

113TH CONGRESS
1ST SESSION

H. R. 5

To support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2013

Mr. KLINE (for himself, Mr. ROKITA, Mr. PETRI, Ms. FOXX, Mr. ROE of Tennessee, Mr. THOMPSON of Pennsylvania, Mr. GUTHRIE, Mr. BUCSHON, Mrs. ROBY, Mr. HECK of Nevada, Mrs. BROOKS of Indiana, and Mr. MESSER) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Student Success Act".

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents for this Act is as follows:

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

TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES

Subtitle A—In General

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

Subtitle B—Improving the Academic Achievement of the Disadvantaged

- Sec. 111. Part A headings.
- Sec. 112. State plans.
- Sec. 113. Local educational agency plans.
- Sec. 114. Eligible school attendance areas.
- Sec. 115. Schoolwide programs.
- Sec. 116. Targeted assistance schools.
- Sec. 117. Academic assessment and local educational agency and school improvement; school support and recognition.
- Sec. 118. Parental involvement.
- Sec. 119. Qualifications for teachers and paraprofessionals.
- Sec. 120. Participation of children enrolled in private schools.
- Sec. 121. Fiscal requirements.
- Sec. 122. Coordination requirements.
- Sec. 123. Grants for the outlying areas and the Secretary of the Interior.
- Sec. 124. Allocations to States.
- Sec. 125. Basic grants to local educational agencies.
- Sec. 126. Adequacy of funding of targeted grants to local educational agencies in fiscal years after fiscal year 2001.
- Sec. 127. Education finance incentive grant program.
- Sec. 128. Carryover and waiver.

Subtitle C—Additional Aid to States and School Districts

- Sec. 131. Additional aid.

Subtitle D—National Assessment

- Sec. 141. National assessment of title I.

Subtitle E—Title I General Provisions

- Sec. 151. General provisions for title I.

TITLE II—TEACHER PREPARATION AND EFFECTIVENESS

- Sec. 201. Teacher preparation and effectiveness.
- Sec. 202. Conforming repeals.

TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

- Sec. 301. Parental engagement and local flexibility.

TITLE IV—IMPACT AID

- Sec. 401. Purpose.
- Sec. 402. Payments relating to Federal acquisition of real property.
- Sec. 403. Payments for eligible federally connected children.
- Sec. 404. Policies and procedures relating to children residing on Indian lands.
- Sec. 405. Application for payments under sections 8002 and 8003.
- Sec. 406. Construction.
- Sec. 407. Facilities.
- Sec. 408. State consideration of payments providing State aid.
- Sec. 409. Federal administration.
- Sec. 410. Administrative hearings and judicial review.
- Sec. 411. Definitions.
- Sec. 412. Authorization of appropriations.
- Sec. 413. Conforming amendments.

TITLE V—GENERAL PROVISIONS FOR THE ACT

- Sec. 501. General provisions for the Act.
- Sec. 502. Repeal.
- Sec. 503. Other laws.
- Sec. 504. Amendment to IDEA.

TITLE VI—REPEAL

- Sec. 601. Repeal of title VI.

TITLE VII—HOMELESS EDUCATION

- Sec. 701. Statement of policy.
- Sec. 702. Grants for State and local activities for the education of homeless children and youths.
- Sec. 703. Local educational agency subgrants for the education of homeless children and youths.
- Sec. 704. Secretarial responsibilities.
- Sec. 705. Definitions.
- Sec. 706. Authorization of appropriations.

1 **SEC. 3. REFERENCES.**

2 Except as otherwise expressly provided, whenever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-
 5 sion, the reference shall be considered to be made to a

1 section or other provision of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

3 **SEC. 4. TRANSITION.**

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

12 **SEC. 5. EFFECTIVE DATES.**

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

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

21 (c) COMPETITIVE PROGRAMS.—With respect to pro-
22 grams that are conducted by the Secretary on a competi-
23 tive basis, this Act, and the amendments made by this Act,
24 shall take effect with respect to appropriations for use
25 under those programs for fiscal year 2014.

1 (d) IMPACT AID.—With respect to title IV of the Act
2 (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the
3 amendments made by this Act, shall take effect with re-
4 spect to appropriations for use under that title for fiscal
5 year 2014.

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

7 The Act (20 U.S.C. 6301 et seq.) is amended by in-
8 serting after section 2 the following:

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

10 “(a) TITLE I.—

11 “(1) PART A.—There are authorized to be ap-
12 propriated to carry out part A of title I
13 \$16,651,767,000 for each of fiscal years 2014
14 through 2019.

15 “(2) PART B.—There are authorized to be ap-
16 propriated to carry out part B of title I \$3,028,000
17 for each of fiscal years 2014 through 2019.

18 “(b) TITLE II.—There are authorized to be appro-
19 priated to carry out title II \$2,441,549,000 for each of
20 fiscal years 2014 through 2019.

21 “(c) TITLE III.—

22 “(1) PART A.—

23 “(A) SUBPART 1.—There are authorized to
24 be appropriated to carry out subpart 1 of part

1 A of title III \$300,000,000 for each of fiscal
2 years 2014 through 2019.

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

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

11 “(2) PART B.—There are authorized to be ap-
12 propriated to carry out part B of title III
13 \$2,055,709,000 for each of fiscal years 2014
14 through 2019.

15 “(d) TITLE IV.—

16 “(1) PAYMENTS FOR FEDERAL ACQUISITION OF
17 REAL PROPERTY.—For the purpose of making pay-
18 ments under section 4002, there are authorized to
19 be appropriated \$63,445,000 for each of fiscal years
20 2014 through 2019.

21 “(2) BASIC PAYMENTS; PAYMENTS FOR HEAV-
22 ILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—
23 For the purpose of making payments under section
24 4003(b), there are authorized to be appropriated

1 \$1,093,203,000 for each of fiscal years 2014
2 through 2019.

3 “(3) PAYMENTS FOR CHILDREN WITH DISABIL-
4 ITIES.—For the purpose of making payments under
5 section 4003(d), there are authorized to be appro-
6 priated \$45,881,000 for each of fiscal years 2014
7 through 2019.

8 “(4) CONSTRUCTION.—For the purpose of car-
9 rying out section 4007, there are authorized to be
10 appropriated \$16,529,000 for each of fiscal years
11 2014 through 2019.

12 “(5) FACILITIES MAINTENANCE.—For the pur-
13 pose of carrying out section 4008, there are author-
14 ized to be appropriated \$4,591,000 for each of fiscal
15 years 2014 through 2019.”.

16 **TITLE I—AID TO LOCAL**
17 **EDUCATIONAL AGENCIES**
18 **Subtitle A—In General**

19 **SEC. 101. TITLE HEADING.**

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

1 **“TITLE I—AID TO LOCAL**
2 **EDUCATIONAL AGENCIES”.**

3 **SEC. 102. STATEMENT OF PURPOSE.**

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

6 **“SEC. 1001. STATEMENT OF PURPOSE.**

7 “The purpose of this title is to provide all children
8 the opportunity to graduate high school prepared for post-
9 secondary education or the workforce. This purpose can
10 be accomplished by—

11 “(1) meeting the educational needs of low-
12 achieving children in our Nation’s highest-poverty
13 schools, English learners, migratory children, chil-
14 dren with disabilities, Indian children, and neglected
15 or delinquent children;

16 “(2) closing the achievement gap between high-
17 and low-performing children, especially the achieve-
18 ment gaps between minority and nonminority stu-
19 dents, and between disadvantaged children and their
20 more advantaged peers;

21 “(3) affording parents substantial and mean-
22 ingful opportunities to participate in the education
23 of their children; and

24 “(4) challenging States and local educational
25 agencies to embrace meaningful, evidence-based edu-

1 cation reform, while encouraging state and local in-
2 novation.”.

3 **SEC. 103. FLEXIBILITY TO USE FEDERAL FUNDS.**

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

6 **“SEC. 1002. FLEXIBILITY TO USE FEDERAL FUNDS.**

7 “(a) ALTERNATIVE USES OF FEDERAL FUNDS FOR
8 STATE EDUCATIONAL AGENCIES.—

9 “(1) IN GENERAL.—Subject to subsections (c)
10 and (d) and notwithstanding any other provision of
11 law, a State educational agency may use the applica-
12 ble funding that the agency receives for a fiscal year
13 to carry out any State activity authorized or re-
14 quired under one or more of the following provisions:

15 “(A) Section 1003.

16 “(B) Section 1004.

17 “(C) Subpart 2 of part A of title I.

18 “(D) Subpart 3 of part A of title I.

19 “(E) Subpart 4 of part A of title I.

20 “(F) Chapter B of subpart 6 of part A of
21 title I.

22 “(2) NOTIFICATION.—Not later than June 1 of
23 each year, a State educational agency shall notify
24 the Secretary of the State educational agency’s in-

1 tention to use the applicable funding for any of the
2 alternative uses under paragraph (1).

3 “(3) APPLICABLE FUNDING DEFINED.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), in this subsection, the term
6 ‘applicable funding’ means funds provided to
7 carry out State activities under one or more of
8 the following provisions.

9 “(i) Section 1003.

10 “(ii) Section 1004.

11 “(iii) Subpart 2 of part A of title I.

12 “(iv) Subpart 3 of part A of title I.

13 “(v) Subpart 4 of part A of title I.

14 “(B) LIMITATION.—In this subsection, the
15 term ‘applicable funding’ does not include funds
16 provided under any of the provisions listed in
17 subparagraph (A) that State educational agen-
18 cies are required by this Act—

19 “(i) to reserve, allocate, or spend for
20 required activities;

21 “(ii) to allocate, allot, or award to
22 local educational agencies or other entities
23 eligible to receive such funds; or

24 “(iii) to use for technical assistance or
25 monitoring.

1 “(4) DISBURSEMENT.—The Secretary shall dis-
2 burse the applicable funding to State educational
3 agencies for alternative uses under paragraph (1) for
4 a fiscal year at the same time as the Secretary dis-
5 burses the applicable funding to State educational
6 agencies that do not intend to use the applicable
7 funding for such alternative uses for the fiscal year.

8 “(b) ALTERNATIVE USES OF FEDERAL FUNDS FOR
9 LOCAL EDUCATIONAL AGENCIES.—

10 “(1) IN GENERAL.—Subject to subsections (c)
11 and (d) and notwithstanding any other provision of
12 law, a local educational agency may use the applica-
13 ble funding that the agency receives for a fiscal year
14 to carry out any local activity authorized or required
15 under one or more of the following provisions:

16 “(A) Section 1003.

17 “(B) Subpart 1 of part A of title I.

18 “(C) Subpart 2 of part A of title I.

19 “(D) Subpart 3 of part A of title I.

20 “(E) Subpart 4 of part A of title I.

21 “(F) Subpart 6 of part A of title I.

22 “(2) NOTIFICATION.—A local educational agen-
23 cy shall notify the State educational agency of the
24 local educational agency’s intention to use the appli-
25 cable funding for any of the alternative uses under

1 paragraph (1) by a date that is established by the
2 State educational agency for the notification.

3 “(3) APPLICABLE FUNDING DEFINED.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), in this subsection, the term
6 ‘applicable funding’ means funds provided to
7 carry out local activities under one or more of
8 the following provisions:

9 “(i) Subpart 2 of part A of title I.

10 “(ii) Subpart 3 of part A of title I.

11 “(iii) Subpart 4 of part A of title I.

12 “(iv) Chapter A of subpart 6 of part
13 A of title I.

14 “(B) LIMITATION.—In this subsection, the
15 term ‘applicable funding’ does not include funds
16 provided under any of the provisions listed in
17 subparagraph (A) that local educational agen-
18 cies are required by this Act—

19 “(i) to reserve, allocate, or spend for
20 required activities;

21 “(ii) to allocate, allot, or award to en-
22 tities eligible to receive such funds; or

23 “(iii) to use for technical assistance or
24 monitoring.

1 “(4) DISBURSEMENT.—Each State educational
2 agency that receives applicable funding for a fiscal
3 year shall disburse the applicable funding to local
4 educational agencies for alternative uses under para-
5 graph (1) for the fiscal year at the same time as the
6 State educational agency disburses the applicable
7 funding to local educational agencies that do not in-
8 tend to use the applicable funding for such alter-
9 native uses for the fiscal year.

10 “(c) RULE FOR ADMINISTRATIVE COSTS.—A State
11 educational agency or a local educational agency shall only
12 use applicable funding (as defined in subsection (a)(3) or
13 (b)(3), respectively) for administrative costs incurred in
14 carrying out a provision listed in subsection (a)(1) or
15 (b)(1), respectively, to the extent that the agency, in the
16 absence of this section, could have used funds for adminis-
17 trative costs with respect to a program listed in subsection
18 (a)(3) or (b)(3), respectively.

19 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to relieve a State educational agen-
21 cy or local educational agency of any requirements relating
22 to—

23 “(1) use of Federal funds to supplement, not
24 supplant, non-Federal funds;

25 “(2) comparability of services;

1 “(3) equitable participation of private school
2 students and teachers;

3 “(4) applicable civil rights requirements;

4 “(5) section 1113; or

5 “(6) section 1111.”.

6 **SEC. 104. SCHOOL IMPROVEMENT.**

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

8 (1) in subsection (a)—

9 (A) by striking “2 percent” and inserting
10 “7 percent”; and

11 (B) by striking “subpart 2 of part A” and
12 all that follows through “sections 1116 and
13 1117,” and inserting “chapter B of subpart 1
14 of part A for each fiscal year to carry out sub-
15 section (b),”;

16 (2) in subsection (b)(1), by striking “for schools
17 identified for school improvement, corrective action,
18 and restructuring, for activities under section
19 1116(b)” and inserting “to carry out the State’s
20 system of school improvement under section
21 1111(b)(3)(B)(iii)”;

22 (3) in subsection (c)—

23 (A) in paragraph (1), by inserting “and”
24 at the end;

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

4 (C) by striking paragraph (3);

5 (4) in subsection (d)(1), by striking “subpart 2
6 of part A;” and inserting “chapter B of subpart 1
7 of part A;”;

8 (5) in subsection (e)—

9 (A) by striking “in any fiscal year” and in-
10 sserting “in fiscal year 2015 and each subse-
11 quent fiscal year”;

12 (B) by striking “subpart 2” and inserting
13 “chapter B of subpart 1 of part A”; and

14 (C) by striking “such subpart” and insert-
15 ing “such chapter”;

16 (6) in subsection (f), by striking “and the per-
17 centage of students from each school from families
18 with incomes below the poverty line”; and

19 (7) by striking subsection (g).

20 **SEC. 105. DIRECT STUDENT SERVICES.**

21 The Act (20 U.S.C. 6301 et seq.) is amended by in-
22 sserting after section 1003 the following:

23 **“SEC. 1003A. DIRECT STUDENT SERVICES.**

24 “(a) STATE RESERVATION.—Each State shall reserve
25 3 percent of the amount the State receives under chapter

1 B of subpart 1 of part A for each fiscal year to carry
2 out this section. Of such reserved funds, the State edu-
3 cational agency may use up to 1 percent to administer
4 direct student services.

5 “(b) DIRECT STUDENT SERVICES.—From the
6 amount available after the application of subsection (a),
7 each State shall award grants in accordance with this sec-
8 tion to local educational agencies to support direct student
9 services.

10 “(c) AWARDS.—The State educational agency shall
11 award grants to geographically diverse local educational
12 agencies including suburban, rural, and urban local edu-
13 cational agencies. If there are not enough funds to award
14 all applicants in a sufficient size and scope to run an effec-
15 tive direct student services program, the State shall
16 prioritize awards to local educational agencies with the
17 greatest number of low-performing schools.

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

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

1 “(2) may use not more than 2 percent of each
2 award for administrative costs related to direct stu-
3 dent services; and

4 “(3) shall use the remainder of the award to
5 pay the transportation required to provide public
6 school choice or the hourly rate for high-quality aca-
7 demic tutoring services, as determined by a provider
8 on the State-approved list required under subsection
9 (f)(2).

10 “(e) APPLICATION.—A local educational agency de-
11 siring to receive an award under subsection (b) shall sub-
12 mit an application describing how the local educational
13 agency will—

14 “(1) provide adequate outreach to ensure par-
15 ents can exercise a meaningful choice of direct stu-
16 dent services for their child’s education;

17 “(2) ensure parents have adequate time and in-
18 formation to make a meaningful choice prior to en-
19 rolling their child in a direct student service;

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

23 “(4) determine the requirements or criteria for
24 student eligibility for direct student services;

1 “(5) select a variety of providers of high-quality
2 academic tutoring from the State-approved list re-
3 quired under subsection (f)(2) and ensure fair nego-
4 tiations in selecting such providers of high-quality
5 academic tutoring, including online, on campus, and
6 other models of tutoring which provide meaningful
7 choices to parents to find the best service for their
8 child; and

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

15 “(f) PROVIDERS AND SCHOOLS.—The State—

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

20 “(2) shall compile a list of State-approved high-
21 quality academic tutoring providers that includes on-
22 line, on campus, and other models of tutoring; and

23 “(3) shall ensure that each local educational
24 agency receiving an award will provide an adequate
25 number of high-quality academic tutoring options to

1 ensure parents have a meaningful choice of serv-
2 ices.”.

3 **SEC. 106. STATE ADMINISTRATION.**

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

6 **“SEC. 1004. STATE ADMINISTRATION.**

7 “(a) IN GENERAL.—Except as provided in subsection
8 (b), to carry out administrative duties assigned under sub-
9 parts 1, 2, and 3 of part A of this title, each State may
10 reserve the greater of—

11 “(1) 1 percent of the amounts received under
12 such subparts; or

13 “(2) \$400,000 (\$50,000 in the case of each
14 outlying area).

15 “(b) EXCEPTION.—If the sum of the amounts re-
16 served under subparts 1, 2, and 3 of part A of this title
17 is equal to or greater than \$14,000,000,000, then the res-
18 ervation described in subsection (a)(1) shall not exceed 1
19 percent of the amount the State would receive if
20 \$14,000,000,000 were allocated among the States for sub-
21 parts 1, 2, and 3 of part A of this title.”.

1 **Subtitle B—Improving the Aca-**
2 **demic Achievement of the Dis-**
3 **advantaged**

4 **SEC. 111. PART A HEADINGS.**

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

8 **“PART A—IMPROVING THE ACADEMIC**
9 **ACHIEVEMENT OF THE DISADVANTAGED”.**

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

13 **“Subpart 1—Improving Basic Programs Operated by**
14 **Local Educational Agencies**
15 **“CHAPTER A—BASIC PROGRAM**
16 **REQUIREMENTS”.**

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

20 **“CHAPTER B—ALLOCATIONS”.**

21 **SEC. 112. STATE PLANS.**

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

24 **“SEC. 1111. STATE PLANS.**

25 **“(a) PLANS REQUIRED.—**

1 “(1) IN GENERAL.—For any State desiring to
2 receive a grant under this subpart, the State edu-
3 cational agency shall submit to the Secretary a plan,
4 developed by the State educational agency, in con-
5 sultation with local educational agencies, teachers,
6 school leaders, specialized instructional support per-
7 sonnel, other appropriate school personnel, and par-
8 ents, that satisfies the requirements of this section
9 and that is coordinated with other programs under
10 this Act, the Individuals with Disabilities Education
11 Act, the Carl D. Perkins Career and Technical Edu-
12 cation Act of 2006, the Head Start Act, the Adult
13 Education and Family Literacy Act, and the McKin-
14 ney-Vento Homeless Assistance Act.

15 “(2) CONSOLIDATED PLAN.—A State plan sub-
16 mitted under paragraph (1) may be submitted as
17 part of a consolidated plan under section 5302.

18 “(b) ACADEMIC STANDARDS, ACADEMIC ASSESS-
19 MENTS, AND STATE ACCOUNTABILITY.—

20 “(1) ACADEMIC STANDARDS.—

21 “(A) IN GENERAL.—Each State plan shall
22 demonstrate that the State has adopted aca-
23 demic content standards and academic achieve-
24 ment standards aligned with such content

1 standards that comply with the requirements of
2 this paragraph.

3 “(B) SUBJECTS.—The State shall have
4 such academic standards for mathematics, read-
5 ing or language arts, and science, and may have
6 such standards for any other subject deter-
7 mined by the State.

8 “(C) REQUIREMENTS.—The standards de-
9 scribed in subparagraph (A) shall—

10 “(i) apply to all public schools and
11 public school students in the State; and

12 “(ii) with respect to academic achieve-
13 ment standards, include the same knowl-
14 edge, skills, and levels of achievement ex-
15 pected of all public school students in the
16 State.

17 “(D) ALTERNATE ACADEMIC ACHIEVE-
18 MENT STANDARDS.—Notwithstanding any other
19 provision of this paragraph, a State may,
20 through a documented and validated standards-
21 setting process, adopt alternate academic
22 achievement standards for students with the
23 most significant cognitive disabilities, if—

24 “(i) the determination about whether
25 the achievement of an individual student

1 should be measured against such standards
2 is made separately for each student; and

3 “(ii) such standards—

4 “(I) are aligned with the State
5 academic standards required under
6 subparagraph (A);

7 “(II) promote access to the gen-
8 eral curriculum; and

9 “(III) reflect professional judg-
10 ment as to the highest possible stand-
11 ards achievable by such students.

12 “(E) ENGLISH LANGUAGE PROFICIENCY
13 STANDARDS.—Each State plan shall describe
14 how the State educational agency will establish
15 English language proficiency standards that
16 are—

17 “(i) derived from the four recognized
18 domains of speaking, listening, reading,
19 and writing; and

20 “(ii) aligned with the State’s academic
21 content standards in reading or language
22 arts under subparagraph (A).

23 “(2) ACADEMIC ASSESSMENTS.—

24 “(A) IN GENERAL.—Each State plan shall
25 demonstrate that the State educational agency,

1 in consultation with local educational agencies,
2 has implemented a set of high-quality student
3 academic assessments in mathematics, reading
4 or language arts, and science. At the State’s
5 discretion, the State plan may also demonstrate
6 that the State has implemented such assess-
7 ments in any other subject chosen by the State.

8 “(B) REQUIREMENTS.—Such assessments
9 shall—

10 “(i) in the case of mathematics and
11 reading or language arts, be used in deter-
12 mining the performance of each local edu-
13 cational agency and public school in the
14 State in accordance with the State’s ac-
15 countability system under paragraph (3);

16 “(ii) be the same academic assess-
17 ments used to measure the academic
18 achievement of all public school students in
19 the State;

20 “(iii) be aligned with the State’s aca-
21 demic standards and provide coherent and
22 timely information about student attain-
23 ment of such standards;

24 “(iv) be used for purposes for which
25 such assessments are valid and reliable, be

1 of adequate technical quality for each pur-
2 pose required under this Act, and be con-
3 sistent with relevant, nationally recognized
4 professional and technical standards;

5 “(v)(I) in the case of mathematics
6 and reading or language arts, be adminis-
7 tered in each of grades 3 through 8 and at
8 least once in grades 9 through 12;

9 “(II) in the case of science, be admin-
10 istered not less than one time during—

11 “(aa) grades 3 through 5;

12 “(bb) grades 6 through 9; and

13 “(cc) grades 10 through 12; and

14 “(III) in the case of any other subject
15 chosen by the State, be administered at the
16 discretion of the State;

17 “(vi) measure individual student aca-
18 demic proficiency and growth;

19 “(vii) at the State’s discretion—

20 “(I) be administered through a
21 single annual summative assessment;

22 or

23 “(II) be administered through
24 multiple assessments during the
25 course of the academic year that re-

1 sult in a single summative score that
2 provides valid, reliable, and trans-
3 parent information on student
4 achievement;

5 “(viii) include measures that assess
6 higher-order thinking skills and under-
7 standing;

8 “(ix) provide for—

9 “(I) the participation in such as-
10 sements of all students;

11 “(II) the reasonable adaptations
12 and accommodations for students with
13 disabilities necessary to measure the
14 academic achievement of such stu-
15 dents relative to the State’s academic
16 standards; and

17 “(III) the inclusion of English
18 learners, who shall be assessed in a
19 valid and reliable manner and pro-
20 vided reasonable accommodations, in-
21 cluding, to the extent practicable, as-
22 sements in the language and form
23 most likely to yield accurate and reli-
24 able information on what such stu-
25 dents know and can do in academic

1 content areas, until such students
2 have achieved English language pro-
3 ficiency, as assessed by the State
4 under subparagraph (D);

5 “(x) notwithstanding clause (ix)(III),
6 provide for the assessment of reading or
7 language arts in English for English learn-
8 ers who have attended school in the United
9 States (not including Puerto Rico) for 3 or
10 more consecutive school years, except that
11 a local educational agency may, on a case-
12 by-case basis, provide for the assessment of
13 reading or language arts for each such stu-
14 dent in a language other than English for
15 a period not to exceed 2 additional con-
16 secutive years if the assessment would be
17 more likely to yield accurate and reliable
18 information on what such student knows
19 and can do, provided that such student has
20 not yet reached a level of English language
21 proficiency sufficient to yield valid and reli-
22 able information on what such student
23 knows and can do on reading or language
24 arts assessments written in English;

1 “(xi) produce individual student inter-
2 pretive, descriptive, and diagnostic reports
3 regarding achievement on such assess-
4 ments that allow parents, teachers, and
5 school leaders to understand and address
6 the specific academic needs of students,
7 and that are provided to parents, teachers,
8 and school leaders, as soon as is prac-
9 ticable after the assessment is given, in an
10 understandable and uniform format, and
11 to the extent practicable, in a language
12 that parents can understand;

13 “(xii) enable results to be
14 disaggregated within each State, local edu-
15 cational agency, and school by gender, by
16 each major racial and ethnic group, by
17 English language proficiency status, by mi-
18 grant status, by status as a student with
19 a disability, and by economically disadvan-
20 taged status, except that, in the case of a
21 local educational agency or a school, such
22 disaggregation shall not be required in a
23 case in which the number of students in a
24 category is insufficient to yield statistically
25 reliable information or the results would

1 reveal personally identifiable information
2 about an individual student; and

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

8 “(C) ALTERNATE ASSESSMENTS.—A State
9 may provide for alternate assessments aligned
10 with the alternate academic standards adopted
11 in accordance with paragraph (1)(D), for stu-
12 dents with the most significant cognitive dis-
13 abilities, if the State—

14 “(i) establishes and monitors imple-
15 mentation of clear and appropriate guide-
16 lines for individualized education program
17 teams (as defined in section 614(d)(1)(B)
18 of the Individuals with Disabilities Edu-
19 cation Act) to apply when determining
20 when a child’s significant cognitive dis-
21 ability justifies assessment based on alter-
22 nate achievement standards;

23 “(ii) ensures that the parents of such
24 students are informed that—

1 “(I) their child’s academic
2 achievement will be measured against
3 such alternate standards; and

4 “(II) whether participation in
5 such assessments precludes the stu-
6 dent from completing the require-
7 ments for a regular high school di-
8 ploma;

9 “(iii) demonstrates that such students
10 are, to the extent practicable, included in
11 the general curriculum and that such alter-
12 nate assessments are aligned with such
13 curriculum;

14 “(iv) develops, disseminates informa-
15 tion about, and promotes the use of appro-
16 priate accommodations to increase the
17 number of students with disabilities who
18 are tested against academic achievement
19 standards for the grade in which a student
20 is enrolled; and

21 “(v) ensures that regular and special
22 education teachers and other appropriate
23 staff know how to administer the alternate
24 assessments, including making appropriate

1 use of accommodations for students with
2 disabilities.

3 “(D) ASSESSMENTS OF ENGLISH LAN-
4 GUAGE PROFICIENCY.—

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

11 “(ii) ALIGNMENT.—The assessments
12 described in clause (i) shall be aligned with
13 the State’s English language proficiency
14 standards described in paragraph (1)(E).

15 “(E) LANGUAGE ASSESSMENTS.—Each
16 State plan shall identify the languages other
17 than English that are present in the partici-
18 pating student population and indicate the lan-
19 guages for which yearly student academic as-
20 sessments are not available and are needed.
21 The State shall make every effort to develop
22 such assessments and may request assistance
23 from the Secretary if linguistically accessible
24 academic assessment measures are needed.
25 Upon request, the Secretary shall assist with

1 the identification of appropriate academic as-
2 sessment measures in the needed languages, but
3 shall not mandate a specific academic assess-
4 ment or mode of instruction.

5 “(F) ADAPTIVE ASSESSMENTS.—A State
6 may develop and administer computer adaptive
7 assessments as the assessments required under
8 subparagraph (A). If a State develops and ad-
9 ministers a computer adaptive assessment for
10 such purposes, the assessment shall meet the
11 requirements of this paragraph, except as fol-
12 lows:

13 “(i) Notwithstanding subparagraph
14 (B)(iii), the assessment—

15 “(I) shall measure, at a min-
16 imum, each student’s academic pro-
17 ficiency against the State’s academic
18 standards for the student’s grade level
19 and growth toward such standards;
20 and

21 “(II) if the State chooses, may be
22 used to measure the student’s level of
23 academic proficiency and growth
24 using assessment items above or below
25 the student’s grade level, including for

1 use as part of a State’s accountability
2 system under paragraph (3).

3 “(ii) Subparagraph (B)(ii) shall not
4 be interpreted to require that all students
5 taking the computer adaptive assessment
6 be administered the same assessment
7 items.

8 “(3) STATE ACCOUNTABILITY SYSTEMS.—

9 “(A) IN GENERAL.—Each State plan shall
10 demonstrate that the State has developed and is
11 implementing a single, statewide accountability
12 system to ensure that all public school students
13 graduate from high school prepared for postsec-
14 ondary education or the workforce without the
15 need for remediation.

16 “(B) ELEMENTS.—Each State account-
17 ability system described in subparagraph (A)
18 shall at a minimum—

19 “(i) annually measure the academic
20 achievement of all public school students in
21 the State against the State’s mathematics
22 and reading or language arts academic
23 standards adopted under paragraph (1),
24 which may include measures of student
25 growth toward such standards, using the

1 mathematics and reading or language arts
2 assessments described in paragraph (2)(B)
3 and other valid and reliable academic indi-
4 cators related to student achievement as
5 identified by the State;

6 “(ii) annually evaluate and identify
7 the academic performance of each public
8 school in the State based on—

9 “(I) student academic achieve-
10 ment as measured in accordance with
11 clause (i); and

12 “(II) the overall performance,
13 and achievement gaps as compared to
14 all students in the school, for eco-
15 nomically disadvantaged students, stu-
16 dents from major racial and ethnic
17 groups, students with disabilities, and
18 English learners, except that
19 disaggregation of data under this sub-
20 clause shall not be required in a case
21 in which the number of students in a
22 category is insufficient to yield statis-
23 tically reliable information or the re-
24 sults would reveal personally identifi-

1 able information about an individual
2 student; and

3 “(iii) include a system for school im-
4 provement for low-performing public
5 schools receiving funds under this subpart
6 that—

7 “(I) implements interventions in
8 such schools that are designed to ad-
9 dress such schools’ weaknesses; and

10 “(II) is implemented by local
11 educational agencies serving such
12 schools.

13 “(C) PROHIBITION.—Nothing in this sec-
14 tion shall be construed to permit the Secretary
15 to establish any criteria that specifies, defines,
16 or prescribes any aspect of a State’s account-
17 ability system developed and implemented in ac-
18 cordance with this paragraph.

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

23 “(4) REQUIREMENTS.—Each State plan shall
24 describe—

1 “(A) how the State educational agency will
2 assist each local educational agency and each
3 public school affected by the State plan to com-
4 ply with the requirements of this subpart, in-
5 cluding how the State educational agency will
6 work with local educational agencies to provide
7 technical assistance; and

8 “(B) how the State educational agency will
9 ensure that the results of the State assessments
10 described in paragraph (2), the other indicators
11 selected by the State under paragraph
12 (3)(B)(i), and the school evaluations described
13 in paragraph (3)(B)(ii), will be promptly pro-
14 vided to local educational agencies, schools,
15 teachers, and parents in a manner that is clear
16 and easy to understand, but not later than be-
17 fore the beginning of the school year following
18 the school year in which such assessments,
19 other indicators, or evaluations are taken or
20 completed.

21 “(5) TIMELINE FOR IMPLEMENTATION.—Each
22 State plan shall describe the process by which the
23 State will adopt and implement the State academic
24 standards, assessments, and accountability system

1 required under this section within 2 years of enact-
2 ment of the Student Success Act.

3 “(6) EXISTING STANDARDS.—Nothing in this
4 subpart shall prohibit a State from revising, con-
5 sistent with this section, any standard adopted
6 under this section before or after the date of enact-
7 ment of the Student Success Act.

8 “(7) EXISTING STATE LAW.—Nothing in this
9 section shall be construed to alter any State law or
10 regulation granting parents authority over schools
11 that repeatedly failed to make adequate yearly
12 progress under this section, as in effect on the day
13 before the date of the enactment of the Student Suc-
14 cess Act.

15 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
16 AND LEARNING.—Each State plan shall contain assur-
17 ances that—

18 “(1) the State will notify local educational
19 agencies, schools, teachers, parents, and the public
20 of the academic standards, academic assessments,
21 and State accountability system developed and im-
22 plemented under this section;

23 “(2) the State will participate in biennial State
24 academic assessments of 4th and 8th grade reading
25 and mathematics under the National Assessment of

1 Educational Progress carried out under section
2 303(b)(2) of the National Assessment of Edu-
3 cational Progress Authorization Act if the Secretary
4 pays the costs of administering such assessments;

5 “(3) the State educational agency will notify
6 local educational agencies and the public of the au-
7 thority to operate schoolwide programs;

8 “(4) the State educational agency will provide
9 the least restrictive and burdensome regulations for
10 local educational agencies and individual schools par-
11 ticipating in a program assisted under this subpart;

12 “(5) the State educational agency will encour-
13 age schools to consolidate funds from other Federal,
14 State, and local sources for schoolwide reform in
15 schoolwide programs under section 1114;

16 “(6) the State educational agency will modify or
17 eliminate State fiscal and accounting barriers so
18 that schools can easily consolidate funds from other
19 Federal, State, and local sources for schoolwide pro-
20 grams under section 1114; and

21 “(7) the State educational agency will inform
22 local educational agencies in the State of the local
23 educational agency’s authority to transfer funds
24 under section 1002 and to obtain waivers under sec-
25 tion 5401.

1 “(d) PARENTAL INVOLVEMENT.—Each State plan
2 shall describe how the State educational agency will sup-
3 port the collection and dissemination to local educational
4 agencies and schools of effective parental involvement
5 practices. Such practices shall—

6 “(1) be based on the most current research that
7 meets the highest professional and technical stand-
8 ards on effective parental involvement that fosters
9 achievement to high standards for all children;

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

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

15 “(e) PEER REVIEW AND SECRETARIAL APPROVAL.—

16 “(1) ESTABLISHMENT.—Notwithstanding sec-
17 tion 5543, the Secretary shall—

18 “(A) establish a peer-review process to as-
19 sist in the review of State plans; and

20 “(B) appoint individuals to the peer-review
21 process who are representative of parents,
22 teachers, State educational agencies, and local
23 educational agencies, and who are familiar with
24 educational standards, assessments, account-
25 ability, the needs of low-performing schools, and

1 other educational needs of students, and ensure
2 that 75 percent of such appointees are practi-
3 tioners.

4 “(2) APPROVAL.—The Secretary shall—

5 “(A) approve a State plan within 120 days
6 of its submission;

7 “(B) disapprove of the State plan only if
8 the Secretary demonstrates how the State plan
9 fails to meet the requirements of this section
10 and immediately notifies the State of such de-
11 termination and the reasons for such deter-
12 mination;

13 “(C) not decline to approve a State’s plan
14 before—

15 “(i) offering the State an opportunity
16 to revise its plan;

17 “(ii) providing technical assistance in
18 order to assist the State to meet the re-
19 quirements of this section; and

20 “(iii) providing a hearing; and

21 “(D) have the authority to disapprove a
22 State plan for not meeting the requirements of
23 this subpart, but shall not have the authority to
24 require a State, as a condition of approval of
25 the State plan, to include in, or delete from,

1 such plan one or more specific elements of the
2 State’s academic standards or State account-
3 ability system, or to use specific academic as-
4 sessments or other indicators.

5 “(3) STATE REVISIONS.—A State plan shall be
6 revised by the State educational agency if it is nec-
7 essary to satisfy the requirements of this section.

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

13 “(A) peer review guidance;

14 “(B) the names of the peer reviewers;

15 “(C) State plans submitted or resubmitted
16 by a State, including the current approved
17 plans;

18 “(D) peer review notes;

19 “(E) State plan determinations by the Sec-
20 retary, including approvals or disapprovals, and
21 any deviations from the peer reviewers’ rec-
22 ommendations with an explanation of the devi-
23 ation; and

24 “(F) hearings.

1 “(5) PROHIBITION.—The Secretary, and the
2 Secretary’s staff, may not attempt to participate in,
3 or influence, the peer review process. No Federal
4 employee may participate in, or attempt to influence
5 the peer review process, except to respond to ques-
6 tions of a technical nature, which shall be publicly
7 reported.

8 “(f) DURATION OF THE PLAN.—

9 “(1) IN GENERAL.—Each State plan shall—

10 “(A) remain in effect for the duration of
11 the State’s participation under this subpart;
12 and

13 “(B) be periodically reviewed and revised
14 as necessary by the State educational agency to
15 reflect changes in the State’s strategies and
16 programs under this subpart.

17 “(2) ADDITIONAL INFORMATION.—If a State
18 makes significant changes to its State plan, such as
19 the adoption of new State academic standards or
20 new academic assessments, or adopts a new State
21 accountability system, such information shall be sub-
22 mitted to the Secretary under subsection (e)(2) for
23 approval.

24 “(g) FAILURE TO MEET REQUIREMENTS.—If a
25 State fails to meet any of the requirements of this section

1 then the Secretary shall withhold funds for State adminis-
2 tration under this subpart until the Secretary determines
3 that the State has fulfilled those requirements.

4 “(h) REPORTS.—

5 “(1) ANNUAL STATE REPORT CARD.—

6 “(A) IN GENERAL.—A State that receives
7 assistance under this subpart shall prepare and
8 disseminate an annual State report card. Such
9 dissemination shall include, at a minimum, pub-
10 licly posting the report card on the home page
11 of the State educational agency’s website.

12 “(B) IMPLEMENTATION.—The State report
13 card shall be—

14 “(i) concise; and

15 “(ii) presented in an understandable
16 and uniform format that is developed in
17 consultation with parents and, to the ex-
18 tent practicable, provided in a language
19 that parents can understand.

20 “(C) REQUIRED INFORMATION.—The
21 State shall include in its annual State report
22 card information on—

23 “(i) the performance of students, in
24 the aggregate and disaggregated by the
25 categories of students described in sub-

1 section (b)(2)(B)(xii) (except that such
2 disaggregation shall not be required in a
3 case in which the number of students in a
4 category is insufficient to yield statistically
5 reliable information or the results would
6 reveal personally identifiable information
7 about an individual student), on the State
8 academic assessments described in sub-
9 section (b)(2);

10 “(ii) the participation rate on such as-
11 sessments, in the aggregate and
12 disaggregated in accordance with clause
13 (i);

14 “(iii) the performance of students, in
15 the aggregate and disaggregated in accord-
16 ance with clause (i), on other academic in-
17 dicators described in subsection
18 (b)(3)(B)(i);

19 “(iv) for each public high school in
20 the State, in the aggregate and
21 disaggregated in accordance with clause
22 (i)—

23 “(I) the four-year adjusted co-
24 hort graduation rate, and

1 “(II) at the State’s discretion,
2 the extended-year adjusted cohort
3 graduation rate, calculated and re-
4 ported separately for students grad-
5 uating in 5 years or less, students
6 graduating in 6 years or less, and stu-
7 dents graduating in 7 or more years;

8 “(v) each public school’s evaluation
9 results as determined in accordance with
10 subsection (b)(3)(B)(ii);

11 “(vi) the acquisition of English pro-
12 ficiency by English learners;

13 “(vii) the number and percentage of
14 teachers in each category established under
15 clause (iii) of section 2123(1)(A), except
16 that such information shall not reveal per-
17 sonally identifiable information about an
18 individual teacher; and

19 “(viii) the results of the assessments
20 described in subsection (c)(2).

21 “(D) OPTIONAL INFORMATION.—The State
22 may include in its annual State report card
23 such other information as the State believes will
24 best provide parents, students, and other mem-
25 bers of the public with information regarding

1 the progress of each of the State’s public ele-
2 mentary schools and public secondary schools.

3 “(2) ANNUAL LOCAL EDUCATIONAL AGENCY
4 REPORT CARDS.—

5 “(A) IN GENERAL.—A local educational
6 agency that receives assistance under this sub-
7 part shall prepare and disseminate an annual
8 local educational agency report card.

9 “(B) MINIMUM REQUIREMENTS.—The
10 State educational agency shall ensure that each
11 local educational agency collects appropriate
12 data and includes in the local educational agen-
13 cy’s annual report the information described in
14 paragraph (1)(C) as applied to the local edu-
15 cational agency and each school served by the
16 local educational agency, and—

17 “(i) in the case of a local educational
18 agency, information that shows how stu-
19 dents served by the local educational agen-
20 cy achieved on the statewide academic as-
21 sessment and other academic indicators
22 adopted in accordance with subsection
23 (b)(3)(B)(i) compared to students in the
24 State as a whole; and

1 “(ii) in the case of a school, the
2 school’s evaluation under subsection
3 (b)(3)(B)(ii).

4 “(C) OTHER INFORMATION.—A local edu-
5 cational agency may include in its annual local
6 educational agency report card any other appro-
7 priate information, whether or not such infor-
8 mation is included in the annual State report
9 card.

10 “(D) DATA.—A local educational agency
11 or school shall only include in its annual local
12 educational agency report card data that are
13 sufficient to yield statistically reliable informa-
14 tion, as determined by the State, and that do
15 not reveal personally identifiable information
16 about an individual student.

17 “(E) PUBLIC DISSEMINATION.—The local
18 educational agency shall publicly disseminate
19 the information described in this paragraph to
20 all schools served by the local educational agen-
21 cy and to all parents of students attending
22 those schools in an understandable and uniform
23 format, and, to the extent practicable, in a lan-
24 guage that parents can understand, and make
25 the information widely available through public

1 means, such as posting on the Internet, dis-
2 tribution to the media, and distribution through
3 public agencies, except that if a local edu-
4 cational agency issues a report card for all stu-
5 dents, the local educational agency may include
6 the information under this section as part of
7 such report.

8 “(3) PREEXISTING REPORT CARDS.—A State
9 educational agency or local educational agency may
10 use public report cards on the performance of stu-
11 dents, schools, local educational agencies, or the
12 State, that were in effect prior to the enactment of
13 the Student Success Act for the purpose of this sub-
14 section, so long as any such report card is modified,
15 as may be needed, to contain the information re-
16 quired by this subsection.

17 “(4) PARENTS RIGHT-TO-KNOW.—

18 “(A) ACHIEVEMENT INFORMATION.—At
19 the beginning of each school year, a school that
20 receives funds under this subpart shall provide
21 to each individual parent information on the
22 level of achievement of the parent’s child in
23 each of the State academic assessments and
24 other academic indicators adopted in accord-
25 ance with this subpart.

1 “(B) **FORMAT.**—The notice and informa-
2 tion provided to parents under this paragraph
3 shall be in an understandable and uniform for-
4 mat and, to the extent practicable, provided in
5 a language that the parents can understand.

6 “(i) **PRIVACY.**—Information collected under this sec-
7 tion shall be collected and disseminated in a manner that
8 protects the privacy of individuals consistent with section
9 444 of the General Education Provisions Act.

10 “(j) **VOLUNTARY PARTNERSHIPS.**—A State may
11 enter into a voluntary partnership with another State to
12 develop and implement the academic assessments and
13 standards required under this section, except that the Sec-
14 retary shall not, either directly or indirectly, attempt to
15 influence, incentivize, or coerce State participation in any
16 such partnerships.

17 “(k) **CONSTRUCTION.**—Nothing in this part shall be
18 construed to prescribe the use of the academic assess-
19 ments described in this part for student promotion or
20 graduation purposes.

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

1 “(1) Each such school that is accredited by the
2 State in which it is operating shall use the assess-
3 ments and other academic indicators the State has
4 developed and implemented to meet the require-
5 ments of this section, or such other appropriate as-
6 sessment and academic indicators as approved by
7 the Secretary of the Interior.

8 “(2) Each such school that is accredited by a
9 regional accrediting organization shall adopt an ap-
10 propriate assessment and other academic indicators,
11 in consultation with and with the approval of, the
12 Secretary of the Interior and consistent with assess-
13 ments and academic indicators adopted by other
14 schools in the same State or region, that meet the
15 requirements of this section.

16 “(3) Each such school that is accredited by a
17 tribal accrediting agency or tribal division of edu-
18 cation shall use an assessment and other academic
19 indicators developed by such agency or division, ex-
20 cept that the Secretary of the Interior shall ensure
21 that such assessment and academic indicators meet
22 the requirements of this section.”.

23 **SEC. 113. LOCAL EDUCATIONAL AGENCY PLANS.**

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

1 **“SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.**

2 “(a) PLANS REQUIRED.—

3 “(1) SUBGRANTS.—A local educational agency
4 may receive a subgrant under this subpart for any
5 fiscal year only if such agency has on file with the
6 State educational agency a plan, approved by the
7 State educational agency, that is coordinated with
8 other programs under this Act, the Individuals with
9 Disabilities Education Act, the Carl D. Perkins Ca-
10 reer and Technical Education Act of 2006, the
11 McKinney-Vento Homeless Assistance Act, and
12 other Acts, as appropriate.

13 “(2) CONSOLIDATED APPLICATION.—The plan
14 may be submitted as part of a consolidated applica-
15 tion under section 5305.

16 “(b) PLAN PROVISIONS.—Each local educational
17 agency plan shall describe—

18 “(1) how the local educational agency will mon-
19 itor, in addition to the State assessments described
20 in section 1111(b)(2), students’ progress in meeting
21 the State’s academic standards;

22 “(2) how the local educational agency will iden-
23 tify quickly and effectively those students who may
24 be at risk of failing to meet the State’s academic
25 standards;

1 “(3) how the local educational agency will pro-
2 vide additional educational assistance to individual
3 students in need of additional help in meeting the
4 State’s academic standards;

5 “(4) how the local educational agency will im-
6 plement the school improvement system described in
7 section 1111(b)(3)(B)(iii) for any of the agency’s
8 schools identified under such section;

9 “(5) how the local educational agency will co-
10 ordinate programs under this subpart with other
11 programs under this Act and other Acts, as appro-
12 priate;

13 “(6) the poverty criteria that will be used to se-
14 lect school attendance areas under section 1113;

15 “(7) how teachers, in consultation with parents,
16 administrators, and specialized instructional support
17 personnel, in targeted assistance schools under sec-
18 tion 1115, will identify the eligible children most in
19 need of services under this subpart;

20 “(8) in general, the nature of the programs to
21 be conducted by the local educational agency’s
22 schools under sections 1114 and 1115, and, where
23 appropriate, educational services outside such
24 schools for children living in local institutions for ne-
25 glected and delinquent children, and for neglected

1 and delinquent children in community day school
2 programs;

3 “(9) how the local educational agency will en-
4 sure that migratory children who are eligible to re-
5 ceive services under this subpart are selected to re-
6 ceive such services on the same basis as other chil-
7 dren who are selected to receive services under this
8 subpart;

9 “(10) the services the local educational agency
10 will provide homeless children, including services
11 provided with funds reserved under section
12 1113(e)(3)(A);

13 “(11) the strategy the local educational agency
14 will use to implement effective parental involvement
15 under section 1118;

16 “(12) if appropriate, how the local educational
17 agency will use funds under this subpart to support
18 preschool programs for children, particularly chil-
19 dren participating in a Head Start program, which
20 services may be provided directly by the local edu-
21 cational agency or through a subcontract with the
22 local Head Start agency designated by the Secretary
23 of Health and Human Services under section 641 of
24 the Head Start Act, or another comparable early
25 childhood development program;

1 “(13) how the local educational agency, through
2 incentives for voluntary transfers, the provision of
3 professional development, recruitment programs, in-
4 centive pay, performance pay, or other effective
5 strategies, will address disparities in the rates of
6 low-income and minority students and other stu-
7 dents being taught by ineffective teachers; and

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

11 “(A) career and technical education
12 aligned with State technical standards that pro-
13 mote skills attainment important to in-demand
14 occupations or industries in the State and the
15 State’s academic standards under section
16 1111(b)(1); and

17 “(B) work-based learning opportunities
18 that provide students in-depth interaction with
19 industry professionals.

20 “(c) ASSURANCES.—Each local educational agency
21 plan shall provide assurances that the local educational
22 agency will—

23 “(1) participate, if selected, in biennial State
24 academic assessments of 4th and 8th grade reading
25 and mathematics under the National Assessment of

1 Educational Progress carried out under section
2 303(b)(2) of the National Assessment of Edu-
3 cational Progress Authorization Act;

4 “(2) inform schools of schoolwide program au-
5 thority and the ability to consolidate funds from
6 Federal, State, and local sources;

7 “(3) provide technical assistance to schoolwide
8 programs;

9 “(4) provide services to eligible children attend-
10 ing private elementary and secondary schools in ac-
11 cordance with section 1120, and timely and mean-
12 ingful consultation with private school officials or
13 representatives regarding such services;

14 “(5) in the case of a local educational agency
15 that chooses to use funds under this subpart to pro-
16 vide early childhood development services to low-in-
17 come children below the age of compulsory school at-
18 tendance, ensure that such services comply with the
19 performance standards established under section
20 641A(a) of the Head Start Act;

21 “(6) inform eligible schools of the local edu-
22 cational agency’s authority to request waivers on the
23 school’s behalf under Title V; and

24 “(7) ensure that the results of the academic as-
25 sessments required under section 1111(b)(2) will be

1 provided to parents and teachers as soon as is prac-
2 ticably possible after the test is taken, in an under-
3 standable and uniform format and, to the extent
4 practicable, provided in a language that the parents
5 can understand.

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

8 “(1) consult with the Secretary of Health and
9 Human Services and shall establish procedures (tak-
10 ing into consideration existing State and local laws,
11 and local teacher contracts) to assist local edu-
12 cational agencies to comply with such subparagraph;
13 and

14 “(2) disseminate to local educational agencies
15 the education performance standards in effect under
16 section 641A(a)(1)(B) of the Head Start Act, and
17 such agencies affected by such subsection shall plan
18 for the implementation of such subsection (taking
19 into consideration existing State and local laws, and
20 local teacher contracts).

21 “(e) PLAN DEVELOPMENT AND DURATION.—

22 “(1) CONSULTATION.—Each local educational
23 agency plan shall be developed in consultation with
24 teachers, school leaders, administrators, and other

1 appropriate school personnel, and with parents of
2 children in schools served under this subpart.

3 “(2) DURATION.—Each such plan shall be sub-
4 mitted for the first year for which this part is in ef-
5 fect following the date of enactment of this Act and
6 shall remain in effect for the duration of the agen-
7 cy’s participation under this subpart.

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

11 “(f) STATE APPROVAL.—

12 “(1) IN GENERAL.—Each local educational
13 agency plan shall be filed according to a schedule es-
14 tablished by the State educational agency.

15 “(2) APPROVAL.—The State educational agency
16 shall approve a local educational agency’s plan only
17 if the State educational agency determines that the
18 local educational agency’s plan—

19 “(A) enables schools served under this sub-
20 part to substantially help children served under
21 this subpart to meet the State’s academic
22 standards described in section 1111(b)(1); and

23 “(B) meets the requirements of this sec-
24 tion.

1 “(3) REVIEW.—The State educational agency
2 shall review the local educational agency’s plan to
3 determine if such agency’s activities are in accord-
4 ance with section 1118.

5 “(g) PARENTAL NOTIFICATION.—

6 “(1) IN GENERAL.—Each local educational
7 agency using funds under this subpart and subpart
8 4 to provide a language instruction educational pro-
9 gram shall, not later than 30 days after the begin-
10 ning of the school year, inform parents of an
11 English learner identified for participation, or par-
12 ticipating in, such a program of—

13 “(A) the reasons for the identification of
14 their child as an English learner and in need of
15 placement in a language instruction educational
16 program;

17 “(B) the child’s level of English pro-
18 ficiency, how such level was assessed, and the
19 status of the child’s academic achievement;

20 “(C) the methods of instruction used in
21 the program in which their child is, or will be
22 participating, and the methods of instruction
23 used in other available programs, including how
24 such programs differ in content, instructional

1 goals, and the use of English and a native lan-
2 guage in instruction;

3 “(D) how the program in which their child
4 is, or will be participating, will meet the edu-
5 cational strengths and needs of their child;

6 “(E) how such program will specifically
7 help their child learn English, and meet age-ap-
8 propriate academic achievement standards for
9 grade promotion and graduation;

10 “(F) the specific exit requirements for the
11 program, including the expected rate of transi-
12 tion from such program into classrooms that
13 are not tailored for English learners, and the
14 expected rate of graduation from high school
15 for such program if funds under this subpart
16 are used for children in secondary schools;

17 “(G) in the case of a child with a dis-
18 ability, how such program meets the objectives
19 of the individualized education program of the
20 child; and

21 “(H) information pertaining to parental
22 rights that includes written guidance—

23 “(i) detailing—

24 “(I) the right that parents have
25 to have their child immediately re-

1 moved from such program upon their
2 request; and

3 “(II) the options that parents
4 have to decline to enroll their child in
5 such program or to choose another
6 program or method of instruction, if
7 available; and

8 “(ii) assisting parents in selecting
9 among various programs and methods of
10 instruction, if more than one program or
11 method is offered by the eligible entity.

12 “(2) NOTICE.—The notice and information pro-
13 vided in paragraph (1) to parents of a child identi-
14 fied for participation in a language instruction edu-
15 cational program for English learners shall be in an
16 understandable and uniform format and, to the ex-
17 tent practicable, provided in a language that the
18 parents can understand.

19 “(3) SPECIAL RULE APPLICABLE DURING THE
20 SCHOOL YEAR.—For those children who have not
21 been identified as English learners prior to the be-
22 ginning of the school year the local educational
23 agency shall notify parents within the first 2 weeks
24 of the child being placed in a language instruction

1 educational program consistent with paragraphs (1)
2 and (2).

3 “(4) PARENTAL PARTICIPATION.—Each local
4 educational agency receiving funds under this sub-
5 part shall implement an effective means of outreach
6 to parents of English learners to inform the parents
7 regarding how the parents can be involved in the
8 education of their children, and be active partici-
9 pants in assisting their children to attain English
10 proficiency, achieve at high levels in core academic
11 subjects, and meet the State’s academic standards
12 expected of all students, including holding, and send-
13 ing notice of opportunities for, regular meetings for
14 the purpose of formulating and responding to rec-
15 ommendations from parents of students assisted
16 under this subpart.

17 “(5) BASIS FOR ADMISSION OR EXCLUSION.—A
18 student shall not be admitted to, or excluded from,
19 any federally assisted education program on the
20 basis of a surname or language-minority status.”.

21 **SEC. 114. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

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

23 (1) by striking “part” each place it appears and
24 inserting “subpart”; and

25 (2) in subsection (c)(4)—

1 (A) by striking “subpart 2” and inserting
2 “chapter B”; and

3 (B) by striking “school improvement, cor-
4 rective action, and restructuring under section
5 1116(b)” and inserting “school improvement
6 under section 1111(b)(3)(B)(iii)”.

7 **SEC. 115. SCHOOLWIDE PROGRAMS.**

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

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

11 (i) by striking “part” and inserting
12 “subpart”; and

13 (ii) by striking “in which” through
14 “such families”;

15 (B) in paragraph (2)—

16 (i) in subparagraph (A)(i), by striking
17 “part” and inserting “subpart”; and

18 (ii) in subparagraph (B)—

19 (I) by striking “children with
20 limited English proficiency” and in-
21 serting “English learners”; and

22 (II) by striking “part” and in-
23 serting “subpart”;

1 (C) in paragraph (3)(B), by striking
2 “maintenance of effort,” after “private school
3 children,”; and

4 (D) by striking paragraph (4);
5 (2) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) in subparagraph (A)—

8 (I) by striking “(including” and
9 all that follows through “1309(2))”;
10 and

11 (II) by striking “content stand-
12 ards and the State student academic
13 achievement standards” and inserting
14 “standards”;

15 (ii) in subparagraph (B)—

16 (I) in clause (i), by striking “pro-
17 ficient” and all that follows through
18 “section 1111(b)(1)(D)” and inserting
19 “academic standards described in sec-
20 tion 1111(b)(1)”;

21 (II) in clause (ii), in the matter
22 preceding subclause (I), by striking
23 “based on scientifically based re-
24 search” and inserting “evidence-
25 based”;

1 (III) in clause (iii)(I)—

2 (aa) by striking “student
3 academic achievement standards”
4 and inserting “academic stand-
5 ards”; and

6 (bb) by striking “schoolwide
7 program,” and all that follows
8 through “technical education pro-
9 grams; and” and inserting
10 “schoolwide programs; and”; and

11 (IV) in clause (iv), by striking
12 “the State and local improvement
13 plans” and inserting “school improve-
14 ment strategies”;

15 (iii) in subparagraph (C), by striking
16 “highly qualified” and inserting “effec-
17 tive”;

18 (iv) in subparagraph (D)—

19 (I) by striking “In accordance
20 with section 1119 and subsection
21 (a)(4), high-quality” and inserting
22 “High-quality”;

23 (II) by striking “pupil services”
24 and inserting “specialized instruc-
25 tional support services”; and

1 (III) by striking “student aca-
2 demic achievement” and inserting
3 “academic”;

4 (v) in subparagraph (E), by striking
5 “high-quality highly qualified” and insert-
6 ing “effective”;

7 (vi) in subparagraph (G), by striking
8 “, such as Head Start, Even Start, Early
9 Reading First, or a State-run preschool
10 program,”;

11 (vii) in subparagraph (H), by striking
12 “section 1111(b)(3)” and inserting “sec-
13 tion 1111(b)(2)”;

14 (viii) in subparagraph (I), by striking
15 “proficient or advanced levels of academic
16 achievement standards” and inserting
17 “State academic standards”; and

18 (ix) in subparagraph (J), by striking
19 “vocational” and inserting “career”; and
20 (B) in paragraph (2)—

21 (i) in subparagraph (A)—

22 (I) in the matter preceding clause

23 (i)—

24 (aa) by striking “first de-
25 velop” and all that follows

1 through “2001)” and inserting
2 “have in place”; and

3 (bb) by striking “and its
4 school support team or other
5 technical assistance provider
6 under section 1117”;

7 (II) in clause (ii), by striking
8 “part” and inserting “subpart”; and

9 (III) in clause (iv), by striking
10 “section 1111(b)(3)” and inserting
11 “section 1111(b)(2)”; and

12 (ii) in subparagraph (B)—

13 (I) in clause (i)—

14 (aa) in subclause (I), by
15 striking “, after considering the
16 recommendation of the technical
17 assistance providers under sec-
18 tion 1117,”; and

19 (bb) in subclause (II), by
20 striking “the No Child Left Be-
21 hind Act of 2001” and inserting
22 “Student Success Act”;

23 (II) in clause (ii)—

24 (aa) by striking “(including
25 administrators of programs de-

1 scribed in other parts of this
2 title”); and

3 (bb) by striking “pupil serv-
4 ices” and inserting “specialized
5 instructional support services”;

6 (III) in clause (iii), by striking
7 “part” and inserting “subpart”; and

8 (IV) in clause (v), by striking
9 “Reading First, Early Reading First,
10 Even Start,”; and

11 (3) in subsection (c)—

12 (A) by striking “part” and inserting “sub-
13 part”; and

14 (B) by striking “6,” and all that follows
15 through the period at the end and inserting
16 “6.”.

