integration results in improvement in—

**[(I)** classroom instruction in the core academic subjects; and

**[(II)** the preparation of students to meet challenging State academic content and student academic achievement standards;

**[(ii)** institution of higher education that is in full compliance with the reporting requirements of section 207(f) of the Higher Education Act of 1965 and that has not been identified by its State as low-performing under section 208 of such Act;

**[(iii)** for-profit business or organization that develops, designs, manufactures, or produces technology products or services, or has substantial expertise in the application of technology in instruction; or

**[(iv)** public or private nonprofit organization with demonstrated experience in the application of educational technology to instruction; and

**[(B)** may include other local educational agencies, educational service agencies, libraries, or other educational entities appropriate to provide local programs.

**[(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—**The term “high-need local educational agency” means a local educational agency that—

**[(A)** is among the local educational agencies in a State with the highest numbers or percentages of children from families with incomes below the poverty line; and

**[(B)(i)** operates one or more schools identified under section 1116; or

**[(ii)** has a substantial need for assistance in acquiring and using technology.

**[SEC. 2404. AUTHORIZATION OF APPROPRIATIONS.**

**[(a) IN GENERAL.—**There are authorized to be appropriated to carry out subparts 1 and 2, \$1,000,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) ALLOCATION OF FUNDS BETWEEN STATE AND LOCAL AND NATIONAL INITIATIVES.—The amount of funds made available under subsection (a) for a fiscal year shall be allocated so that—

[(1) not less than 98 percent is made available to carry out subpart 1; and

[(2) not more than 2 percent is made available to carry out subpart 2.

[(c) ALLOCATION OF FUNDS FOR STUDY.—Of the total amount of funds allocated under subsection (b)(2) for fiscal years 2002 through 2007, not more than \$15,000,000 may be used to carry out section 2421(a).

[(d) LIMITATION.—Of the amount of funds made available to a recipient of funds under this part for a fiscal year, not more than 5 percent may be used by the recipient for administrative costs or technical assistance, of which not more than 60 percent may be used by the recipient for administrative costs.

### **[Subpart 1—State and Local Technology Grants**

#### **[SEC. 2411. ALLOTMENT AND REALLOTMENT.**

[(a) RESERVATIONS AND ALLOTMENT.—From the amount made available to carry out this subpart under section 2404(b)(1) for a fiscal year—

[(1) the Secretary shall reserve—

[(A) three-fourths of 1 percent for the Secretary of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Affairs;

[(B) one-half of 1 percent to provide assistance under this subpart to the outlying areas; and

[(C) such sums as may be necessary for continuation awards on grants awarded under section 3136 prior to the date of enactment of the No Child Left Behind Act of 2001; and

[(2) from the remainder of such amount and subject to subsection (b), the Secretary shall make grants by allotting to each eligible State educational agency under this subpart an amount that bears the same relationship to such remainder for such year as the amount received under part A of title I for such year by such State educational agency bears to the amount received under such part for such year by all State educational agencies.

[(b) MINIMUM ALLOTMENT.—The amount of any State educational agency's allotment under subsection (a)(2) for any fiscal year may not be less than one-half of 1 percent of the amount made available for allotments to States under this part for such year.

[(c) REALLOTMENT OF UNUSED FUNDS.—If any State educational agency does not apply for an allotment under this subpart for a fiscal year, or does not use its entire allotment under this subpart for that fiscal year, the Secretary shall reallocate the amount of the State educational agency's allotment, or the unused portion of the allotment, to the remaining State educational agencies that use their entire allotments under this subpart in accordance with this section.

[(d) STATE EDUCATIONAL AGENCY DEFINED.—In this section, the term “State educational agency” does not include an agency of an outlying area or the Bureau of Indian Affairs.

**[SEC. 2412. USE OF ALLOTMENT BY STATE.**

[(a) IN GENERAL.—Of the amount provided to a State educational agency (from the agency’s allotment under section 2411(a)(2)) for a fiscal year—

[(1) the State educational agency may use not more than 5 percent to carry out activities under section 2415; and

[(2) the State educational agency shall distribute the remainder as follows:

[(A) From 50 percent of the remainder, the State educational agency shall award subgrants by allocating to each eligible local educational agency that has submitted an application to the State educational agency under section 2414, for the activities described in section 2416, an amount that bears the same relationship to 50 percent of the remainder for such year as the amount received under part A of title I for such year by such local educational agency bears to the amount received under such part for such year by all local educational agencies within the State.

[(B) From 50 percent of the remainder and subject to subsection (b), the State educational agency shall award subgrants, through a State-determined competitive process, to eligible local entities that have submitted applications to the State educational agency under section 2414, for the activities described in section 2416.

[(b) SUFFICIENT AMOUNTS.—

[(1) SPECIAL RULE.—In awarding a subgrant under subsection (a)(2)(B), the State educational agency shall—

[(A) determine the local educational agencies that—

[(i) received allocations under subsection (a)(2)(A) that are not of sufficient size to be effective, consistent with the purposes of this part; and

[(ii) are eligible local entities;

[(B) give priority to applications submitted by eligible local educational agencies described in subparagraph (A); and

[(C) determine the minimum amount for awards under subsection (a)(2)(B) to ensure that subgrants awarded under that subsection are of sufficient size to be effective.

[(2) SUFFICIENCY.—In awarding subgrants under subsection (a)(2)(B), each State educational agency shall ensure that each subgrant is of sufficient size and duration, and that the program funded by the subgrant is of sufficient scope and quality, to carry out the purposes of this part effectively.

[(3) DISTRIBUTION.—In awarding subgrants under subsection (a)(2)(B), each State educational agency shall ensure an equitable distribution of assistance under this subpart among urban and rural areas of the State, according to the demonstrated need of those local educational agencies serving the areas.

[(c) FISCAL AGENT.—If an eligible local partnership receives a subgrant under subsection (a)(2)(B), a local educational agency in the partnership shall serve as the fiscal agent for the partnership.

[(d) TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under section 2411(a) shall—

[(1) identify the local educational agencies served by the State educational agency that—

[(A) have the highest numbers or percentages of children from families with incomes below the poverty line; and

[(B) demonstrate to such State educational agency the greatest need for technical assistance in developing an application under section 2414; and

[(2) offer the technical assistance described in paragraph (1)(B) to those local educational agencies.

**[SEC. 2413. STATE APPLICATIONS.**

[(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may specify, an application containing a new or updated statewide long-range strategic educational technology plan (which shall address the educational technology needs of local educational agencies) and such other information as the Secretary may reasonably require.

[(b) CONTENTS.—Each State application submitted under subsection (a) shall include each of the following:

[(1) An outline of the State educational agency's long-term strategies for improving student academic achievement, including technology literacy, through the effective use of technology in classrooms throughout the State, including through improving the capacity of teachers to integrate technology effectively into curricula and instruction.

[(2) A description of the State educational agency's goals for using advanced technology to improve student academic achievement, and how those goals are aligned with challenging State academic content and student academic achievement standards.

[(3) A description of how the State educational agency will take steps to ensure that all students and teachers in the State, particularly students and teachers in districts served by high-need local educational agencies, have increased access to technology.

[(4) A description of the process and accountability measures that the State educational agency will use to evaluate the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction.

[(5) A description of how the State educational agency will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, particularly for those areas of the State that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources.

[(6) An assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds.

[(7) A description of how the plan incorporates teacher education, professional development, and curriculum development, and how the State educational agency will work to ensure that teachers and principals in a State receiving funds under this part are technologically literate.

[(8) A description of—

[(A) how the State educational agency will provide technical assistance to applicants under section 2414, especially to those applicants serving the highest numbers or percentages of children in poverty or with the greatest need for technical assistance; and

[(B) the capacity of the State educational agency to provide such assistance.

[(9) A description of technology resources and systems that the State will provide for the purpose of establishing best practices that can be widely replicated by State educational agencies and local educational agencies in the State and in other States.

[(10) A description of the State's long-term strategies for financing technology to ensure that all students, teachers, and classrooms have access to technology.

[(11) A description of the State's strategies for using technology to increase parental involvement.

[(12) A description of how the State educational agency will ensure that each subgrant awarded under section 2412(a)(2)(B) is of sufficient size and duration, and that the program funded by the subgrant is of sufficient scope and quality, to carry out the purposes of this part effectively.

[(13) A description of how the State educational agency will ensure ongoing integration of technology into school curricula and instructional strategies in all schools in the State, so that technology will be fully integrated into the curricula and instruction of the schools by December 31, 2006.

[(14) A description of how the local educational agencies in the State will provide incentives to teachers who are technologically literate and teaching in rural or urban areas, to encourage such teachers to remain in those areas.

[(15) A description of how public and private entities will participate in the implementation and support of the plan.

[(c) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

[(d) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

[(e) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

[(1) give the State educational agency notice and an opportunity for a hearing; and

[(2) notify the State educational agency of the finding of non-compliance and, in such notification, shall—

[(A) cite the specific provisions in the application that are not in compliance; and

[(B) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

[(f) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (e)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

[(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

[(2) the expiration of the 120-day period described in subsection (c).

[(g) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

**[SEC. 2414. LOCAL APPLICATIONS.**

[(a) IN GENERAL.—To be eligible to receive a subgrant from a State educational agency under this subpart, a local educational agency or eligible local entity shall submit to the State educational agency an application containing a new or updated local long-range strategic educational technology plan that is consistent with the objectives of the statewide educational technology plan described in section 2413(a), and such other information as the State educational agency may reasonably require, at such time and in such manner as the State educational agency may require.

[(b) CONTENTS.—The application shall include each of the following:

[(1) A description of how the applicant will use Federal funds under this subpart to improve the student academic achievement, including technology literacy, of all students attending schools served by the local educational agency and to improve the capacity of all teachers teaching in schools served by the local educational agency to integrate technology effectively into curricula and instruction.

[(2) A description of the applicant's specific goals for using advanced technology to improve student academic achievement, aligned with challenging State academic content and student academic achievement standards.

[(3) A description of the steps the applicant will take to ensure that all students and teachers in schools served by the local educational agency involved have increased access to educational technology, including how the agency would use funds under this subpart (such as combining the funds with funds from other sources), to help ensure that—

[(A) students in high-poverty and high-needs schools, or schools identified under section 1116, have access to technology; and

[(B) teachers are prepared to integrate technology effectively into curricula and instruction.

[(4) A description of how the applicant will—

[(A) identify and promote curricula and teaching strategies that integrate technology effectively into curricula and instruction, based on a review of relevant research, leading to improvements in student academic achievement, as measured by challenging State academic content and student academic achievement standards; and

[(B) provide ongoing, sustained professional development for teachers, principals, administrators, and school library media personnel serving the local educational agency, to further the effective use of technology in the classroom or library media center, including, if applicable, a list of the entities that will be partners with the local educational agency involved in providing the ongoing, sustained professional development.

[(5) A description of the type and costs of technologies to be acquired under this subpart, including services, software, and digital curricula, and including specific provisions for interoperability among components of such technologies.

[(6) A description of how the applicant will coordinate activities carried out with funds provided under this subpart with technology-related activities carried out with funds available from other Federal, State, and local sources.

[(7) A description of how the applicant will integrate technology (including software and other electronically delivered learning materials) into curricula and instruction, and a timeline for such integration.

[(8) A description of how the applicant will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, particularly for those areas that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources.

[(9) A description of how the applicant will ensure the effective use of technology to promote parental involvement and increase communication with parents, including a description of how parents will be informed of the technology being applied in their child's education so that the parents are able to reinforce at home the instruction their child receives at school.

[(10) A description of how programs will be developed, where applicable, in collaboration with adult literacy service providers, to maximize the use of technology.

[(11) A description of the process and accountability measures that the applicant will use to evaluate the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

[(12) A description of the supporting resources (such as services, software, other electronically delivered learning materials, and print resources) that will be acquired to ensure successful and effective uses of technology.

[(c) COMBINED APPLICATIONS.—A local educational agency that is an eligible local entity and submits an application to the State edu-

cational agency under this section for funds awarded under section 2412(a)(2)(A) may combine the agency's application for funds awarded under that section with an application for funds awarded under section 2412(a)(2)(B).

**[(d) SPECIAL RULE.—**

**[(1) CONSORTIUM APPLICATIONS.—**

**[(A) IN GENERAL.—**For any fiscal year, a local educational agency applying for financial assistance described in section 2412(a)(2)(A) may apply as part of a consortium that includes other local educational agencies, institutions of higher education, educational service agencies, libraries, or other educational entities appropriate to provide local programs.

**[(B) FISCAL AGENT.—**If a local educational agency applies for and receives financial assistance described in section 2412(a)(2)(A) as part of a consortium, the local educational agency shall serve as the fiscal agent for the consortium.

**[(2) STATE EDUCATIONAL AGENCY ASSISTANCE.—**At the request of a local educational agency, a State educational agency may assist the local educational agency in the formation of a consortium described in paragraph (1) to provide services for the teachers and students served by the local educational agency.

**[SEC. 2415. STATE ACTIVITIES.**

**[From funds made available under section 2412(a)(1), a State educational agency shall carry out activities and assist local efforts to carry out the purposes of this part, which may include the following activities:**

**[(1) Developing, or assisting applicants or recipients of funds under this subpart in the development and utilization of, innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, and providing other technical assistance to such applicants or recipients throughout the State, with priority given to high-need local educational agencies.**

**[(2) Establishing or supporting public-private initiatives (such as interest-free or reduced-cost loans) for the acquisition of educational technology for high-need local educational agencies and students attending schools served by such agencies.**

**[(3) Assisting recipients of funds under this subpart in providing sustained and intensive, high-quality professional development based on a review of relevant research in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments, including training in the use of technology to—**

**[(A) access data and resources to develop curricula and instructional materials;**

**[(B) enable teachers—**

**[(i) to use the Internet and other technology to communicate with parents, other teachers, principals, and administrators; and**

[(ii) to retrieve Internet-based learning resources;

and

[(C) lead to improvements in classroom instruction in the core academic subjects, that effectively prepare students to meet challenging State academic content standards and student academic achievement standards.

[(4) Assisting recipients of funds under this subpart in providing all students (including students with disabilities and students with limited English proficiency) and teachers with access to educational technology.

[(5) Developing performance measurement systems to determine the effectiveness of educational technology programs funded under this subpart, particularly in determining the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

[(6) Collaborating with other State educational agencies on distance learning, including making specialized or rigorous academic courses and curricula available to students in areas that would not otherwise have access to such courses and curricula.

**[SEC. 2416. LOCAL ACTIVITIES.**

**[(a) PROFESSIONAL DEVELOPMENT.—**

[(1) IN GENERAL.—A recipient of funds made available under section 2412(a)(2) shall use not less than 25 percent of such funds to provide ongoing, sustained, and intensive, high-quality professional development. The recipient shall provide professional development in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments, such as professional development in the use of technology—

[(A) to access data and resources to develop curricula and instructional materials;

[(B) to enable teachers—

[(i) to use the Internet and other technology to communicate with parents, other teachers, principals, and administrators; and

[(ii) to retrieve Internet-based learning resources; and

[(C) to lead to improvements in classroom instruction in the core academic subjects, that effectively prepare students to meet challenging State academic content standards, including increasing student technology literacy, and student academic achievement standards.

[(2) WAIVERS.—Paragraph (1) shall not apply to a recipient of funds made available under section 2412(a)(2) that demonstrates, to the satisfaction of the State educational agency involved, that the recipient already provides ongoing, sustained, and intensive, high-quality professional development that is based on a review of relevant research, to all teachers in core academic subjects in the integration of advanced tech-

nologies, including emerging technologies, into curricula and instruction.

[(b) OTHER ACTIVITIES.—In addition to the activities described in subsection (a), a recipient of funds made available by a State educational agency under section 2412(a)(2) shall use such funds to carry out other activities consistent with this subpart, which may include the following:

[(1) Establishing or expanding initiatives, particularly initiatives involving public-private partnerships, designed to increase access to technology for students and teachers, with special emphasis on the access of high-need schools to technology.

[(2) Adapting or expanding existing and new applications of technology to enable teachers to increase student academic achievement, including technology literacy—

[(A) through the use of teaching practices that are based on a review of relevant research and are designed to prepare students to meet challenging State academic content and student academic achievement standards; and

[(B) by the development and utilization of innovative distance learning strategies to deliver specialized or rigorous academic courses and curricula to areas that would not otherwise have access to such courses and curricula.

[(3) Acquiring proven and effective courses and curricula that include integrated technology and are designed to help students meet challenging State academic content and student academic achievement standards.

[(4) Utilizing technology to develop or expand efforts to connect schools and teachers with parents and students to promote meaningful parental involvement, to foster increased communication about curricula, assignments, and assessments between students, parents, and teachers, and to assist parents to understand the technology being applied in their child's education, so that parents are able to reinforce at home the instruction their child receives at school.

[(5) Preparing one or more teachers in elementary schools and secondary schools as technology leaders who are provided with the means to serve as experts and train other teachers in the effective use of technology, and providing bonus payments to the technology leaders.

[(6) Acquiring, adapting, expanding, implementing, repairing, and maintaining existing and new applications of technology, to support the school reform effort and to improve student academic achievement, including technology literacy.

[(7) Acquiring connectivity linkages, resources, and services (including the acquisition of hardware and software and other electronically delivered learning materials) for use by teachers, students, academic counselors, and school library media personnel in the classroom, in academic and college counseling centers, or in school library media centers, in order to improve student academic achievement.

[(8) Using technology to collect, manage, and analyze data to inform and enhance teaching and school improvement efforts.

[(9) Implementing performance measurement systems to determine the effectiveness of education technology programs funded under this subpart, particularly in determining the ex-

tent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

[(10) Developing, enhancing, or implementing information technology courses.

## **[Subpart 2—National Technology Activities**

### **[SEC. 2421. NATIONAL ACTIVITIES.**

[(a) STUDY.—Using funds made available under section 2404(b)(2), the Secretary—

[(1) shall conduct an independent, long-term study, utilizing scientifically based research methods and control groups or control conditions—

[(A) on the conditions and practices under which educational technology is effective in increasing student academic achievement; and

[(B) on the conditions and practices that increase the ability of teachers to integrate technology effectively into curricula and instruction, that enhance the learning environment and opportunities, and that increase student academic achievement, including technology literacy;

[(2) shall establish an independent review panel to advise the Secretary on methodological and other issues that arise in conducting the long-term study;

[(3) shall consult with other interested Federal departments or agencies, State and local educational practitioners and policymakers (including teachers, principals, and superintendents), and experts in technology, regarding the study; and

[(4) shall submit to Congress interim reports, when appropriate, and a final report, to be submitted not later than April 1, 2006, on the findings of the study.

[(b) DISSEMINATION.—Using funds made available under section 2404(b)(2), the Secretary shall make widely available, including through dissemination on the Internet and to all State educational agencies and other recipients of funds under this part, findings identified through activities carried out under this section regarding the conditions and practices under which educational technology is effective in increasing student academic achievement.

[(c) TECHNICAL ASSISTANCE.—Using funds made available under section 2404(b)(2), the Secretary may provide technical assistance (directly or through the competitive award of grants or contracts) to State educational agencies, local educational agencies, and other recipients of funds, particularly in rural areas, under this part, in order to assist such State educational agencies, local educational agencies, and other recipients to achieve the purposes of this part.

### **[SEC. 2422. NATIONAL EDUCATION TECHNOLOGY PLAN.**

[(a) IN GENERAL.—Based on the Nation's progress and an assessment by the Secretary of the continuing and future needs of the Nation's schools in effectively using technology to provide all students the opportunity to meet challenging State academic content and student academic achievement standards, the Secretary shall

update and publish, in a form readily accessible to the public, a national long-range technology plan, by not later than 12 months after the date of enactment of the No Child Left Behind Act of 2001.

[(b) CONTENTS.—The plan referred to in subsection (a) shall include each of the following:

[(1) A description of the manner in which the Secretary will promote—

[(A) higher student academic achievement through the integration of advanced technologies, including emerging technologies, into curricula and instruction;

[(B) increased access to technology for teaching and learning for schools with a high number or percentage of children from families with incomes below the poverty line; and

[(C) the use of technology to assist in the implementation of State systemic reform strategies.

[(2) A description of joint activities of the Department of Education and other Federal departments or agencies that will promote the use of technology in education.

### **[Subpart 3—Ready-to-Learn Television**

#### **[SEC. 2431. READY-TO-LEARN TELEVISION.**

[(a) PROGRAM AUTHORIZED.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities described in paragraph (3) to enable such entities—

[(A) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

[(B) to facilitate the development, directly or through contracts with producers of children and family educational television programming, of educational programming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;

[(C) to facilitate the development of programming and digital content containing Ready-to-Learn-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;

[(D) to contract with entities (such as public telecommunications entities) so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

[(E) to develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

[(i) to promote school readiness; and

[(ii) to promote the effective use of materials developed under subparagraphs (B) and (C) among parents, teachers, Head Start providers, Even Start providers, providers of family literacy services, child care providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.

[(2) AVAILABILITY.—In awarding grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, Even Start providers, and providers of family literacy services to increase the effective use of such programming.

[(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreements under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

[(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

[(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality.

[(C) A capacity, consistent with the entity's mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

[(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

[(4) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement under this section shall consult with the Secretary and the Secretary of Health and Human Services—

[(A) to maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

[(B) to coordinate activities with Federal programs that have major training components for early childhood development, including programs under the Head Start Act (42 U.S.C. 9831 et seq.) and Even Start, and State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), regarding the availability and utilization of materials developed under paragraph (1)(E) to enhance parent and child care provider skills in early childhood development and education.

[(b) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit

to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

**[(c) REPORTS AND EVALUATIONS.—**

**[(1) ANNUAL REPORT TO THE SECRETARY.—**An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:

**[(A)** The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programs developed.

**[(B)** The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.

**[(C)** The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

**[(D)** The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

**[(2) REPORT TO CONGRESS.—**The Secretary shall prepare and submit to the relevant committees of Congress a biannual report that includes the following:

**[(A)** A summary of the activities assisted under subsection (a).

**[(B)** A description of the education and training materials made available under subsection (a)(1)(E), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

**[(d) ADMINISTRATIVE COSTS.—**An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

**[(e) AUTHORIZATION OF APPROPRIATIONS.—**

**[(1) IN GENERAL.—**There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002, and for each of the 5 succeeding fiscal years.

**[(2) FUNDING RULE.—**Not less than 60 percent of the amount appropriated under paragraph (1) for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).

## **[Subpart 4—Limitation on Availability of Certain Funds for Schools**

### **[SEC. 2441. INTERNET SAFETY.**

[(a) IN GENERAL.—No funds made available under this part to a local educational agency for an elementary school or secondary school that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)) may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school both—

[(1)(A) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

- [(i) obscene;
- [(ii) child pornography; or
- [(iii) harmful to minors; and

[(B) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

[(2)(A) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

- [(i) obscene; or
- [(ii) child pornography; and

[(B) is enforcing the operation of such technology protection measure during any use of such computers.

### **[(b) TIMING AND APPLICABILITY OF IMPLEMENTATION.—**

[(1) IN GENERAL.—The local educational agency with responsibility for a school covered by subsection (a) shall certify the compliance of such school with the requirements of subsection (a) as part of the application process for the next program funding year under this Act following December 21, 2000, and for each subsequent program funding year thereafter.

### **[(2) PROCESS.—**

[(A) SCHOOLS WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A local educational agency with responsibility for a school covered by subsection (a) that has in place an Internet safety policy meeting the requirements of subsection (a) shall certify its compliance with subsection (a) during each annual program application cycle under this Act.

[(B) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—

[(i) CERTIFICATION.—A local educational agency with responsibility for a school covered by subsection (a) that does not have in place an Internet safety policy meeting the requirements of subsection (a)—

[(I) for the first program year after December 21, 2000, in which the local educational agency is

applying for funds for such school under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

[(II) for the second program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this Act, shall certify that such school is in compliance with such requirements.

[(ii) INELIGIBILITY.—Any school covered by subsection (a) for which the local educational agency concerned is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this part for such second program year and all subsequent program years until such time as such school comes into compliance with such requirements.

[(C) WAIVERS.—Any school subject to a certification under subparagraph (B)(i)(II) for which the local educational agency concerned cannot make the certification otherwise required by that subparagraph may seek a waiver of that subparagraph if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that subparagraph. The local educational agency concerned shall notify the Secretary of the applicability of that subparagraph to the school. Such notice shall certify that the school will be brought into compliance with the requirements in subsection (a) before the start of the third program year after December 21, 2000, in which the school is applying for funds under this part.

[(c) DISABLING DURING CERTAIN USE.—An administrator, supervisor, or person authorized by the responsible authority under subsection (a) may disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes.

[(d) NONCOMPLIANCE.—

[(1) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.—Whenever the Secretary has reason to believe that any recipient of funds under this part is failing to comply substantially with the requirements of this section, the Secretary may—

[(A) withhold further payments to the recipient under this part;

[(B) issue a complaint to compel compliance of the recipient through a cease and desist order; or

[(C) enter into a compliance agreement with a recipient to bring it into compliance with such requirements, in same manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act.

[(2) RECOVERY OF FUNDS PROHIBITED.—The actions authorized by paragraph (1) are the exclusive remedies available with respect to the failure of a school to comply substantially with

a provision of this section, and the Secretary shall not seek a recovery of funds from the recipient for such failure.

[(3) RECOMMENCEMENT OF PAYMENTS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under paragraph (1)(A) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments to the recipient under that paragraph.

[(e) DEFINITIONS.—In this subpart:

[(1) COMPUTER.—The term “computer” includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

[(2) ACCESS TO INTERNET.—A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network that has access to the Internet.

[(3) ACQUISITION OR OPERATION.—An elementary school or secondary school shall be considered to have received funds under this part for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly—

[(A) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

[(B) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

[(4) MINOR.—The term “minor” means an individual who has not attained the age of 17.

[(5) CHILD PORNOGRAPHY.—The term “child pornography” has the meaning given that term in section 2256 of title 18, United States Code.

[(6) HARMFUL TO MINORS.—The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that—

[(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

[(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

[(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

[(7) OBSCENE.—The term “obscene” has the meaning applicable to that term under section 1460 of title 18, United States Code.

[(8) SEXUAL ACT AND SEXUAL CONTACT.—The terms “sexual act” and “sexual contact” have the meanings given those terms in section 2246 of title 18, United States Code.

[(f) SEVERABILITY.—If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.】

## **PART D—GENERAL PROVISIONS**

### **SEC. 2401. INCLUSION OF CHARTER SCHOOLS.**

*In this title, the term “local educational agency” includes a charter school (as defined in section 5101) that, in the absence of this section, would not have received funds under this title.*

### **SEC. 2402. PARENTS’ RIGHT TO KNOW.**

*At the beginning of each school year, a local educational agency that receives funds under this title shall notify the parents of each student attending any school receiving funds under this title that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student’s classroom teachers.*

### **SEC. 2403. SUPPLEMENT, NOT SUPPLANT.**

*Funds received under this title shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title.*

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

### **[SEC. 3001. AUTHORIZATIONS OF APPROPRIATIONS; CONDITION ON EFFECTIVENESS OF PARTS.**

#### **[(a) AUTHORIZATIONS OF APPROPRIATIONS.—**

**[(1) IN GENERAL.—**Subject to subsection (b), there are authorized to be appropriated to carry out this title, except for subpart 4 of part B, \$750,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

**[(2) EMERGENCY IMMIGRANT EDUCATION PROGRAM.—**There are authorized to be appropriated to carry out subpart 4 of part B (when such part is in effect) such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

#### **[(b) CONDITIONS ON EFFECTIVENESS OF PARTS A AND B.—**

**[(1) PART A.—**Part A shall be in effect for any fiscal year for which the amount appropriated under paragraphs (1) and (2) of subsection (a) equals or exceeds \$650,000,000.

**[(2) PART B.—**Part B shall be in effect only for a fiscal year for which part A is not in effect.

**[(c) REFERENCES.—**In any fiscal year for which part A is in effect, references in Federal law (other than this title) to part B shall be considered to be references to part A. In any fiscal year for which part B is in effect, references in Federal law (other than this title) to part A shall be considered to be references to part B.

**[PART A—ENGLISH LANGUAGE ACQUISITION,  
LANGUAGE ENHANCEMENT, AND ACADEMIC  
ACHIEVEMENT ACT**

**[SEC. 3101. SHORT TITLE.**

【This part may be cited as the “English Language Acquisition, Language Enhancement, and Academic Achievement Act”.

**[SEC. 3102. PURPOSES.**

【The purposes of this part are—

【(1) to help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;

【(2) to assist all limited English proficient children, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same challenging State academic content and student academic achievement standards as all children are expected to meet, consistent with section 1111(b)(1);

【(3) to develop high-quality language instruction educational programs designed to assist State educational agencies, local educational agencies, and schools in teaching limited English proficient children and serving immigrant children and youth;

【(4) to assist State educational agencies and local educational agencies to develop and enhance their capacity to provide high-quality instructional programs designed to prepare limited English proficient children, including immigrant children and youth, to enter all-English instruction settings;

【(5) to assist State educational agencies, local educational agencies, and schools to build their capacity to establish, implement, and sustain language instruction educational programs and programs of English language development for limited English proficient children;

【(6) to promote parental and community participation in language instruction educational programs for the parents and communities of limited English proficient children;

【(7) to streamline language instruction educational programs into a program carried out through formula grants to State educational agencies and local educational agencies to help limited English proficient children, including immigrant children and youth, develop proficiency in English, while meeting challenging State academic content and student academic achievement standards;

【(8) to hold State educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge of limited English proficient children by requiring—

【(A) demonstrated improvements in the English proficiency of limited English proficient children each fiscal year; and

- [(B) adequate yearly progress for limited English proficient children, including immigrant children and youth, as described in section 1111(b)(2)(B); and
- [(9) to provide State educational agencies and local educational agencies with the flexibility to implement language instruction educational programs, based on scientifically based research on teaching limited English proficient children, that the agencies believe to be the most effective for teaching English.

### **[Subpart 1—Grants and Subgrants for English Language Acquisition and Language Enhancement**

#### **[SEC. 3111. FORMULA GRANTS TO STATES.**

[(a) IN GENERAL.—In the case of each State educational agency having a plan approved by the Secretary for a fiscal year under section 3113, the Secretary shall make a grant for the year to the agency for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State educational agency under subsection (c).

#### **[(b) USE OF FUNDS.—**

[(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The Secretary may make a grant under subsection (a) only if the State educational agency involved agrees to expend at least 95 percent of the State educational agency's allotment under subsection (c) for a fiscal year—

[(A) to award subgrants, from allocations under section 3114, to eligible entities to carry out the activities described in section 3115 (other than subsection (e)); and

[(B) to award subgrants under section 3114(d)(1) to eligible entities that are described in that section to carry out the activities described in section 3115(e).

[(2) STATE ACTIVITIES.—Subject to paragraph (3), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency's allotment under subsection (c) to carry out one or more of the following activities:

[(A) Professional development activities, and other activities, that assist personnel in meeting State and local certification and licensing requirements for teaching limited English proficient children.

[(B) Planning, evaluation, administration, and inter-agency coordination related to the subgrants referred to in paragraph (1).

[(C) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—

[(i) identifying and implementing language instruction educational programs and curricula that are based on scientifically based research on teaching limited English proficient children;

[(ii) helping limited English proficient children meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;

[(iii) identifying or developing, and implementing, measures of English proficiency; and

[(iv) promoting parental and community participation in programs that serve limited English proficient children.

[(D) Providing recognition, which may include providing financial awards, to subgrantees that have exceeded their annual measurable achievement objectives pursuant to section 3122.

[(3) ADMINISTRATIVE EXPENSES.—From the amount reserved under paragraph (2), a State educational agency may use not more than 60 percent of such amount or \$175,000, whichever is greater, for the planning and administrative costs of carrying out paragraphs (1) and (2).

[(c) RESERVATIONS AND ALLOTMENTS.—

[(1) RESERVATIONS.—From the amount appropriated under section 3001(a) for each fiscal year, the Secretary shall reserve—

[(A) 0.5 percent or \$5,000,000 of such amount, whichever is greater, for payments to eligible entities that are defined under section 3112(a) for activities, approved by the Secretary, consistent with this subpart;

[(B) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this subpart, as determined by the Secretary, for activities, approved by the Secretary, consistent with this subpart;

[(C) 6.5 percent of such amount for national activities under sections 3131 and 3303, except that not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and not more than \$2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 3303; and

[(D) such sums as may be necessary to make continuation awards under paragraph (2).

[(2) CONTINUATION AWARDS.—

[(A) IN GENERAL.—Before making allotments to State educational agencies under paragraph (3) for any fiscal year, the Secretary shall use the sums reserved under paragraph (1)(D) to make continuation awards to recipients who received grants or fellowships for the fiscal year preceding any fiscal year described in section 3001(b)(1)(A) under—

[(i) subparts 1 and 3 of part A of title VII (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); or

[(ii) subparts 1 and 3 of part B of this title.

[(B) USE OF FUNDS.—The Secretary shall make the awards in order to allow such recipients to receive awards

for the complete period of their grants or fellowships under the appropriate subparts.

**[(3) STATE ALLOTMENTS.—**

**[(A) IN GENERAL.—**Except as provided in subparagraph (B), from the amount appropriated under section 3001(a) for each fiscal year that remains after making the reservations under paragraph (1), the Secretary shall allot to each State educational agency having a plan approved under section 3113(c)—

**[(i)** an amount that bears the same relationship to 80 percent of the remainder as the number of limited English proficient children in the State bears to the number of such children in all States; and

**[(ii)** an amount that bears the same relationship to 20 percent of the remainder as the number of immigrant children and youth in the State bears to the number of such children and youth in all States.

**[(B) MINIMUM ALLOTMENTS.—**No State educational agency shall receive an allotment under this paragraph that is less than \$500,000.

**[(C) REALLOTMENT.—**If any State educational agency described in subparagraph (A) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of this subpart, the Secretary—

**[(i)** shall endeavor to make the State's allotment available on a competitive basis to specially qualified agencies within the State to satisfy the requirements of section 3115 (and any additional requirements that the Secretary may impose), consistent with the purposes of such section, and to carry out required and authorized activities under such section; and

**[(ii)** shall reallocate any portion of such allotment remaining after the application of clause (i) to the remaining State educational agencies in accordance with subparagraph (A).

**[(D) SPECIAL RULE FOR PUERTO RICO.—**The total amount allotted to Puerto Rico for any fiscal year under subparagraph (A) shall not exceed 0.5 percent of the total amount allotted to all States for that fiscal year.

**[(4) USE OF DATA FOR DETERMINATIONS.—**

**[(A) IN GENERAL.—**In making State allotments under paragraph (3), for the purpose of determining the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, for each fiscal year, the Secretary shall use data that will yield the most accurate, up-to-date numbers of such children and youth.

**[(B) SPECIAL RULE.—**

**[(i) FIRST 2 YEARS.—**In making determinations under subparagraph (A) for the 2 fiscal years following the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall determine the number of limited English proficient children in a State and in

all States, and the number of immigrant children and youth in a State and in all States, using data available from the Bureau of Census or submitted by the States to the Secretary.

[(ii) **SUBSEQUENT YEARS.**—For subsequent fiscal years, the Secretary shall determine the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, using the more accurate of—

[(I) the data available from the American Community Survey available from the Department of Commerce; or

[(II) the number of children being assessed for English proficiency in a State as required under section 1111(b)(7).

**[SEC. 3112. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.**

[(a) **ELIGIBLE ENTITIES.**—For the purpose of carrying out programs under this part for individuals served by elementary schools, secondary schools, and postsecondary schools operated predominately for Native American children (including Alaska Native children), the following shall be considered to be an eligible entity:

[(1) An Indian tribe.

[(2) A tribally sanctioned educational authority.

[(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

[(4) An elementary school or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

[(5) An elementary school or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.

[(6) An elementary school or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary school or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

[(b) **SUBMISSION OF APPLICATIONS FOR ASSISTANCE.**—Notwithstanding any other provision of this part, an entity that is considered to be an eligible entity under subsection (a), and that desires to receive Federal financial assistance under this subpart, shall submit an application to the Secretary.

[(c) **SPECIAL RULE.**—An eligible entity described in subsection (a) that receives Federal financial assistance pursuant to this section shall not be eligible to receive a subgrant under section 3114.

**[SEC. 3113. STATE AND SPECIALLY QUALIFIED AGENCY PLANS.**

[(a) **PLAN REQUIRED.**—Each State educational agency and specially qualified agency desiring a grant under this subpart shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[(b) **CONTENTS.**—Each plan submitted under subsection (a) shall—

[(1) describe the process that the agency will use in making subgrants to eligible entities under section 3114(d)(1);

[(2) describe how the agency will establish standards and objectives for raising the level of English proficiency that are derived from the four recognized domains of speaking, listening, reading, and writing, and that are aligned with achievement of the challenging State academic content and student academic achievement standards described in section 1111(b)(1);

[(3) contain an assurance that—

[(A) in the case of a State educational agency, the agency consulted with local educational agencies, education-related community groups and nonprofit organizations, parents, teachers, school administrators, and researchers, in developing the annual measurable achievement objectives described in section 3122;

[(B) in the case of a specially qualified agency, the agency consulted with education-related community groups and nonprofit organizations, parents, teachers, and researchers, in developing the annual measurable achievement objectives described in section 3122;

[(C) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(7) to annually assess in English children who have been in the United States for 3 or more consecutive years;

[(D) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all limited English proficient children participating in a program funded under this subpart, consistent with section 1111(b)(7);

[(E) in awarding subgrants under section 3114, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;

[(F) subgrants to eligible entities under section 3114(d)(1) will be of sufficient size and scope to allow such entities to carry out high-quality language instruction educational programs for limited English proficient children; and

[(G) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient's capacity to continue to offer high-quality language instruction educational programs that assist limited English proficient children in meeting challenging State academic content and student academic achievement standards once assistance under this subpart is no longer available;

[(4) describe how the agency will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;

[(5) describe how the agency will hold local educational agencies, eligible entities, elementary schools, and secondary schools accountable for—

[(A) meeting all annual measurable achievement objectives described in section 3122;



under subsection (a) for a fiscal year will not be used by the entity for the purpose for which the allocation was made, the agency shall, in accordance with such rules as it determines to be appropriate, reallocate such amount, consistent with such subsection, to other eligible entities in the State that the agency determines will use the amount to carry out that purpose.

[(d) REQUIRED RESERVATION.—A State educational agency receiving a grant under this subpart for a fiscal year—

[(1) shall reserve not more than 15 percent of the agency's allotment under section 3111(c)(3) to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year preceding the fiscal year for which the subgrant is made, in public and non-public elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities; and

[(2) in awarding subgrants under paragraph (1)—

[(A) shall equally consider eligible entities that satisfy the requirement of such paragraph but have limited or no experience in serving immigrant children and youth; and

[(B) shall consider the quality of each local plan under section 3116 and ensure that each subgrant is of sufficient size and scope to meet the purposes of this part.

**[SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.**

[(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children, by assisting the children to learn English and meet challenging State academic content and student academic achievement standards. In carrying out activities with such funds, the entity shall use approaches and methodologies based on scientifically based research on teaching limited English proficient children and immigrant children and youth for the following purposes:

[(1) Developing and implementing new language instruction educational programs and academic content instruction programs for such children, and such children and youth, including programs of early childhood education, elementary school programs, and secondary school programs.

[(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instruction programs for such children, and such children and youth.

[(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children, and such children and youth.

[(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational pro-

grams and academic content instruction for such children, and such children and youth.

[(b) ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.

[(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds—

[(1) to increase the English proficiency of limited English proficient children by providing high-quality language instruction educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing—

[(A) English proficiency; and

[(B) student academic achievement in the core academic subjects; and

[(2) to provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel, that is—

[(A) designed to improve the instruction and assessment of limited English proficient children;

[(B) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for limited English proficient children;

[(C) based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

[(D) of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher.

[(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities:

[(1) Upgrading program objectives and effective instruction strategies.

[(2) Improving the instruction program for limited English proficient children by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

[(3) Providing—

[(A) tutorials and academic or vocational education for limited English proficient children; and

[(B) intensified instruction.

[(4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

[(5) Improving the English proficiency and academic achievement of limited English proficient children.

[(6) Providing community participation programs, family literacy services, and parent outreach and training activities to limited English proficient children and their families—

[(A) to improve the English language skills of limited English proficient children; and

[(B) to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.

[(7) Improving the instruction of limited English proficient children by providing for—

[(A) the acquisition or development of educational technology or instructional materials;

[(B) access to, and participation in, electronic networks for materials, training, and communication; and

[(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

[(8) Carrying out other activities that are consistent with the purposes of this section.

[(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

[(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

[(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

[(B) support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

[(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

[(D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;

[(E) basic instruction services that are directly attributable to the presence in the school district involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

[(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

[(G) activities, coordinated with community-based organizations, institutions of higher education, private sector

entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

[(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational agency under section 3114(d)(1) shall be determined by the agency in its discretion.

[(f) SELECTION OF METHOD OF INSTRUCTION.—

[(1) IN GENERAL.—To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State academic content and student academic achievement standards.

[(2) CONSISTENCY.—Such selection shall be consistent with sections 3125 through 3127.

[(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

**[SEC. 3116. LOCAL PLANS.**

[(a) PLAN REQUIRED.—Each eligible entity desiring a subgrant from the State educational agency under section 3114 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

[(b) CONTENTS.—Each plan submitted under subsection (a) shall—

[(1) describe the programs and activities proposed to be developed, implemented, and administered under the subgrant;

[(2) describe how the eligible entity will use the subgrant funds to meet all annual measurable achievement objectives described in section 3122;

[(3) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for—

[(A) meeting the annual measurable achievement objectives described in section 3122;

[(B) making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2)(B); and

[(C) annually measuring the English proficiency of limited English proficient children, so that such children served by the programs carried out under this part develop proficiency in English while meeting State academic content and student academic achievement standards as required by section 1111(b)(1);

[(4) describe how the eligible entity will promote parental and community participation in programs for limited English proficient children;

[(5) contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with education-related community groups

and nonprofit organizations, and institutions of higher education, in developing such plan; and

[(6) describe how language instruction educational programs carried out under the subgrant will ensure that limited English proficient children being served by the programs develop English proficiency.

[(c) TEACHER ENGLISH FLUENCY.—Each eligible entity receiving a subgrant under section 3114 shall include in its plan a certification that all teachers in any language instruction educational program for limited English proficient children that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills.