17 **SEC. 116. TARGETED ASSISTANCE SCHOOLS.**

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

19 (1) in subsection (a)—

20 (A) by striking “are ineligible for a
21 schoolwide program under section 1114, or
22 that”;

23 (B) by striking “operate such” and insert-
24 ing “operate”; and

1 (C) by striking “part” and inserting “sub-
2 part”;

3 (2) in subsection (b)—

4 (A) in paragraph (1)(B), by striking “chal-
5 lenging student academic achievement” and in-
6 serting “academic”;

7 (B) in paragraph (2)—

8 (i) in subparagraph (A)—

9 (I) by striking “limited English
10 proficient children” and inserting
11 “English learners”; and

12 (II) by striking “part” each place
13 it appears and inserting “subpart”;

14 (ii) in subparagraph (B)—

15 (I) in the heading, by striking “,
16 EVEN START, OR EARLY READING
17 FIRST”; and

18 (II) by striking “, Even Start, or
19 Early Reading First”;

20 (iii) in subparagraph (C)—

21 (I) by amending the heading to
22 read as follows: “SUBPART 3 CHIL-
23 DREN.—”;

24 (II) by striking “part C” and in-
25 serting “subpart 3”; and

1 (III) by striking “part” and in-
2 sserting “subpart”; and

3 (iv) in subparagraphs (D) and (E), by
4 striking “part” each place it appears and
5 inserting “subpart”; and

6 (C) in paragraph (3), by striking “part”
7 and inserting “subpart”;

8 (3) in subsection (c)—

9 (A) in paragraph (1)—

10 (i) in the matter preceding subpara-
11 graph (A)—

12 (I) by striking “part” and insert-
13 ing “subpart”; and

14 (II) by striking “challenging stu-
15 dent academic achievement” and in-
16 sserting “academic”;

17 (ii) in subparagraph (A)—

18 (I) by striking “part” and insert-
19 ing “subpart”; and

20 (II) by striking “challenging stu-
21 dent academic achievement” and in-
22 sserting “academic”;

23 (iii) in subparagraph (B), by striking
24 “part” and inserting “subpart”;

25 (iv) in subparagraph (C)—

1 (I) in the matter preceding clause
2 (i), by striking “based on scientifically
3 based research” and inserting “evi-
4 dence-based”; and

5 (II) in clause (iii), by striking
6 “part” and inserting “subpart”;

7 (v) in subparagraph (D), by striking
8 “such as Head Start, Even Start, Early
9 Reading First or State-run preschool pro-
10 grams”;

11 (vi) in subparagraph (E), by striking
12 “highly qualified” and inserting “effec-
13 tive”;

14 (vii) in subparagraph (F)—

15 (I) by striking “in accordance
16 with subsection (e)(3) and section
17 1119,”;

18 (II) by striking “part” and in-
19 serting “subpart”; and

20 (III) by striking “pupil services
21 personnel” and inserting “specialized
22 instructional support personnel”; and

23 (viii) in subparagraph (H), by striking
24 “vocational” and inserting “career”; and

25 (B) in paragraph (2)—

- 1 (i) in the matter preceding subpara-
2 graph (A), by striking “proficient and ad-
3 vanced levels of achievement” and insert-
4 ing “academic standards”;
- 5 (ii) in subparagraph (A), by striking
6 “part” and inserting “subpart”; and
- 7 (iii) in subparagraph (B), by striking
8 “challenging student academic achieve-
9 ment” and inserting “academic”;
- 10 (4) in subsection (d), in the matter preceding
11 paragraph (1), by striking “part” each place it ap-
12 pears and inserting “subpart”; and
- 13 (5) in subsection (e)—
- 14 (A) in paragraph (2)(B)—
- 15 (i) in the matter preceding clause (i),
16 by striking “part” and inserting “sub-
17 part”; and
- 18 (ii) in clause (iii), by striking “pupil
19 services” and inserting “specialized in-
20 structional support services”; and
- 21 (B) by striking paragraph (3).

1 **SEC. 117. ACADEMIC ASSESSMENT AND LOCAL EDU-**
2 **CATIONAL AGENCY AND SCHOOL IMPROVE-**
3 **MENT; SCHOOL SUPPORT AND RECOGNITION.**

4 The Act is amended by repealing sections 1116 and
5 1117 (20 U.S.C. 6316; 6317).

6 **SEC. 118. PARENTAL INVOLVEMENT.**

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

8 (1) by striking “part” each place such term ap-
9 pears and inserting “subpart”;

10 (2) in subsection (a)—

11 (A) in paragraph (2)—

12 (i) in subparagraph (A), by striking “,
13 and” and all that follows through “1116”;
14 and

15 (ii) in subparagraph (D), by striking
16 “, such as” and all that follows through
17 “preschool programs”; and

18 (B) in paragraph (3)(A), by striking “sub-
19 part 2 of this part” each place it appears and
20 inserting “chapter B of this subpart”;

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

23 “(B) a description and explanation of the
24 curriculum in use at the school and the forms
25 of academic assessment used to measure stu-
26 dent progress; and”;

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

3 (5) in subsection (e)—

4 (A) in paragraph (1), by striking “State’s
5 academic content standards and State student
6 academic achievement standards” and inserting
7 “State’s academic standards”;

8 (B) in paragraph (3)—

9 (i) by striking “pupil services per-
10 sonnel,” and inserting “specialized instruc-
11 tional support personnel,”; and

12 (ii) by striking “principals,” and in-
13 serting “school leaders,”; and

14 (C) in paragraph (4), by striking “Head
15 Start, Reading First, Early Reading First,
16 Even Start, the Home Instruction Programs for
17 Preschool Youngsters, the Parents as Teachers
18 Program, and public preschool and other” and
19 inserting “other Federal, State, and local”; and

20 (6) by amending subsection (g) to read as fol-
21 lows:

22 “(g) FAMILY ENGAGEMENT IN EDUCATION PRO-
23 GRAMS.—In a State operating a program under subpart
24 3 of part A of title III, each local educational agency or
25 school that receives assistance under this subpart shall in-

1 form such parents and organizations of the existence of
2 such programs.”.

3 **SEC. 119. QUALIFICATIONS FOR TEACHERS AND PARA-**
4 **PROFESSIONALS.**

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

7 **SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
8 **VATE SCHOOLS.**

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

11 **“SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN**
12 **PRIVATE SCHOOLS.**

13 “(a) GENERAL REQUIREMENT.—

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

20 “(A) after timely and meaningful consulta-
21 tion with appropriate private school officials or
22 representatives, provide such service, on an eq-
23 uitable basis and individually or in combination,
24 as requested by the officials or representatives
25 to best meet the needs of such children, special

1 educational services, instructional services,
2 counseling, mentoring, one-on-one tutoring, or
3 other benefits under this subpart (such as dual
4 enrollment, educational radio and television,
5 computer equipment and materials, other tech-
6 nology, and mobile educational services and
7 equipment) that address their needs; and

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

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

16 “(3) EQUITY.—

17 “(A) IN GENERAL.—Educational services
18 and other benefits for such private school chil-
19 dren shall be equitable in comparison to serv-
20 ices and other benefits for public school chil-
21 dren participating under this subpart, and shall
22 be provided in a timely manner.

23 “(B) OMBUDSMAN.—To help ensure such
24 equity for such private school children, teach-
25 ers, and other educational personnel, the State

1 educational agency involved shall designate an
2 ombudsman to monitor and enforce the require-
3 ments of this subpart.

4 “(4) EXPENDITURES.—

5 “(A) IN GENERAL.—Expenditures for edu-
6 cational services and other benefits to eligible
7 private school children shall be equal to the ex-
8 penditures for participating public school chil-
9 dren, taking into account the number, and edu-
10 cational needs, of the children to be served. The
11 share of funds shall be determined based on the
12 total allocation received by the local educational
13 agency prior to any allowable expenditures au-
14 thorized under this title.

15 “(B) OBLIGATION OF FUNDS.—Funds allo-
16 cated to a local educational agency for edu-
17 cational services and other benefits to eligible
18 private school children shall—

19 “(i) be obligated in the fiscal year for
20 which the funds are received by the agen-
21 cy; and

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

1 “(C) NOTICE OF ALLOCATION.—Each
2 State educational agency shall—

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

9 “(ii) provide notice, simultaneously, to
10 each such local educational agency and the
11 appropriate private school officials or their
12 representatives in the State of such alloca-
13 tion of funds.

14 “(5) PROVISION OF SERVICES.—The local edu-
15 cational agency or, in a case described in subsection
16 (b)(6)(C), the State educational agency involved,
17 may provide services under this section directly or
18 through contracts with public or private agencies,
19 organizations, and institutions.

20 “(b) CONSULTATION.—

21 “(1) IN GENERAL.—To ensure timely and
22 meaningful consultation, a local educational agency
23 shall consult with appropriate private school officials
24 or representatives during the design and develop-
25 ment of such agency’s programs under this subpart

1 in order to reach an agreement between the agency
2 and the officials or representatives about equitable
3 and effective programs for eligible private school
4 children, the results of which shall be transmitted to
5 the designated ombudsmen under section
6 1120(a)(3)(B). Such process shall include consulta-
7 tion on issues such as—

8 “(A) how the children’s needs will be iden-
9 tified;

10 “(B) what services will be offered;

11 “(C) how, where, and by whom the services
12 will be provided;

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

16 “(E) the size and scope of the equitable
17 services to be provided to the eligible private
18 school children, and the proportion of funds
19 that is allocated under subsection (a)(4)(A) for
20 such services, how that proportion of funds is
21 determined under such subsection, and an
22 itemization of the costs of the services to be
23 provided;

24 “(F) the method or sources of data that
25 are used under subsection (e) and section

1 1113(c)(1) to determine the number of children
2 from low-income families in participating school
3 attendance areas who attend private schools;

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

11 “(H) how, if the agency disagrees with the
12 views of the private school officials or represent-
13 atives on the provision of services through a
14 contract, the local educational agency will pro-
15 vide in writing to such private school officials
16 an analysis of the reasons why the local edu-
17 cational agency has chosen not to use a con-
18 tractor;

19 “(I) whether the agency will provide serv-
20 ices under this section directly or through con-
21 tracts with public and private agencies, organi-
22 zations, and institutions;

23 “(J) whether to provide equitable services
24 to eligible private school children—

1 “(i) by creating a pool or pools of
2 funds with all of the funds allocated under
3 paragraph (4) based on all the children
4 from low-income families who attend pri-
5 vate schools in a participating school at-
6 tendance area of the agency from which
7 the local educational agency will provide
8 such services to all such children; or

9 “(ii) by providing such services to eli-
10 gible children in each private school in the
11 agency’s participating school attendance
12 area with the proportion of funds allocated
13 under paragraph (4) based on the number
14 of children from low-income families who
15 attend such school; and

16 “(K) whether to consolidate and use funds
17 under this subpart to provide schoolwide pro-
18 grams for a private school.

19 “(2) DISAGREEMENT.—If a local educational
20 agency disagrees with the views of private school of-
21 ficials or representatives with respect to an issue de-
22 scribed in paragraph (1), the local educational agen-
23 cy shall provide in writing to such private school of-
24 ficials an analysis of the reasons why the local edu-

1 cational agency has chosen not to adopt the course
2 of action requested by such officials.

3 “(3) TIMING.—Such consultation shall include
4 meetings of agency and private school officials or
5 representatives and shall occur before the local edu-
6 cational agency makes any decision that affects the
7 opportunities of eligible private school children to
8 participate in programs under this subpart. Such
9 meetings shall continue throughout implementation
10 and assessment of services provided under this sec-
11 tion.

12 “(4) DISCUSSION.—Such consultation shall in-
13 clude a discussion of service delivery mechanisms a
14 local educational agency can use to provide equitable
15 services to eligible private school children.

16 “(5) DOCUMENTATION.—Each local educational
17 agency shall maintain in the agency’s records and
18 provide to the State educational agency involved a
19 written affirmation signed by officials or representa-
20 tives of each participating private school that the
21 meaningful consultation required by this section has
22 occurred. The written affirmation shall provide the
23 option for private school officials or representatives
24 to indicate that timely and meaningful consultation
25 has not occurred or that the program design is not

1 equitable with respect to eligible private school chil-
2 dren. If such officials or representatives do not pro-
3 vide such affirmation within a reasonable period of
4 time, the local educational agency shall forward the
5 documentation that such consultation has, or at-
6 tempts at such consultation have, taken place to the
7 State educational agency.

8 “(6) COMPLIANCE.—

9 “(A) IN GENERAL.—A private school offi-
10 cial shall have the right to file a complaint with
11 the State educational agency that the local edu-
12 cational agency did not engage in consultation
13 that was meaningful and timely, did not give
14 due consideration to the views of the private
15 school official, or did not treat the private
16 school or its students equitably as required by
17 this section.

18 “(B) PROCEDURE.—If the private school
19 official wishes to file a complaint, the official
20 shall provide the basis of the noncompliance
21 with this section by the local educational agency
22 to the State educational agency, and the local
23 educational agency shall forward the appro-
24 priate documentation to the State educational
25 agency.

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

6 “(i) the appropriate private school of-
7 ficials or their representatives have—

8 “(I) requested that the State
9 educational agency provide such serv-
10 ices directly; and

11 “(II) demonstrated that the local
12 educational agency involved has not
13 met the requirements of this section;
14 or

15 “(ii) in a case in which—

16 “(I) a local educational agency
17 has more than 10,000 children from
18 low-income families who attend pri-
19 vate elementary schools or secondary
20 schools in a participating school at-
21 tendance area of the agency that are
22 not being served by the agency’s pro-
23 gram under this section; or

24 “(II) 90 percent of the eligible
25 private school students in a partici-

1 pating school attendance area of the
2 agency are not being served by the
3 agency’s program under this section.

4 “(c) ALLOCATION FOR EQUITABLE SERVICE TO PRI-
5 VATE SCHOOL STUDENTS.—

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

11 “(A) using the same measure of low in-
12 come used to count public school children;

13 “(B) using the results of a survey that, to
14 the extent possible, protects the identity of fam-
15 ilies of private school students, and allowing
16 such survey results to be extrapolated if com-
17 plete actual data are unavailable;

18 “(C) applying the low-income percentage of
19 each participating public school attendance
20 area, determined pursuant to this section, to
21 the number of private school children who re-
22 side in that school attendance area; or

23 “(D) using an equated measure of low in-
24 come correlated with the measure of low income
25 used to count public school children.

1 “(2) COMPLAINT PROCESS.—Any dispute re-
2 garding low-income data for private school students
3 shall be subject to the complaint process authorized
4 in section 5503.

5 “(d) PUBLIC CONTROL OF FUNDS.—

6 “(1) IN GENERAL.—The control of funds pro-
7 vided under this subpart, and title to materials,
8 equipment, and property purchased with such funds,
9 shall be in a public agency, and a public agency shall
10 administer such funds, materials, equipment, and
11 property.

12 “(2) PROVISION OF SERVICES.—

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

15 “(i) by employees of a public agency;

16 or

17 “(ii) through a contract by such pub-
18 lic agency with an individual, association,
19 agency, or organization.

20 “(B) REQUIREMENT.—In the provision of
21 such services, such employee, individual, asso-
22 ciation, agency, or organization shall be inde-
23 pendent of such private school and of any reli-
24 gious organization, and such employment or

1 contract shall be under the control and super-
2 vision of such public agency.

3 “(e) STANDARDS FOR A BYPASS.—If a local edu-
4 cational agency is prohibited by law from providing for
5 the participation in programs on an equitable basis of eli-
6 gible children enrolled in private elementary schools and
7 secondary schools, or if the Secretary determines that a
8 local educational agency has substantially failed or is un-
9 willing to provide for such participation, as required by
10 this section, the Secretary shall—

11 “(1) waive the requirements of this section for
12 such local educational agency;

13 “(2) arrange for the provision of services to
14 such children through arrangements that shall be
15 subject to the requirements of this section and sec-
16 tions 5503 and 5504; and

17 “(3) in making the determination under this
18 subsection, consider one or more factors, including
19 the quality, size, scope, and location of the program
20 and the opportunity of eligible children to partici-
21 pate.”.

22 **SEC. 121. FISCAL REQUIREMENTS.**

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

24 (1) by striking “part” each place it appears and
25 inserting “subpart”; and

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

4 **SEC. 122. COORDINATION REQUIREMENTS.**

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

6 (1) by striking “part” each place it appears and
7 inserting “subpart”;

8 (2) in subsection (a), by striking “such as the
9 Early Reading First program”; and

10 (3) in subsection (b)—

11 (A) in the matter preceding paragraph (1),
12 by striking “, such as the Early Reading First
13 program,”;

14 (B) in paragraphs (1) through (3), by
15 striking “such as the Early Reading First pro-
16 gram” each place it appears;

17 (C) in paragraph (4), by striking “Early
18 Reading First program staff,”; and

19 (D) in paragraph (5), by striking “and en-
20 tities carrying out Early Reading First pro-
21 grams”.

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

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

1 (1) in subsection (a), by striking “appropriated
2 for payments to States for any fiscal year under sec-
3 tion 1002(a) and 1125A(f)” and inserting “reserved
4 for this chapter under section 1122(a)”;

5 (2) in subsection (b)—

6 (A) in paragraph (2), by striking “the No
7 Child Left Behind Act of 2001” and inserting
8 “the Student Success Act”; and

9 (B) in paragraph (3)—

10 (i) in subparagraph (B), by striking
11 “basis,” and all that follows through the
12 period at the end and inserting “basis.”;

13 (ii) in subparagraph (C)(ii), by strik-
14 ing “challenging State academic content
15 standards” and inserting “State academic
16 standards”; and

17 (iii) by striking subparagraph (D);

18 and

19 (3) in subsection (d)(2), by striking “part” and
20 inserting “subpart”.

21 **SEC. 124. ALLOCATIONS TO STATES.**

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

23 (1) by amending subsection (a) to read as fol-
24 lows:

25 “(a) RESERVATION.—

1 “(1) IN GENERAL.—From the amounts appro-
2 priated under section 3(a)(1), the Secretary shall re-
3 serve 91.055 percent of such amounts to carry out
4 this chapter.

5 “(2) ALLOCATION FORMULA.—Of the amount
6 reserved under paragraph (1) for each of fiscal years
7 2014 to 2019 (referred to in this subsection as the
8 current fiscal year)—

9 “(A) an amount equal to the amount made
10 available to carry out section 1124 for fiscal
11 year 2001 shall be used to carry out section
12 1124;

13 “(B) an amount equal to the amount made
14 available to carry out section 1124A for fiscal
15 year 2001 shall be used to carry out section
16 1124A; and

17 “(C) an amount equal to 100 percent of
18 the amount, if any, by which the total amount
19 made available to carry out this chapter for the
20 fiscal year for which the determination is made
21 exceeds the total amount available to carry out
22 sections 1124 and 1124A for fiscal year 2001
23 shall be used to carry out section 1125 and
24 1125A and such amount shall be divided equal-
25 ly between section 1125 and section 1125A.”;

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

3 (3) in subsection (c)(3), by striking “part” and
4 inserting “subpart”; and

5 (4) in subsection (d)(1), by striking “subpart”
6 and inserting “chapter”.

7 **SEC. 125. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
8 **CIES.**

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

10 (1) in subsection (a)—

11 (A) in paragraph (3)—

12 (i) in subparagraph (B), by striking
13 “subpart” and inserting “chapter”; and

14 (ii) in subparagraph (C)(i), by strik-
15 ing “subpart” and inserting “chapter”;

16 and

17 (B) in paragraph (4)(C), by striking “sub-
18 part” each place it appears and inserting
19 “chapter”; and

20 (2) in subsection (c)—

21 (A) in paragraph (1)(B), by striking “sub-
22 part 1 of part D” and inserting “chapter A of
23 subpart 3”; and

24 (B) in paragraph (2), by striking “part”
25 and inserting “subpart”.

1 **SEC. 126. ADEQUACY OF FUNDING OF TARGETED GRANTS**
2 **TO LOCAL EDUCATIONAL AGENCIES IN FIS-**
3 **CAL YEARS AFTER FISCAL YEAR 2001.**

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

6 **“SEC. 1125AA. ADEQUACY OF FUNDING OF TARGETED**
7 **GRANTS TO LOCAL EDUCATIONAL AGENCIES**
8 **IN FISCAL YEARS AFTER FISCAL YEAR 2001.**

9 “Pursuant to section 1122, the total amount allo-
10 cated in any fiscal year after fiscal year 2001 for programs
11 and activities under this subpart shall not exceed the
12 amount allocated in fiscal year 2001 for such programs
13 and activities unless the amount available for targeted
14 grants to local educational agencies under section 1125
15 in the applicable fiscal year meets the requirements of sec-
16 tion 1122(a).”.

17 **SEC. 127. EDUCATION FINANCE INCENTIVE GRANT PRO-**
18 **GRAM.**

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

20 (1) by striking “part” each place it appears and
21 inserting “subpart”;

22 (2) in subsection (b)(1)—

23 (A) in subparagraph (A), by striking “ap-
24 propriated pursuant to subsection (f)” and in-
25 serting “made available for any fiscal year to
26 carry out this section”; and

1 (B) in subparagraph (B)(i), by striking
 2 “total appropriations” and inserting “the total
 3 amount reserved under section 1122(a) to carry
 4 out this section”; and

5 (3) by striking subsections (a), (e), and (f) and
 6 redesignating subsections (b), (c), (d), and (g) as
 7 subsections (a), (b), (c), and (d), respectively.

8 **SEC. 128. CARRYOVER AND WAIVER.**

9 Section 1127 (20 U.S.C. 6339) is amended by strik-
 10 ing “subpart” each place it appears and inserting “chap-
 11 ter”.

12 **Subtitle C—Additional Aid to**
 13 **States and School Districts**

14 **SEC. 131. ADDITIONAL AID.**

15 (a) IN GENERAL.—Title I (20 U.S.C. 6301 et seq.),
 16 as amended by the preceding provisions of this Act, is fur-
 17 ther amended—

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

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

22 **“Subpart 2—Education of Migratory Children**

23 **“SEC. 1131. PROGRAM PURPOSES.**

24 “The purposes of this subpart are as follows:

1 “(1) To assist States in supporting high-quality
2 and comprehensive educational programs and serv-
3 ices during the school year, and as applicable, during
4 summer or intercession periods, that address the
5 unique educational needs of migratory children.

6 “(2) To ensure that migratory children who
7 move among the States, not be penalized in any
8 manner by disparities among the States in cur-
9 riculum, graduation requirements, and State aca-
10 demic standards.

11 “(3) To help such children succeed in school,
12 meet the State academic standards that all children
13 are expected to meet, and graduate from high school
14 prepared for postsecondary education and the work-
15 force without the need for remediation.

16 “(4) To help such children overcome edu-
17 cational disruption, cultural and language barriers,
18 social isolation, various health-related problems, and
19 other factors that inhibit the ability of such children
20 to succeed in school.

21 “(5) To help such children benefit from State
22 and local systemic reforms.

1 **“SEC. 1132. PROGRAM AUTHORIZED.**

2 “(a) IN GENERAL.—From the amounts appropriated
3 under section 3(a)(1), the Secretary shall reserve 2.37 per-
4 cent to carry out this subpart.

5 “(b) GRANTS AWARDED.—From the amounts re-
6 served under subsection (a) and not reserved under section
7 1138(c), the Secretary shall make allotments for the fiscal
8 year to State educational agencies, or consortia of such
9 agencies, to establish or improve, directly or through local
10 operating agencies, programs of education for migratory
11 children in accordance with this subpart.

12 **“SEC. 1133. STATE ALLOCATIONS.**

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

17 “(1) the sum of—

18 “(A) the average number of identified eligi-
19 ble full-time equivalent migratory children aged
20 3 through 21 residing in the State, based on
21 data for the preceding 3 years; and

22 “(B) the number of identified eligible mi-
23 gratory children, aged 3 through 21, who re-
24 ceived services under this subpart in summer or
25 intersession programs provided by the State
26 during the previous year; multiplied by

1 “(2) 40 percent of the average per-pupil ex-
2 penditure in the State, except that the amount de-
3 termined under this paragraph shall not be less than
4 32 percent, nor more than 48 percent, of the aver-
5 age per-pupil expenditure in the United States.

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

10 “(c) ALLOCATION TO PUERTO RICO.—For each fiscal
11 year, the grant which the Commonwealth of Puerto Rico
12 shall be eligible to receive under this subpart shall be the
13 amount determined by multiplying the number of children
14 who would be counted under subsection (a)(1) if such sub-
15 section applied to the Commonwealth of Puerto Rico by
16 the product of—

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

23 “(2) 32 percent of the average per-pupil ex-
24 penditure in the United States.

25 “(d) RATABLE REDUCTIONS; REALLOCATIONS.—

1 “(1) IN GENERAL.—

2 “(A) RATABLE REDUCTIONS.—If, after the
3 Secretary reserves funds under section 1138(e),
4 the amount appropriated to carry out this sub-
5 part for any fiscal year is insufficient to pay in
6 full the amounts for which all States are eligi-
7 ble, the Secretary shall ratably reduce each
8 such amount.

9 “(B) REALLOCATION.—If additional funds
10 become available for making such payments for
11 any fiscal year, the Secretary shall allocate such
12 funds to States in amounts that the Secretary
13 determines will best carry out the purpose of
14 this subpart.

15 “(2) SPECIAL RULE.—

16 “(A) FURTHER REDUCTIONS.—The Sec-
17 retary shall further reduce the amount of any
18 grant to a State under this subpart for any fis-
19 cal year if the Secretary determines, based on
20 available information on the numbers and needs
21 of migratory children in the State and the pro-
22 gram proposed by the State to address such
23 needs, that such amount exceeds the amount
24 required under section 1134.

1 “(B) REALLOCATION.—The Secretary shall
2 reallocate such excess funds to other States
3 whose grants under this subpart would other-
4 wise be insufficient to provide an appropriate
5 level of services to migratory children, in such
6 amounts as the Secretary determines are appro-
7 priate.

8 “(e) CONSORTIUM ARRANGEMENTS.—

9 “(1) IN GENERAL.—In the case of a State that
10 receives a grant of \$1,000,000 or less under this
11 section, the Secretary shall consult with the State
12 educational agency to determine whether consortium
13 arrangements with another State or other appro-
14 priate entity would result in delivery of services in
15 a more effective and efficient manner.

16 “(2) PROPOSALS.—Any State, regardless of the
17 amount of such State’s allocation, may submit a
18 consortium arrangement to the Secretary for ap-
19 proval.

20 “(3) APPROVAL.—The Secretary shall approve
21 a consortium arrangement under paragraph (1) or
22 (2) if the proposal demonstrates that the arrange-
23 ment will—

24 “(A) reduce administrative costs or pro-
25 gram function costs for State programs; and

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

5 “(f) DETERMINING NUMBERS OF ELIGIBLE CHIL-
6 DREN.—In order to determine the identified number of
7 migratory children residing in each State for purposes of
8 this section, the Secretary shall—

9 “(1) use the most recent information that most
10 accurately reflects the actual number of migratory
11 children;

12 “(2) develop and implement a procedure for
13 monitoring the accuracy of such information;

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

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

20 “(A) the unique needs of those children
21 participating in evidence-based or other effec-
22 tive special programs provided under this sub-
23 part that operate during the summer and inter-
24 session periods; and

1 “(B) the additional costs of operating such
2 programs; and

3 “(5) conduct an analysis of the options for ad-
4 justing the formula so as to better direct services to
5 migratory children, including the most at-risk migra-
6 tory children.

7 “(g) NONPARTICIPATING STATES.—In the case of a
8 State desiring to receive an allocation under this subpart
9 for a fiscal year that did not receive an allocation for the
10 previous fiscal year or that has been participating for less
11 than 3 consecutive years, the Secretary shall calculate the
12 State’s number of identified migratory children aged 3
13 through 21 for purposes of subsection (a)(1)(A) by using
14 the most recent data available that identifies the migra-
15 tory children residing in the State until data is available
16 to calculate the 3-year average number of such children
17 in accordance with such subsection.

18 **“SEC. 1134. STATE APPLICATIONS; SERVICES.**

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

23 “(b) PROGRAM INFORMATION.—Each such applica-
24 tion shall include—

1 “(1) a description of how, in planning, imple-
2 menting, and evaluating programs and projects as-
3 sisted under this subpart, the State and its local op-
4 erating agencies will ensure that the unique edu-
5 cational needs of migratory children, including pre-
6 school migratory children, are identified and ad-
7 dressed through—

8 “(A) the full range of services that are
9 available for migratory children from appro-
10 prium local, State, and Federal educational pro-
11 grams;

12 “(B) joint planning among local, State,
13 and Federal educational programs serving mi-
14 gratory children, including language instruction
15 educational programs under chapter A of sub-
16 part 4; and

17 “(C) the integration of services available
18 under this subpart with services provided by
19 those other programs;

20 “(2) a description of the steps the State is tak-
21 ing to provide all migratory students with the oppor-
22 tunity to meet the same State academic standards
23 that all children are expected to meet;

24 “(3) a description of how the State will use
25 funds received under this subpart to promote inter-

1 state and intrastate coordination of services for mi-
2 gratory children, including how the State will pro-
3 vide for educational continuity through the timely
4 transfer of pertinent school records, including infor-
5 mation on health, when children move from one
6 school to another, whether or not such a move oc-
7 curs during the regular school year;

8 “(4) a description of the State’s priorities for
9 the use of funds received under this subpart, and
10 how such priorities relate to the State’s assessment
11 of needs for services in the State;

12 “(5) a description of how the State will deter-
13 mine the amount of any subgrants the State will
14 award to local operating agencies, taking into ac-
15 count the numbers and needs of migratory children,
16 the requirements of subsection (d), and the avail-
17 ability of funds from other Federal, State, and local
18 programs; and

19 “(6) a description of how the State will encour-
20 age programs and projects assisted under this sub-
21 part to offer family literacy services if the programs
22 and projects serve a substantial number of migra-
23 tory children whose parents do not have a regular
24 high school diploma or its recognized equivalent or
25 who have low levels of literacy.

1 “(c) ASSURANCES.—Each such application shall also
2 include assurances that—

3 “(1) funds received under this subpart will be
4 used only—

5 “(A) for programs and projects, including
6 the acquisition of equipment, in accordance
7 with section 1136; and

8 “(B) to coordinate such programs and
9 projects with similar programs and projects
10 within the State and in other States, as well as
11 with other Federal programs that can benefit
12 migratory children and their families;

13 “(2) such programs and projects will be carried
14 out in a manner consistent with the objectives of
15 section 1114, subsections (b) and (d) of section
16 1115, subsections (b) and (c) of section 1120A, and
17 part C;

18 “(3) in the planning and operation of programs
19 and projects at both the State and local agency op-
20 erating level, there is consultation with parents of
21 migratory children for programs of not less than one
22 school year in duration, and that all such programs
23 and projects are carried out—

24 “(A) in a manner that provides for the
25 same parental involvement as is required for

1 programs and projects under section 1118, un-
2 less extraordinary circumstances make such
3 provision impractical; and

4 “(B) in a format and language under-
5 standable to the parents;

6 “(4) in planning and carrying out such pro-
7 grams and projects, there has been, and will be, ade-
8 quate provision for addressing the unmet education
9 needs of preschool migratory children;

10 “(5) the effectiveness of such programs and
11 projects will be determined, where feasible, using the
12 same approaches and standards that will be used to
13 assess the performance of students, schools, and
14 local educational agencies under subpart 1;

15 “(6) to the extent feasible, such programs and
16 projects will provide for—

17 “(A) advocacy and outreach activities for
18 migratory children and their families, including
19 informing such children and families of, or
20 helping such children and families gain access
21 to, other education, health, nutrition, and social
22 services;

23 “(B) professional development programs,
24 including mentoring, for teachers and other
25 program personnel;

1 “(C) high-quality, evidence-based family
2 literacy programs;

3 “(D) the integration of information tech-
4 nology into educational and related programs;
5 and

6 “(E) programs to facilitate the transition
7 of secondary school students to postsecondary
8 education or employment without the need for
9 remediation; and

10 “(7) the State will assist the Secretary in deter-
11 mining the number of migratory children under
12 paragraph (1) of section 1133(a).

13 “(d) PRIORITY FOR SERVICES.—In providing services
14 with funds received under this subpart, each recipient of
15 such funds shall give priority to migratory children who
16 are failing, or most at risk of failing, to meet the State’s
17 academic standards under section 1111 (b)(1) .

18 “(e) CONTINUATION OF SERVICES.—Notwith-
19 standing any other provision of this subpart—

20 “(1) a child who ceases to be a migratory child
21 during a school term shall be eligible for services
22 until the end of such term;

23 “(2) a child who is no longer a migratory child
24 may continue to receive services for one additional

1 school year, but only if comparable services are not
2 available through other programs; and

3 “(3) secondary school students who were eligi-
4 ble for services in secondary school may continue to
5 be served through credit accrual programs until
6 graduation.

7 **“SEC. 1135. SECRETARIAL APPROVAL; PEER REVIEW.**

8 “The Secretary shall approve each State application
9 that meets the requirements of this subpart, and may re-
10 view any such application using a peer review process.

11 **“SEC. 1136. COMPREHENSIVE NEEDS ASSESSMENT AND**
12 **SERVICE-DELIVERY PLAN; AUTHORIZED AC-**
13 **TIVITIES.**

14 “(a) COMPREHENSIVE PLAN.—

15 “(1) IN GENERAL.—Each State that receives
16 assistance under this subpart shall ensure that the
17 State and its local operating agencies identify and
18 address the unique educational needs of migratory
19 children in accordance with a comprehensive State
20 plan that—

21 “(A) is integrated with other programs
22 under this Act or other Acts, as appropriate;

23 “(B) may be submitted as a part of a con-
24 solidated application under section 5302, if—

1 “(i) the unique needs of migratory
2 children are specifically addressed in the
3 comprehensive State plan;

4 “(ii) the comprehensive State plan is
5 developed in collaboration with parents of
6 migratory children; and

7 “(iii) the comprehensive State plan is
8 not used to supplant State efforts regard-
9 ing, or administrative funding for, this
10 subpart;

11 “(C) provides that migratory children will
12 have an opportunity to meet the same State
13 academic standards under section 1111(b)(1)
14 that all children are expected to meet;

15 “(D) specifies measurable program goals
16 and outcomes;

17 “(E) encompasses the full range of services
18 that are available for migratory children from
19 appropriate local, State, and Federal edu-
20 cational programs;

21 “(F) is the product of joint planning
22 among such local, State, and Federal programs,
23 including programs under subpart 1, early
24 childhood programs, and language instruction

1 educational programs under chapter A of sub-
2 part 4; and

3 “(G) provides for the integration of serv-
4 ices available under this subpart with services
5 provided by such other programs.

6 “(2) DURATION OF THE PLAN.—Each such
7 comprehensive State plan shall—

8 “(A) remain in effect for the duration of
9 the State’s participation under this subpart;
10 and

11 “(B) be periodically reviewed and revised
12 by the State, as necessary, to reflect changes in
13 the State’s strategies and programs under this
14 subpart.

15 “(b) AUTHORIZED ACTIVITIES.—

16 “(1) FLEXIBILITY.—In implementing the com-
17 prehensive plan described in subsection (a), each
18 State educational agency, where applicable through
19 its local educational agencies, shall have the flexi-
20 bility to determine the activities to be provided with
21 funds made available under this subpart, except that
22 such funds first shall be used to meet the identified
23 needs of migratory children that result from their
24 migratory lifestyle, and to permit these children to
25 participate effectively in school.

1 “(2) UNADDRESSED NEEDS.—Funds provided
2 under this subpart shall be used to address the
3 needs of migratory children that are not addressed
4 by services available from other Federal or non-Fed-
5 eral programs, except that migratory children who
6 are eligible to receive services under subpart 1 may
7 receive those services through funds provided under
8 that subpart, or through funds under this subpart
9 that remain after the agency addresses the needs de-
10 scribed in paragraph (1).

11 “(3) CONSTRUCTION.—Nothing in this subpart
12 shall be construed to prohibit a local educational
13 agency from serving migratory children simulta-
14 neously with students with similar educational needs
15 in the same educational settings, where appropriate.

16 **“SEC. 1137. BYPASS.**

17 “The Secretary may use all or part of any State’s
18 allocation under this subpart to make arrangements with
19 any public or private agency to carry out the purpose of
20 this subpart in such State if the Secretary determines
21 that—

22 “(1) the State is unable or unwilling to conduct
23 educational programs for migratory children;

1 “(2) such arrangements would result in more
2 efficient and economic administration of such pro-
3 grams; or

4 “(3) such arrangements would add substantially
5 to the educational achievement of such children.

6 **“SEC. 1138. COORDINATION OF MIGRATORY EDUCATION**
7 **ACTIVITIES.**

8 “(a) IMPROVEMENT OF COORDINATION.—

9 “(1) IN GENERAL.—The Secretary, in consulta-
10 tion with the States, may make grants to, or enter
11 into contracts with, State educational agencies, local
12 educational agencies, institutions of higher edu-
13 cation, and other public and private entities to im-
14 prove the interstate and intrastate coordination
15 among such agencies’ educational programs, includ-
16 ing through the establishment or improvement of
17 programs for credit accrual and exchange, available
18 to migratory students.

19 “(2) DURATION.—Grants or contracts under
20 this subsection may be awarded for not more than
21 5 years.

22 “(b) STUDENT RECORDS.—

23 “(1) ASSISTANCE.—The Secretary shall assist
24 States in developing and maintaining an effective
25 system for the electronic transfer of student records

1 and in determining the number of migratory chil-
2 dren in each State.

3 “(2) INFORMATION SYSTEM.—

4 “(A) IN GENERAL.—The Secretary, in con-
5 sultation with the States, shall ensure the link-
6 age of migratory student record systems for the
7 purpose of electronically exchanging, among the
8 States, health and educational information re-
9 garding all migratory students. The Secretary
10 shall ensure such linkage occurs in a cost-effec-
11 tive manner, utilizing systems used by the
12 States prior to, or developed after, the date of
13 enactment of this Act. The Secretary shall de-
14 termine the minimum data elements that each
15 State receiving funds under this subpart shall
16 collect and maintain. Such minimum data ele-
17 ments may include—

18 “(i) immunization records and other
19 health information;

20 “(ii) elementary and secondary aca-
21 demic history (including partial credit),
22 credit accrual, and results from State as-
23 sessments required under section
24 1111(b)(2);

1 “(iii) other academic information es-
2 sential to ensuring that migratory children
3 achieve to the States’s academic standards;
4 and

5 “(iv) eligibility for services under the
6 Individuals with Disabilities Education
7 Act.

8 “(B) The Secretary shall consult with
9 States before updating the data elements that
10 each State receiving funds under this subpart
11 shall be required to collect for purposes of elec-
12 tronic transfer of migratory student information
13 and the requirements that States shall meet for
14 immediate electronic access to such information.

15 “(3) NO COST FOR CERTAIN TRANSFERS.—A
16 State educational agency or local educational agency
17 receiving assistance under this subpart shall make
18 student records available to another State edu-
19 cational agency or local educational agency that re-
20 quests the records at no cost to the requesting agen-
21 cy, if the request is made in order to meet the needs
22 of a migratory child.

23 “(4) REPORT TO CONGRESS.—

24 “(A) IN GENERAL.—Not later than April
25 30, 2014, the Secretary shall report to the

1 Committee on Health, Education, Labor, and
2 Pensions of the Senate and the Committee on
3 Education and the Workforce of the House of
4 Representatives the Secretary's findings and
5 recommendations regarding the maintenance
6 and transfer of health and educational informa-
7 tion for migratory students by the States.

8 “(B) REQUIRED CONTENTS.—The Sec-
9 retary shall include in such report—

10 “(i) a review of the progress of States
11 in developing and linking electronic records
12 transfer systems;

13 “(ii) recommendations for maintaining
14 such systems; and

15 “(iii) recommendations for improving
16 the continuity of services provided for mi-
17 gratory students.

18 “(c) AVAILABILITY OF FUNDS.—The Secretary shall
19 reserve not more than \$10,000,000 of the amount re-
20 served under section 1132 to carry out this section for
21 each fiscal year.

22 “(d) DATA COLLECTION.—The Secretary shall direct
23 the National Center for Education Statistics to collect
24 data on migratory children.

1 **“SEC. 1139. DEFINITIONS.**

2 “As used in this subpart:

3 “(1) LOCAL OPERATING AGENCY.—The term
4 ‘local operating agency’ means—

5 “(A) a local educational agency to which a
6 State educational agency makes a subgrant
7 under this subpart;

8 “(B) a public or private agency with which
9 a State educational agency or the Secretary
10 makes an arrangement to carry out a project
11 under this subpart; or

12 “(C) a State educational agency, if the
13 State educational agency operates the State’s
14 migratory education program or projects di-
15 rectly.

16 “(2) MIGRATORY CHILD.—The term ‘migratory
17 child’ means a child who is, or whose parent or
18 spouse is, a migratory agricultural worker, including
19 a migratory dairy worker, or a migratory fisher, and
20 who, in the preceding 36 months, in order to obtain,
21 or accompany such parent or spouse, in order to ob-
22 tain, temporary or seasonal employment in agricul-
23 tural or fishing work—

24 “(A) has moved from one school district to
25 another;

1 “(B) in a State that is comprised of a sin-
2 gle school district, has moved from one adminis-
3 trative area to another within such district; or

4 “(C) resides in a school district of more
5 than 15,000 square miles, and migrates a dis-
6 tance of 20 miles or more to a temporary resi-
7 dence to engage in a fishing activity.

8 **“Subpart 3—Prevention and Intervention Programs**
9 **for Children and Youth Who Are Neglected, De-**
10 **linquent, or At-Risk**

11 **“SEC. 1141. PURPOSE AND PROGRAM AUTHORIZATION.**

12 “(a) PURPOSE.—It is the purpose of this subpart—

13 “(1) to improve educational services for chil-
14 dren and youth in local and State institutions for
15 neglected or delinquent children and youth so that
16 such children and youth have the opportunity to
17 meet the same State academic standards that all
18 children in the State are expected to meet;

19 “(2) to provide such children and youth with
20 the services needed to make a successful transition
21 from institutionalization to further schooling or em-
22 ployment; and

23 “(3) to prevent at-risk youth from dropping out
24 of school, and to provide dropouts, and children and
25 youth returning from correctional facilities or insti-

1 tutions for neglected or delinquent children and
2 youth, with a support system to ensure their contin-
3 ued education.

4 “(b) PROGRAM AUTHORIZED.—From amounts ap-
5 propriated under section 3(a)(1), the Secretary shall re-
6 serve 0.305 of one percent to carry out this subpart.

7 “(c) GRANTS AWARDED.—From the amounts re-
8 served under subsection (b) and not reserved under section
9 1004 and section 1159, the Secretary shall make grants
10 to State educational agencies that have plans submitted
11 under section 1154 approved to enable such agencies to
12 award subgrants to State agencies and local educational
13 agencies to establish or improve programs of education for
14 neglected, delinquent, or at-risk children and youth.

15 **“SEC. 1142. PAYMENTS FOR PROGRAMS UNDER THIS SUB-**
16 **PART.**

17 “(a) AGENCY SUBGRANTS.—Based on the allocation
18 amount computed under section 1152, the Secretary shall
19 allocate to each State educational agency an amount nec-
20 essary to make subgrants to State agencies under chapter
21 A.

22 “(b) LOCAL SUBGRANTS.—Each State shall retain,
23 for the purpose of carrying out chapter B, funds generated
24 throughout the State under subpart 1 of this part based
25 on children and youth residing in local correctional facili-

1 ties, or attending community day programs for delinquent
2 children and youth.

3 **“CHAPTER A—STATE AGENCY PROGRAMS**

4 **“SEC. 1151. ELIGIBILITY.**

5 “A State agency is eligible for assistance under this
6 chapter if such State agency is responsible for providing
7 free public education for children and youth—

8 “(1) in institutions for neglected or delinquent
9 children and youth;

10 “(2) attending community day programs for ne-
11 glected or delinquent children and youth; or

12 “(3) in adult correctional institutions.

13 **“SEC. 1152. ALLOCATION OF FUNDS.**

14 “(a) SUBGRANTS TO STATE AGENCIES.—

15 “(1) IN GENERAL.—Each State agency de-
16 scribed in section 1151 (other than an agency in the
17 Commonwealth of Puerto Rico) is eligible to receive
18 a subgrant under this chapter, for each fiscal year,
19 in an amount equal to the product of—

20 “(A) the number of neglected or delinquent
21 children and youth described in section 1151
22 who—

23 “(i) are enrolled for at least 15 hours
24 per week in education programs in adult
25 correctional institutions; and

1 “(ii) are enrolled for at least 20 hours
2 per week—

3 “(I) in education programs in in-
4 stitutions for neglected or delinquent
5 children and youth; or

6 “(II) in community day programs
7 for neglected or delinquent children
8 and youth; and

9 “(B) 40 percent of the average per-pupil
10 expenditure in the State, except that the
11 amount determined under this subparagraph
12 shall not be less than 32 percent, nor more
13 than 48 percent, of the average per-pupil ex-
14 penditure in the United States.

15 “(2) SPECIAL RULE.—The number of neglected
16 or delinquent children and youth determined under
17 paragraph (1) shall—

18 “(A) be determined by the State agency by
19 a deadline set by the Secretary, except that no
20 State agency shall be required to determine the
21 number of such children and youth on a specific
22 date set by the Secretary; and

23 “(B) be adjusted, as the Secretary deter-
24 mines is appropriate, to reflect the relative
25 length of such agency’s annual programs.

1 “(b) SUBGRANTS TO STATE AGENCIES IN PUERTO
2 RICO.—

3 “(1) IN GENERAL.—For each fiscal year, the
4 amount of the subgrant which a State agency in the
5 Commonwealth of Puerto Rico shall be eligible to re-
6 ceive under this chapter shall be the amount deter-
7 mined by multiplying the number of children count-
8 ed under subsection (a)(1)(A) for the Common-
9 wealth of Puerto Rico by the product of—

10 “(A) the percentage which the average per-
11 pupil expenditure in the Commonwealth of
12 Puerto Rico is of the lowest average per-pupil
13 expenditure of any of the 50 States; and

14 “(B) 32 percent of the average per-pupil
15 expenditure in the United States.

16 “(2) MINIMUM PERCENTAGE.—The percentage
17 in paragraph (1)(A) shall not be less than 85 per-
18 cent.

19 “(c) RATABLE REDUCTIONS IN CASE OF INSUFFI-
20 CIENT APPROPRIATIONS.—If the amount reserved for any
21 fiscal year for subgrants under subsections (a) and (b) is
22 insufficient to pay the full amount for which all State
23 agencies are eligible under such subsections, the Secretary
24 shall ratably reduce each such amount.

1 **“SEC. 1153. STATE REALLOCATION OF FUNDS.**

2 “If a State educational agency determines that a
3 State agency does not need the full amount of the
4 subgrant for which such State agency is eligible under this
5 chapter for any fiscal year, the State educational agency
6 may reallocate the amount that will not be needed to other
7 eligible State agencies that need additional funds to carry
8 out the purpose of this chapter, in such amounts as the
9 State educational agency shall determine.

10 **“SEC. 1154. STATE PLAN AND STATE AGENCY APPLICA-**
11 **TIONS.**

12 “(a) STATE PLAN.—

13 “(1) IN GENERAL.—Each State educational
14 agency that desires to receive a grant under this
15 chapter shall submit, for approval by the Secretary,
16 a plan—

17 “(A) for meeting the educational needs of
18 neglected, delinquent, and at-risk children and
19 youth;

20 “(B) for assisting in the transition of chil-
21 dren and youth from correctional facilities to lo-
22 cally operated programs; and

23 “(C) that is integrated with other pro-
24 grams under this Act or other Acts, as appro-
25 priate.

26 “(2) CONTENTS.—Each such State plan shall—

1 “(A) describe how the State will assess the
2 effectiveness of the program in improving the
3 academic, career, and technical skills of chil-
4 dren in the program;

5 “(B) provide that, to the extent feasible,
6 such children will have the same opportunities
7 to achieve as such children would have if such
8 children were in the schools of local educational
9 agencies in the State;

10 “(C) describe how the State will place a
11 priority for such children to obtain a regular
12 high school diploma, to the extent feasible; and

13 “(D) contain an assurance that the State
14 educational agency will—

15 “(i) ensure that programs assisted
16 under this chapter will be carried out in
17 accordance with the State plan described
18 in this subsection;

19 “(ii) carry out the evaluation require-
20 ments of section 1171; and

21 “(iii) ensure that the State agencies
22 receiving subgrants under this chapter
23 comply with all applicable statutory and
24 regulatory requirements.

1 “(3) DURATION OF THE PLAN.—Each such
2 State plan shall—

3 “(A) remain in effect for the duration of
4 the State’s participation under this chapter;
5 and

6 “(B) be periodically reviewed and revised
7 by the State, as necessary, to reflect changes in
8 the State’s strategies and programs under this
9 chapter.

10 “(b) SECRETARIAL APPROVAL AND PEER REVIEW.—

11 “(1) SECRETARIAL APPROVAL.—The Secretary
12 shall approve each State plan that meets the re-
13 quirements of this chapter.

14 “(2) PEER REVIEW.—The Secretary may review
15 any State plan with the assistance and advice of in-
16 dividuals with relevant expertise.

17 “(c) STATE AGENCY APPLICATIONS.—Any State
18 agency that desires to receive funds to carry out a pro-
19 gram under this chapter shall submit an application to
20 the State educational agency that—

21 “(1) describes the procedures to be used, con-
22 sistent with the State plan under section 1111, to
23 assess the educational needs of the children to be
24 served under this chapter;

1 “(2) provide an assurance that in making serv-
2 ices available to children and youth in adult correc-
3 tional institutions, priority will be given to such chil-
4 dren and youth who are likely to complete incarceration
5 within a 2-year period;

6 “(3) describes the program, including a budget
7 for the first year of the program, with annual up-
8 dates to be provided to the State educational agency;

9 “(4) describes how the program will meet the
10 goals and objectives of the State plan;

11 “(5) describes how the State agency will consult
12 with experts and provide the necessary training for
13 appropriate staff, to ensure that the planning and
14 operation of institution-wide projects under section
15 1156 are of high quality;

16 “(6) describes how the programs will be coordi-
17 nated with other appropriate State and Federal pro-
18 grams, such as programs under title I of Public Law
19 105–220, career and technical education programs,
20 State and local dropout prevention programs, and
21 special education programs;

22 “(7) describes how the State agency will en-
23 courage correctional facilities receiving funds under
24 this chapter to coordinate with local educational
25 agencies or alternative education programs attended

1 by incarcerated children and youth prior to and after
2 their incarceration to ensure that student assess-
3 ments and appropriate academic records are shared
4 jointly between the correctional facility and the local
5 educational agency or alternative education program;

6 “(8) describes how appropriate professional de-
7 velopment will be provided to teachers and other
8 staff;

9 “(9) designates an individual in each affected
10 correctional facility or institution for neglected or
11 delinquent children and youth to be responsible for
12 issues relating to the transition of such children and
13 youth from such facility or institution to locally op-
14 erated programs;

15 “(10) describes how the State agency will en-
16 deavor to coordinate with businesses for training and
17 mentoring for participating children and youth;

18 “(11) provides an assurance that the State
19 agency will assist in locating alternative programs
20 through which students can continue their education
21 if the students are not returning to school after leav-
22 ing the correctional facility or institution for ne-
23 glected or delinquent children and youth;

24 “(12) provides assurances that the State agency
25 will work with parents to secure parents’ assistance

1 in improving the educational achievement of their
2 children and youth, and preventing their children's
3 and youth's further involvement in delinquent activi-
4 ties;

5 “(13) provides an assurance that the State
6 agency will work with children and youth with dis-
7 abilities in order to meet an existing individualized
8 education program and an assurance that the agen-
9 cy will notify the child's or youth's local school if the
10 child or youth—

11 “(A) is identified as in need of special edu-
12 cation services while the child or youth is in the
13 correctional facility or institution for neglected
14 or delinquent children and youth; and

15 “(B) intends to return to the local school;

16 “(14) provides an assurance that the State
17 agency will work with children and youth who
18 dropped out of school before entering the correc-
19 tional facility or institution for neglected or delin-
20 quent children and youth to encourage the children
21 and youth to reenter school and obtain a regular
22 high school diploma once the term of the incarcer-
23 ation is completed, or provide the child or youth with
24 the skills necessary to gain employment, continue
25 the education of the child or youth, or obtain a reg-

1 ular high school diploma or its recognized equivalent
2 if the child or youth does not intend to return to
3 school;

4 “(15) provides an assurance that effective
5 teachers and other qualified staff are trained to
6 work with children and youth with disabilities and
7 other students with special needs taking into consid-
8 eration the unique needs of such students;

9 “(16) describes any additional services to be
10 provided to children and youth, such as career coun-
11 seling, distance education, and assistance in securing
12 student loans and grants; and

13 “(17) provides an assurance that the program
14 under this chapter will be coordinated with any pro-
15 grams operated under the Juvenile Justice and De-
16 linquency Prevention Act of 1974 (42 U.S.C. 5601
17 et seq.) or other comparable programs, if applicable.

18 **“SEC. 1155. USE OF FUNDS.**

19 “(a) USES.—

20 “(1) IN GENERAL.—A State agency shall use
21 funds received under this chapter only for programs
22 and projects that—

23 “(A) are consistent with the State plan
24 under section 1154(a); and

1 “(B) concentrate on providing participants
2 with the knowledge and skills needed to make
3 a successful transition to secondary school com-
4 pletion, career and technical education, further
5 education, or employment without the need for
6 remediation.

7 “(2) PROGRAMS AND PROJECTS.—Such pro-
8 grams and projects—

9 “(A) may include the acquisition of equip-
10 ment;

11 “(B) shall be designed to support edu-
12 cational services that—

13 “(i) except for institution-wide
14 projects under section 1156, are provided
15 to children and youth identified by the
16 State agency as failing, or most at-risk of
17 failing, to meet the State’s academic stand-
18 ards;

19 “(ii) supplement and improve the
20 quality of the educational services provided
21 to such children and youth by the State
22 agency; and

23 “(iii) afford such children and youth
24 an opportunity to meet State academic
25 standards; and

1 “(C) shall be carried out in a manner con-
2 sistent with section 1120A and part C (as ap-
3 plied to programs and projects under this chap-
4 ter).

5 “(b) SUPPLEMENT, NOT SUPPLANT.—A program
6 under this chapter that supplements the number of hours
7 of instruction students receive from State and local
8 sources shall be considered to comply with the supplement,
9 not supplant the requirement of section 1120A (as applied
10 to this chapter) without regard to the subject areas in
11 which instruction is given during those hours.

12 **“SEC. 1156. INSTITUTION-WIDE PROJECTS.**

13 “A State agency that provides free public education
14 for children and youth in an institution for neglected or
15 delinquent children and youth (other than an adult correc-
16 tional institution) or attending a community day program
17 for such children and youth may use funds received under
18 this chapter to serve all children in, and upgrade the entire
19 educational effort of, that institution or program if the
20 State agency has developed, and the State educational
21 agency has approved, a comprehensive plan for that insti-
22 tution or program that—

23 “(1) provides for a comprehensive assessment
24 of the educational needs of all children and youth in
25 the institution or program serving juveniles;

1 “(2) provides for a comprehensive assessment
2 of the educational needs of youth aged 20 and
3 younger in adult facilities who are expected to com-
4 plete incarceration within a 2-year period;

5 “(3) describes the steps the State agency has
6 taken, or will take, to provide all children and youth
7 under age 21 with the opportunity to meet State
8 academic standards in order to improve the likeli-
9 hood that the children and youth will complete sec-
10 ondary school, obtain a regular high school diploma
11 or its recognized equivalent, or find employment
12 after leaving the institution;

13 “(4) describes the instructional program, spe-
14 cialized instructional support services, and proce-
15 dures that will be used to meet the needs described
16 in paragraph (1), including, to the extent feasible,
17 the provision of mentors for the children and youth
18 described in paragraph (1);

19 “(5) specifically describes how such funds will
20 be used;

21 “(6) describes the measures and procedures
22 that will be used to assess and improve student
23 achievement;

24 “(7) describes how the agency has planned, and
25 will implement and evaluate, the institution-wide or

1 program-wide project in consultation with personnel
2 providing direct instructional services and support
3 services in institutions or community day programs
4 for neglected or delinquent children and youth, and
5 with personnel from the State educational agency;
6 and

7 “(8) includes an assurance that the State agen-
8 cy has provided for appropriate training for teachers
9 and other instructional and administrative personnel
10 to enable such teachers and personnel to carry out
11 the project effectively.