[(d) OTHER REQUIREMENTS FOR APPROVAL.—Each local plan shall also contain assurances that—

[(1) each local educational agency that is included in the eligible entity is complying with section 3302 prior to, and throughout, each school year;

[(2) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this part;

[(3) the eligible entity has based its proposed plan on scientifically based research on teaching limited English proficient children;

[(4) the eligible entity will ensure that the programs will enable children to speak, read, write, and comprehend the English language and meet challenging State academic content and student academic achievement standards; and

[(5) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children, consistent with sections 3126 and 3127.

## **[Subpart 2—Accountability and Administration**

### **[SEC. 3121. EVALUATIONS.**

[(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with an evaluation, in a form prescribed by the agency, that includes—

[(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the two immediately preceding fiscal years;

[(2) a description of the progress made by children in learning the English language and meeting challenging State academic content and student academic achievement standards;

[(3) the number and percentage of children in the programs and activities attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and

[(4) a description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the 2 years after such children are no longer receiving services under this part.

[(b) USE OF EVALUATION.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency—

[(1) for improvement of programs and activities;

[(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with subsection (d)) and meet challenging State academic content and student academic achievement standards; and

[(3) in determining whether or not to continue funding for specific programs or activities.

[(c) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under subsection (a) shall—

[(1) provide an evaluation of children enrolled in a program or activity conducted by the entity using funds under subpart 1 (including the percentage of children) who—

[(A) are making progress in attaining English proficiency, including the percentage of children who have achieved English proficiency;

[(B) have transitioned into classrooms not tailored to limited English proficient children, and have a sufficient level of English proficiency to permit them to achieve in English and transition into classrooms not tailored to limited English proficient children;

[(C) are meeting the same challenging State academic content and student academic achievement standards as all children are expected to meet; and

[(D) are not receiving waivers for the reading or language arts assessments under section 1111(b)(3)(C); and

[(2) include such other information as the State educational agency may require.

[(d) EVALUATION MEASURES.—A State shall approve evaluation measures for use under subsection (c) that are designed to assess—

[(1) the progress of children in attaining English proficiency, including a child's level of comprehension, speaking, listening, reading, and writing skills in English;

[(2) student attainment of challenging State student academic achievement standards on assessments described in section 1111(b)(3); and

[(3) progress in meeting the annual measurable achievement objectives described in section 3122.

[(e) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—Each specially qualified agency receiving a grant under this part shall provide the evaluations described in subsection (a) to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.

**[(SEC. 3122. ACHIEVEMENT OBJECTIVES AND ACCOUNTABILITY.)**

[(a) ACHIEVEMENT OBJECTIVES.—

[(1) IN GENERAL.—Each State educational agency or specially qualified agency receiving a grant under subpart 1 shall develop annual measurable achievement objectives for limited English proficient children served under this part that relate to such children's development and attainment of English proficiency while meeting challenging State academic content and

student academic achievement standards as required by section 1111(b)(1).

[(2) DEVELOPMENT OF OBJECTIVES.—Such annual measurable achievement objectives shall be developed in a manner that—

[(A) reflects the amount of time an individual child has been enrolled in a language instruction educational program; and

[(B) uses consistent methods and measurements to reflect the increases described in subparagraphs (A)(i), (A)(ii), and (B) of paragraph (3).

[(3) CONTENTS.—Such annual measurable achievement objectives—

[(A) shall include—

[(i) at a minimum, annual increases in the number or percentage of children making progress in learning English;

[(ii) at a minimum, annual increases in the number or percentage of children attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency consistent with section 1111(b)(7); and

[(iii) making adequate yearly progress for limited English proficient children as described in section 1111(b)(2)(B); and

[(B) at the discretion of the agency, may include the number or percentage of children not receiving waivers for reading or language arts assessments under section 1111(b)(3)(C), but this achievement objective shall not be applied to an eligible entity that, in a given school year—

[(i) has experienced a large increase in limited English proficient children or immigrant children and youth;

[(ii) enrolls a statistically significant number of immigrant children and youth from countries where such children and youth had little or no access to formal education; or

[(iii) has a statistically significant number of immigrant children and youth who have fled from war or natural disaster.

[(b) ACCOUNTABILITY.—

[(1) FOR STATES.—Each State educational agency receiving a grant under subpart 1 shall hold eligible entities receiving a subgrant under such subpart accountable for meeting the annual measurable achievement objectives under subsection (a), including making adequate yearly progress for limited English proficient children.

[(2) IMPROVEMENT PLAN.—If a State educational agency determines, based on the annual measurable achievement objectives described in subsection (a), that an eligible entity has failed to make progress toward meeting such objectives for 2 consecutive years, the agency shall require the entity to develop an improvement plan that will ensure that the entity meets such objectives. The improvement plan shall specifically

address the factors that prevented the entity from achieving such objectives.

[(3) TECHNICAL ASSISTANCE.—During the development of the improvement plan described in paragraph (2), and throughout its implementation, the State educational agency shall—

[(A) provide technical assistance to the eligible entity;

[(B) provide technical assistance, if applicable, to schools served by such entity under subpart 1 that need assistance to enable the schools to meet the annual measurable achievement objectives described in subsection (a);

[(C) develop, in consultation with the entity, professional development strategies and activities, based on scientifically based research, that the agency will use to meet such objectives;

[(D) require such entity to utilize such strategies and activities; and

[(E) develop, in consultation with the entity, a plan to incorporate strategies and methodologies, based on scientifically based research, to improve the specific program or method of instruction provided to limited English proficient children.

[(4) ACCOUNTABILITY.—If a State educational agency determines that an eligible entity has failed to meet the annual measurable achievement objectives described in subsection (a) for 4 consecutive years, the agency shall—

[(A) require such entity to modify the entity's curriculum, program, and method of instruction; or

[(B)(i) make a determination whether the entity shall continue to receive funds related to the entity's failure to meet such objectives; and

[(ii) require such entity to replace educational personnel relevant to the entity's failure to meet such objectives.

[(c) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—The Secretary shall hold specially qualified agencies receiving a grant under this subpart accountable for meeting the annual measurable achievement objectives described in subsection (a) in the same manner as State educational agencies hold eligible entities accountable under subsection (b).

**[SEC. 3123. REPORTING REQUIREMENTS.**

[(a) STATES.—Based upon the evaluations provided to a State educational agency under section 3121, each such agency that receives a grant under this part shall prepare and submit every second year to the Secretary a report on programs and activities carried out by the State educational agency under this part and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

[(b) SECRETARY.—Every second year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

[(1) on programs and activities carried out to serve limited English proficient children under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of children who are limited English proficient;

[(2) on the types of language instruction educational programs used by local educational agencies or eligible entities receiving funding under this part to teach limited English proficient children;

[(3) containing a critical synthesis of data reported by eligible entities to States under section 3121(a);

[(4) containing a description of technical assistance and other assistance provided by State educational agencies under section 3111(b)(2)(C);

[(5) containing an estimate of the number of certified or licensed teachers working in language instruction educational programs and educating limited English proficient children, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

[(6) containing the major findings of scientifically based research carried out under this part;

[(7) containing the number of programs or activities, if any, that were terminated because the entities carrying out the programs or activities were not able to reach program goals;

[(8) containing the number of limited English proficient children served by eligible entities receiving funding under this part who were transitioned out of language instruction educational programs funded under this part into classrooms where instruction is not tailored for limited English proficient children; and

[(9) containing other information gathered from the evaluations from specially qualified agencies and other reports submitted to the Secretary under this title when applicable.

**[SEC. 3124. COORDINATION WITH RELATED PROGRAMS.**

[In order to maximize Federal efforts aimed at serving the educational needs of children of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other entities carrying out programs serving language-minority and limited English proficient children that are administered by the Department and other agencies.

**[SEC. 3125. RULES OF CONSTRUCTION.**

[Nothing in this part shall be construed—

[(1) to prohibit a local educational agency from serving limited English proficient children simultaneously with children with similar educational needs, in the same educational settings where appropriate;

[(2) to require a State or a local educational agency to establish, continue, or eliminate any particular type of instructional program for limited English proficient children; or

[(3) to limit the preservation or use of Native American languages.

**[SEC. 3126. LEGAL AUTHORITY UNDER STATE LAW.**

[Nothing in this part shall be construed to negate or supersede State law, or the legal authority under State law of any State agency, State entity, or State public official, over programs that are under the jurisdiction of the State agency, entity, or official.

**[SEC. 3127. CIVIL RIGHTS.**

Nothing in this part shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

**[SEC. 3128. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.**

Notwithstanding any other provision of this part, programs authorized under this part that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that an outcome of programs serving such children shall be increased English proficiency among such children.

**[SEC. 3129. PROHIBITION.**

In carrying out this part, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating limited English proficient children.

### **[Subpart 3—National Activities**

**[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 (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for limited English proficient children and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve limited English proficient children. Grants awarded under this subsection may be used—

(1) for preservice professional development programs that will assist local schools and institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals;

(2) for the development of curricula appropriate to the needs of the consortia participants involved; and

(3) in conjunction with other Federal need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve limited English proficient children.

### **[Subpart 4—Definitions**

**[SEC. 3141. ELIGIBLE ENTITY.**

In this part, the term “eligible entity” means—

(1) one or more local educational agencies; or

[(2) one or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.

## **[PART B—IMPROVING LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS**

### **[SEC. 3201. SHORT TITLE.**

[This part may be cited as the “Improving Language Instruction Educational Programs For Academic Achievement Act”.

### **[SEC. 3202. PURPOSE.**

[The purpose of this part is to help ensure that limited English proficient children master English and meet the same rigorous standards for academic achievement as all children are expected to meet, including meeting challenging State academic content and student academic achievement standards by—

[(1) promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving limited English proficient children;

[(2) developing language skills and multicultural understanding;

[(3) developing the English proficiency of limited English proficient children and, to the extent possible, the native language skills of such children;

[(4) providing similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law;

[(5) developing data collection and dissemination, research, materials, and technical assistance that are focused on school improvement for limited English proficient children; and

[(6) developing programs that strengthen and improve the professional training of educational personnel who work with limited English proficient children.

### **[SEC. 3203. NATIVE AMERICAN CHILDREN IN SCHOOL.**

[(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary schools, secondary schools, and postsecondary schools operated predominately for Native American (including Alaska Native) children and youth, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary school or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency.

[(b) APPLICATION.—Notwithstanding any other provision of this part, each tribe, authority, organization, or school described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the program proposed in the application.

### **[SEC. 3204. RESIDENTS OF THE TERRITORIES AND FREELY ASSOCIATED STATES.**

[For the purpose of carrying out programs under this part in the outlying areas, the term “local educational agency” includes public institutions or agencies whose mission is the preservation and maintenance of native languages.

## **[Subpart 1—Program Development and Enhancement**

### **[SEC. 3211. FINANCIAL ASSISTANCE FOR LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS.**

【The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under sections 3212 and 3213—

【(1) to develop and enhance their capacity to provide high-quality instruction through language instruction educational programs or special alternative instruction programs to limited English proficient children; and

【(2) to help such children—

【(A) develop English proficiency and, to the extent possible, proficiency in their native language; and

【(B) meet the same challenging State academic content and student academic achievement standards as all children are expected to meet under section 1111(b)(1).

### **[SEC. 3212. PROGRAM ENHANCEMENT ACTIVITIES.**

【(a) PROGRAM AUTHORIZED.—

【(1) AUTHORITY.—

【(A) IN GENERAL.—The Secretary is authorized to award grants to eligible entities having applications approved under section 3214 to enable such entities to provide innovative, locally designed, high-quality instruction to limited English proficient children, by expanding, developing, or strengthening language instruction educational programs or special alternative instruction programs.

【(B) PERIOD.—Each grant awarded under this section shall be awarded for a period of 3 years.

【(2) AUTHORIZED ACTIVITIES.—

【(A) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

【(i) developing, implementing, expanding, or enhancing comprehensive preschool, elementary, or secondary education programs for limited English proficient children, that are—

【(I) aligned with State and local academic content and student academic achievement standards, and local school reform efforts; and

【(II) coordinated with related academic services for children;

【(ii) providing high-quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient children; and

【(iii) annually assessing the English proficiency of all limited English proficient children served by activities carried out under this section.

【(B) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

[(i) implementing programs to upgrade the reading and other academic skills of limited English proficient children;

[(ii) developing accountability systems to monitor the academic progress of limited English proficient and formerly limited English proficient children;

[(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

[(iv) improving the instruction programs for limited English proficient children by identifying, acquiring, and applying effective curricula, instruction materials (including materials provided through technology), and assessments that are all aligned with State and local standards;

[(v) providing intensified instruction, including tutorials and academic, or vocational and technical, training, for limited English proficient children;

[(vi) adapting best practice models for meeting the needs of limited English proficient children;

[(vii) assisting limited English proficient children with disabilities;

[(viii) implementing applied learning activities such as service learning to enhance and support comprehensive elementary and secondary language instruction educational programs;

[(ix) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;

[(x) participating in electronic networks for materials, training, and communication, and incorporating information derived from such participation in curricula and programs; and

[(xi) carrying out such other activities related to the purpose of this part as the Secretary may approve.

[(b) PRIORITY.—In awarding grants under this section, the Secretary may give priority to an entity that—

[(1) serves a school district—

[(A) that has a total district enrollment that is less than 10,000 students; or

[(B) with a large percentage or number of limited English proficient children; and

[(2) has limited or no experience in serving limited English proficient children.

[(c) ELIGIBLE ENTITY.—In this section, the term “eligible entity” means—

[(1) one or more local educational agencies;

[(2) one or more local educational agencies in collaboration with an institution of higher education, community-based organization, or State educational agency; or

[(3) a community-based organization or an institution of higher education that has an application approved by the local educational agency to participate in programs carried out

under this subpart by enhancing early childhood education or family education programs or conducting instruction programs that supplement the educational services provided by a local educational agency.

**[SEC. 3213. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT ACTIVITIES.**

**[(a) PROGRAM AUTHORIZED.—**

**[(1) AUTHORITY.—**The Secretary is authorized to award grants to eligible entities having applications approved under section 3214 to enable such entities to develop and implement language instruction educational programs, and improve, reform, or upgrade programs or operations that serve significant percentages or numbers of limited English proficient children.

**[(2) MANDATORY ACTIVITIES.—**Grants awarded under this section shall be used for—

**[(A)** improving instruction programs for limited English proficient children by acquiring and upgrading curricula and related instruction materials;

**[(B)** aligning the activities carried out under this section with State and local school reform efforts;

**[(C)** providing training, aligned with State and local standards, to school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient children;

**[(D)** developing and implementing plans, coordinated with plans for programs carried out under title II of the Higher Education Act of 1965 (where applicable), and title II of this Act (where applicable), to recruit teachers trained to serve limited English proficient children;

**[(E)** implementing culturally and linguistically appropriate family education programs, or parent outreach and training activities, that are designed to assist parents of limited English proficient children to become active participants in the education of their children;

**[(F)** coordinating the activities carried out under this section with other programs, such as programs carried out under this title;

**[(G)** providing services to meet the full range of the educational needs of limited English proficient children;

**[(H)** annually assessing the English proficiency of all limited English proficient children served by the activities carried out under this section; and

**[(I)** developing or improving accountability systems to monitor the academic progress of limited English proficient children.

**[(3) PERMISSIBLE ACTIVITIES.—**Grants awarded under this section may be used for—

**[(A)** implementing programs to upgrade reading and other academic skills of limited English proficient children;

**[(B)** developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient children;

**[(C)** implementing scientifically based research programs to meet the needs of limited English proficient children;

[(D) providing tutorials and academic, or vocational and technical, training for limited English proficient children;

[(E) developing and implementing State and local academic content and student academic achievement standards for learning English as a second language, as well as for learning other languages;

[(F) developing and implementing programs for limited English proficient children to meet the needs of changing populations of such children;

[(G) implementing policies to ensure that limited English proficient children have access to other education programs (other than programs designed to address limited English proficiency);

[(H) assisting limited English proficient children with disabilities;

[(I) developing and implementing programs to help children become proficient in English and other languages;

[(J) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;

[(K) participating in electronic networks for materials, training, and communication and incorporating information derived from such participation in curricula and programs; and

[(L) carrying out such other activities related to the purpose of this part as the Secretary may approve.

[(4) SPECIAL RULE.—

[(A) PLANNING.—A recipient of a grant under this section, before carrying out activities under this section, shall plan, train personnel, develop curricula, and acquire or develop materials, but shall not use funds made available under this section for planning purposes for more than 45 days.

[(B) COMMENCEMENT OF ACTIVITIES.—The recipient shall commence carrying out activities under this section not later than the later of—

[(i) the beginning of the first school year that begins after the grant is received; or

[(ii) 30 days after the date of receipt of the grant.

[(b) AVAILABILITY OF APPROPRIATIONS.—

[(1) RESERVATION OF FUNDS FOR CONTINUED PAYMENTS.—

[(A) COVERED GRANT.—In this paragraph, the term “covered grant” means a grant—

[(i) that was awarded under section 7112, 7113, 7114, or 7115 (as such sections were in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(ii) for which the grant period has not ended.

[(B) RESERVATION.—For any fiscal year that is part of the grant period of a covered grant, the Secretary shall reserve funds for the payments described in subparagraph (C) from the amount appropriated for the fiscal year under section 3001(a) and made available for carrying out this section.

[(C) PAYMENTS.—The Secretary shall continue to make grant payments to each entity that received a covered grant, in accordance with the terms of that grant, for the duration of the grant period of the grant, to carry out activities in accordance with the appropriate section described in subparagraph (A)(i).

[(2) AVAILABILITY.—Of the amount appropriated for a fiscal year under section 3001(a) that is made available to carry out this section, and that remains after the Secretary reserves funds for payments under paragraph (1)—

[(A) not less than one-third of the remainder shall be used to award grants to eligible entities for activities carried out within an entire school district; and

[(B) not less than two-thirds of the remainder shall be used to award grants to eligible entities for activities carried out within individual schools.

[(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an applicant that—

[(1) experiences a significant increase in the number or percentage of limited English proficient children enrolled in the applicant's programs and has limited or no experience in serving limited English proficient children;

[(2) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;

[(3) demonstrates that the applicant has a proven track record of success in helping limited English proficient children learn English and meet high academic standards; or

[(4) serves a school district with a large number or percentage of limited English proficient children.

[(d) ELIGIBLE ENTITIES.—In this section, the term “eligible entity” means—

[(1) one or more local educational agencies; or

[(2) one or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.

#### **[SEC. 3214. APPLICATIONS.**

[(a) IN GENERAL.—

[(1) SECRETARY.—To receive a grant under this subpart, an eligible entity described in section 3212 or 3213 shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

[(2) STATE EDUCATIONAL AGENCY.—The eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of the application submitted by the entity under this section to the State educational agency.

[(b) STATE REVIEW AND COMMENTS.—

[(1) DEADLINE.—The State educational agency, not later than 45 days after receipt of an application under this section, shall review the application and submit the written comments of the agency regarding the application to the Secretary.

[(2) COMMENTS.—

[(A) SUBMISSION OF COMMENTS.—Regarding applications submitted under this subpart, the State educational agency shall—

[(i) submit to the Secretary written comments regarding all such applications; and

[(ii) submit to each eligible entity the comments that pertain to such entity.

[(B) SUBJECT.—For purposes of this subpart, such comments shall address—

[(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient children served under the grant; and

[(ii) how the grant application is consistent with the State plan required under section 1111.

[(c) ELIGIBLE ENTITY COMMENTS.—An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.

[(d) COMMENT CONSIDERATION.—In making grants under this subpart, the Secretary shall take into consideration comments made by State educational agencies.

[(e) WAIVER.—Notwithstanding subsection (b), the Secretary is authorized to waive the review requirement specified in subsection (b) if a State educational agency can demonstrate that such review requirement may impede such agency's ability to fulfill the requirements of participation in the program authorized in section 3224, particularly such agency's ability to carry out data collection efforts and such agency's ability to provide technical assistance to local educational agencies not receiving funds under this subpart.

[(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that—

[(1) the applicant has the qualified personnel required to develop, administer, and implement the program proposed in the application; and

[(2) the leadership personnel of each school participating in the program have been involved in the development and planning of the program in the school.

[(g) CONTENTS.—

[(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

[(A) A description of the need for the proposed program, including—

[(i) data on the number of limited English proficient children in the school or school district to be served;

[(ii) information on the characteristics of the children, including—

[(I) the native languages of the children;

[(II) the proficiency of the children in English and their native language;

[(III) achievement data (current as of the date of submission of the application) for the limited English proficient children in—

[(aa) reading or language arts (in English and in the native language, if applicable); and

[(bb) mathematics;

[(IV) a comparison of that data for the children with that data for the English proficient peers of the children; and



[(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve limited English proficient children;

[(iv) specific achievement and school retention goals for the children to be served by the proposed program and how progress toward achieving such goals will be measured; and

[(v) the current family education programs (as of the date of submission of the application) of the eligible entity, if applicable; and

[(B) provide assurances that—

[(i) the program funded with the grant will be integrated with the overall educational program of the children served through the proposed program; and

[(ii) the application has been developed in consultation with parents and other representatives of the children to be served in such program.

[(h) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

[(1) the program proposed in the application will use qualified personnel, including personnel who are proficient in the language or languages used for instruction;

[(2) in designing the program, the eligible entity has, after consultation with appropriate private school officials—

[(A) taken into account the needs of children in non-profit private elementary schools and secondary schools; and

[(B) in a manner consistent with the number of such children enrolled in such schools in the area to be served, whose educational needs are of the type and whose language, and grade levels are of a similar type to the needs, language, and grade levels that the program is intended to address, provided for the participation of such children on a basis comparable to the basis on which public school children participate;

[(3)(A) student evaluation and assessment procedures in the program are valid and reliable for limited English proficient children; and

[(B) limited English proficient children with disabilities will be identified and served through the program in accordance with the requirements of the Individuals with Disabilities Education Act;

[(4) Federal funds made available for the program will be used to supplement the State and local funds that, in the absence of such Federal funds, would be expended for special programs for children of limited English proficient individuals, and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds made available under this subpart—

[(A) for activities carried out under an order of a Federal or State court respecting services to be provided to such children; or

[(B) to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided to such children;

[(5)(A) the assistance provided through the grant will contribute toward building the capacity of the eligible entity to provide a program on a regular basis, similar to the proposed program, that will be of sufficient size, scope, and quality to promise significant improvement in the education of limited English proficient children; and

[(B) the eligible entity will have the resources and commitment to continue the program of sufficient size, scope, and quality when assistance under this subpart is reduced or no longer available; and

[(6) the eligible entity will use State and national dissemination sources for program design and dissemination of results and products.

[(i) CONSIDERATION.—In determining whether to approve an application under this subpart, the Secretary shall give consideration to—

[(1) the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local educational agency and State educational agency, or businesses; and

[(2) whether the application provides for training for personnel participating in, or preparing to participate in, a program that will assist such personnel in meeting State and local certification requirements.

**[SEC. 3215. CAPACITY BUILDING.**

[Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality language instruction educational programs and special alternative instruction programs to limited English proficient children after Federal assistance is reduced or eliminated.

**[SEC. 3216. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.**

[Notwithstanding any other provision of this part, programs authorized under this subpart that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that an outcome of programs serving such children shall be increased English proficiency among such children.

**[SEC. 3217. EVALUATIONS.**

[(a) EVALUATION.—Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report concerning the evaluation, in the form prescribed by the Secretary.

[(b) USE OF EVALUATION.—Such evaluation shall be used by the grant recipient—

[(1) for program improvement;

[(2) to further define the program's goals and objectives; and

[(3) to determine program effectiveness.

[(c) EVALUATION REPORT COMPONENTS.—In preparing the evaluation reports, the recipient shall—

[(1) use the data provided in the application submitted by the recipient under section 3214 as baseline data against which to report academic achievement and gains in English proficiency for children in the program;

[(2) disaggregate the results of the evaluation by gender, native languages spoken by children, socioeconomic status, and whether the children have disabilities;

[(3) include data on the progress of the recipient in achieving the objectives of the program, including data demonstrating the extent to which children served by the program are meeting the challenging State academic content and student academic achievement standards, and including data comparing limited English proficient children with English proficient children with regard to school retention and academic achievement concerning—

[(A) reading and language arts;

[(B) English proficiency;

[(C) mathematics; and

[(D) the native language of the children, if the program develops native language proficiency;

[(4) include information on the extent that professional development activities carried out through the program have resulted in improved classroom practices and improved student academic achievement; include a description of how the activities carried out through the program are coordinated and integrated with the other Federal, State, or local programs serving limited English proficient children; and

[(6) include such other information as the Secretary may require.

**[SEC. 3218. CONSTRUCTION.**

[Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited English proficient children simultaneously with children with similar educational needs, in the same educational settings where appropriate.

## **[Subpart 2—Research, Evaluation, and Dissemination**

**[SEC. 3221. AUTHORITY.**

[(a) IN GENERAL.—The Secretary is authorized to conduct data collection, dissemination, research, and ongoing program evaluation activities in accordance with the provisions of this subpart for the purpose of improving language instruction educational programs and special alternative instruction programs for limited English proficient children.

[(b) COMPETITIVE AWARDS.—Research and program evaluation activities carried out under this subpart shall be supported through competitive grants, contracts, and cooperative agreements awarded to institutions of higher education, nonprofit organizations, State educational agencies, and local educational agencies.

[(c) ADMINISTRATION.—The Secretary shall conduct data collection, dissemination, and ongoing program evaluation activities au-

thorized by this subpart through the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.

**[SEC. 3222. RESEARCH.**

**[(a) ADMINISTRATION.—**The Secretary shall conduct research activities authorized by this subpart through the Institute of Education Sciences in coordination and collaboration with the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.

**[(b) REQUIREMENTS.—**Such research activities—

**[(1)** shall have a practical application to teachers, counselors, paraprofessionals, school administrators, parents, and others involved in improving the education of limited English proficient children and their families;

**[(2)** may include research on effective instruction practices for multilingual classes, and on effective instruction strategies to be used by a teacher or other staff member who does not know the native language of a limited English proficient child in the teacher's or staff member's classroom;

**[(3)** may include establishing (through the National Center for Education Statistics in consultation with experts in second language acquisition and scientifically based research on teaching limited English proficient children) a common definition of "limited English proficient child" for purposes of national data collection; and

**[(4)** shall be administered by individuals with expertise in second language acquisition, scientifically based research on teaching limited English proficient children, and the needs of limited English proficient children and their families.

**[(c) FIELD-INITIATED RESEARCH.—**

**[(1) IN GENERAL.—**The Secretary shall reserve not less than 5 percent of the funds made available to carry out this section for field-initiated research conducted by recipients of grants under subpart 1 or this subpart who have received such grants within the previous 5 years. Such research may provide for longitudinal studies of limited English proficient children or teachers who serve such children, monitoring the education of such children from entry into language instruction educational programs through secondary school completion.

**[(2) APPLICATIONS.—**An applicant for assistance under this subsection may submit an application for such assistance to the Secretary at the same time as the applicant submits another application under subpart 1 or this subpart. The Secretary shall complete a review of such applications on a timely basis to allow the activities carried out under research and program grants to be coordinated when recipients are awarded two or more of such grants.

**[(d) CONSULTATION.—**The Secretary shall consult with agencies, organizations, and individuals that are engaged in research and practice on the education of limited English proficient children, language instruction educational programs, or related research, to identify areas of study and activities to be funded under this section.

[(e) DATA COLLECTION.—The Secretary shall provide for the collection of data on limited English proficient children as part of the data systems operated by the Department.

**[SEC. 3223. ACADEMIC EXCELLENCE AWARDS.**

[(a) AUTHORITY.—The Secretary may make grants to State educational agencies to assist the agencies in recognizing local educational agencies and other public and nonprofit entities whose programs have—

[(1) demonstrated significant progress in assisting limited English proficient children to learn English according to age appropriate and developmentally appropriate standards; and

[(2) demonstrated significant progress in assisting limited English proficient children to meet, according to age appropriate and developmentally appropriate standards, the same challenging State academic content and student academic achievement standards as all children are expected to meet.

[(b) APPLICATIONS.—A State educational agency desiring a grant under this section shall include an application for such grant in the application submitted by the agency under section 3224(e).

**[SEC. 3224. STATE GRANT PROGRAM.**

[(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's programs and other Federal education programs, effectively provides for the education of limited English proficient children within the State.

[(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies and entities within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than \$100,000.

[(c) USE OF FUNDS.—

[(1) IN GENERAL.—A State educational agency shall use funds awarded under this section—

[(A) to assist local educational agencies in the State with activities that—

[(i) consist of program design, capacity building, assessment of student academic achievement, program evaluation, and development of data collection and accountability systems for limited English proficient children; and

[(ii) are aligned with State reform efforts; and

[(B) to collect data on the State's limited English proficient populations and document the services available to all such populations.

[(2) TRAINING.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children.

[(3) SPECIAL RULE.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

[(d) STATE CONSULTATION.—A State educational agency receiving funds under this section shall consult with recipients of grants under this subpart and other individuals or organizations involved in the development or operation of programs serving limited English proficient children to ensure that such funds are used in a manner consistent with the requirements of this subpart.

[(e) APPLICATIONS.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

[(f) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the State funds that, in the absence of such Federal funds, would be made available for the purposes described in this section, and in no case to supplant such State funds.

[(g) REPORT TO THE SECRETARY.—A State educational agency receiving an award under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of the funds made available through the award.

**[SEC. 3225. INSTRUCTION MATERIALS DEVELOPMENT.**

[(a) IN GENERAL.—The Secretary may make grants for the development, publication, and dissemination of high-quality instruction materials—

[(1) in Native American languages (including Native Hawaiian languages and the language of Native American Pacific Islanders), and the language of natives of the outlying areas, for which instruction materials are not readily available; and

[(2) in other low-incidence languages in the United States for which instruction materials are not readily available.

[(b) PRIORITY.—In making the grants, the Secretary shall give priority to applicants for the grants who propose—

[(1) to develop instruction materials in languages indigenous to the United States or the outlying areas; and

[(2) to develop and evaluate materials, in collaboration with entities carrying out activities assisted under subpart 1 and this subpart, that are consistent with challenging State academic content and student academic achievement standards.

### **[Subpart 3—Professional Development**

**[SEC. 3231. PROFESSIONAL DEVELOPMENT GRANTS.**

[(a) PURPOSE.—The purpose of this section is to provide assistance to prepare educators to improve educational services for limited English proficient children by—

[(1) supporting professional development programs and activities to prepare teachers, pupil service personnel, administrators, and other educational personnel working in language instruction educational programs to provide effective services to limited English proficient children;

[(2) incorporating curricula and resources concerning appropriate and effective instruction and assessment methodologies specific to limited English proficient children into preservice and inservice professional development programs;

[(3) upgrading the qualifications and skills of non-certified educational personnel, including paraprofessionals, to enable such personnel to meet high professional standards for educating limited English proficient children;

[(4) improving the quality of professional development programs in schools or departments of education at institutions of higher education, for educational personnel serving, or preparing to serve, limited English proficient children; and

[(5) supporting the recruitment and training of prospective educational personnel to serve limited English proficient children by providing fellowships for undergraduate, graduate, doctoral, and post-doctoral study related to the instruction of such children.

[(b) AUTHORIZATION.—

[(1) IN GENERAL.—The Secretary is authorized to award grants under this section to—

[(A) State educational agencies;

[(B) local educational agencies;

[(C) institutions of higher education; or

[(D) consortia of one or more local educational agencies,

State educational agencies, institutions of higher education, for-profit organizations, or nonprofit organizations.

[(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 4 years.

[(c) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used to conduct high-quality professional development programs and effective activities to improve the quality of instruction and services provided to limited English proficient children, including—

[(1) implementing preservice and inservice professional development programs for teachers who serve limited English proficient children, administrators, and other educational personnel who are preparing to provide educational services for limited English proficient children, including professional development programs that assist limited English proficient children to attain English proficiency;

[(2) implementing school-based collaborative efforts among teachers to improve instruction in core academic subjects, especially reading, for limited English proficient children;

[(3) developing and implementing programs to assist beginning teachers who serve limited English proficient children with transitioning to the teaching profession, including programs that provide mentoring and team teaching with trained and experienced teachers;

[(4) implementing programs that support effective teacher use of education technologies to improve instruction and assessment;

[(5) developing curricular materials and assessments for teachers that are appropriate to the needs of limited English proficient children, and that are aligned with challenging State academic content and student academic achievement standards, including materials and assessments that ensure limited English proficient children attain English proficiency;

[(6) integrating and coordinating activities with entities carrying out other programs consistent with the purpose of this

section and supported under this Act, or other Acts as appropriate;

[(7) developing and implementing career ladder programs to upgrade the qualifications and skills of non-certified educational personnel working in, or preparing to work in, language instruction educational programs to enable such personnel to meet high professional standards, including standards for certification and licensure as teachers;

[(8) developing and implementing activities to help recruit and train secondary school students as teachers who serve limited English proficient children;

[(9) providing fellowships and assistance for costs related to enrollment in a course of study at an institution of higher education that addresses the instruction of limited English proficient children in such areas as teacher training, program administration, research, evaluation, and curriculum development, and for the support of dissertation research related to such study, except that any person receiving such a fellowship or assistance shall agree to—

[(A) work in an activity related to improving the educational services for limited English proficient children authorized under this subpart, including work as a teacher that serves limited English proficient children, for a period of time equivalent to the period of time during which such person receives assistance under this paragraph; or

[(B) repay such assistance; and

[(10) carrying out such other activities as are consistent with the purpose of this section.

[(d) APPLICATION.—

[(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

[(2) CONTENTS.—Each application shall—

[(A) describe the programs and activities proposed to be developed, implemented, and administered under the award;

[(B) describe how the applicant has consulted with, and assessed the needs of, public and private schools serving limited English proficient children to determine such schools' need for, and the design of, the program for which funds are sought; and

[(C) describe how the programs and activities to be carried out under the award will be used to ensure that limited English proficient children meet challenging State academic content and student academic achievement standards and attain English proficiency.

[(3) SPECIAL RULE.—An eligible entity that proposes to conduct a master's-level or doctoral-level program with funds received under this section shall include in the entity's application an assurance that such program will include a training practicum in a local elementary school or secondary school program serving limited English proficient children.

[(4) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institu-

tions of higher education eligible for assistance under title III of the Higher Education Act of 1965, and institutions of higher education that are operated or funded by the Bureau of Indian Affairs, to facilitate the participation of such institutions in programs and activities under this section.

[(5) DISTRIBUTION RULE.—In making awards under this section, the Secretary shall ensure adequate representation of Hispanic-serving institutions that demonstrate competence and experience in carrying out the programs and activities authorized under this section and that are otherwise qualified.

[(e) PRIORITIES IN AWARDING GRANTS.—

[(1) GRANTS TO AGENCIES.—In awarding grants to State educational agencies and local educational agencies under this section, the Secretary shall give priority to agencies that propose programs and activities designed to implement professional development programs for teachers and educational personnel who are providing or preparing to provide educational services for limited English proficient children, including services provided through language instruction educational programs, that ensure such children attain English proficiency and meet challenging State academic content and student academic achievement standards.

[(2) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—In awarding grants to institutions of higher education under this section, the Secretary shall give priority to institutions that propose programs and activities to recruit and upgrade the qualifications and skills of certified and non-certified educational personnel by offering degree programs that prepare beginning teachers to serve limited English proficient children.

[(f) PROGRAM EVALUATIONS.—Each recipient of an award under this section for a program or activity shall annually conduct an independent evaluation of the program or activity and submit to the Secretary a report containing such evaluation. Such report shall include information on—

[(1) the program or activity conducted by the recipient to provide high-quality professional development to participants in such program or activity;

[(2) the number of participants served through the program or activity, the number of participants who completed the requirements of the program or activity, and the number of participants who took positions in an instruction setting with limited English proficient children;

[(3) the effectiveness of the program or activity in imparting the professional skills necessary for participants to achieve the objectives of the program or activity; and

[(4) the teaching effectiveness of graduates of the program or activity or other participants who have completed the program or activity.

## **[Subpart 4—Emergency Immigrant Education Program**

### **[SEC. 3241. PURPOSE.**

【The purpose of this subpart is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration—

【(1) to provide high-quality instruction to immigrant children and youth; and

【(2) to help such children and youth—

【(A) with their transition into American society; and

【(B) meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

### **[SEC. 3242. STATE ADMINISTRATIVE COSTS.**

【For any fiscal year, a State educational agency may reserve not more than 1.5 percent (2 percent if the State educational agency distributes funds received under this subpart to local educational agencies on a competitive basis) of the amount allotted to such agency under section 3244 to pay the costs of performing such agency's administrative functions under this subpart.

### **[SEC. 3243. WITHHOLDING.**

【Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to comply with a requirement of any provision of this subpart, the Secretary shall notify that agency that further payments will not be made to the agency under this subpart or, in the discretion of the Secretary, that the State educational agency shall not make further payments under this subpart to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this subpart, or payments by the State educational agency under this subpart shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

### **[SEC. 3244. STATE ALLOTMENTS.**

【(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2002 through 2008 for the purpose set forth in section 3241.

【(b) ALLOTMENTS.—

【(1) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this subpart, each State participating in the program assisted under this subpart shall receive an allotment equal to the proportion of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of each local educational agency described in paragraph (2), and in nonpublic elementary schools or secondary schools within the district served by each such local educational agency within such State, relative to the total

number of immigrant children and youth so enrolled in all the States participating in the program assisted under this subpart.

[(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is a local educational agency for which the sum of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of such agency, and in nonpublic elementary schools or secondary schools within the district served by such agency, during the fiscal year for which the payments are to be made under this subpart, is equal to at least—

[(A) 500; or

[(B) 3 percent of the total number of children enrolled in such public or nonpublic schools during such fiscal year, whichever is less.

[(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

[(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

[(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allotment under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

[(d) REALLOTMENT.—

[(1) IN GENERAL.—Whenever the Secretary determines that any amount of a payment made to a State under this subpart for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose.

[(2) FISCAL YEAR.—Any amount made available to a State from any appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subpart, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

[(e) RESERVATION OF FUNDS.—

[(1) IN GENERAL.—Notwithstanding any other provision of this subpart, if the amount appropriated to carry out this subpart exceeds \$50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this subpart for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

[(A) AGENCIES WITH IMMIGRANT CHILDREN AND YOUTH.—At least ½ of the funds reserved under this paragraph shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

[(B) AGENCIES WITH A SUDDEN INFLUX OF CHILDREN AND YOUTH.—Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State that are experiencing a sudden influx of immigrant children and youth and that are otherwise not eligible for assistance under this subpart.

[(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 3247.

[(3) INFORMATION.—Local educational agencies receiving funds under paragraph (1) with the highest number of immigrant children and youth may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children and youth.

**[SEC. 3245. STATE APPLICATIONS.**

[(a) SUBMISSION.—No State educational agency shall receive any payment under this subpart for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

[(1) provide that the educational programs, services, and activities for which payments under this subpart are made will be administered by or under the supervision of the agency;

[(2) provide assurances that payments under this subpart will be used for purposes set forth in sections 3241 and 3247, including a description of how local educational agencies receiving funds under this subpart will use such funds to meet such purposes and will coordinate with entities carrying out other programs and activities assisted under this Act, and other Acts as appropriate;

[(3) provide an assurance that local educational agencies receiving funds under this subpart will coordinate the use of such funds with entities carrying out programs and activities assisted under part A of title I;

[(4) provide assurances that such payments, with the exception of payments reserved under section 3244(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 3244(b)(1);

[(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this subpart without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

[(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this subpart;

[(7) provide assurances—

[(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary schools or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

[(B) that the control of funds provided under this subpart for any materials or equipment, or property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purpose provided in this subpart, and a public agency shall administer such funds and property; and

[(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary school or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

[(8) provide that funds reserved under section 3244(e) be awarded on a competitive basis based on merit and need in accordance with such section; and

[(9) provide an assurance that the State educational agency and local educational agencies in the State receiving funds under this subpart will comply with the requirements of section 1120(b).

[(b) APPLICATION REVIEW.—

[(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

[(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

[(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency that does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State educational agency.

**[SEC. 3246. ADMINISTRATIVE PROVISIONS.**

[(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 3245 of the amount of such agency's allotment under section 3244 for the succeeding year.

**[(b) SERVICES TO IMMIGRANT CHILDREN AND YOUTH ENROLLED IN NONPUBLIC SCHOOLS.—**If by reason of any provision of law a local educational agency is prohibited from providing educational services for immigrant children and youth enrolled in nonpublic elementary schools and secondary schools, as required by section 3245(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of such children and youth enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this subpart, to such children and youth. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

**[SEC. 3247. USES OF FUNDS.**

**[(a) USE OF FUNDS.—**Funds awarded under this subpart shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

**[(1)** family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

**[(2)** support of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

**[(3)** tutorials, mentoring, and academic or career counseling for immigrant children and youth;

**[(4)** identification and acquisition of curricular materials, educational software, and technologies;

**[(5)** the provision of basic instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services; and

**[(6)** such other activities, related to the purpose of this subpart, as the Secretary may authorize.

**[(b) CONSORTIA.—**A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.

**[(c) SUBGRANTS.—**A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such institutions or organizations to carry out a program described in an application approved under this subpart, including a program to serve out-of-school youth.

**[(d) CONSTRUCTION.—**Nothing in this subpart shall be construed to prohibit a local educational agency from serving immigrant children and youth simultaneously with children and youth with similar educational needs, in the same educational settings where appropriate.

**[SEC. 3248. REPORTS.**

[(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this subpart shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this subpart. Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information as may be necessary for such report.

[(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of Congress concerning programs assisted under this subpart.

**[Subpart 5—Administration****[SEC. 3251. RELEASE TIME.**

[The Secretary shall allow entities carrying out professional development programs funded under this part to use funds provided under this part for professional release time to enable individuals to participate in programs assisted under this part.

**[SEC. 3252. NOTIFICATION.**

[A State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days after the date an award under this part is made to an eligible entity within the State.

**[SEC. 3253. COORDINATION AND REPORTING REQUIREMENTS.**

[(a) COORDINATION WITH RELATED PROGRAMS.—In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient children that are administered by the Department and other agencies. The Secretary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Agriculture, the Attorney General, and the heads of other relevant agencies to identify and eliminate barriers to appropriate coordination of programs that affect language-minority and limited English proficient children and their families. The Secretary shall provide for continuing consultation and collaboration, between the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students and relevant programs operated by the Department, including programs under this part and other programs under this Act, in planning, contracts, providing joint technical assistance, providing joint field monitoring activities and in other relevant activities to ensure effective program coordination to provide high-quality educational opportunities to all language-minority and limited English proficient children.

[(b) DATA.—The Secretary shall, to the extent feasible, ensure that all data collected by the Department shall include the collection and reporting of data on limited English proficient children.

[(c) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals for programs funded under this part.

[(d) REPORT.—The Director shall prepare and, not later than February 1 of every other year, shall submit to the Secretary, the

Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

【(1) on programs and activities carried out to serve limited English proficient children under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of children who are limited English proficient;

【(2) containing a critical synthesis of data reported by States under section 3224, when applicable;

【(3) containing an estimate of the number of certified or licensed teachers working in language instruction educational programs and educating limited English proficient children, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

【(4) containing the major findings of scientifically based research carried out under this part; and

【(5) containing other information gathered from the reports submitted to the Secretary under this title when applicable.

## 【PART C—GENERAL PROVISIONS

### 【SEC. 3301. DEFINITIONS.

【Except as otherwise provided, in this title:

【(1) CHILD.—The term “child” means any individual aged 3 through 21.

【(2) COMMUNITY-BASED ORGANIZATION.—The term “community-based organization” means a private nonprofit organization of demonstrated effectiveness, Indian tribe, or tribally sanctioned educational authority, that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

【(3) COMMUNITY COLLEGE.—The term “community college” means an institution of higher education as defined in section 101 of the Higher Education Act of 1965 that provides not less than a 2-year program that is acceptable for full credit toward a bachelor’s degree, including institutions receiving assistance under the Tribally Controlled Colleges and Universities Assistance Act of 1978.

【(4) DIRECTOR.—The term “Director” means the Director of the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students established under section 209 of the Department of Education Organization Act.

【(5) FAMILY EDUCATION PROGRAM.—The term “family education program” means a language instruction educational program or special alternative instruction program that—

【(A) is designed—

【(i) to help limited English proficient adults and out-of-school youths achieve English proficiency; and

[(ii) to provide instruction on how parents and family members can facilitate the educational achievement of their children;

[(B) when feasible, uses instructional programs based on models developed under the Even Start Family Literacy Programs, which promote adult literacy and train parents to support the educational growth of their children, the Parents as Teachers Program, and the Home Instruction Program for Preschool Youngsters; and

[(C) gives preference to participation by parents and immediate family members of children attending school.

[(6) IMMIGRANT CHILDREN AND YOUTH.—The term “immigrant children and youth” means individuals who—

[(A) are aged 3 through 21;

[(B) were not born in any State; and

[(C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

[(7) INDIAN TRIBE.—The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

[(8) LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.—The term “language instruction educational program” means an instruction course—

[(A) in which a limited English proficient child is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic content and student academic achievement standards, as required by section 1111(b)(1); and

[(B) that may make instructional use of both English and a child’s native language to enable the child to develop and attain English proficiency, and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

[(9) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms “Native American” and “Native American language” shall have the meanings given such terms in section 103 of the Native American Languages Act.

[(10) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term “Native Hawaiian or Native American Pacific Islander native language educational organization” means a nonprofit organization with—

[(A) a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in the organization’s educational programs; and

[(B) not less than 5 years successful experience in providing educational services in traditional Native American languages.

[(11) NATIVE LANGUAGE.—The term “native language”, when used with reference to an individual of limited English proficiency, means—

[(A) the language normally used by such individual; or

[(B) in the case of a child or youth, the language normally used by the parents of the child or youth.

[(12) PARAPROFESSIONAL.—The term “paraprofessional” means an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certified or licensed teacher, including individuals employed in language instruction educational programs, special education, and migrant education.

[(13) SPECIALLY QUALIFIED AGENCY.—The term “specially qualified agency” means an eligible entity, as defined in section 3141, in a State whose State educational agency—

[(A) does not participate in a program under subpart 1 of part A for a fiscal year; or

[(B) submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of such subpart.

[(14) STATE.—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[(15) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term “tribally sanctioned educational authority” means—

[(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

[(B) any nonprofit institution or organization that is—

[(i) chartered by the governing body of an Indian tribe to operate a school described in section 3112(a) or otherwise to oversee the delivery of educational services to members of the tribe; and

[(ii) approved by the Secretary for the purpose of carrying out programs under subpart 1 of part A for individuals served by a school described in section 3112(a).

**[SEC. 3302. PARENTAL NOTIFICATION.**

[(a) IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program of—

[(1) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;

[(2) the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement;

[(3) the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such

programs differ in content, instruction goals, and use of English and a native language in instruction;

[(4) how the program in which their child is, or will be participating will meet the educational strengths and needs of the child;

[(5) how such program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;

[(6) the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools;

[(7) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and

[(8) information pertaining to parental rights that includes written guidance—

[(A) detailing—

[(i) the right that parents have to have their child immediately removed from such program upon their request; and

[(ii) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

[(B) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

[(b) SEPARATE NOTIFICATION.—In addition to providing the information required to be provided under subsection (a), each eligible entity that is using funds provided under this title to provide a language instruction educational program, and that has failed to make progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

[(c) RECEIPT OF INFORMATION.—The information required to be provided under subsections (a) and (b) to a parent shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

[(d) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—For a child who has not been identified for participation in a language instruction educational program prior to the beginning of the school year, the eligible entity shall carry out subsections (a) through (c) with respect to the parents of the child within 2 weeks of the child being placed in such a program.

[(e) PARENTAL PARTICIPATION.—

[(1) IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program shall implement an effective means of outreach to parents of limited English proficient children to inform such parents of how they can—

- [(A) be involved in the education of their children; and
- [(B) be active participants in assisting their children—
  - [(i) to learn English;
  - [(ii) to achieve at high levels in core academic subjects; and
  - [(iii) to meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

[(2) RECEIPT OF RECOMMENDATIONS.—The outreach described in paragraph (1) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents described in such paragraph.

[(f) BASIS FOR ADMISSION OR EXCLUSION.—A child shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

**[SEC. 3303. NATIONAL CLEARINGHOUSE.**

[The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction educational programs for limited English proficient children, and related programs. The National Clearinghouse shall—

[(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the Institute of Education Sciences;

[(2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

[(3) develop a system for improving the operation and effectiveness of federally funded language instruction educational programs;

[(4) collect and disseminate information on—

[(A) educational research and processes related to the education of limited English proficient children; and

[(B) accountability systems that monitor the academic progress of limited English proficient children in language instruction educational programs, including information on academic content and English proficiency assessments for language instruction educational programs; and

[(5) publish, on an annual basis, a list of grant recipients under this title.

**[SEC. 3304. REGULATIONS.**

[In developing regulations under this title, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing limited English proficient individuals, and organizations representing teachers and other personnel involved in the education of limited English proficient children.]

## **TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY**

### **PART A—PARENTAL ENGAGEMENT**

#### **Subpart 1—Charter School Program**

**SEC. 3101. SENSE OF THE HOUSE OF REPRESENTATIVES.**

*It is the sense of the House of Representatives that the programs for public charter schools under part B of title V be reauthorized as such part was amended under the provisions of H.R. 2218, as passed by the House of Representatives on September 13, 2011, and be transferred and redesignated to this subpart.*

#### **Subpart 2—Magnet School Assistance**

**SEC. 3121. PURPOSE.**

*The purpose of this subpart is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—*

*(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;*

*(2) the development and implementation of magnet school programs that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet State academic standards;*

*(3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;*

*(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable career, technical, and professional skills of students attending such schools;*

*(5) improving the ability of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and*

*(6) ensuring that students enrolled in the magnet school programs have equitable access to a quality education that will enable the students to succeed academically and continue with postsecondary education or employment.*

**SEC. 3122. DEFINITION.**

*For the purpose of this subpart, the term “magnet school” means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.*

**SEC. 3123. PROGRAM AUTHORIZED.**

*From the amount appropriated under section 3(b)(1)(B), the Secretary, in accordance with this subpart, is authorized to award grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this subpart for magnet schools that are—*

- (1) part of an approved desegregation plan; and*
- (2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.*

**SEC. 3124. ELIGIBILITY.**

*A local educational agency, or consortium of such agencies where appropriate, is eligible to receive a grant under this subpart to carry out the purpose of this subpart if such agency or consortium—*

- (1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or*
- (2) without having been required to do so, has adopted and is implementing, or will, if a grant is awarded to such local educational agency, or consortium of such agencies, under this subpart, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.*

**SEC. 3125. APPLICATIONS AND REQUIREMENTS.**

*(a) APPLICATIONS.—An eligible local educational agency, or consortium of such agencies, desiring to receive a grant under this subpart shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.*

*(b) INFORMATION AND ASSURANCES.—Each application submitted under subsection (a) shall include—*

- (1) a description of—*
  - (A) how a grant awarded under this subpart will be used to promote desegregation, including how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;*
  - (B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school;*
  - (C) how the applicant will continue the magnet school program after assistance under this subpart is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this subpart cannot be continued without the use of grant funds under this subpart;*
  - (D) how grant funds under this subpart will be used—*
    - (i) to improve student academic achievement for all students attending the magnet school programs; and*
    - (ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate; and*

(E) the criteria to be used in selecting students to attend the proposed magnet school program; and  
 (2) assurances that the applicant will—

(A) use grant funds under this subpart for the purposes specified in section 3121;

(B) employ effective teachers in the courses of instruction assisted under this subpart;

(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

(i) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;

(ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and

(iii) designing or operating extracurricular activities for students;

(D) carry out a quality education program that will encourage greater parental decisionmaking and involvement; and

(E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

(c) **SPECIAL RULE.**—No grant shall be awarded under this subpart unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

**SEC. 3126. PRIORITY.**

In awarding grants under this subpart, the Secretary shall give priority to applicants that—

(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;

(2) propose to carry out new magnet school programs, or significantly revise existing magnet school programs;

(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination; and

(4) propose to serve the entire student population of a school.

**SEC. 3127. USE OF FUNDS.**

(a) **IN GENERAL.**—Grant funds made available under this subpart may be used by an eligible local educational agency, or consortium of such agencies—

(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation of materials, equipment, and computers, necessary to conduct programs in magnet schools;

(3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers, and instructional staff where applicable, who are necessary to conduct programs in magnet schools;

(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

(A) are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program; and

(B) further the purpose of this subpart;

(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended;

(6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

(7) to enable the local educational agency, or consortium of such agencies, to have flexibility in designing magnet schools for students in all grades.

(b) **SPECIAL RULE.**—Grant funds under this subpart may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student academic achievement based on the State's academic standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving career, technical, and professional skills.

**SEC. 3128. LIMITATIONS.**

(a) **DURATION OF AWARDS.**—A grant under this subpart shall be awarded for a period that shall not exceed 3 fiscal years.

(b) **LIMITATION ON PLANNING FUNDS.**—A local educational agency, or consortium of such agencies, may expend for planning (professional development shall not be considered to be planning for purposes of this subsection) not more than 50 percent of the grant funds received under this subpart for the first year of the program and not more than 15 percent of such funds for each of the second and third such years.

(c) **AMOUNT.**—No local educational agency, or consortium of such agencies, awarded a grant under this subpart shall receive more than \$4,000,000 under this subpart for any 1 fiscal year.

(d) **TIMING.**—To the extent practicable, the Secretary shall award grants for any fiscal year under this subpart not later than July 1 of the applicable fiscal year.

**SEC. 3129. EVALUATIONS.**

(a) **RESERVATION.**—The Secretary may reserve not more than 2 percent of the funds appropriated under section 3(b)(1)(B) for any fiscal year to carry out evaluations, provide technical assistance, and carry out dissemination projects with respect to magnet school programs assisted under this subpart.

(b) **CONTENTS.**—Each evaluation described in subsection (a), at a minimum, shall address—

(1) *how and the extent to which magnet school programs lead to educational quality and academic improvement;*

(2) *the extent to which magnet school programs enhance student access to a quality education;*

(3) *the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students; and*

(4) *the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.*

(c) *DISSEMINATION.*—*The Secretary shall collect and disseminate to the general public information on successful magnet school programs.*

**SEC. 3130. RESERVATION.**

*In any fiscal year for which the amount appropriated under section 3(b)(1)(B) exceeds \$75,000,000, the Secretary shall give priority in using such amounts in excess of \$75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this subpart in the preceding fiscal year.*

### **Subpart 3—Family Engagement in Education Programs**

**SEC. 3141. PURPOSES.**

*The purposes of this subpart are the following:*

(1) *To provide financial support to organizations to provide technical assistance and training to State and local educational agencies in the implementation and enhancement of systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.*

(2) *To assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.*

(3) *To support State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children's school in order to further the developmental progress of children.*

(4) *To coordinate activities funded under this subpart with parent involvement initiatives funded under section 1118 and other provisions of this Act.*

(5) *To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.*

**SEC. 3142. GRANTS AUTHORIZED.**

(a) *STATEWIDE FAMILY ENGAGEMENT CENTERS.*—*From the amount appropriated under section 3(b)(1)(C), the Secretary is authorized to award grants for each fiscal year to statewide organiza-*

tions (and consortia of such organizations and State educational agencies), to establish Statewide Family Engagement Centers that provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that carry out, or carry out directly, parent education and family engagement in education programs.

(b) *MINIMUM AWARD.*—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a Statewide Family Engagement Center in an amount not less than \$500,000.

**SEC. 3143. APPLICATIONS.**

(a) *SUBMISSIONS.*—Each statewide organization, or a consortium of such an organization and a State educational agency, that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and including the information described in subsection (b).

(b) *CONTENTS.*—Each application submitted under subsection (a) shall include, at a minimum, the following:

(1) A description of the applicant's approach to family engagement in education.

(2) A description of the support that the Statewide Family Engagement Center that will be operated by the applicant will have from the applicant, including a letter from the applicant outlining the commitment to work with the center.

(3) A description of the applicant's plan for building a statewide infrastructure for family engagement in education, that includes—

(A) management and governance;

(B) statewide leadership; or

(C) systemic services for family engagement in education.

(4) A description of the applicant's demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education policies and practices that are effective for parents (including low-income parents) and families, English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.

(5) An assurance that the applicant will—

(A) establish a special advisory committee, the membership of which includes—

(i) parents, who shall constitute a majority of the members of the special advisory committee;

(ii) representatives of education professionals with expertise in improving services for disadvantaged children;

(iii) representatives of local elementary schools and secondary schools, including students;

(iv) representatives of the business community; and

(v) representatives of State educational agencies and local educational agencies;

(B) use not less than 65 percent of the funds received under this subpart in each fiscal year to serve local educational agencies, schools, and community-based organizations that serve high concentrations of disadvantaged students, including English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students;

(C) operate a Statewide Family Engagement Center of sufficient size, scope, and quality to ensure that the Center is adequate to serve the State educational agency, local educational agencies, and community-based organizations;

(D) ensure that the Center will retain staff with the requisite training and experience to serve parents in the State;

(E) serve urban, suburban, and rural local educational agencies and schools;

(F) work with—

(i) other Statewide Family Engagement Centers assisted under this subpart; and

(ii) parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act;

(G) use not less than 30 percent of the funds received under this subpart for each fiscal year to establish or expand technical assistance for evidence-based parent education programs;

(H) provide assistance to State educational agencies and local educational agencies and community-based organizations that support family members in supporting student academic achievement;

(I) work with State educational agencies, local educational agencies, schools, educators, and parents to determine parental needs and the best means for delivery of services to address such needs; and

(J) conduct sufficient outreach to assist parents, including parents who the applicant may have a difficult time engaging with a school or local educational agency.

**SEC. 3144. USES OF FUNDS.**

(a) *IN GENERAL.*—Grantees shall use grant funds received under this subpart, based on the needs determined under section 3143(b)(5)(I), to provide training and technical assistance to State educational agencies, local educational agencies, and organizations that support family-school partnerships, and activities, services, and training for local educational agencies, school leaders, educators, and parents—

(1) to assist parents in participating effectively in their children's education and to help their children meet State standards, such as assisting parents—

(A) to engage in activities that will improve student academic achievement, including understanding how they can support learning in the classroom with activities at home and in afterschool and extracurricular programs;

(B) to communicate effectively with their children, teachers, school leaders, counselors, administrators, and other school personnel;

(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

(D) to participate in the design and provision of assistance to students who are not making academic progress;

(E) to participate in State and local decisionmaking;

(F) to train other parents; and

(G) to help the parents learn and use technology applied in their children's education;

(2) to develop and implement, in partnership with the State educational agency, statewide family engagement in education policy and systemic initiatives that will provide for a continuum of services to remove barriers for family engagement in education and support school reform efforts; and

(3) to develop, implement, and assess parental involvement policies under sections 1112 and 1118.

(b) **MATCHING FUNDS FOR GRANT RENEWAL.**—For each fiscal year after the first fiscal year for which an organization or consortium receives assistance under this section, the organization or consortium shall demonstrate in the application that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

(c) **TECHNICAL ASSISTANCE.**—The Secretary shall reserve not more than 2 percent of the funds appropriated under section 3(b)(C) to carry out this subpart to provide technical assistance, by grant or contract, for the establishment, development, and coordination of Statewide Family Engagement Centers.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prohibit a Statewide Family Engagement Center from—

(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

(2) working with another agency that serves children.

(e) **PARENTAL RIGHTS.**—Notwithstanding any other provision of this section—

(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education or developmental screening under this section; and

(2) no program or center assisted under this section shall take any action that infringes in any manner on the right of a parent to direct the education of their children.

**SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

The Secretary of the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with local Indian nonprofit parent organizations to establish and operate Family Engagement Centers.

## **PART B—LOCAL ACADEMIC FLEXIBLE GRANT**

### **SEC. 3201. PURPOSE.**

*The purpose of this part is to—*

*(1) provide local educational agencies with the opportunity to access funds to support the initiatives important to their schools and students to improve academic achievement; and*

*(2) provide nonprofit and for-profit entities the opportunity to work with students to improve academic achievement.*

### **SEC. 3202. ALLOTMENTS TO STATES.**

*(a) RESERVATIONS.—From the funds appropriated under section 3(b)(2) for any fiscal year, the Secretary shall reserve—*

*(1) not more than one-half of 1 percent for national activities to provide technical assistance to eligible entities in carrying out programs under this part; and*

*(2) not more than one-half of 1 percent for payments to the outlying areas and the Bureau of Indian Education, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.*

*(b) STATE ALLOTMENTS.—*

*(1) DETERMINATION.—From the funds appropriated under section 3(b)(2) for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under chapter B of subpart 1 of part A of title I for the preceding fiscal year bears to the amount all States received under that chapter for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.*

*(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallocate the amount of the State's allotment to the remaining States in accordance with this section.*

*(c) STATE USE OF FUNDS.—*

*(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 75 percent of the amount allotted to the State under subsection (b) for each fiscal year for awards to eligible entities under section 3204.*

*(2) AWARDS TO NONGOVERNMENTAL ENTITIES TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—Each State that receives an allotment under subsection (b) for each fiscal year shall reserve not less than 10 percent of the amount allotted to the State for awards to nongovernmental entities under section 3205.*

*(3) STATE ACTIVITIES AND STATE ADMINISTRATION.—A State educational agency may reserve not more than 15 percent of the amount allotted to the State under subsection (b) for each fiscal year for the following:*

*(A) Enabling the State educational agency—*

*(i) to pay the costs of developing the State assessments and standards required under section 1111(b),*

which may include the costs of working, at the sole discretion of the State, in voluntary partnerships with other States to develop such assessments and standards; or

(ii) if the State has developed the assessments and standards required under section 1111(b), to administer those assessments or carry out other activities related to ensuring that the State's schools and local educational agencies are helping students meet the State's academic standards under such section.

(B) The administrative costs of carrying out its responsibilities under this part, except that not more than 5 percent of the reserved amount may be used for this purpose.

(C) Monitoring and evaluation of programs and activities assisted under this part.

(D) Providing training and technical assistance under this part.

(E) Statewide academic focused programs.

(F) Sharing evidence-based and other effective strategies with eligible entities.

**SEC. 3203. STATE APPLICATION.**

(a) *IN GENERAL.*—In order to receive an allotment under section 3202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

(2) describes how the State educational agency will use funds reserved for State-level activities;

(3) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include reviewing how the proposed project will help increase student academic achievement;

(4) describes how the State educational agency will ensure that awards made under this part are—

(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

(B) in amounts that are consistent with section 3204(f);

(5) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, and dissemination of evidence-based and other effective strategies;

(6) describes how the State educational agency will consider students across all grades when making these awards;

(7) an assurance that, other than providing technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised and will not exercise any influence in the decision-making process of eligible entities as to the expenditure of funds received by the eligible entities under this part;

(8) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

(9) contains an assurance that the State educational agency—

(A) will make awards for programs for a period of not more than 5 years; and

(B) will require each eligible entity seeking such an award to submit a plan describing how the project to be funded through the award will continue after funding under this part ends, if applicable; and

(10) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, State and local public funds expended to provide programs and activities authorized under this part and other similar programs.

(b) **DEEMED APPROVAL.**—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

(c) **DISAPPROVAL.**—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

(d) **NOTIFICATION.**—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

(1) give the State educational agency notice and an opportunity for a hearing; and

(2) notify the State educational agency of the finding of non-compliance, and, in such notification, shall—

(A) cite the specific provisions in the application that are not in compliance; and

(B) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

(e) **RESPONSE.**—If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

(2) the expiration of the 120-day period described in subsection (b).

(f) **FAILURE TO RESPOND.**—If the State educational agency does not respond to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

(g) **RULE OF CONSTRUCTION.**—An application submitted by a State educational agency pursuant to subsection (a) shall not be approved or disapproved based upon the activities for which the agency may make funds available to eligible entities under section 3204 if the agency's use of funds is consistent with section 3204(b).

**SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.**

(a) *IN GENERAL.*—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 3202(c)(1) to eligible entities in accordance with this section.

(b) *USE OF FUNDS.*—

(1) *IN GENERAL.*—An eligible entity that receives an award under this part shall use the funds for activities that—

(A) are evidence-based;

(B) will improve student academic achievement;

(C) are allowable under State law; and

(D) focus on one or more projects from the following two categories:

(i) Supplemental student support activities such as before, after, or summer school activities, tutoring, and expanded learning time, but not including athletics or in-school learning activities.

(ii) Activities designed to support students, such as academic subject specific programs, adjunct teacher programs, extended learning time programs, and parent engagement, but not including activities to—

(I) support smaller class sizes or construction; or

(II) provide compensation or benefits to teachers, school leaders, other school officials, or local educational agency staff.

(2) *PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.*—An eligible entity that receives an award under this part shall ensure compliance with section 5501 (relating to participation of children enrolled in private schools).

(c) *APPLICATION.*—

(1) *IN GENERAL.*—To be eligible to receive an award under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require, including the contents required by paragraph (2).

(2) *CONTENTS.*—Each application submitted under paragraph (1) shall include—

(A) a description of the activities to be funded and how they are consistent with subsection (b);

(B) an assurance that funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant State, local, or non-Federal funds;

(C) an assurance that the community will be given notice of an intent to submit an application with an opportunity for comment, and that the application will be available for public review after submission of the application; and

(D) an assurance that students who benefit from any activity funded under this part shall continue to maintain enrollment in a public elementary or secondary school.

(d) *REVIEW.*—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications but the review

shall be limited to the likelihood that the project will increase student academic achievement.

(e) *GEOGRAPHIC DIVERSITY.*—A State educational agency shall distribute funds under this part equitably among geographic areas within the State, including rural, suburban, and urban communities.

(f) *AWARD.*—A grant shall be awarded to all eligible entities that submit an application that meets the requirements of this section in an amount that is not less than \$10,000, but there shall be only one minimum award granted to any one local educational agency.

(g) *DURATION OF AWARDS.*—Grants under this part may be awarded for a period of not more than 5 years.

(h) *ELIGIBLE ENTITY DEFINED.*—In this section, the term “eligible entity” means—

(1) a local educational agency in partnership with a community-based organization, business entity, or nongovernmental entity;

(2) a consortium of local educational agencies working in partnership with a community-based organization, business entity, or nongovernmental entity;

(3) a community-based organization in partnership with a local educational agency and, if applicable, a business entity or nongovernmental entity; or

(4) a business entity in partnership with a local educational agency and, if applicable, a community-based organization or nongovernmental entity.

**SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO IMPROVE ACADEMIC ACHIEVEMENT.**

(a) *IN GENERAL.*—From the amount reserved under section 3202(c)(2), a State educational agency shall award grants to nongovernmental entities, including public or private organizations, community-based or faith-based organizations, and business entities for a program or project to increase the academic achievement of public school students attending public elementary or secondary schools (or both) in compliance with the requirements in this section. Subject to the availability of funds, the State educational agency shall award a grant to each eligible applicant that meets the requirements in a sufficient size and scope to support the program.

(b) *APPLICATION.*—The State educational agency shall require an application that includes the following information:

(1) A description of the program or project the applicant will use the funds to support.

(2) A description of how the applicant is using or will use other State, local, or private funding to support the program or project.

(3) A description of how the program or project will help increase student academic achievement, including the evidence to support this claim.

(4) A description of the student population the program or project is targeting to impact, and if the program will prioritize students in high-need local educational agencies.

(5) A description of how the applicant will conduct sufficient outreach to ensure students can participate in the program or project.

(6) A description of any partnerships the applicant has entered into with the local educational agencies or other entities the applicant will work with, if applicable.

(7) A description of how the applicant will work to share evidence-based and other effective strategies from the program or project with local educational agencies and other entities working with students to increase academic achievement.

(8) An assurance that students who benefit from any program or project funded under this section shall continue to maintain enrollment in a public elementary or secondary school.

(c) **MATCHING CONTRIBUTION.**—An eligible applicant receiving a grant under this section shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

(d) **REVIEW.**—The State educational agency shall review the application to ensure that—

(1) the applicant is an eligible applicant;

(2) the application clearly describes the required elements in subsection (b);

(3) the entity meets the matching requirement described in subsection (c); and

(4) the program is allowable and complies with Federal, State, and local laws.

(e) **DISTRIBUTION OF FUNDS.**—If the application requests exceed the funds available, the State educational agency shall prioritize projects that support students in high-need local educational agencies and ensure geographic diversity, including serving rural, suburban, and urban areas.

(f) **ADMINISTRATIVE COSTS.**—Not more than 1 percent of a grant awarded under this section may be used for administrative costs.

**SEC. 3206. REPORT.**

Each recipient of a grant under section 3204 or 3205 shall report to the State educational agency on—

(1) the success of the program in reaching the goals of the program;

(2) a description of the students served by the program and how the students' academic achievement improved; and

(3) the results of any evaluation conducted on the success of the program.

## **[TITLE IV—21ST CENTURY SCHOOLS**

### **[PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES**

**[SEC. 4001. SHORT TITLE.**

[This part may be cited as the “Safe and Drug-Free Schools and Communities Act”.

**[SEC. 4002. PURPOSE.**

[The purpose of this part is to support programs that prevent violence in and around schools; that prevent the illegal use of alcohol, tobacco, and drugs; that involve parents and communities; and that are coordinated with related Federal, State, school, and com-

munity efforts and resources to foster a safe and drug-free learning environment that supports student academic achievement, through the provision of Federal assistance to—

[(1) States for grants to local educational agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention and early intervention;

[(2) States for grants to, and contracts with, community-based organizations and public and private entities for programs of drug and violence prevention and early intervention, including community-wide drug and violence prevention planning and organizing activities;

[(3) States for development, training, technical assistance, and coordination activities; and

[(4) public and private entities to provide technical assistance; conduct training, demonstrations, and evaluation; and to provide supplementary services and community-wide drug and violence prevention planning and organizing activities for the prevention of drug use and violence among students and youth.

**[SEC. 4003. AUTHORIZATION OF APPROPRIATIONS.**

[(There are authorized to be appropriated—

[(1) \$650,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years, for State grants under subpart 1; and

[(2) such sums for fiscal year 2002, and for each of the 5 succeeding fiscal years, for national programs under subpart 2.

**[Subpart 1—State Grants**

**[SEC. 4111. RESERVATIONS AND ALLOTMENTS.**

[(a) RESERVATIONS.—

[(1) IN GENERAL.—From the amount made available under section 4003(1) to carry out this subpart for each fiscal year, the Secretary—

[(A) shall reserve 1 percent or \$4,750,000 (whichever is greater) of such amount for grants to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs and to carry out programs described in this subpart;

[(B) shall reserve 1 percent or \$4,750,000 (whichever is greater) of such amount for the Secretary of the Interior to carry out programs described in this subpart for Indian youth; and

[(C) shall reserve 0.2 percent of such amount for Native Hawaiians to be used under section 4117 to carry out programs described in this subpart.

[(2) OTHER RESERVATIONS.—From the amount made available under section 4003(2) to carry out subpart 2 for each fiscal year, the Secretary—

[(A) may reserve not more than \$2,000,000 for the national impact evaluation required by section 4122(a);

[(B) notwithstanding section 3 of the No Child Left Behind Act of 2001, shall reserve an amount necessary to make continuation grants to grantees under the Safe Schools/Healthy Students initiative (under the same terms and conditions as provided for in the grants involved).

[(b) STATE ALLOTMENTS.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allot among the States—

[(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

[(B) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

[(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than the greater of—

[(A) one-half of 1 percent of the total amount allotted to all the States under this subsection; or

[(B) the amount such State received for fiscal year 2001 under section 4111 as such section was in effect the day preceding the date of enactment of the No Child Left Behind Act of 2001.

[(3) REALLOTMENT.—

[(A) REALLOTMENT FOR FAILURE TO APPLY.—If any State does not apply for an allotment under this subpart for a fiscal year, the Secretary shall reallocate the amount of the State's allotment to the remaining States in accordance with this section.

[(B) REALLOTMENT OF UNUSED FUNDS.—The Secretary may reallocate any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallocations shall be made on the same basis as allotments are made under paragraph (1).

[(4) DEFINITION.—In this section the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[(c) LIMITATION.—Amounts appropriated under section 4003(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4003(1) for the fiscal year involved are at least 10 percent greater than the amounts appropriated under such section 4003(1) for the previous fiscal year.

**[SEC. 4112. RESERVATION OF STATE FUNDS FOR SAFE AND DRUG-FREE SCHOOLS.**

[(a) STATE RESERVATION FOR THE CHIEF EXECUTIVE OFFICER OF A STATE.—

[(1) IN GENERAL.—The chief executive officer of a State may reserve not more than 20 percent of the total amount allocated to a State under section 4111(b) for each fiscal year to award competitive grants and contracts to local educational agencies, community-based organizations (including community anti-

drug coalitions) other public entities and private organizations, and consortia thereof. Such grants and contracts shall be used to carry out the comprehensive State plan described in section 4113(a) through programs or activities that complement and support activities of local educational agencies described in section 4115(b). Such officer shall award grants based on—

[(A) the quality of the program or activity proposed; and

[(B) how the program or activity meets the principles of effectiveness described in section 4115(a).

[(2) PRIORITY.—In making such grants and contracts under this section, a chief executive officer shall give priority to programs and activities that prevent illegal drug use and violence for—

[(A) children and youth who are not normally served by State educational agencies or local educational agencies; or

[(B) populations that need special services or additional resources (such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

[(3) SPECIAL CONSIDERATION.—In awarding funds under paragraph (1), a chief executive officer shall give special consideration to grantees that pursue a comprehensive approach to drug and violence prevention that includes providing and incorporating mental health services related to drug and violence prevention in their program.

[(4) PEER REVIEW.—Grants or contracts awarded under this section shall be subject to a peer review process.

[(5) USE OF FUNDS.—Grants and contracts under this section shall be used to implement drug and violence prevention activities, including—

[(A) activities that complement and support local educational agency activities under section 4115, including developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

[(B) dissemination of information about drug and violence prevention; and

[(C) development and implementation of community-wide drug and violence prevention planning and organizing.

[(6) ADMINISTRATIVE COSTS.—The chief executive officer of a State may use not more than 3 percent of the amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

[(b) IN STATE DISTRIBUTION.—

[(1) IN GENERAL.—A State educational agency shall distribute not less than 93 percent of the amount made available to the State under section 4111(b), less the amount reserved under subsection (a) of this section, to its local educational agencies.

[(2) STATE ADMINISTRATION COSTS.—

[(A) IN GENERAL.—A State educational agency may use not more than 3 percent of the amount made available to the State under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for State educational agency administrative costs, including

the implementation of the uniform management information and reporting system as provided for under subsection (c)(3).

[(B) ADDITIONAL AMOUNTS FOR THE UNIFORM MANAGEMENT INFORMATION SYSTEM.—In the case of fiscal year 2002, a State educational agency may, in addition to amounts provided for in subparagraph (A), use 1 percent of the amount made available to the State educational agency under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for implementation of the uniform management information and reporting system as provided for under subsection (c)(3).

[(c) STATE ACTIVITIES.—

[(1) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount made available to the State under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for activities described in this subsection.

[(2) ACTIVITIES.—A State educational agency shall use the amounts described in paragraph (1), either directly, or through grants and contracts, to plan, develop, and implement capacity building, technical assistance and training, evaluation, program improvement services, and coordination activities for local educational agencies, community-based organizations, and other public and private entities. Such uses—

[(A) shall meet the principles of effectiveness described in section 4115(a);

[(B) shall complement and support local uses of funds under section 4115(b);

[(C) shall be in accordance with the purposes of this part; and

[(D) may include, among others activities—

[(i) identification, development, evaluation, and dissemination of drug and violence prevention strategies, programs, activities, and other information;

[(ii) training, technical assistance, and demonstration projects to address violence that is associated with prejudice and intolerance; and

[(iii) financial assistance to enhance drug and violence prevention resources available in areas that serve large numbers of low-income children, are sparsely populated, or have other special needs.

[(3) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—

[(A) INFORMATION AND STATISTICS.—A State shall establish a uniform management information and reporting system.

[(B) USES OF FUNDS.—A State may use funds described in subparagraphs (A) and (B) of subsection (b)(2), either directly or through grants and contracts, to implement the uniform management information and reporting system described in subparagraph (A), for the collection of information on—

[(i) truancy rates;

[(ii) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions in elementary schools and secondary schools in the State;

[(iii) the types of curricula, programs, and services provided by the chief executive officer, the State educational agency, local educational agencies, and other recipients of funds under this subpart; and

[(iv) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities.

[(C) COMPILATION OF STATISTICS.—In compiling the statistics required for the uniform management information and reporting system, the offenses described in subparagraph (B)(ii) shall be defined pursuant to the State’s criminal code, but shall not identify victims of crimes or persons accused of crimes. The collected data shall include incident reports by school officials, anonymous student surveys, and anonymous teacher surveys.

[(D) REPORTING.—The information described under subparagraph (B) shall be reported to the public and the data referenced in clauses (i) and (ii) of such subparagraph shall be reported to the State on a school-by-school basis.

[(E) LIMITATION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices with respect to crimes committed on school property or school security.

**[SEC. 4113. STATE APPLICATION.**

[(a) IN GENERAL.—In order to receive an allotment under section 4111(b) for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

[(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer of the State to provide safe, orderly, and drug-free schools and communities through programs and activities that complement and support activities of local educational agencies under section 4115(b), that comply with the principles of effectiveness under section 4115(a), and that otherwise are in accordance with the purpose of this part;

[(2) describes how activities funded under this subpart will foster a safe and drug-free learning environment that supports academic achievement;

[(3) provides an assurance that the application was developed in consultation and coordination with appropriate State officials and others, including the chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

[(4) describes how the State educational agency will coordinate such agency’s activities under this subpart with the chief

executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies and other programs, as appropriate, in accordance with the provisions in section 9306;

[(5) provides an assurance that funds reserved under section 4112(a) will not duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based drug and violence prevention activities and that those funds will be used to serve populations not normally served by the State educational agencies and local educational agencies and populations that need special services, such as school dropouts, suspended and expelled students, youth in detention centers, runaway or homeless children and youth, and pregnant and parenting youth;

[(6) provides an assurance that the State will cooperate with, and assist, the Secretary in conducting data collection as required by section 4122;

[(7) provides an assurance that the local educational agencies in the State will comply with the provisions of section 9501 pertaining to the participation of private school children and teachers in the programs and activities under this subpart;

[(8) provides an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds;

[(9) contains the results of a needs assessment conducted by the State for drug and violence prevention programs, which shall be based on ongoing State evaluation activities, including data on—

[(A) the incidence and prevalence of illegal drug use and violence among youth in schools and communities, including the age of onset, the perception of health risks, and the perception of social disapproval among such youth;

[(B) the prevalence of risk factors, including high or increasing rates of reported cases of child abuse or domestic violence;

[(C) the prevalence of protective factors, buffers, or assets; and

[(D) other variables in the school and community identified through scientifically based research;

[(10) provides a statement of the State's performance measures for drug and violence prevention programs and activities to be funded under this subpart that will be focused on student behavior and attitudes, derived from the needs assessment described in paragraph (9), and be developed in consultation between the State and local officials, and that consist of—

[(A) performance indicators for drug and violence prevention programs and activities; and

[(B) levels of performance for each performance indicator;

[(11) describes the procedures the State will use for assessing and publicly reporting progress toward meeting the performance measures described in paragraph (10);

[(12) provides an assurance that the State application will be available for public review after submission of the application;

[(13) describes the special outreach activities that will be carried out by the State educational agency and the chief executive officer of the State to maximize the participation of community-based organizations of demonstrated effectiveness that provide services such as mentoring programs in low-income communities;

[(14) describes how funds will be used by the State educational agency and the chief executive officer of the State to support, develop, and implement community-wide comprehensive drug and violence prevention planning and organizing activities;

[(15) describes how input from parents will be sought regarding the use of funds by the State educational agency and the chief executive officer of the State;

[(16) describes how the State educational agency will review applications from local educational agencies, including how the agency will receive input from parents in such review;

[(17) describes how the State educational agency will monitor the implementation of activities under this subpart, and provide technical assistance for local educational agencies, community-based organizations, other public entities, and private organizations;

[(18) describes how the chief executive officer of the State will award funds under section 4112(a) and implement a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

[(19) includes any other information the Secretary may require.

**[(b) INTERIM APPLICATION.—**

[(1) **AUTHORITY.—**Notwithstanding any other provision of this section, a State may submit for fiscal year 2002 a 1-year interim application and plan for the use of funds under this subpart that is consistent with the requirements of this section and contains such information as the Secretary may specify in regulations.

[(2) **PURPOSE.—**The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section.

[(3) **EXCEPTION.—**A State may not receive a grant under this subpart for a fiscal year after fiscal year 2002 unless the Secretary has approved such State's application and comprehensive plan as described in subsection (a).

**[(c) APPROVAL PROCESS.—**

[(1) **DEEMED APPROVAL.—**An application submitted by a State pursuant to this section shall undergo peer review by the Secretary and shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

[(2) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing.

[(3) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

[(A) give the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing; and

[(B) notify the State educational agency and the chief executive officer of the State of the finding of noncompliance, and in such notification, shall—

[(i) cite the specific provisions in the application that are not in compliance; and

[(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

[(4) RESPONSE.—If the State educational agency and the chief executive officer of the State respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmit the application with the requested information described in paragraph (3)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—

[(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

[(B) the expiration of the 120-day period described in paragraph (1).

[(5) FAILURE TO RESPOND.—If the State educational agency and the chief executive officer of the State do not respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

**[SEC. 4114. LOCAL EDUCATIONAL AGENCY PROGRAM.**

[(a) IN GENERAL.—

[(1) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—A State shall provide the amount made available to the State under this subpart, less the amounts reserved under section 4112 to local educational agencies for drug and violence prevention and education programs and activities as follows:

[(A) 60 percent of such amount based on the relative amount such agencies received under part A of title I for the preceding fiscal year.

[(B) 40 percent of such amount based on the relative enrollments in public and private nonprofit elementary schools and secondary schools within the boundaries of such agencies.

[(2) ADMINISTRATIVE COSTS.—Of the amount received under paragraph (1), a local educational agency may use not more than 2 percent for the administrative costs of carrying out its responsibilities under this subpart.

[(3) RETURN OF FUNDS TO STATE; REALLOCATION.—

[(A) RETURN.—Except as provided in subparagraph (B), upon the expiration of the 1-year period beginning on the date on which a local educational agency receives its allocation under this subpart—

[(i) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

[(ii) the State educational agency shall reallocate any such amount to local educational agencies that have submitted plans for using such amount for programs or activities on a timely basis.

[(B) CARRYOVER.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

[(i) an amount equal to not more than 25 percent of the allocation it received under this subpart for such fiscal year; or

[(ii) upon a demonstration of good cause by such agency and approval by the State educational agency, an amount that exceeds 25 percent of such allocation.

[(C) REALLOCATION.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under this subsection, or if such agency's application under subsection (d) is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of its other local educational agencies.

[(b) ELIGIBILITY.—To be eligible to receive a subgrant under this subpart, a local educational agency desiring a subgrant shall submit an application to the State educational agency in accordance with subsection (d). Such an application shall be amended, as necessary, to reflect changes in the activities and programs of the local educational agency.

[(c) DEVELOPMENT.—

[(1) CONSULTATION.—

[(A) IN GENERAL.—A local educational agency shall develop its application through timely and meaningful consultation with State and local government representatives, representatives of schools to be served (including private schools), teachers and other staff, parents, students, community-based organizations, and others with relevant and demonstrated expertise in drug and violence prevention activities (such as medical, mental health, and law enforcement professionals).

[(B) CONTINUED CONSULTATION.—On an ongoing basis, the local educational agency shall consult with such representatives and organizations in order to seek advice regarding how best to coordinate such agency's activities under this subpart with other related strategies, programs, and activities being conducted in the community.

[(2) DESIGN AND DEVELOPMENT.—To ensure timely and meaningful consultation under paragraph (1), a local educational agency at the initial stages of design and development of a program or activity shall consult, in accordance with this subsection, with appropriate entities and persons on issues re-

garding the design and development of the program or activity, including efforts to meet the principles of effectiveness described in section 4115(a).