12 **“SEC. 1157. THREE-YEAR PROGRAMS OR PROJECTS.**

13 “If a State agency operates a program or project
14 under this chapter in which individual children or youth
15 are likely to participate for more than one year, the State
16 educational agency may approve the State agency’s appli-
17 cation for a subgrant under this chapter for a period of
18 not more than 3 years.

19 **“SEC. 1158. TRANSITION SERVICES.**

20 “(a) **TRANSITION SERVICES.**—Each State agency
21 shall reserve not less than 15 percent and not more than
22 30 percent of the amount such agency receives under this
23 chapter for any fiscal year to support—

1 “(1) projects that facilitate the transition of
2 children and youth from State-operated institutions
3 to schools served by local educational agencies; or

4 “(2) the successful re-entry of youth offenders,
5 who are age 20 or younger and have received a reg-
6 ular high school diploma or its recognized equiva-
7 lent, into postsecondary education, or career and
8 technical training programs, through strategies de-
9 signed to expose the youth to, and prepare the youth
10 for, postsecondary education, or career and technical
11 training programs, such as—

12 “(A) preplacement programs that allow ad-
13 judicated or incarcerated youth to audit or at-
14 tend courses on college, university, or commu-
15 nity college campuses, or through programs
16 provided in institutional settings;

17 “(B) worksite schools, in which institutions
18 of higher education and private or public em-
19 ployers partner to create programs to help stu-
20 dents make a successful transition to postsec-
21 ondary education and employment; and

22 “(C) essential support services to ensure
23 the success of the youth, such as—

24 “(i) personal, career and technical,
25 and academic counseling;

1 “(ii) placement services designed to
2 place the youth in a university, college, or
3 junior college program;

4 “(iii) information concerning, and as-
5 sistance in obtaining, available student fi-
6 nancial aid;

7 “(iv) counseling services; and

8 “(v) job placement services.

9 “(b) CONDUCT OF PROJECTS.—A project supported
10 under this section may be conducted directly by the State
11 agency, or through a contract or other arrangement with
12 one or more local educational agencies, other public agen-
13 cies, or private organizations.

14 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion shall be construed to prohibit a school that receives
16 funds under subsection (a) from serving neglected and de-
17 linquent children and youth simultaneously with students
18 with similar educational needs, in the same educational
19 settings where appropriate.

20 **“SEC. 1159. TECHNICAL ASSISTANCE.**

21 “The Secretary shall reserve not more than 1 percent
22 of the amount reserved under section 1141 to provide
23 technical assistance to and support State agency programs
24 assisted under this chapter.

1 **“CHAPTER B—LOCAL AGENCY PROGRAMS**

2 **“SEC. 1161. PURPOSE.**

3 “The purpose of this chapter is to support the oper-
4 ation of local educational agency programs that involve
5 collaboration with locally operated correctional facilities—

6 “(1) to carry out high quality education pro-
7 grams to prepare children and youth for secondary
8 school completion, training, employment, or further
9 education;

10 “(2) to provide activities to facilitate the transi-
11 tion of such children and youth from the correctional
12 program to further education or employment; and

13 “(3) to operate programs in local schools for
14 children and youth returning from correctional facili-
15 ties, and programs which may serve at-risk children
16 and youth.

17 **“SEC. 1162. PROGRAMS OPERATED BY LOCAL EDU-
18 CATIONAL AGENCIES.**

19 “(a) LOCAL SUBGRANTS.—With funds made avail-
20 able under section 1142(b), the State educational agency
21 shall award subgrants to local educational agencies with
22 high numbers or percentages of children and youth resid-
23 ing in locally operated (including county operated) correc-
24 tional facilities for children and youth (including facilities
25 involved in community day programs).

1 “(b) SPECIAL RULE.—A local educational agency
2 that serves a school operated by a correctional facility is
3 not required to operate a program of support for children
4 and youth returning from such school to a school that is
5 not operated by a correctional agency but served by such
6 local educational agency, if more than 30 percent of the
7 children and youth attending the school operated by the
8 correctional facility will reside outside the boundaries
9 served by the local educational agency after leaving such
10 facility.

11 “(c) NOTIFICATION.—A State educational agency
12 shall notify local educational agencies within the State of
13 the eligibility of such agencies to receive a subgrant under
14 this chapter.

15 “(d) TRANSITIONAL AND ACADEMIC SERVICES.—
16 Transitional and supportive programs operated in local
17 educational agencies under this chapter shall be designed
18 primarily to meet the transitional and academic needs of
19 students returning to local educational agencies or alter-
20 native education programs from correctional facilities.
21 Services to students at-risk of dropping out of school shall
22 not have a negative impact on meeting the transitional and
23 academic needs of the students returning from correc-
24 tional facilities.

1 **“SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

2 “Each local educational agency desiring assistance
3 under this chapter shall submit an application to the State
4 educational agency that contains such information as the
5 State educational agency may require. Each such applica-
6 tion shall include—

7 “(1) a description of the program to be as-
8 sisted;

9 “(2) a description of formal agreements, re-
10 garding the program to be assisted, between—

11 “(A) the local educational agency; and

12 “(B) correctional facilities and alternative
13 school programs serving children and youth in-
14 volved with the juvenile justice system;

15 “(3) as appropriate, a description of how par-
16 ticipating schools will coordinate with facilities work-
17 ing with delinquent children and youth to ensure
18 that such children and youth are participating in an
19 education program comparable to one operating in
20 the local school such youth would attend;

21 “(4) a description of the program operated by
22 participating schools for children and youth return-
23 ing from correctional facilities and, as appropriate,
24 the types of services that such schools will provide
25 such children and youth and other at-risk children
26 and youth;

1 “(5) a description of the characteristics (includ-
2 ing learning difficulties, substance abuse problems,
3 and other needs) of the children and youth who will
4 be returning from correctional facilities and, as ap-
5 propriate, other at-risk children and youth expected
6 to be served by the program, and a description of
7 how the school will coordinate existing educational
8 programs to meet the unique educational needs of
9 such children and youth;

10 “(6) as appropriate, a description of how
11 schools will coordinate with existing social, health,
12 and other services to meet the needs of students re-
13 turning from correctional facilities and at-risk chil-
14 dren or youth, including prenatal health care and
15 nutrition services related to the health of the parent
16 and the child or youth, parenting and child develop-
17 ment classes, child care, targeted reentry and out-
18 reach programs, referrals to community resources,
19 and scheduling flexibility;

20 “(7) as appropriate, a description of any part-
21 nerships with local businesses to develop training,
22 curriculum-based youth entrepreneurship education,
23 and mentoring services for participating students;

24 “(8) as appropriate, a description of how the
25 program will involve parents in efforts to improve

1 the educational achievement of their children, assist
2 in dropout prevention activities, and prevent the in-
3 volvement of their children in delinquent activities;

4 “(9) a description of how the program under
5 this chapter will be coordinated with other Federal,
6 State, and local programs, such as programs under
7 title I of Public Law 105–220 and career and tech-
8 nical education programs serving at-risk children
9 and youth;

10 “(10) a description of how the program will be
11 coordinated with programs operated under the Juve-
12 nile Justice and Delinquency Prevention Act of 1974
13 and other comparable programs, if applicable;

14 “(11) as appropriate, a description of how
15 schools will work with probation officers to assist in
16 meeting the needs of children and youth returning
17 from correctional facilities;

18 “(12) a description of the efforts participating
19 schools will make to ensure correctional facilities
20 working with children and youth are aware of a
21 child’s or youth’s existing individualized education
22 program; and

23 “(13) as appropriate, a description of the steps
24 participating schools will take to find alternative
25 placements for children and youth interested in con-

1 continuing their education but unable to participate in
2 a traditional public school program.

3 **“SEC. 1164. USES OF FUNDS.**

4 “Funds provided to local educational agencies under
5 this chapter may be used, as appropriate, for—

6 “(1) programs that serve children and youth re-
7 turning to local schools from correctional facilities,
8 to assist in the transition of such children and youth
9 to the school environment and help them remain in
10 school in order to complete their education;

11 “(2) dropout prevention programs which serve
12 at-risk children and youth;

13 “(3) the coordination of health and social serv-
14 ices for such individuals if there is a likelihood that
15 the provision of such services, including day care,
16 drug and alcohol counseling, and mental health serv-
17 ices, will improve the likelihood such individuals will
18 complete their education;

19 “(4) special programs to meet the unique aca-
20 demic needs of participating children and youth, in-
21 cluding career and technical education, special edu-
22 cation, career counseling, curriculum-based youth
23 entrepreneurship education, and assistance in secur-
24 ing student loans or grants for postsecondary edu-
25 cation; and

1 “(5) programs providing mentoring and peer
2 mediation.

3 **“SEC. 1165. PROGRAM REQUIREMENTS FOR CORREC-**
4 **TIONAL FACILITIES RECEIVING FUNDS**
5 **UNDER THIS SECTION.**

6 “Each correctional facility entering into an agree-
7 ment with a local educational agency under section
8 1163(2) to provide services to children and youth under
9 this chapter shall—

10 “(1) where feasible, ensure that educational
11 programs in the correctional facility are coordinated
12 with the student’s home school, particularly with re-
13 spect to a student with an individualized education
14 program under part B of the Individuals with Dis-
15 abilities Education Act;

16 “(2) if the child or youth is identified as in
17 need of special education services while in the cor-
18 rectional facility, notify the local school of the child
19 or youth of such need;

20 “(3) where feasible, provide transition assist-
21 ance to help the child or youth stay in school, in-
22 cluding coordination of services for the family, coun-
23 seling, assistance in accessing drug and alcohol
24 abuse prevention programs, tutoring, and family
25 counseling;

1 “(4) provide support programs that encourage
2 children and youth who have dropped out of school
3 to re-enter school and obtain a regular high school
4 diploma once their term at the correctional facility
5 has been completed, or provide such children and
6 youth with the skills necessary to gain employment
7 or seek a regular high school diploma or its recog-
8 nized equivalent;

9 “(5) work to ensure that the correctional facil-
10 ity is staffed with effective teachers and other quali-
11 fied staff who are trained to work with children and
12 youth with disabilities taking into consideration the
13 unique needs of such children and youth;

14 “(6) ensure that educational programs in the
15 correctional facility are related to assisting students
16 to meet the States’s academic standards;

17 “(7) to the extent possible, use technology to
18 assist in coordinating educational programs between
19 the correctional facility and the community school;

20 “(8) where feasible, involve parents in efforts to
21 improve the educational achievement of their chil-
22 dren and prevent the further involvement of such
23 children in delinquent activities;

24 “(9) coordinate funds received under this chap-
25 ter with other local, State, and Federal funds avail-

1 able to provide services to participating children and
2 youth, such as funds made available under title I of
3 Public Law 105–220, and career and technical edu-
4 cation funds;

5 “(10) coordinate programs operated under this
6 chapter with activities funded under the Juvenile
7 Justice and Delinquency Prevention Act of 1974 and
8 other comparable programs, if applicable;

9 “(11) if appropriate, work with local businesses
10 to develop training, curriculum-based youth entre-
11 preneurship education, and mentoring programs for
12 children and youth; and

13 “(12) consult with the local educational agency
14 for a period jointly determined necessary by the cor-
15 rectional facility and local educational agency upon
16 discharge from that facility to coordinate educational
17 services so as to minimize disruption to the child’s
18 or youth’s achievement.

19 **“SEC. 1166. ACCOUNTABILITY.**

20 “The State educational agency—

21 “(1) may require correctional facilities or insti-
22 tutions for neglected or delinquent children and
23 youth to demonstrate, after receiving assistance
24 under this chapter for 3 years, that there has been
25 an increase in the number of children and youth re-

1 turning to school, obtaining a regular high school di-
2 ploma or its recognized equivalent, or obtaining em-
3 ployment after such children and youth are released;
4 and

5 “(2) may reduce or terminate funding for
6 projects under this chapter if a local educational
7 agency does not show progress in the number of
8 children and youth obtaining a regular high school
9 diploma or its recognized equivalent.

10 **“CHAPTER C—GENERAL PROVISIONS**

11 **“SEC. 1171. PROGRAM EVALUATIONS.**

12 “(a) SCOPE OF EVALUATION.—Each State agency or
13 local educational agency that conducts a program under
14 chapters A or B shall evaluate the program,
15 disaggregating data on participation by gender, race, eth-
16 nicity, and age, not less than once every 3 years, to deter-
17 mine the program’s impact on the ability of participants—

18 “(1) to maintain and improve educational
19 achievement;

20 “(2) to accrue school credits that meet State re-
21 quirements for grade promotion and high school
22 graduation;

23 “(3) to make the transition to a regular pro-
24 gram or other education program operated by a local
25 educational agency;

1 “(4) to complete high school (or high school
2 equivalency requirements) and obtain employment
3 after leaving the correctional facility or institution
4 for neglected or delinquent children and youth; and

5 “(5) as appropriate, to participate in postsec-
6 ondary education and job training programs.

7 “(b) EXCEPTION.—The disaggregation required
8 under subsection (a) shall not be required in a case in
9 which the number of students in a category is insufficient
10 to yield statistically reliable information or the results
11 would reveal personally identifiable information about an
12 individual student.

13 “(c) EVALUATION MEASURES.—In conducting each
14 evaluation under subsection (a), a State agency or local
15 educational agency shall use multiple and appropriate
16 measures of student progress.

17 “(d) EVALUATION RESULTS.—Each State agency
18 and local educational agency shall—

19 “(1) submit evaluation results to the State edu-
20 cational agency and the Secretary; and

21 “(2) use the results of evaluations under this
22 section to plan and improve subsequent programs
23 for participating children and youth.

24 **“SEC. 1172. DEFINITIONS.**

25 “**In this subpart:**

1 “(1) ADULT CORRECTIONAL INSTITUTION.—

2 The term ‘adult correctional institution’ means a fa-
3 cility in which persons (including persons under 21
4 years of age) are confined as a result of a conviction
5 for a criminal offense.

6 “(2) AT-RISK.—The term ‘at-risk’, when used
7 with respect to a child, youth, or student, means a
8 school-aged individual who—

9 “(A) is at-risk of academic failure; and

10 “(B) has a drug or alcohol problem, is
11 pregnant or is a parent, has come into contact
12 with the juvenile justice system in the past, is
13 at least 1 year behind the expected grade level
14 for the age of the individual, is an English
15 learner, is a gang member, has dropped out of
16 school in the past, or has a high absenteeism
17 rate at school.

18 “(3) COMMUNITY DAY PROGRAM.—The term
19 ‘community day program’ means a regular program
20 of instruction provided by a State agency at a com-
21 munity day school operated specifically for neglected
22 or delinquent children and youth.

23 “(4) INSTITUTION FOR NEGLECTED OR DELIN-
24 QUENT CHILDREN AND YOUTH.—The term ‘institu-

1 tion for neglected or delinquent children and youth’
2 means—

3 “(A) a public or private residential facility,
4 other than a foster home, that is operated for
5 the care of children who have been committed
6 to the institution or voluntarily placed in the in-
7 stitution under applicable State law, due to
8 abandonment, neglect, or death of their parents
9 or guardians; or

10 “(B) a public or private residential facility
11 for the care of children who have been adju-
12 dicated to be delinquent or in need of super-
13 vision.

14 **“Subpart 4—English Language Acquisition,**
15 **Language Enhancement, and Academic Achievement**

16 **“SEC. 1181. PURPOSES.**

17 “‘The purposes of this subpart are—

18 “(1) to help ensure that English learners, in-
19 cluding immigrant children and youth, attain
20 English proficiency and develop high levels of aca-
21 demic achievement in English;

22 “(2) to assist all English learners, including im-
23 migrant children and youth, to achieve at high levels
24 in the core academic subjects so that those children
25 can meet the same State academic standards that all

1 children are expected to meet, consistent with sec-
2 tion 1111(b)(1);

3 “(3) to assist State educational agencies, local
4 educational agencies, and schools in establishing, im-
5 plementing, and sustaining high-quality, flexible, evi-
6 dence-based language instruction educational pro-
7 grams designed to assist in teaching English learn-
8 ers, including immigrant children and youth;

9 “(4) to assist State educational agencies and
10 local educational agencies to develop and enhance
11 their capacity to provide high-quality, evidence-based
12 instructional programs designed to prepare English
13 learners, including immigrant children and youth, to
14 enter all-English instruction settings; and

15 “(5) to promote parental and community par-
16 ticipation in language instruction educational pro-
17 grams for the parents and communities of English
18 learners.

19 **“CHAPTER A—GRANTS AND SUBGRANTS**
20 **FOR ENGLISH LANGUAGE ACQUI-**
21 **SION AND LANGUAGE ENHANCEMENT**

22 **“SEC. 1191. FORMULA GRANTS TO STATES.**

23 “(a) IN GENERAL.—In the case of each State edu-
24 cational agency having a plan approved by the Secretary
25 for a fiscal year under section 1192, the Secretary shall

1 reserve 4.4 percent of funds appropriated under section
2 3(a)(1) to make a grant for the year to the agency for
3 the purposes specified in subsection (b). The grant shall
4 consist of the allotment determined for the State edu-
5 cational agency under subsection (c).

6 “(b) USE OF FUNDS.—

7 “(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The
8 Secretary may make a grant under subsection (a)
9 only if the State educational agency involved agrees
10 to expend at least 95 percent of the State edu-
11 cational agency’s allotment under subsection (c) for
12 a fiscal year—

13 “(A) to award subgrants, from allocations
14 under section 1193, to eligible entities to carry
15 out the activities described in section 1194
16 (other than subsection (e)); and

17 “(B) to award subgrants under section
18 1193(d)(1) to eligible entities that are described
19 in that section to carry out the activities de-
20 scribed in section 1194(e).

21 “(2) STATE ACTIVITIES.—Subject to paragraph
22 (3), each State educational agency receiving a grant
23 under subsection (a) may reserve not more than 5
24 percent of the agency’s allotment under subsection
25 (c) to carry out the following activities:

1 “(A) Professional development activities,
2 and other activities, which may include assisting
3 personnel in—

4 “(i) meeting State and local certifi-
5 cation and licensing requirements for
6 teaching English learners; and

7 “(ii) improving teacher skills in meet-
8 ing the diverse needs of English learners,
9 including in how to implement evidence-
10 based programs and curricula on teaching
11 English learners.

12 “(B) Planning, evaluation, administration,
13 and interagency coordination related to the sub-
14 grants referred to in paragraph (1).

15 “(C) Providing technical assistance and
16 other forms of assistance to eligible entities that
17 are receiving subgrants from a State edu-
18 cational agency under this chapter, including
19 assistance in—

20 “(i) identifying and implementing evi-
21 dence-based language instruction edu-
22 cational programs and curricula for teach-
23 ing English learners;

1 “(ii) helping English learners meet
2 the same State academic standards that all
3 children are expected to meet;

4 “(iii) identifying or developing, and
5 implementing, measures of English pro-
6 ficiency; and

7 “(iv) strengthening and increasing
8 parent, family, and community engage-
9 ment.

10 “(D) Providing recognition, which may in-
11 clude providing financial awards, to subgrantees
12 that have significantly improved the achieve-
13 ment and progress of English learners in—

14 “(i) reaching English language pro-
15 ficiency, based on the State’s English lan-
16 guage proficiency assessment under section
17 1111(b)(2)(D); and

18 “(ii) meeting the State academic
19 standards under section 1111(b)(1).

20 “(3) ADMINISTRATIVE EXPENSES.—From the
21 amount reserved under paragraph (2), a State edu-
22 cational agency may use not more than 40 percent
23 of such amount or \$175,000, whichever is greater,
24 for the planning and administrative costs of carrying
25 out paragraphs (1) and (2).

1 “(c) RESERVATIONS AND ALLOTMENTS.—

2 “(1) RESERVATIONS.—From the amount re-
3 served under section 1191(a) for each fiscal year,
4 the Secretary shall reserve—

5 “(A) 0.5 percent of such amount for pay-
6 ments to outlying areas, to be allotted in ac-
7 cordance with their respective needs for assist-
8 ance under this chapter, as determined by the
9 Secretary, for activities, approved by the Sec-
10 retary, consistent with this chapter; and

11 “(B) 6.5 percent of such amount for na-
12 tional activities under sections 1211 and 1222,
13 except that not more than \$2,000,000 of such
14 amount may be reserved for the National Clear-
15 ighthouse for English Language Acquisition and
16 Language Instruction Educational Programs
17 described in section 1222.

18 “(2) STATE ALLOTMENTS.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), from the amount reserved
21 under section 1191(a) for each fiscal year that
22 remains after making the reservations under
23 paragraph (1), the Secretary shall allot to each
24 State educational agency having a plan ap-
25 proved under section 1192(c)—

1 “(i) an amount that bears the same
2 relationship to 80 percent of the remainder
3 as the number of English learners in the
4 State bears to the number of such children
5 in all States, as determined by data avail-
6 able from the American Community Survey
7 conducted by the Department of Commerce
8 or State-reported data; and

9 “(ii) an amount that bears the same
10 relationship to 20 percent of the remainder
11 as the number of immigrant children and
12 youth in the State bears to the number of
13 such children and youth in all States, as
14 determined based only on data available
15 from the American Community Survey
16 conducted by the Department of Com-
17 merce.

18 “(B) MINIMUM ALLOTMENTS.—No State
19 educational agency shall receive an allotment
20 under this paragraph that is less than
21 \$500,000.

22 “(C) REALLOTMENT.—If any State edu-
23 cational agency described in subparagraph (A)
24 does not submit a plan to the Secretary for a
25 fiscal year, or submits a plan (or any amend-

1 ment to a plan) that the Secretary, after rea-
2 sonable notice and opportunity for a hearing,
3 determines does not satisfy the requirements of
4 this chapter, the Secretary shall reallocate any por-
5 tion of such allotment to the remaining State
6 educational agencies in accordance with sub-
7 paragraph (A).

8 “(D) SPECIAL RULE FOR PUERTO RICO.—

9 The total amount allotted to Puerto Rico for
10 any fiscal year under subparagraph (A) shall
11 not exceed 0.5 percent of the total amount al-
12 lotted to all States for that fiscal year.

13 “(3) USE OF DATA FOR DETERMINATIONS.—In

14 making State allotments under paragraph (2) for
15 each fiscal year, the Secretary shall determine the
16 number of English learners in a State and in all
17 States, using the most accurate, up-to-date data,
18 which shall be—

19 “(A) data from the American Community
20 Survey conducted by the Department of Com-
21 merce, which may be multiyear estimates;

22 “(B) the number of students being as-
23 sessed for English language proficiency, based
24 on the State’s English language proficiency as-

1 assessment under section 1111(b)(2)(D), which
2 may be multiyear estimates; or

3 “(C) a combination of data available under
4 subparagraphs (A) and (B).

5 **“SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.**

6 “(a) PLAN REQUIRED.—Each State educational
7 agency desiring a grant under this chapter shall submit
8 a plan to the Secretary at such time and in such manner
9 as the Secretary may require.

10 “(b) CONTENTS.—Each plan submitted under sub-
11 section (a) shall—

12 “(1) describe the process that the agency will
13 use in awarding subgrants to eligible entities under
14 section 1193(d)(1);

15 “(2) provide an assurance that—

16 “(A) the agency will ensure that eligible
17 entities receiving a subgrant under this chapter
18 comply with the requirement in section
19 1111(b)(2)(B)(x) to annually assess in English
20 learners who have been in the United States for
21 3 or more consecutive years;

22 “(B) the agency will ensure that eligible
23 entities receiving a subgrant under this chapter
24 annually assess the English proficiency of all
25 English learners participating in a program

1 funded under this chapter, consistent with sec-
2 tion 1111(b)(2)(D);

3 “(C) in awarding subgrants under section
4 1193, the agency will address the needs of
5 school systems of all sizes and in all geographic
6 areas, including school systems with rural and
7 urban schools;

8 “(D) subgrants to eligible entities under
9 section 1193(d)(1) will be of sufficient size and
10 scope to allow such entities to carry out high-
11 quality, evidence-based language instruction
12 educational programs for English learners;

13 “(E) the agency will require an eligible en-
14 tity receiving a subgrant under this chapter to
15 use the subgrant in ways that will build such
16 recipient’s capacity to continue to offer high-
17 quality evidence-based language instruction edu-
18 cational programs that assist English learners
19 in meeting State academic standards;

20 “(F) the agency will monitor the eligible
21 entity receiving a subgrant under this chapter
22 for compliance with applicable Federal fiscal re-
23 quirements; and

24 “(G) the plan has been developed in con-
25 sultation with local educational agencies, teach-

1 ers, administrators of programs implemented
2 under this chapter, parents, and other relevant
3 stakeholders;

4 “(3) describe how the agency will coordinate its
5 programs and activities under this chapter with
6 other programs and activities under this Act and
7 other Acts, as appropriate;

8 “(4) describe how eligible entities in the State
9 will be given the flexibility to teach English learn-
10 ers—

11 “(A) using a high-quality, evidence-based
12 language instruction curriculum for teaching
13 English learners; and

14 “(B) in the manner the eligible entities de-
15 termine to be the most effective; and

16 “(5) describe how the agency will assist eligible
17 entities in increasing the number of English learners
18 who acquire English proficiency.

19 “(c) APPROVAL.—The Secretary, after using a peer
20 review process, shall approve a plan submitted under sub-
21 section (a) if the plan meets the requirements of this sec-
22 tion.

23 “(d) DURATION OF PLAN.—

1 “(1) IN GENERAL.—Each plan submitted by a
2 State educational agency and approved under sub-
3 section (c) shall—

4 “(A) remain in effect for the duration of
5 the agency’s participation under this chapter;
6 and

7 “(B) be periodically reviewed and revised
8 by the agency, as necessary, to reflect changes
9 to the agency’s strategies and programs carried
10 out under this subpart.

11 “(2) ADDITIONAL INFORMATION.—

12 “(A) AMENDMENTS.—If the State edu-
13 cational agency amends the plan, the agency
14 shall submit such amendment to the Secretary.

15 “(B) APPROVAL.—The Secretary shall ap-
16 prove such amendment to an approved plan,
17 unless the Secretary determines that the
18 amendment will result in the agency not meet-
19 ing the requirements, or fulfilling the purposes,
20 of this subpart.

21 “(e) CONSOLIDATED PLAN.—A plan submitted under
22 subsection (a) may be submitted as part of a consolidated
23 plan under section 5302.

1 “(f) SECRETARY ASSISTANCE.—The Secretary shall
2 provide technical assistance, if requested, in the develop-
3 ment of English proficiency standards and assessments.

4 **“SEC. 1193. WITHIN-STATE ALLOCATIONS.**

5 “(a) IN GENERAL.—After making the reservation re-
6 quired under subsection (d)(1), each State educational
7 agency receiving a grant under section 1191(c)(2) shall
8 award subgrants for a fiscal year by allocating in a timely
9 manner to each eligible entity in the State having a plan
10 approved under section 1195 an amount that bears the
11 same relationship to the amount received under the grant
12 and remaining after making such reservation as the popu-
13 lation of English learners in schools served by the eligible
14 entity bears to the population of English learners in
15 schools served by all eligible entities in the State.

16 “(b) LIMITATION.—A State educational agency shall
17 not award a subgrant from an allocation made under sub-
18 section (a) if the amount of such subgrant would be less
19 than \$10,000.

20 “(c) REALLOCATION.—Whenever a State educational
21 agency determines that an amount from an allocation
22 made to an eligible entity under subsection (a) for a fiscal
23 year will not be used by the entity for the purpose for
24 which the allocation was made, the agency shall, in accord-
25 ance with such rules as it determines to be appropriate,

1 reallocate such amount, consistent with such subsection,
2 to other eligible entities in the State that the agency deter-
3 mines will use the amount to carry out that purpose.

4 “(d) REQUIRED RESERVATION.—A State educational
5 agency receiving a grant under this chapter for a fiscal
6 year—

7 “(1) shall reserve not more than 15 percent of
8 the agency’s allotment under section 1191(c)(2) to
9 award subgrants to eligible entities in the State that
10 have experienced a significant increase, as compared
11 to the average of the 2 preceding fiscal years, in the
12 percentage or number of immigrant children and
13 youth, who have enrolled, during the fiscal year pre-
14 ceding the fiscal year for which the subgrant is
15 made, in public and nonpublic elementary schools
16 and secondary schools in the geographic areas under
17 the jurisdiction of, or served by, such entities; and

18 “(2) in awarding subgrants under paragraph
19 (1)—

20 “(A) shall equally consider eligible entities
21 that satisfy the requirement of such paragraph
22 but have limited or no experience in serving im-
23 migrant children and youth; and

24 “(B) shall consider the quality of each
25 local plan under section 1195 and ensure that

1 each subgrant is of sufficient size and scope to
2 meet the purposes of this subpart.

3 **“SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.**

4 “(a) PURPOSES OF SUBGRANTS.—A State edu-
5 cational agency may make a subgrant to an eligible entity
6 from funds received by the agency under this chapter only
7 if the entity agrees to expend the funds to improve the
8 education of English learners, by assisting the children to
9 learn English and meet State academic standards. In car-
10 rying out activities with such funds, the eligible entity
11 shall use evidence-based approaches and methodologies for
12 teaching English learners and immigrant children and
13 youth for the following purposes:

14 “(1) Developing and implementing new lan-
15 guage instruction educational programs and aca-
16 demic content instruction programs for English
17 learners and immigrant children and youth, includ-
18 ing programs of early childhood education, elemen-
19 tary school programs, and secondary school pro-
20 grams.

21 “(2) Carrying out highly focused, innovative, lo-
22 cally designed, evidence-based activities to expand or
23 enhance existing language instruction educational
24 programs and academic content instruction pro-

1 grams for English learners and immigrant children
2 and youth.

3 “(3) Implementing, within an individual school,
4 schoolwide programs for restructuring, reforming,
5 and upgrading all relevant programs, activities, and
6 operations relating to language instruction edu-
7 cational programs and academic content instruction
8 for English learners and immigrant children and
9 youth.

10 “(4) Implementing, within the entire jurisdic-
11 tion of a local educational agency, agencywide pro-
12 grams for restructuring, reforming, and upgrading
13 all relevant programs, activities, and operations re-
14 lating to language instruction educational programs
15 and academic content instruction for English learn-
16 ers and immigrant children and youth.

17 “(b) ADMINISTRATIVE EXPENSES.—Each eligible en-
18 tity receiving funds under section 1193(a) for a fiscal year
19 shall use not more than 2 percent of such funds for the
20 cost of administering this chapter.

21 “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-
22 ble entity receiving funds under section 1193(a) shall use
23 the funds—

24 “(1) to increase the English language pro-
25 ficiency of English learners by providing high-qual-

1 ity, evidence-based language instruction educational
2 programs that meet the needs of English learners
3 and have demonstrated success in increasing—

4 “(A) English language proficiency; and

5 “(B) student academic achievement in the
6 core academic subjects;

7 “(2) to provide high-quality, evidence-based
8 professional development to classroom teachers (in-
9 cluding teachers in classroom settings that are not
10 the settings of language instruction educational pro-
11 grams), school leaders, administrators, and other
12 school or community-based organization personnel,
13 that is—

14 “(A) designed to improve the instruction
15 and assessment of English learners;

16 “(B) designed to enhance the ability of
17 teachers and school leaders to understand and
18 implement curricula, assessment practices and
19 measures, and instruction strategies for English
20 learners;

21 “(C) evidence-based in increasing chil-
22 dren’s English language proficiency or substan-
23 tially increasing the subject matter knowledge,
24 teaching knowledge, and teaching skills of
25 teachers; and

1 “(D) of sufficient intensity and duration
2 (which shall not include activities such as one-
3 day or short-term workshops and conferences)
4 to have a positive and lasting impact on the
5 teachers’ performance in the classroom, except
6 that this subparagraph shall not apply to an ac-
7 tivity that is one component of a long-term,
8 comprehensive professional development plan
9 established by a teacher and the teacher’s su-
10 pervisor based on an assessment of the needs of
11 the teacher, the supervisor, the students of the
12 teacher, and any local educational agency em-
13 ploying the teacher, as appropriate; and

14 “(3) to provide and implement other evidence-
15 based activities and strategies that enhance or sup-
16 plement language instruction educational programs
17 for English learners, including parental and commu-
18 nity engagement activities and strategies that serve
19 to coordinate and align related programs.

20 “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sub-
21 ject to subsection (c), an eligible entity receiving funds
22 under section 1193(a) may use the funds to achieve one
23 of the purposes described in subsection (a) by undertaking
24 one or more of the following activities:

1 “(1) Upgrading program objectives and effective instruction strategies.

2
3 “(2) Improving the instruction program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

4
5
6
7 “(3) Providing to English learners—

8 “(A) tutorials and academic or career education for English learners; and

9
10 “(B) intensified instruction.

11 “(4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

12
13 “(5) Improving the English language proficiency and academic achievement of English learners.

14
15 “(6) Providing community participation programs, family literacy services, and parent outreach and training activities to English learners and their families—

16
17 “(A) to improve the English language skills of English learners; and

18
19 “(B) to assist parents in helping their children to improve their academic achievement

1 and becoming active participants in the edu-
2 cation of their children.

3 “(7) Improving the instruction of English learn-
4 ers by providing for—

5 “(A) the acquisition or development of
6 educational technology or instructional mate-
7 rials;

8 “(B) access to, and participation in, elec-
9 tronic networks for materials, training, and
10 communication; and

11 “(C) incorporation of the resources de-
12 scribed in subparagraphs (A) and (B) into cur-
13 ricula and programs, such as those funded
14 under this chapter.

15 “(8) Carrying out other activities that are con-
16 sistent with the purposes of this section.

17 “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-
18 STANTIAL INCREASES IN IMMIGRANT CHILDREN AND
19 YOUTH.—

20 “(1) IN GENERAL.—An eligible entity receiving
21 funds under section 1193(d)(1) shall use the funds
22 to pay for activities that provide enhanced instruc-
23 tional opportunities for immigrant children and
24 youth, which may include—

1 “(A) family literacy, parent outreach, and
2 training activities designed to assist parents to
3 become active participants in the education of
4 their children;

5 “(B) support for personnel, including para-
6 professionals who have been specifically trained,
7 or are being trained, to provide services to im-
8 migrant children and youth;

9 “(C) provision of tutorials, mentoring, and
10 academic or career counseling for immigrant
11 children and youth;

12 “(D) identification, development, and ac-
13 quisition of curricular materials, educational
14 software, and technologies to be used in the
15 program carried out with awarded funds;

16 “(E) basic instruction services that are di-
17 rectly attributable to the presence in the local
18 educational agency involved of immigrant chil-
19 dren and youth, including the payment of costs
20 of providing additional classroom supplies, costs
21 of transportation, or such other costs as are di-
22 rectly attributable to such additional basic in-
23 struction services;

24 “(F) other instruction services that are de-
25 signed to assist immigrant children and youth

1 to achieve in elementary schools and secondary
2 schools in the United States, such as programs
3 of introduction to the educational system and
4 civics education; and

5 “(G) activities, coordinated with commu-
6 nity-based organizations, institutions of higher
7 education, private sector entities, or other enti-
8 ties with expertise in working with immigrants,
9 to assist parents of immigrant children and
10 youth by offering comprehensive community
11 services.

12 “(2) DURATION OF SUBGRANTS.—The duration
13 of a subgrant made by a State educational agency
14 under section 1193(d)(1) shall be determined by the
15 agency in its discretion.

16 “(f) SELECTION OF METHOD OF INSTRUCTION.—

17 “(1) IN GENERAL.—To receive a subgrant from
18 a State educational agency under this chapter, an el-
19 igible entity shall select one or more methods or
20 forms of instruction to be used in the programs and
21 activities undertaken by the entity to assist English
22 learners to attain English language proficiency and
23 meet State academic standards.

24 “(2) CONSISTENCY.—Such selection shall be
25 consistent with sections 1204 through 1206.

1 “(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds
2 made available under this chapter shall be used so as to
3 supplement the level of Federal, State, and local public
4 funds that, in the absence of such availability, would have
5 been expended for programs for English learners and im-
6 migrant children and youth and in no case to supplant
7 such Federal, State, and local public funds.

8 **“SEC. 1195. LOCAL PLANS.**

9 “(a) PLAN REQUIRED.—Each eligible entity desiring
10 a subgrant from the State educational agency under sec-
11 tion 1193 shall submit a plan to the State educational
12 agency at such time, in such manner, and containing such
13 information as the State educational agency may require.

14 “(b) CONTENTS.—Each plan submitted under sub-
15 section (a) shall—

16 “(1) describe the evidence-based programs and
17 activities proposed to be developed, implemented,
18 and administered under the subgrant that will help
19 English learners increase their English language
20 proficiency and meet the State academic standards;

21 “(2) describe how the eligible entity will hold el-
22 elementary schools and secondary schools receiving
23 funds under this chapter accountable for annually
24 assessing the English language proficiency of all

1 children participating under this subpart, consistent
2 with section 1111(b);

3 “(3) describe how the eligible entity will pro-
4 mote parent and community engagement in the edu-
5 cation of English learners;

6 “(4) contain an assurance that the eligible enti-
7 ty consulted with teachers, researchers, school ad-
8 ministrators, parents and community members, pub-
9 lic or private organizations, and institutions of high-
10 er education, in developing and implementing such
11 plan;

12 “(5) describe how language instruction edu-
13 cational programs carried out under the subgrant
14 will ensure that English learners being served by the
15 programs develop English language proficiency; and

16 “(6) contain assurances that—

17 “(A) each local educational agency that is
18 included in the eligible entity is complying with
19 section 1112(g) prior to, and throughout, each
20 school year; and

21 “(B) the eligible entity is not in violation
22 of any State law, including State constitutional
23 law, regarding the education of English learn-
24 ers, consistent with sections 1205 and 1206.

1 “(c) **TEACHER ENGLISH FLUENCY.**—Each eligible
2 entity receiving a subgrant under section 1193 shall in-
3 clude in its plan a certification that all teachers in any
4 language instruction educational program for English
5 learners that is, or will be, funded under this subpart are
6 fluent in English and any other language used for instruc-
7 tion, including having written and oral communications
8 skills.

9 **“CHAPTER B—ADMINISTRATION**

10 **“SEC. 1201. REPORTING.**

11 “(a) **IN GENERAL.**—Each eligible entity that receives
12 a subgrant from a State educational agency under chapter
13 A shall provide such agency, at the conclusion of every
14 second fiscal year during which the subgrant is received,
15 with a report, in a form prescribed by the agency, on the
16 activities conducted and students served under this sub-
17 part that includes—

18 “(1) a description of the programs and activi-
19 ties conducted by the entity with funds received
20 under chapter A during the two immediately pre-
21 ceding fiscal years, including how such programs
22 and activities supplemented programs funded pri-
23 marily with State or local funds;

1 “(2) a description of the progress made by
2 English learners in learning the English language
3 and in meeting State academic standards;

4 “(3) the number and percentage of English
5 learners in the programs and activities attaining
6 English language proficiency based on the State
7 English language proficiency standards established
8 under section 1111(b)(1)(E) by the end of each
9 school year, as determined by the State’s English
10 language proficiency assessment under section
11 1111(b)(2)(D);

12 “(4) the number of English learners who exit
13 the language instruction educational programs based
14 on their attainment of English language proficiency
15 and transitioned to classrooms not tailored for
16 English learners;

17 “(5) a description of the progress made by
18 English learners in meeting the State academic
19 standards for each of the 2 years after such children
20 are no longer receiving services under this subpart;

21 “(6) the number and percentage of English
22 learners who have not attained English language
23 proficiency within five years of initial classification
24 as an English learner and first enrollment in the
25 local educational agency; and

1 “(7) any such other information as the State
2 educational agency may require.

3 “(b) USE OF REPORT.—A report provided by an eli-
4 gible entity under subsection (a) shall be used by the enti-
5 ty and the State educational agency—

6 “(1) to determine the effectiveness of programs
7 and activities in assisting children who are English
8 learners—

9 “(A) to attain English language pro-
10 ficiency; and

11 “(B) to make progress in meeting State
12 academic standards under section 1111(b)(1);
13 and

14 “(2) upon determining the effectiveness of pro-
15 grams and activities based on the criteria in para-
16 graph (1), to decide how to improve programs.

17 **“SEC. 1202. ANNUAL REPORT.**

18 “(a) STATES.—Based upon the reports provided to
19 a State educational agency under section 1201, each such
20 agency that receives a grant under this subpart shall pre-
21 pare and submit annually to the Secretary a report on pro-
22 grams and activities carried out by the State educational
23 agency under this subpart and the effectiveness of such
24 programs and activities in improving the education pro-
25 vided to English learners.

1 “(b) SECRETARY.—Annually, the Secretary shall pre-
2 pare and submit to the Committee on Education and the
3 Workforce of the House of Representatives and the Com-
4 mittee on Health, Education, Labor, and Pensions of the
5 Senate a report—

6 “(1) on programs and activities carried out to
7 serve English learners under this subpart, and the
8 effectiveness of such programs and activities in im-
9 proving the academic achievement and English lan-
10 guage proficiency of English learners;

11 “(2) on the types of language instruction edu-
12 cational programs used by local educational agencies
13 or eligible entities receiving funding under this sub-
14 part to teach English learners;

15 “(3) containing a critical synthesis of data re-
16 ported by eligible entities to States under section
17 1201(a);

18 “(4) containing a description of technical assist-
19 ance and other assistance provided by State edu-
20 cational agencies under section 1191(b)(2)(C);

21 “(5) containing an estimate of the number of
22 effective teachers working in language instruction
23 educational programs and educating English learn-
24 ers, and an estimate of the number of such teachers
25 that will be needed for the succeeding 5 fiscal years;

1 “(6) containing the number of programs or ac-
2 tivities, if any, that were terminated because the en-
3 tities carrying out the programs or activities were
4 not able to reach program goals;

5 “(7) containing the number of English learners
6 served by eligible entities receiving funding under
7 this subpart who were transitioned out of language
8 instruction educational programs funded under this
9 subpart into classrooms where instruction is not tai-
10 lored for English learners; and

11 “(8) containing other information gathered
12 from other reports submitted to the Secretary under
13 this subpart when applicable.

14 **“SEC. 1203. COORDINATION WITH RELATED PROGRAMS.**

15 “In order to maximize Federal efforts aimed at serv-
16 ing the educational needs of English learners, the Sec-
17 retary shall coordinate and ensure close cooperation with
18 other entities carrying out programs serving language-mi-
19 nority and English learners that are administered by the
20 Department and other agencies.

21 **“SEC. 1204. RULES OF CONSTRUCTION.**

22 “Nothing in this subpart shall be construed—

23 “(1) to prohibit a local educational agency from
24 serving English learners simultaneously with chil-

1 dren with similar educational needs, in the same
2 educational settings where appropriate;

3 “(2) to require a State or a local educational
4 agency to establish, continue, or eliminate any par-
5 ticular type of instructional program for English
6 learners; or

7 “(3) to limit the preservation or use of Native
8 American languages.

9 **“SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.**

10 “Nothing in this subpart shall be construed to negate
11 or supersede State law, or the legal authority under State
12 law of any State agency, State entity, or State public offi-
13 cial, over programs that are under the jurisdiction of the
14 State agency, entity, or official.

15 **“SEC. 1206. CIVIL RIGHTS.**

16 “Nothing in this subpart shall be construed in a man-
17 ner inconsistent with any Federal law guaranteeing a civil
18 right.

19 **“SEC. 1207. PROHIBITION.**

20 “In carrying out this subpart, the Secretary shall nei-
21 ther mandate nor preclude the use of a particular cur-
22 ricular or pedagogical approach to educating English
23 learners.

1 **“SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND**
2 **PUERTO RICO.**

3 “Notwithstanding any other provision of this subpart,
4 programs authorized under this subpart that serve Native
5 American (including Native American Pacific Islander)
6 children and children in the Commonwealth of Puerto Rico
7 may include programs of instruction, teacher training,
8 curriculum development, evaluation, and assessment de-
9 signed for Native American children learning and studying
10 Native American languages and children of limited Span-
11 ish proficiency, except that an outcome of programs serv-
12 ing such children shall be increased English proficiency
13 among such children.

14 **“CHAPTER C—NATIONAL ACTIVITIES**

15 **“SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT**
16 **PROJECT.**

17 “The Secretary shall use funds made available under
18 section 1191(e)(1)(B) to award grants on a competitive
19 basis, for a period of not more than 5 years, to institutions
20 of higher education or public or private organizations with
21 relevant experience and capacity (in consortia with State
22 educational agencies or local educational agencies) to pro-
23 vide for professional development activities that will im-
24 prove classroom instruction for English learners and assist
25 educational personnel working with such children to meet
26 high professional standards, including standards for cer-

1 tification and licensure as teachers who work in language
2 instruction educational programs or serve English learn-
3 ers. Grants awarded under this subsection may be used—

4 “(1) for preservice, evidence-based professional
5 development programs that will assist local schools
6 and institutions of higher education to upgrade the
7 qualifications and skills of educational personnel who
8 are not certified or licensed, especially educational
9 paraprofessionals;

10 “(2) for the development of curricula or other
11 instructional strategies appropriate to the needs of
12 the consortia participants involved;

13 “(3) to support strategies that strengthen and
14 increase parent and community member engagement
15 in the education of English learners; and

16 “(4) to share and disseminate evidence-based
17 practices in the instruction of English learners and
18 in increasing their student achievement.

19 **“CHAPTER D—GENERAL PROVISIONS**

20 **“SEC. 1221. DEFINITIONS.**

21 “Except as otherwise provided, in this subpart:

22 “(1) CHILD.—The term ‘child’ means any indi-
23 vidual aged 3 through 21.

24 “(2) COMMUNITY-BASED ORGANIZATION.—The
25 term ‘community-based organization’ means a pri-

1 vate nonprofit organization of demonstrated effec-
2 tiveness, Indian tribe, or tribally sanctioned edu-
3 cational authority, that is representative of a com-
4 munity or significant segments of a community and
5 that provides educational or related services to indi-
6 viduals in the community. Such term includes a Na-
7 tive Hawaiian or Native American Pacific Islander
8 native language educational organization.

9 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
10 tity’ means—

11 “(A) one or more local educational agen-
12 cies; or

13 “(B) one or more local educational agen-
14 cies, in consortia (or collaboration) with an in-
15 stitution of higher education, community-based
16 organization, or State educational agency.

17 “(4) IMMIGRANT CHILDREN AND YOUTH.—The
18 term ‘immigrant children and youth’ means individ-
19 uals who—

20 “(A) are age 3 through 21;

21 “(B) were not born in any State; and

22 “(C) have not been attending one or more
23 schools in any one or more States for more
24 than 3 full academic years.

1 “(5) INDIAN TRIBE.—The term ‘Indian tribe’
2 means any Indian tribe, band, nation, or other orga-
3 nized group or community, including any Native vil-
4 lage or Regional Corporation or Village Corporation
5 as defined in or established pursuant to the Alaska
6 Native Claims Settlement Act, that is recognized as
7 eligible for the special programs and services pro-
8 vided by the United States to Indians because of
9 their status as Indians.

10 “(6) LANGUAGE INSTRUCTION EDUCATIONAL
11 PROGRAM.—The term ‘language instruction edu-
12 cational program’ means an instruction course—

13 “(A) in which an English learner is placed
14 for the purpose of developing and attaining
15 English language proficiency, while meeting
16 State academic standards, as required by sec-
17 tion 1111(b)(1); and

18 “(B) that may make instructional use of
19 both English and a child’s native language to
20 enable the child to develop and attain English
21 language proficiency, and may include the par-
22 ticipation of English language proficient chil-
23 dren if such course is designed to enable all
24 participating children to become proficient in
25 English and a second language.

1 “(7) NATIVE LANGUAGE.—The term ‘native
2 language’, when used with reference to English
3 learner, means—

4 “(A) the language normally used by such
5 individual; or

6 “(B) in the case of a child or youth, the
7 language normally used by the parents of the
8 child or youth.

9 “(8) PARAPROFESSIONAL.—The term ‘para-
10 professional’ means an individual who is employed in
11 a preschool, elementary school, or secondary school
12 under the supervision of a certified or licensed teach-
13 er, including individuals employed in language in-
14 struction educational programs, special education,
15 and migratory education.

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

19 **“SEC. 1222. NATIONAL CLEARINGHOUSE.**

20 “The Secretary shall establish and support the oper-
21 ation of a National Clearinghouse for English Language
22 Acquisition and Language Instruction Educational Pro-
23 grams, which shall collect, analyze, synthesise, and dis-
24 seminate information about language instruction edu-

1 cational programs for English learners, and related pro-
2 grams. The National Clearinghouse shall—

3 “(1) be administered as an adjunct clearing-
4 house of the Educational Resources Information
5 Center Clearinghouses system supported by the In-
6 stitute of Education Sciences;

7 “(2) coordinate activities with Federal data and
8 information clearinghouses and entities operating
9 Federal dissemination networks and systems;

10 “(3) develop a system for improving the oper-
11 ation and effectiveness of federally funded language
12 instruction educational programs;

13 “(4) collect and disseminate information on—

14 “(A) educational research and processes
15 related to the education of English learners;
16 and

17 “(B) accountability systems that monitor
18 the academic progress of English learners in
19 language instruction educational programs, in-
20 cluding information on academic content and
21 English language proficiency assessments for
22 language instruction educational programs; and

23 “(5) publish, on an annual basis, a list of grant
24 recipients under this subpart.

1 **“SEC. 1223. REGULATIONS.**

2 “In developing regulations under this subpart, the
3 Secretary shall consult with State educational agencies
4 and local educational agencies, organizations representing
5 English learners, and organizations representing teachers
6 and other personnel involved in the education of English
7 learners.

8 **“Subpart 5—Rural Education Achievement Program**

9 **“SEC. 1230. PURPOSE.**

10 “It is the purpose of this subpart to address the
11 unique needs of rural school districts that frequently—

12 “(1) lack the personnel and resources needed to
13 compete effectively for Federal competitive grants;
14 and

15 “(2) receive formula grant allocations in
16 amounts too small to be effective in meeting their in-
17 tended purposes.

18 **“CHAPTER A—SMALL, RURAL SCHOOL**
19 **ACHIEVEMENT PROGRAM**

20 **“SEC. 1231. GRANT PROGRAM AUTHORIZED.**

21 “(a) IN GENERAL.—From amounts appropriated
22 under section 3(a)(1) for a fiscal year, the Secretary shall
23 reserve 0.54 of one percent to award grants to eligible
24 local educational agencies to enable the local educational
25 agencies to carry out activities authorized under any of
26 the following provisions:

1 “(1) Part A of title I.

2 “(2) Title II.

3 “(3) Title III.

4 “(b) ALLOCATION.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (3), the Secretary shall award a grant under
7 subsection (a) to a local educational agency eligible
8 under subsection (d) for a fiscal year in an amount
9 equal to the initial amount determined under para-
10 graph (2) for the fiscal year minus the total amount
11 received by the agency in subpart 2 of part A of title
12 II for the preceding fiscal year.

13 “(2) DETERMINATION OF INITIAL AMOUNT.—

14 The initial amount referred to in paragraph (1) is
15 equal to \$100 multiplied by the total number of stu-
16 dents in excess of 50 students, in average daily at-
17 tendance at the schools served by the local edu-
18 cational agency, plus \$20,000, except that the initial
19 amount may not exceed \$60,000.

20 “(3) RATABLE ADJUSTMENT.—

21 “(A) IN GENERAL.—If the amount made
22 available to carry out this section for any fiscal
23 year is not sufficient to pay in full the amounts
24 that local educational agencies are eligible to re-
25 ceive under paragraph (1) for such year, the

1 Secretary shall ratably reduce such amounts for
2 such year.

3 “(B) ADDITIONAL AMOUNTS.—If addi-
4 tional funds become available for making pay-
5 ments under paragraph (1) for such fiscal year,
6 payments that were reduced under subpara-
7 graph (A) shall be increased on the same basis
8 as such payments were reduced.

9 “(c) DISBURSEMENT.—The Secretary shall disburse
10 the funds awarded to a local educational agency under this
11 section for a fiscal year not later than July 1 of that fiscal
12 year.

13 “(d) ELIGIBILITY.—

14 “(1) IN GENERAL.—A local educational agency
15 shall be eligible to use the applicable funding in ac-
16 cordance with subsection (a) if—

17 “(A)(i)(I) the total number of students in
18 average daily attendance at all of the schools
19 served by the local educational agency is fewer
20 than 600; or

21 “(II) each county in which a school served
22 by the local educational agency is located has a
23 total population density of fewer than 10 per-
24 sons per square mile; and

1 “(ii) all of the schools served by the local
2 educational agency are designated with a school
3 locale code of 41, 42, or 43, as determined by
4 the Secretary; or

5 “(B) the agency meets the criteria estab-
6 lished in subparagraph (A)(i) and the Sec-
7 retary, in accordance with paragraph (2),
8 grants the local educational agency’s request to
9 waive the criteria described in subparagraph
10 (A)(ii).

11 “(2) CERTIFICATION.—The Secretary shall de-
12 termine whether to waive the criteria described in
13 paragraph (1)(A)(ii) based on a demonstration by
14 the local educational agency, and concurrence by the
15 State educational agency, that the local educational
16 agency is located in an area defined as rural by a
17 governmental agency of the State.

18 “(3) HOLD HARMLESS.—For a local edu-
19 cational agency that is not eligible under this chap-
20 ter but met the eligibility requirements under this
21 subsection as it was in effect prior to the date of the
22 enactment of the Student Success Act, the agency
23 shall receive—

1 “(A) for fiscal year 2014, 75 percent of
2 the amount such agency received for fiscal year
3 2013;

4 “(B) for fiscal year 2015, 50 percent of
5 the amount such agency received for fiscal year
6 2013; and

7 “(C) for fiscal year 2016, 25 percent of
8 the amount such agency received for fiscal year
9 2013.

10 “(e) SPECIAL ELIGIBILITY RULE.—A local edu-
11 cational agency that receives a grant under this chapter
12 for a fiscal year is not eligible to receive funds for such
13 fiscal year under chapter B.

14 **“CHAPTER B—RURAL AND LOW-INCOME**
15 **SCHOOL PROGRAM**

16 **“SEC. 1235. PROGRAM AUTHORIZED.**

17 “(a) GRANTS TO STATES.—

18 “(1) IN GENERAL.—From amounts appro-
19 priated under section 3(a)(1) for a fiscal year, the
20 Secretary shall reserve 0.54 of one percent for this
21 chapter for a fiscal year that are not reserved under
22 subsection (c) to award grants (from allotments
23 made under paragraph (2)) for the fiscal year to
24 State educational agencies that have applications
25 submitted under section 1237 approved to enable the

1 State educational agencies to award grants to eligi-
2 ble local educational agencies for local authorized ac-
3 tivities described in section 1236(a).

4 “(2) ALLOTMENT.—From amounts described in
5 paragraph (1) for a fiscal year, the Secretary shall
6 allot to each State educational agency for that fiscal
7 year an amount that bears the same ratio to those
8 amounts as the number of students in average daily
9 attendance served by eligible local educational agen-
10 cies in the State for that fiscal year bears to the
11 number of all such students served by eligible local
12 educational agencies in all States for that fiscal
13 year.

14 “(3) SPECIALLY QUALIFIED AGENCIES.—

15 “(A) ELIGIBILITY AND APPLICATION.—If a
16 State educational agency elects not to partici-
17 pate in the program under this subpart or does
18 not have an application submitted under section
19 1237 approved, a specially qualified agency in
20 such State desiring a grant under this subpart
21 may submit an application under such section
22 directly to the Secretary to receive an award
23 under this subpart.

24 “(B) DIRECT AWARDS.—The Secretary
25 may award, on a competitive basis or by for-

1 mula, the amount the State educational agency
2 is eligible to receive under paragraph (2) di-
3 rectly to a specially qualified agency in the
4 State that has submitted an application in ac-
5 cordance with subparagraph (A) and obtained
6 approval of the application.

7 “(C) SPECIALLY QUALIFIED AGENCY DE-
8 FINED.—In this subpart, the term ‘specially
9 qualified agency’ means an eligible local edu-
10 cational agency served by a State educational
11 agency that does not participate in a program
12 under this subpart in a fiscal year, that may
13 apply directly to the Secretary for a grant in
14 such year under this subsection.

15 “(b) LOCAL AWARDS.—

16 “(1) ELIGIBILITY.—A local educational agency
17 shall be eligible to receive a grant under this subpart
18 if—

19 “(A) 20 percent or more of the children
20 ages 5 through 17 years served by the local
21 educational agency are from families with in-
22 comes below the poverty line; and

23 “(B) all of the schools served by the agen-
24 cy are designated with a school locale code of

1 32, 33, 41, 42, 43, as determined by the Sec-
2 retary.

3 “(2) AWARD BASIS.—A State educational agen-
4 cy shall award grants to eligible local educational
5 agencies—

6 “(A) on a competitive basis;

7 “(B) according to a formula based on the
8 number of students in average daily attendance
9 served by the eligible local educational agencies
10 or schools in the State; or

11 “(C) according to an alternative formula,
12 if, prior to awarding the grants, the State edu-
13 cational agency demonstrates, to the satisfac-
14 tion of the Secretary, that the alternative for-
15 mula enables the State educational agency to
16 allot the grant funds in a manner that serves
17 equal or greater concentrations of children from
18 families with incomes below the poverty line,
19 relative to the concentrations that would be
20 served if the State educational agency used the
21 formula described in subparagraph (B).