**[(d) CONTENTS OF APPLICATIONS.—**An application submitted by a local educational agency under this section shall contain—

**[(1)** an assurance that the activities or programs to be funded comply with the principles of effectiveness described in section 4115(a) and foster a safe and drug-free learning environment that supports academic achievement;

**[(2)** a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, including a description of—

**[(A)** how the plan will be coordinated with programs under this Act, and other Federal, State, and local programs for drug and violence prevention, in accordance with section 9306;

**[(B)** the local educational agency's performance measures for drug and violence prevention programs and activities, that shall consist of—

**[(i)** performance indicators for drug and violence prevention programs and activities; including—

**[(I)** specific reductions in the prevalence of identified risk factors; and

**[(II)** specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; and

**[(ii)** levels of performance for each performance indicator;

**[(C)** how such agency will assess and publicly report progress toward attaining its performance measures;

**[(D)** the drug and violence prevention activity or program to be funded, including how the activity or program will meet the principles of effectiveness described in section 4115(a), and the means of evaluating such activity or program; and

**[(E)** how the services will be targeted to schools and students with the greatest need;

**[(3)** a description for how the results of the evaluations of the effectiveness of the program will be used to refine, improve, and strengthen the program;

**[(4)** an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds;

**[(5)** a description of the mechanisms used to provide effective notice to the community of an intention to submit an application under this subpart;

**[(6)** an assurance that drug and violence prevention programs supported under this subpart convey a clear and consistent message that acts of violence and the illegal use of drugs are wrong and harmful;

[(7) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

[(A) appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

[(B) security procedures at school and while students are on the way to and from school;

[(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments;

[(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

[(E) a code of conduct policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that—

[(i) allows a teacher to communicate effectively with all students in the class;

[(ii) allows all students in the class to learn;

[(iii) has consequences that are fair, and developmentally appropriate;

[(iv) considers the student and the circumstances of the situation; and

[(v) is enforced accordingly;

[(8) an assurance that the application and any waiver request under section 4115(a)(3) will be available for public review after submission of the application; and

[(9) such other assurances, goals, and objectives identified through scientifically based research that the State may reasonably require in accordance with the purpose of this part.

[(e) REVIEW OF APPLICATION.—

[(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

[(2) CONSIDERATIONS.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of application and the extent to which the application meets the principles of effectiveness described in section 4115(a).

[(f) APPROVAL PROCESS.—

[(1) DEEMED APPROVAL.—An application submitted by a local educational agency pursuant to this section shall be deemed to be approved by the State educational agency unless the State educational agency makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with this subpart.

[(2) DISAPPROVAL.—The State educational agency shall not finally disapprove the application, except after giving the local educational agency notice and opportunity for a hearing.

[(3) NOTIFICATION.—If the State educational agency finds that the application is not in compliance, in whole or in part, with this subpart, the State educational agency shall—

[(A) give the local educational agency notice and an opportunity for a hearing; and

[(B) notify the local educational agency of the finding of noncompliance, and in such notification, shall—

[(i) cite the specific provisions in the application that are not in compliance; and

[(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

[(4) RESPONSE.—If the local educational agency responds to the State educational agency’s notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in paragraph (3)(B)(ii), the State educational agency shall approve or disapprove such application prior to the later of—

[(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

[(B) the expiration of the 120-day period described in paragraph (1).

[(5) FAILURE TO RESPOND.—If the local educational agency does not respond to the State educational agency’s notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

**[SEC. 4115. AUTHORIZED ACTIVITIES.**

**[(a) PRINCIPLES OF EFFECTIVENESS.—**

[(1) IN GENERAL.—For a program or activity developed pursuant to this subpart to meet the principles of effectiveness, such program or activity shall—

[(A) be based on an assessment of objective data regarding the incidence of violence and illegal drug use in the elementary schools and secondary schools and communities to be served, including an objective analysis of the current conditions and consequences regarding violence and illegal drug use, including delinquency and serious discipline problems, among students who attend such schools (including private school students who participate in the drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

[(B) be based on an established set of performance measures aimed at ensuring that the elementary schools and secondary schools and communities to be served by the program have a safe, orderly, and drug-free learning environment;

[(C) be based on scientifically based research that provides evidence that the program to be used will reduce violence and illegal drug use;

[(D) be based on an analysis of the data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence; protective factors, buffers, assets; or other variables in schools and communities in the State identified through scientifically based research; and

[(E) include meaningful and ongoing consultation with and input from parents in the development of the application and administration of the program or activity.

[(2) PERIODIC EVALUATION.—

[(A) REQUIREMENT.—The program or activity shall undergo a periodic evaluation to assess its progress toward reducing violence and illegal drug use in schools to be served based on performance measures described in section 4114(d)(2)(B).

[(B) USE OF RESULTS.—The results shall be used to refine, improve, and strengthen the program, and to refine the performance measures, and shall also be made available to the public upon request, with public notice of such availability provided.

[(3) WAIVER.—A local educational agency may apply to the State for a waiver of the requirement of subsection (a)(1)(C) to allow innovative activities or programs that demonstrate substantial likelihood of success.

[(b) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—

[(1) PROGRAM REQUIREMENTS.—A local educational agency shall use funds made available under section 4114 to develop, implement, and evaluate comprehensive programs and activities, which are coordinated with other school and community-based services and programs, that shall—

[(A) foster a safe and drug-free learning environment that supports academic achievement;

[(B) be consistent with the principles of effectiveness described in subsection (a)(1);

[(C) be designed to—

[(i) prevent or reduce violence; the use, possession and distribution of illegal drugs; and delinquency; and

[(ii) create a well disciplined environment conducive to learning, which includes consultation between teachers, principals, and other school personnel to identify early warning signs of drug use and violence and to provide behavioral interventions as part of classroom management efforts; and

[(D) include activities to—

[(i) promote the involvement of parents in the activity or program;

[(ii) promote coordination with community groups and coalitions, and government agencies; and

[(iii) distribute information about the local educational agency's needs, goals, and programs under this subpart.

[(2) AUTHORIZED ACTIVITIES.—Each local educational agency, or consortium of such agencies, that receives a subgrant under this subpart may use such funds to carry out activities that comply with the principles of effectiveness described in subsection (a), such as the following:

[(A) Age appropriate and developmentally based activities that—

[(i) address the consequences of violence and the illegal use of drugs, as appropriate;

[(ii) promote a sense of individual responsibility;

[(iii) teach students that most people do not illegally use drugs;

[(iv) teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;

[(v) teach students about the dangers of emerging drugs;

[(vi) engage students in the learning process; and

[(vii) incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.

[(B) Activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.

[(C) Dissemination of drug and violence prevention information to schools and the community.

[(D) Professional development and training for, and involvement of, school personnel, pupil services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.

[(E) Drug and violence prevention activities that may include the following:

[(i) Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.

[(ii) Acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies.

[(iii) Reporting criminal offenses committed on school property.

[(iv) Developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans, which may include obtaining a security assessment or assistance from the School Security and Technology Resource Center at the Sandia National Laboratory located in Albuquerque, New Mexico.

[(v) Supporting safe zones of passage activities that ensure that students travel safely to and from school, which may include bicycle and pedestrian safety programs.

[(vi) The hiring and mandatory training, based on scientific research, of school security personnel (including school resource officers) who interact with students in support of youth drug and violence prevention activities under this part that are implemented in the school.

[(vii) Expanded and improved school-based mental health services related to illegal drug use and violence, including early identification of violence and illegal

drug use, assessment, and direct or group counseling services provided to students, parents, families, and school personnel by qualified school-based mental health service providers.

[(viii) Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.

[(ix) Alternative education programs or services for violent or drug abusing students that reduce the need for suspension or expulsion or that serve students who have been suspended or expelled from the regular educational settings, including programs or services to assist students to make continued progress toward meeting the State academic achievement standards and to reenter the regular education setting.

[(x) Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.

[(xi) Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

[(xii) Drug and violence prevention activities designed to reduce truancy.

[(xiii) Age-appropriate, developmentally-based violence prevention and education programs that address victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence.

[(xiv) Consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or the inspecting of a student's locker for weapons or illegal drugs or drug paraphernalia, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect.

[(xv) Emergency intervention services following traumatic crisis events, such as a shooting, major accident, or a drug-related incident that have disrupted the learning environment.

[(xvi) Establishing or implementing a system for transferring suspension and expulsion records, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), by a local educational agency to any public or private elementary school or secondary school.

[(xvii) Developing and implementing character education programs, as a component of drug and violence

prevention programs, that take into account the views of parents of the students for whom the program is intended and such students, such as a program described in subpart 3 of part D of title V.

[(xviii) Establishing and maintaining a school safety hotline.

[(xix) Community service, including community service performed by expelled students, and service-learning projects.

[(xx) Conducting a nationwide background check of each local educational agency employee, regardless of when hired, and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's fitness—

[(I) to be responsible for the safety or well-being of children;

[(II) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

[(III) to otherwise be employed by the local educational agency.

[(xxi) Programs to train school personnel to identify warning signs of youth suicide and to create an action plan to help youth at risk of suicide.

[(xxii) Programs that respond to the needs of students who are faced with domestic violence or child abuse.

[(F) The evaluation of any of the activities authorized under this subsection and the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives.

[(c) LIMITATION.—

[(1) IN GENERAL.—Except as provided in paragraph (2), not more than 40 percent of the funds available to a local educational agency under this subpart may be used to carry out the activities described in clauses (ii) through (vi) of subsection (b)(2)(E), of which not more than 50 percent of such amount may be used to carry out the activities described in clauses (ii) through (v) of such subsection.

[(2) EXCEPTION.—A local educational agency may use funds under this subpart for activities described in clauses (ii) through (v) of subsection (b)(2)(E) only if funding for these activities is not received from other Federal agencies.

[(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of funds under this subpart by any local educational agency or school for the establishment or implementation of a school uniform policy if such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State's needs assessment and other scientifically based research information.

**[SEC. 4116. REPORTING.**

[(a) STATE REPORT.—

[(1) IN GENERAL.—By December 1, 2003, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

[(A) on the implementation and outcomes of State programs under section 4112(a)(1) and section 4112(c) and local educational agency programs under section 4115(b), as well as an assessment of their effectiveness;

[(B) on the State’s progress toward attaining its performance measures for drug and violence prevention under section 4113(a)(10); and

[(C) on the State’s efforts to inform parents of, and include parents in, violence and drug prevention efforts.

[(2) SPECIAL RULE.—The report required by this subsection shall be—

[(A) in the form specified by the Secretary;

[(B) based on the State’s ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

[(C) made readily available to the public.

[(b) LOCAL EDUCATIONAL AGENCY REPORT.—

[(1) IN GENERAL.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (a), including a description of how parents were informed of, and participated in, violence and drug prevention efforts.

[(2) AVAILABILITY.—Information under paragraph (1) shall be made readily available to the public.

[(3) PROVISION OF DOCUMENTATION.—Not later than January 1 of each year that a State is required to report under subsection (a), the Secretary shall provide to the State educational agency all of the necessary documentation required for compliance with this section.

**[SEC. 4117. PROGRAMS FOR NATIVE HAWAIIANS.**

[(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(1)(C) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians for the benefit of Native Hawaiians to plan, conduct, and administer programs, or portions thereof, that are authorized by and consistent with the provisions of this subpart.

[(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term “Native Hawaiian” means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

**[Subpart 2—National Programs**

**[SEC. 4121. FEDERAL ACTIVITIES.**

[(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 4003(2), the Secretary, in consulta-

tion with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private entities and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

【(1) the development and demonstration of innovative strategies for the training of school personnel, parents, and members of the community for drug and violence prevention activities based on State and local needs;

【(2) the development, demonstration, scientifically based evaluation, and dissemination of innovative and high quality drug and violence prevention programs and activities, based on State and local needs, which may include—

【(A) alternative education models, either established within a school or separate and apart from an existing school, that are designed to promote drug and violence prevention, reduce disruptive behavior, reduce the need for repeat suspensions and expulsions, enable students to meet challenging State academic standards, and enable students to return to the regular classroom as soon as possible;

【(B) community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

【(C) video-based projects developed by noncommercial telecommunications entities that provide young people with models for conflict resolution and responsible decisionmaking; and

【(D) child abuse education and prevention programs for elementary and secondary students;

【(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination;

【(4) the provision of information on violence prevention and education and school safety to the Department of Justice for dissemination;

【(5) technical assistance to chief executive officers, State agencies, local educational agencies, and other recipients of funding under this part to build capacity to develop and implement high-quality, effective drug and violence prevention programs consistent with the principles of effectiveness in section 4115(a);

【(6) assistance to school systems that have particularly severe drug and violence problems, including hiring drug prevention and school safety coordinators, or assistance to support appropriate response efforts to crisis situations;

【(7) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes;

[(8) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems; and

[(9) other activities in accordance with the purpose of this part, based on State and local needs.

[(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

**[SEC. 4122. IMPACT EVALUATION.**

[(a) BIENNIAL EVALUATION.—The Secretary, in consultation with the Safe and Drug-Free Schools and Communities Advisory Committee described in section 4124, shall conduct an independent biennial evaluation of the impact of programs assisted under this subpart and of other recent and new initiatives to combat violence and illegal drug use in schools. The evaluation shall report on whether community and local educational agency programs funded under this subpart—

[(1) comply with the principles of effectiveness described in section 4115(a);

[(2) have appreciably reduced the level of illegal drug, alcohol, and tobacco use, and school violence and the illegal presence of weapons at schools; and

[(3) have conducted effective parent involvement and training programs.

[(b) DATA COLLECTION.—The National Center for Education Statistics shall collect data, that is subject to independent review, to determine the incidence and prevalence of illegal drug use and violence in elementary schools and secondary schools in the States. The collected data shall include incident reports by schools officials, anonymous student surveys, and anonymous teacher surveys.

[(c) BIENNIAL REPORT.—Not later than January 1, 2003, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under subsection (a) together with the data collected under subsection (b) and data available from other sources on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence in elementary schools and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to subsection 4116(a).

**[SEC. 4123. HATE CRIME PREVENTION.**

[(a) GRANT AUTHORIZATION.—From funds made available to carry out this subpart under section 4003(2) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

[(b) USE OF FUNDS.—

[(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

[(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

[(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

[(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

[(D) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

[(2) APPLICATION.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require.

[(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

[(A) a request for funds for the purpose described in this section;

[(B) a description of the schools and communities to be served by the grants; and

[(C) assurances that Federal funds received under this section shall be used to supplement, and not supplant, non-Federal funds.

[(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

[(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

[(B) a description of the program to be developed or augmented by such Federal and matching funds;

[(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

[(D) procedures for the proper and efficient administration of such program; and

[(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

[(c) AWARD OF GRANTS.—

[(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

[(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

[(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

[(d) REPORTS.—The Secretary shall submit to Congress a report every 2 years that shall contain a detailed statement regarding

grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

**[SEC. 4124. SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ADVISORY COMMITTEE.**

**[(a) ESTABLISHMENT.—**

**[(1) IN GENERAL.—**There is hereby established an advisory committee to be known as the “Safe and Drug Free Schools and Communities Advisory Committee” (referred to in this section as the “Advisory Committee”) to—

**[(A) consult with the Secretary under subsection (b);**

**[(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;**

**[(C) develop core data sets and evaluation protocols for safe and drug-free school- and community-based programs;**

**[(D) provide technical assistance and training for safe and drug-free school- and community-based programs;**

**[(E) provide for the diffusion of scientifically based research to safe and drug-free school- and community-based programs; and**

**[(F) review other regulations and standards developed under this title.**

**[(2) COMPOSITION.—**The Advisory Committee shall be composed of representatives from—

**[(A) the Department of Education;**

**[(B) the Centers for Disease Control and Prevention;**

**[(C) the National Institute on Drug Abuse;**

**[(D) the National Institute on Alcoholism and Alcohol Abuse;**

**[(E) the Center for Substance Abuse Prevention;**

**[(F) the Center for Mental Health Services;**

**[(G) the Office of Juvenile Justice and Delinquency Prevention;**

**[(H) the Office of National Drug Control Policy;**

**[(I) State and local governments, including education agencies; and**

**[(J) researchers and expert practitioners.**

**[(3) CONSULTATION.—**In carrying out its duties under this section, the Advisory Committee shall annually consult with interested State and local coordinators of school- and community-based substance abuse and violence prevention programs and other interested groups.

**[(b) PROGRAMS.—**

**[(1) IN GENERAL.—**From amounts made available under section 4003(2) to carry out this subpart, the Secretary, in consultation with the Advisory Committee, shall carry out scientifically based research programs to strengthen the accountability and effectiveness of the State, chief executive officer’s, and national programs under this part.

**[(2) GRANTS, CONTRACTS OR COOPERATIVE AGREEMENTS.—**The Secretary shall carry out paragraph (1) directly or through grants, contracts, or cooperative agreements with public and private entities and individuals or through agreements with other Federal agencies.

[(3) COORDINATION.—The Secretary shall coordinate programs under this section with other appropriate Federal activities.

[(4) ACTIVITIES.—Activities that may be carried out under programs funded under this section may include—

[(A) the provision of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State educational agencies and local educational agencies to support high quality, effective programs that—

[(i) provide a thorough assessment of the substance abuse and violence problem;

[(ii) utilize objective data and the knowledge of a wide range of community members;

[(iii) develop measurable goals and objectives; and

[(iv) implement scientifically based research activities that have been shown to be effective and that meet identified needs;

[(B) the provision of technical assistance and training to foster program accountability;

[(C) the diffusion and dissemination of best practices and programs;

[(D) the development of core data sets and evaluation tools;

[(E) program evaluations;

[(F) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act; and

[(G) other activities that meet unmet needs related to the purpose of this part and that are undertaken in consultation with the Advisory Committee.

**[SEC. 4125. NATIONAL COORDINATOR PROGRAM.**

[(a) IN GENERAL.—From funds made available to carry out this subpart under section 4003(2), the Secretary may provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local educational agencies for the hiring of drug prevention and school safety program coordinators.

[(b) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used by local educational agencies to recruit, hire, and train individuals to serve as drug prevention and school safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug-free grant program at such schools.

**[SEC. 4126. COMMUNITY SERVICE GRANT PROGRAM.**

[(a) IN GENERAL.—From funds made available to carry out this subpart under section 4003(2), the Secretary may make grants to States to carry out programs under which students expelled or suspended from school are required to perform community service.

[(b) ALLOCATION.—From the amount described in subsection (a), the Secretary shall allocate among the States—

[(1) one-half according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

[(2) one-half according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

[(c) MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this section.

[(d) REALLOTMENT.—The Secretary may reallocate any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallocations shall be made on the same basis as allotments are made under subsection (b).

[(e) DEFINITION.—In this section, the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**[SEC. 4127. SCHOOL SECURITY TECHNOLOGY AND RESOURCE CENTER.**

[(a) CENTER.—From funds made available to carry out this subpart under section 4003(2), the Secretary, the Attorney General, and the Secretary of Energy may enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement in Little Rock, Arkansas, of a center to be known as the “School Security Technology and Resource Center” (hereafter in this section “the Center”).

[(b) ADMINISTRATION.—The Center established under subsection (a) shall be administered by the Attorney General.

[(c) FUNCTIONS.—The center established under subsection (a) shall be a resource to local educational agencies for school security assessments, security technology development, evaluation and implementation, and technical assistance relating to improving school security. The Center will also conduct and publish school violence research, coalesce data from victim communities, and monitor and report on schools that implement school security strategies.

**[SEC. 4128. NATIONAL CENTER FOR SCHOOL AND YOUTH SAFETY.**

[(a) ESTABLISHMENT.—From funds made available to carry out this subpart under section 4003(2), the Secretary of Education and the Attorney General may jointly establish a National Center for School and Youth Safety (in this section referred to as the “Center”). The Secretary of Education and the Attorney General may establish the Center at an existing facility, if the facility has a history of performing two or more of the duties described in subsection (b). The Secretary of Education and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

[(b) DUTIES.—The Center shall carry out emergency response, anonymous student hotline, consultation, and information and outreach activities with respect to elementary and secondary school safety, including the following:

[(1) EMERGENCY RESPONSE.—The staff of the Center, and such temporary contract employees as the Director of the Center shall determine necessary, shall offer emergency assistance to local communities to respond to school safety crises. Such assistance shall include counseling for victims and the community, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents, and respond to future incidents.

[(2) ANONYMOUS STUDENT HOTLINE.—The Center shall establish a toll-free telephone number for students to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior. The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

[(3) CONSULTATION.—The Center shall establish a toll-free number for the public to contact staff of the Center for consultation regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement and criminal justice, and community development to assist in the consultation.

[(4) INFORMATION AND OUTREACH.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The staff of the Center shall work to ensure local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.

**[SEC. 4129. GRANTS TO REDUCE ALCOHOL ABUSE.**

[(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, may award grants from funds made available to carry out this subpart under section 4003(2), on a competitive basis, to local educational agencies to enable such agencies to develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools.

[(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a local educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

[(1) a description of the activities to be carried out under the grant;

[(2) an assurance that such activities will include one or more of the proven strategies for reducing underage alcohol

abuse as determined by the Substance Abuse and Mental Health Services Administration;

[(3) an explanation of how activities to be carried out under the grant that are not described in paragraph (2) will be effective in reducing underage alcohol abuse, including references to the past effectiveness of such activities;

[(4) an assurance that the applicant will submit to the Secretary an annual report concerning the effectiveness of the programs and activities funded under the grant; and

[(5) such other information as the Secretary determines appropriate.

[(c) STREAMLINING OF PROCESS FOR LOW-INCOME AND RURAL LEAS.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, shall develop procedures to make the application process for grants under this section more user-friendly, particularly for low-income and rural local educational agencies.

[(d) RESERVATIONS.—

[(1) SAMHSA.—The Secretary may reserve 20 percent of any amount used to carry out this section to enable the Administrator of the Substance Abuse and Mental Health Services Administration to provide alcohol abuse resources and start-up assistance to local educational agencies receiving grants under this section.

[(2) LOW-INCOME AND RURAL AREAS.—The Secretary may reserve 25 percent of any amount used to carry out this section to award grants to low-income and rural local educational agencies.

**[SEC. 4130. MENTORING PROGRAMS.**

[(a) PURPOSE; DEFINITIONS.—

[(1) PURPOSE.—The purpose of this section is to make assistance available to promote mentoring programs for children with greatest need—

[(A) to assist such children in receiving support and guidance from a mentor;

[(B) to improve the academic achievement of such children;

[(C) to improve interpersonal relationships between such children and their peers, teachers, other adults, and family members;

[(D) to reduce the dropout rate of such children; and

[(E) to reduce juvenile delinquency and involvement in gangs by such children.

[(2) DEFINITIONS.—In this part:

[(A) CHILD WITH GREATEST NEED.—The term “child with greatest need” means a child who is at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities, or who lacks strong positive role models.

[(B) ELIGIBLE ENTITY.—The term “eligible entity” means—

[(i) a local educational agency;

[(ii) a nonprofit, community-based organization; or

[(iii) a partnership between a local educational agency and a nonprofit, community-based organization.

[(C) MENTOR.—The term “mentor” means a responsible adult, a postsecondary school student, or a secondary school student who works with a child—

[(i) to provide a positive role model for the child;

[(ii) to establish a supportive relationship with the child; and

[(iii) to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

[(D) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[(b) GRANT PROGRAM.—

[(1) IN GENERAL.—The Secretary may award grants from funds made available to carry out this subpart under section 4003(2) to eligible entities to assist such entities in establishing and supporting mentoring programs and activities for children with greatest need that—

[(A) are designed to link such children (particularly children living in rural areas, high-crime areas, or troubled home environments, or children experiencing educational failure) with mentors who—

[(i) have received training and support in mentoring;

[(ii) have been screened using appropriate reference checks, child and domestic abuse record checks, and criminal background checks; and

[(iii) are interested in working with children with greatest need; and

[(B) are intended to achieve one or more of the following goals with respect to children with greatest need:

[(i) Provide general guidance.

[(ii) Promote personal and social responsibility.

[(iii) Increase participation in, and enhance the ability to benefit from, elementary and secondary education.

[(iv) Discourage illegal use of drugs and alcohol, violence, use of dangerous weapons, promiscuous behavior, and other criminal, harmful, or potentially harmful activity.

[(v) Encourage participation in community service and community activities.

[(vi) Encourage setting goals and planning for the future, including encouragement of graduation from secondary school and planning for postsecondary education or training.

[(viii) Discourage involvement in gangs.

[(2) USE OF FUNDS.—

[(A) IN GENERAL.—Each eligible entity awarded a grant under this subsection shall use the grant funds for activities that establish or implement a mentoring program, that may include—

[(i) hiring of mentoring coordinators and support staff;

[(ii) providing for the professional development of mentoring coordinators and support staff;

[(iii) recruitment, screening, and training of mentors;

[(iv) reimbursement to schools, if appropriate, for the use of school materials or supplies in carrying out the mentoring program;

[(v) dissemination of outreach materials;

[(vi) evaluation of the mentoring program using scientifically based methods; and

[(vii) such other activities as the Secretary may reasonably prescribe by rule.

[(B) PROHIBITED USES.—Notwithstanding subparagraph (A), an eligible entity awarded a grant under this section may not use the grant funds—

[(i) to directly compensate mentors;

[(ii) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the eligible entity's operations;

[(iii) to support litigation of any kind; or

[(iv) for any other purpose reasonably prohibited by the Secretary by rule.

[(3) AVAILABILITY OF FUNDS.—Funds made available through a grant under this section shall be available for obligation for a period not to exceed 3 years.

[(4) APPLICATION.—Each eligible entity seeking a grant under this section shall submit to the Secretary an application that includes—

[(A) a description of the plan for the mentoring program the eligible entity proposes to carry out with such grant;

[(B) information on the children expected to be served by the mentoring program for which such grant is sought;

[(C) a description of the mechanism the eligible entity will use to match children with mentors based on the needs of the children;

[(D) an assurance that no mentor will be assigned to mentor so many children that the assignment will undermine the mentor's ability to be an effective mentor or the mentor's ability to establish a close relationship (a one-to-one relationship, where practicable) with each mentored child;

[(E) an assurance that the mentoring program will provide children with a variety of experiences and support, including—

[(i) emotional support;

[(ii) academic assistance; and

[(iii) exposure to experiences that the children might not otherwise encounter on their own;

[(F) an assurance that the mentoring program will be monitored to ensure that each child assigned a mentor benefits from that assignment and that the child will be assigned a new mentor if the relationship between the original mentor and the child is not beneficial to the child;

[(G) information regarding how mentors and children will be recruited to the mentoring program;

[(H) information regarding how prospective mentors will be screened;

[(I) information on the training that will be provided to mentors; and

[(J) information on the system that the eligible entity will use to manage and monitor information relating to the mentoring program's—

[(i) reference checks;

[(ii) child and domestic abuse record checks;

[(iii) criminal background checks; and

[(iv) procedure for matching children with mentors.

[(5) SELECTION.—

[(A) COMPETITIVE BASIS.—In accordance with this subsection, the Secretary shall award grants to eligible entities on a competitive basis.

[(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary shall give priority to each eligible entity that—

[(i) serves children with greatest need living in rural areas, high-crime areas, or troubled home environments, or who attend schools with violence problems;

[(ii) provides high quality background screening of mentors, training of mentors, and technical assistance in carrying out mentoring programs; or

[(iii) proposes a school-based mentoring program.

[(C) OTHER CONSIDERATIONS.—In awarding grants under subparagraph (A), the Secretary shall also consider—

[(i) the degree to which the location of the mentoring program proposed by each eligible entity contributes to a fair distribution of mentoring programs with respect to urban and rural locations;

[(ii) the quality of the mentoring program proposed by each eligible entity, including—

[(I) the resources, if any, the eligible entity will dedicate to providing children with opportunities for job training or postsecondary education;

[(II) the degree to which parents, teachers, community-based organizations, and the local community have participated, or will participate, in the design and implementation of the proposed mentoring program;

[(III) the degree to which the eligible entity can ensure that mentors will develop longstanding relationships with the children they mentor;

[(IV) the degree to which the mentoring program will serve children with greatest need in the 4th through 8th grades; and

[(V) the degree to which the mentoring program will continue to serve children from the 9th grade through graduation from secondary school, as needed; and

[(iii) the capability of each eligible entity to effectively implement its mentoring program.

[(D) GRANT TO EACH STATE.—Notwithstanding any other provision of this subsection, in awarding grants under subparagraph (A), the Secretary shall select not less than one grant recipient from each State for which there is an eligible entity that submits an application of sufficient quality pursuant to paragraph (4).

[(6) MODEL SCREENING GUIDELINES.—

[(A) IN GENERAL.—Based on model screening guidelines developed by the Office of Juvenile Programs of the Department of Justice, the Secretary shall develop and distribute to each eligible entity awarded a grant under this section specific model guidelines for the screening of mentors who seek to participate in mentoring programs assisted under this section.

[(B) BACKGROUND CHECKS.—The guidelines developed under this subsection shall include, at a minimum, a requirement that potential mentors be subject to reference checks, child and domestic abuse record checks, and criminal background checks.

### **[Subpart 3—Gun Possession**

#### **[SEC. 4141. GUN-FREE REQUIREMENTS.**

[(a) SHORT TITLE.—This subpart may be cited as the “Gun-Free Schools Act”.

[(b) REQUIREMENTS.—

[(1) IN GENERAL.—Each State receiving Federal funds under any title of this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

[(2) CONSTRUCTION.—Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student’s regular school setting from providing educational services to such student in an alternative setting.

[(3) DEFINITION.—For the purpose of this section, the term “firearm” has the same meaning given such term in section 921(a) of title 18, United States Code.

[(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

[(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act shall provide to the State, in the application requesting such assistance—

[(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

[(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

[(A) the name of the school concerned;

[(B) the number of students expelled from such school; and

[(C) the type of firearms concerned.

[(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

[(f) DEFINITION.—For the purpose of subsection (d), the term “school” means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

[(g) EXCEPTION.—Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

[(h) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—

[(1) IN GENERAL.—No funds shall be made available under any title of this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

[(2) DEFINITION.—For the purpose of this subsection, the term “school” has the same meaning given to such term by section 921(a) of title 18, United States Code.

## [Subpart 4—General Provisions

### [SEC. 4151. DEFINITIONS.

[In this part:

[(1) CONTROLLED SUBSTANCE.—The term “controlled substance” means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

[(2) DRUG.—The term “drug” includes controlled substances; the illegal use of alcohol and tobacco; and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

[(3) DRUG AND VIOLENCE PREVENTION.—The term “drug and violence prevention” means—

[(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs;

[(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

[(4) HATE CRIME.—The term “hate crime” means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

[(5) NONPROFIT.—The term “nonprofit”, as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

[(6) PROTECTIVE FACTOR, BUFFER, OR ASSET.—The terms “protective factor”, “buffer”, and “asset” mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illegal drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

[(7) RISK FACTOR.—The term “risk factor” means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illegal drug use, as well as violent behavior, by youth in the school and community.

[(8) SCHOOL-AGED POPULATION.—The term “school-aged population” means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

[(9) SCHOOL BASED MENTAL HEALTH SERVICES PROVIDER.—The term “school based mental health services provider” includes a State licensed or State certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such services to children and adolescents.

[(10) SCHOOL PERSONNEL.—The term “school personnel” includes teachers, principals, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

[(11) SCHOOL RESOURCE OFFICER.—The term “school resource officer” means a career law enforcement officer, with sworn authority, deployed in community oriented policing, and assigned by the employing police department to a local educational agency to work in collaboration with schools and community based organizations to—

[(A) educate students in crime and illegal drug use prevention and safety;

[(B) develop or expand community justice initiatives for students; and

[(C) train students in conflict resolution, restorative justice, and crime and illegal drug use awareness.

**[SEC. 4152. MESSAGE AND MATERIALS.**

[(a) “WRONG AND HARMFUL” MESSAGE.—Drug and violence prevention programs supported under this part shall convey a clear and consistent message that the illegal use of drugs and acts of violence are wrong and harmful.

[(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part.

**[SEC. 4153. PARENTAL CONSENT.**

[Upon receipt of written notification from the parents or legal guardians of a student, the local educational agency shall withdraw such student from any program or activity funded under this part. The local educational agency shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under this part, other than classroom instruction.

**[SEC. 4154. PROHIBITED USES OF FUNDS.**

[No funds under this part may be used for—

[(1) construction (except for minor remodeling needed to accomplish the purposes of this part); or

[(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, crime or who illegally use drugs.

**[SEC. 4155. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.**

[(a) NONAPPLICATION OF PROVISIONS.—This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

[(b) DISCIPLINARY RECORDS.—In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.

## **[PART 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 State and local student academic achievement standards in core academic subjects, such as reading and mathematics;

[(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students; and

[(3) offer families of students served by community learning centers opportunities for literacy and related educational development.

[(b) DEFINITIONS.—In this part:

[(1) COMMUNITY LEARNING CENTER.—The term “community learning center” means an entity that—

[(A) assists students in meeting State and local academic achievement standards in core academic subjects, such as reading and mathematics, by providing the students with opportunities for academic enrichment activities and a broad array of other activities (such as drug and violence prevention, counseling, art, music, recreation, technology, and character education programs) during non-school hours or periods when school is not in session (such as before and after school or during summer recess) that reinforce and complement the regular academic programs of the schools attended by the students served; and

[(B) offers families of students served by such center opportunities for literacy and related educational development.

[(2) COVERED PROGRAM.—The term “covered program” means a program for which—

[(A) the Secretary made a grant under part I of title X (as such part was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(B) the grant period had not ended on that date of enactment.

[(3) ELIGIBLE ENTITY.—The term “eligible entity” means a local educational agency, community-based organization, another public or private entity, or a consortium of two or more of such agencies, organizations, or entities.

[(4) 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 amount 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 reallocate the amount of the State's allotment to the remaining States in accordance with this section.

[(c) STATE USE OF FUNDS.—

[(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 95 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 peer review process for grant 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 supervising the awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

[(3) STATE ACTIVITIES.—A State educational agency may use not more than 3 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 who are applicants for or recipients of awards under this part.

**[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 will make awards under this part only to eligible entities that propose to serve—

**[(A)** students who primarily attend—

**[(i)** schools eligible for schoolwide programs under section 1114; or

**[(ii)** schools that serve a high percentage of students from low-income families; and

**[(B)** the families of students described in subparagraph (A);

**[(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 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, and dissemination of promising practices;

**[(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 community learning center 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) provides an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school (or summer school) programs, the heads of the State health and mental health agencies or their designees, and representatives of teachers, parents, students, the business community, and community-based organizations;

[(12) describes the results of the State's needs and resources assessment for before and after school activities, which shall be based on the results of on-going State evaluation activities;

[(13) 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; and

[(B) public dissemination of the evaluations of programs and activities carried out under this part; and

[(14) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

[(b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

[(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and opportunity for a hearing.

[(d) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

[(1) give the State educational agency notice and an opportunity for a hearing; and

[(2) notify the State educational agency of the finding of non-compliance, and, in such notification, shall—

[(A) cite the specific provisions in the application that are not in compliance; and

[(B) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

[(e) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

[(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

[(2) the expiration of the 120-day period described in subsection (b).

**[(f) FAILURE TO RESPOND.**—If the State educational agency does not respond to the Secretary’s notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

**[SEC. 4204. LOCAL COMPETITIVE GRANT PROGRAM.**

**[(a) IN GENERAL.**—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 4202(c)(1) to eligible entities for community learning centers in accordance with this part.

**[(b) APPLICATION.**—

**[(1) IN GENERAL.**—To be eligible to receive an award under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

**[(2) CONTENTS.**—Each application submitted under paragraph (1) shall include—

**[(A)** a description of the before and after school or summer recess activities to be funded, including—

**[(i)** an assurance that the program will take place in a safe and easily accessible facility;

**[(ii)** a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home; and

**[(iii)** a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

**[(B)** a description of how the activity is expected to improve student academic achievement;

**[(C)** an identification of Federal, State, and local programs that will be combined or coordinated with the proposed program to make the most effective use of public resources;

**[(D)** an assurance that the proposed program was developed, and will be carried out, in active collaboration with the schools the students attend;

**[(E)** a description of how the activities will meet the principles of effectiveness described in section 4205(b);

**[(F)** an assurance that the program will primarily target students who attend schools eligible for schoolwide programs under section 1114 and the families of such students;

**[(G)** an assurance that funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant 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 has experience, or promise of success, in providing educational and related activities that will complement and enhance the academic performance, achievement, and positive youth development of the students;

[(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 senior volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified seniors to serve as the volunteers; and

[(N) 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 funds awarded under this part, except that such match may not exceed the amount of the grant award and may not be derived from other Federal or State funds.

[(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account—

[(A) the relative poverty of the population to be targeted by the eligible entity; and

[(B) the ability of the eligible entity to obtain such matching funds.

[(3) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

[(4) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity's ability to match funds when determining which eligible entities will receive awards under this part.

[(e) PEER REVIEW.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

[(f) GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute funds under this part equitably among geographic areas within the State, including urban and rural communities.

[(g) DURATION OF AWARDS.—Grants under this part may be awarded for a period of not less than 3 years and not more than 5 years.

[(h) AMOUNT OF AWARDS.—A grant awarded under this part may not be made in an amount that is less than \$50,000.

[(i) PRIORITY.—

[(1) IN GENERAL.—In awarding grants under this part, a State educational agency shall give priority to applications—

[(A) proposing to target services to students who attend schools that have been identified as in need of improvement under section 1116; and

[(B) submitted jointly by eligible entities consisting of not less than 1—

[(i) local educational agency receiving funds under part A of title I; and

[(ii) community-based organization or other public or private entity.

[(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

**[SEC. 4205. LOCAL ACTIVITIES.**

[(a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under this part may use the award funds to carry out a broad array of before and after school activities (including during summer recess periods) that advance student academic achievement, including—

[(1) remedial education activities and academic enrichment learning programs, including providing additional assistance to students to allow the students to improve their academic achievement;

[(2) mathematics and science education activities;

[(3) arts and music education activities;

[(4) entrepreneurial education programs;

[(5) tutoring services (including those provided by senior citizen volunteers) and mentoring programs;

[(6) programs that provide after school activities for limited English proficient students that emphasize language skills and academic achievement;

[(7) recreational activities;

[(8) telecommunications and technology education programs;

[(9) expanded library service hours;

[(10) 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; and

[(12) drug and violence prevention programs, counseling programs, and character education programs.

**[(b) PRINCIPLES OF EFFECTIVENESS.—**

**[(1) IN GENERAL.—**For a program or activity developed pursuant to this part to meet the principles of effectiveness, such program or activity shall—

**[(A)** be based upon an assessment of objective data regarding the need for before and after school programs (including during summer recess periods) and activities in the schools and communities;

**[(B)** be based upon an established set of performance measures aimed at ensuring the availability of high quality academic enrichment opportunities; and

**[(C)** if appropriate, be based upon scientifically based research that provides evidence that the program or activity will help students meet the State and local student academic achievement standards.

**[(2) PERIODIC EVALUATION.—**

**[(A) IN GENERAL.—**The program or activity shall undergo a periodic evaluation to assess its progress toward achieving its goal of providing high quality opportunities for academic enrichment.

**[(B) USE OF RESULTS.—**The results of evaluations under subparagraph (A) shall be—

**[(i)** used to refine, improve, and strengthen the program or activity, and to refine the performance measures; and

**[(ii)** made available to the public upon request, with public notice of such availability provided.

**[SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.**

**[**There are authorized to be appropriated—

**[(1)** \$1,250,000,000 for fiscal year 2002;

**[(2)** \$1,500,000,000 for fiscal year 2003;

**[(3)** \$1,750,000,000 for fiscal year 2004;

**[(4)** \$2,000,000,000 for fiscal year 2005;

**[(5)** \$2,250,000,000 for fiscal year 2006; and

**[(6)** \$2,500,000,000 for fiscal year 2007.

**[PART C—ENVIRONMENTAL TOBACCO SMOKE****[SEC. 4301. SHORT TITLE.**

**[**This part may be cited as the “Pro-Children Act of 2001”.

**[SEC. 4302. DEFINITIONS.**

**[**As used in this part:

**[(1) CHILDREN.—**The term “children” means individuals who have not attained the age of 18.

**[(2) CHILDREN’S SERVICES.—**The term “children’s services” means the provision on a routine or regular basis of health, day care, education, or library services—

**[(A)** that are funded, after the date of enactment of the No Child Left Behind Act of 2001, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

**[(i)** administered by either the Secretary of Health and Human Services or the Secretary of Education

(other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

[(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

[(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part, except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

[(3) INDOOR FACILITY.—The term “indoor facility” means a building that is enclosed.

[(4) PERSON.—The term “person” means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children’s services or any individual who owns or operates or otherwise controls and provides such services.

[(5) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

**[SEC. 4303. NONSMOKING POLICY FOR CHILDREN’S SERVICES.**

[(a) PROHIBITION.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

[(b) ADDITIONAL PROHIBITION.—

[(1) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood development (Head Start) services.

[(2) EXCEPTION.—Paragraph (1) shall not apply to—

[(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

[(B) any private residence.

[(c) FEDERAL AGENCIES.—

[(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

[(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES.—

[(A) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility (or portion of

such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children.

[(B) EXCEPTION.—Subparagraph (A) shall not apply to—

[(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

[(ii) any private residence.

[(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

[(d) NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of enactment of the No Child Left Behind Act of 2001, whichever occurs first.

[(e) CIVIL PENALTIES.—

[(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed 50 percent of the amount of Federal funds received under any title of this Act by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term "person", as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

[(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest

extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

[(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

[(A) the nature, circumstances, extent, and gravity of the violation;

[(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

C) such other matters as justice may require.

[(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

[(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

[(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

**[SEC. 4304. PREEMPTION.**

**[Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.]**

**TITLE [VIII] IV—IMPACT AID**

**SEC. [8001.] 4001. PURPOSE.**

In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children in a manner that promotes control by local educational agencies with little or no Federal or State involvement, because certain activities of the Federal Government, such as activities to fulfill the responsibilities of the Federal Government with respect to Indian tribes and activities under section 511 of the Servicemembers Civil Relief Act, place a financial burden on the local educational agencies serving areas where such activities are carried out, and to help such children meet **[challenging State standards]** *State academic standards*, it is the purpose of this title to provide financial assistance to local educational agencies that—

(1) \* \* \*

\* \* \* \* \*

**SEC. [8002.] 4002. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.**

(a) **IN GENERAL.**—Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines for a fiscal year ending prior to October 1, **[2003]** *2018*—

(1) that the United States owns Federal property in the local educational agency, and that such property—

(A) \* \* \*

\* \* \* \* \*

**[(C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of—]**

*(C) had an assessed value according to original records (including facsimiles or other reproductions of those records) or other records that the Secretary determines to be appropriate and reliable, including Federal agency records or local historical records, aggregating 10 percent or more of the assessed value of—*

(i) \* \* \*

\* \* \* \* \*

(b) **AMOUNT.**—

(1) **IN GENERAL.**—(A)(i)(I) Subject to subclauses (II) and (III), the amount that a local educational agency shall be paid under subsection (a) for a fiscal year shall be calculated in accordance with paragraph (2).