22 “(c) RESERVATIONS.—From amounts reserved under
23 section 1235(a)(1) for this chapter for a fiscal year, the
24 Secretary shall reserve—

1 “(1) one-half of 1 percent to make awards to el-
2 ementary schools or secondary schools operated or
3 supported by the Bureau of Indian Education, to
4 carry out the activities authorized under this chap-
5 ter; and

6 “(2) one-half of 1 percent to make awards to
7 the outlying areas in accordance with their respec-
8 tive needs, to carry out the activities authorized
9 under this chapter.

10 **“SEC. 1236. USES OF FUNDS.**

11 “(a) LOCAL AWARDS.—Grant funds awarded to local
12 educational agencies under this chapter shall be used for
13 activities authorized under any of the following:

14 “(1) Part A of title I.

15 “(2) Title II.

16 “(3) Title III.

17 “(b) ADMINISTRATIVE COSTS.—A State educational
18 agency receiving a grant under this chapter may not use
19 more than 5 percent of the amount of the grant for State
20 administrative costs and to provide technical assistance to
21 eligible local educational agencies.

22 **“SEC. 1237. APPLICATIONS.**

23 “(a) IN GENERAL.—Each State educational agency
24 or specially qualified agency desiring to receive a grant
25 under this chapter shall submit an application to the Sec-

1 retary at such time and in such manner as the Secretary
2 may require.

3 “(b) CONTENTS.—Each application submitted under
4 subsection (a) shall include—

5 “(1) a description of how the State educational
6 agency or specially qualified agency will ensure eligi-
7 ble local educational agencies receiving a grant
8 under this chapter will use such funds to help stu-
9 dents meet the State academic standards under sec-
10 tion 1111(b)(1);

11 “(2) if the State educational agency or specially
12 qualified agency will competitively award grants to
13 eligible local educational agencies, as described in
14 section 1235(b)(2)(A), the application under the sec-
15 tion shall include—

16 “(A) the methods and criteria the State
17 educational agency or specially qualified agency
18 will use for reviewing applications and awarding
19 funds to local educational agencies on a com-
20 petitive basis; and

21 “(B) how the State educational agency or
22 specially qualified agency will notify eligible
23 local educational agencies of the grant competi-
24 tion; and

1 “(3) a description of how the State educational
2 agency or specially qualified agency will provide
3 technical assistance to eligible local educational
4 agencies to help such agencies implement the activi-
5 ties described in section 1236(a).

6 **“SEC. 1238. ACCOUNTABILITY.**

7 “Each State educational agency or specially qualified
8 agency that receives a grant under this chapter shall pre-
9 pare and submit an annual report to the Secretary. The
10 report shall describe—

11 “(1) the methods and criteria the State edu-
12 cational agency or specially qualified agency used to
13 award grants to eligible local educational agencies,
14 and to provide assistance to schools, under this
15 chapter;

16 “(2) how local educational agencies and schools
17 used funds provided under this chapter; and

18 “(3) the degree to which progress has been
19 made toward having all students meet the State aca-
20 demic standards under section 1111(b)(1).

21 **“SEC. 1239. CHOICE OF PARTICIPATION.**

22 “(a) IN GENERAL.—If a local educational agency is
23 eligible for funding under chapters A and B of this sub-
24 part, such local educational agency may receive funds

1 under either chapter A or chapter B for a fiscal year, but
2 may not receive funds under both chapters.

3 “(b) NOTIFICATION.—A local educational agency eli-
4 gible for both chapters A and B of this subpart shall notify
5 the Secretary and the State educational agency under
6 which of such chapters such local educational agency in-
7 tends to receive funds for a fiscal year by a date that is
8 established by the Secretary for the notification.

9 **“CHAPTER C—GENERAL PROVISIONS**

10 **“SEC. 1241. ANNUAL AVERAGE DAILY ATTENDANCE DETER-**
11 **MINATION.**

12 “(a) CENSUS DETERMINATION.—Each local edu-
13 cational agency desiring a grant under section 1231 and
14 each local educational agency or specially qualified agency
15 desiring a grant under chapter B shall—

16 “(1) not later than December 1 of each year,
17 conduct a census to determine the number of stu-
18 dents in average daily attendance in kindergarten
19 through grade 12 at the schools served by the agen-
20 cy; and

21 “(2) not later than March 1 of each year, sub-
22 mit the number described in paragraph (1) to the
23 Secretary (and to the State educational agency, in
24 the case of a local educational agency seeking a
25 grant under subpart 2).

1 “(b) PENALTY.—If the Secretary determines that a
2 local educational agency or specially qualified agency has
3 knowingly submitted false information under subsection
4 (a) for the purpose of gaining additional funds under sec-
5 tion 1231 or chapter B, then the agency shall be fined
6 an amount equal to twice the difference between the
7 amount the agency received under this section and the cor-
8 rect amount the agency would have received under section
9 1231 or chapter B if the agency had submitted accurate
10 information under subsection (a).

11 **“SEC. 1242. SUPPLEMENT, NOT SUPPLANT.**

12 “Funds made available under chapter A or chapter
13 B shall be used to supplement, and not supplant, any
14 other Federal, State, or local education funds.

15 **“SEC. 1243. RULE OF CONSTRUCTION.**

16 “Nothing in this subpart shall be construed to pro-
17 hibit a local educational agency that enters into coopera-
18 tive arrangements with other local educational agencies for
19 the provision of special, compensatory, or other education
20 services, pursuant to State law or a written agreement,
21 from entering into similar arrangements for the use, or
22 the coordination of the use, of the funds made available
23 under this subpart.

1 **“Subpart 6—Indian Education**

2 **“SEC. 1251. STATEMENT OF POLICY.**

3 “It is the policy of the United States to fulfill the
4 Federal Government’s unique and continuing trust rela-
5 tionship with and responsibility to the Indian people for
6 the education of Indian children. The Federal Government
7 will continue to work with local educational agencies, In-
8 dian tribes and organizations, postsecondary institutions,
9 and other entities toward the goal of ensuring that pro-
10 grams that serve Indian children are of the highest quality
11 and provide for not only the basic elementary and sec-
12 ondary educational needs, but also the unique educational
13 and culturally related academic needs of these children.

14 **“SEC. 1252. PURPOSE.**

15 “It is the purpose of this subpart to support the ef-
16 forts of local educational agencies, Indian tribes and orga-
17 nizations, postsecondary institutions, and other entities—

18 “(1) to meet the unique educational and cul-
19 turally related academic needs of American Indian
20 and Alaska Native students, so that such students
21 can meet the State academic standards that all stu-
22 dents are expected to meet; and

23 “(2) to ensure that school leaders, teachers, and
24 other staff who serve Indian and Alaska Native stu-
25 dents have the ability and training to provide appro-

1 appropriate instruction to meet the unique academic needs
2 of such students.

3 **“CHAPTER A—FORMULA GRANTS TO**
4 **LOCAL EDUCATIONAL AGENCIES**

5 **“SEC. 1261. PURPOSE.**

6 “It is the purpose of this chapter to support local
7 educational agencies in their efforts to reform elementary
8 school and secondary school programs that serve Indian
9 students in order to ensure that such programs are de-
10 signed to—

11 “(1) meet the unique educational needs of such
12 students; and

13 “(2) ensure that such students have the oppor-
14 tunity to meet the State academic standards.

15 **“SEC. 1262. GRANTS TO LOCAL EDUCATIONAL AGENCIES**
16 **AND TRIBES.**

17 “(a) IN GENERAL.—From amounts appropriated
18 under section 3(a)(1), the Secretary shall reserve 0.59 of
19 one percent to local educational agencies and Indian tribes
20 in accordance with this section and section 1263.

21 “(b) LOCAL EDUCATIONAL AGENCIES.—

22 “(1) ENROLLMENT REQUIREMENTS.—A local
23 educational agency shall be eligible for a grant under
24 this chapter for any fiscal year if the number of In-
25 dian children eligible under section 1267 who were

1 enrolled in the schools of the agency, and to whom
2 the agency provided free public education, during
3 the preceding fiscal year—

4 “(A) was at least 10; or

5 “(B) constituted not less than 25 percent
6 of the total number of individuals enrolled in
7 the schools of such agency.

8 “(2) EXCLUSION.—The requirement of para-
9 graph (1) shall not apply in Alaska, California, or
10 Oklahoma, or with respect to any local educational
11 agency located on, or in proximity to, an Indian res-
12 ervation.

13 “(c) INDIAN TRIBES.—

14 “(1) IN GENERAL.—If a local educational agen-
15 cy that is otherwise eligible for a grant under this
16 chapter does not establish a committee under section
17 1264(c)(4) for such grant, an Indian tribe or a con-
18 sortium of such entities that represents not less than
19 $\frac{1}{3}$ of the eligible Indian children who are served by
20 such local educational agency may apply for such
21 grant.

22 “(2) SPECIAL RULE.—The Secretary shall treat
23 each Indian tribe or consortium of such entities ap-
24 plying for a grant pursuant to paragraph (1) as if
25 such Indian tribe were a local educational agency for

1 purposes of this chapter, except that any such tribe
2 is not subject to section 1264(c)(4) or section 1269.

3 “(3) ELIGIBILITY.—If more than 1 Indian tribe
4 qualifies to apply for a grant under paragraph (1),
5 the entity that represents the most eligible Indian
6 children who are served by the local educational
7 agency shall be eligible to receive the grant or the
8 tribes may choose to apply in consortium.

9 **“SEC. 1263. AMOUNT OF GRANTS.**

10 “(a) AMOUNT OF GRANT AWARDS.—

11 “(1) IN GENERAL.—Except as provided in sub-
12 section (b) and paragraph (2), the Secretary shall
13 allocate to each local educational agency that has an
14 approved application under this chapter an amount
15 equal to the product of—

16 “(A) the number of Indian children who
17 are eligible under section 1267 and served by
18 such agency; and

19 “(B) the greater of—

20 “(i) the average per pupil expenditure
21 of the State in which such agency is lo-
22 cated; or

23 “(ii) 80 percent of the average per
24 pupil expenditure of all the States.

1 “(2) REDUCTION.—The Secretary shall reduce
2 the amount of each allocation otherwise determined
3 under this section in accordance with subsection (e).

4 “(b) MINIMUM GRANT.—

5 “(1) IN GENERAL.—Notwithstanding subsection
6 (e), an entity that is eligible for a grant under sec-
7 tion 1262, and a school that is operated or sup-
8 ported by the Bureau of Indian Education that is el-
9 igible for a grant under subsection (d), that submits
10 an application that is approved by the Secretary,
11 shall, subject to appropriations, receive a grant
12 under this chapter in an amount that is not less
13 than \$3,000.

14 “(2) CONSORTIA.—Local educational agencies
15 may form a consortium with other local educational
16 agencies or Indian tribes for the purpose of obtain-
17 ing grants under this chapter.

18 “(3) INCREASE.—The Secretary may increase
19 the minimum grant under paragraph (1) to not
20 more than \$4,000 for all grantees if the Secretary
21 determines such an increase is necessary to ensure
22 the quality of the programs provided.

23 “(c) DEFINITION.—For the purpose of this section,
24 the term ‘average per pupil expenditure’, used with respect
25 to a State, means an amount equal to—

1 “(1) the sum of the aggregate current expendi-
2 tures of all the local educational agencies in the
3 State, plus any direct current expenditures by the
4 State for the operation of such agencies, without re-
5 gard to the sources of funds from which such local
6 or State expenditures were made, during the second
7 fiscal year preceding the fiscal year for which the
8 computation is made; divided by

9 “(2) the aggregate number of children who
10 were included in average daily attendance for whom
11 such agencies provided free public education during
12 such preceding fiscal year.

13 “(d) SCHOOLS OPERATED OR SUPPORTED BY THE
14 BUREAU OF INDIAN EDUCATION.—

15 “(1) IN GENERAL.—Subject to subsection (e),
16 in addition to the grants awarded under subsection
17 (a), the Secretary shall allocate to the Secretary of
18 the Interior an amount equal to the product of—

19 “(A) the total number of Indian children
20 enrolled in schools that are operated by—

21 “(i) the Bureau of Indian Education;

22 or

23 “(ii) an Indian tribe, or an organiza-
24 tion controlled or sanctioned by an Indian
25 tribal government, for the children of that

1 tribe under a contract with, or grant from,
2 the Department of the Interior under the
3 Indian Self-Determination Act or the Trib-
4 ally Controlled Schools Act of 1988; and
5 “(B) the greater of—

6 “(i) the average per pupil expenditure
7 of the State in which the school is located;
8 or

9 “(ii) 80 percent of the average per
10 pupil expenditure of all the States.

11 “(2) SPECIAL RULE.—Any school described in
12 paragraph (1)(A) that wishes to receive an allocation
13 under this chapter shall submit an application in ac-
14 cordance with section 1264, and shall otherwise be
15 treated as a local educational agency for the purpose
16 of this chapter, except that such school shall not be
17 subject to section 1264(c)(4) or section 1269.

18 “(e) RATABLE REDUCTIONS.—If the sums reserved
19 for any fiscal year under section 1262(a) are insufficient
20 to pay in full the amounts determined for local educational
21 agencies under subsection (a)(1) and for the Secretary of
22 the Interior under subsection (d), each of those amounts
23 shall be ratably reduced.

1 **“SEC. 1264. APPLICATIONS.**

2 “(a) APPLICATION REQUIRED.—Each local edu-
3 cational agency that desires to receive a grant under this
4 chapter shall submit an application to the Secretary at
5 such time and in such manner as the Secretary may rea-
6 sonably require.

7 “(b) COMPREHENSIVE PROGRAM REQUIRED.—Each
8 application submitted under subsection (a) shall include
9 a description of a comprehensive program for meeting the
10 needs of Indian children served by the local educational
11 agency, including the language and cultural needs of the
12 children, that—

13 “(1) describes how the comprehensive program
14 will offer programs and activities to meet the cul-
15 turally related academic needs of American Indian
16 and Alaska Native students;

17 “(2)(A) is aligned with and supports the State
18 and local plans submitted under other provisions of
19 this Act; and

20 “(B) includes academic standards for such chil-
21 dren that are based on the State academic standards
22 adopted under subpart 1 for all children;

23 “(3) explains how the local educational agency
24 will use the funds made available under this chapter
25 to supplement other Federal, State, and local pro-

1 grams, especially programs carried out under sub-
2 part 1, to meet the needs of such students;

3 “(4) demonstrates how funds made available
4 under this chapter will be used for activities de-
5 scribed in section 1265;

6 “(5) describes the professional development op-
7 portunities that will be provided, as needed, to en-
8 sure that—

9 “(A) teachers, school leaders, and other
10 school professionals who are new to the Indian
11 community are prepared to work with Indian
12 children; and

13 “(B) all teachers who will be involved in
14 programs assisted under this chapter have been
15 properly trained to carry out such programs;

16 “(6) describes how the local educational agen-
17 cy—

18 “(A) will periodically assess the progress of
19 all Indian children enrolled in the schools of the
20 local educational agency, including Indian chil-
21 dren who do not participate in programs as-
22 sisted under this chapter, in meeting the stand-
23 ards described in paragraph (2);

24 “(B) will provide the results of each as-
25 sessment referred to in subparagraph (A) to—

1 “(i) the committee described in sub-
2 section (c)(4); and

3 “(ii) the community, including Indian
4 tribes, whose children are served by the
5 local educational agency; and

6 “(C) is responding to findings of any pre-
7 vious assessments that are similar to the as-
8 sessments described in subparagraph (A); and

9 “(7) describes the processes the local edu-
10 cational agency used to collaborate with Indian
11 tribes in the community in the development of the
12 comprehensive programs.

13 “(c) ASSURANCES.—Each application submitted
14 under subsection (a) shall include assurances that—

15 “(1) the local educational agency will use funds
16 received under this chapter only to supplement the
17 funds that, in the absence of the Federal funds
18 made available under this chapter, such agency
19 would make available for the education of Indian
20 children, and not to supplant such funds;

21 “(2) the local educational agency will prepare
22 and submit to the Secretary such reports in such
23 form as the Secretary may require to—

24 “(A) carry out the functions of the Sec-
25 retary under this chapter; and

1 “(B) determine the extent to which activi-
2 ties carried out with funds provided to the local
3 educational agency under this chapter are effec-
4 tive in improving the educational achievement
5 of Indian students served by such agency;

6 “(3) the program for which assistance is
7 sought—

8 “(A) is based on a comprehensive local as-
9 sessment and prioritization of the unique edu-
10 cational and culturally related academic needs
11 of the American Indian and Alaska Native stu-
12 dents for whom the local educational agency is
13 providing an education;

14 “(B) will use the best available talents and
15 resources, including individuals from the Indian
16 community; and

17 “(C) was developed by such agency in open
18 consultation with parents of Indian children
19 and teachers, and, if appropriate, Indian stu-
20 dents from secondary schools, including through
21 public hearings held by such agency to provide
22 to the individuals described in this subpara-
23 graph a full opportunity to understand the pro-
24 gram and to offer recommendations regarding
25 the program; and

1 “(4) the local educational agency developed the
2 program with the participation and written approval
3 of a committee—

4 “(A) that is composed of, and selected
5 by—

6 “(i) parents of Indian children in the
7 local educational agency’s schools;

8 “(ii) teachers in the schools; and

9 “(iii) if appropriate, Indian students
10 attending secondary schools of the agency;

11 “(B) a majority of whose members are
12 parents of Indian children;

13 “(C) that has set forth such policies and
14 procedures, including policies and procedures
15 relating to the hiring of personnel, as will en-
16 sure that the program for which assistance is
17 sought will be operated and evaluated in con-
18 sultation with, and with the involvement of,
19 parents of the children, and representatives of
20 the area, to be served;

21 “(D) with respect to an application de-
22 scribing a schoolwide program in accordance
23 with section 1265(c), that has—

24 “(i) reviewed in a timely fashion the
25 program; and

1 “(ii) determined that the program will
2 not diminish the availability of culturally
3 related activities for American Indian and
4 Alaska Native students; and

5 “(E) that has adopted reasonable bylaws
6 for the conduct of the activities of the com-
7 mittee and abides by such bylaws.

8 **“SEC. 1265. AUTHORIZED SERVICES AND ACTIVITIES.**

9 “(a) GENERAL REQUIREMENTS.—Each local edu-
10 cational agency that receives a grant under this chapter
11 shall use the grant funds, in a manner consistent with the
12 purpose specified in section 1261, for services and activi-
13 ties that—

14 “(1) are designed to carry out the comprehen-
15 sive program of the local educational agency for In-
16 dian students, and described in the application of
17 the local educational agency submitted to the Sec-
18 retary under section 1264(a);

19 “(2) are designed with special regard for the
20 language and cultural needs of the Indian students;
21 and

22 “(3) supplement and enrich the regular school
23 program of such agency.

24 “(b) PARTICULAR ACTIVITIES.—The services and ac-
25 tivities referred to in subsection (a) may include—

1 “(1) culturally related activities that support
2 the program described in the application submitted
3 by the local educational agency;

4 “(2) early childhood and family programs that
5 emphasize school readiness;

6 “(3) enrichment programs that focus on prob-
7 lem solving and cognitive skills development and di-
8 rectly support the attainment of State academic
9 standards;

10 “(4) integrated educational services in combina-
11 tion with other programs that meet the needs of In-
12 dian children and their families;

13 “(5) programs that help engage parents and
14 tribes to meet the unique educational needs of In-
15 dian children;

16 “(6) career preparation activities to enable In-
17 dian students to participate in programs such as the
18 programs supported by the Carl D. Perkins Career
19 and Technical Education Act of 2006;

20 “(7) activities to educate individuals concerning
21 the prevention of substance abuse, violence, and sui-
22 cide;

23 “(8) the acquisition of equipment, but only if
24 the acquisition of the equipment is essential to
25 achieve the purpose described in section 1261;

1 “(9) activities that promote the incorporation of
2 culturally responsive teaching and learning strategies
3 into the educational program of the local educational
4 agency;

5 “(10) activities that incorporate American In-
6 dian and Alaska Native specific curriculum content,
7 consistent with State academic standards into the
8 curriculum used by the local educational agency;

9 “(11) family literacy services; and

10 “(12) activities that recognize and support the
11 unique cultural and educational needs of Indian chil-
12 dren, and incorporate appropriately qualified tribal
13 elders and seniors.

14 “(c) SCHOOLWIDE PROGRAMS.—Notwithstanding
15 any other provision of law, a local educational agency may
16 use funds made available to such agency under this chap-
17 ter to support a schoolwide program under section 1114
18 if—

19 “(1) the committee established pursuant to sec-
20 tion 1264(c)(4) approves the use of the funds for
21 the schoolwide program; and

22 “(2) the schoolwide program is consistent with
23 the purpose described in section 1261.

24 “(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not
25 more than 5 percent of the funds provided to a grantee

1 under this chapter for any fiscal year may be used for
2 administrative purposes.

3 “(e) **LIMITATION ON USE OF FUNDS.**—Funds pro-
4 vided to a grantee under this chapter may not be used
5 for long-distance travel expenses for training activities
6 available locally or regionally.

7 **“SEC. 1266. INTEGRATION OF SERVICES AUTHORIZED.**

8 “(a) **PLAN.**—An entity receiving funds under this
9 chapter may submit a plan to the Secretary for the inte-
10 gration of education and related services provided to In-
11 dian students.

12 “(b) **CONSOLIDATION OF PROGRAMS.**—Upon the re-
13 ceipt of an acceptable plan under subsection (a), the Sec-
14 retary, in cooperation with each Federal agency providing
15 grants for the provision of education and related services
16 to the entity, shall authorize the entity to consolidate, in
17 accordance with such plan, the federally funded education
18 and related services programs of the entity and the Fed-
19 eral programs, or portions of the programs, serving Indian
20 students in a manner that integrates the program services
21 involved into a single, coordinated, comprehensive pro-
22 gram and reduces administrative costs by consolidating
23 administrative functions.

24 “(c) **PROGRAMS AFFECTED.**—The funds that may be
25 consolidated in a demonstration project under any such

1 plan referred to in subsection (a) shall include funds for
2 any Federal program exclusively serving Indian children,
3 or the funds reserved under any Federal program to exclu-
4 sively serve Indian children, under which the entity is eligi-
5 ble for receipt of funds under a statutory or administrative
6 formula for the purposes of providing education and re-
7 lated services that would be used to serve Indian students.

8 “(d) PLAN REQUIREMENTS.—For a plan to be ac-
9 ceptable pursuant to subsection (b), the plan shall—

10 “(1) identify the programs or funding sources
11 to be consolidated;

12 “(2) be consistent with the objectives of this
13 section concerning authorizing the services to be in-
14 tegrated in a demonstration project;

15 “(3) describe a comprehensive strategy that
16 identifies the full range of potential educational op-
17 portunities and related services to be provided to as-
18 sist Indian students to achieve the objectives set
19 forth in this chapter;

20 “(4) describe the way in which services are to
21 be integrated and delivered and the results expected
22 from the plan;

23 “(5) identify the projected expenditures under
24 the plan in a single budget;

1 “(6) identify the State, tribal, or local agency
2 or agencies to be involved in the delivery of the serv-
3 ices integrated under the plan;

4 “(7) identify any statutory provisions, regula-
5 tions, policies, or procedures that the entity believes
6 need to be waived in order to implement the plan;

7 “(8) set forth measures for student academic
8 achievement consistent with State academic stand-
9 ards under section 1111(b)(1); and

10 “(9) be approved by a committee formed in ac-
11 cordance with section 1264(c)(4), if such a com-
12 mittee exists.

13 “(e) PLAN REVIEW.—Upon receipt of the plan from
14 an eligible entity, the Secretary shall consult with the Sec-
15 retary of each Federal department providing funds to be
16 used to implement the plan, and with the entity submit-
17 ting the plan. The parties so consulting shall identify any
18 waivers of statutory requirements or of Federal depart-
19 mental regulations, policies, or procedures necessary to en-
20 able the entity to implement the plan. Notwithstanding
21 any other provision of law, the Secretary of the affected
22 department shall have the authority to waive any regula-
23 tion, policy, or procedure promulgated by that department
24 that has been so identified by the entity or department,
25 unless the Secretary of the affected department deter-

1 mines that such a waiver is inconsistent with the objectives
2 of this chapter or those provisions of the statute from
3 which the program involved derives authority that are spe-
4 cifically applicable to Indian students.

5 “(f) PLAN APPROVAL.—Within 90 days after the re-
6 ceipt of an entity’s plan by the Secretary, the Secretary
7 shall inform the entity, in writing, of the Secretary’s ap-
8 proval or disapproval of the plan. If the plan is dis-
9 approved, the entity shall be informed, in writing, of the
10 reasons for the disapproval and shall be given an oppor-
11 tunity to amend the plan or to petition the Secretary to
12 reconsider such disapproval.

13 “(g) RESPONSIBILITIES OF DEPARTMENT OF EDU-
14 CATION.—The Secretary of Education, the Secretary of
15 the Interior, and the head of any other Federal depart-
16 ment or agency identified by the Secretary of Education,
17 shall enter into an interdepartmental memorandum of
18 agreement providing for the implementation and coordina-
19 tion of the demonstration projects authorized under this
20 section. The lead agency head for a demonstration project
21 under this section shall be—

22 “(1) the Secretary of the Interior, in the case
23 of an entity meeting the definition of a contract or
24 grant school under title XI of the Education Amend-
25 ments of 1978; or

1 “(2) the Secretary of Education, in the case of
2 any other entity.

3 “(h) RESPONSIBILITIES OF LEAD AGENCY.—The re-
4 sponsibilities of the lead agency shall include—

5 “(1) the use of a single report format related
6 to the plan for the individual project, which shall be
7 used by an eligible entity to report on the activities
8 undertaken under the project;

9 “(2) the use of a single report format related
10 to the projected expenditures for the individual
11 project which shall be used by an eligible entity to
12 report on all project expenditures;

13 “(3) the development of a single system of Fed-
14 eral oversight for the project, which shall be imple-
15 mented by the lead agency; and

16 “(4) the provision of technical assistance to an
17 eligible entity appropriate to the project, except that
18 an eligible entity shall have the authority to accept
19 or reject the plan for providing such technical assist-
20 ance and the technical assistance provider.

21 “(i) REPORT REQUIREMENTS.—A single report for-
22 mat shall be developed by the Secretary, consistent with
23 the requirements of this section. Such report format shall
24 require that reports described in subsection (h), together
25 with records maintained on the consolidated program at

1 the local level, shall contain such information as will allow
2 a determination that the eligible entity has complied with
3 the requirements incorporated in its approved plan, in-
4 cluding making a demonstration of student academic
5 achievement, and will provide assurances to each Sec-
6 retary that the eligible entity has complied with all directly
7 applicable statutory requirements and with those directly
8 applicable regulatory requirements that have not been
9 waived.

10 “(j) NO REDUCTION IN AMOUNTS.—In no case shall
11 the amount of Federal funds available to an eligible entity
12 involved in any demonstration project be reduced as a re-
13 sult of the enactment of this section.

14 “(k) INTERAGENCY FUND TRANSFERS AUTHOR-
15 IZED.—The Secretary is authorized to take such action
16 as may be necessary to provide for an interagency transfer
17 of funds otherwise available to an eligible entity in order
18 to further the objectives of this section.

19 “(l) ADMINISTRATION OF FUNDS.—

20 “(1) IN GENERAL.—Program funds for the con-
21 solidated programs shall be administered in such a
22 manner as to allow for a determination that funds
23 from a specific program are spent on allowable ac-
24 tivities authorized under such program, except that
25 the eligible entity shall determine the proportion of

1 the funds granted that shall be allocated to such
2 program.

3 “(2) SEPARATE RECORDS NOT REQUIRED.—

4 Nothing in this section shall be construed as requir-
5 ing the eligible entity to maintain separate records
6 tracing any services or activities conducted under
7 the approved plan to the individual programs under
8 which funds were authorized for the services or ac-
9 tivities, nor shall the eligible entity be required to al-
10 locate expenditures among such individual programs.

11 “(m) OVERAGE.—The eligible entity may commingle
12 all administrative funds from the consolidated programs
13 and shall be entitled to the full amount of such funds
14 (under each program’s or agency’s regulations). The over-
15 age (defined as the difference between the amount of the
16 commingled funds and the actual administrative cost of
17 the programs) shall be considered to be properly spent for
18 Federal audit purposes, if the overage is used for the pur-
19 poses provided for under this section.

20 “(n) FISCAL ACCOUNTABILITY.—Nothing in this
21 subpart shall be construed so as to interfere with the abil-
22 ity of the Secretary or the lead agency to fulfill the respon-
23 sibilities for the safeguarding of Federal funds pursuant
24 to chapter 75 of title 31, United States Code.

1 “(o) REPORT ON STATUTORY OBSTACLES TO PRO-
2 GRAM INTEGRATION.—

3 “(1) IN GENERAL.—The Secretary of Education
4 shall annually submit a report to the Committee on
5 Health, Education, Labor, and Pensions and the
6 Committee on Indian Affairs of the Senate, and the
7 Committee on Education and the Workforce and the
8 Committee on Natural Resources of the House of
9 Representatives on the status of the implementation
10 of the demonstration projects authorized under this
11 section.

12 “(2) CONTENTS.—Such report shall identify—

13 “(A) statutory barriers to the ability of
14 participants to more effectively integrate their
15 education and related services to Indian stu-
16 dents in a manner consistent with the objectives
17 of this section; and

18 “(B) the effective practices for program in-
19 tegration that result in increased student
20 achievement and other relevant outcomes for
21 Indian students.

22 “(p) DEFINITIONS.—For the purposes of this section,
23 the term ‘Secretary’ means—

24 “(1) the Secretary of the Interior, in the case
25 of an entity meeting the definition of a contract or

1 grant school under title XI of the Education Amend-
2 ments of 1978; or

3 “(2) the Secretary of Education, in the case of
4 any other entity.

5 **“SEC. 1267. STUDENT ELIGIBILITY FORMS.**

6 “(a) IN GENERAL.—The Secretary shall require that,
7 as part of an application for a grant under this chapter,
8 each applicant shall maintain a file, with respect to each
9 Indian child for whom the local educational agency pro-
10 vides a free public education, that contains a form that
11 sets forth information establishing the status of the child
12 as an Indian child eligible for assistance under this chap-
13 ter, and that otherwise meets the requirements of sub-
14 section (b).

15 “(b) FORMS.—The form described in subsection (a)
16 shall include—

17 “(1) either—

18 “(A)(i) the name of the tribe or band of
19 Indians (as defined in section 1291) with re-
20 spect to which the child claims membership;

21 “(ii) the enrollment number establishing
22 the membership of the child (if readily avail-
23 able); and

24 “(iii) the name and address of the organi-
25 zation that maintains updated and accurate

1 membership data for such tribe or band of Indi-
2 ans; or

3 “(B) the name, the enrollment number (if
4 readily available), and the name and address of
5 the organization responsible for maintaining up-
6 dated and accurate membership data, of any
7 parent or grandparent of the child from whom
8 the child claims eligibility under this chapter, if
9 the child is not a member of the tribe or band
10 of Indians (as so defined);

11 “(2) a statement of whether the tribe or band
12 of Indians (as so defined), with respect to which the
13 child, or parent or grandparent of the child, claims
14 membership, is federally recognized;

15 “(3) the name and address of the parent or
16 legal guardian of the child; and

17 “(4) a signature of the parent or legal guardian
18 of the child that verifies the accuracy of the informa-
19 tion supplied.

20 “(c) STATUTORY CONSTRUCTION.—Nothing in this
21 section shall be construed to affect a definition contained
22 in section 1291.

23 “(d) FORMS AND STANDARDS OF PROOF.—The
24 forms and the standards of proof (including the standard
25 of good faith compliance) that were in use during the

1 1985–1986 academic year to establish the eligibility of a
2 child for entitlement under the Indian Elementary and
3 Secondary School Assistance Act shall be the forms and
4 standards of proof used—

5 “(1) to establish eligibility under this chapter;
6 and

7 “(2) to meet the requirements of subsection (a).

8 “(e) DOCUMENTATION.—For purposes of deter-
9 mining whether a child is eligible to be counted for the
10 purpose of computing the amount of a grant award under
11 section 1263, the membership of the child, or any parent
12 or grandparent of the child, in a tribe or band of Indians
13 (as so defined) may be established by proof other than
14 an enrollment number, notwithstanding the availability of
15 an enrollment number for a member of such tribe or band.
16 Nothing in subsection (b) shall be construed to require
17 the furnishing of an enrollment number.

18 “(f) MONITORING AND EVALUATION REVIEW.—

19 “(1) IN GENERAL.—

20 “(A) REVIEW.—For each fiscal year, in
21 order to provide such information as is nec-
22 essary to carry out the responsibility of the Sec-
23 retary to provide technical assistance under this
24 chapter, the Secretary shall conduct a moni-
25 toring and evaluation review of a sampling of

1 the recipients of grants under this chapter. The
2 sampling conducted under this subparagraph
3 shall take into account the size of and the geo-
4 graphic location of each local educational agen-
5 cy.

6 “(B) EXCEPTION.—A local educational
7 agency may not be held liable to the United
8 States or be subject to any penalty, by reason
9 of the findings of an audit that relates to the
10 date of completion, or the date of submission,
11 of any forms used to establish, before April 28,
12 1988, the eligibility of a child for an entitle-
13 ment under the Indian Elementary and Sec-
14 ondary School Assistance Act.

15 “(2) FALSE INFORMATION.—Any local edu-
16 cational agency that provides false information in an
17 application for a grant under this chapter shall—

18 “(A) be ineligible to apply for any other
19 grant under this chapter; and

20 “(B) be liable to the United States for any
21 funds from the grant that have not been ex-
22 pended.

23 “(3) EXCLUDED CHILDREN.—A student who
24 provides false information for the form required
25 under subsection (a) shall not be counted for the

1 purpose of computing the amount of a grant under
2 section 1263.

3 “(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—

4 Notwithstanding any other provision of this section, in cal-
5 culating the amount of a grant under this chapter to a
6 tribal school that receives a grant or contract from the
7 Bureau of Indian Education, the Secretary shall use only
8 one of the following, as selected by the school:

9 “(1) A count of the number of students in the
10 schools certified by the Bureau.

11 “(2) A count of the number of students for
12 whom the school has eligibility forms that comply
13 with this section.

14 “(h) TIMING OF CHILD COUNTS.—For purposes of
15 determining the number of children to be counted in calcu-
16 lating the amount of a local educational agency’s grant
17 under this chapter (other than in the case described in
18 subsection (g)(1)), the local educational agency shall—

19 “(1) establish a date on, or a period not longer
20 than 31 consecutive days during, which the agency
21 counts those children, if that date or period occurs
22 before the deadline established by the Secretary for
23 submitting an application under section 1264; and

24 “(2) determine that each such child was en-
25 rolled, and receiving a free public education, in a

1 school of the agency on that date or during that pe-
2 riod, as the case may be.

3 **“SEC. 1268. PAYMENTS.**

4 “(a) IN GENERAL.—Subject to subsections (b) and
5 (c), the Secretary shall pay to each local educational agen-
6 cy that submits an application that is approved by the Sec-
7 retary under this chapter the amount determined under
8 section 1263. The Secretary shall notify the local edu-
9 cational agency of the amount of the payment not later
10 than June 1 of the year for which the Secretary makes
11 the payment.

12 “(b) PAYMENTS TAKEN INTO ACCOUNT BY THE
13 STATE.—The Secretary may not make a grant under this
14 chapter to a local educational agency for a fiscal year if,
15 for such fiscal year, the State in which the local edu-
16 cational agency is located takes into consideration pay-
17 ments made under this chapter in determining the eligi-
18 bility of the local educational agency for State aid, or the
19 amount of the State aid, with respect to the free public
20 education of children during such fiscal year or the pre-
21 ceding fiscal year.

22 “(c) REALLOCATIONS.—The Secretary may reallo-
23 cate, in a manner that the Secretary determines will best
24 carry out the purpose of this chapter, any amounts that—

1 “(1) based on estimates made by local edu-
 2 cational agencies or other information, the Secretary
 3 determines will not be needed by such agencies to
 4 carry out approved programs under this chapter; or
 5 “(2) otherwise become available for reallocation
 6 under this chapter.

7 **“SEC. 1269. STATE EDUCATIONAL AGENCY REVIEW.**

8 “Before submitting an application to the Secretary
 9 under section 1264, a local educational agency shall sub-
 10 mit the application to the State educational agency, which
 11 may comment on such application. If the State educational
 12 agency comments on the application, the agency shall com-
 13 ment on all applications submitted by local educational
 14 agencies in the State and shall provide those comments
 15 to the respective local educational agencies, with an oppor-
 16 tunity to respond.

17 **“CHAPTER B—SPECIAL PROGRAMS AND**
 18 **PROJECTS TO IMPROVE EDU-**
 19 **CATIONAL OPPORTUNITIES FOR IN-**
 20 **DIAN CHILDREN**

21 **“SEC. 1271. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
 22 **TIES FOR INDIAN CHILDREN.**

23 “(a) PURPOSE.—

24 “(1) IN GENERAL.—It is the purpose of this
 25 section to support projects to develop, test, and dem-

1 onstrate the effectiveness of services and programs
2 to improve educational opportunities and achieve-
3 ment of Indian children.

4 “(2) COORDINATION.—The Secretary shall take
5 the necessary actions to achieve the coordination of
6 activities assisted under this chapter with—

7 “(A) other programs funded under this
8 Act; and

9 “(B) other Federal programs operated for
10 the benefit of American Indian and Alaska Na-
11 tive children.

12 “(b) ELIGIBLE ENTITIES.—In this section, the term
13 ‘eligible entity’ means a State educational agency, local
14 educational agency, Indian tribe, Indian organization, fed-
15 erally supported elementary school or secondary school for
16 Indian students, Indian institution (including an Indian
17 institution of higher education), or a consortium of such
18 entities.

19 “(c) GRANTS AUTHORIZED.—

20 “(1) IN GENERAL.—From amounts appro-
21 priated under section 3(a)(1), the Secretary shall re-
22 serve 0.2 of one percent to award grants to eligible
23 entities to enable such entities to carry out activities
24 under this section and section 1272.

1 “(2) USES OF FUNDS.—An eligible entity that
2 receives a grant under this section shall use the
3 funds for one or more activities, including—

4 “(A) innovative programs related to the
5 educational needs of educationally disadvan-
6 taged children;

7 “(B) educational services that are not
8 available to such children in sufficient quantity
9 or quality, including remedial instruction, to
10 raise the achievement of Indian children in one
11 or more of the core academic subjects of
12 English, mathematics, science, foreign lan-
13 guages, art, history, and geography;

14 “(C) bilingual and bicultural programs and
15 projects;

16 “(D) special health and nutrition services,
17 and other related activities, that address the
18 special health, social, and psychological prob-
19 lems of Indian children;

20 “(E) special compensatory and other pro-
21 grams and projects designed to assist and en-
22 courage Indian children to enter, remain in, or
23 reenter school, and to increase the rate of high
24 school graduation for Indian children;

1 “(F) comprehensive guidance, counseling,
2 and testing services;

3 “(G) early childhood and kindergarten pro-
4 grams, including family-based preschool pro-
5 grams that emphasize school readiness and pa-
6 rental skills, and the provision of services to In-
7 dian children with disabilities;

8 “(H) partnership projects between local
9 educational agencies and institutions of higher
10 education that allow secondary school students
11 to enroll in courses at the postsecondary level to
12 aid such students in the transition from sec-
13 ondary to postsecondary education;

14 “(I) partnership projects between schools
15 and local businesses for career preparation pro-
16 grams designed to provide Indian youth with
17 the knowledge and skills such youth need to
18 make an effective transition from school to a
19 high-skill, high-wage career;

20 “(J) programs designed to encourage and
21 assist Indian students to work toward, and gain
22 entrance into, an institution of higher edu-
23 cation;

24 “(K) family literacy services;

1 “(L) activities that recognize and support
2 the unique cultural and educational needs of In-
3 dian children, and incorporate appropriately
4 qualified tribal elders and seniors; or

5 “(M) other services that meet the purpose
6 described in this section.

7 “(3) PROFESSIONAL DEVELOPMENT.—Evidence
8 based professional development of teaching profes-
9 sionals and paraprofessionals may be a part of any
10 program assisted under this section.

11 “(d) GRANT REQUIREMENTS AND APPLICATIONS.—

12 “(1) GRANT REQUIREMENTS.—

13 “(A) IN GENERAL.—The Secretary may
14 make multiyear grants under subsection (c) for
15 the planning, development, pilot operation, or
16 demonstration of any activity described in sub-
17 section (c) for a period not to exceed 5 years.

18 “(B) PRIORITY.—In making multiyear
19 grants described in this paragraph, the Sec-
20 retary shall give priority to entities submitting
21 applications that present a plan for combining
22 two or more of the activities described in sub-
23 section (c) over a period of more than 1 year.

24 “(C) PROGRESS.—The Secretary shall
25 make a grant payment for a grant described in

1 this paragraph to an eligible entity after the
2 initial year of the multiyear grant only if the
3 Secretary determines that the eligible entity has
4 made substantial progress in carrying out the
5 activities assisted under the grant in accordance
6 with the application submitted under paragraph
7 (3) and any subsequent modifications to such
8 application.

9 “(2) DISSEMINATION GRANTS.—

10 “(A) IN GENERAL.—In addition to award-
11 ing the multiyear grants described in paragraph
12 (1), the Secretary may award grants under sub-
13 section (c) to eligible entities for the dissemina-
14 tion of exemplary materials or programs as-
15 sisted under this section.

16 “(B) DETERMINATION.—The Secretary
17 may award a dissemination grant described in
18 this paragraph if, prior to awarding the grant,
19 the Secretary determines that the material or
20 program to be disseminated—

21 “(i) has been adequately reviewed;

22 “(ii) has demonstrated educational
23 merit; and

24 “(iii) can be replicated.

25 “(3) APPLICATION.—

1 “(A) IN GENERAL.—Any eligible entity
2 that desires to receive a grant under this sec-
3 tion shall submit an application to the Sec-
4 retary at such time and in such manner as the
5 Secretary may reasonably require.

6 “(B) CONTENTS.—Each application sub-
7 mitted to the Secretary under subparagraph
8 (A), other than an application for a dissemina-
9 tion grant under paragraph (2), shall contain—

10 “(i) a description of how parents of
11 Indian children and representatives of In-
12 dian tribes have been, and will be, involved
13 in developing and implementing the activi-
14 ties for which assistance is sought;

15 “(ii) assurances that the applicant will
16 participate, at the request of the Secretary,
17 in any national evaluation of activities as-
18 sisted under this section;

19 “(iii) information demonstrating that
20 the proposed program for the activities is
21 an evidence-based program, which may in-
22 clude a program that has been modified to
23 be culturally appropriate for students who
24 will be served; and

1 “(iv) a description of how the appli-
2 cant will incorporate the proposed activities
3 into the ongoing school program involved
4 once the grant period is over.

5 “(e) ADMINISTRATIVE COSTS.—Not more than 5 per-
6 cent of the funds provided to a grantee under this chapter
7 for any fiscal year may be used for administrative pur-
8 poses.

9 **“SEC. 1272. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
10 **AND EDUCATION PROFESSIONALS.**

11 “(a) PURPOSES.—The purposes of this section are—

12 “(1) to increase the number of qualified Indian
13 teachers, school leaders, or other education profes-
14 sionals serving Indian students, including through
15 recruitment strategies;

16 “(2) to provide training to qualified Indian indi-
17 viduals to enable such individuals to become effective
18 teachers, school leaders, administrators, teacher
19 aides, social workers, and ancillary educational per-
20 sonnel; and

21 “(3) to improve the skills of qualified Indian in-
22 dividuals who serve in the capacities described in
23 paragraph (2).

24 “(b) ELIGIBLE ENTITIES.—For the purpose of this
25 section, the term ‘eligible entity’ means—

1 “(1) an institution of higher education, includ-
2 ing an Indian institution of higher education;

3 “(2) a State educational agency or local edu-
4 cational agency, in consortium with an institution of
5 higher education;

6 “(3) an Indian tribe or organization, in consor-
7 tium with an institution of higher education; and

8 “(4) a Bureau-funded school (as defined in sec-
9 tion 1146 of the Education Amendments of 1978).

10 “(c) PROGRAM AUTHORIZED.—The Secretary is au-
11 thorized to award grants from funds reserved under sec-
12 tion 1271(c)(1) to eligible entities having applications ap-
13 proved under this section to enable those entities to carry
14 out the activities described in subsection (d).

15 “(d) AUTHORIZED ACTIVITIES.—

16 “(1) IN GENERAL.—Grant funds under this sec-
17 tion shall be used for activities to provide support
18 and training for Indian individuals in a manner con-
19 sistent with the purposes of this section.

20 “(2) SPECIAL RULES.—

21 “(A) TYPE OF TRAINING.—For education
22 personnel, the training received pursuant to a
23 grant under this section may be inservice or
24 preservice training.

1 “(B) PROGRAM.—For individuals who are
2 being trained to enter any education-related
3 field other than teaching, the training received
4 pursuant to a grant under this section shall be
5 in a program that results in a graduate degree.

6 “(e) APPLICATION.—Each eligible entity desiring a
7 grant under this section shall submit an application to the
8 Secretary at such time and in such manner as the Sec-
9 retary may reasonably require. An application shall in-
10 clude how the eligible entity will—

11 “(1) recruit qualified Indian individuals, such
12 as students who may not be of traditional college
13 age, to become teachers or school leaders;

14 “(2) use funds made available under the grant
15 to support the recruitment, preparation, and profes-
16 sional development of Indian teachers or school lead-
17 ers in local educational agencies that serve a high
18 proportion of Indian students; and

19 “(3) assist participants in meeting the require-
20 ments under subsection (h).

21 “(f) SPECIAL RULE.—In awarding grants under this
22 section, the Secretary—

23 “(1) shall consider the prior performance of the
24 eligible entity; and

1 “(2) may not limit eligibility to receive a grant
2 under this section on the basis of—

3 “(A) the number of previous grants the
4 Secretary has awarded such entity; or

5 “(B) the length of any period during which
6 such entity received such grants.

7 “(g) GRANT PERIOD.—Each grant under this section
8 shall be awarded for an initial period of not more than
9 three years, and may be renewed for not more than an
10 additional two years if the Secretary finds that the grantee
11 is meeting the grant objectives.

12 “(h) SERVICE OBLIGATION.—

13 “(1) IN GENERAL.—The Secretary shall re-
14 quire, by regulation, that an individual who receives
15 training pursuant to a grant made under this sec-
16 tion—

17 “(A) perform work—

18 “(i) related to the training received
19 under this section; and

20 “(ii) that benefits Indian people; or

21 “(B) repay all or a prorated part of the as-
22 sistance received.

23 “(2) REPORTING.—The Secretary shall estab-
24 lish, by regulation, a reporting procedure under
25 which a grant recipient under this section shall, not

1 later than 12 months after the date of completion of
2 the training, and periodically thereafter, provide in-
3 formation concerning compliance with the work re-
4 quirement under paragraph (1).

5 **“CHAPTER C—FEDERAL ADMINISTRATION**

6 **“SEC. 1281. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-**

7 **CATION.**

8 “(a) MEMBERSHIP.—There is established a National
9 Advisory Council on Indian Education (hereafter in this
10 section referred to as the ‘Council’), which shall—

11 “(1) consist of 15 Indian members, who shall
12 be appointed by the President from lists of nominees
13 furnished, from time to time, by Indian tribes and
14 organizations; and

15 “(2) represent different geographic areas of the
16 United States.

17 “(b) DUTIES.—The Council shall—

18 “(1) advise the Secretary concerning the fund-
19 ing and administration (including the development of
20 regulations and administrative policies and prac-
21 tices) of any program, including any program estab-
22 lished under this subpart—

23 “(A) with respect to which the Secretary
24 has jurisdiction; and

1 “(B)(i) that includes Indian children or
2 adults as participants; or

3 “(ii) that may benefit Indian children or
4 adults;

5 “(2) make recommendations to the Secretary
6 for filling the position of Director of Indian Edu-
7 cation whenever a vacancy occurs; and

8 “(3) submit to Congress, not later than June
9 30 of each year, a report on the activities of the
10 Council, including—

11 “(A) any recommendations that the Coun-
12 cil considers appropriate for the improvement of
13 Federal education programs that include Indian
14 children or adults as participants, or that may
15 benefit Indian children or adults; and

16 “(B) recommendations concerning the
17 funding of any program described in subpara-
18 graph (A).

19 **“SEC. 1282. PEER REVIEW.**

20 “The Secretary may use a peer review process to re-
21 view applications submitted to the Secretary under chap-
22 ter B.

23 **“SEC. 1283. PREFERENCE FOR INDIAN APPLICANTS.**

24 “In making grants and entering into contracts or co-
25 operative agreements under chapter B, the Secretary shall

1 give a preference to Indian tribes, organizations, and insti-
 2 tutions of higher education under any program with re-
 3 spect to which Indian tribes, organizations, and institu-
 4 tions are eligible to apply for grants, contracts, or coopera-
 5 tive agreements.

6 **“SEC. 1284. MINIMUM GRANT CRITERIA.**

7 “The Secretary may not approve an application for
 8 a grant, contract, or cooperative agreement under chapter
 9 B unless the application is for a grant, contract, or cooper-
 10 ative agreement that is—

11 “(1) of sufficient size, scope, and quality to
 12 achieve the purpose or objectives of such grant, con-
 13 tract, or cooperative agreement; and

14 “(2) based on relevant research findings.

15 **“CHAPTER D—DEFINITIONS**

16 **“SEC. 1291. DEFINITIONS.**

17 “For the purposes of this subpart:

18 “(1) ADULT.—The term ‘adult’ means an indi-
 19 vidual who—

20 “(A) has attained the age of 16 years; or

21 “(B) has attained an age that is greater
 22 than the age of compulsory school attendance
 23 under an applicable State law.

24 “(2) ALASKA NATIVE.—The term ‘Alaska Na-
 25 tive’ has the same meaning as the term ‘Native’ has

1 in section 3(b) of the Alaska Native Claims Settle-
2 ment Act.

3 “(3) FREE PUBLIC EDUCATION.—The term
4 ‘free public education’ means education that is—

5 “(A) provided at public expense, under
6 public supervision and direction, and without
7 tuition charge; and

8 “(B) provided as elementary or secondary
9 education in the applicable State or to preschool
10 children.

11 “(4) INDIAN.—The term ‘Indian’ means an in-
12 dividual who is—

13 “(A) a member of an Indian tribe or band,
14 as membership is defined by the tribe or band,
15 including—

16 “(i) any tribe or band terminated
17 since 1940; and

18 “(ii) any tribe or band recognized by
19 the State in which the tribe or band re-
20 sides;

21 “(B) a descendant, in the first or second
22 degree, of an individual described in subpara-
23 graph (A);

24 “(C) considered by the Secretary of the In-
25 terior to be an Indian for any purpose;

1 “(D) an Eskimo, Aleut, or other Alaska
2 Native; or

3 “(E) a member of an organized Indian
4 group that received a grant under the Indian
5 Education Act of 1988 as in effect the day pre-
6 ceding the date of enactment of the Improving
7 America’s Schools Act of 1994.”.

8 (b) STRIKE.—The Act is amended by striking title
9 VII (20 U.S.C. 7401 et seq.).

10 **Subtitle D—National Assessment**

11 **SEC. 141. NATIONAL ASSESSMENT OF TITLE I.**

12 (a) IN GENERAL.—Part E of title I (20 U.S.C. 6491
13 et seq.) is redesignated as part B of title I.

14 (b) REPEALS.—Sections 1502 and 1504 (20 U.S.C.
15 6492; 6494) are repealed.

16 (c) REDESIGNATIONS.—Sections 1501 and 1503 (20
17 U.S.C. 6491; 6493) are redesignated as sections 1301 and
18 1302, respectively.

19 (d) AMENDMENTS TO SECTION 1301.—Section 1301
20 (20 U.S.C. 6491), as so redesignated, is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by inserting “, act-
23 ing through the Director of the Institute of
24 Education Sciences (in this section and section

1 1302 referred to as the ‘Director’),” after “The
2 Secretary”;

3 (B) in paragraph (2)—

4 (i) by striking “Secretary” and insert-
5 ing “Director”;

6 (ii) in subparagraph (A), by striking
7 “reaching the proficient level” and all that
8 follows and inserting “graduating high
9 school prepared for postsecondary edu-
10 cation or the workforce.”;

11 (iii) in subparagraph (B), by striking
12 “reach the proficient” and all that follows
13 and inserting “meet State academic stand-
14 ards.”;

15 (iv) by striking subparagraphs (D)
16 and (G) and redesignating subparagraphs
17 (E), (F), and (H) through (O) as subpara-
18 graphs (D) through (M), respectively;

19 (v) in subparagraph (D)(v) (as so re-
20 designated), by striking “help schools in
21 which” and all that follows and inserting
22 “address disparities in the percentages of
23 effective teachers teaching in low-income
24 schools.”;

1 (vi) in subparagraph (G) (as so rededesignated)—
2

3 (I) by striking “section 1116”
4 and inserting “section
5 1111(b)(3)(B)(iii)”;

6 (II) by striking “, including the
7 following” and all that follows and inserting a period;
8

9 (vii) in subparagraph (I) (as so redesignated), by striking “qualifications” and
10 inserting “effectiveness”;
11

12 (viii) in subparagraph (J) (as so redesignated), by striking “, including funds
13 under section 1002,”;
14

15 (ix) in subparagraph (L) (as so redesignated), by striking “section
16 1111(b)(2)(C)(v)(II)” and inserting “section 1111(b)(3)(B)(ii)(II)”;
17 and
18

19 (x) in subparagraph (M) (as so redesignated), by striking “Secretary” and inserting “Director”;
20
21

22 (C) in paragraph (3), by striking “Secretary” and inserting “Director”;
23

24 (D) in paragraph (4), by striking “Secretary” and inserting “Director”;
25

- 1 (E) in paragraph (5), by striking “Sec-
2 retary” and inserting “Director”; and
- 3 (F) in paragraph (6)—
- 4 (i) by striking “No Child Left Behind
5 Act of 2001” each place it appears and in-
6 serting “Student Success Act”; and
- 7 (ii) by striking “Secretary” each place
8 it appears and inserting “Director”;
- 9 (2) in subsection (b), by striking “Secretary”
10 each place it appears and inserting “Director”;
- 11 (3) in subsection (c)—
- 12 (A) in paragraph (1)—
- 13 (i) by striking “Secretary” and insert-
14 ing “Director”; and
- 15 (ii) by striking “part A” and inserting
16 “subpart 1 of part A”;
- 17 (B) in paragraph (2)—
- 18 (i) by striking “Secretary” and insert-
19 ing “Director”;
- 20 (ii) in subparagraph (B), by striking
21 “challenging academic achievement stand-
22 ards” and inserting “State academic
23 standards”;
- 24 (iii) in subparagraph (E), by striking
25 “effects of the availability” and all that

1 follows and inserting “extent to which ac-
2 tions authorized under section
3 1111(b)(3)(B)(iii) improve the academic
4 achievement of disadvantaged students and
5 low-performing schools.”; and

6 (iv) in subparagraph (F), by striking
7 “Secretary” and inserting “Director”; and
8 (C) in paragraph (3)—

9 (i) by striking “Secretary” and insert-
10 ing “Director”; and

11 (ii) by striking subparagraph (C) and
12 inserting the following:

13 “(C) analyzes varying models or strategies
14 for delivering school services, including
15 schoolwide and targeted services.”; and

16 (4) in subsection (d), by striking “Secretary”
17 each place it appears and inserting “Director”.

18 (e) AMENDMENTS TO SECTION 1302.—Section 1302
19 (20 U.S.C. 6493), as so redesignated, is amended—

20 (1) in subsection (a)—

21 (A) by striking “Secretary” and inserting
22 “Director”; and

23 (B) by striking “and for making decisions
24 about the promotion and graduation of stu-
25 dents”;

1 (2) in subsection (b)—

2 (A) by striking “Secretary” the first place
3 it appears and inserting “Director”;

4 (B) by striking “process,” and inserting
5 “process consistent with section 1206,”; and

6 (C) by striking “Assistant Secretary of
7 Educational Research and Improvement” and
8 inserting “Director”;

9 (3) in subsection (d)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (A), by striking
12 “to the State-defined level of proficiency”
13 and inserting “toward meeting the State
14 academic standards”; and

15 (ii) in subparagraph (C), by striking
16 “pupil-services” and inserting “specialized
17 instructional support services”;

18 (B) in paragraph (3), by striking “limited
19 and nonlimited English proficient students”
20 and inserting “English learners”; and

21 (C) in paragraph (6), by striking “Sec-
22 retary” and inserting “Director”; and

23 (4) in subsection (f)—

24 (A) by striking “Secretary” and inserting
25 “Director”; and

1 (B) by striking “authorized to be appro-
2 priated for this part” and inserting “appro-
3 priated under section 3(a)(2)”.

4 **Subtitle E—Title I General**
5 **Provisions**

6 **SEC. 151. GENERAL PROVISIONS FOR TITLE I.**

7 Part I of title I (20 U.S.C. 6571 et seq.)—

8 (1) is transferred to and redesignated as part
9 C of title I of the Act; and

10 (2) is amended to read as follows:

11 **“PART C—GENERAL PROVISIONS**

12 **“SEC. 1401. FEDERAL REGULATIONS.**

13 “(a) IN GENERAL.—The Secretary may, in accord-
14 ance with subsections (b) through (d), issue such regula-
15 tions as are necessary to reasonably ensure there is com-
16 pliance with this title.

17 “(b) NEGOTIATED RULEMAKING PROCESS.—

18 “(1) IN GENERAL.—Before publishing in the
19 Federal Register proposed regulations to carry out
20 this title, the Secretary shall obtain the advice and
21 recommendations of representatives of Federal,
22 State, and local administrators, parents, teachers,
23 and members of local school boards and other orga-
24 nizations involved with the implementation and oper-
25 ation of programs under this title.

1 “(2) MEETINGS AND ELECTRONIC EX-
2 CHANGE.—Such advice and recommendations may
3 be obtained through such mechanisms as regional
4 meetings and electronic exchanges of information.