(II) Except as provided in subclause (III), the Secretary may not reduce the amount of a payment under this section to a local educational agency for a fiscal year by (aa) the amount equal to the amount of revenue, if any, the agency received during the previous fiscal year from activities conducted on Federal property eligible under this section and located in a school district served by the agency, including amounts received from any Federal department or agency (other than the Department of Education) from such activities, by reason of re-

ceipt of such revenue, or (bb) any other amount by reason of receipt of such revenue.

(III) If the amount equal to the sum of (aa) the proposed payment under this section to a local educational agency for a fiscal year and (bb) the amount of revenue described in subclause (II)(aa) received by the agency during the previous fiscal year, exceeds the maximum amount the agency is eligible to receive under this section for the fiscal year involved, then the Secretary shall reduce the amount of the proposed payment under this section by an amount equal to such excess amount.

(ii) For purposes of clause (i), the amount of revenue that a local educational agency receives during the previous fiscal year from activities conducted on Federal property shall not include payments received by the agency from the Secretary of Defense to support—

(I) the operation of a domestic dependent elementary or secondary school; or

(II) the provision of a free public education to dependents of members of the Armed Forces residing on or near a military installation.

(B) If funds appropriated under [section 8014(a)] *section 3(c)(1)* are insufficient to pay the amount determined under subparagraph (A), the Secretary shall calculate the payment for each eligible local educational agency in accordance with subsection (h).

(C) Notwithstanding any other provision of this subsection, a local educational agency may not be paid an amount under this section that, when added to the amount such agency receives under [section 8003(b)] *section 4003(b)*, exceeds the maximum amount that such agency is eligible to receive for such fiscal year under [section 8003(b)] *section 4003(b)(1)(C)*, or the maximum amount that such agency is eligible to receive for such fiscal year under this section, whichever is greater.

[(2) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In calculating the amount that a local educational agency is eligible to receive for a fiscal year, the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies, or imputed for fiscally dependent local educational agencies, to the current annually determined aggregate assessed value of such acquired Federal property.]

[(3) DETERMINATION OF AGGREGATE ASSESSED VALUE.—Such aggregate assessed value of such acquired Federal property shall be determined on the basis of the highest and best use of property adjacent to such acquired Federal property as of the time such value is determined, and provided to the Secretary, by the local official responsible for assessing the value of real property located in the jurisdiction of such local educational agency for the purpose of levying a property tax.]

(2) *DETERMINATION OF ESTIMATED TAXABLE VALUE FOR ELIGIBLE FEDERAL PROPERTY.*—

(A) *IN GENERAL.*—Subject to subparagraph (B), in determining the estimated taxable value of eligible Federal property located within the boundaries of a local educational

agency for fiscal year 2013 and each succeeding fiscal year, the Secretary shall carry out the following:

(i) Determine the total taxable value of real property located within the boundaries of such local educational agency for the purpose of levying a property tax for current expenditures.

(ii) Determine the per acre value of the eligible Federal property by dividing—

(I) the total taxable value determined under clause (i), by

(II) the difference between the total acres located within the boundaries of the local educational agency and the number of Federal acres in that agency eligible under this section.

(iii) Multiply—

(I) the per acre value calculated under clause (ii), by

(II) the number of Federal acres in that agency eligible under this section.

(B) SPECIAL RULE.—In a case in which a local educational agency shares eligible Federal property with 2 or more local educational agencies, the local educational agency may elect to have the Secretary—

(i) calculate the per acre value of the eligible Federal property of each such local educational agency in accordance with subparagraph (A); and

(ii) carry out the calculation under subparagraph (A)(iii) by multiplying—

(I) the average of the per acre values of such eligible Federal properties, by

(II) the acres of the Federal property in that agency eligible under this section.

(3) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In calculating the amount that a local educational agency is eligible to receive for a fiscal year, the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies, or imputed for fiscally dependent local educational agencies, to the current annually determined estimated taxable value of such acquired Federal property as calculated under paragraph (2).

\* \* \* \* \*

[(f) SPECIAL RULE.—(1) Beginning with fiscal year 1994, and notwithstanding any other provision of law limiting the period during which fiscal year 1994 funds may be obligated, the Secretary shall treat the local educational agency serving the Wheatland R-II School District, Wheatland, Missouri, as meeting the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) (20 U.S.C. 237(a)(1)(C)) or subsection (a)(1)(C).

[(2) For each fiscal year beginning with fiscal year 1999, the Secretary shall treat the Webster School District, Day County,

South Dakota as meeting the eligibility requirements of subsection (a)(1)(C) of this section.

[(3) For each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Central Union, California; Island, California; Hill City, South Dakota; and Wall, South Dakota local educational agencies as meeting the eligibility requirements of subsection (a)(1)(C) of this section.

[(4) For the purposes of payments under this section for each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Hot Springs, South Dakota local educational agency as if it had filed a timely application under section 8002 of the Elementary and Secondary Education Act of 1965 for fiscal year 1994 if the Secretary has received the fiscal year 1994 application, as well as Exhibits A and B not later than December 1, 1999.

[(5) For purposes of payments under this section for each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Hueneme, California local educational agency as if it had filed a timely application under section 8002 of the Elementary and Secondary Education Act of 1965 if the Secretary has received the fiscal year 1995 application not later than December 1, 1999.

[(g) FORMER DISTRICTS.—

[(1) IN GENERAL.—Where the school district of any local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at any time such agency files an application under section 8005) for any fiscal year after fiscal year 1994 to have (A) the eligibility of such local educational agency, and (B) the amount which such agency shall be eligible to receive, determined under this section only with respect to such of the former school districts comprising such consolidated school districts as such agency shall designate in such election.

[(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for and was determined eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect for such fiscal year.]

(f) *SPECIAL RULE.*—*Beginning with fiscal year 2013, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if records to determine eligibility under such subsection were destroyed prior to fiscal year 2000 and the agency received funds under subsection (b) in the previous year.*

(g) *FORMER DISTRICTS.*—

(1) *CONSOLIDATIONS.*—*For fiscal year 2006 and each succeeding fiscal year, if a local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility and any amount for which the local educational agency is eligible under this section for such fiscal year on the basis of one or more of those former districts, as designated by the local educational agency.*

(2) *ELIGIBLE LOCAL EDUCATIONAL AGENCIES.*—A local educational agency described in this paragraph is—

(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for, and was determined to be eligible under section 2(c) of the Act of September 20, 1950 (Public Law 874, 81st Congress) as that section was in effect for that fiscal year; or

(B) a local educational agency formed by the consolidation of 2 or more school districts, at least one of which was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, if—

(i) for fiscal years 2006 through 2012, the local educational agency notifies the Secretary not later than 30 days after the date of enactment of the Encouraging Innovation and Effective Teachers Act of the designation described in paragraph (1); and

(ii) for fiscal year 2013, and each subsequent fiscal year, the local educational agency includes the designation in its application under section 8005 or any timely amendment to such application.

(3) *AVAILABILITY OF FUNDS.*—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after fiscal year 2005, the Secretary may obligate funds remaining after final payments have been made for any of such fiscal years to carry out this subsection.

(h) *PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.*—For any fiscal year for which the amount appropriated under [section 8014(a)] section 3(c)(1) is insufficient to pay to each eligible local educational agency the full amount determined under subsection (b), the Secretary shall make payments to each local educational agency under this section as follows:

[(1) *FOUNDATION PAYMENTS FOR PRE-1995 RECIPIENTS.*—

[(A) *IN GENERAL.*—The Secretary shall first make a foundation payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved and that filed, or has been determined pursuant to statute to have filed a timely application, and met, or has been determined pursuant to statute to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994) for any of the fiscal years 1989 through 1994.

[(B) *AMOUNT.*—The amount of a payment under subparagraph (A) for a local educational agency shall be equal to 38 percent of the local educational agency's maximum entitlement amount under section 2 of the Act of September 30, 1950, for fiscal year 1994 (or if the local educational agency did not meet, or has not been determined pursuant to statute to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 for fiscal year 1994, the local educational agency's maximum en-

titlement amount under such section 2 for the most recent fiscal year preceding 1994).

[(C) INSUFFICIENT APPROPRIATIONS.—If the amount appropriated under section 8014(a) is insufficient to pay the full amount determined under this paragraph for all eligible local educational agencies for the fiscal year, then the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

[(2) PAYMENTS FOR 1995 RECIPIENTS.—

[(A) IN GENERAL.—From any amounts remaining after making payments under paragraph (1) for the fiscal year involved, the Secretary shall make a payment to each eligible local educational agency that received a payment under this section for fiscal year 1995, or whose application under this section for fiscal year 1995 was determined pursuant to statute to be timely filed for purposes of payments for subsequent fiscal years.

[(B) AMOUNT.—The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:

[(i) Calculate the difference between the amount appropriated to carry out this section for fiscal year 1995 and the total amount of foundation payments made under paragraph (1) for the fiscal year.

[(ii) Determine the percentage share for each local educational agency described in subparagraph (A) by dividing the assessed value of the Federal property of the local educational agency for fiscal year 1995 determined in accordance with subsection (b)(3), by the total eligible national assessed value of the eligible Federal property of all such local educational agencies for fiscal year 1995, as so determined.

[(iii) Multiply the percentage share described in clause (ii) for the local educational agency by the amount determined under clause (i).

[(3) SUBSECTION (i) RECIPIENTS.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make payments in accordance with subsection (i).

[(4) REMAINING FUNDS.—From any funds remaining after making payments under paragraphs (1), (2), and (3) for the fiscal year involved—

[(A) the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) for the fiscal year involved in an amount that bears the same relation to 25 percent of the remainder as the amount the local educational agency received under paragraph (1) for the fiscal year involved bears to the amount all local educational agencies received under paragraph (1) for the fiscal year involved; and

[(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local

educational agency (by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b), data from the most current fiscal year shall be used.】

(1) *FOUNDATION PAYMENTS.*—

(A) *IN GENERAL.*—*From the amount appropriated under section 3(c)(1) for the fiscal year involved, the Secretary shall first make a payment to the following local educational agencies:*

(i) *Each local educational agency that received a payment under this section for fiscal year 2006 and was eligible for a payment under this section for fiscal year 2006.*

(ii) *Each local educational agency that did not receive a payment under this section for fiscal year 2006 but was newly eligible for a payment under this section after fiscal year 2006.*

(B) *AMOUNT.*—*The amount of payment under subparagraph (A) for a local educational agency shall be determined as follows:*

(i) *For a local educational agency described in subparagraph (A)(i) the amount of payment shall be equal to 90 percent of the amount received by such local educational agency under subsection (b) for fiscal year 2006.*

(ii) *For a local educational agency described in subparagraph (A)(ii) the amount of payment shall be determined by—*

(I) *calculating a payment estimate for fiscal year 2006 for such local educational agency under subsection (b) in the same manner as payments were determined for local educational agencies eligible for and receiving payments for fiscal year 2006 under such section; and*

(II) *multiplying the amount determined under subclause (I) by 90 percent.*

(C) *FOUNDATION PAYMENT.*—*The amount of payments calculated under clause (i) or (ii) of subparagraph (B) for a local educational agency shall be considered the local educational agency's foundation payments for each succeeding fiscal year.*

(D) *INSUFFICIENT APPROPRIATIONS.*—*If the amount appropriated under section 3(c)(1) is insufficient to pay the full amount determined under this paragraph for all eligible local educational agencies for the fiscal year, then the Secretary shall ratably reduce the payment to each such local educational agency under this paragraph.*

(2) *REMAINING FUNDS.*—*From any amounts remaining after making payments under paragraph (1) for the fiscal year involved, the Secretary shall—*

(A) sum the amounts determined for all eligible local educational agencies under subsection (b)(2);

(B) determine each eligible local educational agency's proportional share of the amount calculated under subparagraph (A); and

(C) pay each eligible local educational agency its share of the remaining funds based on the proportion calculated under subparagraph (B).

**[(i) SPECIAL PAYMENTS.—**

**[(1) IN GENERAL.—**For any fiscal year beginning with fiscal year 2000 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996 and for which subsection (b)(1)(B) applies, the Secretary shall use the remainder described in subsection (h)(3) for the fiscal year involved (not to exceed the amount equal to the difference between (A) the amount appropriated to carry out this section for fiscal year 1997 and (B) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2).

**[(2) LOCAL EDUCATIONAL AGENCY DESCRIBED.—**A local educational agency described in this paragraph is a local educational agency that—

**[(A)** received a payment under this section for fiscal year 1996;

**[(B)** serves a school district that contains all or a portion of a United States military academy;

**[(C)** serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

**[(D)** demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.

**[(k) SPECIAL RULE.—**For purposes of payments under this section for each fiscal year beginning with fiscal year 1998—

**[(1)** the Secretary shall, for the Stanley County, South Dakota local educational agency, calculate payments as if subsection (e) had been in effect for fiscal year 1994; and

**[(2)** the Secretary shall treat the Delaware Valley, Pennsylvania local educational agency as if it had filed a timely application under section 2 of Public Law 81-874 for fiscal year 1994.]

**[(l)] (i) PRIOR YEAR DATA.—**Notwithstanding any other provision of this section, in determining the eligibility of a local educational agency for a payment under subsection (b) or **[(h)(4)(B)] (h)(2)** of this section for a fiscal year, and in calculating the amount of such payment, the Secretary—

(1) \* \* \*

\* \* \* \* \*

**[(m) ELIGIBILITY.—**

**[(1) OLD FEDERAL PROPERTY.—**Except as provided in paragraph (2), a local educational agency that is eligible to receive

a payment under this section for Federal property acquired by the Federal Government, before the date of the enactment of the Impact Aid Reauthorization Act of 2000, shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 7 years after the date of the enactment of such Act.

[(2) COMBINED FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of the enactment of the Impact Aid Reauthorization Act of 2000 shall be eligible to receive the payment if—

[(A) the Federal property, when combined with other Federal property in the school district served by the local educational agency acquired by the Federal Government after the date of the enactment of such Act, meets the requirements of subsection (a); and

[(B) the local educational agency submits an application for a payment under this section not later than 7 years after the date of acquisition of the Federal property acquired after the date of the enactment of such Act.

[(3) NEW FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government after the date of the enactment of the Impact Aid Reauthorization Act of 2000 shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 7 years after the date of acquisition.]

[(n)] (j) LOSS OF ELIGIBILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary shall make a minimum payment to a local educational agency described in paragraph (2), for the first fiscal year that the agency loses eligibility for assistance under this section as a result of property located within the school district served by the agency failing to meet the definition of Federal property under section [8013(5)(C)(iii)] 4013(5)(C)(iii), in an amount equal to 90 percent of the amount received by the agency under this section for the preceding year.

\* \* \* \* \*

**SEC. [8003.] 4003. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.**

(a) COMPUTATION OF PAYMENT.—

(1) IN GENERAL.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b) or (d) for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency (*including those children enrolled in such agency as a result of the open enrollment policy of the State in which the agency is located, but not including children who are enrolled in a distance education program at such agency and who are not residing within the geographic boundaries of such agency*), and for whom such agency pro-

vided free public education, during the preceding school year and who, while in attendance at such schools—

(A)

\* \* \*

\* \* \* \* \*

(4) MILITARY INSTALLATION AND INDIAN HOUSING UNDERGOING RENOVATION **【OR REBUILDING】**, *REBUILDING, OR AUTHORIZED FOR DEMOLITION*.—

(A) IN GENERAL.—(i) For purposes of computing the amount of a payment for a local educational agency for children described in paragraph (1)(D)(i), the Secretary shall consider such children to be children described in paragraph (1)(B) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that such children would have resided in housing on Federal property in accordance with paragraph (1)(B) except that such housing was undergoing renovation **【or rebuilding】**, *rebuilding, or authorized for demolition by the Secretary of Defense or the head of another Federal agency* on the date for which the Secretary determines the number of children under paragraph (1).

(ii) For purposes of computing the amount of a payment for a local educational agency that received a payment for children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application, the Secretary shall consider such children to be children described in paragraph (1)(C) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of the Interior or the Secretary of Housing and Urban Development, that such children would have resided in housing on Indian lands in accordance with paragraph (1)(C) except that such housing was undergoing renovation **【or rebuilding】**, *rebuilding, or authorized for demolition by the Secretary of Defense or the head of another Federal agency* on the date for which the Secretary determines the number of children under paragraph (1).

(B) LIMITATIONS.—(i)(I) Children described in paragraph (1)(D)(i) may be deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation **【or rebuilding】**, *rebuilding, or authorized for demolition by the Secretary of Defense or the head of another Federal agency* in accordance with subparagraph (A)(i) for a period not to exceed **【3 fiscal years】** *4 fiscal years (which are not required to run consecutively)*.

(II) The number of children described in paragraph (1)(D)(i) who are deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation **【or rebuilding】**, *rebuilding, or authorized for demolition by the Secretary of Defense or the head of another Federal agency* in accordance with subparagraph (A)(i) for any fiscal year may not exceed the maximum number of children who are expected to occupy

that housing upon completion of the renovation **[or rebuilding]**, *rebuilding*, or *authorized for demolition by the Secretary of Defense or the head of another Federal agency*.

(ii)(I) Children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application may be deemed to be children described in paragraph (1)(C) with respect to housing on Indian lands undergoing renovation **[or rebuilding]**, *rebuilding*, or *authorized for demolition by the Secretary of Defense or the head of another Federal agency* in accordance with subparagraph (A)(ii) for a period not to exceed **[3 fiscal years]** *4 fiscal years (which are not required to run consecutively)*.

(II) The number of children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application who are deemed to be children described in paragraph (1)(C) with respect to housing on Indian lands undergoing renovation **[or rebuilding]**, *rebuilding*, or *authorized for demolition by the Secretary of Defense or the head of another Federal agency* in accordance with subparagraph (A)(ii) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation **[or rebuilding]**, *rebuilding*, or *authorized for demolition by the Secretary of Defense or the head of another Federal agency*.

(5) MILITARY “BUILD TO LEASE” PROGRAM HOUSING.—

(A) IN GENERAL.—For purposes of computing the amount of payment for a local educational agency for children identified under paragraph (1), the Secretary shall consider children residing in housing initially acquired or constructed under the former section 2828(g) of title 10, United States Code (commonly known as the “Build to Lease” program), as added by section 801 of the Military Construction Authorization Act, 1984, or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated.

\* \* \* \* \*

(b) BASIC SUPPORT PAYMENTS AND PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

(1) BASIC SUPPORT PAYMENTS.—

(A) IN GENERAL.—From the amount appropriated under **[section 8014(b)]** *section 3(c)(2)* for a fiscal year, the Secretary is authorized to make basic support payments to eligible local educational agencies with children described in subsection (a).

\* \* \* \* \*

**[(E) SPECIAL RULE.—**For purposes of determining the comparable local contribution rate under subparagraph

(C)(iii) for a local educational agency described in section 222.39(c)(3) of title 34, Code of Federal Regulations, that had its comparable local contribution rate for fiscal year 1998 calculated pursuant to section 222.39 of title 34, Code of Federal Regulations, the Secretary shall determine such comparable local contribution rate as the rate upon which payments under this subsection for fiscal year 2000 were made to the local educational agency adjusted by the percentage increase or decrease in the per pupil expenditure in the State serving the local educational agency calculated on the basis of the second most recent preceding school year compared to the third most recent preceding school year for which school year data are available.】

\* \* \* \* \*

(2) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—(i) From the amount appropriated under 【section 8014(b)】 *section 3(c)(2)* for a fiscal year, the Secretary is authorized to make basic support payments to eligible heavily impacted local educational agencies with children described in subsection (a).

(ii) A local educational agency that receives a basic support payment under this paragraph for a fiscal year shall not be eligible to receive a basic support payment under paragraph (1) for that fiscal year.

(iii) *The Secretary shall—*

(I) *deem each local educational agency that received a basic support payment under this paragraph for fiscal year 2009 as eligible to receive a basic support payment under this paragraph for each of fiscal years 2010, 2011, and 2012; and*

(II) *make a payment to each such local educational agency under this paragraph for each of fiscal years 2010, 2011, and 2012.*

(B) ELIGIBILITY FOR 【CONTINUING】 HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

【(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

【(I) received an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000) for fiscal year 2000; and

【(II)(aa) is a local educational agency whose boundaries are the same as a Federal military installation;

【(bb) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 35 percent, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is lo-

cated or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State;

【(cc) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 30 percent, and has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State;

【(dd) has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

【(ee) meets the requirements of subsection (f)(2) applying the data requirements of subsection (f)(4) (as such subsections were in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000).】

(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 2012 and is located in a State that by State law has eliminated ad valorem tax as a revenue for local educational agencies;*

*(III) is a local educational agency that—*

*(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent;*

*(bb) for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent; and*

*(cc) has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State;*

*(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—*

*(aa) not less than 50 percent are children described in subsection (a)(1); and*

*(bb) not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or*

*(V) is a local educational agency that—*

*(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency; and*

*(bb) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.*

(ii) **LOSS OF ELIGIBILITY.—**【A heavily】

(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 fails to meet the requirements of clause (i) for a fiscal year by reason of having a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, subclause (I) shall be applied as if “and the subsequent fiscal year” were inserted before the period at the end.

\* \* \* \* \*

**[(C) ELIGIBILITY FOR NEW HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—**

**[(i) IN GENERAL.**—A heavily impacted local educational agency that did not receive an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000) for fiscal year 2000 is eligible to receive a basic support payment under subparagraph (A) for fiscal year 2002 and any subsequent fiscal year with respect to a number of children determined under subsection (a)(1) only if the agency is a local educational agency whose boundaries are the same as a Federal military installation (or if the agency is a qualified local educational agency as described in clause (iv)), or the agency—

**[(I)** has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that—

**[(aa)** is not less than 50 percent if such agency receives a payment on behalf of children described in subparagraphs (F) and (G) of such subsection; or

**[(bb)** is not less than 40 percent if such agency does not receive a payment on behalf of such children;

**[(II)(aa)** for a local educational agency that has a total student enrollment of 350 or more students, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

**[(bb)** for a local educational agency that has a total student enrollment of less than 350 students,

has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local education agency or three comparable local educational agencies in the State in which the local educational agency is located; and

[(III) has a tax rate for general fund purposes that is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State.

[(ii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency is a local educational agency whose boundaries are the same as a Federal military installation (or if the agency is a qualified local educational agency as described in clause (iv)), or meets the requirements of clause (i), for that subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

[(iii) APPLICATION.—With respect to the first fiscal year for which a heavily impacted local educational agency described in clause (i) applies for a basic support payment under subparagraph (A), or with respect to the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment under subparagraph (A) after becoming ineligible under clause (i) for 1 or more preceding fiscal years, the agency shall apply for such payment at least 1 year prior to the start of that first fiscal year.

[(iv) QUALIFIED LOCAL EDUCATIONAL AGENCY.—A qualified local educational agency described in this clause is an agency that meets the following requirements:

[(I) The boundaries of the agency are the same as island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government.

[(II) The agency has no taxing authority.

[(III) The agency received a payment under paragraph (1) for fiscal year 2001.

[(D) (C) MAXIMUM AMOUNT FOR [REGULAR] HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i) [Except as provided in subparagraph (E)] *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 lo-

cated for the third fiscal year preceding the fiscal year for which the determination is made; or

(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

(ii) **[(I)** For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), the Secretary shall calculate the weighted student units of such children for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 0.55. **]** *(I)(aa) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), and that has an enrollment of children described in subparagraphs (A), (B), or (C) of such subsection equal to at least 10 percent of the agency's total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.*

*(bb) Notwithstanding subitem (aa), a local educational agency that received a payment under this paragraph for fiscal year 2006 shall not be required to have an enrollment of children described in subparagraphs (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency's total enrollment.*

\* \* \* \* \*

(III) For a local educational agency that does not qualify under **[(B)(i)(II)(aa)]** *subparagraph (B)(i)(I)* of this subsection and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

**[(E)]** *(D) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i)(I)* \* \* \*

(II) A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than **[6,000]** *5,500* of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

\* \* \* \* \*

**[(F)]** *(E) DATA.—*For purposes of providing assistance under this paragraph the **[Secretary—**

**[(i) shall use]** *Secretary shall use* student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph; **[and]**.

[(ii) except as provided in subparagraph (C)(i)(I), shall include all of the children described in subparagraphs (F) and (G) of subsection (a)(1) enrolled in schools of the local educational agency in determining (I) the eligibility of the agency for assistance under this paragraph, and (II) the amount of such assistance if the number of such children meet the requirements of subsection (a)(3).]

[(G) (F) DETERMINATION OF AVERAGE TAX RATES FOR GENERAL FUND PURPOSES.—For the purpose of determining average tax rates for general fund purposes for local educational agencies in a State under this paragraph (except under [subparagraph (C)(i)(II)(bb)] *subparagraph (B)(i)(II)(bb)*), the Secretary shall use either—

(i) \* \* \*

\* \* \* \* \*

[(H) (G) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.—

(i) ELIGIBILITY.—For any fiscal year, a heavily impacted local educational agency that received a basic support payment under this paragraph for the prior fiscal year, but is ineligible for such payment for the current fiscal year under [subparagraph (B), (C), (D), or (E)] *subparagraph (B), (C), or (D)*, as the case may be, [by reason of] *due to the conversion of military housing units to private housing described in clause (ii), 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 [(D) or (E)] *(C) or (D)*, as the case may be, shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year and under the same provisions of subparagraph [(D) or (E)] *(C) or (D)* under which the agency was paid during the prior fiscal year.

\* \* \* \* \*

(3) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

(A) IN GENERAL.—For any fiscal year in which the sums appropriated under [section 8014(b)] *section 3(c)(2)* are insufficient to pay to each local educational agency the full amount computed under paragraphs (1) and (2), the Sec-

retary shall make payments in accordance with this paragraph.

(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS IN LIEU OF PAYMENTS UNDER PARAGRAPH (1).—(i) \* \* \*

\* \* \* \* \*

[(iii) For the purpose of determining the percentages described in subclauses (I) and (II) of clause (i) that are applicable to the local educational agency providing free public education to students in grades 9 through 12 residing on Hanscom Air Force Base, Massachusetts, the Secretary shall consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under such subclause (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 subclause (II).]

*(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, but which enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and which received a final payment in fiscal year 2009 calculated under this paragraph (as this paragraph was in effect on the day before the date of enactment of the Encouraging Innovation and Effective Teachers Act) for students in grades 9 through 12, the Secretary shall, in calculating the agency's payment, consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).*

\* \* \* \* \*

*(v) In the case of a local educational agency that is providing a program of distance education to children not residing within the geographic boundaries of the agency, the Secretary shall—*

*(I) for purposes of the calculation under clause (i)(I), disregard such children from the total number of children in average daily attendance at the schools served by such agency; and*

*(II) for purposes of the calculation under clause (i)(II), disregard any funds received for such children from the total current expenditures for such agency.*

(C) LEARNING OPPORTUNITY THRESHOLD PAYMENTS IN LIEU OF PAYMENTS UNDER PARAGRAPH (2).—For fiscal years described in subparagraph (A), the learning opportunity threshold payment in lieu of basic support payments under paragraph (2) shall be equal to the amount obtained under [subparagraph (D) or (E) of paragraph (2), as the case may be] *paragraph (2)(D)*.

[(D) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), the Secretary shall make payments

as a ratable distribution based upon the computations made under subparagraphs (B) and (C).】

*(D) RATABLE DISTRIBUTION.—For any fiscal year described in subparagraph (A) for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraph (1) or (2) (as the case may be) by multiplying—*

*(i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by;*

*(ii) the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment as calculated under subparagraphs (B) and (C) of the agency.*

*(E) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph (A) for which the sums appropriated under section 3(c)(2) are insufficient to pay each local educational agency all of the local educational agency's threshold payment described in subparagraph (D), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.*

*(F) INCREASES.—If the sums appropriated under section 3(c)(2) are sufficient to increase the threshold payment above the 100 percent threshold payment described in subparagraph (D), then the Secretary shall increase payments on the same basis as such payments were reduced, except no local educational agency may receive a payment amount greater than 100 percent of the maximum payment calculated under this subsection.*

**(4) STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.—**

**(A) IN GENERAL.—**In any of the 50 States of the United States in which there is only one local educational agency, the Secretary shall, for purposes of subparagraphs (B) and (C) of paragraph (1) or subparagraphs (B) 【through (D)】 and (C) of paragraph (2), as the case may be, paragraph (3) of this subsection, and subsection (e), consider each administrative school district in the State to be a separate local educational agency.

**(B) COMPUTATION OF MAXIMUM AMOUNT OF BASIC SUPPORT PAYMENT AND THRESHOLD PAYMENT.—**In computing the maximum payment amount under paragraph (1)(C) or 【subparagraph (D) or (E)】 *subparagraph (C) or (D)* of paragraph (2), as the case may be, and the learning opportunity threshold payment under subparagraph (B) or (C) of paragraph (3), as the case may be, for an administrative school district described in subparagraph (A)—

(i) \* \* \*

\* \* \* \* \*

(c) PRIOR YEAR DATA.—

(1) \* \* \*

[(2) EXCEPTION.—Calculations for a local educational agency that is newly established by a State shall, for the first year of operation of such agency, be based on data from the fiscal year for which the agency is making application for payment.]

(2) EXCEPTION.—*Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency—*

*(A) is newly established by a State, for the first year of operation of such agency only;*

*(B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of Interior, or the heads of other Federal agencies)—*

*(i) of not less than 10 percent, or 100 students, of children described in—*

*(I) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or*

*(II) subparagraph (F) and (G) of subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Defense or the Department of Interior; and*

*(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or*

*(C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary)—*

*(i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and*

*(ii) that is the direct result of the closure of a local educational agency that received a payment under subsection (b)(1) or (b)(2) in the previous fiscal year.*

(d) CHILDREN WITH DISABILITIES.—

(1) IN GENERAL.—From the amount appropriated under [section 8014(c)] section 3(c)(3) for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

(A) \* \* \*

\* \* \* \* \*

(e) HOLD HARMLESS.—

[(1) IN GENERAL.—Subject to paragraphs (2) and (3), the total amount the Secretary shall pay a local educational agency under subsection (b)—

[(A) for fiscal year 2001 shall not be less than 85 percent of the total amount that the local educational agency received under subsections (b) and (f) for fiscal year 2000; and

[(B) for fiscal year 2002 shall not be less than 70 percent of the total amount that the local educational agency received under subsections (b) and (f) for fiscal year 2000.

[(2) MAXIMUM AMOUNT.—The total amount provided to a local educational agency under subparagraph (A) or (B) of paragraph (1) for a fiscal year shall not exceed the maximum basic support payment amount for such agency determined under paragraph (1) or (2) of subsection (b), as the case may be.]

(1) IN GENERAL.—Subject to paragraph (2), the total amount the Secretary shall pay a local educational agency under subsection (b)—

(A) for fiscal year 2013, shall not be less than 90 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2012;

(B) for fiscal year 2014, shall not be less than 85 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2012; and

(C) for fiscal year 2015, shall not be less than 80 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2012.

(2) MAXIMUM AMOUNT.—The total amount provided to a local educational agency under subparagraph (A), (B), or C of paragraph (1) for a fiscal year shall not exceed the maximum basic support payment amount for such agency determined under paragraph (1) or (2) of subsection (b), as the case may be, for such fiscal year.

\* \* \* \* \*

[(g) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under sections 8002 and 8003(b) for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.]

**SEC. [8004.] 4004. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.**

(a) IN GENERAL.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under [section 8003] section 4003 shall establish policies and procedures to ensure that—

(1) \* \* \*

\* \* \* \* \*

(b) RECORDS.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under [section 8003] *section 4003* shall maintain records demonstrating such agency's compliance with the requirements contained in subsection (a).

(c) WAIVER.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under [section 8003] *section 4003* shall not be required to comply with the requirements of subsections (a) and (b) for any fiscal year with respect to any Indian tribe from which such agency has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the provision of educational services by such agency to such children.

(e) COMPLAINTS.—

(1)

\* \* \*

\* \* \* \* \*

(8) WITHHOLDING.—If the local educational agency rejects the determination of the Secretary, or if the remedy required is not undertaken within the time established and the Secretary determines that an extension of the time established will not effectively encourage the remedy required, the Secretary shall withhold payment of all moneys to which such local agency is eligible under [section 8003] *section 4003* until such time as the remedy required is undertaken, except where the complaining tribe or its designee formally requests that such funds be released to the local educational agency, except that the Secretary may not withhold such moneys during the course of the school year if the Secretary determines that such withholding would substantially disrupt the educational programs of the local educational agency.

(9) REJECTION OF DETERMINATION.—If the local educational agency rejects the determination of the Secretary and a tribe exercises the option under section 1101(d) of the Education Amendments of 1978, to have education services provided either directly by the [Bureau of Indian Affairs] *Bureau of Indian Education* or by contract with the Bureau of Indian Affairs, any Indian students affiliated with that tribe who wish to remain in attendance at the local educational agency against whom the complaint which led to the tribal action under such subsection (d) was lodged may be counted with respect to that local educational agency for the purpose of receiving funds under [section 8003] *section 4003*. In such event, funds under such section shall not be withheld pursuant to paragraph (8) and no further complaints with respect to such students may be filed under paragraph (1).

\* \* \* \* \*

**SEC. [8005.] 4005. APPLICATION FOR PAYMENTS UNDER SECTIONS [8002 AND 8003] 4002 and 4003.**

(a) IN GENERAL.—A local educational agency desiring to receive a payment under [section 8002] *section 4002* or [8003] *4003* shall—

(1) \* \* \*

\* \* \* \* \*

(b) CONTENTS.—Each such application shall be submitted in such form and manner, [and shall contain such information,] as the Secretary may require, including—

(1) \* \* \*

(2) where applicable, an assurance that such agency is in compliance with section [8004] 4004 (relating to children residing on Indian lands).

\* \* \* \* \*

(d) APPROVAL.—

(1) \* \* \*

(2) REDUCTION IN PAYMENT.—The Secretary shall approve an application filed not more than 60 days after a deadline established under subsection (c), or not more than 60 days after the date on which the Secretary sends written notice to the local educational agency pursuant to paragraph (3)(A), as the case may be, that otherwise meets the requirements of this title, except that, notwithstanding section [8003(e)] 4003(e), the Secretary shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid.

(3) LATE APPLICATIONS.—

(A) NOTICE.—The Secretary shall, as soon as practicable after the deadline established under subsection (c), provide to each local educational agency that applied for a payment under [section 8002] section 4002 or [8003] 4003 for the prior fiscal year, and with respect to which the Secretary has not received an application for a payment under either such section (as the case may be) for the fiscal year in question, written notice of the failure to comply with the deadline and instruction to ensure that the application is filed not later than 60 days after the date on which the Secretary sends the notice.

\* \* \* \* \*

**SEC. [8007.] 4007. CONSTRUCTION.**

(a) CONSTRUCTION PAYMENTS AUTHORIZED.—

(1) IN GENERAL.—From 40 percent of the amount appropriated for each fiscal year under section [8014(e)] 3(c)(4), the Secretary shall make payments in accordance with this subsection to each local educational agency that receives a basic support payment under [section 8003(b)] section 4003(b) for that fiscal year.

(2) ADDITIONAL REQUIREMENTS.—A local educational agency that receives a basic support payment under [section 8003(b)] section 4003(b)(1) shall also meet at least one of the following requirements:

(A) The number of children determined under [section 8003(a)] section 4003(a)(1)(C) for the agency for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year.

(B) The number of children determined under subparagraphs (B) and (D)(i) of [section 8003(a)] section 4003(a)(1)

for the agency for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year.

(C) *The agency is eligible under section 4003(b)(2) or is receiving basic support payments under circumstances described in section 4003(b)(2)(B)(ii).*

(3) AMOUNT OF PAYMENTS.—

(A) LOCAL EDUCATIONAL AGENCIES IMPACTED BY MILITARY DEPENDENT CHILDREN.—The amount of a payment to each local educational agency described in this subsection that is impacted by military dependent children for a fiscal year shall be equal to—

(i)(II) 20 percent of the amount appropriated under section **[8014(e)] 3(c)(4)** for such fiscal year; divided by

(II) the total number of weighted student units of children described in subparagraphs (B) and (D)(i) of **[section 8003(a)] section 4003(a)(1)** for all local educational agencies described in this subsection (as calculated under **[section 8003(a)] section 4003(a)(2)**), including the number of weighted student units of such children attending a school facility described in **[section 8008(a)] section 4008(a)** if the Secretary does not provide assistance for the school facility under that section for the prior fiscal year; multiplied by

(ii) the total number of such weighted student units for the agency.

(B) LOCAL EDUCATIONAL AGENCIES IMPACTED BY CHILDREN WHO RESIDE ON INDIAN LANDS.—The amount of a payment to each local educational agency described in this subsection that is impacted by children who reside on Indian lands for a fiscal year shall be equal to—

(i)(I) 20 percent of the amount appropriated under section **[8014(e)] 3(c)(4)** for such fiscal year; divided by

(II) the total number of weighted student units of children described in **[section 8003(a)] section 4003(a)(1)(C)** for all local educational agencies described in this subsection (as calculated under **[section 8003(a)] section 4003(a)(2)**); multiplied by

(ii) the total number of such weighted student units for the agency.

(4) USE OF FUNDS.—Any local educational agency that receives funds under this subsection shall use such funds for construction, as defined in **[section 8013(3)] section 4013(3)**.

(b) SCHOOL FACILITY EMERGENCY AND MODERNIZATION GRANTS AUTHORIZED.—

(1) IN GENERAL.—From 60 percent of the amount appropriated for each fiscal year under section **[8014(e)] 3(c)(4)**, the Secretary—

(A) \* \* \*

\* \* \* \* \*

(3) ELIGIBILITY REQUIREMENTS.—

(A) EMERGENCY GRANTS.—A local educational agency is eligible to receive an emergency grant under paragraph (2)(A) if—

(i) the agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, the agency’s fiscal agent)—

(I) \* \* \*

\* \* \* \* \*

(III) does not meet the requirements of subclauses (I) and (II) but is eligible to receive funds under **[section 8003(b)]** *section 4003(b)(2)* for the fiscal year; and

\* \* \* \* \*

(C) ADDITIONAL ELIGIBILITY FOR EMERGENCY AND MODERNIZATION GRANTS.—(i) A local educational agency is eligible to receive an emergency grant or a modernization grant under subparagraph (B) or (D) of paragraph (2), respectively, if the agency meets the following requirements:

(I) The agency receives a basic support payment under **[section 8003(b)]** *section 4003(b)* for the fiscal year and the agency meets at least one of the following requirements:

(aa) The number of children determined under **[section 8003(a)]** *section 4003(a)(1)(C)* for the agency for the preceding school year constituted at least 40 percent of the total student enrollment in the schools of the agency during the preceding school year.

(bb) The number of children determined under subparagraphs (B) and (D)(i) of **[section 8003(a)]** *section 4003(a)(1)* for the agency for the preceding school year constituted at least 40 percent of the total student enrollment in the schools of the agency during the preceding school year.

(cc) *At least 10 percent of the property in the agency is exempt from State and local taxation under Federal law.*

\* \* \* \* \*

(ii) A local educational agency is also eligible to receive a modernization grant under this subparagraph if the agency is eligible to receive assistance under **[section 8002]** *section 4002* for the fiscal year and meets the requirements of subclauses (II) and (III) of clause (i).

(D) SPECIAL RULE.—

(i) \* \* \*

(ii) SCHOOL DESCRIBED.—A school described in this clause is a school that meets the following requirements:

(I) \* \* \*

(II) The school meets at least one of the following requirements:

(aa) The number of children determined under **[section 8003(a)]** *section 4003(a)(1)(C)*

for the school for the preceding school year constituted at least 40 percent of the total student enrollment in the school during the preceding school year.

(bb) The number of children determined under subparagraphs (B) and (D)(i) of [section 8003(a)] *section 4003(a)(1)* for the school for the preceding school year constituted at least 40 percent of the total student enrollment in the school during the preceding school year.

\* \* \* \* \*

(F) *LIMITATIONS ON ELIGIBILITY REQUIREMENTS.—The Secretary shall not limit eligibility—*

*(i) under subparagraph (C)(i)(I)(aa), to those local educational agencies in which the number of children determined under section 8003(a)(1)(C) for each such agency for the preceding school year constituted more than 40 percent of the total student enrollment in the schools of each such agency during the preceding school year; and*

*(ii) under subparagraph (C)(i)(I)(cc), to those local educational agencies in which more than 10 percent of the property in each such agency is exempt from State and local taxation under Federal law.*

(4) *AWARD CRITERIA.—*In awarding emergency grants and modernization grants under this subsection, the Secretary shall consider the following factors:

(A) \* \* \*

\* \* \* \* \*

(C) The number and percentages of children described in subparagraphs (A), (B), (C), and (D) of [section 8003(a)] *section 4003(a)(1)* served in the school facility with the emergency or served in the school facility proposed for modernization, as the case may be.

\* \* \* \* \*

(6) *APPLICATION.—*A local educational agency that desires to receive an emergency grant or a modernization grant under this subsection shall submit an application to the Secretary at such time, [in such manner, and accompanied by such information] *and in such manner* as the Secretary may require. Each application shall contain the following:

(A) \* \* \*

\* \* \* \* \*

(C) In the case of an application for a modernization grant—

(i) \* \* \*

\* \* \* \* \*

(iii) a listing of the school facilities to be modernized, including the number and percentage of children de-

terminated under [section 8003(a)] *section 4003(a)(1)* in average daily attendance in each school facility; and

\* \* \* \* \*  
 [(F) Such other information and assurances as the Secretary may reasonably require.]  
 \* \* \* \* \*

**SEC. [8008.] 4008. FACILITIES.**

(a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under [section 8014(f)] *section 3(c)(5)*, the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding the date of the enactment of the Improving America’s Schools Act of 1994).