5 “(3) PROPOSED REGULATIONS.—After obtain-
6 ing such advice and recommendations, and before
7 publishing proposed regulations, the Secretary
8 shall—

9 “(A) establish a negotiated rulemaking
10 process;

11 “(B) select individuals to participate in
12 such process from among individuals or groups
13 that provided advice and recommendations, in-
14 cluding representation from all geographic re-
15 gions of the United States, in such numbers as
16 will provide an equitable balance between rep-
17 resentatives of parents and students and rep-
18 resentatives of educators and education offi-
19 cials; and

20 “(C) prepare a draft of proposed policy op-
21 tions that shall be provided to the individuals
22 selected by the Secretary under subparagraph
23 (B) not less than 15 days before the first meet-
24 ing under such process.

1 “(c) PROPOSED RULEMAKING.—If the Secretary de-
2 termines that a negotiated rulemaking process is unneces-
3 sary or the individuals selected to participate in the proc-
4 ess under paragraph (3)(B) fail to reach unanimous agree-
5 ment, the Secretary may propose regulations under the
6 following procedure:

7 “(1) Not less than 30 days prior to beginning
8 a rulemaking process, the Secretary shall provide to
9 Congress, including the Committee on Education
10 and the Workforce of the House of Representatives
11 and the Committee on Health, Education, Labor,
12 and Pensions of the Senate, notice that shall in-
13 clude—

14 “(A) a copy of the proposed regulations;

15 “(B) the need to issue regulations;

16 “(C) the anticipated burden, including the
17 time, cost, and paperwork burden, the regula-
18 tions will have on State educational agencies,
19 local educational agencies, schools, and other
20 entities that may be impacted by the regula-
21 tions; and

22 “(D) any regulations that will be repealed
23 when the new regulations are issued.

24 “(2) 30 days after giving notice of the proposed
25 rule to Congress, the Secretary may proceed with

1 the rulemaking process after all comments received
2 from the Congress have been addressed and pub-
3 lishing how such comments are addressed with the
4 proposed rule.

5 “(3) The comment and review period for any
6 proposed regulation shall be 90 days unless an emer-
7 gency requires a shorter period, in which case such
8 period shall be not less than 45 days and the Sec-
9 retary shall—

10 “(A) designate the proposed regulation as
11 an emergency with an explanation of the emer-
12 gency in the notice and report to Congress
13 under paragraph (1); and

14 “(B) publish the length of the comment
15 and review period in such notice and in the
16 Federal Register.

17 “(4) No regulation shall be made final after the
18 comment and review period until the Secretary has
19 published in the Federal Register an independent as-
20 sessment of—

21 “(A) the burden, including the time, cost,
22 and paperwork burden, the regulation will im-
23 pose on State educational agencies, local edu-
24 cational agencies, schools and other entities
25 that may be impacted by the regulation; and

1 “(B) an explanation of how the entities de-
2 scribed in subparagraph (A) may cover the cost
3 of the burden assessed under subparagraph (A).

4 “(d) LIMITATION.—Regulations to carry out this title
5 may not require local programs to follow a particular in-
6 structional model, such as the provision of services outside
7 the regular classroom or school program.

8 **“SEC. 1402. AGREEMENTS AND RECORDS.**

9 “(a) AGREEMENTS.—In the case in which a nego-
10 tiated rule making process is established under subsection
11 (b) of section 1401, all published proposed regulations
12 shall conform to agreements that result from the rule-
13 making described in section 1401 unless the Secretary re-
14 opens the negotiated rulemaking process.

15 “(b) RECORDS.—The Secretary shall ensure that an
16 accurate and reliable record of agreements reached during
17 the negotiations process is maintained.

18 **“SEC. 1403. STATE ADMINISTRATION.**

19 “(a) RULEMAKING.—

20 “(1) IN GENERAL.—Each State that receives
21 funds under this title shall—

22 “(A) ensure that any State rules, regula-
23 tions, and policies relating to this title conform
24 to the purposes of this title and provide any
25 such proposed rules, regulations, and policies to

1 the committee of practitioners created under
2 subsection (b) for review and comment;

3 “(B) minimize such rules, regulations, and
4 policies to which the State’s local educational
5 agencies and schools are subject;

6 “(C) eliminate or modify State and local
7 fiscal accounting requirements in order to facili-
8 tate the ability of schools to consolidate funds
9 under schoolwide programs;

10 “(D) identify any such rule, regulation, or
11 policy as a State-imposed requirement; and

12 “(E)(i) identify any duplicative or con-
13 trasting requirements between the State and
14 Federal rules or regulations;

15 “(ii) eliminate the rules and regulations
16 that are duplicative of Federal requirements;
17 and

18 “(iii) report any conflicting requirements
19 to the Secretary and determine which Federal
20 or State rule or regulation shall be followed.

21 “(2) SUPPORT AND FACILITATION.—State
22 rules, regulations, and policies under this title shall
23 support and facilitate local educational agency and
24 school-level systemic reform designed to enable all
25 children to meet the State academic standards.

1 “(b) COMMITTEE OF PRACTITIONERS.—

2 “(1) IN GENERAL.—Each State educational
3 agency that receives funds under this title shall cre-
4 ate a State committee of practitioners to advise the
5 State in carrying out its responsibilities under this
6 title.

7 “(2) MEMBERSHIP.—Each such committee
8 shall include—

9 “(A) as a majority of its members, rep-
10 resentatives from local educational agencies;

11 “(B) administrators, including the admin-
12 istrators of programs described in other parts
13 of this title;

14 “(C) teachers from public charter schools,
15 traditional public schools, and career and tech-
16 nical educators;

17 “(D) parents;

18 “(E) members of local school boards;

19 “(F) representatives of private school chil-
20 dren; and

21 “(G) specialized instructional support per-
22 sonnel.

23 “(3) DUTIES.—The duties of such committee
24 shall include a review, before publication, of any pro-
25 posed or final State rule or regulation pursuant to

1 this title. In an emergency situation where such rule
2 or regulation must be issued within a very limited
3 time to assist local educational agencies with the op-
4 eration of the program under this title, the State
5 educational agency may issue a regulation without
6 prior consultation, but shall immediately thereafter
7 convene the State committee of practitioners to re-
8 view the emergency regulation before issuance in
9 final form.

10 **“SEC. 1404. RULE OF CONSTRUCTION ON EQUALIZED**
11 **SPENDING.**

12 “Nothing in this title shall be construed to mandate
13 equalized spending per pupil for a State, local educational
14 agency, or school.”.

15 **TITLE II—TEACHER PREPARA-**
16 **TION AND EFFECTIVENESS**

17 **SEC. 201. TEACHER PREPARATION AND EFFECTIVENESS.**

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

20 **“TITLE II—TEACHER PREPARA-**
21 **TION AND EFFECTIVENESS”.**

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

1 **“PART A—SUPPORTING EFFECTIVE**
2 **INSTRUCTION**

3 **“SEC. 2101. PURPOSE.**

4 “The purpose of this part is to provide grants to
5 State educational agencies and subgrants to local edu-
6 cational agencies to—

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

9 “(2) improve teacher and school leader effec-
10 tiveness in classrooms and schools respectively;

11 “(3) provide evidence-based, job-embedded, con-
12 tinuous professional development; and

13 “(4) develop and implement teacher evaluation
14 systems that use, in part, student achievement data
15 to determine teacher effectiveness.

16 **“Subpart 1—Grants to States**

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

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

25 “(b) DETERMINATION OF ALLOTMENTS.—

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

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

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

10 “(C) one-half of 1 percent for the Sec-
11 retary of the Interior for programs under this
12 part in schools operated or funded by the Bu-
13 reau of Indian Education.

14 “(2) STATE ALLOTMENTS.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graph (B), from the funds reserved under sub-
17 section (a) for any fiscal year and not reserved
18 under paragraph (1), the Secretary shall allot
19 to each State the sum of—

20 “(i) an amount that bears the same
21 relationship to 50 percent of the funds as
22 the number of individuals age 5 through
23 17 in the State, as determined by the Sec-
24 retary on the basis of the most recent sat-
25 isfactory data, bears to the number of

1 those individuals in all such States, as so
2 determined; and

3 “(ii) an amount that bears the same
4 relationship to 50 percent of the funds as
5 the number of individuals age 5 through
6 17 from families with incomes below the
7 poverty line in the State, as determined by
8 the Secretary on the basis of the most re-
9 cent satisfactory data, bears to the number
10 of those individuals in all such States, as
11 so determined.

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

17 “(c) ALTERNATE DISTRIBUTION OF FUNDS.—

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

1 “(2) APPLICATION.—In order to receive an al-
2 lotment under paragraph (1), a local educational
3 agency shall submit to the Secretary an application
4 at such time, in such manner, and containing the in-
5 formation described in section 2122.

6 “(3) USE OF FUNDS.—A local educational
7 agency receiving an allotment under paragraph
8 (1)—

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

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

13 “(4) REPORTING REQUIREMENTS.—A local edu-
14 cational agency receiving an allotment under para-
15 graph (1) shall carry out the reporting requirements
16 described in section 2131(a), except that annual re-
17 ports shall be submitted to the Secretary and not a
18 State educational agency.

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

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

8 **“SEC. 2112. STATE APPLICATION.**

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

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

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

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

24 “(4) A description of how, and under what
25 timeline, the State educational agency will allocate

1 subgrants under subpart 2 to local educational agen-
2 cies.

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

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

14 “(A) a description of how the State edu-
15 cational agency will work with local educational
16 agencies in the State to implement the state-
17 wide teacher evaluation system within 3 years
18 of the date of enactment of the Student Success
19 Act; and

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

23 “(7) An assurance that the State educational
24 agency will comply with section 5501 (regarding par-
25 ticipation by private school children and teachers).

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

8 “(c) DISAPPROVAL.—The Secretary shall not finally
9 disapprove an application, except after giving the State
10 educational agency notice and an opportunity for a hear-
11 ing.

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

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

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

20 “(A) cite the specific provisions in the ap-
21 plication that are not in compliance; and

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

1 “(e) RESPONSE.—If a State educational agency re-
2 sponds to a notification from the Secretary under sub-
3 section (d)(2) during the 45-day period beginning on the
4 date on which the agency received the notification, and
5 resubmits the application with the requested information
6 described in subsection (d)(2)(B), the Secretary shall ap-
7 prove or disapprove such application prior to the later of—

8 “(1) the expiration of the 45-day period begin-
9 ning on the date on which the application is resub-
10 mitted; or

11 “(2) the expiration of the 120-day period de-
12 scribed in subsection (b).

13 “(f) FAILURE TO RESPOND.—If a State educational
14 agency does not respond to a notification from the Sec-
15 retary under subsection (d)(2) during the 45-day period
16 beginning on the date on which the agency received the
17 notification, such application shall be deemed to be dis-
18 approved.

19 **“SEC. 2113. STATE USE OF FUNDS.**

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

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

1 “(2) use the remainder of the funds, after re-
2 serving funds under paragraph (1), for the State ac-
3 tivities described in subsection (b), except that the
4 State may reserve not more than 1 percent of the
5 grant funds for planning and administration related
6 to carrying out activities described in subsection (b).

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

9 “(1) shall use the amount described in sub-
10 section (a)(2) to—

11 “(A) provide training and technical assist-
12 ance to local educational agencies on—

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

16 “(I) the development and imple-
17 mentation of a teacher evaluation sys-
18 tem that meets the requirements of
19 clauses (i) through (v) of section
20 2123(1)(A); and

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

23 “(ii) in the case of a State educational
24 agency implementing a statewide teacher

1 evaluation system, implementing such eval-
2 uation system; and

3 “(B) fulfill the State educational agency’s
4 responsibilities with respect to the proper and
5 efficient administration of the subgrant pro-
6 gram carried out under this part; and

7 “(2) may use the amount described in sub-
8 section (a)(2) to—

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

13 “(B) provide professional development for
14 teachers and school leaders in the State con-
15 sistent with section 2123(2)(D); and

16 “(C) provide training and technical assist-
17 ance to local educational agencies on—

18 “(i) in the case of a State educational
19 agency not implementing a statewide
20 school leader evaluation system, the devel-
21 opment and implementation of a school
22 leader evaluation system; and

23 “(ii) in the case of a State educational
24 agency implementing a statewide school

1 leader evaluation system, implementing
2 such evaluation system.

3 **“Subpart 2—Subgrants to Local Educational**
4 **Agencies**

5 **“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**
6 **CIES.**

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

11 “(b) ALLOCATION OF FUNDS.—From the funds re-
12 served by a State under section 2113(a)(1), the State edu-
13 cational agency shall allocate to each local educational
14 agency in the State the sum of—

15 “(1) an amount that bears the same relation-
16 ship to 50 percent of the funds as the number of in-
17 dividuals age 5 through 17 in the geographic area
18 served by the local educational agency, as deter-
19 mined by the State on the basis of the most recent
20 satisfactory data, bears to the number of those indi-
21 viduals in the geographic areas served by all the
22 local educational agencies in the State, as so deter-
23 mined; and

24 “(2) an amount that bears the same relation-
25 ship to 50 percent of the funds as the number of in-

1 individuals age 5 through 17 from families with in-
2 comes below the poverty line in the geographic area
3 served by the local educational agency, as deter-
4 mined by the State on the basis of the most recent
5 satisfactory data, bears to the number of those indi-
6 viduals in the geographic areas served by all the
7 local educational agencies in the State, as so deter-
8 mined.

9 **“SEC. 2122. LOCAL APPLICATIONS.**

10 “To be eligible to receive a subgrant under this sub-
11 part, a local educational agency shall submit an applica-
12 tion to the State educational agency involved at such time,
13 in such a manner, and containing such information as the
14 State educational agency may reasonably require that, at
15 a minimum, shall include the following:

16 “(1) A description of—

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

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

24 “(C) in the case of a local educational
25 agency not in a State with a statewide teacher

1 evaluation system, the teacher evaluation sys-
2 tem that will be developed and implemented
3 under section 2123(1) and how such system will
4 meet the requirements described in clauses (i)
5 through (v) of section 2123(1)(A);

6 “(D) how, in developing and implementing
7 such a teacher evaluation system, the local edu-
8 cational agency will work with parents, teach-
9 ers, school leaders, and other staff of the
10 schools served by the local educational agency;
11 and

12 “(E) how the local educational agency will
13 develop and implement such a teacher evalua-
14 tion system within 3 years of the date of enact-
15 ment of the Student Success Act.

16 “(2) In the case of a local educational agency
17 in a State with a statewide teacher evaluation sys-
18 tem, a description of how the local educational agen-
19 cy will work with the State educational agency to
20 implement the statewide teacher evaluation system
21 within 3 years of the date of enactment of the Stu-
22 dent Success Act.

23 “(3) An assurance that the local educational
24 agency will comply with section 5501 (regarding par-
25 ticipation by private school children and teachers).

1 **“SEC. 2123. LOCAL USE OF FUNDS.**

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

4 “(1) shall use such funds—

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

7 “(i) uses student achievement data
8 derived from a variety of sources as a sig-
9 nificant factor in determining a teacher’s
10 evaluation, with the weight given to such
11 data defined by the local educational agen-
12 cy;

13 “(ii) uses multiple measures of evalua-
14 tion for evaluating teachers;

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

17 “(iv) shall be used to make personnel
18 decisions, as determined by the local edu-
19 cational agency; and

20 “(v) is based on input from parents,
21 school leaders, teachers, and other staff of
22 schools served by the local educational
23 agency; or

24 “(B) in the case of a local educational
25 agency located in a State implementing a state-

1 wide teacher evaluation system, to implement
2 such evaluation system; and

3 “(2) may use such funds for—

4 “(A) the training of school leaders or other
5 individuals for the purpose of evaluating teach-
6 ers under a teacher evaluation system described
7 in subparagraph (A) or (B) of paragraph (1),
8 as appropriate;

9 “(B) in the case of a local educational
10 agency located in a State implementing a state-
11 wide school leader evaluation system, to imple-
12 ment such evaluation system;

13 “(C) in the case of a local educational
14 agency located in a State not implementing a
15 statewide school leader evaluation system, the
16 development and implementation of a school
17 leader evaluation system;

18 “(D) professional development for teachers
19 and school leaders that is evidence-based, job-
20 embedded, and continuous, such as—

21 “(i) subject-based professional devel-
22 opment for teachers;

23 “(ii) professional development aligned
24 with the State’s academic standards;

1 “(iii) professional development to as-
2 sist teachers in meeting the needs of stu-
3 dents with different learning styles, par-
4 ticularly students with disabilities and
5 English learners;

6 “(iv) professional development for
7 teachers identified as in need of additional
8 support through data provided by a teach-
9 er evaluation system described in subpara-
10 graph (A) or (B) of paragraph (1), as ap-
11 propriate;

12 “(v) professional development based
13 on the current science of learning, which
14 includes research on positive brain change
15 and cognitive skill development;

16 “(vi) professional development for
17 school leaders, including evidence-based
18 mentorship programs for such leaders; or

19 “(vii) professional development on in-
20 tegrated, interdisciplinary, and project-
21 based teaching strategies, including for ca-
22 reer and technical education teachers;

23 “(E) partnering with a public or private
24 organization or a consortium of such organiza-
25 tions to develop and implement a teacher eval-

1 uation system described in subparagraph (A) or
2 (B) of paragraph (1), or to administer profes-
3 sional development, as appropriate;

4 “(F) any activities authorized under sec-
5 tion 2222(a); or

6 “(G) class size reduction, except that the
7 local educational agency may use not more than
8 10 percent of such funds for this purpose.

9 **“Subpart 3—General Provisions**

10 **“SEC. 2131. REPORTING REQUIREMENTS.**

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

17 “(1) how the local educational agency is meet-
18 ing the purposes of this part described in section
19 2101;

20 “(2) how the local educational agency is using
21 such subgrant funds;

22 “(3) the number and percentage of teachers in
23 each category established under clause (iii) of sec-
24 tion 2123(1)(A), except that such report shall not

1 reveal personally identifiable information about an
2 individual teacher; and

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

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

10 “(1) how the State educational agency is meet-
11 ing the purposes of this part described in section
12 2101; and

13 “(2) how the State educational agency is using
14 such grant funds.

15 **“SEC. 2132. NATIONAL ACTIVITIES.**

16 “From the funds reserved by the Secretary under sec-
17 tion 2111(b)(1)(A), the Secretary shall, directly or
18 through grants and contracts—

19 “(1) provide technical assistance to States and
20 local educational agencies in carrying out activities
21 under this part; and

22 “(2) acting through the Institute of Education
23 Sciences, conduct national evaluations of activities
24 carried out by State educational agencies and local
25 educational agencies under this part.

1 **“SEC. 2133. STATE DEFINED.**

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

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

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

9 **“SEC. 2201. PURPOSE.**

10 “The purpose of this part is to improve student aca-
11 demic achievement in the core academic subjects by—

12 “(1) supporting all State educational agencies,
13 local educational agencies, schools, teachers, and
14 school leaders to pursue innovative and evidence-
15 based practices to help all students meet the State’s
16 academic standards; and

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

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

21 **“SEC. 2211. STATE ALLOTMENTS.**

22 “(a) RESERVATIONS.—From the amount appro-
23 priated under section 3(b) for any fiscal year, the Sec-
24 retary—

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

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

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

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

9 “(C) one-half of 1 percent for the Sec-
10 retary of the Interior for programs under this
11 part in schools operated or funded by the Bu-
12 reau of Indian Education.

13 “(b) STATE ALLOTMENTS.—

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

23 “(2) SMALL STATE MINIMUM.—No State receiv-
24 ing an allotment under paragraph (1) may receive

1 less than one-half of 1 percent of the total amount
2 allotted under such paragraph.

3 “(3) REALLOTMENT.—If a State does not re-
4 ceive an allotment under this subpart for a fiscal
5 year, the Secretary shall reallocate the amount of the
6 State’s allotment to the remaining States in accord-
7 ance with this section.

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

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

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

19 “(3) describe the procedures and criteria the
20 State educational agency will use for reviewing appli-
21 cations and awarding subgrants in a timely manner
22 to eligible entities under section 2221 on a competi-
23 tive basis;

24 “(4) describe how the State educational agency
25 will ensure that subgrants made under section 2221

1 are of sufficient size and scope to support effective
2 programs that will help increase academic achieve-
3 ment in the classroom and are consistent with the
4 purposes of this part;

5 “(5) describe the steps the State educational
6 agency will take to ensure that eligible entities use
7 subgrants received under section 2221 to carry out
8 programs that implement effective strategies, includ-
9 ing by providing ongoing technical assistance and
10 training, and disseminating evidence-based and other
11 effective strategies to such eligible entities;

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

15 “(7) include an assurance that, other than pro-
16 viding technical and advisory assistance and moni-
17 toring compliance with this part, the State edu-
18 cational agency has not exercised, and will not exer-
19 cise, any influence in the decisionmaking processes
20 of eligible entities as to the expenditure of funds
21 made pursuant to an application submitted under
22 section 2221(b).

23 “(d) STATE USE OF FUNDS.—

24 “(1) IN GENERAL.—Each State that receives an
25 allotment under this section shall reserve not less

1 than 92 percent of the amount allotted to such State
2 under subsection (b), for each fiscal year, for sub-
3 grants to eligible entities under subpart 2.

4 “(2) STATE ADMINISTRATION.—A State edu-
5 cational agency may reserve not more than 1 percent
6 of the amount made available to the State under
7 subsection (b) for the administrative costs of car-
8 rying out such State educational agency’s respon-
9 sibilities under this subpart.

10 “(3) STATE-LEVEL ACTIVITIES.—

11 “(A) INNOVATIVE TEACHER AND SCHOOL
12 LEADER ACTIVITIES.—A State educational
13 agency shall reserve not more than 4 percent of
14 the amount made available to the State under
15 subsection (b) to carry out, solely, or in part-
16 nership with State agencies of higher education,
17 1 or more of the following activities:

18 “(i) Reforming teacher and school
19 leader certification, recertification, licens-
20 ing, and tenure systems to ensure that
21 such systems are rigorous and that—

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

1 “(II) school leaders have the in-
2 structional leadership skills to help
3 teachers instruct and students learn.

4 “(ii) Carrying out programs that es-
5 tablish, expand, or improve alternative
6 routes for State certification or licensure of
7 teachers and school leaders, including such
8 programs for—

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

13 “(II) former military personnel;
14 and

15 “(III) recent graduates of an in-
16 stitution of higher education, with a
17 record of academic distinction, who
18 demonstrate the potential to become
19 effective teachers or school leaders.

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

22 “(I) performance-based pay sys-
23 tems for teachers and school leaders;

1 “(II) strategies that provide dif-
2 ferential, incentive, or bonus pay for
3 teachers; or

4 “(III) teacher advancement ini-
5 tiatives that promote professional
6 growth and emphasize multiple career
7 paths and pay differentiation.

8 “(iv) Developing, or assisting eligible
9 entities in developing, new, evidence-based
10 teacher and school leader induction and
11 mentoring programs that are designed
12 to—

13 “(I) improve instruction and stu-
14 dent learning and achievement; and

15 “(II) increase the retention of ef-
16 fective teachers and school leaders.

17 “(v) Providing professional develop-
18 ment for teachers and school leaders that
19 is focused on—

20 “(I) improving teaching and stu-
21 dent learning and achievement in the
22 core academic subjects; and

23 “(II) improving teaching, student
24 learning, and achievement for stu-
25 dents with different learning styles,

1 particularly students with disabilities,
2 English learners, and other special
3 populations.

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

7 “(vii) Other activities identified by the
8 State educational agency that meet the
9 purposes of this part, including those ac-
10 tivities authorized under subparagraph
11 (B).

12 “(B) TEACHER OR SCHOOL LEADER PREP-
13 ARATION ACADEMIES.—

14 “(i) IN GENERAL.—In the case of a
15 State in which teacher or school leader
16 preparation academies are allowable under
17 State law, a State educational agency may
18 reserve not more than 3 percent of the
19 amount made available to the State under
20 subsection (b) to support the establishment
21 or expansion of one or more teacher or
22 school leader preparation academies and,
23 subject to the limitation under clause (iii),
24 to support State authorizers for such acad-
25 emies.

1 “(ii) MATCHING REQUIREMENT.—A
2 State educational agency shall not provide
3 funds under this subparagraph to support
4 the establishment or expansion of a teach-
5 er or school leader preparation academy
6 unless the academy agrees to provide, ei-
7 ther directly or through private contribu-
8 tions, non-Federal matching funds equal to
9 not less than 10 percent of the amount of
10 the funds the academy will receive under
11 this subparagraph.

12 “(iii) FUNDING FOR STATE AUTHOR-
13 IZERS.—Not more than 5 percent of funds
14 provided to a teacher or school leader prep-
15 aration academy under this subparagraph
16 may be used to support activities of State
17 authorizers for such academy.

18 **“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLI-**
19 **CATIONS.**

20 “(a) DEEMED APPROVAL.—An application submitted
21 by a State pursuant to section 2211(c) shall be deemed
22 to be approved by the Secretary unless the Secretary
23 makes a written determination, prior to the expiration of
24 the 120-day period beginning on the date on which the

1 Secretary received the application, that the application is
2 not in compliance with section 2211(c).

3 “(b) DISAPPROVAL PROCESS.—

4 “(1) IN GENERAL.—The Secretary shall not fi-
5 nally disapprove an application submitted under sec-
6 tion 2211(c), except after giving the State edu-
7 cational agency notice and an opportunity for a
8 hearing.

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

12 “(A) give the State educational agency no-
13 tice and an opportunity for a hearing; and

14 “(B) notify the State educational agency of
15 the finding of noncompliance and, in such noti-
16 fication, shall—

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

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

22 “(3) RESPONSE.—If a State educational agency
23 responds to a notification from the Secretary under
24 paragraph (2)(B) during the 45-day period begin-
25 ning on the date on which the State educational

1 agency received the notification, and resubmits the
2 application with the requested information described
3 in paragraph (2)(B)(ii), the Secretary shall approve
4 or disapprove such application prior to the later of—

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

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

10 “(4) FAILURE TO RESPOND.—If the State edu-
11 cational agency does not respond to a notification
12 from the Secretary under paragraph (2)(B) during
13 the 45-day period beginning on the date on which
14 the State educational agency received the notifica-
15 tion, such application shall be deemed to be dis-
16 approved.

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

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

19 “(a) IN GENERAL.—A State that receives an allot-
20 ment under section 2211(b) for a fiscal year shall use the
21 amount reserved under section 2211(d)(1) to award sub-
22 grants, on a competitive basis, to eligible entities in ac-
23 cordance with this section to enable such entities to carry
24 out the programs and activities described in section 2222.

25 “(b) APPLICATION.—

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

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

9 “(A) a description of the programs and ac-
10 tivities to be funded and how they are con-
11 sistent with the purposes of this part; and

12 “(B) an assurance that the eligible entity
13 will comply with section 5501 (regarding par-
14 ticipation by private school children and teach-
15 ers).

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

23 “(d) GEOGRAPHIC DIVERSITY.—A State educational
24 agency shall distribute funds under this section equitably

1 among geographic areas within the State, including rural,
2 suburban, and urban communities.

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

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

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

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

17 “(1) are consistent with the principles of effec-
18 tiveness described in subsection (b); and

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

21 “(A) developing and implementing initia-
22 tives to assist in recruiting, hiring, and retain-
23 ing highly effective teachers and school leaders,
24 including initiatives that provide—

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

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

5 “(iii) teacher advancement initiatives
6 that promote professional growth and em-
7 phasize multiple career paths and pay dif-
8 ferentiation;

9 “(iv) new teacher and school leader
10 induction and mentoring programs that
11 are designed to improve instruction, stu-
12 dent learning and achievement, and to in-
13 crease teacher and school leader retention;
14 and

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

19 “(B) supporting the establishment or ex-
20 pansion of teacher or school leader preparation
21 academies under section 2211(d)(3)(B);

22 “(C) recruiting qualified individuals from
23 other fields, including individuals from science,
24 technology, engineering, and math fields, mid-

1 career professionals from other occupations,
2 and former military personnel;

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

7 “(E) providing evidence-based, job embed-
8 ded, continuous professional development for
9 teachers and school leaders focused on improv-
10 ing teaching and student learning and achieve-
11 ment in the core academic subjects;

12 “(F) implementing programs based on the
13 current science of learning, which includes re-
14 search on positive brain change and cognitive
15 skill development; and

16 “(G) other activities and programs identi-
17 fied as necessary by the local educational agen-
18 cy that meet the purpose of this part.

19 “(b) PRINCIPLES OF EFFECTIVENESS.—For a pro-
20 gram or activity developed pursuant to this section to meet
21 the principles of effectiveness, such program or activity
22 shall—

23 “(1) be based upon an assessment of objective
24 data regarding the need for programs and activities
25 in the elementary schools and secondary schools

1 served to increase the number of teachers and school
2 leaders who are effective in improving student aca-
3 demic achievement;

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

9 “(3) include meaningful and ongoing consulta-
10 tion with, and input from, teachers, school leaders,
11 and parents, in the development of the application
12 and administration of the program or activity.

13 **“Subpart 3—General Provisions**

14 **“SEC. 2231. PERIODIC EVALUATION.**

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

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

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

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

6 **“SEC. 2232. REPORTING REQUIREMENTS.**

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

12 “(1) a description of the progress of the eligible
13 entity or teacher or school leader preparation acad-
14 emy, respectively, in meeting the purposes of this
15 part;

16 “(2) a description of the programs and activi-
17 ties conducted by the eligible entity or teacher or
18 school leader preparation academy, respectively, with
19 funds received under this part;

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

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

1 “(b) STATE EDUCATIONAL AGENCIES.—Each State
2 educational agency that receives a grant under this part
3 shall prepare and submit, annually, to the Secretary a re-
4 port that includes—

5 “(1) a description of the programs and activi-
6 ties conducted by the State educational agency with
7 grant funds received under this part;

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

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

13 “(4) the methods and criteria the State edu-
14 cational agency used to award subgrants in a timely
15 manner to eligible entities under section 2221 and,
16 if applicable, funds in a timely manner to teacher or
17 school leader academies under section
18 2211(d)(3)(B); and

19 “(5) the results of the periodic evaluations con-
20 ducted under section 2231.

21 **“SEC. 2233. NATIONAL ACTIVITIES.**

22 “From the funds reserved by the Secretary under sec-
23 tion 2211(a)(2)(A), the Secretary shall, directly or
24 through grants and contracts—

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

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

8 **“SEC. 2234. DEFINITIONS.**

9 “In this part:

10 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means—

12 “(A) a local educational agency or consor-
13 tium of local educational agencies;

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

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

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

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

4 “(3) STATE AUTHORIZER.—The term ‘State au-
5 thorizer’ means an entity designated by the Gov-
6 ernor of a State to authorize teacher or school leader
7 preparation academies within the State that—

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

11 “(i) specifies the goals expected of the
12 academy, which, at a minimum, include the
13 goals described in paragraph (4); and

14 “(ii) does not reauthorize the academy
15 if such goals are not met; and

16 “(B) may be a nonprofit organization, a
17 State educational agency, or other public entity,
18 or consortium of such entities (including a con-
19 sortium of State educational agencies).

20 “(4) TEACHER OR SCHOOL LEADER PREPARA-
21 TION ACADEMY.—The term ‘teacher or school leader
22 preparation academy’ means a public or private enti-
23 ty, or a nonprofit or for-profit organization, which
24 may be an institution of higher education or an or-
25 ganization affiliated with an institution of higher

1 education, that will prepare teachers or school lead-
2 ers to serve in schools, and that—

3 “(A) enters into an agreement with a State
4 authorizer that specifies the goals expected of
5 the academy, including—

6 “(i) a requirement that prospective
7 teachers or school leaders who are enrolled
8 in a teacher or school leader preparation
9 academy receive a significant part of their
10 training through clinical preparation that
11 partners the prospective candidate with an
12 effective teacher or school leader, respec-
13 tively, with a demonstrated record of in-
14 creasing student achievement, while also
15 receiving concurrent instruction from the
16 academy in the content area (or areas) in
17 which the prospective teacher or school
18 leader will become certified or licensed;

19 “(ii) the number of effective teachers
20 or school leaders, respectively, who will
21 demonstrate success in increasing student
22 achievement that the academy will
23 produce; and

24 “(iii) a requirement that a teacher or
25 school leader preparation academy will only

1 award a certificate of completion after the
2 graduate demonstrates that the graduate is
3 an effective teacher or school leader, re-
4 spectively, with a demonstrated record of
5 increasing student achievement, except
6 that an academy may award a provisional
7 certificate for the period necessary to allow
8 the graduate to demonstrate such effective-
9 ness;

10 “(B) does not have restrictions on the
11 methods the academy will use to train prospec-
12 tive teacher or school leader candidates, includ-
13 ing—

14 “(i) obligating (or prohibiting) the
15 academy’s faculty to hold advanced degrees
16 or conduct academic research;

17 “(ii) restrictions related to the acad-
18 emy’s physical infrastructure;

19 “(iii) restrictions related to the num-
20 ber of course credits required as part of
21 the program of study;

22 “(iv) restrictions related to the under-
23 graduate coursework completed by teachers
24 teaching or working on alternative certifi-
25 cates, licenses, or credentials, as long as

1 such teachers have successfully passed all
2 relevant State-approved content area ex-
3 aminations; or

4 “(v) restrictions related to obtaining
5 accreditation from an accrediting body for
6 purposes of becoming an academy;

7 “(C) limits admission to its program to
8 prospective teacher or school leader candidates
9 who demonstrate strong potential to improve
10 student achievement, based on a rigorous selec-
11 tion process that reviews a candidate’s prior
12 academic achievement or record of professional
13 accomplishment; and

14 “(D) results in a certificate of completion
15 that the State may recognize as at least the
16 equivalent of a master’s degree in education for
17 the purposes of hiring, retention, compensation,
18 and promotion in the State.

19 “(5) **TEACHER RESIDENCY PROGRAM.**—The
20 term ‘teacher residency program’ means a school-
21 based teacher preparation program in which a pro-
22 spective teacher—

23 “(A) for one academic year, teaches along-
24 side an effective teacher, as determined by a

1 teacher evaluation system implemented under
2 part A, who is the teacher of record;

3 “(B) receives concurrent instruction during
4 the year described in subparagraph (A) from
5 the partner institution (as defined in section
6 200 of the Higher Education Act of 1965 (20
7 U.S.C. 1021)), which courses may be taught by
8 local educational agency personnel or residency
9 program faculty, in the teaching of the content
10 area in which the teacher will become certified
11 or licensed; and

12 “(C) acquires effective teaching skills.”

13 (d) PART C.—Part C of title II (20 U.S.C. 6671 et
14 seq.) is amended—

15 (1) by striking subparts 1 through 4;

16 (2) by striking the heading relating to subpart
17 5;

18 (3) by striking sections 2361 and 2368;

19 (4) in section 2362, by striking “principals”
20 and inserting “school leaders”;

21 (5) in section 2363(6)(A), by striking “prin-
22 cipal” and inserting “school leader”;

23 (6) in section 2366(b), by striking “ate law”
24 and inserting “(3) A State law”;

1 (7) by redesignating section 2362 as section
2 2361;

3 (8) by redesignating sections 2364 through
4 2367 as sections 2362 through 2365, respectively;
5 and

6 (9) by redesignating section 2363 as section
7 2366 and transferring such section to appear after
8 section 2365 (as so redesignated).

9 (e) PART D.—Part D of title II (20 U.S.C. 6751 et
10 seq.) is amended to read as follows:

11 **“PART D—GENERAL PROVISIONS**

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

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

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

18 “At the beginning of each school year, a local edu-
19 cational agency that receives funds under this title shall
20 notify the parents of each student attending any school
21 receiving funds under this title that the parents may re-
22 quest, and the agency will provide the parents on request
23 (and in a timely manner), information regarding the pro-
24 fessional qualifications of the student’s classroom teach-
25 ers.

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

2 “Funds received under this title shall be used to sup-
3 plement, and not supplant, non-Federal funds that would
4 otherwise be used for activities authorized under this
5 title.”.

6 **SEC. 202. CONFORMING REPEALS.**

7 (a) **CONFORMING REPEALS.**—Title II of the Higher
8 Education Act of 1965 (20 U.S.C. 1021 et seq.) is amend-
9 ed by repealing sections 201 through 204.

10 (b) **EFFECTIVE DATE.**—The repeals made by sub-
11 section (a) shall take effect October 1, 2013.

12 **TITLE III—PARENTAL ENGAGE-**
13 **MENT AND LOCAL FLEXI-**
14 **BILITY**

15 **SEC. 301. PARENTAL ENGAGEMENT AND LOCAL FLEXI-**
16 **BILITY.**

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

19 **“TITLE III—PARENTAL ENGAGE-**
20 **MENT AND LOCAL FLEXI-**
21 **BILITY**

22 **“PART A—PARENTAL ENGAGEMENT**

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

24 **“SEC. 3101. PURPOSE.**

25 “It is the purpose of this subpart to—

1 “(1) improve the United States education sys-
2 tem and educational opportunities for all Americans
3 by supporting innovation in public education in pub-
4 lic school settings that prepare students to compete
5 and contribute to the global economy;

6 “(2) provide financial assistance for the plan-
7 ning, program design, and initial implementation of
8 charter schools;

9 “(3) expand the number of high-quality charter
10 schools available to students across the Nation;

11 “(4) evaluate the impact of such schools on stu-
12 dent achievement, families, and communities, and
13 share best practices between charter schools and
14 other public schools;

15 “(5) encourage States to provide support to
16 charter schools for facilities financing in an amount
17 more nearly commensurate to the amount the States
18 have typically provided for traditional public schools;

19 “(6) improve student services to increase oppor-
20 tunities for students with disabilities, English learn-
21 ers, and other traditionally underserved students to
22 attend charter schools and meet challenging State
23 academic achievement standards; and

24 “(7) support efforts to strengthen the charter
25 school authorizing process to improve performance

1 management, including transparency, monitoring,
2 and evaluation of such schools.

3 **“SEC. 3102. PROGRAM AUTHORIZED.**

4 “(a) IN GENERAL.—From the amounts appropriated
5 under section 3(c)(1)(A), the Secretary shall carry out a
6 charter school program under this subpart that supports
7 charter schools that serve elementary school and sec-
8 ondary school students by—

9 “(1) supporting the startup, replication, and ex-
10 pansion of charter schools;

11 “(2) assisting charter schools in accessing cred-
12 it to acquire and renovate facilities for school use;
13 and

14 “(3) carrying out national activities to sup-
15 port—

16 “(A) charter school development;

17 “(B) the dissemination of best practices of
18 charter schools for all schools; and

19 “(C) the evaluation of the impact of the
20 program on schools participating in the pro-
21 gram.

22 “(b) FUNDING ALLOTMENT.—From the amount
23 made available under section 3(c)(1)(A) for a fiscal year,
24 the Secretary shall—

1 “(1) reserve 15 percent to support charter
2 school facilities assistance under section 3104;

3 “(2) reserve not more than 5 percent to carry
4 out national activities under section 3105; and

5 “(3) use the remaining amount after the Sec-
6 retary reserves funds under paragraphs (1) and (2)
7 to carry out section 3103.

8 “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-
9 ent of a grant or subgrant under this subpart or subpart
10 2, as such subpart was in effect on the day before the
11 date of enactment of the Student Success Act, shall con-
12 tinue to receive funds in accordance with the terms and
13 conditions of such grant or subgrant.

14 **“SEC. 3103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
15 **SCHOOLS.**

16 “(a) IN GENERAL.—From the amount reserved
17 under section 3102(b)(3), the Secretary shall award
18 grants to State entities having applications approved pur-
19 suant to subsection (f) to enable such entities to—

20 “(1) award subgrants to eligible applicants
21 for—

22 “(A) opening new charter schools;

23 “(B) opening replicable, high-quality char-
24 ter school models; or

1 “(C) expanding high-quality charter
2 schools; and

3 “(2) provide technical assistance to eligible ap-
4 plicants and authorized public chartering agencies in
5 carrying out the activities described in paragraph (1)
6 and work with authorized public chartering agencies
7 in the State to improve authorizing quality.

8 “(b) STATE USES OF FUNDS.—

9 “(1) IN GENERAL.—A State entity receiving a
10 grant under this section shall—

11 “(A) use 90 percent of the grant funds to
12 award subgrants to eligible applicants, in ac-
13 cordance with the quality charter school pro-
14 gram described in the entity’s application ap-
15 proved pursuant to subsection (f), for the pur-
16 poses described in subparagraphs (A) through
17 (C) of subsection (a)(1); and

18 “(B) reserve 10 percent of such funds to
19 carry out the activities described in subsection
20 (a)(2), of which not more than 30 percent may
21 be used for administrative costs which may in-
22 clude technical assistance.

23 “(2) CONTRACTS AND GRANTS.—A State entity
24 may use a grant received under this section to carry
25 out the activities described in subparagraphs (A)

1 and (B) of paragraph (1) directly or through grants,
2 contracts, or cooperative agreements.

3 “(c) PROGRAM PERIODS; PEER REVIEW; GRANT
4 NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIV-
5 ERS.—

6 “(1) PROGRAM PERIODS.—

7 “(A) GRANTS.—A grant awarded by the
8 Secretary to a State entity under this section
9 shall be for a period of not more than 5 years.

10 “(B) SUBGRANTS.—A subgrant awarded
11 by a State entity under this section shall be for
12 a period of not more than 5 years, of which an
13 eligible applicant may use not more than 18
14 months for planning and program design.

15 “(2) PEER REVIEW.—The Secretary, and each
16 State entity receiving a grant under this section,
17 shall use a peer review process to review applications
18 for assistance under this section.

19 “(3) GRANT NUMBER AND AMOUNT.—The Sec-
20 retary shall ensure that the number of grants award-
21 ed under this section and the award amounts will
22 allow for a sufficient number of new grants to be
23 awarded under this section for each succeeding fiscal
24 year.

1 “(4) DIVERSITY OF PROJECTS.—Each State en-
2 tity receiving a grant under this section shall award
3 subgrants under this section in a manner that, to
4 the extent possible, ensures that such subgrants—

5 “(A) are distributed throughout different
6 areas, including urban, suburban, and rural
7 areas; and

8 “(B) will assist charter schools rep-
9 resenting a variety of educational approaches.

10 “(5) WAIVERS.—The Secretary may waive any
11 statutory or regulatory requirement without requir-
12 ing the adoption of any unrelated requirements over
13 which the Secretary exercises administrative author-
14 ity except any such requirement relating to the ele-
15 ments of a charter school described in section
16 5101(3), if—

17 “(A) the waiver is requested in an ap-
18 proved application under this section; and

19 “(B) the Secretary determines that grant-
20 ing such a waiver will promote the purpose of
21 this subpart.

22 “(d) LIMITATIONS.—

23 “(1) GRANTS.—A State entity may not receive
24 more than 1 grant under this section for a 5-year
25 period.

1 “(2) SUBGRANTS.—An eligible applicant may
2 not receive more than 1 subgrant under this section
3 for an individual charter school for a 5-year period,
4 unless the eligible applicant demonstrates to the
5 State entity not less than 3 years of improved edu-
6 cational results in the areas described in subpara-
7 graphs (A) and (D) of section 3110(5) for students
8 enrolled in such charter school.

9 “(e) APPLICATIONS.—A State entity desiring to re-
10 ceive a grant under this section shall submit an application
11 to the Secretary at such time and in such manner as the
12 Secretary may require. The application shall include the
13 following:

14 “(1) DESCRIPTION OF PROGRAM.—A descrip-
15 tion of the State entity’s objectives in running a
16 quality charter school program under this section
17 and how the objectives of the program will be car-
18 ried out, including a description—

19 “(A) of how the entity—

20 “(i) will support both new charter
21 school startup and the expansion and rep-
22 lication of high-quality charter school mod-
23 els;

24 “(ii) will inform eligible charter
25 schools, developers, and authorized public

1 chartering agencies of the availability of
2 funds under the program;

3 “(iii) will work with eligible applicants
4 to ensure that the applicants access all
5 Federal funds that they are eligible to re-
6 ceive, and help the charter schools sup-
7 ported by the applicants and the students
8 attending the charter schools—

9 “(I) participate in the Federal
10 programs in which the schools and
11 students are eligible to participate;
12 and

13 “(II) receive the commensurate
14 share of Federal funds the schools
15 and students are eligible to receive
16 under such programs;

17 “(iv) in the case in which the entity is
18 not a State educational agency—

19 “(I) will work with the State edu-
20 cational agency and the charter
21 schools in the State to maximize char-
22 ter school participation in Federal and
23 State programs for charter schools;
24 and

1 “(II) will work with the State
2 educational agency to adequately op-
3 erate the entity’s program under this
4 section, where applicable;

5 “(v) will ensure eligible applicants
6 that receive a subgrant under the entity’s
7 program are prepared to continue to oper-
8 ate the charter schools receiving the
9 subgrant funds once the funds have ex-
10 pired;

11 “(vi) will support charter schools in
12 local educational agencies with large num-
13 bers of schools implementing requirements
14 under the State’s school improvement sys-
15 tem under section 1111(b)(3)(B)(iii);

16 “(vii) will work with charter schools to
17 promote inclusion of all students and sup-
18 port all students once they are enrolled to
19 promote retention;

20 “(viii) will work with charter schools
21 on recruitment practices, including efforts
22 to engage groups that may otherwise have
23 limited opportunities to participate in char-
24 ter schools;

1 “(ix) will share best and promising
2 practices between charter schools and
3 other public schools, including, where ap-
4 propriate, instruction and professional de-
5 velopment in science, math, technology,
6 and engineering education;

7 “(x) will ensure the charter schools
8 receiving funds under the entity’s program
9 can meet the educational needs of their
10 students, including students with disabil-
11 ities and English learners; and

12 “(xi) will support efforts to increase
13 quality initiatives, including meeting the
14 quality authorizing elements described in
15 paragraph (2)(E);

16 “(B) of the extent to which the entity—

17 “(i) is able to meet and carry out the
18 priorities listed in subsection (f)(2); and

19 “(ii) is working to develop or
20 strengthen a cohesive statewide system to
21 support the opening of new charter schools
22 and replicable, high-quality charter school
23 models, and the expansion of high-quality
24 charter schools;

1 “(C) of how the entity will carry out the
2 subgrant competition, including—

3 “(i) a description of the application
4 each eligible applicant desiring to receive a
5 subgrant will submit, including—

6 “(I) a description of the roles
7 and responsibilities of eligible appli-
8 cants, partner organizations, and
9 management organizations, including
10 the administrative and contractual
11 roles and responsibilities;

12 “(II) a description of the quality
13 controls agreed to between the eligible
14 applicant and the authorized public
15 chartering agency involved, such as a
16 contract or performance agreement,
17 and how a school’s performance in the
18 State’s academic accountability sys-
19 tem will be a primary factor for re-
20 newal; and

21 “(III) a description of how the el-
22 igible applicant will solicit and con-
23 sider input from parents and other
24 members of the community on the im-
25 plementation and operation of each

1 charter school receiving funds under
2 the entity's program; and

3 “(ii) a description of how the entity
4 will review applications;

5 “(D) in the case of an entity that partners
6 with an outside organization to carry out the
7 entity's quality charter school program, in
8 whole or in part, of the roles and responsibil-
9 ities of this partner;

10 “(E) of how the entity will help the charter
11 schools receiving funds under the entity's pro-
12 gram consider the transportation needs of the
13 schools' students; and

14 “(F) of how the entity will support diverse
15 charter school models, including models that
16 serve rural communities.

17 “(2) ASSURANCES.—Assurances, including a
18 description of how the assurances will be met,
19 that—

20 “(A) each charter school receiving funds
21 under the entity's program will have a high de-
22 gree of autonomy over budget and operations;

23 “(B) the entity will support charter schools
24 in meeting the educational needs of their stu-
25 dents as described in paragraph (1)(A)(x);

1 “(C) the entity will ensure that the author-
2 ized public chartering agency of any charter
3 school that receives funds under the entity’s
4 program—

5 “(i) ensures that each charter school
6 is meeting the obligations under this Act,
7 part B of the Individuals with Disabilities
8 Education Act, title VI of the Civil Rights
9 Act of 1964, section 504 of the Rehabilita-
10 tion Act of 1973, the Age Discrimination
11 Act of 1975, and title IX of the Education
12 Amendments of 1972;

13 “(ii) adequately monitors and helps
14 each charter school in recruiting, enrolling,
15 and meeting the needs of all students, in-
16 cluding students with disabilities and
17 English learners; and

18 “(iii) ensures that each charter school
19 solicits and considers input from parents
20 and other members of the community on
21 the implementation and operation of the
22 school;

23 “(D) the entity will provide adequate tech-
24 nical assistance to eligible applicants to—

1 “(i) meet the objectives described in
2 clauses (vii), (viii), and (x) of paragraph
3 (1)(A); and

4 “(ii) enroll traditionally underserved
5 students, including students with disabili-
6 ties and English learners, to promote an
7 inclusive education environment;

8 “(E) the entity will promote quality au-
9 thorizing, such as through providing technical
10 assistance, to support all authorized public
11 chartering agencies in the State to improve the
12 monitoring of their charter schools, including
13 by—

14 “(i) assessing annual performance
15 data of the schools, including, as appro-
16 priate, graduation rates and student
17 growth; and

18 “(ii) reviewing the schools’ inde-
19 pendent, annual audits of financial state-
20 ments conducted in accordance with gen-
21 erally accepted accounting principles, and
22 ensuring any such audits are publically re-
23 ported;

24 “(F) the entity will work to ensure that
25 charter schools are included with the traditional

1 public schools in decisionmaking about the pub-
2 lic school system in the State; and

3 “(G) the entity will ensure that each char-
4 ter school in the State make publicly available,
5 consistent with the dissemination requirements
6 of the annual State report card, the information
7 parents need to make informed decisions about
8 the education options available to their children,
9 including information on the educational pro-
10 gram, student support services, and annual per-
11 formance and enrollment data for the groups of
12 students described in section
13 1111(b)(3)(B)(ii)(II).

14 “(3) REQUESTS FOR WAIVERS.—A request and
15 justification for waivers of any Federal statutory or
16 regulatory provisions that the entity believes are nec-
17 essary for the successful operation of the charter
18 schools that will receive funds under the entity’s pro-
19 gram under this section, and a description of any
20 State or local rules, generally applicable to public
21 schools, that will be waived, or otherwise not apply
22 to such schools.

23 “(f) SELECTION CRITERIA; PRIORITY.—

24 “(1) SELECTION CRITERIA.—The Secretary
25 shall award grants to State entities under this sec-

1 tion on the basis of the quality of the applications
2 submitted under subsection (e), after taking into
3 consideration—

4 “(A) the degree of flexibility afforded by
5 the State’s public charter school law and how
6 the entity will work to maximize the flexibility
7 provided to charter schools under the law;

8 “(B) the ambitiousness of the entity’s ob-
9 jectives for the quality charter school program
10 carried out under this section;

11 “(C) the quality of the strategy for assess-
12 ing achievement of those objectives;

13 “(D) the likelihood that the eligible appli-
14 cants receiving subgrants under the program
15 will meet those objectives and improve edu-
16 cational results for students;

17 “(E) the proposed number of new charter
18 schools to be opened, and the proposed number
19 of high-quality charter schools to be replicated
20 or expanded under the program;

21 “(F) the entity’s plan to—

22 “(i) adequately monitor the eligible
23 applicants receiving subgrants under the
24 entity’s program; and

1 “(ii) work with the authorized public
2 chartering agencies involved to avoid dupli-
3 cation of work for the charter schools and
4 authorized public chartering agencies;

5 “(G) the entity’s plan to provide adequate
6 technical assistance, as described in the entity’s
7 application under subsection (e), for the eligible
8 applicants receiving subgrants under the enti-
9 ty’s program under this section;

10 “(H) the entity’s plan to support quality
11 authorizing efforts in the State, consistent with
12 the objectives described in subparagraph (B);
13 and

14 “(I) the entity’s plan to solicit and con-
15 sider input from parents and other members of
16 the community on the implementation and oper-
17 ation of the charter schools in the State.

18 “(2) PRIORITY.—In awarding grants under this
19 section, the Secretary shall give priority to State en-
20 tities to the extent that they meet the following cri-
21 teria:

22 “(A) In the case of a State entity located
23 in a State that allows an entity other than a
24 local educational agency to be an authorized
25 public chartering agency, the State has a qual-

1 ity authorized public chartering agency that is
2 an entity other than a local educational agency.

3 “(B) The State entity is located in a State
4 that does not impose any limitation on the
5 number or percentage of charter schools that
6 may exist or the number or percentage of stu-
7 dents that may attend charter schools in the
8 State.

9 “(C) The State entity is located in a State
10 that ensures equitable financing, as compared
11 to traditional public schools, for charter schools
12 and students in a prompt manner.

13 “(D) The State entity is located in a State
14 that uses charter schools and best practices
15 from charter schools to help improve struggling
16 schools and local educational agencies.

17 “(E) The State entity partners with an or-
18 ganization that has a demonstrated record of
19 success in developing management organiza-
20 tions to support the development of charter
21 schools in the State.

22 “(F) The State entity demonstrates quality
23 policies and practices to support and monitor
24 charter schools through factors including—

1 “(i) the proportion of high-quality
2 charter schools in the State; and

3 “(ii) the proportion of charter schools
4 enrolling, at a rate similar to traditional
5 public schools, traditionally underserved
6 students, including students with disabili-
7 ties and English learners.

8 “(G) The State entity supports charter
9 schools that support at-risk students through
10 activities such as dropout prevention or dropout
11 recovery.

12 “(H) The State entity authorizes all char-
13 ter schools in the State to serve as school food
14 authorities.

15 “(g) LOCAL USES OF FUNDS.—An eligible applicant
16 receiving a subgrant under this section shall use such
17 funds to open new charter schools, open replicable, high-
18 quality charter school models, or expand existing high-
19 quality charter schools.

20 “(h) REPORTING REQUIREMENTS.—Each State enti-
21 ty receiving a grant under this section shall submit to the
22 Secretary, at the end of the third year of the 5-year grant
23 period and at the end of such grant period, a report on—

24 “(1) the number of students served under each
25 subgrant awarded under this section and, if applica-

1 ble, how many new students were served during each
2 year of the subgrant period;

3 “(2) the number of subgrants awarded under
4 this section to carry out each of the following—

5 “(A) the opening of new charter schools;

6 “(B) the opening of replicable, high-quality
7 charter school models; and

8 “(C) the expansion of high-quality charter
9 schools;

10 “(3) the progress the entity made toward meet-
11 ing the priorities described in subsection (f)(2), as
12 applicable;

13 “(4) how the entity met the objectives of the
14 quality charter school program described in the enti-
15 ty’s application under subsection (e);

16 “(5) how the entity complied with, and ensured
17 that eligible applicants complied with, the assurances
18 described in the entity’s application; and

19 “(6) how the entity worked with authorized
20 public chartering agencies and how such agencies
21 worked with the management company or leadership
22 of the schools that received subgrants under this
23 section.

24 “(i) STATE ENTITY DEFINED.—For purposes of this
25 section, the term ‘State entity’ means—

1 “(1) a State educational agency;

2 “(2) a State charter school board; or

3 “(3) a Governor of a State.

4 **“SEC. 3104. FACILITIES FINANCING ASSISTANCE.**

5 “(a) GRANTS TO ELIGIBLE ENTITIES.—

6 “(1) IN GENERAL.—From the amount reserved
7 under section 3102(b)(1), the Secretary shall award
8 grants to eligible entities that have the highest-qual-
9 ity applications approved under subsection (d), after
10 considering the diversity of such applications, to
11 demonstrate innovative methods of assisting charter
12 schools to address the cost of acquiring, con-
13 structing, and renovating facilities by enhancing the
14 availability of loans or bond financing.

15 “(2) ELIGIBLE ENTITY DEFINED.—For pur-
16 poses of this section, the term ‘eligible entity’
17 means—

18 “(A) a public entity, such as a State or
19 local governmental entity;

20 “(B) a private nonprofit entity; or

21 “(C) a consortium of entities described in
22 subparagraphs (A) and (B).

23 “(b) GRANTEE SELECTION.—The Secretary shall
24 evaluate each application submitted under subsection (d),

1 and shall determine whether the application is sufficient
2 to merit approval.

3 “(c) GRANT CHARACTERISTICS.—Grants under sub-
4 section (a) shall be of a sufficient size, scope, and quality
5 so as to ensure an effective demonstration of an innovative
6 means of enhancing credit for the financing of charter
7 school acquisition, construction, or renovation.

8 “(d) APPLICATIONS.—

9 “(1) IN GENERAL.—To receive a grant under
10 subsection (a), an eligible entity shall submit to the
11 Secretary an application in such form as the Sec-
12 retary may reasonably require.

13 “(2) CONTENTS.—An application submitted
14 under paragraph (1) shall contain—

15 “(A) a statement identifying the activities
16 proposed to be undertaken with funds received
17 under subsection (a), including how the eligible
18 entity will determine which charter schools will
19 receive assistance, and how much and what
20 types of assistance charter schools will receive;

21 “(B) a description of the involvement of
22 charter schools in the application’s development
23 and the design of the proposed activities;

24 “(C) a description of the eligible entity’s
25 expertise in capital market financing;

1 “(D) a description of how the proposed ac-
2 tivities will leverage the maximum amount of
3 private-sector financing capital relative to the
4 amount of Federal, State, or local government
5 funding used and otherwise enhance credit
6 available to charter schools, including how the
7 entity will offer a combination of rates and
8 terms more favorable than the rates and terms
9 that a charter school could receive without as-
10 sistance from the entity under this section;

11 “(E) a description of how the eligible enti-
12 ty possesses sufficient expertise in education to
13 evaluate the likelihood of success of a charter
14 school program for which facilities financing is
15 sought; and

16 “(F) in the case of an application sub-
17 mitted by a State governmental entity, a de-
18 scription of the actions that the entity has
19 taken, or will take, to ensure that charter
20 schools within the State receive the funding the
21 charter schools need to have adequate facilities.

22 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible
23 entity receiving a grant under this section shall use the
24 funds deposited in the reserve account established under
25 subsection (f) to assist one or more charter schools to ac-

1 cess private sector capital to accomplish one or both of
2 the following objectives:

3 “(1) The acquisition (by purchase, lease, dona-
4 tion, or otherwise) of an interest (including an inter-
5 est held by a third party for the benefit of a charter
6 school) in improved or unimproved real property
7 that is necessary to commence or continue the oper-
8 ation of a charter school.

9 “(2) The construction of new facilities, includ-
10 ing predevelopment costs, or the renovation, repair,
11 or alteration of existing facilities, necessary to com-
12 mence or continue the operation of a charter school.

13 “(f) RESERVE ACCOUNT.—

14 “(1) USE OF FUNDS.—To assist charter schools
15 to accomplish the objectives described in subsection
16 (e), an eligible entity receiving a grant under sub-
17 section (a) shall, in accordance with State and local
18 law, directly or indirectly, alone or in collaboration
19 with others, deposit the funds received under sub-
20 section (a) (other than funds used for administrative
21 costs in accordance with subsection (g)) in a reserve
22 account established and maintained by the eligible
23 entity for this purpose. Amounts deposited in such
24 account shall be used by the eligible entity for one
25 or more of the following purposes:

1 “(A) Guaranteeing, insuring, and rein-
2 suring bonds, notes, evidences of debt, loans,
3 and interests therein, the proceeds of which are
4 used for an objective described in subsection
5 (e).

6 “(B) Guaranteeing and insuring leases of
7 personal and real property for an objective de-
8 scribed in subsection (e).

9 “(C) Facilitating financing by identifying
10 potential lending sources, encouraging private
11 lending, and other similar activities that di-
12 rectly promote lending to, or for the benefit of,
13 charter schools.

14 “(D) Facilitating the issuance of bonds by
15 charter schools, or by other public entities for
16 the benefit of charter schools, by providing
17 technical, administrative, and other appropriate
18 assistance (including the recruitment of bond
19 counsel, underwriters, and potential investors
20 and the consolidation of multiple charter school
21 projects within a single bond issue).

22 “(2) INVESTMENT.—Funds received under this
23 section and deposited in the reserve account estab-
24 lished under paragraph (1) shall be invested in obli-

1 gations issued or guaranteed by the United States or
2 a State, or in other similarly low-risk securities.

3 “(3) REINVESTMENT OF EARNINGS.—Any earn-
4 ings on funds received under subsection (a) shall be
5 deposited in the reserve account established under
6 paragraph (1) and used in accordance with such
7 paragraph.

8 “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An
9 eligible entity may use not more than 2.5 percent of the
10 funds received under subsection (a) for the administrative
11 costs of carrying out its responsibilities under this section
12 (excluding subsection (k)).

13 “(h) AUDITS AND REPORTS.—

14 “(1) FINANCIAL RECORD MAINTENANCE AND
15 AUDIT.—The financial records of each eligible entity
16 receiving a grant under subsection (a) shall be main-
17 tained in accordance with generally accepted ac-
18 counting principles and shall be subject to an annual
19 audit by an independent public accountant.

20 “(2) REPORTS.—

21 “(A) GRANTEE ANNUAL REPORTS.—Each
22 eligible entity receiving a grant under sub-
23 section (a) annually shall submit to the Sec-
24 retary a report of its operations and activities
25 under this section.

1 “(B) CONTENTS.—Each annual report
2 submitted under subparagraph (A) shall in-
3 clude—

4 “(i) a copy of the most recent finan-
5 cial statements, and any accompanying
6 opinion on such statements, prepared by
7 the independent public accountant review-
8 ing the financial records of the eligible en-
9 tity;

10 “(ii) a copy of any report made on an
11 audit of the financial records of the eligible
12 entity that was conducted under paragraph
13 (1) during the reporting period;

14 “(iii) an evaluation by the eligible en-
15 tity of the effectiveness of its use of the
16 Federal funds provided under subsection
17 (a) in leveraging private funds;

18 “(iv) a listing and description of the
19 charter schools served during the reporting
20 period, including the amount of funds used
21 by each school, the type of project facili-
22 tated by the grant, and the type of assist-
23 ance provided to the charter schools;

24 “(v) a description of the activities car-
25 ried out by the eligible entity to assist

1 charter schools in meeting the objectives
2 set forth in subsection (e); and

3 “(vi) a description of the characteris-
4 ties of lenders and other financial institu-
5 tions participating in the activities under-
6 taken by the eligible entity under this sec-
7 tion (excluding subsection (k)) during the
8 reporting period.

9 “(C) SECRETARIAL REPORT.—The Sec-
10 retary shall review the reports submitted under
11 subparagraph (A) and shall provide a com-
12 prehensive annual report to Congress on the ac-
13 tivities conducted under this section (excluding
14 subsection (k)).

15 “(i) NO FULL FAITH AND CREDIT FOR GRANTEE
16 OBLIGATION.—No financial obligation of an eligible entity
17 entered into pursuant to this section (such as an obliga-
18 tion under a guarantee, bond, note, evidence of debt, or
19 loan) shall be an obligation of, or guaranteed in any re-
20 spect by, the United States. The full faith and credit of
21 the United States is not pledged to the payment of funds
22 which may be required to be paid under any obligation
23 made by an eligible entity pursuant to any provision of
24 this section.

25 “(j) RECOVERY OF FUNDS.—

1 “(1) IN GENERAL.—The Secretary, in accord-
2 ance with chapter 37 of title 31, United States
3 Code, shall collect—

4 “(A) all of the funds in a reserve account
5 established by an eligible entity under sub-
6 section (f)(1) if the Secretary determines, not
7 earlier than 2 years after the date on which the
8 eligible entity first received funds under this
9 section (excluding subsection (k)), that the eli-
10 gible entity has failed to make substantial
11 progress in carrying out the purposes described
12 in subsection (f)(1); or

13 “(B) all or a portion of the funds in a re-
14 serve account established by an eligible entity
15 under subsection (f)(1) if the Secretary deter-
16 mines that the eligible entity has permanently
17 ceased to use all or a portion of the funds in
18 such account to accomplish any purpose de-
19 scribed in subsection (f)(1).

20 “(2) EXERCISE OF AUTHORITY.—The Secretary
21 shall not exercise the authority provided in para-
22 graph (1) to collect from any eligible entity any
23 funds that are being properly used to achieve one or
24 more of the purposes described in subsection (f)(1).

1 “(3) PROCEDURES.—The provisions of sections
2 451, 452, and 458 of the General Education Provi-
3 sions Act (20 U.S.C. 1234, 1234a, 1234g) shall
4 apply to the recovery of funds under paragraph (1).

5 “(4) CONSTRUCTION.—This subsection shall
6 not be construed to impair or affect the authority of
7 the Secretary to recover funds under part D of the
8 General Education Provisions Act (20 U.S.C. 1234
9 et seq.).

10 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

11 “(1) DEFINITION OF PER-PUPIL FACILITIES AID
12 PROGRAM.—In this subsection, the term ‘per-pupil
13 facilities aid program’ means a program in which a
14 State makes payments, on a per-pupil basis, to char-
15 ter schools to provide the schools with financing—

16 “(A) that is dedicated solely for funding
17 charter school facilities; or

18 “(B) a portion of which is dedicated for
19 funding charter school facilities.

20 “(2) GRANTS.—

21 “(A) IN GENERAL.—From the amount re-
22 served under section 3102(b)(1) and remaining
23 after the Secretary makes grants under sub-
24 section (a), the Secretary shall make grants, on
25 a competitive basis, to States to pay for the

1 Federal share of the cost of establishing or en-
2 hancing, and administering per-pupil facilities
3 aid programs.

4 “(B) PERIOD.—The Secretary shall award
5 grants under this subsection for periods of not
6 more than 5 years.

7 “(C) FEDERAL SHARE.—The Federal
8 share of the cost described in subparagraph (A)
9 for a per-pupil facilities aid program shall be
10 not more than—

11 “(i) 90 percent of the cost, for the
12 first fiscal year for which the program re-
13 ceives assistance under this subsection;

14 “(ii) 80 percent in the second such
15 year;

16 “(iii) 60 percent in the third such
17 year;

18 “(iv) 40 percent in the fourth such
19 year; and

20 “(v) 20 percent in the fifth such year.

21 “(D) STATE SHARE.—A State receiving a
22 grant under this subsection may partner with 1
23 or more organizations to provide up to 50 per-
24 cent of the State share of the cost of estab-

1 lishing or enhancing, and administering the per-
2 pupil facilities aid program.

3 “(E) MULTIPLE GRANTS.—A State may
4 receive more than 1 grant under this sub-
5 section, so long as the amount of such funds
6 provided to charter schools increases with each
7 successive grant.

8 “(3) USE OF FUNDS.—

9 “(A) IN GENERAL.—A State that receives
10 a grant under this subsection shall use the
11 funds made available through the grant to es-
12 tablish or enhance, and administer, a per-pupil
13 facilities aid program for charter schools in the
14 State of the applicant.

15 “(B) EVALUATIONS; TECHNICAL ASSIST-
16 ANCE; DISSEMINATION.—From the amount
17 made available to a State through a grant
18 under this subsection for a fiscal year, the State
19 may reserve not more than 5 percent to carry
20 out evaluations, to provide technical assistance,
21 and to disseminate information.

22 “(C) SUPPLEMENT, NOT SUPPLANT.—
23 Funds made available under this subsection
24 shall be used to supplement, and not supplant,
25 State, and local public funds expended to pro-

1 vide per pupil facilities aid programs, oper-
2 ations financing programs, or other programs,
3 for charter schools.

4 “(4) REQUIREMENTS.—

5 “(A) VOLUNTARY PARTICIPATION.—No
6 State may be required to participate in a pro-
7 gram carried out under this subsection.

8 “(B) STATE LAW.—

9 “(i) IN GENERAL.—Except as pro-
10 vided in clause (ii), to be eligible to receive
11 a grant under this subsection, a State shall
12 establish or enhance, and administer, a
13 per-pupil facilities aid program for charter
14 schools in the State, that—

15 “(I) is specified in State law; and

16 “(II) provides annual financing,
17 on a per-pupil basis, for charter
18 school facilities.

19 “(ii) SPECIAL RULE.—Notwith-
20 standing clause (i), a State that is required
21 under State law to provide its charter
22 schools with access to adequate facility
23 space, but which does not have a per-pupil
24 facilities aid program for charter schools
25 specified in State law, may be eligible to

1 receive a grant under this subsection if the
2 State agrees to use the funds to develop a
3 per-pupil facilities aid program consistent
4 with the requirements of this subsection.

5 “(5) APPLICATIONS.—To be eligible to receive a
6 grant under this subsection, a State shall submit an
7 application to the Secretary at such time, in such
8 manner, and containing such information as the Sec-
9 retary may require.

10 **“SEC. 3105. NATIONAL ACTIVITIES.**

11 “(a) IN GENERAL.—From the amount reserved
12 under section 3102(b)(2), the Secretary shall—

13 “(1) use not less than 50 percent of such funds
14 to award grants in accordance with subsection (b);
15 and

16 “(2) use the remainder of such funds to—

17 “(A) disseminate technical assistance to
18 State entities in awarding subgrants under sec-
19 tion 3103, and eligible entities and States re-
20 ceiving grants under section 3104;

21 “(B) disseminate best practices; and

22 “(C) evaluate the impact of the charter
23 school program, including the impact on stu-
24 dent achievement, carried out under this sub-
25 part.

1 “(b) GRANTS.—

2 “(1) IN GENERAL.—The Secretary shall make
3 grants, on a competitive basis, to eligible applicants
4 for the purpose of carrying out the activities de-
5 scribed in section 3102(a)(1), subparagraphs (A)
6 through (C) of section 3103(a)(1), and section
7 3103(g).

8 “(2) TERMS AND CONDITIONS.—Except as oth-
9 erwise provided in this subsection, grants awarded
10 under this subsection shall have the same terms and
11 conditions as grants awarded to State entities under
12 section 3103.

13 “(3) ELIGIBLE APPLICANT DEFINED.—For pur-
14 poses of this subsection, the term ‘eligible applicant’
15 means an eligible applicant that desires to open a
16 charter school in—

17 “(A) a State that did not apply for a grant
18 under section 3103;

19 “(B) a State that did not receive a grant
20 under section 3103; or

21 “(C) a State that received a grant under
22 section 3103 and is in the 4th or 5th year of
23 the grant period for such grant.

24 “(c) CONTRACTS AND GRANTS.—The Secretary may
25 carry out any of the activities described in this section di-

1 rectly or through grants, contracts, or cooperative agree-
2 ments.

3 **“SEC. 3106. FEDERAL FORMULA ALLOCATION DURING**
4 **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**
5 **MENT EXPANSIONS.**

6 “(a) IN GENERAL.—For purposes of the allocation
7 to schools by the States or their agencies of funds under
8 part A of title I, and any other Federal funds which the
9 Secretary allocates to States on a formula basis, the Sec-
10 retary and each State educational agency shall take such
11 measures as are necessary to ensure that every charter
12 school receives the Federal funding for which the charter
13 school is eligible not later than 5 months after the charter
14 school first opens, notwithstanding the fact that the iden-
15 tity and characteristics of the students enrolling in that
16 charter school are not fully and completely determined
17 until that charter school actually opens. The measures
18 similarly shall ensure that every charter school expanding
19 its enrollment in any subsequent year of operation receives
20 the Federal funding for which the charter school is eligible
21 not later than 5 months after such expansion.

22 “(b) ADJUSTMENT AND LATE OPENINGS.—

23 “(1) IN GENERAL.—The measures described in
24 subsection (a) shall include provision for appropriate
25 adjustments, through recovery of funds or reduction

1 of payments for the succeeding year, in cases where
2 payments made to a charter school on the basis of
3 estimated or projected enrollment data exceed the
4 amounts that the school is eligible to receive on the
5 basis of actual or final enrollment data.

6 “(2) RULE.—For charter schools that first
7 open after November 1 of any academic year, the
8 State, in accordance with guidance provided by the
9 Secretary and applicable Federal statutes and regu-
10 lations, shall ensure that such charter schools that
11 are eligible for the funds described in subsection (a)
12 for such academic year have a full and fair oppor-
13 tunity to receive those funds during the charter
14 schools’ first year of operation.

15 **“SEC. 3107. SOLICITATION OF INPUT FROM CHARTER**
16 **SCHOOL OPERATORS.**

17 “To the extent practicable, the Secretary shall ensure
18 that administrators, teachers, and other individuals di-
19 rectly involved in the operation of charter schools are con-
20 sulted in the development of any rules or regulations re-
21 quired to implement this subpart, as well as in the devel-
22 opment of any rules or regulations relevant to charter
23 schools that are required to implement part A of title I,
24 the Individuals with Disabilities Education Act, or any
25 other program administered by the Secretary that provides

1 education funds to charter schools or regulates the activi-
2 ties of charter schools.

3 **“SEC. 3108. RECORDS TRANSFER.**

4 “State educational agencies and local educational
5 agencies, as quickly as possible and to the extent prac-
6 ticable, shall ensure that a student’s records and, if appli-
7 cable, a student’s individualized education program as de-
8 fined in section 602(14) of the Individuals with Disabil-
9 ities Education Act, are transferred to a charter school
10 upon the transfer of the student to the charter school, and
11 to another public school upon the transfer of the student
12 from a charter school to another public school, in accord-
13 ance with applicable State law.

14 **“SEC. 3109. PAPERWORK REDUCTION.**

15 “To the extent practicable, the Secretary and each
16 authorized public chartering agency shall ensure that im-
17 plementation of this subpart results in a minimum of pa-
18 perwork for any eligible applicant or charter school.

19 **“SEC. 3110. DEFINITIONS.**

20 “In this subpart:

21 “(1) DEVELOPER.—The term ‘developer’ means
22 an individual or group of individuals (including a
23 public or private nonprofit organization), which may
24 include teachers, administrators and other school
25 staff, parents, or other members of the local commu-

1 nity in which a charter school project will be carried
2 out.

3 “(2) ELIGIBLE APPLICANT.—The term ‘eligible
4 applicant’ means a developer that has—

5 “(A) applied to an authorized public char-
6 tering authority to operate a charter school;
7 and

8 “(B) provided adequate and timely notice
9 to that authority.

10 “(3) AUTHORIZED PUBLIC CHARTERING AGEN-
11 CY.—The term ‘authorized public chartering agency’
12 means a State educational agency, local educational
13 agency, or other public entity that has the authority
14 pursuant to State law and approved by the Sec-
15 retary to authorize or approve a charter school.

16 “(4) EXPANSION OF A HIGH-QUALITY CHARTER
17 SCHOOL.—The term ‘expansion of a high-quality
18 charter school’ means to significantly increase the
19 enrollment of, or add one or more grades to, a high-
20 quality charter school.

21 “(5) HIGH-QUALITY CHARTER SCHOOL.—The
22 term ‘high-quality charter school’ means a charter
23 school that—

1 “(A) shows evidence of strong academic re-
2 sults, which may include strong academic
3 growth as determined by a State;

4 “(B) has no significant issues in the areas
5 of student safety, financial management, or
6 statutory or regulatory compliance;

7 “(C) has demonstrated success in signifi-
8 cantly increasing student academic achievement
9 and attainment for all students served by the
10 charter school; and

11 “(D) has demonstrated success in increas-
12 ing student academic achievement for the
13 groups of students described in section
14 1111(b)(3)(B)(ii)(II), except that such dem-
15 onstration is not required in a case in which the
16 number of students in a group is insufficient to
17 yield statistically reliable information or the re-
18 sults would reveal personally identifiable infor-
19 mation about an individual student.

20 “(6) REPLICABLE, HIGH-QUALITY CHARTER
21 SCHOOL MODEL.—The term ‘replicable, high-quality
22 charter school model’ means a high-quality charter
23 school that has the capability of opening another
24 such charter school under an existing charter.

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

2 **“SEC. 3121. PURPOSE.**

3 “The purpose of this subpart is to assist in the deseg-
4 regation of schools served by local educational agencies by
5 providing financial assistance to eligible local educational
6 agencies for—

7 “(1) the elimination, reduction, or prevention of
8 minority group isolation in elementary schools and
9 secondary schools with substantial proportions of mi-
10 nority students, which shall include assisting in the
11 efforts of the United States to achieve voluntary de-
12 segregation in public schools;

13 “(2) the development and implementation of
14 magnet school programs that will assist local edu-
15 cational agencies in achieving systemic reforms and
16 providing all students the opportunity to meet State
17 academic standards;

18 “(3) the development and design of innovative
19 educational methods and practices that promote di-
20 versity and increase choices in public elementary
21 schools and public secondary schools and public edu-
22 cational programs;

23 “(4) courses of instruction within magnet
24 schools that will substantially strengthen the knowl-
25 edge of academic subjects and the attainment of tan-

1 gible and marketable career, technical, and profes-
2 sional skills of students attending such schools;

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

8 “(6) ensuring that students enrolled in the
9 magnet school programs have equitable access to a
10 quality education that will enable the students to
11 succeed academically and continue with postsec-
12 ondary education or employment.

13 **“SEC. 3122. DEFINITION.**

14 “For the purpose of this subpart, the term ‘magnet
15 school’ means a public elementary school, public secondary
16 school, public elementary education center, or public sec-
17 ondary education center that offers a special curriculum
18 capable of attracting substantial numbers of students of
19 different racial backgrounds.

20 **“SEC. 3123. PROGRAM AUTHORIZED.**

21 “From the amount appropriated under section
22 3(c)(1)(B), the Secretary, in accordance with this subpart,
23 is authorized to award grants to eligible local educational
24 agencies, and consortia of such agencies where appro-

1 puate, to carry out the purpose of this subpart for magnet
2 schools that are—

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

5 “(2) designed to bring students from different
6 social, economic, ethnic, and racial backgrounds to-
7 gether.

8 **“SEC. 3124. ELIGIBILITY.**

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

13 “(1) is implementing a plan undertaken pursu-
14 ant to a final order issued by a court of the United
15 States, or a court of any State, or any other State
16 agency or official of competent jurisdiction, that re-
17 quires the desegregation of minority-group-seg-
18 regated children or faculty in the elementary schools
19 and secondary schools of such agency; or

20 “(2) without having been required to do so, has
21 adopted and is implementing, or will, if a grant is
22 awarded to such local educational agency, or consor-
23 tium of such agencies, under this subpart, adopt and
24 implement a plan that has been approved by the
25 Secretary as adequate under title VI of the Civil

1 Rights Act of 1964 for the desegregation of minor-
2 ity-group-segregated children or faculty in such
3 schools.

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

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

10 “(b) INFORMATION AND ASSURANCES.—Each appli-
11 cation submitted under subsection (a) shall include—

12 “(1) a description of—

13 “(A) how a grant awarded under this sub-
14 part will be used to promote desegregation, in-
15 cluding how the proposed magnet school pro-
16 grams will increase interaction among students
17 of different social, economic, ethnic, and racial
18 backgrounds;

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

23 “(C) how the applicant will continue the
24 magnet school program after assistance under
25 this subpart is no longer available, and, if appli-

1 cable, an explanation of why magnet schools es-
2 tablished or supported by the applicant with
3 grant funds under this subpart cannot be con-
4 tinued without the use of grant funds under
5 this subpart;

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

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

11 “(ii) to implement services and activi-
12 ties that are consistent with other pro-
13 grams under this Act, and other Acts, as
14 appropriate; and

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

18 “(2) assurances that the applicant will—

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

21 “(B) employ effective teachers in the
22 courses of instruction assisted under this sub-
23 part;

1 “(C) not engage in discrimination based on
2 race, religion, color, national origin, sex, or dis-
3 ability in—

4 “(i) the hiring, promotion, or assign-
5 ment of employees of the applicant or
6 other personnel for whom the applicant has
7 any administrative responsibility;

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

12 “(iii) designing or operating extra-
13 curricular activities for students;

14 “(D) carry out a quality education pro-
15 gram that will encourage greater parental deci-
16 sionmaking and involvement; and

17 “(E) give students residing in the local at-
18 tendance area of the proposed magnet school
19 program equitable consideration for placement
20 in the program, consistent with desegregation
21 guidelines and the capacity of the applicant to
22 accommodate the students.

23 “(c) SPECIAL RULE.—No grant shall be awarded
24 under this subpart unless the Assistant Secretary of Edu-

1 cation for Civil Rights determines that the assurances de-
2 scribed in subsection (b)(2)(C) will be met.

3 **“SEC. 3126. PRIORITY.**

4 “In awarding grants under this subpart, the Sec-
5 retary shall give priority to applicants that—

6 “(1) demonstrate the greatest need for assist-
7 ance, based on the expense or difficulty of effectively
8 carrying out approved desegregation plans and the
9 magnet school program for which the grant is
10 sought;

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

14 “(3) propose to select students to attend mag-
15 net school programs by methods such as lottery,
16 rather than through academic examination; and

17 “(4) propose to serve the entire student popu-
18 lation of a school.

19 **“SEC. 3127. USE OF FUNDS.**

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

23 “(1) for planning and promotional activities di-
24 rectly related to the development, expansion, con-

1 continuation, or enhancement of academic programs
2 and services offered at magnet schools;

3 “(2) for the acquisition of books, materials, and
4 equipment, including computers and the mainte-
5 nance and operation of materials, equipment, and
6 computers, necessary to conduct programs in mag-
7 net schools;

8 “(3) for the compensation, or subsidization of
9 the compensation, of elementary school and sec-
10 ondary school teachers, and instructional staff where
11 applicable, who are necessary to conduct programs
12 in magnet schools;

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

16 “(A) are designed to make available the
17 special curriculum that is offered by the magnet
18 school program to students who are enrolled in
19 the school but who are not enrolled in the mag-
20 net school program; and

21 “(B) further the purpose of this subpart;

22 “(5) for activities, which may include profes-
23 sional development, that will build the recipient’s ca-
24 pacity to operate magnet school programs once the
25 grant period has ended;

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

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

9 “(b) SPECIAL RULE.—Grant funds under this sub-
10 part may be used for activities described in paragraphs
11 (2) and (3) of subsection (a) only if the activities are di-
12 rectly related to improving student academic achievement
13 based on the State’s academic standards or directly re-
14 lated to improving student reading skills or knowledge of
15 mathematics, science, history, geography, English, foreign
16 languages, art, or music, or to improving career, technical,
17 and professional skills.

18 **“SEC. 3128. LIMITATIONS.**

19 “(a) DURATION OF AWARDS.—A grant under this
20 subpart shall be awarded for a period that shall not exceed
21 3 fiscal years.

22 “(b) LIMITATION ON PLANNING FUNDS.—A local
23 educational agency, or consortium of such agencies, may
24 expend for planning (professional development shall not
25 be considered to be planning for purposes of this sub-

1 section) not more than 50 percent of the grant funds re-
2 ceived under this subpart for the first year of the program
3 and not more than 15 percent of such funds for each of
4 the second and third such years.

5 “(c) AMOUNT.—No local educational agency, or con-
6 sortium of such agencies, awarded a grant under this sub-
7 part shall receive more than \$4,000,000 under this sub-
8 part for any 1 fiscal year.

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

12 **“SEC. 3129. EVALUATIONS.**

13 “(a) RESERVATION.—The Secretary may reserve not
14 more than 2 percent of the funds appropriated under sec-
15 tion 3(c)(1)(B) for any fiscal year to carry out evaluations,
16 provide technical assistance, and carry out dissemination
17 projects with respect to magnet school programs assisted
18 under this subpart.

19 “(b) CONTENTS.—Each evaluation described in sub-
20 section (a), at a minimum, shall address—

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

24 “(2) the extent to which magnet school pro-
25 grams enhance student access to a quality education;

1 “(1) To provide financial support to organiza-
2 tions to provide technical assistance and training to
3 State and local educational agencies in the imple-
4 mentation and enhancement of systemic and effec-
5 tive family engagement policies, programs, and ac-
6 tivities that lead to improvements in student devel-
7 opment and academic achievement.

8 “(2) To assist State educational agencies, local
9 educational agencies, community-based organiza-
10 tions, schools, and educators in strengthening part-
11 nerships among parents, teachers, school leaders, ad-
12 ministrators, and other school personnel in meeting
13 the educational needs of children and fostering
14 greater parental engagement.

15 “(3) To support State educational agencies,
16 local educational agencies, schools, educators, and
17 parents in developing and strengthening the relation-
18 ship between parents and their children’s school in
19 order to further the developmental progress of chil-
20 dren.

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

24 “(5) To assist the Secretary, State educational
25 agencies, and local educational agencies in the co-

1 ordination and integration of Federal, State, and
2 local services and programs to engage families in
3 education.

4 **“SEC. 3142. GRANTS AUTHORIZED.**

5 “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—
6 From the amount appropriated under section 3(e)(1)(C),
7 the Secretary is authorized to award grants for each fiscal
8 year to statewide organizations (or consortia of such orga-
9 nizations), to establish Statewide Family Engagement
10 Centers that provide comprehensive training and technical
11 assistance to State educational agencies, local educational
12 agencies, schools identified by State educational agencies
13 and local educational agencies, organizations that support
14 family-school partnerships, and other organizations that
15 carry out, or carry out directly, parent education and fam-
16 ily engagement in education programs.

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

21 **“SEC. 3143. APPLICATIONS.**

22 “(a) SUBMISSIONS.—Each statewide organization, or
23 a consortium of such organizations, that desires a grant
24 under this subpart shall submit an application to the Sec-

1 retary at such time, in such manner, and including the
2 information described in subsection (b).

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

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

7 “(2) A description of the support that the
8 Statewide Family Engagement Center that will be
9 operated by the applicant will have from the State
10 educational agency and any partner organization
11 outlining the commitment to work with the center.

12 “(3) A description of the applicant’s plan for
13 building a statewide infrastructure for family en-
14 gagement in education, that includes—

15 “(A) management and governance;

16 “(B) statewide leadership; or

17 “(C) systemic services for family engage-
18 ment in education.

19 “(4) A description of the applicant’s dem-
20 onstrated experience in providing training, informa-
21 tion, and support to State educational agencies, local
22 educational agencies, schools, educators, parents,
23 and organizations on family engagement in edu-
24 cation policies and practices that are effective for
25 parents (including low-income parents) and families,

1 English learners, minorities, parents of students
2 with disabilities, parents of homeless students, foster
3 parents and students, and parents of migratory stu-
4 dents, including evaluation results, reporting, or
5 other data exhibiting such demonstrated experience.

6 “(5) An assurance that the applicant will—

7 “(A) establish a special advisory com-
8 mittee, the membership of which includes—

9 “(i) parents, who shall constitute a
10 majority of the members of the special ad-
11 visory committee;

12 “(ii) representatives of education pro-
13 fessionals with expertise in improving serv-
14 ices for disadvantaged children;

15 “(iii) representatives of local elemen-
16 tary schools and secondary schools, includ-
17 ing students;

18 “(iv) representatives of the business
19 community; and

20 “(v) representatives of State edu-
21 cational agencies and local educational
22 agencies;

23 “(B) use not less than 65 percent of the
24 funds received under this subpart in each fiscal
25 year to serve local educational agencies, schools,

1 and community-based organizations that serve
2 high concentrations of disadvantaged students,
3 including English learners, minorities, parents
4 of students with disabilities, parents of home-
5 less students, foster parents and students, and
6 parents of migratory students;

7 “(C) operate a Statewide Family Engage-
8 ment Center of sufficient size, scope, and qual-
9 ity to ensure that the Center is adequate to
10 serve the State educational agency, local edu-
11 cational agencies, and community-based organi-
12 zations;

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

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

18 “(F) work with—

19 “(i) other Statewide Family Engage-
20 ment Centers assisted under this subpart;
21 and

22 “(ii) parent training and information
23 centers and community parent resource
24 centers assisted under sections 671 and

1 672 of the Individuals with Disabilities
2 Education Act;

3 “(G) use not less than 30 percent of the
4 funds received under this subpart for each fiscal
5 year to establish or expand technical assistance
6 for evidence-based parent education programs;

7 “(H) provide assistance to State edu-
8 cational agencies and local educational agencies
9 and community-based organizations that sup-
10 port family members in supporting student aca-
11 demic achievement;

12 “(I) work with State educational agencies,
13 local educational agencies, schools, educators,
14 and parents to determine parental needs and
15 the best means for delivery of services to ad-
16 dress such needs; and

17 “(J) conduct sufficient outreach to assist
18 parents, including parents who the applicant
19 may have a difficult time engaging with a
20 school or local educational agency.

21 **“SEC. 3144. USES OF FUNDS.**

22 “(a) IN GENERAL.—Grantees shall use grant funds
23 received under this subpart, based on the needs deter-
24 mined under section 3143(b)(5)(I), to provide training
25 and technical assistance to State educational agencies,

1 local educational agencies, and organizations that support
2 family-school partnerships, and activities, services, and
3 training for local educational agencies, school leaders, edu-
4 cators, and parents—

5 “(1) to assist parents in participating effectively
6 in their children’s education and to help their chil-
7 dren meet State standards, such as assisting par-
8 ents—

9 “(A) to engage in activities that will im-
10 prove student academic achievement, including
11 understanding how they can support learning in
12 the classroom with activities at home and in
13 afterschool and extracurricular programs;

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

17 “(C) to become active participants in the
18 development, implementation, and review of
19 school-parent compacts, family engagement in
20 education policies, and school planning and im-
21 provement;

22 “(D) to participate in the design and pro-
23 vision of assistance to students who are not
24 making academic progress;

1 “(E) to participate in State and local deci-
2 sionmaking;

3 “(F) to train other parents; and

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

6 “(2) to develop and implement, in partnership
7 with the State educational agency, statewide family
8 engagement in education policy and systemic initia-
9 tives that will provide for a continuum of services to
10 remove barriers for family engagement in education
11 and support school reform efforts; and

12 “(3) to develop and implement parental involve-
13 ment policies under this Act.

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

22 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
23 reserve not more than 2 percent of the funds appropriated
24 under section 3(c)(1)(C) to carry out this subpart to pro-
25 vide technical assistance, by competitive grant or contract,

1 for the establishment, development, and coordination of
2 Statewide Family Engagement Centers.

3 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to prohibit a Statewide Family En-
5 gagement Center from—

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

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

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

12 “(1) no person (including a parent who edu-
13 cates a child at home, a public school parent, or a
14 private school parent) shall be required to partici-
15 pate in any program of parent education or develop-
16 mental screening under this section; and

17 “(2) no program or center assisted under this
18 section shall take any action that infringes in any
19 manner on the right of a parent to direct the edu-
20 cation of their children.

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

22 “The Secretary of the Interior, in consultation with
23 the Secretary of Education, shall establish, or enter into
24 contracts and cooperative agreements with local Indian

1 nonprofit parent organizations to establish and operate
2 Family Engagement Centers.

3 **“PART B—LOCAL ACADEMIC FLEXIBLE GRANT**

4 **“SEC. 3201. PURPOSE.**

5 “The purpose of this part is to—

6 “(1) provide local educational agencies with the
7 opportunity to access funds to support the initiatives
8 important to their schools and students to improve
9 academic achievement, including protecting student
10 safety; and

11 “(2) provide nonprofit and for-profit entities
12 the opportunity to work with students to improve
13 academic achievement, including student safety.

14 **“SEC. 3202. ALLOTMENTS TO STATES.**

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

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

22 “(2) not more than one-half of 1 percent for
23 payments to the outlying areas and the Bureau of
24 Indian Education, to be allotted in accordance with
25 their respective needs for assistance under this part,

1 as determined by the Secretary, to enable the out-
2 lying areas and the Bureau to carry out the purpose
3 of this part.

4 “(b) STATE ALLOTMENTS.—

5 “(1) DETERMINATION.—From the funds appro-
6 priated under section 3(c)(2) for any fiscal year and
7 remaining after the Secretary makes reservations
8 under subsection (a), the Secretary shall allot to
9 each State for the fiscal year an amount that bears
10 the same relationship to the remainder as the
11 amount the State received under chapter B of sub-
12 part 1 of part A of title I for the preceding fiscal
13 year bears to the amount all States received under
14 that chapter for the preceding fiscal year, except
15 that no State shall receive less than an amount
16 equal to one-half of 1 percent of the total amount
17 made available to all States under this subsection.

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

23 “(c) STATE USE OF FUNDS.—

24 “(1) IN GENERAL.—Each State that receives an
25 allotment under this part shall reserve not less than

1 75 percent of the amount allotted to the State under
2 subsection (b) for each fiscal year for awards to eli-
3 gible entities under section 3204.

4 “(2) AWARDS TO NONGOVERNMENTAL ENTI-
5 TIES TO IMPROVE STUDENT ACADEMIC ACHIEVE-
6 MENT.—Each State that receives an allotment under
7 subsection (b) for each fiscal year shall reserve not
8 less than 10 percent of the amount allotted to the
9 State for awards to nongovernmental entities under
10 section 3205.

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

16 “(A) Enabling the State educational agen-
17 cy—

18 “(i) to pay the costs of developing the
19 State assessments and standards required
20 under section 1111(b), which may include
21 the costs of working, at the sole discretion
22 of the State, in voluntary partnerships
23 with other States to develop such assess-
24 ments and standards; or

1 “(ii) if the State has developed the as-
2 sessments and standards required under
3 section 1111(b), to administer those as-
4 sessments or carry out other activities re-
5 lated to ensuring that the State’s schools
6 and local educational agencies are helping
7 students meet the State’s academic stand-
8 ards under such section.

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

13 “(C) Monitoring and evaluation of pro-
14 grams and activities assisted under this part.

15 “(D) Providing training and technical as-
16 sistance under this part.

17 “(E) Statewide academic focused pro-
18 grams.

19 “(F) Sharing evidence-based and other ef-
20 fective strategies with eligible entities.

21 **“SEC. 3203. STATE APPLICATION.**

22 “(a) IN GENERAL.—In order to receive an allotment
23 under section 3202 for any fiscal year, a State shall sub-
24 mit to the Secretary, at such time as the Secretary may
25 require, an application that—

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

4 “(2) describes how the State educational agency
5 will use funds reserved for State-level activities, in-
6 cluding how, if any, of the funds will be used to sup-
7 port student safety;

8 “(3) describes the procedures and criteria the
9 State educational agency will use for reviewing appli-
10 cations and awarding funds to eligible entities on a
11 competitive basis, which shall include reviewing how
12 the proposed project will help increase student aca-
13 demic achievement;

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

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

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

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

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

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

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

14 “(9) contains an assurance that the State edu-
15 cational agency—

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

18 “(B) will require each eligible entity seek-
19 ing such an award to submit a plan describing
20 how the project to be funded through the award
21 will continue after funding under this part
22 ends, if applicable; and

23 “(10) contains an assurance that funds appro-
24 priated to carry out this part will be used to supple-
25 ment, and not supplant, State and local public funds

1 expended to provide programs and activities author-
2 ized under this part and other similar programs.

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

10 “(c) DISAPPROVAL.—The Secretary shall not finally
11 disapprove the application, except after giving the State
12 educational agency notice and an opportunity for a hear-
13 ing.

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

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

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

22 “(A) cite the specific provisions in the ap-
23 plication that are not in compliance; and

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

4 “(e) RESPONSE.—If the State educational agency re-
5 sponds to the Secretary’s notification described in sub-
6 section (d)(2) during the 45-day period beginning on the
7 date on which the agency received the notification, and
8 resubmits the application with the requested information
9 described in subsection (d)(2)(B), the Secretary shall ap-
10 prove or disapprove such application prior to the later of—

11 “(1) the expiration of the 45-day period begin-
12 ning on the date on which the application is resub-
13 mitted; or

14 “(2) the expiration of the 120-day period de-
15 scribed in subsection (b).

16 “(f) FAILURE TO RESPOND.—If the State edu-
17 cational agency does not respond to the Secretary’s notifi-
18 cation described in subsection (d)(2) during the 45-day pe-
19 riod beginning on the date on which the agency received
20 the notification, such application shall be deemed to be
21 disapproved.

22 “(g) RULE OF CONSTRUCTION.—An application sub-
23 mitted by a State educational agency pursuant to sub-
24 section (a) shall not be approved or disapproved based
25 upon the activities for which the agency may make funds

1 available to eligible entities under section 3204 if the agen-
2 cy's use of funds is consistent with section 3204(b).

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

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

8 “(b) USE OF FUNDS.—

9 “(1) IN GENERAL.—An eligible entity that re-
10 ceives an award under this part shall use the funds
11 for activities that—

12 “(A) are evidence-based;

13 “(B) will improve student academic
14 achievement;

15 “(C) are allowable under State law; and

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

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

23 “(ii) Activities designed to support
24 students, such as academic subject specific
25 programs, adjunct teacher programs, ex-

1 tended learning time programs, and parent
2 engagement, but not including activities
3 to—

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

6 “(II) provide compensation or
7 benefits to teachers, school leaders,
8 other school officials, or local edu-
9 cational agency staff.

10 “(2) PARTICIPATION OF CHILDREN ENROLLED
11 IN PRIVATE SCHOOLS.—An eligible entity that re-
12 ceives an award under this part shall ensure compli-
13 ance with section 5501 (relating to participation of
14 children enrolled in private schools).

15 “(c) APPLICATION.—

16 “(1) IN GENERAL.—To be eligible to receive an
17 award under this part, an eligible entity shall submit
18 an application to the State educational agency at
19 such time, in such manner, and including such infor-
20 mation as the State educational agency may reason-
21 ably require, including the contents required by
22 paragraph (2).

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

1 “(A) a description of the activities to be
2 funded and how they are consistent with sub-
3 section (b);

4 “(B) an assurance that funds under this
5 part will be used to increase the level of State,
6 local, and other non-Federal funds that would,
7 in the absence of funds under this part, be
8 made available for programs and activities au-
9 thorized under this part, and in no case sup-
10 plant State, local, or non-Federal funds;

11 “(C) an assurance that the community will
12 be given notice of an intent to submit an appli-
13 cation with an opportunity for comment, and
14 that the application will be available for public
15 review after submission of the application; and

16 “(D) an assurance that students who ben-
17 efit from any activity funded under this part
18 shall continue to maintain enrollment in a pub-
19 lic elementary or secondary school, until grad-
20 uation or transfer to another school.

21 “(d) REVIEW.—In reviewing local applications under
22 this section, a State educational agency shall use a peer
23 review process or other methods of assuring the quality
24 of such applications but the review shall be limited to the

1 likelihood that the project will increase student academic
2 achievement.

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

7 “(f) AWARD.—A grant shall be awarded to all eligible
8 entities that submit an application that meets the require-
9 ments of this section in an amount that is not less than
10 \$10,000, but there shall be only one award granted to any
11 one local educational agency, but such award may be for
12 multiple projects or programs with the local educational
13 agency.

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

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

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

22 “(2) a consortium of local educational agencies
23 working in partnership with a community-based or-
24 ganization, business entity, or nongovernmental enti-
25 ty;

1 “(3) a community-based organization in part-
2 nership with a local educational agency and, if appli-
3 cable, a business entity or nongovernmental entity;
4 or

5 “(4) a business entity in partnership with a
6 local educational agency and, if applicable, a commu-
7 nity-based organization or nongovernmental entity.

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

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

22 “(b) APPLICATION.—The State educational agency
23 shall require an application that includes the following in-
24 formation:

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

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

6 “(3) A description of how the program or
7 project will help increase student academic achieve-
8 ment, including the evidence to support this claim.

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

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

16 “(6) A description of any partnerships the ap-
17 plicant has entered into with local educational agen-
18 cies or other entities the applicant will work with, if
19 applicable.

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

1 “(8) An assurance that students who benefit
2 from any program or project funded under this sec-
3 tion shall continue to maintain enrollment in a pub-
4 lic elementary or secondary school, until graduation
5 or transfer to another school.

6 “(c) MATCHING CONTRIBUTION.—An eligible appli-
7 cant receiving a grant under this section shall provide, ei-
8 ther directly or through private contributions, non-Federal
9 matching funds equal to not less than 50 percent of the
10 amount of the grant.

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

13 “(1) the applicant is an eligible applicant;

14 “(2) the application clearly describes the re-
15 quired elements in subsection (b);

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

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

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

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

4 **“SEC. 3206. REPORT.**

5 “Each recipient of a grant under section 3204 or
6 3205 shall report to the State educational agency on—

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

9 “(2) a description of the students served by the
10 program and how the students’ academic achieve-
11 ment improved; and

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

14 **TITLE IV—IMPACT AID**

15 **SEC. 401. PURPOSE.**

16 Section 8001 (20 U.S.C. 7701) is amended by strik-
17 ing “challenging State standards” and inserting “State
18 academic standards”.

19 **SEC. 402. PAYMENTS RELATING TO FEDERAL ACQUISITION**
20 **OF REAL PROPERTY.**

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

22 (1) in subsection (b)(1)(B), by striking “section
23 8014(a)” and inserting “section 3(d)(1)”; and

24 (2) by amending subsection (f) to read as fol-
25 lows:

1 “(f) SPECIAL RULE.—Beginning with fiscal year
2 2014, a local educational agency shall be deemed to meet
3 the requirements of subsection (a)(1)(C) if records to de-
4 termine eligibility under such subsection were destroyed
5 prior to fiscal year 2000 and the agency received funds
6 under subsection (b) in the previous year.”;

7 (3) by amending subsection (g) to read as fol-
8 lows:

9 “(g) FORMER DISTRICTS.—

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

21 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
22 CIES.—A local educational agency described in this
23 paragraph is—

24 “(A) any local educational agency that, for
25 fiscal year 1994 or any preceding fiscal year,

1 applied for, and was determined to be eligible
2 under section 2(e) of the Act of September 20,
3 1950 (Public Law 874, 81st Congress) as that
4 section was in effect for that fiscal year; or

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

10 “(i) for fiscal years 2006 through
11 2013, the local educational agency notifies
12 the Secretary not later than 30 days after
13 the date of enactment of the Student Suc-
14 cess Act of the designation described in
15 paragraph (1); and

16 “(ii) for fiscal year 2014, and each
17 subsequent fiscal year, the local edu-
18 cational agency includes the designation in
19 its application under section 8005 or any
20 timely amendment to such application.

21 “(3) AVAILABILITY OF FUNDS.—Notwith-
22 standing any other provision of law limiting the pe-
23 riod during which the Secretary may obligate funds
24 appropriated for any fiscal year after fiscal year
25 2005, the Secretary may obligate funds remaining

1 after final payments have been made for any of such
2 fiscal years to carry out this subsection.”;

3 (4) in subsection (h)—

4 (A) in paragraph (2)—

5 (i) in subparagraph (C)(ii), by strik-
6 ing “section 8014(a)” and inserting “sec-
7 tion 3(d)(1)”;

8 (ii) in subparagraph (D), by striking
9 “section 8014(a)” and inserting “section
10 3(d)(1)”;

11 (B) in paragraph (4), by striking “Impact
12 Aid Improvement Act of 2012” and inserting
13 “Student Success Act”;

14 (5) by repealing subsection (k);

15 (6) by redesignating subsection (l) as subsection
16 (k);

17 (7) by amending subsection (k) (as so redesign-
18 ated) by striking “(h)(4)(B)” and inserting
19 “(h)(2)”;

20 (8) by repealing subsection (m); and

21 (9) by redesignating subsection (n) as sub-
22 section (j).

1 **SEC. 403. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
2 **NECTED CHILDREN.**

3 (a) COMPUTATION OF PAYMENT.—Section 8003(a)
4 (20 U.S.C. 7703(a)) is amended—

5 (1) in the matter preceding subparagraph (A)
6 of paragraph (1), by inserting after “schools of such
7 agency” the following: “(including those children en-
8 rolled in such agency as a result of the open enroll-
9 ment policy of the State in which the agency is lo-
10 cated, but not including children who are enrolled in
11 a distance education program at such agency and
12 who are not residing within the geographic bound-
13 aries of such agency)”; and

14 (2) in paragraph (5)(A), by striking “1984”
15 and all that follows through “situated” and inserting
16 “1984, or under lease of off-base property under
17 subchapter IV of chapter 169 of title 10, United
18 States Code, to be children described under para-
19 graph (1)(B) if the property described is within the
20 fenced security perimeter of the military facility or
21 attached to and under any type of force protection
22 agreement with the military installation upon which
23 such housing is situated.”

24 (b) BASIC SUPPORT PAYMENTS FOR HEAVILY IM-
25 PACTED LOCAL EDUCATIONAL AGENCIES.—Section
26 8003(b) (20 U.S.C. 7703(b)) is amended—

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

3 (2) in paragraph (1), by repealing subpara-
4 graph (E);

5 (3) in paragraph (2)—

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

8 “(iii) The Secretary shall—

9 “(I) deem each local educational
10 agency that received a basic support
11 payment under this paragraph for fis-
12 cal year 2009 as eligible to receive a
13 basic support payment under this
14 paragraph for each of fiscal years
15 2012, 2013, and 2014; and

16 “(II) make a payment to each
17 such local educational agency under
18 this paragraph for each of fiscal years
19 2012, 2013, and 2014.”; and

20 (B) in subparagraph (B)—

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

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

1 “(i) IN GENERAL.—A heavily im-
2 pacted local educational agency is eligible
3 to receive a basic support payment under
4 subparagraph (A) with respect to a num-
5 ber of children determined under sub-
6 section (a)(1) if the agency—

7 “(I) is a local educational agen-
8 cy—

9 “(aa) whose boundaries are
10 the same as a Federal military
11 installation or an island property
12 designated by the Secretary of
13 the Interior to be property that is
14 held in trust by the Federal Gov-
15 ernment; and

16 “(bb) that has no taxing au-
17 thority;

18 “(II) is a local educational agen-
19 cy that—

20 “(aa) has an enrollment of
21 children described in subsection
22 (a)(1) that constitutes a percent-
23 age of the total student enroll-
24 ment of the agency that is not
25 less than 45 percent;

1 “(bb) has a per-pupil ex-
2 penditure that is less than—

3 “(AA) for an agency
4 that has a total student en-
5 rollment of 500 or more stu-
6 dents, 125 percent of the av-
7 erage per-pupil expenditure
8 of the State in which the
9 agency is located; or

10 “(BB) for any agency
11 that has a total student en-
12 rollment less than 500, 150
13 percent of the average per-
14 pupil expenditure of the
15 State in which the agency is
16 located or the average per-
17 pupil expenditure of 3 or
18 more comparable local edu-
19 cational agencies in the
20 State in which the agency is
21 located; and

22 “(cc) is an agency that—

23 “(AA) has a tax rate
24 for general fund purposes
25 that is not less than 95 per-

1 cent of the average tax rate
2 for general fund purposes of
3 comparable local educational
4 agencies in the State; or

5 “(BB) was eligible to
6 receive a payment under this
7 subsection for fiscal year
8 2013 and is located in a
9 State that by State law has
10 eliminated ad valorem tax as
11 a revenue for local edu-
12 cational agencies;

13 “(III) is a local educational agen-
14 cy that—

15 “(aa) has an enrollment of
16 children described in subsection
17 (a)(1) that constitutes a percent-
18 age of the total student enroll-
19 ment of the agency that is not
20 less than 20 percent;

21 “(bb) for the 3 fiscal years
22 preceding the fiscal year for
23 which the determination is made,
24 the average enrollment of chil-
25 dren who are not described in

1 subsection (a)(1) and who are eli-
2 gible for a free or reduced price
3 lunch under the Richard B. Rus-
4 sell National School Lunch Act
5 constitutes a percentage of the
6 total student enrollment of the
7 agency that is not less than 65
8 percent; and

9 “(cc) has a tax rate for gen-
10 eral fund purposes which is not
11 less than 125 percent of the aver-
12 age tax rate for general fund
13 purposes for comparable local
14 educational agencies in the State;

15 “(IV) is a local educational agen-
16 cy that has a total student enrollment
17 of not less than 25,000 students, of
18 which—

19 “(aa) not less than 50 per-
20 cent are children described in
21 subsection (a)(1); and

22 “(bb) not less than 5,500 of
23 such children are children de-
24 scribed in subparagraphs (A) and
25 (B) of subsection (a)(1); or

1 “(V) is a local educational agency
2 that—

3 “(aa) has an enrollment of
4 children described in subsection
5 (a)(1) including, for purposes of
6 determining eligibility, those chil-
7 dren described in subparagraphs
8 (F) and (G) of such subsection,
9 that is not less than 35 percent
10 of the total student enrollment of
11 the agency; and

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

15 (iii) in clause (ii)—

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

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

20 (II) by adding at the end the fol-
21 lowing:

22 “(II) LOSS OF ELIGIBILITY DUE
23 TO FALLING BELOW 95 PERCENT OF
24 THE AVERAGE TAX RATE FOR GEN-
25 ERAL FUND PURPOSES.—In a case of

1 a heavily impacted local educational
2 agency that fails to meet the require-
3 ments of clause (i) for a fiscal year by
4 reason of having a tax rate for gen-
5 eral fund purposes that falls below 95
6 percent of the average tax rate for
7 general fund purposes of comparable
8 local educational agencies in the
9 State, subclause (I) shall be applied
10 as if ‘and the subsequent fiscal year’
11 were inserted before the period at the
12 end.”;

13 (C) by striking subparagraph (C);

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

17 (E) in subparagraph (C) (as so redesign-
18 nated)—

19 (i) in the heading, by striking “REG-
20 ULAR”;

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

24 (iii) by amending subclause (I) of
25 clause (ii) to read as follows:

1 “(ii)(I)(aa) For a local educational agency
2 with respect to which 35 percent or more of the
3 total student enrollment of the schools of the
4 agency are children described in subparagraph
5 (D) or (E) (or a combination thereof) of sub-
6 section (a)(1), and that has an enrollment of
7 children described in subparagraphs (A), (B),
8 or (C) of such subsection equal to at least 10
9 percent of the agency’s total enrollment, the
10 Secretary shall calculate the weighted student
11 units of those children described in subpara-
12 graph (D) or (E) of such subsection by multi-
13 plying the number of such children by a factor
14 of 0.55.

15 “(bb) Notwithstanding subitem (aa), a
16 local educational agency that received a pay-
17 ment under this paragraph for fiscal year 2012
18 shall not be required to have an enrollment of
19 children described in subparagraphs (A), (B),
20 or (C) of subsection (a)(1) equal to at least 10
21 percent of the agency’s total enrollment.”; and

22 (iv) by amending subclause (III) of
23 clause (ii) by striking “(B)(i)(II)(aa)” and
24 inserting “subparagraph (B)(i)(I)”;

1 (F) in subparagraph (D)(i)(II) (as so re-
2 designated), by striking “6,000” and inserting
3 “5,500”;

4 (G) in subparagraph (E) (as so redesign-
5 nated)—

6 (i) by striking “Secretary” and all
7 that follows through “shall use” and in-
8 serting “Secretary shall use”;

9 (ii) by striking “; and” and inserting
10 a period; and

11 (iii) by striking clause (ii);

12 (H) in subparagraph (F) (as so redesign-
13 nated), by striking “subparagraph
14 (C)(i)(II)(bb)” and inserting “subparagraph
15 (B)(i)(II)(bb)(BB)”; and

16 (I) in subparagraph (G) (as so redesign-
17 nated)—

18 (i) in clause (i)—

19 (I) by striking “subparagraph
20 (B), (C), (D), or (E)” and inserting
21 “subparagraph (B), (C), or (D)”;

22 (II) by striking “by reason of”
23 and inserting “due to”;

24 (III) by inserting after “clause
25 (iii)” the following “, or as the direct

1 result of base realignment and closure
2 or modularization as determined by
3 the Secretary of Defense and force
4 structure change or force relocation”;
5 and

6 (IV) by inserting before the pe-
7 riod, the following: “or during such
8 time as activities associated with base
9 closure and realignment,
10 modularization, force structure
11 change, or force relocation are ongo-
12 ing”; and

13 (ii) in clause (ii), by striking “(D) or
14 (E)” each place it appears and inserting
15 “(C) or (D)”;

16 (4) in paragraph (3)—

17 (A) in subparagraph (B)—

18 (i) by amending clause (iii) to read as
19 follows:

20 “(iii) In the case of a local educational
21 agency providing a free public education to stu-
22 dents enrolled in kindergarten through grade
23 12, but which enrolls students described in sub-
24 paragraphs (A), (B), and (D) of subsection
25 (a)(1) only in grades 9 through 12, and which

1 received a final payment in fiscal year 2009 cal-
2 culated under this paragraph (as this para-
3 graph was in effect on the day before the date
4 of enactment of the Student Success Act) for
5 students in grades 9 through 12, the Secretary
6 shall, in calculating the agency’s payment, con-
7 sider only that portion of such agency’s total
8 enrollment of students in grades 9 through 12
9 when calculating the percentage under clause
10 (i)(I) and only that portion of the total current
11 expenditures attributed to the operation of
12 grades 9 through 12 in such agency when cal-
13 culating the percentage under clause (i)(II).”;
14 and

15 (ii) by adding at the end the fol-
16 lowing:

17 “(v) In the case of a local educational
18 agency that is providing a program of distance
19 education to children not residing within the ge-
20 ographic boundaries of the agency, the Sec-
21 retary shall—

22 “(I) for purposes of the calculation
23 under clause (i)(I), disregard such children
24 from the total number of children in aver-

1 age daily attendance at the schools served
2 by such agency; and

3 “(II) for purposes of the calculation
4 under clause (i)(II), disregard any funds
5 received for such children from the total
6 current expenditures for such agency.”;

7 (B) in subparagraph (C), by striking “sub-
8 paragraph (D) or (E) of paragraph (2), as the
9 case may be” and inserting “paragraph
10 (2)(D)”;

11 (C) by amending subparagraph (D) to read
12 as follows:

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

22 “(i) a percentage, the denominator of
23 which is the difference between the full
24 amount computed under paragraph (1) or
25 (2) (as the case may be) for all local edu-

1 cational agencies and the amount of the
2 threshold payment (as calculated under
3 subparagraphs (B) and (C)) of all local
4 educational agencies, and the numerator of
5 which is the aggregate of the excess sums,
6 by;

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

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

15 “(E) INSUFFICIENT PAYMENTS.—For each
16 fiscal year described in subparagraph (A) for
17 which the sums appropriated under section
18 3(d)(2) are insufficient to pay each local edu-
19 cational agency all of the local educational
20 agency’s threshold payment described in sub-
21 paragraph (D), the Secretary shall ratably re-
22 duce the payment to each local educational
23 agency under this paragraph.

24 “(F) INCREASES.—If the sums appro-
25 priated under section 3(d)(2) are sufficient to

1 increase the threshold payment above the 100
2 percent threshold payment described in sub-
3 paragraph (D), then the Secretary shall in-
4 crease payments on the same basis as such pay-
5 ments were reduced, except no local educational
6 agency may receive a payment amount greater
7 than 100 percent of the maximum payment cal-
8 culated under this subsection.”; and

9 (5) in paragraph (4)—

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

12 (B) in subparagraph (B), by striking “sub-
13 paragraph (D) or (E)” and inserting “subpara-
14 graph (C) or (D)”.

15 (c) PRIOR YEAR DATA.—Paragraph (2) of section
16 8003(c) (20 U.S.C. 7703(c)) is amended to read as fol-
17 lows:

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

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

24 “(B) was eligible to receive a payment
25 under this section for the previous fiscal year

1 and has had an overall increase in enrollment
2 (as determined by the Secretary in consultation
3 with the Secretary of Defense, the Secretary of
4 the Interior, or the heads of other Federal
5 agencies)—

6 “(i) of not less than 10 percent, or
7 100 students, of children described in—

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

10 “(II) subparagraph (F) and (G)
11 of subsection (a)(1), but only to the
12 extent such children are civilian de-
13 pendents of employees of the Depart-
14 ment of Defense or the Department of
15 the Interior; and

16 “(ii) that is the direct result of closure
17 or realignment of military installations
18 under the base closure process or the relo-
19 cation of members of the Armed Forces
20 and civilian employees of the Department
21 of Defense as part of the force structure
22 changes or movements of units or per-
23 sonnel between military installations or be-
24 cause of actions initiated by the Secretary

1 of the Interior or the head of another Fed-
2 eral agency; or

3 “(C) was eligible to receive a payment
4 under this section for the previous fiscal year
5 and has had an increase in enrollment (as de-
6 termined by the Secretary)—

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

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

14 (d) CHILDREN WITH DISABILITIES.—Section
15 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
16 “section 8014(c)” and inserting “section 3(d)(3)”.