\* \* \* \* \*

**SEC. [8009.] 4009. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.**

(a) \* \* \*

(b) STATE EQUALIZATION PLANS.—

(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under [section 8002] *section 4002* [or 8003(b)] or *4003(b)* (except the amount calculated in excess of 1.0 under [section 8003(a)] *section 4003(a)(2)(B)* and, with respect to a local educational agency that receives a payment under [section 8003(b)] *section 4003(b)(2)*, the amount in excess of the amount that the agency would receive if the agency were deemed to be an agency eligible to receive a payment under [section 8003(b)] *section 4003(b)(1)* and not [section 8003(b)] *section 4003(b)(2)*) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State.

\* \* \* \* \*

(c) PROCEDURES FOR REVIEW OF STATE EQUALIZATION PLANS.—

(1) WRITTEN NOTICE.—

(A) \* \* \*

(B) CONTENTS.—Such notice shall be in the form [and contain the information] the Secretary requires, including evidence that the State has notified each local educational agency in the State of such State’s intention to consider such payments in providing State aid.

\* \* \* \* \*

(3) QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State aid qualifies under subsection (b), the Secretary shall—

(A) \* \* \*

(B) afford an opportunity for a hearing, in accordance with [section 8011(a)] *section 4011(a)*, to any local educational agency adversely affected by such certification.

(4) NON-QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State aid does not qualify under subsection (b), the Secretary shall—

(A) \* \* \*

(B) afford an opportunity for a hearing, in accordance with [section 8011(a)] *section 4011(a)*, to the State, and to any local educational agency adversely affected by such determination.

\* \* \* \* \*

**SEC. [8010.] 4010. FEDERAL ADMINISTRATION.**

(a) \* \* \*

\* \* \* \* \*

(c) SPECIAL RULES.—

(1) CERTAIN CHILDREN ELIGIBLE UNDER SUBPARAGRAPHS (A) AND (G)(ii) OF SECTION 8003(a)(1).—(A) The Secretary shall treat as eligible under subparagraph (A) of [section 8003(a)] *section 4003(a)(1)* any child who would be eligible under such subparagraph except that the Federal property on which the child resides or on which the child's parent is employed is not in the same State in which the child attends school, if such child meets the requirements of [paragraph (3)] *paragraph (2)* of this subsection.

(B) The Secretary shall treat as eligible under subparagraph (G) of [section 8003(a)] *section 4003(a)(1)* any child who would be eligible under such subparagraph except that such child does not meet the requirements of clause (ii) of such subparagraph, if such child meets the requirements of [paragraph (3)] *paragraph (2)* of this subsection.

(2) REQUIREMENTS.—A child meets the requirements of this paragraph if—

(A) \* \* \*

\* \* \* \* \*

(D) the State in which such child attends school provides funds for the education of such child on the same basis as all other public school children in the State, unless otherwise permitted under [section 8009(b)] *section 4009(b)* of this title; and

(E) such agency received a payment for fiscal year 1999 under [section 8003(b)] *section 4003(b)* on behalf of children described in paragraph (1).

\* \* \* \* \*

(d) TIMELY PAYMENTS.—

(1) IN GENERAL.—*The Secretary shall pay the full amount that a local educational agency is eligible to receive under this title not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.*

(2) *PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.*—For a fiscal year in which the amount appropriated under section 3(c) is insufficient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting “is available to pay the agency” for “the agency is eligible to receive” each place it appears.

**SEC. [8011.] 4011. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.**

(a) **ADMINISTRATIVE HEARINGS.**—A local educational agency and a State that is adversely affected by any action of the Secretary under this title [or under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America’s Schools Act of 1994)] shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5, United States Code if the local educational agency or State, as the case may be, submits to the Secretary a request for the hearing not later than 60 days after the date of the action of the Secretary under this title.

\* \* \* \* \*

**SEC. [8012.] 4012. FORGIVENESS OF OVERPAYMENTS.**

Notwithstanding any other provision of law, the Secretary may forgive the obligation of a local educational agency to repay, in whole or in part, the amount of any overpayment received under this title, or under this title’s predecessor authorities, if the Secretary determines that the overpayment was made as a result of an error made by—

(1) \* \* \*

\* \* \* \* \*

**SEC. [8013.] 4013. DEFINITIONS.**

For purposes of this title:

(1) **ARMED FORCES.**—The term “Armed Forces” means the Army, Navy, Air Force, [and Marine Corps] *Marine Corps, and Coast Guard.*

\* \* \* \* \*

(4) **CURRENT EXPENDITURES.**—The term “current expenditures” means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but does not include expenditures for community services, capital outlay, and debt service, or any expenditures made from funds awarded under part A of title I [and title VI]. The determination of whether an expenditure for the replacement of equipment is considered a current expenditure or a capital outlay shall be determined in accordance with generally accepted accounting principles as determined by the State.

(5) **FEDERAL PROPERTY.**—

(A) **IN GENERAL.**—Except as provided in subparagraphs (B) through (F), the term “Federal property” means real property that is not subject to taxation by any State or any

political subdivision of a State due to Federal agreement, law, or policy, and that is—

(i) \* \* \*

\* \* \* \* \*

(iii)(I) \* \* \*

(II) used to provide housing for homeless children at closed military installations pursuant to section 501 of the **Stewart B. McKinney Homeless Assistance Act** *McKinney-Vento Homeless Assistance Act (42 U.S.C. 114111 et seq.)*; or

(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 *(26 U.S.C. 4101 et seq.)*; or

\* \* \* \* \*

**(8) LOCAL CONTRIBUTION PERCENTAGE.—**

(A) **IN GENERAL.**—The term “local contribution percentage” means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to **and verified by**, and *verified by*, the National Center for Education Statistics.

\* \* \* \* \*

**(9) LOCAL EDUCATIONAL AGENCY.—**

(A) \* \* \*

(B) **EXCEPTION.**—The term “local educational agency” does not include any agency or school authority that the Secretary determines, on a case-by-case basis—

(i) \* \* \*

\* \* \* \* \*

**【SEC. 8014. AUTHORIZATION OF APPROPRIATIONS.**

**【(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—**For the purpose of making payments under section 8002, there are authorized to be appropriated \$32,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.

**【(b) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—**For the purpose of making payments under section 8003(b), there are authorized to be appropriated \$809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.

**【(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—**For the purpose of making payments under section 8003(d), there are authorized to be appropriated \$50,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.

**【(e) CONSTRUCTION.—**For the purpose of carrying out section 8007, there are authorized to be appropriated \$10,052,000 for fiscal year 2000 and such sums as may be necessary for fiscal year 2001, \$150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years.

**【(f) FACILITIES MAINTENANCE.—**For the purpose of carrying out section 8008, there are authorized to be appropriated \$5,000,000

for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.]

**TITLE V—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS**

\* \* \* \* \*

**PART D—FUND FOR THE IMPROVEMENT OF EDUCATION**

\* \* \* \* \*

**Subpart 20—Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition**

**SEC. 5601. RESERVATION.**

The Secretary is authorized to provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under [section 8002] *section 4002*.

**SEC. 5602. ELIGIBILITY.**

A local educational agency is eligible to receive additional assistance under this subpart only if such agency—

- (1) received a payment under both [section 8002] *section 4002* and [section 8003(b)] *section 4003(b)* for fiscal year 1996 and is eligible to receive payments under those sections for the year of application;
- (2) provided a free public education to children described under subparagraph (A), (B), or (D) of [section 8003(a)] *section 4003(a)(1)*;

\* \* \* \* \*

**SEC. 5603. MAXIMUM AMOUNT.**

(a) **MAXIMUM AMOUNT.**—The maximum amount that a local educational agency is eligible to receive under this subpart for any fiscal year, when combined with its payment under [section 8002(b)] *section 4002(b)*, shall not be more than 50 percent of the maximum amount determined under [section 8002(b)] *section 4002(b)*.

\* \* \* \* \*

(c) **EXCESS FUNDS.**—If funds appropriated under section 5401 are in excess of the amount determined under subsection (a), the Secretary shall ratably distribute any excess funds to all local educational agencies eligible for payment under [section 8002(b)] *section 4002(b)*.

## **[TITLE VI—FLEXIBILITY AND ACCOUNTABILITY**

### **[PART A—IMPROVING ACADEMIC ACHIEVEMENT**

#### **[Subpart 1—Accountability**

##### **[SEC. 6111. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.**

**[The Secretary shall make grants to States to enable the States—**

**[(1) to pay the costs of the development of the additional State assessments and standards required by section 1111(b), which may include the costs of working in voluntary partnerships with other States, at the sole discretion of each such State; and**

**[(2) if a State has developed the assessments and standards required by section 1111(b), to administer those assessments or to carry out other activities described in this subpart and other activities related to ensuring that the State's schools and local educational agencies are held accountable for results, such as the following:**

**[(A) Developing challenging State academic content and student academic achievement standards and aligned assessments in academic subjects for which standards and assessments are not required by section 1111(b).**

**[(B) Developing or improving assessments of English language proficiency necessary to comply with section 1111(b)(7).**

**[(C) Ensuring the continued validity and reliability of State assessments.**

**[(D) Refining State assessments to ensure their continued alignment with the State's academic content standards and to improve the alignment of curricula and instructional materials.**

**[(E) Developing multiple measures to increase the reliability and validity of State assessment systems.**

**[(F) Strengthening the capacity of local educational agencies and schools to provide all students the opportunity to increase educational achievement, including carrying out professional development activities aligned with State student academic achievement standards and assessments.**

**[(G) Expanding the range of accommodations available to students with limited English proficiency and students with disabilities to improve the rates of inclusion of such students, including professional development activities aligned with State academic achievement standards and assessments.**

**[(H) Improving the dissemination of information on student achievement and school performance to parents and the community, including the development of information and reporting systems designed to identify best edu-**

educational practices based on scientifically based research or to assist in linking records of student achievement, length of enrollment, and graduation over time.

**[SEC. 6112. GRANTS FOR ENHANCED ASSESSMENT INSTRUMENTS.**

[(a) GRANT PROGRAM AUTHORIZED.—From funds made available to carry out this subpart, the Secretary shall award, on a competitive basis, grants to State educational agencies that have submitted an application at such time, in such manner, and containing such information as the Secretary may require, which demonstrate to the satisfaction of the Secretary, that the requirements of this section will be met, for the following:

[(1) To enable States (or consortia of States) to collaborate with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in section 1111(b)(3).

[(2) To measure student academic achievement using multiple measures of student academic achievement from multiple sources.

[(3) To chart student progress over time.

[(4) To evaluate student academic achievement through the development of comprehensive academic assessment instruments, such as performance and technology-based academic assessments.

[(b) APPLICATION.—Each State wishing to apply for funds under this section shall include in its State plan under part A of title I such information as the Secretary may require.

[(c) ANNUAL REPORT.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing its activities, and the result of those activities, under the grant.

**[SEC. 6113. FUNDING.**

[(a) AUTHORIZATION OF APPROPRIATIONS.—

[(1) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated \$72,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(2) STATE ASSESSMENTS AND RELATED ACTIVITIES.—For the purpose of carrying out this subpart, there are authorized to be appropriated \$490,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) ALLOTMENT OF APPROPRIATED FUNDS.—

[(1) IN GENERAL.—From amounts made available for each fiscal year under subsection (a)(2) that are equal to or less than the amount described in section 1111(b)(3)(D) (hereinafter in this subsection referred to as the “trigger amount”), the Secretary shall—

[(A) reserve one-half of 1 percent for the Bureau of Indian Affairs;

[(B) reserve one-half of 1 percent for the outlying areas; and

[(C) from the remainder, allocate to each State an amount equal to—

[(i) \$3,000,000; and

[(ii) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

[(2) REMAINDER.—Any amounts remaining for a fiscal year after the Secretary carries out paragraph (1) shall be made available as follows:

[(A)(i) To award funds under section 6112 to States according to the quality, needs, and scope of the State application under that section.

[(ii) In determining the grant amount under clause (i), the Secretary shall ensure that a State's grant shall include an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

[(B) Any amounts remaining after the Secretary awards funds under subparagraph (A) shall be allocated to each State that did not receive a grant under such subparagraph, in an amount that bears the same relationship to the total funds available under this subparagraph as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

[(c) STATE DEFINED.—In this section, the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

## **[Subpart 2—Funding Transferability for State and Local Educational Agencies**

### **[SEC. 6121. SHORT TITLE.**

[This subpart may be cited as the “State and Local Transferability Act”.

### **[SEC. 6122. PURPOSE.**

[The purpose of this subpart is to allow States and local educational agencies the flexibility—

[(1) to target Federal funds to Federal programs that most effectively address the unique needs of States and localities; and

[(2) to transfer Federal funds allocated to other activities to allocations for certain activities authorized under title I.

### **[SEC. 6123. TRANSFERABILITY OF FUNDS.**

[(a) TRANSFERS BY STATES.—

[(1) IN GENERAL.—In accordance with this subpart, a State may transfer not more than 50 percent of the nonadministrative State funds (including funds transferred under paragraph (2)) allotted to the State for use for State-level activities under the following provisions for a fiscal year to one or more of the State's allotments for such fiscal year under any other of such provisions:

[(A) Section 2113(a)(3).

[(B) Section 2412(a)(1).

[(C) Subsections (a)(1) (with the agreement of the Governor) and (c)(1) of section 4112 and section 4202(c)(3).

[(D) Section 5112(b).

[(2) ADDITIONAL FUNDS FOR TITLE I.—In accordance with this subpart and subject to the 50 percent limitation described in paragraph (1), a State may transfer any funds allotted to the State under a provision listed in paragraph (1) to its allotment under title I.

[(b) TRANSFERS BY LOCAL EDUCATIONAL AGENCIES.—

[(1) AUTHORITY TO TRANSFER FUNDS.—

[(A) IN GENERAL.—In accordance with this subpart, a local educational agency (except a local educational agency identified for improvement under section 1116(c) or subject to corrective action under section 1116(c)(9)) may transfer not more than 50 percent of the funds allocated to it (including funds transferred under subparagraph (C)) under each of the provisions listed in paragraph (2) for a fiscal year to one or more of its allocations for such fiscal year under any other provision listed in paragraph (2).

[(B) AGENCIES IDENTIFIED FOR IMPROVEMENT.—In accordance with this subpart, a local educational agency identified for improvement under section 1116(c) may transfer not more than 30 percent of the funds allocated to it (including funds transferred under subparagraph (C)) under each of the provisions listed in paragraph (2) for a fiscal year—

[(i) to its allocation for school improvement for such fiscal year under section 1003; or

[(ii) to any other allocation for such fiscal year if such transferred funds are used only for local educational agency improvement activities consistent with section 1116(c).

[(C) ADDITIONAL FUNDS FOR TITLE I.—In accordance with this subpart and subject to the percentage limitation described in subparagraph (A) or (B), as applicable, a local educational agency may transfer funds allocated to such agency under any of the provisions listed in paragraph (2) for a fiscal year to its allocation for part A of title I for that fiscal year.

[(2) APPLICABLE PROVISIONS.—A local educational agency may transfer funds under subparagraph (A), (B), or (C) of paragraph (1) from allocations made under each of the following provisions:

[(A) Section 2121.

[(B) Section 2412(a)(2)(A).

[(C) Section 4112(b)(1).

**[(D) Section 5112(a).**

**[(c) NO TRANSFER OF TITLE I FUNDS.—**A State or a local educational agency may not transfer under this subpart to any other program any funds allotted or allocated to it for part A of title I.

**[(d) MODIFICATION OF PLANS AND APPLICATIONS; NOTIFICATION.—**

**[(1) STATE TRANSFERS.—**Each State that makes a transfer of funds under this section shall—

**[(A)** modify, to account for such transfer, each State plan, or application submitted by the State, to which such funds relate;

**[(B)** not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the Secretary; and

**[(C)** not later than 30 days before the effective date of such transfer, notify the Secretary of such transfer.

**[(2) LOCAL TRANSFERS.—**Each local educational agency that makes a transfer of funds under this section shall—

**[(A)** modify, to account for such transfer, each local plan, or application submitted by the agency, to which such funds relate;

**[(B)** not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the State; and

**[(C)** not later than 30 days before the effective date of such transfer, notify the State of such transfer.

**[(e) APPLICABLE RULES.—**

**[(1) IN GENERAL.—**Except as otherwise provided in this subpart, funds transferred under this section are subject to each of the rules and requirements applicable to the funds under the provision to which the transferred funds are transferred.

**[(2) CONSULTATION.—**Each State educational agency or local educational agency that transfers funds under this section shall conduct consultations in accordance with section 9501, if such transfer transfers funds from a program that provides for the participation of students, teachers, or other educational personnel, from private schools.

### **[Subpart 3—State and Local Flexibility Demonstration**

**[SEC. 6131. SHORT TITLE.**

**[This subpart may be cited as the “State and Local Flexibility Demonstration Act”.**

**[SEC. 6132. PURPOSE.**

**[The purpose of this subpart is to create options for selected State educational agencies and local educational agencies—**

**[(1)** to improve the academic achievement of all students, and to focus the resources of the Federal Government upon such achievement;

**[(2)** to improve teacher quality and subject matter mastery, especially in mathematics, reading, and science;

[(3) to better empower parents, educators, administrators, and schools to effectively address the needs of their children and students;

[(4) to give participating State educational agencies and local educational agencies greater flexibility in determining how to increase their students' academic achievement and implement education reforms in their schools;

[(5) to eliminate barriers to implementing effective State and local education reform, while preserving the goals of opportunity for all students and accountability for student progress;

[(6) to hold participating State educational agencies and local educational agencies accountable for increasing the academic achievement of all students, especially disadvantaged students; and

[(7) to narrow achievement gaps between the lowest and highest achieving groups of students so that no child is left behind.

**[SEC. 6133. GENERAL PROVISION.**

[For purposes of this subpart, any State that is one local educational agency shall be considered a State educational agency and not a local educational agency.

**[CHAPTER A—STATE FLEXIBILITY AUTHORITY**

**[SEC. 6141. STATE FLEXIBILITY.**

[(a) FLEXIBILITY AUTHORITY.—Except as otherwise provided in this chapter, the Secretary shall, on a competitive basis, grant flexibility authority to not more than seven eligible State educational agencies, under which the agencies may consolidate and use funds in accordance with section 6142.

[(b) DEFINITIONS.—In this chapter:

[(1) ELIGIBLE STATE EDUCATIONAL AGENCY.—The term “eligible State educational agency” means a State educational agency that—

[(A) submits an approvable application under subsection (c); and

[(B) proposes performance agreements—

[(i) that shall be entered into with not fewer than 4, and not more than 10, local educational agencies;

[(ii) not fewer than half of which shall be entered into with high-poverty local educational agencies; and

[(iii) that require the local educational agencies described in clause (i) to align their use of consolidated funds under section 6152 with the State educational agency's use of consolidated funds under section 6142.

[(2) HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.—The term “high-poverty local educational agency” means a local educational agency for which 20 percent or more of the children who are age 5 through 17, and served by the local educational agency, are from families with incomes below the poverty line.

[(c) STATE APPLICATIONS.—

[(1) APPLICATIONS.—To be eligible to receive flexibility authority under this chapter, a State educational agency shall submit an application to the Secretary at such time, in such

manner, and containing such information as the Secretary may require, including—

[(A) information demonstrating, to the satisfaction of the Secretary, that the grant of authority offers substantial promise of—

[(i) assisting the State educational agency in making adequate yearly progress, as defined under section 1111(b)(2); and

[(ii) aligning State and local reforms and assisting the local educational agencies that enter into performance agreements with the State educational agency under paragraph (2) in making such adequate yearly progress;

[(B) the performance agreements that the State educational agency proposes to enter into with eligible local educational agencies under paragraph (2);

[(C) information demonstrating that the State educational agency has consulted with and involved parents, representatives of local educational agencies, and other educators in the development of the terms of the grant of authority;

[(D) a provision specifying that the grant of flexibility authority shall be for a term of not more than 5 years;

[(E) a list of the programs described in section 6142(b) that are included in the scope of the grant of authority;

[(F) a provision specifying that no requirements of any program described in section 6142(b) and included by a State educational agency in the scope of the grant of authority shall apply to that agency, except as otherwise provided in this chapter;

[(G) a 5-year plan describing how the State educational agency intends to consolidate and use the funds from programs included in the scope of the grant of authority, for any educational purpose authorized under this Act, in order to make adequate yearly progress and advance the education priorities of the State and the local educational agencies with which the State educational agency enters into performance agreements;

[(H) an assurance that the State educational agency will provide parents, teachers, and representatives of local educational agencies and schools with notice and an opportunity to comment on the proposed terms of the grant of authority;

[(I) an assurance that the State educational agency, and the local educational agencies with which the State educational agency enters into performance agreements, will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds consolidated and used under the grant of authority;

[(J) an assurance that the State educational agency, and the local educational agencies with which the State educational agency enters into performance agreements, will meet the requirements of all applicable Federal civil rights laws in carrying out the grant of authority, including consolidating and using funds under the grant of authority;

[(K) an assurance that, in consolidating and using funds under the grant of authority—

[(i) the State educational agency, and the local educational agencies with which the State educational agency enters into performance agreements, will provide for the equitable participation of students and professional staff in private schools consistent with section 9501; and

[(ii) that sections 9502, 9503, and 9504 shall apply to all services and assistance provided with such funds in the same manner as such sections apply to services and assistance provided in accordance with section 9501;

[(L) an assurance that the State educational agency will, for the duration of the grant of authority, use funds consolidated under section 6142 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds; and

[(M) an assurance that the State educational agency shall, not later than 1 year after the date on which the Secretary makes the grant of authority, and annually thereafter during the term of the grant of authority, disseminate widely to parents and the general public, transmit to the Secretary, distribute to print and broadcast media, and post on the Internet, a report, which shall include a detailed description of how the State educational agency, and the local educational agencies with which the State educational agency enters into performance agreements, used the funds consolidated under the grant of authority to make adequate yearly progress and advance the education priorities of the State and local educational agencies in the State.

[(2) PROPOSED PERFORMANCE AGREEMENTS WITH LOCAL EDUCATIONAL AGENCIES.—

[(A) IN GENERAL.—A State educational agency that wishes to receive flexibility authority under this subpart shall propose performance agreements that meet the requirements of clauses (i) and (ii) of subsection (b)(1)(B) (subject to approval of the application or amendment involved under subsection (d) or (e)).

[(B) PERFORMANCE AGREEMENTS.—Each proposed performance agreement with a local educational agency shall—

[(i) contain plans for the local educational agency to consolidate and use funds in accordance with section 6152, for activities that are aligned with the State educational agency's plan described in paragraph (1)(G);

[(ii) be subject to the requirements of chapter B relating to agreements between the Secretary and a local educational agency, except—

[(I) that, as appropriate, references in that chapter to the Secretary shall be deemed to be references to the State educational agency; and

[(II) as otherwise provided in this chapter; and

[(iii) contain an assurance that the local educational agency will, for the duration of the grant of authority, use funds consolidated under section 6152 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds.

[(d) APPROVAL AND SELECTION.—The Secretary shall—

[(1) establish a peer review process to assist in the review of proposed State applications under this section; and

[(2) appoint individuals to participate in the peer review process who are—

[(A) representative of parents, teachers, State educational agencies, and local educational agencies; and

[(B) familiar with educational standards, assessments, accountability, curricula, instruction, and staff development, and other diverse educational needs of students.

[(e) AMENDMENT TO GRANT OF AUTHORITY.—

[(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall amend the grant of flexibility authority made to a State educational agency under this chapter, in each of the following circumstances:

[(A) REDUCTION IN SCOPE OF THE GRANT OF AUTHORITY.—Not later than 1 year after receiving a grant of flexibility authority, the State educational agency seeks to amend the grant of authority to remove from the scope of the grant of authority any program described in section 6142(b).

[(B) EXPANSION OF SCOPE OF THE GRANT OF AUTHORITY.—Not later than 1 year after receiving a grant of flexibility authority, the State educational agency seeks to amend the grant of authority to include in the scope of the grant of authority any additional program described in section 6142(b) or any additional achievement indicators for which the State will be held accountable.

[(C) CHANGES WITH RESPECT TO NUMBER OF PERFORMANCE AGREEMENTS.—The State educational agency seeks to amend the grant of authority to include or remove performance agreements that the State educational agency proposes to enter into with eligible local educational agencies, except that in no case may the State educational agency enter into performance agreements that do not meet the requirements of clauses (i) and (ii) of subsection (b)(1)(B).

[(2) APPROVAL AND DISAPPROVAL.—

[(A) DEEMED APPROVAL.—A proposed amendment to a grant of flexibility authority submitted by a State educational agency pursuant to paragraph (1) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of

the 120-day period beginning on the date on which the Secretary received the proposed amendment, that the proposed amendment is not in compliance with this chapter.

[(B) DISAPPROVAL.—The Secretary shall not finally disapprove the proposed amendment, except after giving the State educational agency notice and an opportunity for a hearing.

[(C) NOTIFICATION.—If the Secretary finds that the proposed amendment is not in compliance, in whole or in part, with this chapter, the Secretary shall—

[(i) give the State educational agency notice and an opportunity for a hearing; and

[(ii) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

[(I) cite the specific provisions in the proposed amendment that are not in compliance; and

[(II) request additional information, only as to the noncompliant provisions, needed to make the proposed amendment compliant.

[(D) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, and re-submits the proposed amendment with the requested information described in subparagraph (C)(ii)(II), the Secretary shall approve or disapprove such proposed amendment prior to the later of—

[(i) the expiration of the 45-day period beginning on the date on which the proposed amendment is resubmitted; or

[(ii) the expiration of the 120-day period described in subparagraph (A).

[(E) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, such proposed amendment shall be deemed to be disapproved.

[(3) TREATMENT OF PROGRAM FUNDS WITHDRAWN FROM GRANT OF AUTHORITY.—Beginning on the effective date of an amendment executed under paragraph (1)(A), each program requirement of each program removed from the scope of a grant of authority shall apply to the use of funds made available under the program by the State educational agency and each local educational agency with which the State educational agency has a performance agreement.

**[SEC. 6142. CONSOLIDATION AND USE OF FUNDS.**

[(a) IN GENERAL.—

[(1) AUTHORITY.—Under a grant of flexibility authority made under this chapter, a State educational agency may consolidate Federal funds described in subsection (b) and made available to the agency, and use such funds for any educational purpose authorized under this Act.

[(2) PROGRAM REQUIREMENTS.—Except as otherwise provided in this chapter, a State educational agency may use funds

under paragraph (1) notwithstanding the program requirements of the program under which the funds were made available to the State.

**[(b) ELIGIBLE FUNDS AND PROGRAMS.—**

**[(1) FUNDS.—**The funds described in this subsection are funds, for State-level activities and State administration, that are described in the following provisions:

**[(A) Section 1004.**

**[(B) Paragraphs (4) and (5) of section 1202(d).**

**[(C) Section 2113(a)(3).**

**[(D) Section 2412(a)(1).**

**[(E) Subsections (a) (with the agreement of the Governor), (b)(2), and (c)(1) of section 4112.**

**[(F) Paragraphs (2) and (3) of section 4202(c).**

**[(G) Section 5112(b).**

**[(2) PROGRAMS.—**The programs described in this subsection are the programs authorized to be carried out with funds described in paragraph (1).

**[(c) SPECIAL RULE.—**A State educational agency that receives a grant of flexibility authority under this chapter—

**[(1) shall ensure that the funds described in section 5112(a) are allocated to local educational agencies in the State in accordance with section 5112(a); but**

**[(2) may specify how the local educational agencies shall use the allocated funds.**

**[SEC. 6143. PERFORMANCE REVIEW AND PENALTIES.**

**[(a) MIDTERM REVIEW.—**

**[(1) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS.—**If, during the term of a grant of flexibility authority under this chapter, a State educational agency fails to make adequate yearly progress for 2 consecutive years, the Secretary shall, after providing notice and an opportunity for a hearing, terminate the grant of authority promptly.

**[(2) NONCOMPLIANCE.—**The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide evidence as described in paragraph (3)), terminate a grant of flexibility authority for a State if there is evidence that the State educational agency involved has failed to comply with the terms of the grant of authority.

**[(3) EVIDENCE.—**If a State educational agency believes that a determination of the Secretary under this subsection is in error for statistical or other substantive reasons, the State educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final termination determination under this subsection.

**[(b) FINAL REVIEW.—**

**[(1) IN GENERAL.—**If, at the end of the 5-year term of a grant of flexibility authority made under this chapter, the State educational agency has not met the requirements described in section 6141(c), the Secretary may not renew the grant of flexibility authority under section 6144.

**[(2) COMPLIANCE.—**Beginning on the date on which such term ends, the State educational agency, and the local educational agencies with which the State educational agency has

entered into performance agreements, shall be required to comply with each of the program requirements in effect on such date for each program that was included in the grant of authority.

**[SEC. 6144. RENEWAL OF GRANT OF FLEXIBILITY AUTHORITY.**

[(a) IN GENERAL.—Except as provided in section 6143 and in accordance with this section, if a State educational agency has met, by the end of the original 5-year term of a grant of flexibility authority under this chapter, the requirements described in section 6141(c), the Secretary shall renew a grant of flexibility authority for one additional 5-year term.

[(b) RENEWAL.—The Secretary may not renew a grant of flexibility authority under this chapter unless, not later than 6 months before the end of the original term of the grant of authority, the State educational agency seeking the renewal notifies the Secretary, and the local educational agencies with which the State educational agency has entered into performance agreements, of the agency's intention to renew the grant of authority.

[(c) EFFECTIVE DATE.—A renewal under this section shall be effective on the later of—

[(1) the expiration of the original term of the grant of authority; or

[(2) the date on which the State educational agency seeking the renewal provides to the Secretary all data required for the application described in section 6141(c).

**[CHAPTER B—LOCAL FLEXIBILITY DEMONSTRATION**

**[SEC. 6151. LOCAL FLEXIBILITY DEMONSTRATION AGREEMENTS.**

[(a) AUTHORITY.—Except as otherwise provided in this chapter, the Secretary shall, on a competitive basis, enter into local flexibility demonstration agreements—

[(1) with local educational agencies that submit approvable proposed agreements under subsection (c) and that are selected under subsection (b); and

[(2) under which those agencies may consolidate and use funds in accordance with section 6152.

[(b) SELECTION OF LOCAL EDUCATIONAL AGENCIES.—

[(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall enter into local flexibility demonstration agreements under this chapter with not more than 80 local educational agencies. Each local educational agency shall be selected on a competitive basis from among those local educational agencies that—

[(A) submit a proposed local flexibility demonstration agreement under subsection (c) to the Secretary and demonstrate, to the satisfaction of the Secretary, that the agreement—

[(i) has a substantial promise of assisting the local educational agency in meeting the State's definition of adequate yearly progress, advancing the education priorities of the local educational agency, meeting the general purposes of the programs included under this chapter and the purposes of this part, improving stu-

dent achievement, and narrowing achievement gaps in accordance with section 1111(b);

[(ii) meets the requirements of this chapter; and

[(iii) contains a plan to consolidate and use funds in accordance with section 6152 in order to meet the State's definition of adequate yearly progress and the local educational agency's specific, measurable goals for improving student achievement and narrowing achievement gaps; and

[(B) have consulted and involved parents and other educators in the development of the proposed local flexibility demonstration agreement.

[(2) GEOGRAPHIC DISTRIBUTION.—

[(A) INITIAL AGREEMENTS.—The Secretary may enter into not more than three local flexibility demonstration agreements under this chapter with local educational agencies in each State that does not have a grant of flexibility authority under chapter A.

[(B) URBAN AND RURAL AREAS.—If more than three local educational agencies in a State submit approvable local flexibility demonstration agreements under this chapter, the Secretary shall select local educational agencies with which to enter into such agreements in a manner that ensures an equitable distribution among such agencies serving urban and rural areas.

[(C) PRIORITY OF STATES TO ENTER INTO STATE FLEXIBILITY DEMONSTRATION AGREEMENTS.—Notwithstanding any other provision of this part, a local educational agency may not seek to enter into a local flexibility demonstration agreement under this chapter if that agency is located in a State for which the State educational agency—

[(i) has, not later than 4 months after the date of enactment of the No Child Left Behind Act of 2001, notified the Secretary of its intent to apply for a grant of flexibility authority under chapter A and, within such period of time as the Secretary may establish, is provided with such authority by the Secretary; or

[(ii) has, at any time after such period, been granted flexibility authority under chapter A.

[(c) REQUIRED TERMS OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—Each local flexibility demonstration agreement entered into with the Secretary under this chapter shall contain each of the following terms:

[(1) DURATION.—The local flexibility demonstration agreement shall be for a term of 5 years.

[(2) APPLICATION OF PROGRAM REQUIREMENTS.—The local flexibility demonstration agreement shall provide that no requirements of any program described in section 6152 and included by a local educational agency in the scope of its agreement shall apply to that agency, except as otherwise provided in this chapter.

[(3) LIST OF PROGRAMS.—The local flexibility demonstration agreement shall list which of the programs described in section 6152 are included in the scope of the agreement.

[(4) USE OF FUNDS TO IMPROVE STUDENT ACHIEVEMENT.—The local flexibility demonstration agreement shall contain a 5-year plan describing how the local educational agency intends to consolidate and use the funds from programs included in the scope of the agreement for any educational purpose authorized under this Act to advance the education priorities of the local educational agency, meet the general purposes of the included programs, improve student achievement, and narrow achievement gaps in accordance with section 1111(b).

[(5) LOCAL INPUT.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will provide parents, teachers, and representatives of schools with notice and an opportunity to comment on the proposed terms of the local flexibility demonstration agreement.

[(6) FISCAL RESPONSIBILITIES.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds consolidated and used under the agreement.

[(7) CIVIL RIGHTS.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in consolidating and using the funds under the agreement.

[(8) PRIVATE SCHOOL PARTICIPATION.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency agrees that in consolidating and using funds under the agreement—

[(A) the local educational agency, will provide for the equitable participation of students and professional staff in private schools consistent with section 9501; and

[(B) that sections 9502, 9503, and 9504 shall apply to all services and assistance provided with such funds in the same manner as such sections apply to services and assistance provided in accordance with section 9501.

[(9) SUPPLANTING.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will, for the duration of the grant of authority, use funds consolidated under section 6152 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds.

[(10) ANNUAL REPORTS.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency shall, not later than 1 year after the date on which the Secretary enters into the agreement, and annually thereafter during the term of the agreement, disseminate widely to parents and the general public, transmit to the Secretary, and the State educational agency for the State in which the local educational agency is located, distribute to print and broadcast media, and post on the Internet, a report that includes a detailed description of how the local educational agen-

cy used the funds consolidated under the agreement to improve student academic achievement and reduce achievement gaps.

**[(d) PEER REVIEW.—The Secretary shall—**

**[(1) establish a peer review process to assist in the review of proposed local flexibility demonstration agreements under this chapter; and**

**[(2) appoint individuals to the peer review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with educational standards, assessments, accountability, curriculum, instruction and staff development, and other diverse educational needs of students.**

**[(e) AMENDMENT TO PERFORMANCE AGREEMENT.—**

**[(1) IN GENERAL.—In each of the following circumstances, the Secretary shall amend a local flexibility demonstration agreement entered into with a local educational agency under this chapter:**

**[(A) REDUCTION IN SCOPE OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—Not later than 1 year after entering into a local flexibility demonstration agreement, the local educational agency seeks to amend the agreement to remove from the scope any program described in section 6152.**

**[(B) EXPANSION OF SCOPE OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—Not later than 1 year after entering into the local flexibility demonstration agreement, a local educational agency seeks to amend the agreement to include in its scope any additional program described in section 6251 or any additional achievement indicators for which the local educational agency will be held accountable.**

**[(2) APPROVAL AND DISAPPROVAL.—**

**[(A) DEEMED APPROVAL.—A proposed amendment to a local flexibility demonstration agreement pursuant to paragraph (1) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the proposed amendment, that the proposed amendment is not in compliance with this chapter.**

**[(B) DISAPPROVAL.—The Secretary shall not finally disapprove the proposed amendment, except after giving the local educational agency notice and an opportunity for a hearing.**

**[(C) NOTIFICATION.—If the Secretary finds that the proposed amendment is not in compliance, in whole or in part, with this chapter, the Secretary shall—**

**[(i) give the local educational agency notice and an opportunity for a hearing; and**

**[(ii) notify the local educational agency of the finding of noncompliance and, in such notification, shall—**

**[(I) cite the specific provisions in the proposed amendment that are not in compliance; and**

[(II) request additional information, only as to the noncompliant provisions, needed to make the proposed amendment compliant.

[(D) RESPONSE.—If the local educational agency responds to the Secretary's notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, and re-submits the proposed amendment with the requested information described in subparagraph (C)(ii)(II), the Secretary shall approve or disapprove such proposed amendment prior to the later of—

[(i) the expiration of the 45-day period beginning on the date on which the proposed amendment is resubmitted; or

[(ii) the expiration of the 120-day period described in subparagraph (A).

[(E) FAILURE TO RESPOND.—If the local educational agency does not respond to the Secretary's notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, such proposed amendment shall be deemed to be disapproved.

[(3) TREATMENT OF PROGRAM FUNDS WITHDRAWN FROM AGREEMENT.—Beginning on the effective date of an amendment executed under paragraph (1)(A), each program requirement of each program removed from the scope of a local flexibility demonstration agreement shall apply to the use of funds made available under the program by the local educational agency.

**[SEC. 6152. CONSOLIDATION AND USE OF FUNDS.**

[(a) IN GENERAL.—

[(1) AUTHORITY.—Under a local flexibility demonstration agreement entered into under this chapter, a local educational agency may consolidate Federal funds made available to the agency under the provisions listed in subsection (b) and use such funds for any educational purpose permitted under this Act.

[(2) PROGRAM REQUIREMENTS.—Except as otherwise provided in this chapter, a local educational agency may use funds under paragraph (1) notwithstanding the program requirements of the program under which the funds were made available to the agency.

[(b) ELIGIBLE PROGRAMS.—Program funds made available to local educational agencies on the basis of a formula under the following provisions may be consolidated and used under subsection (a):

[(1) Subpart 2 of part A of title II.

[(2) Subpart 1 of part D of title II.

[(3) Subpart 1 of part A of title IV.

[(4) Subpart 1 of part A of title V.

**[SEC. 6153. LIMITATIONS ON ADMINISTRATIVE EXPENDITURES.**

[Each local educational agency that has entered into a local flexibility demonstration agreement with the Secretary under this chapter may use for administrative purposes not more than 4 per-

cent of the total amount of funds allocated to the agency under the programs included in the scope of the agreement.

**[SEC. 6154. PERFORMANCE REVIEW AND PENALTIES.**

**[(a) MIDTERM REVIEW.—**

**[(1) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS.—**If, during the term of a local flexibility demonstration agreement, a local educational agency fails to make adequate yearly progress for 2 consecutive years, the Secretary shall, after notice and opportunity for a hearing, promptly terminate the agreement.

**[(2) NONCOMPLIANCE.—**The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide information as provided for in paragraph (3)), terminate a local flexibility demonstration agreement under this chapter if there is evidence that the local educational agency has failed to comply with the terms of the agreement.

**[(3) EVIDENCE.—**If a local educational agency believes that the Secretary's determination under this subsection is in error for statistical or other substantive reasons, the local educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final early termination determination.

**[(b) FINAL REVIEW.—**If, at the end of the 5-year term of a local flexibility demonstration agreement entered into under this chapter, the local educational agency has not met the requirements described in section 6151(c), the Secretary may not renew the agreement under section 6155 and, beginning on the date on which such term ends, the local educational agency shall be required to comply with each of the program requirements in effect on such date for each program included in the local flexibility demonstration agreement.

**[SEC. 6155. RENEWAL OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.**

**[(a) IN GENERAL.—**Except as provided in section 6154 and in accordance with this section, the Secretary shall renew for one additional 5-year term a local flexibility demonstration agreement entered into under this chapter if the local educational agency has met, by the end of the original term of the agreement, the requirements described in section 6151(c).

**[(b) NOTIFICATION.—**The Secretary may not renew a local flexibility demonstration agreement under this chapter unless, not less than 6 months before the end of the original term of the agreement, the local educational agency seeking the renewal notifies the Secretary of its intention to renew.

**[(c) EFFECTIVE DATE.—**A renewal under this section shall be effective at the end of the original term of the agreement or on the date on which the local educational agency seeking renewal provides to the Secretary all data required under the agreement, whichever is later.

**[SEC. 6156. REPORTS.**

**[(a) TRANSMITTAL TO CONGRESS.—**Not later than 60 days after the Secretary receives a report described in section 6151(b)(10), the Secretary shall make the report available to the Committee on Education and the Workforce of the House of Representatives and

the Committee on Health, Education, Labor, and Pensions of the Senate.

[(b) LIMITATION.—A State in which a local educational agency that has a local flexibility demonstration agreement is located may not require such local educational agency to provide any application information with respect to the programs included within the scope of that agreement other than that information that is required to be included in the report described in section 6151(b)(10).

### **[Subpart 4—State Accountability for Adequate Yearly Progress**

#### **[SEC. 6161. ACCOUNTABILITY FOR ADEQUATE YEARLY PROGRESS.**

[In the case of a State educational agency that has a plan approved under subpart 1 of part A of title I after the date of enactment of the No Child Left Behind Act of 2001, and has a plan approved under subpart 1 of part A of title III of such Act after such date of enactment, the Secretary shall annually, starting with the beginning of the first school year following the first two school years for which such plans were implemented, review whether the State has—

[(1) made adequate yearly progress, as defined in section 1111(b)(2)(B), for each of the groups of students described in section 1111(b)(2)(C)(v); and

[(2) met its annual measurable achievement objectives under section 3122(a).

#### **[SEC. 6162. PEER REVIEW.**

[The Secretary shall use a peer review process to review, based on data from the State assessments administered under section 1111(b)(3) and on data from the evaluations conducted under section 3121, whether the State has failed to make adequate yearly progress for 2 consecutive years or whether the State has met its annual measurable achievement objectives.

#### **[SEC. 6163. TECHNICAL ASSISTANCE.**

[(a) PROVISION OF ASSISTANCE.—

[(1) ADEQUATE YEARLY PROGRESS.—Based on the review described in section 6161(1), the Secretary shall provide technical assistance to a State that has failed to make adequate yearly progress, as defined in section 1111(b)(2), for 2 consecutive years. The Secretary shall provide such assistance not later than the beginning of the first school year that begins after such determination is made.