17 (e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C.
18 7703(e)) is amended—

19 (1) by amending paragraph (1) to read as fol-
20 lows:

21 “(1) IN GENERAL.—Subject to paragraph (2),
22 the total amount the Secretary shall pay a local edu-
23 cational agency under subsection (b)—

24 “(A) for fiscal year 2014, shall not be less
25 than 90 percent of the total amount that the

1 local educational agency received under sub-
2 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
3 year 2013;

4 “(B) for fiscal year 2015, shall not be less
5 than 85 percent of the total amount that the
6 local educational agency received under sub-
7 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
8 year 2013; and

9 “(C) for fiscal year 2016, shall not be less
10 than 80 percent of the total amount that the
11 local educational agency received under sub-
12 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
13 year 2013.”; and

14 (2) by amending paragraph (2) to read as fol-
15 lows:

16 “(2) MAXIMUM AMOUNT.—The total amount
17 provided to a local educational agency under sub-
18 paragraph (A), (B), or C of paragraph (1) for a fis-
19 cal year shall not exceed the maximum basic support
20 payment amount for such agency determined under
21 paragraph (1) or (2) of subsection (b), as the case
22 may be, for such fiscal year.”.

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

1 **SEC. 404. POLICIES AND PROCEDURES RELATING TO CHIL-**
2 **DREN RESIDING ON INDIAN LANDS.**

3 Section 8004(e)(9) is amended by striking “Bureau
4 of Indian Affairs” and inserting “Bureau of Indian Edu-
5 cation”.

6 **SEC. 405. APPLICATION FOR PAYMENTS UNDER SECTIONS**
7 **8002 AND 8003.**

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

11 **SEC. 406. CONSTRUCTION.**

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

13 (1) in subsection (a)—

14 (A) in paragraph (1), by striking “section
15 8014(e)” and inserting “section 3(d)(4)”;

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

18 “(C) The agency is eligible under section
19 4003(b)(2) or is receiving basic support pay-
20 ments under circumstances described in section
21 4003(b)(2)(B)(ii).”; and

22 (C) in paragraph (3), by striking “section
23 8014(e)” each place it appears and inserting
24 “section 3(d)(4)”;

25 (2) in subsection (b)—

1 (A) in paragraph (1), by striking “section
2 8014(e)” and inserting “section 3(d)(4)”;

3 (B) in paragraph (3)—

4 (i) in subparagraph (C)(i)(I), by add-
5 ing at the end the following:

6 “(cc) At least 10 percent of the
7 property in the agency is exempt from
8 State and local taxation under Fed-
9 eral law.”; and

10 (ii) by adding at the end the fol-
11 lowing:

12 “(F) LIMITATIONS ON ELIGIBILITY RE-
13 QUIREMENTS.—The Secretary shall not limit
14 eligibility—

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

24 “(ii) under subparagraph (C)(i)(I)(cc),
25 to those local educational agencies in which

1 more than 10 percent of the property in
2 each such agency is exempt from State and
3 local taxation under Federal law.”;

4 (C) in paragraph (6)—

5 (i) in the matter preceding subpara-
6 graph (A), by striking “in such manner,
7 and accompanied by such information”
8 and inserting “and in such manner”; and

9 (ii) by striking subparagraph (F); and
10 (D) by striking paragraph (7).

11 **SEC. 407. FACILITIES.**

12 Section 8008 (20 U.S.C. 7708) is amended in sub-
13 section (a), by striking “section 8014(f)” and inserting
14 “section 3(d)(5)”.

15 **SEC. 408. STATE CONSIDERATION OF PAYMENTS PRO-**
16 **VIDING STATE AID.**

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

19 **SEC. 409. FEDERAL ADMINISTRATION.**

20 Section 8010(d)(2) (20 U.S.C. 7710(d)(2)) is amend-
21 ed, by striking “section 8014” and inserting “section
22 3(d)”.

1 **SEC. 410. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
2 **VIEW.**

3 Section 8011(a) (20 U.S.C. 7711(a)) is amended by
4 striking “or under the Act” and all the follows through
5 “1994)”.

6 **SEC. 411. DEFINITIONS.**

7 Section 8013 (20 U.S.C. 7713) is amended—

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

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

12 (3) in paragraph (5)(A)(iii)—

13 (A) in subclause (II), by striking “Stewart
14 B. McKinney Homeless Assistance Act” and in-
15 serting “McKinney-Vento Homeless Assistance
16 Act (42 U.S.C. 11411)”;

17 (B) in subclause (III), by inserting before
18 the semicolon, “(25 U.S.C. 4101 et seq.)”;

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

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

23 **SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

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

1 **SEC. 413. CONFORMING AMENDMENTS.**

2 (a) **IMPACT AID IMPROVEMENT ACT OF 2012.**—Sub-
3 section (c) of the Impact Aid Improvement Act of 2012
4 (20 U.S.C. 6301 note) is amended—

5 (1) by striking paragraphs (1) and (4); and

6 (2) by redesignating paragraphs (2) and (3), as
7 paragraphs (1) and (2), respectively.

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

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

15 **“TITLE IV—IMPACT AID”.**

16 (d) **TITLE VIII REFERENCES.**—The Act (20 U.S.C.
17 6301 et seq.) is amended—

18 (1) by redesignating sections 8001 through
19 8005 as sections 4001 through 4005, respectively;

20 (2) by redesignating sections 8007 through
21 8013 as sections 4007 through 4013, respectively;

22 (3) by striking “section 8002” each place it ap-
23 pears and inserting “section 4002”;

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

1 (5) by striking “section 8003” each place it ap-
2 pears and inserting “section 4003”, respectively;

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

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

7 (8) by striking “section 8003(a)(1)(C)” each
8 place it appears and inserting “section
9 4003(a)(1)(C)”;

10 (9) by striking “section 8002(a)(2)” each place
11 it appears and inserting “section 4002(a)(2)”;

12 (10) by striking “section 8003(b)” each place it
13 appears and inserting “section 4003(b)”;

14 (11) by striking “section 8003(b)(1)” each
15 place it appears and inserting “section 4003(b)(1)”;

16 (12) in section 4002(b)(1)(C), by striking “sec-
17 tion 8003(b)(1)(C)” and inserting “section
18 4003(b)(1)(C)”;

19 (13) in section 4002(j)(1) (as so redesignated),
20 by striking “section 8013(5)(C)(iii)” and inserting
21 “section 4013(5)(C)(iii)”;

22 (14) in section 4005 (as so redesignated)—

23 (A) in the section heading, by striking
24 “**8002 AND 8003**” and inserting “**4002 AND**
25 **4003**”;

1 (B) by striking “or 8003” each place it ap-
2 pears and inserting “or 4003”;

3 (C) in subsection (b)(2), by striking “sec-
4 tion 8004” and inserting “section 4004”; and

5 (D) in subsection (d)(2), by striking “sec-
6 tion 8003(e)” and inserting “section 4003(e)”;

7 (15) in section 4007(a)(3)(A)(i) (as so redesign-
8 nated), by striking “section 8008(a)” and inserting
9 “section 4008(a)”;

10 (16) in section 4007(a)(4) (as so redesignated),
11 by striking “section 8013(3)” and inserting “section
12 4013(3)”;

13 (17) in section 4009 (as so redesignated)—

14 (A) in subsection (b)(1)—

15 (i) by striking “or 8003(b)” and in-
16 serting “or 4003(b)”;

17 (ii) by striking “section
18 8003(a)(2)(B)” and inserting “section
19 4003(a)(2)(B)”;

20 (iii) by striking “section 8003(b)(2)”
21 and inserting “section 4003(b)(2)”;

22 (B) by striking “section 8011(a)” each
23 place it appears and inserting “section
24 4011(a)”;

1 (18) in section 4010(c)(2)(D) (as so redesignig-
2 nated) by striking “section 8009(b)” and inserting
3 “section 4009(b)”.

4 **TITLE V—GENERAL PROVISIONS**
5 **FOR THE ACT**

6 **SEC. 501. GENERAL PROVISIONS FOR THE ACT.**

7 (a) AMENDING TITLE V.—Title V (20 U.S.C. 7201
8 et seq.) is amended to read as follows:

9 “TITLE V—GENERAL PROVISIONS

10 “PART A—DEFINITIONS

11 **“SEC. 5101. DEFINITIONS.**

12 “Except as otherwise provided, in this Act:

13 “(1) AVERAGE DAILY ATTENDANCE.—

14 “(A) IN GENERAL.—Except as provided
15 otherwise by State law or this paragraph, the
16 term ‘average daily attendance’ means—

17 “(i) the aggregate number of days of
18 attendance of all students during a school
19 year; divided by

20 “(ii) the number of days school is in
21 session during that year.

22 “(B) CONVERSION.—The Secretary shall
23 permit the conversion of average daily member-
24 ship (or other similar data) to average daily at-
25 tendance for local educational agencies in

1 States that provide State aid to local edu-
2 cational agencies on the basis of average daily
3 membership (or other similar data).

4 “(C) SPECIAL RULE.—If the local edu-
5 cational agency in which a child resides makes
6 a tuition or other payment for the free public
7 education of the child in a school located in an-
8 other school district, the Secretary shall, for the
9 purpose of this Act—

10 “(i) consider the child to be in attend-
11 ance at a school of the agency making the
12 payment; and

13 “(ii) not consider the child to be in at-
14 tendance at a school of the agency receiv-
15 ing the payment.

16 “(D) CHILDREN WITH DISABILITIES.—If a
17 local educational agency makes a tuition pay-
18 ment to a private school or to a public school
19 of another local educational agency for a child
20 with a disability, as defined in section 602 of
21 the Individuals with Disabilities Education Act,
22 the Secretary shall, for the purpose of this Act,
23 consider the child to be in attendance at a
24 school of the agency making the payment.

1 “(2) AVERAGE PER-PUPIL EXPENDITURE.—The
2 term ‘average per-pupil expenditure’ means, in the
3 case of a State or of the United States—

4 “(A) without regard to the source of
5 funds—

6 “(i) the aggregate current expendi-
7 tures, during the third fiscal year pre-
8 ceding the fiscal year for which the deter-
9 mination is made (or, if satisfactory data
10 for that year are not available, during the
11 most recent preceding fiscal year for which
12 satisfactory data are available) of all local
13 educational agencies in the State or, in the
14 case of the United States, for all States
15 (which, for the purpose of this paragraph,
16 means the 50 States and the District of
17 Columbia); plus

18 “(ii) any direct current expenditures
19 by the State for the operation of those
20 agencies; divided by

21 “(B) the aggregate number of children in
22 average daily attendance to whom those agen-
23 cies provided free public education during that
24 preceding year.

1 “(3) CHARTER SCHOOL.—The term ‘charter
2 school’ means a public school that—

3 “(A) in accordance with a specific State
4 statute authorizing the granting of charters to
5 schools, is exempt from significant State or
6 local rules that inhibit the flexible operation
7 and management of public schools, but not
8 from any rules relating to the other require-
9 ments of this paragraph;

10 “(B) is created by a developer as a public
11 school, or is adapted by a developer from an ex-
12 isting public school, and is operated under pub-
13 lic supervision and direction;

14 “(C) operates in pursuit of a specific set of
15 educational objectives determined by the
16 school’s developer and agreed to by the author-
17 ized public chartering agency;

18 “(D) provides a program of elementary or
19 secondary education, or both;

20 “(E) is nonsectarian in its programs, ad-
21 missions policies, employment practices, and all
22 other operations, and is not affiliated with a
23 sectarian school or religious institution;

24 “(F) does not charge tuition;

1 “(G) complies with the Age Discrimination
2 Act of 1975, title VI of the Civil Rights Act of
3 1964, title IX of the Education Amendments of
4 1972, section 504 of the Rehabilitation Act of
5 1973, and part B of the Individuals with Dis-
6 abilities Education Act;

7 “(H) is a school to which parents choose to
8 send their children, and that admits students
9 on the basis of a lottery, if more students apply
10 for admission than can be accommodated;

11 “(I) agrees to comply with the same Fed-
12 eral and State audit requirements as do other
13 elementary schools and secondary schools in the
14 State, unless such requirements are specifically
15 waived for the purpose of this program;

16 “(J) meets all applicable Federal, State,
17 and local health and safety requirements;

18 “(K) operates in accordance with State
19 law;

20 “(L) has a written performance contract
21 with the authorized public chartering agency in
22 the State that includes a description of how
23 student performance will be measured in char-
24 ter schools pursuant to State assessments that
25 are required of other schools and pursuant to

1 any other assessments mutually agreeable to
2 the authorized public chartering agency and the
3 charter school; and

4 “(M) may serve prekindergarten or post
5 secondary students.

6 “(4) CHILD.—The term ‘child’ means any per-
7 son within the age limits for which the State pro-
8 vides free public education.

9 “(5) CHILD WITH A DISABILITY.—The term
10 ‘child with a disability’ has the same meaning given
11 that term in section 602 of the Individuals with Dis-
12 abilities Education Act.

13 “(6) COMMUNITY-BASED ORGANIZATION.—The
14 term ‘community-based organization’ means a public
15 or private nonprofit organization of demonstrated ef-
16 fectiveness that—

17 “(A) is representative of a community or
18 significant segments of a community; and

19 “(B) provides educational or related serv-
20 ices to individuals in the community.

21 “(7) CONSOLIDATED LOCAL APPLICATION.—
22 The term ‘consolidated local application’ means an
23 application submitted by a local educational agency
24 pursuant to section 5305.

1 “(8) CONSOLIDATED LOCAL PLAN.—The term
2 ‘consolidated local plan’ means a plan submitted by
3 a local educational agency pursuant to section 5305.

4 “(9) CONSOLIDATED STATE APPLICATION.—
5 The term ‘consolidated State application’ means an
6 application submitted by a State educational agency
7 pursuant to section 5302.

8 “(10) CONSOLIDATED STATE PLAN.—The term
9 ‘consolidated State plan’ means a plan submitted by
10 a State educational agency pursuant to section
11 5302.

12 “(11) CORE ACADEMIC SUBJECTS.—The term
13 ‘core academic subjects’ means English, reading or
14 language arts, mathematics, science, foreign lan-
15 guages, civics and government, economics, arts, his-
16 tory, and geography.

17 “(12) COUNTY.—The term ‘county’ means one
18 of the divisions of a State used by the Secretary of
19 Commerce in compiling and reporting data regard-
20 ing counties.

21 “(13) COVERED PROGRAM.—The term ‘covered
22 program’ means each of the programs authorized
23 by—

24 “(A) part A of title I;

25 “(B) title II; and

1 “(C) title III.

2 “(14) CURRENT EXPENDITURES.—The term
3 ‘current expenditures’ means expenditures for free
4 public education—

5 “(A) including expenditures for adminis-
6 tration, instruction, attendance and health serv-
7 ices, pupil transportation services, operation
8 and maintenance of plant, fixed charges, and
9 net expenditures to cover deficits for food serv-
10 ices and student body activities; but

11 “(B) not including expenditures for com-
12 munity services, capital outlay, and debt serv-
13 ice, or any expenditures made from funds re-
14 ceived under title I.

15 “(15) DEPARTMENT.—The term ‘Department’
16 means the Department of Education.

17 “(16) DIRECT STUDENT SERVICES.—The term
18 ‘direct student services’ means public school choice
19 or high-quality academic tutoring that are designed
20 to help increase academic achievement for students.

21 “(17) DISTANCE EDUCATION.—The term ‘dis-
22 tance education’ means the use of one or more tech-
23 nologies to deliver instruction to students who are
24 separated from the instructor and to support regular
25 and substantive interaction between the students

1 and the instructor synchronously or nonsyn-
2 chronously.

3 “(18) EDUCATIONAL SERVICE AGENCY.—The
4 term ‘educational service agency’ means a regional
5 public multiservice agency authorized by State stat-
6 ute to develop, manage, and provide services or pro-
7 grams to local educational agencies.

8 “(19) ELEMENTARY SCHOOL.—The term ‘ele-
9 mentary school’ means a nonprofit institutional day
10 or residential school, including a public elementary
11 charter school, that provides elementary education,
12 as determined under State law.

13 “(20) ENGLISH LEARNER.—The term ‘English
14 learner’, when used with respect to an individual,
15 means an individual—

16 “(A) who is aged 3 through 21;

17 “(B) who is enrolled or preparing to enroll
18 in an elementary school or secondary school;

19 “(C)(i) who was not born in the United
20 States or whose native language is a language
21 other than English;

22 “(ii)(I) who is a Native American or Alas-
23 ka Native, or a native resident of the outlying
24 areas; and

1 “(II) who comes from an environment
2 where a language other than English has had
3 a significant impact on the individual’s level of
4 English language proficiency; or

5 “(iii) who is migratory, whose native lan-
6 guage is a language other than English, and
7 who comes from an environment where a lan-
8 guage other than English is dominant; and

9 “(D) whose difficulties in speaking, read-
10 ing, writing, or understanding the English lan-
11 guage may be sufficient to deny the indi-
12 vidual—

13 “(i) the ability to meet the State’s
14 academic standards described in section
15 1111;

16 “(ii) the ability to successfully achieve
17 in classrooms where the language of in-
18 struction is English; or

19 “(iii) the opportunity to participate
20 fully in society.

21 “(21) EXTENDED-YEAR ADJUSTED COHORT
22 GRADUATION RATE.—

23 “(A) IN GENERAL.—The term ‘extended-
24 year adjusted cohort graduation rate’ means the
25 ratio where—

1 “(i) the denominator consists of the
2 number of students who form the original
3 cohort of students who entered the entry
4 grade together in the entry year of high
5 school, adjusted by—

6 “(I) adding the students who
7 joined that cohort, after the time of
8 the determination of the original co-
9 hort; and

10 “(II) subtracting only those stu-
11 dents who left that cohort, after the
12 time of the determination of the origi-
13 nal cohort, as described in subpara-
14 graph (B); and

15 “(ii) the numerator consists of the
16 number of students in the cohort, as ad-
17 justed under clause (i), who earned a reg-
18 ular high school diploma before, during, or
19 at the conclusion of—

20 “(I) one or more additional years
21 beyond the fourth year of high school;
22 or

23 “(II) a summer session imme-
24 diately following the additional year of
25 high school.

1 “(B) COHORT REMOVAL.—To remove a
2 student from a cohort, a school or local edu-
3 cational agency shall require documentation to
4 confirm that the student has transferred out,
5 emigrated to another country, transferred to a
6 prison or juvenile facility, or is deceased.

7 “(C) TRANSFERRED OUT.—

8 “(i) IN GENERAL.—For purposes of
9 this paragraph, the term ‘transferred out’
10 means a student who the high school or
11 local educational agency has confirmed, ac-
12 cording to clause (ii), has transferred—

13 “(I) to another school from which
14 the student is expected to receive a
15 regular high school diploma; or

16 “(II) to another educational pro-
17 gram from which the student is ex-
18 pected to receive a regular high school
19 diploma.

20 “(ii) CONFIRMATION REQUIRE-
21 MENTS.—

22 “(I) DOCUMENTATION RE-
23 QUIRED.—The confirmation of a stu-
24 dent’s transfer to another school or
25 educational program described in

1 clause (i) requires documentation
2 from the receiving school or program
3 that the student enrolled in the receiv-
4 ing school or program.

5 “(II) LACK OF CONFIRMATION.—
6 A student who was enrolled, but for
7 whom there is no confirmation of the
8 student having transferred out, shall
9 remain in the extended-year adjusted
10 cohort.

11 “(iii) PROGRAMS NOT PROVIDING
12 CREDIT.—A student who is retained in
13 grade or who is enrolled in a GED or other
14 alternative educational program that does
15 not issue or provide credit toward the
16 issuance of a regular high school diploma
17 shall not be considered transferred out and
18 shall remain in the extended-year adjusted
19 cohort.

20 “(D) SPECIAL RULE.—For those high
21 schools that start after grade 9, the original co-
22 hort shall be calculated for the earliest high
23 school grade students attend no later than the
24 effective date for student membership data sub-
25 mitted annually by State educational agencies

1 to the National Center for Education Statistics
2 pursuant to section 153 of the Education
3 Sciences Reform Act.

4 “(22) FAMILY LITERACY SERVICES.—The term
5 ‘family literacy services’ means services provided to
6 participants on a voluntary basis that are of suffi-
7 cient intensity in terms of hours, and of sufficient
8 duration, to make sustainable changes in a family,
9 and that integrate all of the following activities:

10 “(A) Interactive literacy activities between
11 parents and their children.

12 “(B) Training for parents regarding how
13 to be the primary teacher for their children and
14 full partners in the education of their children.

15 “(C) Parent literacy training that leads to
16 economic self-sufficiency.

17 “(D) An age-appropriate education to pre-
18 pare children for success in school and life ex-
19 periences.

20 “(23) FOUR-YEAR ADJUSTED COHORT GRADUA-
21 TION RATE.—

22 “(A) IN GENERAL.—The term ‘four-year
23 adjusted cohort graduation rate’ means the
24 ratio where—

1 “(i) the denominator consists of the
2 number of students who form the original
3 cohort of entering first-time 9th grade stu-
4 dents enrolled in the high school no later
5 than the effective date for student mem-
6 bership data submitted annually by State
7 educational agencies to the National Cen-
8 ter for Education Statistics pursuant to
9 section 153 of the Education Sciences Re-
10 form Act, adjusted by—

11 “(I) adding the students who
12 joined that cohort, after the time of
13 the determination of the original co-
14 hort; and

15 “(II) subtracting only those stu-
16 dents who left that cohort, after the
17 time of the determination of the origi-
18 nal cohort, as described in subpara-
19 graph (B); and

20 “(ii) the numerator consists of the
21 number of students in the cohort, as ad-
22 justed under clause (i), who earned a reg-
23 ular high school diploma before, during, or
24 at the conclusion of—

1 “(I) the fourth year of high
2 school; or

3 “(II) a summer session imme-
4 diately following the fourth year of
5 high school.

6 “(B) COHORT REMOVAL.—To remove a
7 student from a cohort, a school or local edu-
8 cational agency shall require documentation to
9 confirm that the student has transferred out,
10 emigrated to another country, transferred to a
11 prison or juvenile facility, or is deceased.

12 “(C) TRANSFERRED OUT.—

13 “(i) IN GENERAL.—For purposes of
14 this paragraph, the term ‘transferred out’
15 means a student who the high school or
16 local educational agency has confirmed, ac-
17 cording to clause (ii), has transferred—

18 “(I) to another school from which
19 the student is expected to receive a
20 regular high school diploma; or

21 “(II) to another educational pro-
22 gram from which the student is ex-
23 pected to receive a regular high school
24 diploma.

1 “(ii) CONFIRMATION REQUIRE-
2 MENTS.—

3 “(I) DOCUMENTATION RE-
4 QUIRED.—The confirmation of a stu-
5 dent’s transfer to another school or
6 educational program described in
7 clause (i) requires documentation
8 from the receiving school or program
9 that the student enrolled in the receiv-
10 ing school or program.

11 “(II) LACK OF CONFIRMATION.—
12 A student who was enrolled, but for
13 whom there is no confirmation of the
14 student having transferred out, shall
15 remain in the adjusted cohort.

16 “(iii) PROGRAMS NOT PROVIDING
17 CREDIT.—A student who is retained in
18 grade or who is enrolled in a GED or other
19 alternative educational program that does
20 not issue or provide credit toward the
21 issuance of a regular high school diploma
22 shall not be considered transferred out and
23 shall remain in the adjusted cohort.

24 “(D) SPECIAL RULE.—For those high
25 schools that start after grade 9, the original co-

1 hort shall be calculated for the earliest high
2 school grade students attend no later than the
3 effective date for student membership data sub-
4 mitted annually by State educational agencies
5 to the National Center for Education Statistics
6 pursuant to section 153 of the Education
7 Sciences Reform Act.

8 “(24) FREE PUBLIC EDUCATION.—The term
9 ‘free public education’ means education that is pro-
10 vided—

11 “(A) at public expense, under public super-
12 vision and direction, and without tuition charge;
13 and

14 “(B) as elementary school or secondary
15 school education as determined under applicable
16 State law, except that the term does not include
17 any education provided beyond grade 12.

18 “(25) HIGH-QUALITY ACADEMIC TUTORING.—
19 The term ‘high-quality academic tutoring’ means
20 supplemental academic services that—

21 “(A) are in addition to instruction pro-
22 vided during the school day;

23 “(B) are provided by a non-governmental
24 entity or local educational agency that—

1 “(i) is included on a State educational
2 agency approved provider list after dem-
3 onstrating to the State educational agency
4 that its program consistently improves the
5 academic achievement of students; and

6 “(ii) agrees to provide parents of chil-
7 dren receiving high-quality academic tutor-
8 ing, the appropriate local educational agen-
9 cy, and school with information on partici-
10 pating students increases in academic
11 achievement, in a format, and to the extent
12 practicable, a language that such parent
13 can understand, and in a manner that pro-
14 tects the privacy of individuals consistent
15 with section 444 of the General Education
16 Provisions Act (20 U.S.C. 1232g);

17 “(C) are selected by the parents of stu-
18 dents who are identified by the local educational
19 agency as being eligible for such services from
20 among providers on the approved provider list
21 described in subparagraph (B)(i);

22 “(D) meet all applicable Federal, State,
23 and local health, safety, and civil rights laws;
24 and

1 “(E) ensure that all instruction and con-
2 tent are secular, neutral, and non-ideological.

3 “(26) HIGH SCHOOL.—The term ‘high school’
4 means a secondary school that—

5 “(A) grants a diploma, as defined by the
6 State; and

7 “(B) includes, at least, grade 12.

8 “(27) INSTITUTION OF HIGHER EDUCATION.—
9 The term ‘institution of higher education’ has the
10 meaning given that term in section 101(a) of the
11 Higher Education Act of 1965.

12 “(28) LOCAL EDUCATIONAL AGENCY.—

13 “(A) IN GENERAL.—The term ‘local edu-
14 cational agency’ means a public board of edu-
15 cation or other public authority legally con-
16 stituted within a State for either administrative
17 control or direction of, or to perform a service
18 function for, public elementary schools or sec-
19 ondary schools in a city, county, township,
20 school district, or other political subdivision of
21 a State, or of or for a combination of school
22 districts or counties that is recognized in a
23 State as an administrative agency for its public
24 elementary schools or secondary schools.

1 “(B) ADMINISTRATIVE CONTROL AND DI-
2 RECTION.—The term includes any other public
3 institution or agency having administrative con-
4 trol and direction of a public elementary school
5 or secondary school.

6 “(C) BIE SCHOOLS.—The term includes
7 an elementary school or secondary school fund-
8 ed by the Bureau of Indian Education but only
9 to the extent that including the school makes
10 the school eligible for programs for which spe-
11 cific eligibility is not provided to the school in
12 another provision of law and the school does not
13 have a student population that is smaller than
14 the student population of the local educational
15 agency receiving assistance under this Act with
16 the smallest student population, except that the
17 school shall not be subject to the jurisdiction of
18 any State educational agency other than the
19 Bureau of Indian Education.

20 “(D) EDUCATIONAL SERVICE AGENCIES.—
21 The term includes educational service agencies
22 and consortia of those agencies.

23 “(E) STATE EDUCATIONAL AGENCY.—The
24 term includes the State educational agency in a
25 State in which the State educational agency is

1 the sole educational agency for all public
2 schools.

3 “(29) NATIVE AMERICAN AND NATIVE AMER-
4 ICAN LANGUAGE.—The terms ‘Native American’ and
5 ‘Native American language’ have the same meaning
6 given those terms in section 103 of the Native
7 American Languages Act of 1990.

8 “(30) OTHER STAFF.—The term ‘other staff’
9 means specialized instructional support personnel, li-
10 brarians, career guidance and counseling personnel,
11 education aides, and other instructional and admin-
12 istrative personnel.

13 “(31) OUTLYING AREA.—The term ‘outlying
14 area’—

15 “(A) means American Samoa, the Com-
16 monwealth of the Northern Mariana Islands,
17 Guam, and the United States Virgin Islands;

18 “(B) means the Republic of Palau, to the
19 extent permitted under section 105(f)(1)(B)(ix)
20 of the Compact of Free Association Amend-
21 ments Act of 2003 (Public Law 99–658; 117
22 Stat. 2751) and until an agreement for the ex-
23 tension of United States education assistance
24 under the Compact of Free Association becomes
25 effective for the Republic of Palau; and

1 “(C) for the purpose of any discretionary
2 grant program under this Act, includes the Re-
3 public of the Marshall Islands and the Fed-
4 erated States of Micronesia, to the extent per-
5 mitted under section 105(f)(1)(B)(viii) of the
6 Compact of Free Association Amendments Act
7 of 2003 (Public Law 108–188; 117 Stat.
8 2751).

9 “(32) PARENT.—The term ‘parent’ includes a
10 legal guardian or other person standing in loco
11 parentis (such as a grandparent, stepparent, or fos-
12 ter parent with whom the child lives, or a person
13 who is legally responsible for the child’s welfare).

14 “(33) PARENTAL INVOLVEMENT.—The term
15 ‘parental involvement’ means the participation of
16 parents in regular, two-way, and meaningful commu-
17 nication involving student academic learning and
18 other school activities, including ensuring—

19 “(A) that parents play an integral role in
20 assisting in their child’s learning;

21 “(B) that parents are encouraged to be ac-
22 tively involved in their child’s education at
23 school;

24 “(C) that parents are full partners in their
25 child’s education and are included, as appro-

1 appropriate, in decisionmaking and on advisory com-
2 mittees to assist in the education of their child;
3 and

4 “(D) the carrying out of other activities,
5 such as those described in section 1118.

6 “(34) POVERTY LINE.—The term ‘poverty line’
7 means the poverty line (as defined by the Office of
8 Management and Budget and revised annually in ac-
9 cordance with section 673(2) of the Community
10 Services Block Grant Act) applicable to a family of
11 the size involved.

12 “(35) PROFESSIONAL DEVELOPMENT.—The
13 term ‘professional development’—

14 “(A) includes evidence-based, job-embed-
15 ded, continuous activities that—

16 “(i) improve and increase teachers’
17 knowledge of the academic subjects the
18 teachers teach, and enable teachers to be-
19 come effective educators;

20 “(ii) are an integral part of broad
21 schoolwide and districtwide educational im-
22 provement plans;

23 “(iii) give teachers, school leaders,
24 other staff, and administrators the knowl-
25 edge and skills to provide students with

1 the opportunity to meet State academic
2 standards;

3 “(iv) improve classroom management
4 skills;

5 “(v)(I) have a positive and lasting im-
6 pact on classroom instruction and the
7 teacher’s performance in the classroom;
8 and

9 “(II) are not 1-day or short-term
10 workshops or conferences;

11 “(vi) support the recruiting, hiring,
12 and training of effective teachers, including
13 teachers who became certified or licensed
14 through State and local alternative routes
15 to certification;

16 “(vii) advance teacher understanding
17 of effective instructional strategies that are
18 strategies for improving student academic
19 achievement or substantially increasing the
20 knowledge and teaching skills of teachers,
21 including through addressing the social
22 and emotional development needs of stu-
23 dents;

24 “(viii) are aligned with and directly
25 related to—

1 “(I) State academic standards
2 and assessments; and

3 “(II) the curricula and programs
4 tied to the standards described in sub-
5 clause (I);

6 “(ix) are developed with extensive par-
7 ticipation of teachers, school leaders, par-
8 ents, and administrators of schools to be
9 served under this Act;

10 “(x) are designed to give teachers of
11 English learners and other teachers and
12 instructional staff, the knowledge and
13 skills to provide instruction and appro-
14 priate language and academic support
15 services to those children, including the ap-
16 propriate use of curricula and assessments;

17 “(xi) to the extent appropriate, pro-
18 vide training for teachers, other staff, and
19 school leaders in the use of technology so
20 that technology and technology applica-
21 tions are effectively used to improve teach-
22 ing and learning in the curricula and core
23 academic subjects in which the students re-
24 ceive instruction;

1 “(xii) as a whole, are regularly evalu-
2 ated for their impact on increased teacher
3 effectiveness and improved student aca-
4 demic achievement, with the findings of
5 the evaluations used to improve the quality
6 of the professional development;

7 “(xiii) provide instruction in methods
8 of teaching children with special needs;

9 “(xiv) include instruction in the use of
10 data and assessments to inform and in-
11 struct classroom practice; and

12 “(xv) include instruction in ways that
13 teachers, school leaders, specialized in-
14 structional support personnel, other staff,
15 and school administrators may work more
16 effectively with parents; and

17 “(B) may include evidence-based, job-em-
18 bedded, continuous activities that—

19 “(i) involve the forming of partner-
20 ships with institutions of higher education
21 to establish school-based teacher training
22 programs that provide prospective teachers
23 and new teachers with an opportunity to
24 work under the guidance of experienced
25 teachers and college faculty;

1 “(ii) create programs to enable para-
2 professionals (assisting teachers employed
3 by a local educational agency receiving as-
4 sistance under subpart 1 of part A of title
5 I) to obtain the education necessary for
6 those paraprofessionals to become certified
7 and licensed teachers; and

8 “(iii) provide follow-up training to in-
9 dividuals who have participated in activi-
10 ties described in subparagraph (A) or an-
11 other clause of this subparagraph that are
12 designed to ensure that the knowledge and
13 skills learned by the teachers are imple-
14 mented in the classroom.

15 “(36) REGULAR HIGH SCHOOL DIPLOMA.—

16 “(A) IN GENERAL.—The term ‘regular
17 high school diploma’ means the standard high
18 school diploma awarded to the preponderance of
19 students in the State that is fully aligned with
20 State standards, or a higher diploma. Such
21 term shall not include a GED or other recog-
22 nized equivalent of a diploma, a certificate of
23 attendance, or any lesser diploma award.

24 “(B) EXCEPTION FOR STUDENTS WITH
25 SIGNIFICANT COGNITIVE DISABILITIES.—For a

1 student who is assessed using an alternate as-
2 sessment aligned to alternate academic stand-
3 ards under section 1111(b)(1)(D), receipt of a
4 regular high school diploma as defined under
5 subparagraph (A) or a State-defined alternate
6 diploma obtained within the time period for
7 which the State ensures the availability of a
8 free appropriate public education and in accord-
9 ance with section 612(a)(1) of the Individuals
10 with Disabilities Education Act shall be counted
11 as graduating with a regular high school di-
12 ploma for the purposes of this Act.

13 “(37) SCHOOL LEADER.—The term ‘school
14 leader’ means a principal, assistant principal, or
15 other individual who is—

16 “(A) an employee or officer of a school,
17 local educational agency, or other entity oper-
18 ating the school; and

19 “(B) responsible for—

20 “(i) the daily instructional leadership
21 and managerial operations of the school;
22 and

23 “(ii) creating the optimum conditions
24 for student learning.

1 “(38) SECONDARY SCHOOL.—The term ‘sec-
2 ondary school’ means a nonprofit institutional day or
3 residential school, including a public secondary char-
4 ter school, that provides secondary education, as de-
5 termined under State law, except that the term does
6 not include any education beyond grade 12.

7 “(39) SECRETARY.—The term ‘Secretary’
8 means the Secretary of Education.

9 “(40) SPECIALIZED INSTRUCTIONAL SUPPORT
10 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT
11 SERVICES.—

12 “(A) SPECIALIZED INSTRUCTIONAL SUP-
13 PORT PERSONNEL.—The term ‘specialized in-
14 structional support personnel’ means school
15 counselors, school social workers, school psy-
16 chologists, and other qualified professional per-
17 sonnel involved in providing assessment, diag-
18 nosis, counseling, educational, therapeutic, and
19 other necessary services (including related serv-
20 ices as that term is defined in section 602 of
21 the Individuals with Disabilities Education Act)
22 as part of a comprehensive program to meet
23 student needs.

24 “(B) SPECIALIZED INSTRUCTIONAL SUP-
25 PORT SERVICES.—The term ‘specialized instruc-

1 tional support services’ means the services pro-
2 vided by specialized instructional support per-
3 sonnel.

4 “(41) STATE.—The term ‘State’ means each of
5 the 50 States, the District of Columbia, the Com-
6 monwealth of Puerto Rico, and each of the outlying
7 areas.

8 “(42) STATE EDUCATIONAL AGENCY.—The
9 term ‘State educational agency’ means the agency
10 primarily responsible for the State supervision of
11 public elementary schools and secondary schools.

12 “(43) TECHNOLOGY.—The term ‘technology’
13 means modern information, computer and commu-
14 nication technology products, services, or tools, in-
15 cluding, but not limited to, the Internet and other
16 communications networks, computer devices and
17 other computer and communications hardware, soft-
18 ware applications, data systems, and other electronic
19 content and data storage.

20 **“SEC. 5102. APPLICABILITY OF TITLE.**

21 “Parts B, C, D, and E of this title do not apply to
22 title IV of this Act.

1 **“SEC. 5103. APPLICABILITY TO BUREAU OF INDIAN EDU-**
2 **CATION OPERATED SCHOOLS.**

3 “For the purpose of any competitive program under
4 this Act—

5 “(1) a consortium of schools operated by the
6 Bureau of Indian Education;

7 “(2) a school operated under a contract or
8 grant with the Bureau of Indian Education in con-
9 sortium with another contract or grant school or a
10 tribal or community organization; or

11 “(3) a Bureau of Indian Education school in
12 consortium with an institution of higher education,
13 a contract or grant school, or a tribal or community
14 organization,

15 shall be given the same consideration as a local edu-
16 cational agency.

17 “PART B—FLEXIBILITY IN THE USE OF
18 ADMINISTRATIVE AND OTHER FUNDS

19 **“SEC. 5201. CONSOLIDATION OF STATE ADMINISTRATIVE**
20 **FUNDS FOR ELEMENTARY AND SECONDARY**
21 **EDUCATION PROGRAMS.**

22 “(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

23 “(1) IN GENERAL.—A State educational agency
24 may consolidate the amounts specifically made avail-
25 able to it for State administration under one or
26 more of the programs under paragraph (2).

1 “(2) APPLICABILITY.—This section applies to
2 any program under this Act under which funds are
3 authorized to be used for administration, and such
4 other programs as the Secretary may designate.

5 “(b) USE OF FUNDS.—

6 “(1) IN GENERAL.—A State educational agency
7 shall use the amount available under this section for
8 the administration of the programs included in the
9 consolidation under subsection (a).

10 “(2) ADDITIONAL USES.—A State educational
11 agency may also use funds available under this sec-
12 tion for administrative activities designed to enhance
13 the effective and coordinated use of funds under pro-
14 grams included in the consolidation under subsection
15 (a), such as—

16 “(A) the coordination of those programs
17 with other Federal and non-Federal programs;

18 “(B) the establishment and operation of
19 peer-review mechanisms under this Act;

20 “(C) the administration of this title;

21 “(D) the dissemination of information re-
22 garding model programs and practices;

23 “(E) technical assistance under any pro-
24 gram under this Act;

1 “(F) State-level activities designed to carry
2 out this title;

3 “(G) training personnel engaged in audit
4 and other monitoring activities; and

5 “(H) implementation of the Cooperative
6 Audit Resolution and Oversight Initiative of the
7 Department.

8 “(c) RECORDS.—A State educational agency that
9 consolidates administrative funds under this section shall
10 not be required to keep separate records, by individual
11 program, to account for costs relating to the administra-
12 tion of programs included in the consolidation under sub-
13 section (a).

14 “(d) REVIEW.—To determine the effectiveness of
15 State administration under this section, the Secretary may
16 periodically review the performance of State educational
17 agencies in using consolidated administrative funds under
18 this section and take such steps as the Secretary finds
19 appropriate to ensure the effectiveness of that administra-
20 tion.

21 “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State
22 educational agency does not use all of the funds available
23 to the agency under this section for administration, the
24 agency may use those funds during the applicable period

1 of availability as funds available under one or more pro-
2 grams included in the consolidation under subsection (a).

3 “(f) CONSOLIDATION OF FUNDS FOR STANDARDS
4 AND ASSESSMENT DEVELOPMENT.—In order to develop
5 State academic standards and assessments, a State edu-
6 cational agency may consolidate the amounts described in
7 subsection (a) for those purposes under title I.

8 **“SEC. 5202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

9 “A State educational agency that also serves as a
10 local educational agency shall, in its applications or plans
11 under this Act, describe how the agency will eliminate du-
12 plication in conducting administrative functions.

13 **“SEC. 5203. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**
14 **OF THE INTERIOR FUNDS.**

15 “(a) GENERAL AUTHORITY.—

16 “(1) TRANSFER.—The Secretary shall transfer
17 to the Department of the Interior, as a consolidated
18 amount for covered programs, the Indian education
19 programs under subpart 6 of part A of title I, and
20 the education for homeless children and youth pro-
21 gram under subtitle B of title VII of the McKinney-
22 Vento Homeless Assistance Act, the amounts allot-
23 ted to the Department of the Interior under those
24 programs.

25 “(2) AGREEMENT.—

1 “(A) IN GENERAL.—The Secretary and the
2 Secretary of the Interior shall enter into an
3 agreement, consistent with the requirements of
4 the programs specified in paragraph (1), for the
5 distribution and use of those program funds
6 under terms that the Secretary determines best
7 meet the purposes of those programs.

8 “(B) CONTENTS.—The agreement shall—
9 “(i) set forth the plans of the Sec-
10 retary of the Interior for the use of the
11 amount transferred and the achievement
12 measures to assess program effectiveness;
13 and

14 “(ii) be developed in consultation with
15 Indian tribes.

16 “(b) ADMINISTRATION.—The Department of the In-
17 terior may use not more than 1.5 percent of the funds
18 consolidated under this section for its costs related to the
19 administration of the funds transferred under this section.

20 “PART C—COORDINATION OF PROGRAMS; CONSOLI-
21 DATED STATE AND LOCAL PLANS AND APPLICA-
22 TIONS

23 “SEC. 5301. PURPOSES.

24 “The purposes of this part are—

1 “(1) to improve teaching and learning by en-
2 couraging greater cross-program coordination, plan-
3 ning, and service delivery;

4 “(2) to provide greater flexibility to State and
5 local authorities through consolidated plans, applica-
6 tions, and reporting; and

7 “(3) to enhance the integration of programs
8 under this Act with State and local programs.

9 **“SEC. 5302. OPTIONAL CONSOLIDATED STATE PLANS OR**
10 **APPLICATIONS.**

11 “(a) GENERAL AUTHORITY.—

12 “(1) SIMPLIFICATION.—In order to simplify ap-
13 plication requirements and reduce the burden for
14 State educational agencies under this Act, the Sec-
15 retary, in accordance with subsection (b), shall es-
16 tablish procedures and criteria under which, after
17 consultation with the Governor, a State educational
18 agency may submit a consolidated State plan or a
19 consolidated State application meeting the require-
20 ments of this section for—

21 “(A) each of the covered programs in
22 which the State participates; and

23 “(B) such other programs as the Secretary
24 may designate.

1 “(2) CONSOLIDATED APPLICATIONS AND
2 PLANS.—After consultation with the Governor, a
3 State educational agency that submits a consolidated
4 State plan or a consolidated State application under
5 this section shall not be required to submit separate
6 State plans or applications under any of the pro-
7 grams to which the consolidated State plan or con-
8 solidated State application under this section ap-
9 plies.

10 “(b) COLLABORATION.—

11 “(1) IN GENERAL.—In establishing criteria and
12 procedures under this section, the Secretary shall
13 collaborate with State educational agencies and, as
14 appropriate, with other State agencies, local edu-
15 cational agencies, public and private agencies, orga-
16 nizations, and institutions, private schools, and par-
17 ents, students, and teachers.

18 “(2) CONTENTS.—Through the collaborative
19 process described in paragraph (1), the Secretary
20 shall establish, for each program under this Act to
21 which this section applies, the descriptions, informa-
22 tion, assurances, and other material required to be
23 included in a consolidated State plan or consolidated
24 State application.

1 “(3) NECESSARY MATERIALS.—The Secretary
2 shall require only descriptions, information, assur-
3 ances (including assurances of compliance with ap-
4 plicable provisions regarding participation by private
5 school children and teachers), and other materials
6 that are absolutely necessary for the consideration of
7 the consolidated State plan or consolidated State ap-
8 plication.

9 **“SEC. 5303. CONSOLIDATED REPORTING.**

10 “(a) IN GENERAL.—In order to simplify reporting re-
11 quirements and reduce reporting burdens, the Secretary
12 shall establish procedures and criteria under which a State
13 educational agency, in consultation with the Governor of
14 the State, may submit a consolidated State annual report.

15 “(b) CONTENTS.—The report shall contain informa-
16 tion about the programs included in the report, including
17 the performance of the State under those programs, and
18 other matters as the Secretary determines are necessary,
19 such as monitoring activities.

20 “(c) REPLACEMENT.—The report shall replace sepa-
21 rate individual annual reports for the programs included
22 in the consolidated State annual report.

1 **“SEC. 5304. GENERAL APPLICABILITY OF STATE EDU-**
2 **CATIONAL AGENCY ASSURANCES.**

3 “(a) ASSURANCES.—A State educational agency, in
4 consultation with the Governor of the State, that submits
5 a consolidated State plan or consolidated State application
6 under this Act, whether separately or under section 5302,
7 shall have on file with the Secretary a single set of assur-
8 ances, applicable to each program for which the plan or
9 application is submitted, that provides that—

10 “(1) each such program will be administered in
11 accordance with all applicable statutes, regulations,
12 program plans, and applications;

13 “(2)(A) the control of funds provided under
14 each such program and title to property acquired
15 with program funds will be in a public agency, an
16 eligible private agency, institution, or organization,
17 or an Indian tribe, if the law authorizing the pro-
18 gram provides for assistance to those entities; and

19 “(B) the public agency, eligible private agency,
20 institution, or organization, or Indian tribe will ad-
21 minister those funds and property to the extent re-
22 quired by the authorizing law;

23 “(3) the State will adopt and use proper meth-
24 ods of administering each such program, including—

25 “(A) the enforcement of any obligations
26 imposed by law on agencies, institutions, orga-

1 nizations, and other recipients responsible for
2 carrying out each program;

3 “(B) the correction of deficiencies in pro-
4 gram operations that are identified through au-
5 dits, monitoring, or evaluation; and

6 “(C) the adoption of written procedures for
7 the receipt and resolution of complaints alleging
8 violations of law in the administration of the
9 programs;

10 “(4) the State will cooperate in carrying out
11 any evaluation of each such program conducted by
12 or for the Secretary or other Federal officials;

13 “(5) the State will use such fiscal control and
14 fund accounting procedures that will ensure proper
15 disbursement of, and accounting for, Federal funds
16 paid to the State under each such program;

17 “(6) the State will—

18 “(A) make reports to the Secretary as may
19 be necessary to enable the Secretary to perform
20 the Secretary’s duties under each such pro-
21 gram; and

22 “(B) maintain such records, provide such
23 information to the Secretary, and afford such
24 access to the records as the Secretary may find

1 necessary to carry out the Secretary’s duties;
2 and

3 “(7) before the plan or application was sub-
4 mitted to the Secretary, the State afforded a reason-
5 able opportunity for public comment on the plan or
6 application and considered such comment.

7 “(b) GEPA PROVISION.—Section 441 of the General
8 Education Provisions Act shall not apply to programs
9 under this Act.

10 **“SEC. 5305. CONSOLIDATED LOCAL PLANS OR APPLICA-**
11 **TIONS.**

12 “(a) GENERAL AUTHORITY.—

13 “(1) CONSOLIDATED PLAN.—A local edu-
14 cational agency receiving funds under more than one
15 covered program may submit plans or applications
16 to the State educational agency under those pro-
17 grams on a consolidated basis.

18 “(2) AVAILABILITY TO GOVERNOR.—The State
19 educational agency shall make any consolidated local
20 plans and applications available to the Governor.

21 “(b) REQUIRED CONSOLIDATED PLANS OR APPLICA-
22 TIONS.—A State educational agency that has an approved
23 consolidated State plan or application under section 5302
24 may require local educational agencies in the State receiv-
25 ing funds under more than one program included in the

1 consolidated State plan or consolidated State application
2 to submit consolidated local plans or applications under
3 those programs, but may not require those agencies to
4 submit separate plans.

5 “(c) COLLABORATION.—A State educational agency,
6 in consultation with the Governor, shall collaborate with
7 local educational agencies in the State in establishing pro-
8 cedures for the submission of the consolidated State plans
9 or consolidated State applications under this section.

10 “(d) NECESSARY MATERIALS.—The State edu-
11 cational agency shall require only descriptions, informa-
12 tion, assurances, and other material that are absolutely
13 necessary for the consideration of the local educational
14 agency plan or application.

15 **“SEC. 5306. OTHER GENERAL ASSURANCES.**

16 “(a) ASSURANCES.—Any applicant, other than a
17 State educational agency that submits a plan or applica-
18 tion under this Act, shall have on file with the State edu-
19 cational agency a single set of assurances, applicable to
20 each program for which a plan or application is submitted,
21 that provides that—

22 “(1) each such program will be administered in
23 accordance with all applicable statutes, regulations,
24 program plans, and applications;

1 “(2)(A) the control of funds provided under
2 each such program and title to property acquired
3 with program funds will be in a public agency or in
4 an eligible private agency, institution, organization,
5 or Indian tribe, if the law authorizing the program
6 provides for assistance to those entities; and

7 “(B) the public agency, eligible private agency,
8 institution, or organization, or Indian tribe will ad-
9 minister the funds and property to the extent re-
10 quired by the authorizing statutes;

11 “(3) the applicant will adopt and use proper
12 methods of administering each such program, in-
13 cluding—

14 “(A) the enforcement of any obligations
15 imposed by law on agencies, institutions, orga-
16 nizations, and other recipients responsible for
17 carrying out each program; and

18 “(B) the correction of deficiencies in pro-
19 gram operations that are identified through au-
20 dits, monitoring, or evaluation;

21 “(4) the applicant will cooperate in carrying out
22 any evaluation of each such program conducted by
23 or for the State educational agency, the Secretary,
24 or other Federal officials;

1 “(5) the applicant will use such fiscal control
2 and fund accounting procedures as will ensure prop-
3 er disbursement of, and accounting for, Federal
4 funds paid to the applicant under each such pro-
5 gram;

6 “(6) the applicant will—

7 “(A) submit such reports to the State edu-
8 cational agency (which shall make the reports
9 available to the Governor) and the Secretary as
10 the State educational agency and Secretary may
11 require to enable the State educational agency
12 and the Secretary to perform their duties under
13 each such program; and

14 “(B) maintain such records, provide such
15 information, and afford such access to the
16 records as the State educational agency (after
17 consultation with the Governor) or the Sec-
18 retary may reasonably require to carry out the
19 State educational agency’s or the Secretary’s
20 duties; and

21 “(7) before the application was submitted, the
22 applicant afforded a reasonable opportunity for pub-
23 lic comment on the application and considered such
24 comment.

1 “(b) GEPA PROVISION.—Section 442 of the General
2 Education Provisions Act shall not apply to programs
3 under this Act.

4 “PART D—WAIVERS

5 “**SEC. 5401. WAIVERS OF STATUTORY AND REGULATORY RE-**
6 **QUIREMENTS.**

7 “(a) IN GENERAL.—

8 “(1) REQUEST FOR WAIVER.—A State edu-
9 cational agency, local educational agency, or Indian
10 tribe that receives funds under a program authorized
11 under this Act may submit a request to the Sec-
12 retary to waive any statutory or regulatory require-
13 ment of this Act.

14 “(2) RECEIPT OF WAIVER.—Except as provided
15 in subsection (c) and subject to the limits in sub-
16 section (b)(5)(A), the Secretary shall waive any stat-
17 utory or regulatory requirement of this Act for a
18 State educational agency, local educational agency,
19 Indian tribe, or school (through a local educational
20 agency), that submits a waiver request pursuant to
21 this subsection.

22 “(b) PLAN.—

23 “(1) IN GENERAL.—A State educational agen-
24 cy, local educational agency, or Indian tribe that de-
25 sires a waiver under this section shall submit a waiv-

1 er request to the Secretary, which shall include a
2 plan that—

3 “(A) identifies the Federal programs af-
4 fected by the requested waiver;

5 “(B) describes which Federal statutory or
6 regulatory requirements are to be waived;

7 “(C) reasonably demonstrates that the
8 waiver will improve instruction for students and
9 advance student academic achievement;

10 “(D) describes the methods the State edu-
11 cational agency, local educational agency, or In-
12 dian tribe will use to monitor the effectiveness
13 of the implementation of the plan; and

14 “(E) describes how schools will continue to
15 provide assistance to the same populations
16 served by programs for which the waiver is re-
17 quested.

18 “(2) ADDITIONAL INFORMATION.—A waiver re-
19 quest under this section—

20 “(A) may provide for waivers of require-
21 ments applicable to State educational agencies,
22 local educational agencies, Indian tribes, and
23 schools; and

24 “(B) shall be developed and submitted—

1 “(i)(I) by local educational agencies
2 (on behalf of those agencies and schools)
3 to State educational agencies; and

4 “(II) by State educational agencies
5 (on their own behalf, or on behalf of, and
6 based on the requests of, local educational
7 agencies in the State) to the Secretary; or

8 “(ii) by Indian tribes (on behalf of
9 schools operated by the tribes) to the Sec-
10 retary.

11 “(3) GENERAL REQUIREMENTS.—

12 “(A) STATE EDUCATIONAL AGENCIES.—In
13 the case of a waiver request submitted by a
14 State educational agency acting on its own be-
15 half, or on behalf of local educational agencies
16 in the State, the State educational agency
17 shall—

18 “(i) provide the public and local edu-
19 cational agencies in the State with notice
20 and a reasonable opportunity to comment
21 and provide input on the request;

22 “(ii) submit the comments and input
23 to the Secretary, with a description of how
24 the State addressed the comments and
25 input; and

1 “(iii) provide notice and a reasonable
2 time to comment to the public and local
3 educational agencies in the manner in
4 which the applying agency customarily pro-
5 vides similar notice and opportunity to
6 comment to the public.

7 “(B) LOCAL EDUCATIONAL AGENCIES.—In
8 the case of a waiver request submitted by a
9 local educational agency that receives funds
10 under this Act—

11 “(i) the request shall be reviewed by
12 the State educational agency and be ac-
13 companied by the comments, if any, of the
14 State educational agency and the public;
15 and

16 “(ii) notice and a reasonable oppor-
17 tunity to comment regarding the waiver re-
18 quest shall be provided to the State edu-
19 cational agency and the public by the agen-
20 cy requesting the waiver in the manner in
21 which that agency customarily provides
22 similar notice and opportunity to comment
23 to the public.

24 “(4) PEER REVIEW.—

1 “(A) ESTABLISHMENT.—The Secretary
2 shall establish a multi-disciplinary peer review
3 team, which shall meet the requirements of sec-
4 tion 5543, to review waiver requests under this
5 section.

6 “(B) APPLICABILITY.—The Secretary may
7 approve a waiver request under this section
8 without conducting a peer review of the request,
9 but shall use the peer review process under this
10 paragraph before disapproving such a request.

11 “(C) STANDARD AND NATURE OF RE-
12 VIEW.—Peer reviewers shall conduct a good
13 faith review of waiver requests submitted to
14 them under this section. Peer reviewers shall re-
15 view such waiver requests—

16 “(i) in their totality;

17 “(ii) in deference to State and local
18 judgment; and

19 “(iii) with the goal of promoting
20 State- and local-led innovation.

21 “(5) WAIVER DETERMINATION, DEMONSTRA-
22 TION, AND REVISION.—

23 “(A) IN GENERAL.—The Secretary shall
24 approve a waiver request not more than 60
25 days after the date on which such request is

1 submitted, unless the Secretary determines and
2 demonstrates that—

3 “(i) the waiver request does not meet
4 the requirements of this section;

5 “(ii) the waiver is not permitted under
6 subsection (c);

7 “(iii) the plan that is required under
8 paragraph (1)(C), and reviewed with def-
9 erence to State and local judgment, pro-
10 vides no reasonable evidence to determine
11 that a waiver will enhance student aca-
12 demic achievement; or

13 “(iv) the waiver request does not pro-
14 vide for adequate evaluation to ensure re-
15 view and continuous improvement of the
16 plan.

17 “(B) WAIVER DETERMINATION AND REVI-
18 SION.—If the Secretary determines and dem-
19 onstrates that the waiver request does not meet
20 the requirements of this section, the Secretary
21 shall—

22 “(i) immediately—

23 “(I) notify the State educational
24 agency, local educational agency, or

1 Indian tribe of such determination;
2 and

3 “(II) at the request of the State
4 educational agency, local educational
5 agency, or Indian tribe, provide de-
6 tailed reasons for such determination
7 in writing;

8 “(ii) offer the State educational agen-
9 cy, local educational agency, or Indian
10 tribe an opportunity to revise and resubmit
11 the waiver request not more than 60 days
12 after the date of such determination; and

13 “(iii) if the Secretary determines that
14 the resubmission does not meet the re-
15 quirements of this section, at the request
16 of the State educational agency, local edu-
17 cational agency, or Indian tribe, conduct a
18 public hearing not more than 30 days after
19 the date of such resubmission.

20 “(C) WAIVER DISAPPROVAL.—The Sec-
21 retary may disapprove a waiver request if—

22 “(i) the State educational agency,
23 local educational agency, or Indian tribe
24 has been notified and offered an oppor-
25 tunity to revise and resubmit the waiver

1 request, as described under clauses (i) and
2 (ii) of subparagraph (B); and

3 “(ii) the State educational agency,
4 local educational agency, or Indian tribe—

5 “(I) does not revise and resubmit
6 the waiver request; or

7 “(II) revises and resubmits the
8 waiver request, and the Secretary de-
9 termines that such waiver request
10 does not meet the requirements of this
11 section after a hearing conducted
12 under subparagraph (B)(iii), if re-
13 quested.