[(2) ANNUAL MEASURABLE ACHIEVEMENT OBJECTIVES.—Based on the reviews described in section 6161(2), the Secretary may provide technical assistance to a State that has failed to meet its annual measurable achievement objectives under section 3122(a) for 2 consecutive years. The Secretary shall provide such assistance not later than the beginning of the first school year that begins after such determination is made.

[(b) CHARACTERISTICS.—The technical assistance described in subsection (a) shall—

[(1) be valid, reliable and rigorous; and

[(2) provide constructive feedback to help the State make adequate yearly progress, as defined in section 1111(b)(2), or

meet the annual measurable achievement objectives under section 3122(a).

**[SEC. 6164. REPORT TO CONGRESS.**

【Beginning with the school year that begins in 2005, the Secretary shall submit an annual report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate containing the following:

【(1) A list of each State that has not made adequate yearly progress based on the review conducted under section 6161(1).

【(2) A list of each State that has not met its annual measurable achievement objectives based on the review conducted under section 6161(2).

【(3) The information reported by the State to the Secretary pursuant to section 1119(a).

【(4) A description of any technical assistance provided pursuant to section 6163.

**[PART B—RURAL EDUCATION INITIATIVE**

**[SEC. 6201. SHORT TITLE.**

【This part may be cited as the “Rural Education Achievement Program”.

**[SEC. 6202. PURPOSE**

【It is the purpose of this part to address the unique needs of rural school districts that frequently—

【(1) lack the personnel and resources needed to compete effectively for Federal competitive grants; and

【(2) receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

**[Subpart 1—Small, Rural School Achievement Program**

**[SEC. 6211. USE OF APPLICABLE FUNDING.**

**[(a) ALTERNATIVE USES.—**

【(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding that the agency is eligible to receive from the State educational agency for a fiscal year to carry out local activities authorized under any of the following provisions:

【(A) Part A of title I.

【(B) Part A or D of title II.

【(C) Title III.

【(D) Part A or B of title IV.

【(E) Part A of title V.

【(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency’s intention to use the applicable funding in accordance with paragraph (1), by a date that is established by the State educational agency for the notification.

**[(b) ELIGIBILITY.—**

[(1) IN GENERAL.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

[(A)(i)(I) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

[(II) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and

[(ii) all of the schools served by the local educational agency are designated with a school locale code of 7 or 8, as determined by the Secretary; or

[(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).

[(2) CERTIFICATION.—The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

[(c) APPLICABLE FUNDING DEFINED.—In this section, the term “applicable funding” means funds provided under any of the following provisions:

[(1) Subpart 2 and section 2412(a)(2)(A) of title II.

[(2) Section 4114.

[(3) Part A of title V.

[(d) DISBURSEMENT.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time as the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

[(e) APPLICABLE RULES.—Applicable funding under this section shall be available to carry out local activities authorized under subsection (a).

**[SEC. 6212. GRANT PROGRAM AUTHORIZED.]**

[(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities authorized under any of the following provisions:

[(1) Part A of title I.

[(2) Part A or D of title II.

[(3) Title III.

[(4) Part A or B of title IV.

[(5) Part A of title V.

[(b) ALLOCATION.—

[(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under section 6211(b) 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.

[(2) DETERMINATION OF INITIAL AMOUNT.—The initial amount referred to in paragraph (1) is equal to \$100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus \$20,000, except that the initial amount may not exceed \$60,000.

[(3) RATABLE ADJUSTMENT.—

[(A) IN GENERAL.—If the amount made available to carry out this section for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

[(B) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

[(c) DISBURSEMENT.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that fiscal year.

[(d) SPECIAL ELIGIBILITY RULE.—A local educational agency that is eligible to receive a grant under this subpart for a fiscal year is not eligible to receive funds for such fiscal year under subpart 2.

**[SEC. 6213. ACCOUNTABILITY.**

[(a) ACADEMIC ACHIEVEMENT ASSESSMENT.—Each local educational agency that uses or receives funds under this subpart for a fiscal year shall administer an assessment that is consistent with section 1111(b)(3).

[(b) DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives funding under the provisions of law described in section 6211(c) shall—

[(1) after the third year that a local educational agency in the State participates in a program under this subpart and on the basis of the results of the assessments described in subsection (a), determine whether the local educational agency participating in the program made adequate yearly progress, as described in section 1111(b)(2);

[(2) permit only those local educational agencies that participated and made adequate yearly progress, as described in section 1111(b)(2), to continue to participate; and

[(3) permit those local educational agencies that participated and failed to make adequate yearly progress, as described in section 1111(b)(2), to continue to participate only if such local educational agencies use applicable funding under this subpart to carry out the requirements of section 1116.

**[Subpart 2—Rural and Low-Income School Program**

**[SEC. 6221. PROGRAM AUTHORIZED.**

[(a) GRANTS TO STATES.—

【(1) IN GENERAL.—From amounts appropriated under section 6234 for this subpart for a fiscal year that are not reserved under subsection (c), the Secretary shall award grants (from allotments made under paragraph (2)) for the fiscal year to State educational agencies that have applications submitted under section 6223 approved to enable the State educational agencies to award grants to eligible local educational agencies for local authorized activities described in section 6222(a).

【(2) ALLOTMENT.—From amounts described in paragraph (1) for a fiscal year, the Secretary shall allot to each State educational agency for that fiscal year an amount that bears the same ratio to those amounts as the number of students in average daily attendance served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

【(3) SPECIALLY QUALIFIED AGENCIES.—

【(A) ELIGIBILITY AND APPLICATION.—If a State educational agency elects not to participate in the program under this subpart or does not have an application submitted under section 6223 approved, a specially qualified agency in such State desiring a grant under this subpart may submit an application under such section directly to the Secretary to receive an award under this subpart.

【(B) DIRECT AWARDS.—The Secretary may award, on a competitive basis or by formula, the amount the State educational agency is eligible to receive under paragraph (2) directly to a specially qualified agency in the State that has submitted an application in accordance with subparagraph (A) and obtained approval of the application.

【(C) SPECIALLY QUALIFIED AGENCY DEFINED.—In this subpart, the term “specially qualified agency” means an eligible local educational agency served by a State educational agency that does not participate in a program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year under this subsection.

【(b) LOCAL AWARDS.—

【(1) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this subpart if—

【(A) 20 percent or more of the children ages 5 through 17 years served by the local educational agency are from families with incomes below the poverty line; and

【(B) all of the schools served by the agency are designated with a school locale code of 6, 7, or 8, as determined by the Secretary.

【(2) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies—

【(A) on a competitive basis;

【(B) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools in the State; or

【(C) according to an alternative formula, if, prior to awarding the grants, the State educational agency demonstrates, to the satisfaction of the Secretary, that the al-

ternative formula enables the State educational agency to allot the grant funds in a manner that serves equal or greater concentrations of children from families with incomes below the poverty line, relative to the concentrations that would be served if the State educational agency used the formula described in subparagraph (B).

[(c) RESERVATIONS.—From amounts appropriated under section 6234 for this subpart for a fiscal year, the Secretary shall reserve—

[(1) one-half of 1 percent to make awards to elementary schools or secondary schools operated or supported by the Bureau of Indian Affairs, to carry out the activities authorized under this subpart; and

[(2) one-half of 1 percent to make awards to the outlying areas in accordance with their respective needs, to carry out the activities authorized under this subpart.

**[SEC. 6222. USES OF FUNDS.**

[(a) LOCAL AWARDS.—Grant funds awarded to local educational agencies under this subpart shall be used for any of the following:

[(1) Teacher recruitment and retention, including the use of signing bonuses and other financial incentives.

[(2) Teacher professional development, including programs that train teachers to utilize technology to improve teaching and to train special needs teachers.

[(3) Educational technology, including software and hardware, as described in part D of title II.

[(4) Parental involvement activities.

[(5) Activities authorized under the Safe and Drug-Free Schools program under part A of title IV.

[(6) Activities authorized under part A of title I.

[(7) Activities authorized under title III.

[(b) ADMINISTRATIVE COSTS.—A State educational agency receiving a grant under this subpart may not use more than 5 percent of the amount of the grant for State administrative costs and to provide technical assistance to eligible local educational agencies.

**[SEC. 6223. APPLICATIONS.**

[(a) IN GENERAL.—Each State educational agency or specially qualified agency desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

[(b) CONTENTS.—At a minimum, each application submitted under subsection (a) shall include information on specific measurable goals and objectives to be achieved through the activities carried out through the grant, which may include specific educational goals and objectives relating to—

[(1) increased student academic achievement;

[(2) decreased student dropout rates; or

[(3) such other factors as the State educational agency or specially qualified agency may choose to measure.

**[SEC. 6224. ACCOUNTABILITY.**

[(a) STATE REPORT.—Each State educational agency that receives a grant under this subpart shall prepare and submit an annual report to the Secretary. The report shall describe—

[(1) the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;

[(2) how local educational agencies and schools used funds provided under this subpart; and

[(3) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 6223.

[(b) SPECIALLY QUALIFIED AGENCY REPORT.—Each specially qualified agency that receives a grant under this subpart shall provide an annual report to the Secretary. Such report shall describe—

[(1) how such agency uses funds provided under this subpart; and

[(2) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 6223.

[(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a biennial report. The report shall describe—

[(1) the methods the State educational agencies used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart; local educational agencies and schools used funds provided under this subpart; and

[(3) the degree to which progress has been made toward meeting the goals and objectives described in the applications submitted under section 6223.

[(d) ACADEMIC ACHIEVEMENT ASSESSMENT.—Each local educational agency or specially qualified agency that receives a grant under this subpart for a fiscal year shall administer an assessment that is consistent with section 1111(b)(3).

[(e) DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency or specially qualified agency that receives a grant under this subpart shall—

[(1) after the third year that a local educational agency or specially qualified agency in the State receives funds under this subpart, and on the basis of the results of the assessments described in subsection (d)—

[(A) in the case of a local educational agency, determine whether the local educational agency made adequate yearly progress, as described in section 1111(b)(2); and

[(B) in the case of a specially qualified agency, submit to the Secretary information that would allow the Secretary to determine whether the specially qualified agency has made adequate yearly progress, as described in section 1111(b)(2);

[(2) permit only those local educational agencies or specially qualified agencies that made adequate yearly progress, as described in section 1111(b)(2), to continue to receive grants under this subpart; and

[(3) permit those local educational agencies or specially qualified agencies that failed to make adequate yearly

progress, as described in section 1111(b)(2), to continue to receive such grants only if the State educational agency disbursed such grants to the local educational agencies or specially qualified agencies to carry out the requirements of section 1116.

### **[Subpart 3—General Provisions**

#### **[SEC. 6231. ANNUAL AVERAGE DAILY ATTENDANCE DETERMINATION.**

[(a) CENSUS DETERMINATION.—Each local educational agency desiring a grant under section 6212 and each local educational agency or specially qualified agency desiring a grant under subpart 2 shall—

[(1) not later than December 1 of each year, conduct a census to determine the number of students in average daily attendance in kindergarten through grade 12 at the schools served by the agency; and

[(2) not later than March 1 of each year, submit the number described in paragraph (1) to the Secretary (and to the State educational agency, in the case of a local educational agency seeking a grant under subpart (2)).

[(b) PENALTY.—If the Secretary determines that a local educational agency or specially qualified agency has knowingly submitted false information under subsection (a) for the purpose of gaining additional funds under section 6212 or subpart 2, then the agency shall be fined an amount equal to twice the difference between the amount the agency received under this section and the correct amount the agency would have received under section 6212 or subpart 2 if the agency had submitted accurate information under subsection (a).

#### **[SEC. 6232. SUPPLEMENT, NOT SUPPLANT.**

[Funds made available under subpart 1 or subpart 2 shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

#### **[SEC. 6233. RULE OF CONSTRUCTION.**

[Nothing in this part shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services, pursuant to State law or a written agreement, from entering into similar arrangements for the use, or the coordination of the use, of the funds made available under this part.

#### **[SEC. 6234. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated to carry out this part \$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years, to be distributed equally between subparts 1 and 2.

**[PART C—GENERAL PROVISIONS**

**[SEC. 6301. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.**

【Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this Act.

**[SEC. 6302. 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.】

\* \* \* \* \*

**HIGHER EDUCATION ACT OF 1965**

\* \* \* \* \*

**TITLE II—TEACHER QUALITY ENHANCEMENT**

\* \* \* \* \*

**PART A—TEACHER QUALITY PARTNERSHIP GRANTS**

**[SEC. 201. PURPOSES.**

【The purposes of this part are to—

【(1) improve student achievement;

【(2) improve the quality of prospective and new teachers by improving the preparation of prospective teachers and enhancing professional development activities for new teachers;

【(3) hold teacher preparation programs at institutions of higher education accountable for preparing highly qualified teachers; and

【(4) recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

**[SEC. 202. PARTNERSHIP GRANTS.**

【(a) PROGRAM AUTHORIZED.—From amounts made available under section 209, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out the activities described in subsection (c).

【(b) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

【(1) a needs assessment of the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention of general education and

special education teachers, principals, and, as applicable, early childhood educators;

[(2) a description of the extent to which the program to be carried out with grant funds, as described in subsection (c), will prepare prospective and new teachers with strong teaching skills;

[(3) a description of how such program will prepare prospective and new teachers to understand and use research and data to modify and improve classroom instruction;

[(4) a description of—

[(A) how the eligible partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including programs funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and through the National Science Foundation; and

[(B) how the activities of the partnership will be consistent with State, local, and other education reform activities that promote teacher quality and student academic achievement;

[(5) an assessment that describes the resources available to the eligible partnership, including—

[(A) the integration of funds from other related sources;

[(B) the intended use of the grant funds; and

[(C) the commitment of the resources of the partnership to the activities assisted under this section, including financial support, faculty participation, and time commitments, and to the continuation of the activities when the grant ends;

[(6) a description of—

[(A) how the eligible partnership will meet the purposes of this part;

[(B) how the partnership will carry out the activities required under subsection (d) or (e), based on the needs identified in paragraph (1), with the goal of improving student academic achievement;

[(C) if the partnership chooses to use funds under this section for a project or activities under subsection (f) or (g), how the partnership will carry out such project or required activities based on the needs identified in paragraph (1), with the goal of improving student academic achievement;

[(D) the partnership's evaluation plan under section 204(a);

[(E) how the partnership will align the teacher preparation program under subsection (c) with the—

[(i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and

[(ii) student academic achievement standards and academic content standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, established by the State in which the partnership is located;

[(F) how the partnership will prepare general education teachers to teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act;

[(G) how the partnership will prepare general education and special education teachers to teach students who are limited English proficient;

[(H) how faculty at the partner institution will work, during the term of the grant, with highly qualified teachers in the classrooms of high-need schools served by the high-need local educational agency in the partnership to—

[(i) provide high-quality professional development activities to strengthen the content knowledge and teaching skills of elementary school and secondary school teachers; and

[(ii) train other classroom teachers to implement literacy programs that incorporate the essential components of reading instruction;

[(I) how the partnership will design, implement, or enhance a year-long and rigorous teaching preservice clinical program component;

[(J) how the partnership will support in-service professional development strategies and activities; and

[(K) how the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and early childhood education programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system; and

[(7) with respect to the induction program required as part of the activities carried out under this section—

[(A) a demonstration that the schools and departments within the institution of higher education that are part of the induction program will effectively prepare teachers, including providing content expertise and expertise in teaching, as appropriate;

[(B) a demonstration of the eligible partnership's capability and commitment to, and the accessibility to and involvement of faculty in, the use of empirically-based practice and scientifically valid research on teaching and learning;

[(C) a description of how the teacher preparation program will design and implement an induction program to support, through not less than the first two years of teaching, all new teachers who are prepared by the teacher preparation program in the partnership and who teach in the high-need local educational agency in the partnership, and, to the extent practicable, all new teachers who teach in such high-need local educational agency, in the further development of the new teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers; and

[(D) a description of how faculty involved in the induction program will be able to substantially participate in an early childhood education program or an elementary school or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

[(c) USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this section—

[(1) shall use grant funds to carry out a program for the preparation of teachers under subsection (d), a teaching residency program under subsection (e), or a combination of such programs; and

[(2) may use grant funds to carry out a leadership development program under subsection (f).

[(d) PARTNERSHIP GRANTS FOR THE PREPARATION OF TEACHERS.—An eligible partnership that receives a grant to carry out a program for the preparation of teachers shall carry out an effective pre-baccalaureate teacher preparation program or a 5th year initial licensing program that includes all of the following:

[(1) REFORMS.—

[(A) IN GENERAL.—Implementing reforms, described in subparagraph (B), within each teacher preparation program and, as applicable, each preparation program for early childhood education programs, of the eligible partnership that is assisted under this section, to hold each program accountable for—

[(i) preparing—

[(I) new or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of students who are limited English proficient who may teach multiple subjects);

[(II) such teachers and, as applicable, early childhood educators, to understand empirically-based practice and scientifically valid research related to teaching and learning and the applicability of such practice and research, including through the effective use of technology, instructional techniques, and strategies consistent with the principles of universal design for learning, and through positive behavioral interventions and support strategies to improve student achievement; and

[(III) as applicable, early childhood educators to be highly competent; and

[(ii) promoting strong teaching skills and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

[(B) REQUIRED REFORMS.—The reforms described in subparagraph (A) shall include—

[(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess

how well all prospective and new teachers develop teaching skills;

[(ii) using empirically-based practice and scientifically valid research, where applicable, about teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

[(I) understand and can implement research-based teaching practices in classroom instruction;

[(II) have knowledge of student learning methods;

[(III) possess skills to analyze student academic achievement data and other measures of student learning, and use such data and measures to improve classroom instruction;

[(IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable general education and special education teachers and early childhood educators to—

[(aa) meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs; and

[(bb) differentiate instruction for such students;

[(V) can effectively participate as a member of the individualized education program team, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act; and

[(VI) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

[(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that prospective teachers receive training in both teaching and relevant content areas in order to become highly qualified, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities and for individuals preparing to teach students with disabilities as described in section 602(10)(D) of the Individuals with Disabilities Education Act;

[(iv) developing and implementing an induction program;

[(v) developing admissions goals and priorities aligned with the hiring objectives of the high-need local educational agency in the eligible partnership; and

[(vi) implementing program and curriculum changes, as applicable, to ensure that prospective

teachers have the requisite content knowledge, preparation, and degree to teach Advanced Placement or International Baccalaureate courses successfully.

[(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and improving a sustained and high-quality preservice clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators, involved in the program. Such program shall do the following:

[(A) Incorporate year-long opportunities for enrichment, including—

[(i) clinical learning in classrooms in high-need schools served by the high-need local educational agency in the eligible partnership, and identified by the eligible partnership; and

[(ii) closely supervised interaction between prospective teachers and faculty, experienced teachers, principals, other administrators, and school leaders at early childhood education programs (as applicable), elementary schools, or secondary schools, and providing support for such interaction.

[(B) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas.

[(C) Provide high-quality teacher mentoring.

[(D) Be offered over the course of a program of teacher preparation.

[(E) Be tightly aligned with course work (and may be developed as a fifth year of a teacher preparation program).

[(F) Where feasible, allow prospective teachers to learn to teach in the same local educational agency in which the teachers will work, learning the instructional initiatives and curriculum of that local educational agency.

[(G) As applicable, provide training and experience to enhance the teaching skills of prospective teachers to better prepare such teachers to meet the unique needs of teaching in rural or urban communities.

[(H) Provide support and training for individuals participating in an activity for prospective or new teachers described in this paragraph or paragraph (1) or (3), and for individuals who serve as mentors for such teachers, based on each individual's experience. Such support may include—

[(i) with respect to a prospective teacher or a mentor, release time for such individual's participation;

[(ii) with respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and

[(iii) with respect to a mentor, a stipend, which may include bonus, differential, incentive, or performance pay, based on the mentor's extra skills and responsibilities.

[(3) INDUCTION PROGRAMS FOR NEW TEACHERS.—Creating an induction program for new teachers or, in the case of an early

childhood education program, providing mentoring or coaching for new early childhood educators.

[(4) SUPPORT AND TRAINING FOR PARTICIPANTS IN EARLY CHILDHOOD EDUCATION PROGRAMS.—In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in early childhood education.

[(5) TEACHER RECRUITMENT.—Developing and implementing effective mechanisms (which may include alternative routes to State certification of teachers) to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership, which may include an emphasis on recruiting into the teaching profession—

[(A) individuals from under represented populations;

[(B) individuals to teach in rural communities and teacher shortage areas, including mathematics, science, special education, and the instruction of limited English proficient students; and

[(C) mid-career professionals from other occupations, former military personnel, and recent college graduates with a record of academic distinction.

[(6) LITERACY TRAINING.—Strengthening the literacy teaching skills of prospective and, as applicable, new elementary school and secondary school teachers—

[(A) to implement literacy programs that incorporate the essential components of reading instruction;

[(B) to use screening, diagnostic, formative, and summative assessments to determine students' literacy levels, difficulties, and growth in order to improve classroom instruction and improve student reading and writing skills;

[(C) to provide individualized, intensive, and targeted literacy instruction for students with deficiencies in literacy skills; and

[(D) to integrate literacy skills in the classroom across subject areas.

[(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF TEACHING RESIDENCY PROGRAMS.—

[(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective teaching residency program shall carry out a program that includes all of the following activities:

[(A) Supporting a teaching residency program described in paragraph (2) for high-need subjects and areas, as determined by the needs of the high-need local educational agency in the partnership.

[(B) Placing graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.

[(C) Ensuring that teaching residents who participate in the teaching residency program receive—

[(i) effective preservice preparation as described in paragraph (2);

[(ii) teacher mentoring;

[(iii) support required through the induction program as the teaching residents enter the classroom as new teachers; and

[(iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).

[(2) TEACHING RESIDENCY PROGRAMS.—

[(A) ESTABLISHMENT AND DESIGN.—A teaching residency program under this paragraph shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

[(i) The integration of pedagogy, classroom practice, and teacher mentoring.

[(ii) Engagement of teaching residents in rigorous graduate-level course work leading to a master's degree while undertaking a guided teaching apprenticeship.

[(iii) Experience and learning opportunities alongside a trained and experienced mentor teacher—

[(I) whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with coursework;

[(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for new teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and

[(III) who may be relieved from teaching duties as a result of such additional responsibilities.

[(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on, but not limited to, observations of the following:

[(I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative and diagnostic assessments to improve student learning.

[(II) Appropriate instruction that engages students with different learning styles.

[(III) Collaboration with colleagues to improve instruction.

[(IV) Analysis of gains in student learning, based on multiple measures that are valid and reliable and that, when feasible, may include valid,

reliable, and objective measures of the influence of teachers on the rate of student academic progress.

[(V) In the case of mentor candidates who will be mentoring new or prospective literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.

[(v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.

[(vi) The development of admissions goals and priorities—

[(I) that are aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of such agency, in exchange for a commitment by such agency to hire qualified graduates from the teaching residency program; and

[(II) which may include consideration of applicants who reflect the communities in which they will teach as well as consideration of individuals from underrepresented populations in the teaching profession.

[(vii) Support for residents, once the teaching residents are hired as teachers of record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first two years of teaching.

[(B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS.—

[(i) ELIGIBLE INDIVIDUAL.—In order to be eligible to be a teacher resident in a teaching residency program under this paragraph, an individual shall—

[(I) be a recent graduate of a four-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

[(II) submit an application to the teaching residency program.

[(ii) SELECTION CRITERIA.—An eligible partnership carrying out a teaching residency program under this subsection shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

[(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

【(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.

【(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

【(C) STIPENDS OR SALARIES; APPLICATIONS; AGREEMENTS; REPAYMENTS.—

【(i) STIPENDS OR SALARIES.—A teaching residency program under this subsection shall provide a one-year living stipend or salary to teaching residents during the teaching residency program.

【(ii) APPLICATIONS FOR STIPENDS OR SALARIES.—Each teacher residency candidate desiring a stipend or salary during the period of residency shall submit an application to the eligible partnership at such time, and containing such information and assurances, as the eligible partnership may require.

【(iii) AGREEMENTS TO SERVE.—Each application submitted under clause (ii) shall contain or be accompanied by an agreement that the applicant will—

【(I) serve as a full-time teacher for a total of not less than three academic years immediately after successfully completing the teaching residency program;

【(II) fulfill the requirement under subclause (I) by teaching in a high-need school served by the high-need local educational agency in the eligible partnership and teach a subject or area that is designated as high need by the partnership;

【(III) provide to the eligible partnership a certificate, from the chief administrative officer of the local educational agency in which the resident is employed, of the employment required in subclauses (I) and (II) at the beginning of, and upon completion of, each year or partial year of service;

【(IV) meet the requirements to be a highly qualified teacher, as defined in section 9101 of the Elementary and Secondary Education Act of 1965, or section 602 of the Individuals with Disabilities Education Act, when the applicant begins to fulfill the service obligation under this clause; and

【(V) comply with the requirements set by the eligible partnership underclause (iv)if the applicant is unable or unwilling to complete the service obligation required by this clause.

【(iv) REPAYMENTS.—

【(I) IN GENERAL.—A grantee carrying out a teaching residency program under this paragraph shall require a recipient of a stipend or salary under clause (i) who does not complete, or who notifies the partnership that the recipient intends not to complete, the service obligation required byclause (iii)to repay such stipend or salary to the

eligible partnership, together with interest, at a rate specified by the partnership in the agreement, and in accordance with such other terms and conditions specified by the eligible partnership, as necessary.

[(II) OTHER TERMS AND CONDITIONS.—Any other terms and conditions specified by the eligible partnership may include reasonable provisions for pro-rata repayment of the stipend or salary described in clause (i) or for deferral of a teaching resident's service obligation required by clause (iii), on grounds of health, incapacitation, inability to secure employment in a school served by the eligible partnership, being called to active duty in the Armed Forces of the United States, or other extraordinary circumstances.

[(III) USE OF REPAYMENTS.—An eligible partnership shall use any repayment received under this clause to carry out additional activities that are consistent with the purposes of this subsection.

[(f) PARTNERSHIP GRANTS FOR THE DEVELOPMENT OF LEADERSHIP PROGRAMS.—

[(1) IN GENERAL.—An eligible partnership that receives a grant under this section may carry out an effective school leadership program, which may be carried out in partnership with a local educational agency located in a rural area and that shall include all of the following activities:

[(A) Preparing individuals enrolled or preparing to enroll in school leadership programs for careers as superintendents, principals, early childhood education program directors, or other school leaders (including individuals preparing to work in local educational agencies located in rural areas who may perform multiple duties in addition to the role of a school leader).

[(B) Promoting strong leadership skills and, as applicable, techniques for school leaders to effectively—

[(i) create and maintain a data-driven, professional learning community within the leader's school;

[(ii) provide a climate conducive to the professional development of teachers, with a focus on improving student academic achievement and the development of effective instructional leadership skills;

[(iii) understand the teaching and assessment skills needed to support successful classroom instruction and to use data to evaluate teacher instruction and drive teacher and student learning;

[(iv) manage resources and school time to improve student academic achievement and ensure the school environment is safe;

[(v) engage and involve parents, community members, the local educational agency, businesses, and other community leaders, to leverage additional resources to improve student academic achievement; and

[(vi) understand how students learn and develop in order to increase academic achievement for all students.

[(C) Ensuring that individuals who participate in the school leadership program receive—

[(i) effective preservice preparation as described in subparagraph (D);

[(ii) mentoring; and

[(iii) if applicable, full State certification or licensure to become a school leader.

[(D) Developing and improving a sustained and high-quality preservice clinical education program to further develop the leadership skills of all prospective school leaders involved in the program. Such clinical education program shall do the following:

[(i) Incorporate year-long opportunities for enrichment, including—

[(I) clinical learning in high-need schools served by the high-need local educational agency or a local educational agency located in a rural area in the eligible partnership and identified by the eligible partnership; and

[(II) closely supervised interaction between prospective school leaders and faculty, new and experienced teachers, and new and experienced school leaders, in such high-need schools.

[(ii) Integrate pedagogy and practice and promote effective leadership skills, meeting the unique needs of urban, rural, or geographically isolated communities, as applicable.

[(iii) Provide for mentoring of new school leaders.

[(E) Creating an induction program for new school leaders.

[(F) Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become school leaders through the activities of the eligible partnership, which may include an emphasis on recruiting into school leadership professions—

[(i) individuals from underrepresented populations;

[(ii) individuals to serve as superintendents, principals, or other school administrators in rural and geographically isolated communities and school leader shortage areas; and

[(iii) mid-career professionals from other occupations, former military personnel, and recent college graduates with a record of academic distinction.

[(2) SELECTION OF INDIVIDUALS FOR THE LEADERSHIP PROGRAM.—In order to be eligible for the school leadership program under this subsection, an individual shall be enrolled in or preparing to enroll in an institution of higher education, and shall—

[(A) be a—

[(i) recent graduate of an institution of higher education;

[(ii) mid-career professional from outside the field of education with strong content knowledge or a record of professional accomplishment;

[(iii) current teacher who is interested in becoming a school leader; or

[(iv) school leader who is interested in becoming a superintendent; and

[(B) submit an application to the leadership program.

[(g) PARTNERSHIP WITH DIGITAL EDUCATION CONTENT DEVELOPER.—An eligible partnership that receives a grant under this section may use grant funds provided to carry out the activities described in subsection (d) or (e), or both, to partner with a television public broadcast station, as defined in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6)), or another entity that develops digital educational content, for the purpose of improving the quality of pre-baccalaureate teacher preparation programs or to enhance the quality of preservice training for prospective teachers.

[(h) EVALUATION AND REPORTING.—The Secretary shall—

[(1) evaluate the programs assisted under this section; and

[(2) make publicly available a report detailing the Secretary's evaluation of each such program.

[(i) CONSULTATION.—

[(1) IN GENERAL.—Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the development and implementation of programs and activities carried out under this section.

[(2) REGULAR COMMUNICATION.—To ensure timely and meaningful consultation as described in paragraph (1), regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the assessment of programs and activities under this section.

[(3) WRITTEN CONSENT.—The Secretary may approve changes in grant activities of a grant under this section only if the eligible partnership submits to the Secretary a written consent to such changes signed by all members of the eligible partnership.

[(j) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.

[(k) 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 carry out activities under this section.

#### **[SEC. 203. ADMINISTRATIVE PROVISIONS.]**

[(a) DURATION; NUMBER OF AWARDS; PAYMENTS.—

[(1) DURATION.—A grant awarded under this part shall be awarded for a period of five years.

[(2) NUMBER OF AWARDS.—An eligible partnership may not receive more than one grant during a five-year period. Nothing

in this title shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this title from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the five-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

**[(b) PEER REVIEW.—**

**[(1) PANEL.—**The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

**[(2) PRIORITY.—**The Secretary, in funding applications under this part, shall give priority—

**[(A)** to eligible partnerships that include an institution of higher education whose teacher preparation program has a rigorous selection process to ensure the highest quality of students entering such program; and

**[(B)(i)** to applications from broad-based eligible partnerships that involve businesses and community organizations; or

**[(ii)** to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

**[(3) SECRETARIAL SELECTION.—**The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

**[(c) MATCHING REQUIREMENTS.—**

**[(1) IN GENERAL.—**Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 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.

**[(2) WAIVER.—**The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible partnership if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

**[(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—**An eligible partnership that receives a grant under this part may use not more than two percent of the funds provided to administer the grant.

**[SEC. 204. ACCOUNTABILITY AND EVALUATION.**

**[(a) ELIGIBLE PARTNERSHIP EVALUATION.—**Each eligible partnership submitting an application for a grant under this part shall establish, and include in such application, an evaluation plan that includes strong and measurable performance objectives. The plan shall include objectives and measures for increasing—

[(1) achievement for all prospective and new teachers, as measured by the eligible partnership;

[(2) teacher retention in the first three years of a teacher's career;

[(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

[(4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;

[(B) the percentage of highly qualified teachers hired by the high-need local educational agency who are members of underrepresented groups;

[(C) the percentage of highly qualified teachers hired by the high-need local educational agency who teach high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages and critical foreign languages);

[(D) the percentage of highly qualified teachers hired by the high-need local educational agency who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

[(E) the percentage of highly qualified teachers hired by the high-need local educational agency who teach in high-need schools, disaggregated by the elementary school and secondary school levels;

[(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent; and

[(G) as applicable, the percentage of teachers trained—

[(i) to integrate technology effectively into curricula and instruction, including technology consistent with the principles of universal design for learning; and

[(ii) to use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of improving student academic achievement.

[(b) INFORMATION.—An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, faculty, and leadership at institutions of higher education located in the geographic areas served by the eligible partnership are provided information, including through electronic means, about the activities carried out with funds under this part.

[(c) REVISED APPLICATION.—If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures of the grant, as appropriate, by the end of the third year of a grant under this part, then the Secretary—

[(1) shall cancel the grant; and

[(2) may use any funds returned or available because of such cancellation under paragraph (1) to—

[(A) increase other grant awards under this part; or

[(B) award new grants to other eligible partnerships under this part.

[(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the findings regarding the evaluation of such activities to the authorizing committees. The Secretary shall broadly disseminate—

[(1) successful practices developed by eligible partnerships under this part; and

[(2) information regarding such practices that were found to be ineffective.]

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**TITLE 10, UNITED STATES CODE**

**SUBTITLE A—General Military Law**

\* \* \* \* \*

**PART II—PERSONNEL**

\* \* \* \* \*

**CHAPTER 58—BENEFITS AND SERVICES FOR MEMBERS BEING SEPARATED OR RECENTLY SEPARATED**

Sec.  
1141. Involuntary separation defined.

\* \* \* \* \*

1154. *Assistance to eligible members to obtain employment as teachers: Troops-to-Teachers Program.*

\* \* \* \* \*

**§ 1142. Preseparation counseling; transmittal of medical records to department of veterans affairs**

(a) \* \* \*

(b) MATTERS TO BE COVERED BY COUNSELING.—Counseling under this section shall include the following:

(1) \* \* \*

\* \* \* \* \*

(4) Provision of information on civilian occupations and related assistance programs, including information concerning—

(A) \* \* \*

\* \* \* \* \*

(C) Government and private-sector programs for job search and job placement assistance, including the public and community service jobs program carried out under section 1143a of this title, and information regarding the placement programs established [under sections 1152 and 1153 of this title and the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)] *under sections 1152, 1153, and 1154 of this title.*

\* \* \* \* \*

**§ 1154. Assistance to eligible members to obtain employment as teachers: troops-to-teachers program**

(a) *DEFINITIONS.—In this section:*

(1) *PROGRAM.—The term “Program” means the Troops-to-Teachers Program authorized by this section.*

(2) *CHARTER SCHOOL.—The term “charter school” has the meaning given that term in section 5101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).*

(3) *MEMBER OF THE ARMED FORCES.—The term “member of the Armed Forces” includes a former member of the Armed Forces.*

(4) *ADDITIONAL TERMS.—The terms “elementary school”, “local educational agency”, “secondary school”, and “State” have the meanings given those terms in section 5101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).*

(b) *PROGRAM AUTHORIZATION.—The Secretary of Defense (in this section referred to as the “Secretary”) may carry out a program (to be known as the “Troops-to-Teachers Program”)—*

(1) *to assist eligible members of the armed forces described in subsection (c) to obtain certification or licensing as elementary school teachers, secondary school teachers, or career or technical teachers; and*

(2) *to facilitate the employment of such members—*

(A) *by local educational agencies or public charter schools that the Secretary of Education identifies as—*

(i) *receiving grants under subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or*

(ii) *experiencing a shortage of effective teachers, in particular a shortage of science, mathematics, special education, or career or technical teachers; and*

(B) *in elementary schools or secondary schools, or as career or technical teachers.*

(c) *ELIGIBILITY AND APPLICATION PROCESS.—*

(1) *ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:*

(A) *Any member who—*

(i) *on or after October 1, 1999, becomes entitled to retired or retainer pay under this title or title 14;*

(ii) *has an approved date of retirement that is within one year after the date on which the member submits an application to participate in the Program; or*

(iii) *transfers to the Retired Reserve.*

(B) *Any member who, on or after January 8, 2002—*

(i) *(I) is separated or released from active duty after 6 or more years of continuous active duty immediately before the separation or release; or*

(ii) *(II) has completed a total of at least ten years of active duty service, 10 years of service computed under section 12732 of this title, or 10 years of any combination of such service; and*

(iii) *executes a reserve commitment agreement for a period of not less than 3 years under paragraph (5)(B).*

(C) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of this title.

(2) *SUBMITTAL OF APPLICATIONS.*—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary. An application shall be in such form as the Secretary may require.

(B) An application may be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later than 4 years after the date on which the member is retired or separated or released from active duty, whichever applies to the member.

(3) *SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND HONORABLE SERVICE REQUIREMENT.*—(A) Subject to subparagraphs (B) and (C), the Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

(B)(i) If a member of the armed forces is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

(ii) If a member of the armed forces is applying for assistance for placement as a career or technical teacher, the Secretary shall require the member—

(I) to have received the equivalent of one year of college from an accredited institution of higher education or the equivalent in military education and training as certified by the Department of Defense; or

(II) to otherwise meet the certification or licensing requirements for a career or technical teacher in the State in which the member seeks assistance for placement under the Program.

(iii) A member of the armed forces is eligible to participate in the Program only if the member's last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned.

(4) *SELECTION PRIORITIES.*—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary shall give priority to members who—

(A) have educational or military experience in science, mathematics, special education, or career and technical subjects; and

(B) agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

(5) *OTHER CONDITIONS ON SELECTION.*—(A) The Secretary may not select an eligible member of the armed forces to partici-

*pate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to the member.*

*(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (d) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than 3 years (in addition to any other reserve commitment the member may have).*

*(d) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—*

*(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (c) and receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—*

*(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or career and technical teacher; and*

*(ii) to accept an offer of full-time employment beginning the school year after obtaining such certification or licensing as an elementary school teacher, secondary school teacher, or career and technical teacher for not less than three school years with a local educational agency receiving grants under subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C.6311 et seq.) or a public charter school.*

*(B) The Secretary may waive the three-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines the waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (e), for failure to meet the three-year commitment.*

*(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.— A participant in the Program shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—*

*(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;*

*(B) is serving on active duty as a member of the armed forces;*

*(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;*

*(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;*

*(E) is an effective teacher who is seeking and unable to find full-time employment as a teacher in an elementary*

*school or secondary school or as a career and technical teacher for a single period not to exceed 27 months; or*

*(F) satisfies such other criteria as may be prescribed by the Secretary.*

*(3) STIPEND FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may pay to a participant in the Program selected under this section a stipend in an amount of not more than \$5,000.*

*(B) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.*

*(4) BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may, in lieu of paying a stipend under paragraph (3), pay a bonus of \$10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to accept full-time employment as an elementary school teacher, secondary school teacher, or career and technical teacher for not less than 3 school years in a high-need school.*

*(B) The total number of bonuses that may be paid under subparagraph (A) in any fiscal year may not exceed 3,000.*

*(C) For purposes of subparagraph (A), the term “high-need school” means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:*

*(i) At least 50 percent of the students enrolled in the school were from low-income families (as described in subsection (b)(2)(A)(i)).*

*(ii) The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).*

*(5) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).*

*(e) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—*

*(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under subsection (d) shall be required to repay the stipend or bonus under the following circumstances:*

*(A) The participant fails to obtain teacher certification or licensing or to obtain employment as an elementary school teacher, secondary school teacher, or career and technical teacher as required by the participation agreement under subsection (d)(1).*

*(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or career and technical teacher during the 3 years of required service in violation of the participation agreement.*

*(C) The participant executed a written agreement with the Secretary concerned under subsection (c)(5)(B) to serve as a member of a reserve component of the armed forces for*

a period of 3 years and fails to complete the required term of service.

(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (d) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the three years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary under this subsection.

(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under this subsection (d) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

(g) PARTICIPATION BY STATES.—

(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and career and technical teachers.

(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed \$5,000,000.

(h) COUNSELING AND REFERRAL SERVICES.—The Secretary may provide counseling and referral services to members of the Armed Forces who meet the criteria described in subsection (c), including those members who are not eligible for assistance under paragraphs (3) and (4) of subsection (d).

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**MCKINNEY-VENTO HOMELESS ASSISTANCE ACT**

\* \* \* \* \*

## TITLE VII—EDUCATION, TRAINING, AND COMMUNITY SERVICES PROGRAMS

\* \* \* \* \*

### Subtitle B—Education for Homeless Children and Youths

#### SEC. 721. STATEMENT OF POLICY.

The following is the policy of the Congress:

(1) \* \* \*

[(2) In any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youths, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.]

*(2) In any State where compulsory residency requirements or other requirements, laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youths, the State and local educational agencies will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as is provided to other children and youths.*

(3) Homelessness [alone] is not sufficient reason to separate students from the mainstream school environment.

(4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same [challenging State student academic achievement] *State academic* standards to which all students are held.

\* \* \* \* \*

#### SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d) through [(g).] *(h)*.

[(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.]

(c) ALLOCATION AND RESERVATIONS.—

(1) ALLOCATION.—(A) Subject to subparagraph (B), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year

under section 726 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724(d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except that no State shall receive less than the greater of—

(i) \$150,000; or

(ii) one-fourth of 1 percent of the amount appropriated under section 726 for that year **;** or **].**

**[(iii) the amount such State received under this section for fiscal year 2001.]**

\* \* \* \* \*

**[(3) STATE DEFINED.—For purposes of this subsection, the term “State” does not include the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.]**

**(d) ACTIVITIES.—[Grants] Grant funds from a grant made to a State under this section shall be used for the following:**

**(1) \* \* \***

**[(2) To provide activities for, and services to, homeless children, including preschool-aged homeless children, and youths that enable such children and youths to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.]**

*(2) To provide services and activities to improve the identification of homeless children (including preschool-aged homeless children and youths) that enable such children and youths to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.*

**(3) To establish or designate an Office of Coordinator for Education of Homeless Children and Youths in the State educational agency in accordance with subsection (f) that can sufficiently carry out the duties described in this subtitle.**

\* \* \* \* \*

**[(5) To develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youths.]**

*(5) To develop and implement professional development programs for liaisons designated under subsection (g)(1)(J)(ii) and other local educational agency personnel—*

*(A) to improve their identification of homeless children and youths; and*

*(B) to heighten their awareness of, and capacity to respond to, specific needs in the education of homeless children and youths.*

**(e) STATE AND LOCAL SUBGRANTS.—**

**(1) MINIMUM DISBURSEMENTS BY STATES.—From the [sums] grant funds made available each year to a State under subsection (a) to carry out this subtitle, the State educational agency shall distribute not less than 75 percent in subgrants to local educational agencies for the purposes of carrying out section 723, except that States funded at the minimum level set forth in subsection (c)(1) shall distribute not less than 50**

percent in subgrants to local educational agencies for the purposes of carrying out section 723.

(2) USE BY STATE EDUCATIONAL AGENCY.—A State educational agency may use [funds made available for State use under this subtitle] *the grant funds remaining after the State educational agency distributes subgrants under paragraph (1) to conduct activities under subsection (f) directly or through grants or contracts.*

(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—

(A) \* \* \*

\* \* \* \* \*

(C) SCHOOL REQUIREMENTS.—For the State to be eligible under subparagraph (B) to receive funds under this subtitle, the school described in such subparagraph shall—

(i) \* \* \*

\* \* \* \* \*

(iv) demonstrate in the school’s application for funds under this subtitle that such school—

(I) \* \* \*

(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with [sections 1111 and 1116] *section 1111* of the Elementary and Secondary Education Act of 1965 and providing a full range of education and related services, including services applicable to students with disabilities).

\* \* \* \* \*

(F) REPORT.—

(i) PREPARATION.—The Secretary shall prepare [a report] *an annual report* on the separate schools and local educational agencies described in subparagraph (B) that receive funds under this subtitle in accordance with this paragraph. The report shall contain, at a minimum, information on—

(I) \* \* \*

(II) barriers to school access in the school districts served by the local educational agencies; [and]

(III) the progress the separate schools are making in integrating homeless children and youths into the mainstream school environment, including the average length of student enrollment in such schools[.]; and

(IV) *the progress the separate schools are making in helping all students meet the State academic standards.*

\* \* \* \* \*

(iii) SUBMISSION.—[Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the]

The Secretary shall submit the report described in clause (i) to—

(I) \* \* \*

\* \* \* \* \*

[(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

[(1) gather reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools, the difficulties in identifying the special needs of such children and youths, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the programs under this subtitle in allowing homeless children and youths to enroll in, attend, and succeed in, school;

[(2) develop and carry out the State plan described in subsection (g);

[(3) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and youths within the State;

[(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies (including agencies providing mental health services) to provide services to homeless children, including preschool-aged homeless children, and youths, and to families of such children and youths;

[(5) in order to improve the provision of comprehensive education and related services to homeless children and youths and their families, coordinate and collaborate with—

[(A) educators, including child development and preschool program personnel;

[(B) providers of services to homeless and runaway children and youths and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youths);

[(C) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

[(D) community organizations and groups representing homeless children and youths and their families; and

[(6) provide technical assistance to local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of section 722(e)(3) and paragraphs (3) through (7) of subsection (g).

[(g) STATE PLAN.—

[(1) IN GENERAL.—Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

[(A) A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic achievement standards all students are expected to meet.

[(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their special needs.

[(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

[(D) A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youths.

[(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs.

[(F) A description of procedures that ensure that—

[(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children in the State;

[(ii) homeless youths and youths separated from the public schools are identified and accorded equal access to appropriate secondary education and support services; and

[(iii) homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs.

[(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

[(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—

[(i) immunization and medical records requirements;

[(ii) residency requirements;

[(iii) lack of birth certificates, school records, or other documentation;

[(iv) guardianship issues; or

[(v) uniform or dress code requirements.

[(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youths in schools in the State.

[(J) Assurances that—

[(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless;

[(ii) local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A); and

[(iii) the State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

[(I) If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

[(II) If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

[(2) COMPLIANCE.—

[(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

[(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

[(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

[(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest—

[(i) continue the child's or youth's education in the school of origin for the duration of homelessness—

[(I) in any case in which a family becomes homeless between academic years or during an academic year; or

[(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

[(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

[(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

[(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

[(ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and

[(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

[(C) ENROLLMENT.—(i) The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

[(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

[(iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D).

[(D) RECORDS.—Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

[(i) so that the records are available, in a timely fashion, when a child or youth enters a new school or school district; and

[(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

[(E) ENROLLMENT DISPUTES.—If a dispute arises over school selection or enrollment in a school—

[(i) the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

[(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;

[(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

[(iv) in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

[(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

[(G) SCHOOL OF ORIGIN DEFINED.—In this paragraph, the term “school of origin” means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

[(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

[(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

[(A) Transportation services.

[(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

[(C) Programs in vocational and technical education.

[(D) Programs for gifted and talented students.

[(E) School nutrition programs.

[(5) COORDINATION.—

[(A) IN GENERAL.—Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate—

[(i) the provision of services under this subtitle with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

[(i) with other local educational agencies on inter-district issues, such as transportation or transfer of school records.

[(B) HOUSING ASSISTANCE.—If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

[(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

[(i) ensure that homeless children and youths have access and reasonable proximity to available education and related support services; and

[(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

[(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

[(A) DUTIES.—Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

[(i) homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;

[(ii) homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

[(iii) homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

[(iv) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

[(v) public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens;

[(vi) enrollment disputes are mediated in accordance with paragraph (3)(E); and

[(vii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transpor-

tation to the school that is selected under paragraph (3)(A).

[(B) NOTICE.—State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the local educational agency liaisons.

[(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.

[(7) REVIEW AND REVISIONS.—

[(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of homeless children and youths in schools that are selected under paragraph (3).

[(B) CONSIDERATION.—In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

[(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.]

(f) *FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—*

*(1) gather and make publically available reliable, valid, and comprehensive information on—*

*(A) the number of homeless children and youths identified in the State, posted annually on the State educational agency's website;*

*(B) the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools;*

*(C) the difficulties in identifying the special needs and barriers to the participation and achievement of such children and youths;*

*(D) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and*

*(E) the success of the programs under this subtitle in identifying homeless children and youths and allowing such children and youths to enroll in, attend, and succeed in, school;*

*(2) develop and carry out the State plan described in subsection (g);*

*(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing information necessary to assess the educational needs of homeless children and youths within the State, including data*

necessary for the Secretary to fulfill the responsibilities under section 724(h);

(4) in order to improve the provision of comprehensive education and related support services to homeless children and youths and their families, coordinate and collaborate with—

(A) educators, including teachers, special education personnel, administrators, and child development and preschool program personnel;

(B) providers of services to homeless children and youths and their families, including services of public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

(C) providers of emergency, transitional, and permanent housing to homeless children and youths, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youths;

(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

(E) community organizations and groups representing homeless children and youths and their families;

(5) provide technical assistance to local educational agencies, in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of subsection (e)(3), paragraphs (3) through (7) of subsection (g), and subsection (h);

(6) provide professional development opportunities for local educational agency personnel and the homeless liaison designated under subsection (g)(1)(J)(ii) to assist such personnel in meeting the needs of homeless children and youths; and

(7) respond to inquiries from parents and guardians of homeless children and youths and unaccompanied youths to ensure that each child or youth who is the subject of such an inquiry receives the full protections and services provided by this subtitle.

(g) STATE PLAN.—

(1) IN GENERAL.—In order to be eligible to receive a grant under this section, each State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State that includes the following:

(A) A description of how such children and youths are (or will be) given the opportunity to meet the same State academic standards that all students are expected to meet.

(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their needs.

(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

(D) A description of programs for school personnel (including liaisons, school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless youths.

(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local nutrition programs.

(F) A description of procedures that ensure that—

(i) homeless children have equal access to public preschool programs, administered by the State educational agency or local educational agency, as provided to other children in the State;

(ii) homeless youths and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services; and

(iii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local education programs.

(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—

(i) immunization and other health records requirements;

(ii) residency requirements;

(iii) lack of birth certificates, school records, or other documentation;

(iv) guardianship issues; or

(v) uniform or dress code requirements.

(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the identification, enrollment, and retention of homeless children and youths in schools in the State.

(J) Assurances that the following will be carried out:

(i) The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.

(ii) Local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A).

(iii) *The State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:*

(I) *If the child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.*

(II) *If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.*

(2) **COMPLIANCE.—**

(A) **IN GENERAL.—***Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).*

(B) **COORDINATION.—***Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).*

(3) **LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—**

(A) **IN GENERAL.—***The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest—*

(i) *continue the child's or youth's education in the school of origin for the duration of homelessness—*

(I) *in any case in which a family becomes homeless between academic years or during an academic year; or*

(II) *for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or*

(ii) *enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.*

**(B) SCHOOL STABILITY.**—*In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—*

*(i) presume that keeping the child or youth in the school of origin is in the child or youth's best interest, except when doing so is contrary to the wishes of the child's or youth's parent or guardian, or the unaccompanied youth;*

*(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the wishes of the homeless child's or youth's parent or guardian or the unaccompanied youth involved;*

*(iii) if, after conducting the best interest determination based on consideration of the presumption in clause (i) and the student-centered factors in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent, guardian, or unaccompanied youth, provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph (E); and*

*(iv) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).*

**(C) ENROLLMENT.**—

*(i) IN GENERAL.*—*The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—*

*(I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or*

*(II) has missed application or enrollment deadlines during any period of homelessness.*

*(ii) RELEVANT ACADEMIC RECORDS.*—*The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.*

*(iii) RELEVANT HEALTH RECORDS.*—*If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or the unaccompanied child or youth, to the local edu-*

*cational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records, in accordance with subparagraph (D).*

*(iv) NO LIABILITY.—Whenever the school selected enrolls an unaccompanied youth in accordance with this paragraph, no liability shall be imposed upon the school by reason of enrolling the youth without parent or guardian consent.*

*(D) RECORDS.—Any record ordinarily kept by the school, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—*

*(i) so that the records involved are available, in a timely fashion, when a child or youth enters a new school or school district; and*

*(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).*

*(E) ENROLLMENT DISPUTES.—If a dispute arises over school selection or enrollment in a school—*

*(i) the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;*

*(ii) the parent, guardian, or unaccompanied youth shall be provided with a written explanation of any decisions made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or youth to appeal such decisions;*

*(iii) the parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and*

*(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in school in which the youth seeks enrollment pending resolution of such dispute.*

*(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.*

*(G) SCHOOL OF ORIGIN DEFINED.—*

*(i) IN GENERAL.—In this paragraph, the term “school of origin” means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled.*

*(ii) RECEIVING SCHOOL.—When the child or youth completes the final grade level served by the school of origin, as described in clause (i), the term “school of or-*

igin” shall include the designated receiving school at the next grade level for all feeder schools.

(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

(I) PRIVACY.—Information about a homeless child’s or youth’s living situation shall be treated as a student education record under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and shall not be released to housing providers, employers, law enforcement personnel, or other persons or agencies not authorized to have such information under section 99.31 of title 34, Code of Federal Regulations.

(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this paragraph shall ensure that homeless children and youth have opportunities to meet the same State academic standards to which other students are held.

(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

(A) Transportation services.

(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or similar State or local programs, educational programs for children with disabilities, and educational programs for English learners.

(C) Programs in career and technical education.

(D) Programs for gifted and talented students.

(E) School nutrition programs.

(5) COORDINATION.—

(A) IN GENERAL.—Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate—

(i) the provision of services under this subtitle with local social services agencies and other agencies or entities providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

(B) HOUSING ASSISTANCE.—If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

(C) *COORDINATION PURPOSE.*—The coordination required under subparagraphs (A) and (B) shall be designed to—

(i) ensure that all homeless children and youths are promptly identified;

(ii) ensure that homeless children and youths have access to, and are in reasonable proximity to, available education and related support services; and

(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

(D) *HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.*—For children and youth who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by that local educational agency and other involved local educational agencies.

(6) *LOCAL EDUCATIONAL AGENCY LIAISON.*—

(A) *DUTIES.*—Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

(i) homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;

(ii) homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

(iii) homeless families, children, and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start, Early Head Start, early intervention, and preschool programs administered by the local educational agency;

(iv) homeless families, children, and youths receive referrals to health care services, dental services, mental health and substances abuse services, housing services, and other appropriate services;

(v) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

(vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;

(vii) enrollment disputes are mediated in accordance with paragraph (3)(E);

(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);

(ix) school personnel providing services under this subtitle receive professional development and other support; and

(x) unaccompanied youths—

(I) are enrolled in school;

(II) have opportunities to meet the same State academic standards to which other students are held, including through implementation of the policies and practices required by paragraph (1)(F)(ii); and

(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

(B) NOTICE.—State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons on the State educational agency's website.

(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

(7) REVIEW AND REVISIONS.—

(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of homeless children and youths in schools that are selected under paragraph (3).

(B) CONSIDERATION.—In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.

(h) SPECIAL RULE FOR EMERGENCY ASSISTANCE.—

(1) EMERGENCY ASSISTANCE.—

(A) RESERVATION OF AMOUNTS.—Subject to paragraph (4) and notwithstanding any other provision of this title, the Secretary shall use funds appropriated under section 726 for **【fiscal year 2009,】** *fiscal years 2013 through 2018*, but not to exceed \$30,000,000, for the purposes of providing emergency assistance through grants.

\* \* \* \* \*

**SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.**

(a) GENERAL AUTHORITY.—

(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 726, make subgrants to local educational agencies for the purpose of **【facilitating the enrollment,】** *facilitating the identification, enrollment, attendance, and success in school of homeless children and youths.*

(2) SERVICES.—

(A) IN GENERAL.—Services under paragraph (1)—

(i) may be provided through programs on school grounds or at other facilities; *and*

(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youths with nonhomeless children and youths**【; and】**.

**【(iii) shall be designed to expand or improve services provided as part of a school’s regular academic program, but not to replace such services provided under such program.】**

\* \* \* \* \*

(4) *DURATION OF GRANTS.—Subgrants awarded under this section shall be for terms of not to exceed 3 years.*

(b) APPLICATION.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following:

(1) \* \* \*

\* \* \* \* \*

**【(3) An assurance that the local educational agency’s combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.】**

**【(4) (3) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).**

**【(5) (4) A description of policies and procedures, consistent with section 722(e)(3), that the agency will implement to en-**

sure that activities carried out by the agency will not isolate or stigmatize homeless children and youths.

(5) *An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).*

(6) *An assurance that the local educational agency has removed barriers to complying with the requirements of section 722(g)(1)(I).*

(c) AWARDS.—

(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section [726] 722(a), make competitive subgrants to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

(2) NEED.—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youths enrolled in preschool, elementary, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youths and the ability of the local educational agency to meet such needs. The State educational agency may also consider the following:

(A) The extent to which the proposed use of funds will facilitate the *identification*, enrollment, retention, and educational success of homeless children and youths.

[(B) The extent to which the application—

[(i) reflects coordination with other local and State agencies that serve homeless children and youths; and

[(ii) describes how the applicant will meet the requirements of section 722(g)(3).]

(B) *The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youths.*

(C) The extent to which the applicant exhibits in the application and in current practice (*as of the date of submission of the application*) a commitment to education for all homeless children and youths.

\* \* \* \* \*

(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider the following:

(A) \* \* \*

\* \* \* \* \*

[(C) The involvement of parents or guardians of homeless children or youths in the education of their children.]

(C) *The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youths in the education of their children.*

(D) The extent to which homeless children and youths will be integrated **【within】** into the regular education program.

\* \* \* \* \*

(G) *The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing nonsubgrant funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.*

(H) *How the local educational agency uses funds to serve homeless children and youths under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).*

**【(G) Such】** (I) *The extent to which the applicant's program meets such other measures as the State educational agency considers indicative of a high-quality program, such as the extent to which the local educational agency will provide **【case management or related】** services to unaccompanied youths.*

(J) *An assurance that the applicant will meet the requirements of section 722(g)(3).*

**【(4) DURATION OF GRANTS.—**Grants awarded under this section shall be for terms not to exceed 3 years.**】**

(d) **AUTHORIZED ACTIVITIES.—**A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same **【challenging State academic content standards and challenging State student academic achievement standards】** *State academic standards* the State establishes for other children and youths.

(2) The provision of expedited evaluations of the strengths and needs of homeless children and youths, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and **【students with limited English proficiency,】** *English learners*, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in **【vocational】** *career* and technical education, and school nutrition programs).

(3) Professional development and other activities for educators and **【pupil services】** *specialized instructional support* personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youths, the rights of such children and youths under this subtitle, and the specific educational needs of runaway and homeless youths.

\* \* \* \* \*

(7) The provision of services and assistance to attract, engage, and retain homeless children and youths**【, and unaccompanied youths,】, particularly homeless children and youths**

*who are not enrolled in school*, in public school programs and services provided to nonhomeless children and youths.

\* \* \* \* \*

(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youths in school, including birth certificates, immunization or **medical** *other required health* records, academic records, guardianship records, and evaluations for special programs or services.

(10) The provision of education and training to the parents of homeless children and youths about the rights of, and resources available to, such children and youths, *and other activities designed to increase the meaningful involvement of parents or guardians of homeless children or youths in the education of their children.*

\* \* \* \* \*

(12) The provision of **[pupil]** *specialized instructional support* services (including violence prevention counseling) and referrals for such services.

(13) Activities to address the particular needs of homeless children and youths that may arise from domestic violence *and parental mental health or substance abuse problems.*

\* \* \* \* \*

#### SEC. 724. SECRETARIAL RESPONSIBILITIES.

(a) \* \* \*

\* \* \* \* \*

**[(c) NOTICE.—**The Secretary shall, before the next school year that begins after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, create and disseminate nationwide a public notice of the educational rights of homeless children and youths and disseminate such notice to other Federal agencies, programs, and grantees, including Head Start grantees, Health Care for the Homeless grantees, Emergency Food and Shelter grantees, and homeless assistance programs administered by the Department of Housing and Urban Development.**]**

(c) *NOTICE.—*

(1) *IN GENERAL.—*The Secretary shall, before the next school year that begins after the date of the enactment of the Encouraging Innovation and Effective Teachers Act, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) of the educational rights of homeless children and youths.

(2) *DISSEMINATION.—*The Secretary shall disseminate the notice nationally to all Federal agencies, program grantees, and grant recipients serving homeless families, children, and youths.

(d) **EVALUATION AND DISSEMINATION.—**The Secretary shall conduct evaluation **[and dissemination]**, *dissemination, and technical assistance* activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

(e) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under **[this subtitle]** *section 722* to be submitted to the Secretary not later than the expiration of the **[60-day]** *120-day* period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the **[120-day]** *180-day* period beginning on such date.

(f) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education, as described in section 721(1). *The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.*

**[(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, school enrollment guidelines for States with respect to homeless children and youths. The guidelines shall describe—**

**[(1) successful ways in which a State may assist local educational agencies to immediately enroll homeless children and youths in school; and**

**[(2) how a State can review the State’s requirements regarding immunization and medical or school records and make such revisions to the requirements as are appropriate and necessary in order to enroll homeless children and youths in school immediately.]**

*(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of the enactment of the Encouraging Innovation and Effective Teachers Act, strategies by which a State—*

*(1) may assist local educational agencies to implement the provisions amended by the Act; and*

*(2) can review and revise State policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youths in school.*

(h) INFORMATION.—

(1) IN GENERAL.—From funds appropriated under section 726, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding—

(A) the number and location of homeless children and youths *in all areas served by local educational agencies;*

\* \* \* \* \*

(i) REPORT.—Not later than 4 years after the date of enactment of the **[McKinney-Vento Homeless Education Assistance Improvements Act of 2001]** *Encouraging Innovation and Effective Teachers Act*, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youths, which shall include information on—

- (1) \* \* \*
- \* \* \* \* \*

**SEC. 725. DEFINITIONS.**

For purposes of this subtitle:

- (1) \* \* \*
- (2) The term “homeless children and youths”—
  - (A) \* \* \*
  - (B) includes—
    - (i) \* \* \*

\* \* \* \* \*

(iv) migratory children (as such term is defined in section [1309] 1139 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

(3) The terms “local educational agency” and “State educational agency” have the meanings given such terms in section [9101] 5101 of the Elementary and Secondary Education Act of 1965.

\* \* \* \* \*

**[SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

**[For the purpose of carrying out this subtitle, there are authorized to be appropriated \$100,000,000 for fiscal year 2009 and such sums as may be necessary for each subsequent fiscal year.]**

**SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

*(a) IN GENERAL.—For the purpose of carrying out this subtitle, there are authorized to be appropriated \$65,173,000 for fiscal year 2013.*

*(b) OUT YEARS.—The amount authorized under subsection (a) shall be increased for each of fiscal years 2014 through 2018 by a percentage equal to the percentage of inflation according to the Consumer Price Index, for the calendar year ending prior to the beginning of that fiscal year.*

\* \* \* \* \*

## MINORITY VIEWS

### OVERVIEW

Committee Democrats strongly and unanimously oppose H.R. 3990. The bill, which was drafted through a completely partisan process and without input from the Minority, fails to address the needs of school leaders, teachers, and most importantly, students. H.R. 3990 shifts much needed resources away from the poorest students, and it fails to provide adequate support for professional development to improve teaching and learning. H.R. 3990 ignores the critical role of pre-service training in creating a pool of highly trained teachers to enter the classroom. With a sole focus on math and reading assessments for accountability purposes, H.R. 3990 fails to provide programmatic support for literacy or STEM or other subjects to provide for a well-rounded curriculum. The bill also eliminates wrap-around services, support for before-, after-, and summer school, and support for expanded learning time, all of which are critical to student learning. Given the urgent need to fix current law and to address the fatal flaws of H.R. 3990, Committee Democrats offered, at mark-up, a comprehensive substitute to the Republican bill that lays out a positive vision for a reauthorization that works for students.

Committee Democrats believe that the reauthorization of NCLB must build upon what we have learned over the last 10 years and take advantage of and support the advancements that have been made in that time. Committee Democrats believe reauthorization should lead to the placement of an effective teacher in every classroom and an effective school leader in every school across the country. Federal policy should encourage and support important professional development opportunities for teachers and school leaders. It should protect collective bargaining and teacher privacy. Federal policy should also support states, districts, and schools in their efforts to provide a well-rounded education to students, and these efforts should take place during the school day as well as before-, after- and in summer school. Committee Democrats also believe that non-academic factors, such as mental health and counseling needs, create barriers to student learning. These barriers affect student achievement and, if we truly want students to graduate high school and be ready to succeed in college and the workforce, federal policy must support states, districts, and schools in their efforts to address the non-academic needs of students.

H.R. 3990 does not include any of the Democratic priorities for reauthorization and fails to move the public education system forward. Unfortunately, by taking this partisan approach, Committee Republicans effectively ensure that NCLB will remain the law of the land, denying the nation's students and schools the reforms they need to succeed.

#### H.R. 3990 FAILS TO SUPPORT TEACHERS AND SCHOOL LEADERS

Federal policy must ensure that every student graduates from high school prepared for college and the workforce. In order to achieve that goal, every student must have access to an effective

teacher. Unfortunately, H.R. 3990 does not increase access to effective teachers. The bill fails to provide support to teachers to ensure that they are successful. In addition, H.R. 3990 also fails to ensure that we have the most effective school leaders in every school.

H.R. 3990 requires mandatory evaluation systems for teachers. While Committee Democrats believe that fair evaluation systems are important for true reform, the bill calls for the creation of systems that are purely punitive in nature. The bill only requires that the systems be used for personnel decisions, not for professional development. H.R. 3990 does not support collective bargaining rights of teachers, and it does not require states and districts to ensure that teachers' voices are part of system creation and implementation. David Cicarella, President of the New Haven Federation of Teachers, at the 2011 hearing entitled "Education Reforms: Exploring Teacher Quality Initiatives," and Republican witness Ms. Felicia Kazmier an Art teacher from Otero Elementary School in Colorado Springs, at the February 2012 hearing on H.R. 3990, both testified how essential teacher input is to effective system creation and implementation. H.R. 3990 also does not take into consideration the working conditions of teachers and leaders, including those related to school safety. In addition, the bill does not link the evaluation systems with supports to improve teacher performance and student learning through professional development, nor does it support access to effective teachers for all students.

H.R. 3990 also fails students by ignoring the very real need for principal evaluations. Committee Democrats believe that in order for a school to truly benefit students, the entire school system must be evaluated, needs must be identified, and professional development must be targeted to address the identified needs. H.R. 3990 accomplishes none of this.

H.R. 3990 establishes an arbitrary cap on class size funding. This provision ignores very clear research that class size reduction in early grades is effective in improving student achievement. The first large-scale experiment on small class size was the Tennessee Student/Teacher Achievement Ratio (STAR) program. Several studies on the STAR program and other similar class reduction programs confirm substantial academic gains for K-3 students in smaller classes compared to students in larger classes.

H.R. 3990 also eliminates the current law minimum threshold for teacher quality by striking the Highly Qualified Teacher definition. Current law contains many provisions related to improving teacher quality, including the requirement that all students be taught by highly qualified teachers. In order to become a highly qualified teacher, NCLB requires that teachers possess a baccalaureate degree and a state teaching certificate. Teachers are also required to demonstrate content knowledge for the subjects and grades they teach. Over the past ten years, research has shown that teacher quality is one of the most important factors in student achievement. Current law's provisions requiring minimum standards for teachers prior to entering the classroom were an important step forward in improving education for both teachers and students. H.R. 3990 undermines this advancement by not only eliminating current law requirements, but also by failing to set any new minimum standards for teachers before they enter the classroom.

H.R. 3990 also arbitrarily eliminates Title II of the Higher Education Act, which provides federal support for high quality teacher training. Though improvements must be made to that system, stripping funds from the programs that train and educate 95 percent of teachers is not an effective strategy to achieve that goal.

#### H.R. 3990 IS FISCALLY IRRESPONSIBLE

H.R. 3990 creates a block grant that is yet another example of the Republican failure to learn from the lessons of the past ten years and improve upon current law. The bill provides limited funding to states and districts to address the needs of students ranging from STEM to literacy to the arts to after school activities. Block grants are the first step to eliminating programs under the guise of increased flexibility for administrators. In addition, block grants fail taxpayers because there is no accountability for how funds are spent. Block grants make it difficult to collect standardized data and monitor interventions to determine effectiveness. Additionally, under the Republican proposals to eliminate maintenance of effort requirements it is likely that block grant funds will only be used to fill the holes left after states re-direct public education dollars to other areas.

Moreover, block grants spread funding too thin. When there is no concentration of resources on a specific area or population, there is no observable change. Block grants reduce the ability to demonstrate what programs work and at what funding levels they work best. While funding is only a part of the education policy equation, spreading money out over multiple education programs disrupts the ability to determine how much is the right amount to have an effect and under which conditions.

#### H.R. 3990 FAILS TO SUPPORT 21ST CENTURY COMMUNITY LEARNING CENTERS

H.R. 3990 eliminates all dedicated support for additional learning time (including before-, after- and summer school programs, and expanded learning time). After-school programs, supported by current federal 21st CCLC funding have proved successful in developing the academic, social, emotional, and physical needs as well as the interests of students that results in improved student achievement.

For example, in a 20-year UCLA longitudinal study, researchers found that LA's BEST—a program funded in part by 21st CCLC—elementary school students in after school who participated for three or more years were nearly 20 percent less likely to drop out years later than similar students who did not attend LA's BEST.<sup>1</sup> A 2011 UCLA study confirmed the lasting impact of high-quality after school programs, showing that students who participated in LA's BEST in their elementary school years demonstrated aca-

<sup>1</sup>Huang, D., Kim, K.S., Marshall, A., & Perez, P. (2005). Keeping kids in school: An LA's BEST example. Los Angeles, CA: National Center for Research on Evaluation, Standards and Student Testing, University of California, Los Angeles. [http://www.lasbest.org/what/publications/Keeping\\_Kids\\_in\\_School\\_Exec\\_Sum.pdf](http://www.lasbest.org/what/publications/Keeping_Kids_in_School_Exec_Sum.pdf); LA's BEST After School Enrichment Program. (2006). Annual Report 2005–2006. Caught up in the act . . . of success. [http://www.lasbest.org/what/publications/annual\\_reports/AR0506-web%5B1%5D.pdf](http://www.lasbest.org/what/publications/annual_reports/AR0506-web%5B1%5D.pdf)

ademic gains in math, science and history.<sup>2</sup> After-school programs also provide safe learning environments for many low-income students who would otherwise be unsupervised and whose families cannot afford needed enrichment opportunities.

In recent studies of public schools where low income students were shown to excel, more instructional time than conventional schools or expanded learning time was an essential factor. The Mid-continent Research for Education and Learning (McREL), found that experienced teachers believed that they needed at least 20 percent more hours to teach the four core academic subjects—English language arts, mathematics, social studies, and science—than are available in a standard school year.<sup>3</sup>

At a 2011 hearing entitled, “Education in the Nation: Examining the Challenges and Opportunities Facing America’s Classrooms”, when asked about the importance of non-academic supports for students and additional learning time, witness Ted Mitchell, CEO and President of the NewSchools Venture Fund, said “In the schools where we work, it is no surprise that extending the school day and providing some of those kinds of supports, but also the extended safe period for kids, has become one of the trends that no one prescribed, but it has just grown up over time. And the research on extended learning time that is growing, first out of Massachusetts and now in other states, is quite compelling, that extended learning time can go a long way to addressing many of those needs.”

In addition, the National Center on Time & Learning found that 9 in 10 schools considered their longer day and year to be essential to meeting their educational goals in a survey of nearly 250 schools that feature an expanded schedule.<sup>4</sup> H.R. 3990 ignores the research. Instead of improving on current law, the bill moves our educational system backwards and fails to meet the needs of students, jeopardizing their future success by removing effective federal policy.

#### H.R. 3990 FAILS TO SUPPORT THE NON-ACADEMIC NEEDS OF STUDENTS

H.R. 3990 eliminates all dedicated support for wrap-around services essential to increasing student achievement. A student’s mental, social, or emotional health, including problems such as depression, bullying, or alcohol and substance abuse, can create barriers to learning. Such barriers exist for an increasingly large number of students. Research clearly shows that students suffering from these problems suffer declining test scores and diminished academic functioning. An estimated 20 percent of school-age students will experience a significant mental health problem during their school years.<sup>5</sup> Further, some research suggests that up to 71 percent of youth experience at least one victimization event each year (for ex-

<sup>2</sup>UCLA National Center for Research on Evaluations, Standards, and Student Testing (CREST). (2011). Supporting student success in middle schools: examining the Relationship between elementary afterschool program participation and subsequent middle school attainments. Executive summary.

<sup>3</sup>Judy Florian, “Teacher Survey of Standards-Based Instruction: Addressing Time” (Aurora, CO: Mid-Continent Research for Education and Learning, 1999).

<sup>4</sup>[http://www.americanprogress.org/issues/2010/02/pdf/elt\\_policy\\_brief.pdf](http://www.americanprogress.org/issues/2010/02/pdf/elt_policy_brief.pdf)

<sup>5</sup>Kutash, Duchnowski, & Freidman, 2005; U.S. Department of Health and Human Services, 1999.

ample, assault, theft, criminal victimization, or child maltreatment), with many exposed to multiple victimizations.<sup>6</sup>

In the hearing, “Education in the Nation: Examining the Challenges and Opportunities Facing America’s Classrooms,” on February 10, 2011, when asked if it was important to provide wrap around services in schools, Republican witness and Indiana Superintendent of Public Instruction Tony Bennett said, “So, you know, we have to make tough decisions. This goes to that statement about marrying fiscal policy and education policy. We have to put our money into the things that are going to drive results. And these school corporations that have done this around the state of Indiana have had to make tough fiscal decisions to provide these services for children, but they have made a difference in the lives of those children.” H.R. 3990 fails to invest in the services that are successful and drive results.

Students show improved outcomes when they have access to school-based mental health services. Research shows that students who have access to and receive social, emotional, and behavioral health support demonstrate better grades and standardized test scores.<sup>7</sup> In addition, school mental health programs have been shown to decrease absences and discipline referrals.

Unfortunately, H.R. 3990 again ignores the research. By failing to provide dedicated support for wrap-around service, the bill fails to recognize the very real needs of students, fails to acknowledge and support what is actually working on the ground, and undermines the ability of schools to meet the needs of their students.

#### H.R. 3990 FAILS TO SUPPORT A WELL-ROUNDED EDUCATION FOR STUDENTS

One of the criticisms commonly heard about No Child Left Behind is that it forced schools to narrow their curriculum. Despite these criticisms, H.R. 3990 eliminates all dedicated support for critical programs addressing STEM, literacy, and other subject matter that provide for a well-rounded education. A number of interventions and practices have been shown to increase student literacy skills; school districts just need the support to scale up best practices and implement them in the classroom. With federal support, 46 states are already working to implement comprehensive literacy strategies to strengthen our students’ ability to compete in the 21st century economy. Unfortunately, H.R. 3990 eliminates support for literacy and once again fails to acknowledge what is actually needed and what is working in schools.

STEM occupations are projected to grow by 17 percent from 2008 to 2018, compared to 9.8 percent growth for non-STEM occupations.<sup>8</sup> Committee Democrats believe that federal policy must keep pace with the increased demand for STEM occupations. Dedicated resources to STEM education have already led to increases in student achievement. From 1990 to 2007, average mathematics scores increased by 27 points for fourth graders.<sup>9</sup> However, when compared to other nations, the math and science achievement of U.S.

<sup>6</sup> Finkelhor, Ormrod, Turner, & Hamby, 2005.

<sup>7</sup> Jennings, Pearson, and Harris in 2000.

<sup>8</sup> <http://www.esa.doc.gov/Reports/stem-good-jobs-now-and-future>.

<sup>9</sup> <http://www.nsf.gov/statistics/seind12/pdf/c01.pdf>.

pupils and the rate of STEM degree attainment appear inconsistent with a nation considered the world leader in scientific innovation. According to the 2009 Programme for International Student Assessment, out of 34 countries, the U.S. ranked 14th in reading, 17th in science and 25th in math. H.R. 3990 does nothing to increase student achievement in STEM subjects. It ignores the very real need to support STEM learning in order to graduate students who will be competitive in STEM careers.

Instead of taking steps forward to support innovative and effective reform, H.R. 3990 once again undermines the needs of America's students, fails to improve on current law, and fails to provide support for literacy, STEM, and other subjects such as art, history, economics, and much more.

#### BROAD OPPOSITION TO H.R. 3990

H.R. 3990 was opposed by a broad array of education organizations. Some of the groups in opposition include: the Education Trust, the Consortium for Citizens with Disabilities, the National PTA, the Council for Exceptional Children, the National Education Association, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the American Federation of Teachers, First Focus, the Council of the Great City Schools, the STEM Ed Coalition, the National Association of School Psychologists, the Coalition for Teacher Quality, and the Afterschool Alliance.

Additionally, the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus wrote a letter in opposition to H.R. 3990 citing "the potentially grave consequences" of this bill on students and communities.

#### DEMOCRATIC VISION FOR ESEA REAUTHORIZATION—SUBSTITUTE AMENDMENT

Due to the detrimental effect H.R. 3990 would have on school leaders, teachers, and students, Democrats offered a complete substitute amendment that struck all of H.R. 3990 and updated Title II, Title IV, and Part D of Title V of current law. This amendment would provide for effective and supported teachers in every classroom; give students access to a well-rounded education; and provide students with the non-academic supports they need to come to class ready to learn and achieve.

#### *Effective teachers and leaders*

Research is clear that the most important factor in the education of a child is his or her teacher, followed closely behind by the principal. NCLB, for the first time, addressed issues of teacher quality, with the goal of ensuring that teachers meet minimum standards before entering the classroom. Much has been learned about teacher quality since NCLB was signed into law. Though today the national debate centers on teacher and school leader effectiveness and outputs, 10 years ago the data capacity did not even exist to have those conversations. Committee Democrats believe that the reauthorization of NCLB must build on what we have learned about teachers and leaders over the last 10 years and utilize the advance-

ments made on data capacity at the state, district and school level to improve teaching and learning.

The Democratic substitute supports teacher and principal evaluation systems to ensure teachers and leaders are receiving quality evaluations that integrate targeted support and opportunities to improve. Committee Democrats believe that teacher evaluation systems should be developed with teachers and school leaders, protect collective bargaining rights, protect the privacy of teachers, and include multiple measures of student achievement and classroom practice. Teacher evaluation is also part of the Administration's NCLB waiver package that 11 states are implementing and for which another 26 states have applied.

The Democratic substitute also requires local education agencies to develop and implement an assessment of educator supports and working conditions to ensure teachers and school leaders are given the best opportunity to succeed with students. The assessment would evaluate educator supports, such as access to quality professional development and instructional materials, timely access to data, professional growth opportunities, and strong instructional leadership. It would also evaluate working conditions such as school climate, safety, and opportunities to collaborate. Districts would need to develop a plan to address shortfalls and annually report on that plan. Additionally, the assessment and corresponding plan would be developed with teachers and school leaders.

The Democratic substitute puts the needs of students first by requiring states and districts to address the equitable distribution of effective teachers and school leaders to ensure they reach the students that need them the most. States and districts would be required to develop and implement a plan to ensure students are taught and schools are led by effective teachers and school leaders at equal rates across a district.

The Democratic substitute also restores Title II of the Higher Education Act. Committee Democrats update the program to ensure that teachers are prepared to teach students to new college and career ready standards. Committee Democrats also would have required states to establish a data system link between districts and pre-service programs to support data sharing. Such a link would have provided aggregated student performance information back to schools of education and other pre-service programs to support their improvement.

*Eliminating the block grant in H.R. 3990*

The Democratic substitute amendment restores fiscal responsibility and support for essential student services by eliminating the Republican block grant and providing for five dedicated funding streams for consolidated programs, including: 21st Century Community Learning Partnerships, non-academic support services to students, literacy programs, STEM programs, and funding for a well-rounded education.

*21st Century Community Learning partnerships*

The Democratic substitute addresses the need of districts, schools, and students by improving the 21st Century Community Learning Centers program (21st CCLC) and providing formula

funding to states, and competitive grants to partnerships of local educational agencies and community-based organizations to support before-, after-, and summer school programs, as well as expanded learning time opportunities. Committee Democrats firmly believe that decisions should be made at the local level on whether to use the funds for before-, after-, or summer school programs, or expanded learning time activities based on an assessment of needs in the schools that would be served. The need to engage and support more students is urgent. Now more than ever, we need to be providing students with additional learning time to achieve a high-quality education and skills that meet the needs of the 21st Century.

*Non-academic supports for students*

The Democratic substitute to H.R. 3990 ensured that schools would have the funds necessary to support key wrap-around services necessary for students to succeed in school. The Democratic substitute amendment provides formula funding to states, and competitive grants to local educational agencies to support programs and services to address school safety, the prevalence of substance abuse, the unmet needs of youth in danger of juvenile delinquency and gang activity, the need for specialized instructional support personnel, and the prevalence of student health needs (including mental health and nutrition). The Democratic substitute recognizes that if States and local educational agencies are to be held accountable for student achievement, they must also have access to a dedicated funding stream to address the non-academic needs of students.

*Support for a well-rounded education*

The Democratic substitute supports a well-rounded education for students, ensuring that students have access to high-quality literacy, and STEM curriculum and teachers. Committee Democrats believe it is unacceptable that American fifteen-year-olds rank fourteenth among developed nations in reading, lagging behind such countries as Poland, Iceland, and Estonia.<sup>10</sup> The Democratic substitute recognizes that reading and writing are absolutely critical to a student's education, and to the nation's economy. The substitute provides funds to implement state literacy plans and provides support for professional development, curriculum, assessments and other academic supports.

Concern about America's ability to be competitive in the global economy has also led to a number of calls to action to strengthen the STEM pipeline. The Democratic substitute answers that call and focuses on graduating students prepared for college and careers in STEM occupations. The Democratic substitute recognizes the enormous need for STEM education in this country and creates a comprehensive program for STEM education from birth through grade 12. Schools could implement STEM programs, develop curriculum, or assessments, or professional development activities for mathematics, statistics, science, computer science, or engineering.

<sup>10</sup>[http://nationsreportcard.gov/reading\\_\\_2009](http://nationsreportcard.gov/reading__2009) (accessed March 1, 2011).

In 2007, about 20% of all public middle and high school mathematics and science teachers were novice teachers. Novice STEM teachers disproportionately teach in high-minority schools: 22% of mathematics teachers and 25% of science teachers were novices, compared with 13% and 15% in low-minority schools.<sup>11</sup> The Democratic Substitute addresses this inequality by creating a STEM Master Teacher Corps that will attract, improve, and retain teachers who teach STEM subjects in high need schools.

The Democratic substitute also provides support beyond literacy and STEM so that students have access to diverse subject areas including American History, Civics, and Geography, Economics, Entrepreneurship, Financial Literacy Education programs, Foreign Languages, Arts, and Javits Gifted and Talented programs.

Committee Democrats also recognize that it is hard for states and districts to compete for numerous small pots of funding so the Substitute allows for consolidated applications to reduce administrative burden and bureaucracy. The Democratic substitute also provides funds for a national competition for nonprofit organizations with demonstrated expertise in specific content areas, such as the National Writing Project, Ready to Learn, Reach Out and Read, and others. These funds would be used for professional development, curriculum, assessments, and other important academic supports.

#### CONCLUSION

H.R. 3990 ignores the needs of teachers, students, schools and communities. The bill fails to provide support and professional development activities to teachers and principals. H.R. 3990 also disregards important research on the need for targeted services to students for specific subject matter and for other non-academic needs. Instead of learning from the past and improving No Child Left Behind, H.R. 3990 moves the public education system backwards, hurting our students, and our ability to compete in the global economy. That is why H.R. 3990 is opposed by so many education stakeholders.

Committee Democrats are committed to strengthening our country's education system by improving current law and moving our students forward. Committee Democrats believe that every student deserves an effective teacher and that the federal government has a responsibility to support that goal and provide teachers and leaders with the support they need to graduate our students prepared for college and the workforce. Committee Democrats also believe that while there is a need for consolidation of small grant programs, the federal government must not lose sight of what students need and what programs work. Federal policy should continue dedicated support for literacy, STEM, and other subject matter areas so that students have access to a broad education. Schools also need support for additional learning time, including before-, after- and summer school programs, as well as expanded learning time so that teachers have time to teach and students have time to learn. Federal education policy should also support services to address the non-academic needs of students. After 10 years, Com-

<sup>11</sup> <http://www.nsf.gov/statistics/seind12/pdf/c01.pdf>.

mittee Democrats believe that states, districts, and schools have given us a much clearer picture of what they need to succeed. Instead of moving forward with partisan bills like H.R. 3989 and H.R. 3990 that fail to support state and local education reform, it is time for Congress to reauthorize the Elementary and Secondary Education Act based on research and what we know works.

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