14 “(D) EXTERNAL CONDITIONS.—The Sec-
15 retary shall not, directly or indirectly, require or
16 impose new or additional requirements in ex-
17 change for receipt of a waiver if such require-
18 ments are not specified in this Act.

19 “(c) RESTRICTIONS.—The Secretary shall not waive
20 under this section any statutory or regulatory require-
21 ments relating to—

22 “(1) the allocation or distribution of funds to
23 States, local educational agencies, Indian tribes, or
24 other recipients of funds under this Act;

25 “(2) comparability of services;

1 “(3) use of Federal funds to supplement, not
2 supplant, non-Federal funds;

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

5 “(5) parental participation and involvement;

6 “(6) applicable civil rights requirements;

7 “(7) the prohibitions—

8 “(A) in subpart 2 of part E;

9 “(B) regarding use of funds for religious
10 worship or instruction in section 5505; and

11 “(C) regarding activities in section 5524;

12 or

13 “(8) the selection of a school attendance area or
14 school under subsections (a) and (b) of section 1113,
15 except that the Secretary may grant a waiver to
16 allow a school attendance area or school to partici-
17 pate in activities under subpart 1 of part A of title
18 I if the percentage of children from low-income fami-
19 lies in the school attendance area or who attend the
20 school is not more than 10 percentage points below
21 the lowest percentage of those children for any
22 school attendance area or school of the local edu-
23 cational agency that meets the requirements of sub-
24 sections (a) and (b) of section 1113.

1 “(d) DURATION AND EXTENSION OF WAIVER; LIM-
2 TATIONS.—

3 “(1) IN GENERAL.—Except as provided in para-
4 graph (2), a waiver approved by the Secretary under
5 this section may be for a period not to exceed 3
6 years.

7 “(2) EXTENSION.—The Secretary may extend
8 the period described in paragraph (1) if the State
9 demonstrates that—

10 “(A) the waiver has been effective in ena-
11 bling the State or affected recipient to carry out
12 the activities for which the waiver was re-
13 quested and the waiver has contributed to im-
14 proved student achievement; and

15 “(B) the extension is in the public interest.

16 “(3) SPECIFIC LIMITATIONS.—The Secretary
17 shall not require a State educational agency, local
18 educational agency, or Indian tribe, as a condition of
19 approval of a waiver request, to—

20 “(A) include in, or delete from, such re-
21 quest, specific academic standards;

22 “(B) use specific academic assessment in-
23 struments or items; or

24 “(C) include in, or delete from, such waiv-
25 er request any criterion that specifies, defines,

1 describes, or prescribes the standards or meas-
2 ures that a State or local educational agency or
3 Indian tribe uses to establish, implement, or im-
4 prove—

5 “(i) State academic standards;

6 “(ii) academic assessments;

7 “(iii) State accountability systems; or

8 “(iv) teacher and school leader evalua-
9 tion systems.

10 “(e) REPORTS.—

11 “(1) WAIVER REPORTS.—A State educational
12 agency, local educational agency, or Indian tribe
13 that receives a waiver under this section shall, at the
14 end of the second year for which a waiver is received
15 under this section and each subsequent year, submit
16 a report to the Secretary that—

17 “(A) describes the uses of the waiver by
18 the agency or by schools;

19 “(B) describes how schools continued to
20 provide assistance to the same populations
21 served by the programs for which waivers were
22 granted; and

23 “(C) evaluates the progress of the agency
24 and schools, or Indian tribe, in improving the

1 quality of instruction or the academic achieve-
2 ment of students.

3 “(2) REPORT TO CONGRESS.—The Secretary
4 shall annually submit to the Committee on Edu-
5 cation and the Workforce of the House of Rep-
6 resentatives and the Committee on Health, Edu-
7 cation, Labor, and Pensions of the Senate a re-
8 port—

9 “(A) summarizing the uses of waivers by
10 State educational agencies, local educational
11 agencies, Indian tribes, and schools; and

12 “(B) describing the status of the waivers
13 in improving academic achievement.

14 “(f) TERMINATION OF WAIVERS.—The Secretary
15 shall terminate a waiver under this section if the Secretary
16 determines, after notice and an opportunity for a hearing,
17 that the performance of the State or other recipient af-
18 fected by the waiver has been inadequate to justify a con-
19 tinuation of the waiver and the recipient of the waiver has
20 failed to make revisions needed to carry out the purpose
21 of the waiver, or if the waiver is no longer necessary to
22 achieve its original purpose.

23 “(g) PUBLICATION.—A notice of the Secretary’s deci-
24 sion to grant each waiver under subsection (a) shall be
25 published in the Federal Register and the Secretary shall

1 provide for the dissemination of the notice to State edu-
2 cational agencies, interested parties, including educators,
3 parents, students, advocacy and civil rights organizations,
4 and the public.

5 “PART E—UNIFORM PROVISIONS

6 “SUBPART 1—PRIVATE SCHOOLS

7 **“SEC. 5501. PARTICIPATION BY PRIVATE SCHOOL CHIL-**
8 **DREN AND TEACHERS.**

9 “(a) PRIVATE SCHOOL PARTICIPATION.—

10 “(1) IN GENERAL.—Except as otherwise pro-
11 vided in this Act, to the extent consistent with the
12 number of eligible children in areas served by a
13 State educational agency, local educational agency,
14 educational service agency, consortium of those
15 agencies, or another entity receiving financial assist-
16 ance under a program specified in subsection (b),
17 who are enrolled in private elementary schools and
18 secondary schools in areas served by such agency,
19 consortium, or entity, the agency, consortium, or en-
20 tity shall, after timely and meaningful consultation
21 with appropriate private school officials or their rep-
22 resentatives, provide to those children and their
23 teachers or other educational personnel, on an equi-
24 table basis, special educational services or other ben-
25 efits that address their needs under the program.

1 “(2) SECULAR, NEUTRAL, AND NONIDEOLOG-
2 ICAL SERVICES OR BENEFITS.—Educational services
3 or other benefits, including materials and equipment,
4 provided under this section, shall be secular, neutral,
5 and nonideological.

6 “(3) SPECIAL RULE.—Educational services and
7 other benefits provided under this section for private
8 school children, teachers, and other educational per-
9 sonnel shall be equitable in comparison to services
10 and other benefits for public school children, teach-
11 ers, and other educational personnel participating in
12 the program and shall be provided in a timely man-
13 ner.

14 “(4) EXPENDITURES.—

15 “(A) IN GENERAL.—Expenditures for edu-
16 cational services and other benefits to eligible
17 private school children, teachers, and other
18 service personnel shall be equal to the expendi-
19 tures for participating public school children,
20 taking into account the number and educational
21 needs, of the children to be served.

22 “(B) OBLIGATION OF FUNDS.—Funds allo-
23 cated to a local educational agency for edu-
24 cational services and other benefits to eligible
25 private school children shall—

1 “(i) be obligated in the fiscal year for
2 which the funds are received by the agen-
3 cy; and

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

8 “(C) NOTICE OF ALLOCATION.—Each
9 State educational agency shall—

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

16 “(ii) provide notice, simultaneously, to
17 each such local educational agency and the
18 appropriate private school officials or their
19 representatives in the State of such alloca-
20 tion of funds.

21 “(5) PROVISION OF SERVICES.—An agency,
22 consortium, or entity described in subsection (a)(1)
23 of this section may provide those services directly or
24 through contracts with public and private agencies,
25 organizations, and institutions.

1 “(b) APPLICABILITY.—

2 “(1) IN GENERAL.—This section applies to pro-
3 grams under—

4 “(A) subpart 2 of part A of title I;

5 “(B) subpart 4 of part A of title I;

6 “(C) part A of title II;

7 “(D) part B of title II; and

8 “(E) part B of title III.

9 “(2) DEFINITION.—For the purpose of this sec-
10 tion, the term ‘eligible children’ means children eligi-
11 ble for services under a program described in para-
12 graph (1).

13 “(c) CONSULTATION.—

14 “(1) IN GENERAL.—To ensure timely and
15 meaningful consultation, a State educational agency,
16 local educational agency, educational service agency,
17 consortium of those agencies, or entity shall consult,
18 in order to reach an agreement, with appropriate
19 private school officials or their representatives dur-
20 ing the design and development of the programs
21 under this Act, on issues such as—

22 “(A) how the children’s needs will be iden-
23 tified;

24 “(B) what services will be offered;

1 “(C) how, where, and by whom the services
2 will be provided;

3 “(D) how the services will be assessed and
4 how the results of the assessment will be used
5 to improve those services;

6 “(E) the size and scope of the equitable
7 services to be provided to the eligible private
8 school children, teachers, and other educational
9 personnel and the amount of funds available for
10 those services;

11 “(F) how and when the agency, consor-
12 tium, or entity will make decisions about the
13 delivery of services, including a thorough con-
14 sideration and analysis of the views of the pri-
15 vate school officials or their representatives on
16 the provision of services through potential
17 third-party providers or contractors; and

18 “(G) how, if the agency disagrees with the
19 views of the private school officials or their rep-
20 resentatives on the provision of services through
21 a contract, the local educational agency will
22 provide in writing to such private school offi-
23 cials or their representatives an analysis of the
24 reasons why the local educational agency has
25 chosen not to use a contractor.

1 “(2) DISAGREEMENT.—If the agency, consor-
2 tium, or entity disagrees with the views of the pri-
3 vate school officials or their representatives with re-
4 spect to an issue described in paragraph (1), the
5 agency, consortium, or entity shall provide to the
6 private school officials or their representatives a
7 written explanation of the reasons why the local edu-
8 cational agency has chosen not to adopt the course
9 of action requested by such officials or their rep-
10 representatives.

11 “(3) TIMING.—The consultation required by
12 paragraph (1) shall occur before the agency, consor-
13 tium, or entity makes any decision that affects the
14 opportunities of eligible private school children,
15 teachers, and other educational personnel to partici-
16 pate in programs under this Act, and shall continue
17 throughout the implementation and assessment of
18 activities under this section.

19 “(4) DISCUSSION REQUIRED.—The consultation
20 required by paragraph (1) shall include a discussion
21 of service delivery mechanisms that the agency, con-
22 sortium, or entity could use to provide equitable
23 services to eligible private school children, teachers,
24 administrators, and other staff.

1 “(5) DOCUMENTATION.—Each local educational
2 agency shall maintain in the agency’s records and
3 provide to the State educational agency involved a
4 written affirmation signed by officials or their rep-
5 resentatives of each participating private school that
6 the meaningful consultation required by this section
7 has occurred. The written affirmation shall provide
8 the option for private school officials or their rep-
9 resentatives to indicate that timely and meaningful
10 consultation has not occurred or that the program
11 design is not equitable with respect to eligible pri-
12 vate school children. If such officials or their rep-
13 resentatives do not provide such affirmation within
14 a reasonable period of time, the local educational
15 agency shall forward the documentation that such
16 consultation has, or attempts at such consultation
17 have, taken place to the State educational agency.

18 “(6) COMPLIANCE.—

19 “(A) IN GENERAL.—If the consultation re-
20 quired under this section is with a local edu-
21 cational agency or educational service agency, a
22 private school official or representative shall
23 have the right to file a complaint with the State
24 educational agency that the consultation re-
25 quired under this section was not meaningful

1 and timely, did not give due consideration to
2 the views of the private school official or rep-
3 resentative, or did not treat the private school
4 or its students equitably as required by this sec-
5 tion.

6 “(B) PROCEDURE.—If the private school
7 official or representative wishes to file a com-
8 plaint, the private school official or representa-
9 tive shall provide the basis of the noncompli-
10 ance with this section and all parties shall pro-
11 vide the appropriate documentation to the ap-
12 propriate officials or representatives.

13 “(C) SERVICES.—A State educational
14 agency shall provide services under this section
15 directly or through contracts with public and
16 private agencies, organizations, and institutions,
17 if—

18 “(i) the appropriate private school of-
19 ficials or their representatives have—

20 “(I) requested that the State
21 educational agency provide such serv-
22 ices directly; and

23 “(II) demonstrated that the local
24 educational agency or Education Serv-

1 ice Agency involved has not met the
2 requirements of this section; or

3 “(ii) in a case in which—

4 “(I) a local educational agency
5 has more than 10,000 children from
6 low-income families who attend pri-
7 vate elementary schools or secondary
8 schools in such agency’s school at-
9 tendance areas, as defined in section
10 1113(a)(2)(A), that are not being
11 served by the agency’s program under
12 this section; or

13 “(II) 90 percent of the eligible
14 private school students in a school at-
15 tendance area, as defined in section
16 1113(a)(2)(A), are not being served
17 by the agency’s program under this
18 section.

19 “(d) PUBLIC CONTROL OF FUNDS.—

20 “(1) IN GENERAL.—The control of funds used
21 to provide services under this section, and title to
22 materials, equipment, and property purchased with
23 those funds, shall be in a public agency for the uses
24 and purposes provided in this Act, and a public
25 agency shall administer the funds and property.

1 “(2) PROVISION OF SERVICES.—

2 “(A) IN GENERAL.—The provision of serv-
3 ices under this section shall be provided—

4 “(i) by employees of a public agency;
5 or

6 “(ii) through contract by the public
7 agency with an individual, association,
8 agency, organization, or other entity.

9 “(B) INDEPENDENCE; PUBLIC AGENCY.—

10 In the provision of those services, the employee,
11 person, association, agency, organization, or
12 other entity shall be independent of the private
13 school and of any religious organization, and
14 the employment or contract shall be under the
15 control and supervision of the public agency.

16 “(C) COMMINGLING OF FUNDS PROHIB-
17 ITED.—Funds used to provide services under
18 this section shall not be commingled with non-
19 Federal funds.

20 **“SEC. 5502. STANDARDS FOR BY-PASS.**

21 “(a) IN GENERAL.—If, by reason of any provision of
22 law, a State educational agency, local educational agency,
23 educational service agency, consortium of those agencies,
24 or other entity is prohibited from providing for the partici-
25 pation in programs of children enrolled in, or teachers or

1 concerning violations of section 5501 by a State edu-
2 cational agency, local educational agency, educational
3 service agency, consortium of those agencies, or entity.
4 The individual or organization shall submit the complaint
5 to the State educational agency for a written resolution
6 by the State educational agency within 45 days.

7 “(b) APPEALS TO SECRETARY.—The resolution may
8 be appealed by an interested party to the Secretary not
9 later than 30 days after the State educational agency re-
10 solves the complaint or fails to resolve the complaint with-
11 in the 45-day time limit. The appeal shall be accompanied
12 by a copy of the State educational agency’s resolution,
13 and, if there is one, a complete statement of the reasons
14 supporting the appeal. The Secretary shall investigate and
15 resolve the appeal not later than 90 days after receipt of
16 the appeal.

17 “SUBPART 2—PROHIBITIONS

18 “**SEC. 5521. PROHIBITION AGAINST FEDERAL MANDATES,**
19 **DIRECTION, OR CONTROL.**

20 “(a) IN GENERAL.—No officer or employee of the
21 Federal Government shall, directly or indirectly, through
22 grants, contracts, or other cooperative agreements, man-
23 date, direct, or control a State, local educational agency,
24 or school’s specific instructional content, academic stand-
25 ards and assessments, curricula, or program of instruc-

1 tion, nor shall anything in this Act be construed to author-
2 ize such officer or employee to do so.

3 “(b) FINANCIAL SUPPORT.—No officer or employee
4 of the Federal Government shall, directly or indirectly,
5 through grants, contracts, or other cooperative agree-
6 ments, make financial support available in a manner that
7 is conditioned upon a State, local educational agency, or
8 school’s adoption of specific instructional content, aca-
9 demic standards and assessments, curriculum, or program
10 of instruction even if such requirements are specified in
11 an Act other than this Act, nor shall anything in this Act
12 be construed to authorize such officer or employee to do
13 so.

14 **“SEC. 5522. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
15 **USE OF FEDERAL FUNDS.**

16 “(a) GENERAL PROHIBITION.—Nothing in this Act
17 shall be construed to authorize an officer or employee of
18 the Federal Government directly or indirectly, whether
19 through a grant, contract, or cooperative agreement, to
20 mandate, direct, or control a State, local educational agen-
21 cy, or school’s curriculum, program of instruction, or allo-
22 cation of State or local resources, or mandate a State or
23 any subdivision thereof to spend any funds or incur any
24 costs not paid for under this Act.

1 “(b) PROHIBITION ON ENDORSEMENT OF CUR-
2 RICULUM.—Notwithstanding any other prohibition of Fed-
3 eral law, no funds provided to the Department under this
4 Act may be used by the Department directly or indi-
5 rectly—whether through a grant, contract, or cooperative
6 agreement—to endorse, approve, develop, require, or sanc-
7 tion any curriculum designed to be used in an elementary
8 school or secondary school.

9 “(c) LOCAL CONTROL.—Nothing in this Act shall be
10 construed to—

11 “(1) authorize an officer or employee of the
12 Federal Government directly or indirectly—whether
13 through a grant, contract, or cooperative agree-
14 ment—to mandate, direct, review, or control a State,
15 local educational agency, or school’s instructional
16 content, curriculum, and related activities;

17 “(2) limit the application of the General Edu-
18 cation Provisions Act;

19 “(3) require the distribution of scientifically or
20 medically false or inaccurate materials or to prohibit
21 the distribution of scientifically or medically true or
22 accurate materials; or

23 “(4) create any legally enforceable right.

24 “(d) PROHIBITION ON REQUIRING FEDERAL AP-
25 PROVAL OR CERTIFICATION OF STANDARDS.—Notwith-

1 standing any other provision of Federal law, no State shall
2 be required to have academic standards approved or cer-
3 tified by the Federal Government, in order to receive as-
4 sistance under this Act.

5 “(e) **RULE OF CONSTRUCTION ON BUILDING STAND-**
6 **ARDS.**—Nothing in this Act shall be construed to mandate
7 national school building standards for a State, local edu-
8 cational agency, or school.

9 **“SEC. 5523. PROHIBITION ON FEDERALLY SPONSORED**
10 **TESTING.**

11 “(a) **GENERAL PROHIBITION.**—Notwithstanding any
12 other provision of Federal law and except as provided in
13 subsection (b), no funds provided under this Act to the
14 Secretary or to the recipient of any award may be used
15 to develop, pilot test, field test, implement, administer, or
16 distribute any federally sponsored national test or testing
17 materials in reading, mathematics, or any other subject,
18 unless specifically and explicitly authorized by law.

19 “(b) **EXCEPTIONS.**—Subsection (a) shall not apply to
20 international comparative assessments developed under
21 the authority of section 153(a)(5) of the Education
22 Sciences Reform Act of 2002 and administered to only a
23 representative sample of pupils in the United States and
24 in foreign nations.

1 **“SEC. 5524. LIMITATIONS ON NATIONAL TESTING OR CER-**
2 **TIFICATION FOR TEACHERS.**

3 “(a) MANDATORY NATIONAL TESTING OR CERTIFI-
4 CATION OF TEACHERS.—Notwithstanding any other pro-
5 vision of this Act or any other provision of law, no funds
6 available to the Department or otherwise available under
7 this Act may be used for any purpose relating to a manda-
8 tory nationwide test or certification of teachers or edu-
9 cation paraprofessionals, including any planning, develop-
10 ment, implementation, or administration of such test or
11 certification.

12 “(b) PROHIBITION ON WITHHOLDING FUNDS.—The
13 Secretary is prohibited from withholding funds from any
14 State educational agency or local educational agency if the
15 State educational agency or local educational agency fails
16 to adopt a specific method of teacher or paraprofessional
17 certification.

18 **“SEC. 5525. PROHIBITED USES OF FUNDS.**

19 “No funds under this Act may be used—

20 “(1) for construction, renovation, or repair of
21 any school facility, except as authorized under title
22 IV or otherwise authorized under this Act;

23 “(2) for medical services, drug treatment or re-
24 habilitation, except for specialized instructional sup-
25 port services or referral to treatment for students

1 who are victims of, or witnesses to, crime or who il-
2 legally use drugs;

3 “(3) for transportation unless otherwise author-
4 ized under this Act;

5 “(4) to develop or distribute materials, or oper-
6 ate programs or courses of instruction directed at
7 youth, that are designed to promote or encourage
8 sexual activity, whether homosexual or heterosexual;

9 “(5) to distribute or to aid in the distribution
10 by any organization of legally obscene materials to
11 minors on school grounds;

12 “(6) to provide sex education or HIV-prevention
13 education in schools unless that instruction is age
14 appropriate and includes the health benefits of absti-
15 nence; or

16 “(7) to operate a program of contraceptive dis-
17 tribution in schools.

18 **“SEC. 5526. PROHIBITION REGARDING STATE AID.**

19 “A State shall not take into consideration payments
20 under this Act (other than under title IV) in determining
21 the eligibility of any local educational agency in that State
22 for State aid, or the amount of State aid, with respect
23 to free public education of children.

1 “SUBPART 3—OTHER PROVISIONS

2 **“SEC. 5541. ARMED FORCES RECRUITER ACCESS TO STU-**
3 **DENTS AND STUDENT RECRUITING INFORMA-**
4 **TION.**

5 “(a) POLICY.—

6 “(1) ACCESS TO STUDENT RECRUITING INFOR-

7 MATION.—Notwithstanding section 444(a)(5)(B) of

8 the General Education Provisions Act, each local

9 educational agency receiving assistance under this

10 Act shall provide, upon a request made by a military

11 recruiter or an institution of higher education, ac-

12 cess to the name, address, and telephone listing of

13 each secondary school student served by the local

14 educational agency, unless the parent of such stu-

15 dent has submitted the prior consent request under

16 paragraph (2).

17 “(2) CONSENT.—

18 “(A) OPT-OUT PROCESS.—A parent of a

19 secondary school student may submit a written

20 request, to the local educational agency, that

21 the student’s name, address, and telephone list-

22 ing not be released for purposes of paragraph

23 (1) without prior written consent of the parent.

24 Upon receiving such request, the local edu-

25 cational agency may not release the student’s

1 name, address, and telephone listing for such
2 purposes without the prior written consent of
3 the parent.

4 “(B) NOTIFICATION OF OPT-OUT PROC-
5 ESS.—Each local educational agency shall no-
6 tify the parents of the students served by the
7 agency of the option to make a request de-
8 scribed in subparagraph (A).

9 “(3) SAME ACCESS TO STUDENTS.—Each local
10 educational agency receiving assistance under this
11 Act shall provide military recruiters the same access
12 to secondary school students as is provided generally
13 to institutions of higher education or to prospective
14 employers of those students.

15 “(4) RULE OF CONSTRUCTION PROHIBITING
16 OPT-IN PROCESSES.—Nothing in this subsection
17 shall be construed to allow a local educational agen-
18 cy to withhold access to a student’s name, address,
19 and telephone listing from a military recruiter or in-
20 stitution of higher education by implementing an
21 opt-in process or any other process other than the
22 written consent request process under paragraph
23 (2)(A).

24 “(5) PARENTAL CONSENT.—For purposes of
25 this subsection, whenever a student has attained 18

1 years of age, the permission or consent required of
2 and the rights accorded to the parents of the stu-
3 dent shall only be required of and accorded to the
4 student.

5 “(b) NOTIFICATION.—The Secretary, in consultation
6 with the Secretary of Defense, shall, not later than 120
7 days after the date of enactment of the Student Success
8 Act, notify school leaders, school administrators, and other
9 educators about the requirements of this section.

10 “(c) EXCEPTION.—The requirements of this section
11 do not apply to a private secondary school that maintains
12 a religious objection to service in the Armed Forces if the
13 objection is verifiable through the corporate or other orga-
14 nizational documents or materials of that school.

15 **“SEC. 5542. RULEMAKING.**

16 “The Secretary shall issue regulations under this Act
17 as prescribed under section 1401 only to the extent that
18 such regulations are necessary to ensure that there is com-
19 pliance with the specific requirements and assurances re-
20 quired by this Act.

21 **“SEC. 5543. PEER REVIEW.**

22 “(a) IN GENERAL.—If the Secretary uses a peer re-
23 view panel to evaluate an application for any program re-
24 quired under this Act, the Secretary shall conduct the
25 panel in accordance with this section.

1 “(b) MAKEUP.—The Secretary shall—

2 “(1) solicit nominations for peers to serve on
3 the panel from States that are—

4 “(A) practitioners in the subject matter; or

5 “(B) experts in the subject matter; and

6 “(2) select the peers from such nominees, ex-
7 cept that there shall be at least 75 percent practi-
8 tioners on each panel and in each group formed
9 from the panel.

10 “(c) GUIDANCE.—The Secretary shall issue the peer
11 review guidance concurrently with the notice of the grant.

12 “(d) REPORTING.—The Secretary shall—

13 “(1) make the names of the peer reviewers
14 available to the public before the final deadline for
15 the application of the grant;

16 “(2) make the peer review notes publically
17 available once the review has concluded; and

18 “(3) make any deviations from the peer review-
19 ers’ recommendations available to the public with an
20 explanation of the deviation.

21 “(e) APPLICANT REVIEWS.—An applicant shall have
22 an opportunity within 30 days to review the peer review
23 notes and appeal the score to the Secretary prior to the
24 Secretary making any final determination.

1 “(f) PROHIBITION.—The Secretary, and the Sec-
2 retary’s staff, may not attempt to participate in, or influ-
3 ence, the peer review process. No Federal employee may
4 participate in, or attempt to influence the peer review
5 process, except to respond to questions of a technical na-
6 ture, which shall be publicly reported.

7 **“SEC. 5544. PARENTAL CONSENT.**

8 “Upon receipt of written notification from the par-
9 ents or legal guardians of a student, the local educational
10 agency shall withdraw such student from any program
11 funded under part B of title III. The local educational
12 agency shall make reasonable efforts to inform parents or
13 legal guardians of the content of such programs or activi-
14 ties funded under this Act, other than classroom instruc-
15 tion.

16 **“SEC. 5548. SEVERABILITY.**

17 “If any provision of this Act is held invalid, the re-
18 mainder of this Act shall be unaffected thereby.

19 **“SEC. 5549. DEPARTMENT STAFF.**

20 “The Secretary shall—

21 “(1) not later than 60 days after the date of
22 the enactment of the Student Success Act, identify
23 the number of Department employees who worked
24 on or administered each education program and
25 project authorized under this Act, as such program

1 or project was in effect on the day before such en-
2 actment date, and publish such information on the
3 Department’s website;

4 “(2) not later than 60 days after such enact-
5 ment date, identify the number of full-time equiva-
6 lent employees who work on or administer programs
7 or projects authorized under this Act, as in effect on
8 the day before such enactment date, that have been
9 eliminated or consolidated since such date;

10 “(3) not later than 1 year after such enactment
11 date, reduce the workforce of the Department by the
12 number of full-time equivalent employees the De-
13 partment calculated under paragraph (2); and

14 “(4) not later than 1 year after such enactment
15 date, report to the Congress on—

16 “(A) the number of employees associated
17 with each program or project authorized under
18 this Act administered by the Department;

19 “(B) the number of full-time equivalent
20 employees who were determined to be associated
21 with eliminated or consolidated programs or
22 projects under paragraph (2); and

23 “(C) how the Secretary reduced the num-
24 ber of employees at the Department under
25 paragraph (3).

1 “PART F—EVALUATIONS

2 **“SEC. 5601. EVALUATIONS.**

3 “(a) RESERVATION OF FUNDS.—Except as provided
4 in subsections (c) and (d), the Secretary may reserve not
5 more than 0.5 percent of the amount appropriated to
6 carry out each categorical program authorized under this
7 Act. The reserved amounts shall be used by the Secretary,
8 acting through the Director of the Institute of Education
9 Sciences—

10 “(1) to conduct—

11 “(A) comprehensive evaluations of the pro-
12 gram or project; and

13 “(B) studies of the effectiveness of the pro-
14 gram or project and its administrative impact
15 on schools and local educational agencies;

16 “(2) to evaluate the aggregate short- and long-
17 term effects and cost efficiencies across Federal pro-
18 grams assisted or authorized under this Act and re-
19 lated Federal preschool, elementary, and secondary
20 programs under any other Federal law; and

21 “(3) to increase the usefulness of evaluations of
22 grant recipients in order to ensure the continuous
23 progress of the program or project by improving the
24 quality, timeliness, efficiency, and use of information

1 relating to performance under the program or
2 project.

3 “(b) REQUIRED PLAN.—The Secretary, acting
4 through the Director of the Institute of Education
5 Sciences, may use the reserved amount under subsection
6 (a) only after completion of a comprehensive, multi-year
7 plan—

8 “(1) for the periodic evaluation of each of the
9 major categorical programs authorized under this
10 Act, and as resources permit, the smaller categorical
11 programs authorized under this Act;

12 “(2) that shall be developed and implemented
13 with the involvement of other officials at the Depart-
14 ment, as appropriate; and

15 “(3) that shall not be finalized until—

16 “(A) the publication of a notice in the Fed-
17 eral Register seeking public comment on such
18 plan and after review by the Secretary of such
19 comments; and

20 “(B) the plan is submitted for comment to
21 the Committee on Education and the Workforce
22 of the House of Representatives and the Com-
23 mittee on Health, Education, Labor, and Pen-
24 sions of the Senate and after review by the Sec-
25 retary of such comments.

1 “(c) TITLE I EXCLUDED.—The Secretary may not
2 reserve under subsection (a) funds appropriated to carry
3 out any program authorized under title I.

4 “(d) EVALUATION ACTIVITIES AUTHORIZED ELSE-
5 WHERE.—If, under any other provision of this Act (other
6 than title I), funds are authorized to be reserved or used
7 for evaluation activities with respect to a program or
8 project, the Secretary may not reserve additional funds
9 under this section for the evaluation of that program or
10 project.”.

11 (b) TECHNICAL AMENDMENTS.—

12 (1) TITLE IX.—

13 (A) SUBPART 1 OF PART E OF TITLE V.—

14 (i) TRANSFER AND REDESIGNA-
15 TION.—Sections 9504 through 9506 (20
16 U.S.C. 7884; 7885; 7886) are—

17 (I) transferred to title V, as
18 amended by subsection (a) of this sec-
19 tion;

20 (II) inserted after section 5503
21 of such title; and

22 (III) redesignated as sections
23 5504 through 5506, respectively.

24 (ii) AMENDMENTS.—Section 5504 (as
25 so redesignated) is amended—

1 (I) in subsection (a)(1)(A), by
2 striking “section 9502” and inserting
3 “section 5502”;

4 (II) in subsection (b), by striking
5 “section 9501” and inserting “section
6 5501”; and

7 (III) in subsection (d), by strik-
8 ing “No Child Left Behind Act of
9 2001” and inserting “Student Success
10 Act”.

11 (B) SUBPART 2 OF PART E OF TITLE V.—

12 (i) TRANSFER AND REDESIGNA-
13 TION.—Sections 9531, 9533, and 9534 (20
14 U.S.C. 7911; 7913; 7914) are—

15 (I) transferred to title V, as
16 amended by subparagraph (A) of this
17 paragraph;

18 (II) inserted after section 5525
19 of such title; and

20 (III) redesignated as sections
21 5526 through 5528, respectively.

22 (ii) AMENDMENTS.—Section 5528 (as
23 so redesignated) is amended—

1 (I) by striking “(a) IN GEN-
2 ERAL.—Nothing” and inserting
3 “Nothing”; and

4 (II) by striking subsection (b).

5 (C) SUBPART 3 OF PART E OF TITLE V.—
6 Sections 9523, 9524, and 9525 (20 U.S.C.
7 7903; 7904; 7905) are—

8 (i) transferred to title V, as amended
9 by subparagraph (B) of this paragraph;

10 (ii) inserted after section 5544 of such
11 title; and

12 (iii) redesignated as sections 5545
13 through 5547, respectively.

14 (2) TITLE IV.—Sections 4141 and 4155 (20
15 U.S.C. 7151; 7161) are—

16 (A) transferred to title V, as amended by
17 paragraph (1) of this subsection;

18 (B) inserted after section 5548 (as so re-
19 designated by paragraph (1)(C)(iii) of this sub-
20 section); and

21 (C) redesignated as sections 5549 and
22 5550, respectively.

23 **SEC. 502. REPEAL.**

24 Title IX (20 U.S.C. 7801 et seq.), as amended by
25 section 201(b)(1) of this title, is repealed.

1 **SEC. 503. OTHER LAWS.**

2 Beginning on the date of the enactment of this Act,
3 any reference in law to the term “highly qualified” as de-
4 fined in section 9101 of the Elementary and Secondary
5 Education Act of 1965 shall be treated as a reference to
6 such term under section 9101 of the Elementary and Sec-
7 ondary Education Act of 1965 as in effect on the day be-
8 fore the date of the enactment of this Act.

9 **SEC. 504. AMENDMENT TO IDEA.**

10 Section 602 of the Individuals with Disabilities Edu-
11 cation Act (20 U.S.C. 1401) is amended by striking para-
12 graph (10).

13 **TITLE VI—REPEAL**

14 **SEC. 601. REPEAL OF TITLE VI.**

15 The Act is amended by striking title VI (20 U.S.C.
16 7301 et seq.).

17 **TITLE VII—HOMELESS**
18 **EDUCATION**

19 **SEC. 701. STATEMENT OF POLICY.**

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

22 (1) by amending paragraph (2) to read as fol-
23 lows:

24 “(2) In any State where compulsory residency
25 requirements or other requirements, laws, regula-
26 tions, practices, or policies may act as a barrier to

1 the identification, enrollment, attendance, or success
2 in school of homeless children and youths, the State
3 and local educational agencies will review and under-
4 take steps to revise such laws, regulations, practices,
5 or policies to ensure that homeless children and
6 youths are afforded the same free, appropriate pub-
7 lic education as is provided to other children and
8 youths.”;

9 (2) in paragraph (3), by striking “alone”; and
10 (3) in paragraph (4), by striking “challenging
11 State student academic achievement” and inserting
12 “State academic”.

13 **SEC. 702. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
14 **THE EDUCATION OF HOMELESS CHILDREN**
15 **AND YOUTHS.**

16 Section 722 of such Act (42 U.S.C. 11432) is amend-
17 ed—

18 (1) in subsection (a), by striking “(g).” and in-
19 serting “(h).”;

20 (2) by striking subsection (b);

21 (3) in subsection (c)—

22 (A) in paragraph (1)(A)—

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

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

3 (iii) by striking clause (iii); and

4 (B) by striking paragraph (3);

5 (4) in subsection (d)—

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

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

11 “(2) To provide services and activities to im-
12 prove the identification of homeless children (includ-
13 ing preschool-aged homeless children and youths)
14 that enable such children and youths to enroll in, at-
15 tend, and succeed in school, or, if appropriate, in
16 preschool programs.”;

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

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

23 “(5) To develop and implement professional de-
24 velopment programs for liaisons designated under

1 subsection (g)(1)(J)(ii) and other local educational
2 agency personnel—

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

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

8 (5) in subsection (e)—

9 (A) in paragraph (1)—

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

12 (ii) by inserting “a State under sub-
13 section (a) to” after “each year to”;

14 (B) in paragraph (2), by striking “funds
15 made available for State use under this sub-
16 title” and inserting “the grant funds remaining
17 after the State educational agency distributes
18 subgrants under paragraph (1)”; and

19 (C) in paragraph (3)—

20 (i) in subparagraph (C)(iv)(II), by
21 striking “sections 1111 and 1116” and in-
22 serting “section 1111”; and

23 (ii) in subparagraph (F)—

24 (I) in clause (i)—

1 (aa) in the matter preceding
2 subclause (I), by striking “a re-
3 port” and inserting “an annual
4 report”;

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

7 (cc) by striking the period at
8 the end of subclause (III) and in-
9 serting “; and”; and

10 (dd) by adding at the end
11 the following:

12 “(IV) the progress the separate
13 schools are making in helping all stu-
14 dents meet the State academic stand-
15 ards.”; and

16 (II) in clause (iii), by striking
17 “Not later than 2 years after the date
18 of enactment of the McKinney-Vento
19 Homeless Education Assistance Im-
20 provements Act of 2001, the” and in-
21 serting “The”;

22 (6) by amending subsection (f) to read as fol-
23 lows:

1 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
2 NATOR.—The Coordinator for Education of Homeless
3 Children and Youths established in each State shall—

4 “(1) gather and make publically available reli-
5 able, valid, and comprehensive information on—

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

9 “(B) the nature and extent of the problems
10 homeless children and youths have in gaining
11 access to public preschool programs and to pub-
12 lic elementary schools and secondary schools;

13 “(C) the difficulties in identifying the spe-
14 cial needs and barriers to the participation and
15 achievement of such children and youths;

16 “(D) any progress made by the State edu-
17 cational agency and local educational agencies
18 in the State in addressing such problems and
19 difficulties; and

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

1 “(2) develop and carry out the State plan de-
2 scribed in subsection (g);

3 “(3) collect data for and transmit to the Sec-
4 retary, at such time and in such manner as the Sec-
5 retary may require, a report containing information
6 necessary to assess the educational needs of home-
7 less children and youths within the State, including
8 data necessary for the Secretary to fulfill the respon-
9 sibilities under section 724(h);

10 “(4) in order to improve the provision of com-
11 prehensive education and related support services to
12 homeless children and youths and their families, co-
13 ordinate and collaborate with—

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

17 “(B) providers of services to homeless chil-
18 dren and youths and their families, including
19 services of public and private child welfare and
20 social services agencies, law enforcement agen-
21 cies, juvenile and family courts, agencies pro-
22 viding mental health services, domestic violence
23 agencies, child care providers, runaway and
24 homeless youth centers, and providers of serv-
25 ices and programs funded under the Runaway

1 and Homeless Youth Act (42 U.S.C. 5701 et
2 seq.);

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

10 “(D) local educational agency liaisons des-
11 ignated under subsection (g)(1)(J)(ii) for home-
12 less children and youths; and

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

16 “(5) provide technical assistance to local edu-
17 cational agencies, in coordination with local edu-
18 cational agency liaisons designated under subsection
19 (g)(1)(J)(ii), to ensure that local educational agen-
20 cies comply with the requirements of subsection
21 (e)(3), paragraphs (3) through (7) of subsection (g),
22 and subsection (h);

23 “(6) provide professional development opportu-
24 nities for local educational agency personnel and the
25 homeless liaison designated under subsection

1 (g)(1)(J)(ii) to assist such personnel in meeting the
2 needs of homeless children and youths; and

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

9 (7) by amending subsection (g) to read as fol-
10 lows:

11 “(g) STATE PLAN.—

12 “(1) IN GENERAL.—In order to be eligible to
13 receive a grant under this section, each State edu-
14 cational agency shall submit to the Secretary a plan
15 to provide for the education of homeless children
16 and youths within the State that includes the fol-
17 lowing:

18 “(A) A description of how such children
19 and youths are (or will be) given the oppor-
20 tunity to meet the same State academic stand-
21 ards that all students are expected to meet.

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

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

5 “(D) A description of programs for school
6 personnel (including liaisons, school leaders, at-
7 tendance officers, teachers, enrollment per-
8 sonnel, and specialized instructional support
9 personnel) to heighten the awareness of such
10 personnel of the specific needs of homeless ado-
11 lescents, including runaway and homeless
12 youths.

13 “(E) A description of procedures that en-
14 sure that homeless children and youths who
15 meet the relevant eligibility criteria are able to
16 participate in Federal, State, or local nutrition
17 programs.

18 “(F) A description of procedures that en-
19 sure that—

20 “(i) homeless children have equal ac-
21 cess to public preschool programs, adminis-
22 tered by the State educational agency or
23 local educational agency, as provided to
24 other children in the State;

1 “(ii) homeless youths and youths sep-
2 arated from public schools are identified
3 and accorded equal access to appropriate
4 secondary education and support services;
5 and

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

10 “(G) Strategies to address problems identi-
11 fied in the report provided to the Secretary
12 under subsection (f)(3).

13 “(H) Strategies to address other problems
14 with respect to the education of homeless chil-
15 dren and youths, including problems resulting
16 from enrollment delays that are caused by—

17 “(i) immunization and other health
18 records requirements;

19 “(ii) residency requirements;

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

22 “(iv) guardianship issues; or

23 “(v) uniform or dress code require-
24 ments.

1 “(I) A demonstration that the State edu-
2 cational agency and local educational agencies
3 in the State have developed, and shall review
4 and revise, policies to remove barriers to the
5 identification, enrollment, and retention of
6 homeless children and youths in schools in the
7 State.

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

10 “(i) The State educational agency and
11 local educational agencies in the State will
12 adopt policies and practices to ensure that
13 homeless children and youths are not stig-
14 matized or segregated on the basis of their
15 status as homeless.

16 “(ii) Local educational agencies will
17 designate an appropriate staff person, who
18 may also be a coordinator for other Fed-
19 eral programs, as a local educational agen-
20 cy liaison for homeless children and
21 youths, to carry out the duties described in
22 paragraph (6)(A).

23 “(iii) The State and its local edu-
24 cational agencies will adopt policies and
25 practices to ensure that transportation is

1 provided, at the request of the parent or
2 guardian (or in the case of an unaccom-
3 panied youth, the liaison), to and from the
4 school of origin, as determined in para-
5 graph (3)(A), in accordance with the fol-
6 lowing, as applicable:

7 “(I) If the child or youth con-
8 tinues to live in the area served by the
9 local educational agency in which the
10 school of origin is located, the child’s
11 or youth’s transportation to and from
12 the school of origin shall be provided
13 or arranged by the local educational
14 agency in which the school of origin is
15 located.

16 “(II) If the child’s or youth’s liv-
17 ing arrangements in the area served
18 by the local educational agency of ori-
19 gin terminate and the child or youth,
20 though continuing his or her edu-
21 cation in the school of origin, begins
22 living in an area served by another
23 local educational agency, the local
24 educational agency of origin and the
25 local educational agency in which the

1 child or youth is living shall agree
2 upon a method to apportion the re-
3 sponsibility and costs for providing
4 the child with transportation to and
5 from the school of origin. If the local
6 educational agencies are unable to
7 agree upon such method, the responsi-
8 bility and costs for transportation
9 shall be shared equally.

10 “(2) COMPLIANCE.—

11 “(A) IN GENERAL.—Each plan adopted
12 under this subsection shall also describe how
13 the State will ensure that local educational
14 agencies in the State will comply with the re-
15 quirements of paragraphs (3) through (7).

16 “(B) COORDINATION.—Such plan shall in-
17 dicate what technical assistance the State will
18 furnish to local educational agencies and how
19 compliance efforts will be coordinated with the
20 local educational agency liaisons designated
21 under paragraph (1)(J)(ii).

22 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
23 MENTS.—

24 “(A) IN GENERAL.—The local educational
25 agency serving each child or youth to be as-

1 sisted under this subtitle shall, according to the
2 child’s or youth’s best interest—

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

6 “(I) in any case in which a fam-
7 ily becomes homeless between aca-
8 demic years or during an academic
9 year; or

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

14 “(ii) enroll the child or youth in any
15 public school that nonhomeless students
16 who live in the attendance area in which
17 the child or youth is actually living are eli-
18 gible to attend.

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

23 “(i) presume that keeping the child or
24 youth in the school of origin is in the child
25 or youth’s best interest, except when doing

1 so is contrary to the wishes of the child’s
2 or youth’s parent or guardian, or the unac-
3 companied youth;

4 “(ii) consider student-centered factors
5 related to the child’s or youth’s best inter-
6 est, including factors related to the impact
7 of mobility on achievement, education,
8 health, and safety of homeless children and
9 youth, giving priority to the wishes of the
10 homeless child’s or youth’s parent of
11 guardian or the unaccompanied youth in-
12 volved;

13 “(iii) if, after conducting the best in-
14 terest determination based on consider-
15 ation of the presumption in clause (i) and
16 the student-centered factors in clause (ii),
17 the local educational agency determines
18 that it is not in the child’s or youth’s best
19 interest to attend the school of origin or
20 the school requested by the parent, guard-
21 ian, or unaccompanied youth, provide the
22 child’s or youth’s parent or guardian or
23 the unaccompanied youth with a written
24 explanation of the reasons for its deter-
25 mination, in a manner and form under-

1 standable to such parent, guardian, or un-
2 accompanied youth, including information
3 regarding the right to appeal under sub-
4 paragraph (E); and

5 “(iv) in the case of an unaccompanied
6 youth, ensure that the homeless liaison
7 designated under paragraph (1)(J)(ii) as-
8 sists in placement or enrollment decisions
9 under this subparagraph, gives priority to
10 the views of such unaccompanied youth,
11 and provides notice to such youth of the
12 right to appeal under subparagraph (E).

13 “(C) ENROLLMENT.—

14 “(i) IN GENERAL.—The school se-
15 lected in accordance with this paragraph
16 shall immediately enroll the homeless child
17 or youth, even if the child or youth—

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

1 “(II) has missed application or
2 enrollment deadlines during any pe-
3 riod of homelessness.

4 “(ii) RELEVANT ACADEMIC
5 RECORDS.—The enrolling school shall im-
6 mediately contact the school last attended
7 by the child or youth to obtain relevant
8 academic and other records.

9 “(iii) RELEVANT HEALTH RECORDS.—
10 If the child or youth needs to obtain immu-
11 nizations or other required health records,
12 the enrolling school shall immediately refer
13 the parent or guardian of the child or
14 youth, or the unaccompanied child or
15 youth, to the local educational agency liai-
16 son designated under paragraph (1)(J)(ii),
17 who shall assist in obtaining necessary im-
18 munizations or screenings, or immuniza-
19 tion or other required health records, in
20 accordance with subparagraph (D).

21 “(D) RECORDS.—Any record ordinarily
22 kept by the school, including immunization or
23 other required health records, academic records,
24 birth certificates, guardianship records, and
25 evaluations for special services or programs, re-

1 garding each homeless child or youth shall be
2 maintained—

3 “(i) so that the records involved are
4 available, in a timely fashion, when a child
5 or youth enters a new school or school dis-
6 trict; and

7 “(ii) in a manner consistent with sec-
8 tion 444 of the General Education Provi-
9 sions Act (20 U.S.C. 1232g).

10 “(E) ENROLLMENT DISPUTES.—If a dis-
11 pute arises over school selection or enrollment
12 in a school—

13 “(i) the child or youth shall be imme-
14 diately enrolled in the school in which en-
15 rollment is sought, pending final resolution
16 of the dispute, including all available ap-
17 peals;

18 “(ii) the parent, guardian, or unac-
19 panied youth shall be provided with a
20 written explanation of any decisions made
21 by the school, the local educational agency,
22 or the State educational agency involved,
23 including the rights of the parent, guard-
24 ian, or youth to appeal such decisions;

1 “(iii) the parent, guardian, or unac-
2 companied youth shall be referred to the
3 local educational agency liaison designated
4 under paragraph (1)(J)(ii), who shall carry
5 out the dispute resolution process as de-
6 scribed in paragraph (1)(C) as expedi-
7 tiously as possible after receiving notice of
8 the dispute; and

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

14 “(F) PLACEMENT CHOICE.—The choice re-
15 garding placement shall be made regardless of
16 whether the child or youth lives with the home-
17 less parents or has been temporarily placed
18 elsewhere.

19 “(G) SCHOOL OF ORIGIN DEFINED.—

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

1 “(ii) RECEIVING SCHOOL.—When the
2 child or youth completes the final grade
3 level served by the school of origin, as de-
4 scribed in clause (i), the term “school of
5 origin” shall include the designated receiv-
6 ing school at the next grade level for all
7 feeder schools.

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

12 “(I) PRIVACY.—Information about a home-
13 less child’s or youth’s living situation shall be
14 treated as a student education record under
15 section 444 of the General Education Provi-
16 sions Act (20 U.S.C. 1232g) and shall not be
17 released to housing providers, employers, law
18 enforcement personnel, or other persons or
19 agencies not authorized to have such informa-
20 tion under section 99.31 of title 34, Code of
21 Federal Regulations.

22 “(J) ACADEMIC ACHIEVEMENT.—The
23 school selected in accordance with this para-
24 graph shall ensure that homeless children and
25 youth have opportunities to meet the same

1 State academic standards to which other stu-
2 dents are held.

3 “(4) COMPARABLE SERVICES.—Each homeless
4 child or youth to be assisted under this subtitle shall
5 be provided services comparable to services offered
6 to other students in the school selected under para-
7 graph (3), including the following:

8 “(A) Transportation services.

9 “(B) Educational services for which the
10 child or youth meets the eligibility criteria, such
11 as services provided under title I of the Elemen-
12 tary and Secondary Education Act of 1965 (20
13 U.S.C. 6301 et seq.) or similar State or local
14 programs, educational programs for children
15 with disabilities, and educational programs for
16 English learners.

17 “(C) Programs in career and technical
18 education.

19 “(D) Programs for gifted and talented stu-
20 dents.

21 “(E) School nutrition programs.

22 “(5) COORDINATION.—

23 “(A) IN GENERAL.—Each local educational
24 agency serving homeless children and youths

1 that receives assistance under this subtitle shall
2 coordinate—

3 “(i) the provision of services under
4 this subtitle with local social services agen-
5 cies and other agencies or entities pro-
6 viding services to homeless children and
7 youths and their families, including serv-
8 ices and programs funded under the Run-
9 away and Homeless Youth Act (42 U.S.C.
10 5701 et seq.); and

11 “(ii) transportation, transfer of school
12 records, and other interdistrict activities,
13 with other local educational agencies.

14 “(B) HOUSING ASSISTANCE.—If applica-
15 ble, each State educational agency and local
16 educational agency that receives assistance
17 under this subtitle shall coordinate with State
18 and local housing agencies responsible for devel-
19 oping the comprehensive housing affordability
20 strategy described in section 105 of the Cran-
21 ston-Gonzalez National Affordable Housing Act
22 (42 U.S.C. 12705) to minimize educational dis-
23 ruption for children and youths who become
24 homeless.

1 “(C) COORDINATION PURPOSE.—The co-
2 ordination required under subparagraphs (A)
3 and (B) shall be designed to—

4 “(i) ensure that all homeless children
5 and youths are promptly identified;

6 “(ii) ensure that homeless children
7 and youths have access to, and are in rea-
8 sonable proximity to, available education
9 and related support services; and

10 “(iii) raise the awareness of school
11 personnel and service providers of the ef-
12 fects of short-term stays in a shelter and
13 other challenges associated with homeless-
14 ness.

15 “(D) HOMELESS CHILDREN AND YOUTHS
16 WITH DISABILITIES.—For children and youth
17 who are to be assisted both under this subtitle,
18 and under the Individuals with Disabilities
19 Education Act (20 U.S.C. 1400 et seq.) or sec-
20 tion 504 of the Rehabilitation Act of 1973 (29
21 U.S.C. 794), each local educational agency shall
22 coordinate the provision of services under this
23 subtitle with the provision of programs for chil-
24 dren with disabilities served by that local edu-

1 cational agency and other involved local edu-
2 cational agencies.

3 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

4 “(A) DUTIES.—Each local educational
5 agency liaison for homeless children and youths,
6 designated under paragraph (1)(J)(ii), shall en-
7 sure that—

8 “(i) homeless children and youths are
9 identified by school personnel through out-
10 reach and coordination activities with other
11 entities and agencies;

12 “(ii) homeless children and youths are
13 enrolled in, and have a full and equal op-
14 portunity to succeed in, schools of that
15 local educational agency;

16 “(iii) homeless families, children, and
17 youths have access to and receive edu-
18 cational services for which such families,
19 children, and youths are eligible, including
20 services through Head Start, Early Head
21 Start, early intervention, and preschool
22 programs administered by the local edu-
23 cational agency;

24 “(iv) homeless families, children, and
25 youths receive referrals to health care serv-

1 ices, dental services, mental health and
2 substances abuse services, housing services,
3 and other appropriate services;

4 “(v) the parents or guardians of
5 homeless children and youths are informed
6 of the educational and related opportuni-
7 ties available to their children and are pro-
8 vided with meaningful opportunities to par-
9 ticipate in the education of their children;

10 “(vi) public notice of the educational
11 rights of homeless children and youths is
12 disseminated in locations frequented by
13 parents or guardians of such children and
14 youths, and unaccompanied youths, includ-
15 ing schools, shelters, public libraries, and
16 soup kitchens in a manner and form un-
17 derstandable to the parents and guardians
18 of homeless children and youths, and unac-
19 companied youths;

20 “(vii) enrollment disputes are medi-
21 ated in accordance with paragraph (3)(E);

22 “(viii) the parent or guardian of a
23 homeless child or youth, and any unaccom-
24 panied youth, is fully informed of all trans-
25 portation services, including transportation

1 to the school of origin, as described in
2 paragraph (1)(J)(iii), and is assisted in ac-
3 cessing transportation to the school that is
4 selected under paragraph (3)(A);

5 “(ix) school personnel providing serv-
6 ices under this subtitle receive professional
7 development and other support; and

8 “(x) unaccompanied youths—

9 “(I) are enrolled in school;

10 “(II) have opportunities to meet
11 the same State academic standards to
12 which other students are held, includ-
13 ing through implementation of the
14 policies and practices required by
15 paragraph (1)(F)(ii); and

16 “(III) are informed of their sta-
17 tus as independent students under
18 section 480 of the Higher Education
19 Act of 1965 (20 U.S.C. 1087vv) and
20 receive verification of such status for
21 purposes of the Free Application for
22 Federal Student Aid described in sec-
23 tion 483 of such Act (20 U.S.C.
24 1090).

1 “(B) NOTICE.—State coordinators estab-
2 lished under subsection (d)(3) and local edu-
3 cational agencies shall inform school personnel,
4 service providers, advocates working with home-
5 less families, parents and guardians of homeless
6 children and youths, and homeless children and
7 youths of the duties of the local educational
8 agency liaisons, including publishing an annu-
9 ally updated list of the liaisons on the State
10 educational agency’s website.

11 “(C) LOCAL AND STATE COORDINATION.—
12 Local educational agency liaisons for homeless
13 children and youths shall, as a part of their du-
14 ties, coordinate and collaborate with State coor-
15 dinators and community and school personnel
16 responsible for the provision of education and
17 related services to homeless children and
18 youths. Such coordination shall include col-
19 lecting and providing to the State Coordinator
20 the reliable, valid, and comprehensive data
21 needed to meet the requirements of paragraphs
22 (1) and (3) of subsection (f).

23 “(7) REVIEW AND REVISIONS.—

24 “(A) IN GENERAL.—Each State edu-
25 cational agency and local educational agency

1 that receives assistance under this subtitle shall
2 review and revise any policies that may act as
3 barriers to the enrollment of homeless children
4 and youths in schools that are selected under
5 paragraph (3).

6 “(B) CONSIDERATION.—In reviewing and
7 revising such policies, consideration shall be
8 given to issues concerning transportation, im-
9 munization, residency, birth certificates, school
10 records and other documentation, and guard-
11 ianship.

12 “(C) SPECIAL ATTENTION.—Special atten-
13 tion shall be given to ensuring the enrollment
14 and attendance of homeless children and youths
15 who are not currently attending school.”;

16 (8) in subsection (h)(1)(A), by striking “fiscal
17 year 2009,” and inserting “fiscal years 2014
18 through 2019,”; and

19 (9) in subsection (h)(4), by striking “fiscal year
20 2009” and inserting “fiscal years 2014 through
21 2019”.

1 **SEC. 703. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
2 **THE EDUCATION OF HOMELESS CHILDREN**
3 **AND YOUTHS.**

4 Section 723 of such Act (42 U.S.C. 11433) is amend-
5 ed—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “facili-
8 tating the enrollment,” and inserting “facili-
9 tating the identification, enrollment,”;

10 (B) in paragraph (2)(A)—

11 (i) by adding “and” at the end of
12 clause (i);

13 (ii) by striking “; and” and inserting
14 a period at the end of clause (ii); and

15 (iii) by striking clause (iii); and

16 (C) by adding at the end the following:

17 “(4) DURATION OF GRANTS.—Subgrants
18 awarded under this section shall be for terms of not
19 to exceed 3 years.”;

20 (2) in subsection (b)—

21 (A) by striking paragraph (3) and redesign-
22 ating paragraphs (4) and (5) as paragraphs
23 (3) and (4), respectively; and

24 (B) by adding at the end the following:

25 “(5) An assurance that the local educational
26 agency will collect and promptly provide data re-

1 requested by the State Coordinator pursuant to para-
2 graphs (1) and (3) of section 722(f).

3 “(6) An assurance that the local educational
4 agency has removed barriers to complying with the
5 requirements of section 722(g)(1)(I).”;

6 (3) in subsection (c)—

7 (A) in paragraph (1), by striking “726”
8 and inserting “722(a)”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by inserting
11 “identification,” before “enrollment”;

12 (ii) by amending subparagraph (B) to
13 read as follows:

14 “(B) The extent to which the application
15 reflects coordination with other local and State
16 agencies that serve homeless children and
17 youths.”; and

18 (iii) in subparagraph (C), by inserting
19 “(as of the date of submission of the appli-
20 cation)” after “current practice”;

21 (C) in paragraph (3)—

22 (i) by amending subparagraph (C) to
23 read as follows:

24 “(C) The extent to which the applicant will
25 promote meaningful involvement of parents or

1 guardians of homeless children or youths in the
2 education of their children.”;

3 (ii) in subparagraph (D), by striking
4 “within” and inserting “into”;

5 (iii) in subparagraph (G)—

6 (I) by striking “Such” and in-
7 serting “The extent to which the ap-
8 plicant’s program meets such”; and

9 (II) by striking “case manage-
10 ment or related”;

11 (iv) by redesignating subparagraph
12 (G) as subparagraph (I) and inserting
13 after subparagraph (F) the following:

14 “(G) The extent to which the local edu-
15 cational agency will use the subgrant to lever-
16 age resources, including by maximizing
17 nonsubgrant funding for the position of the liai-
18 son described in section 722(g)(1)(J)(ii) and
19 the provision of transportation.

20 “(H) How the local educational agency
21 uses funds to serve homeless children and
22 youths under section 1113(c)(3) of the Elemen-
23 tary and Secondary Education Act of 1965 (20
24 U.S.C. 6313(c)(3)).”; and

25 (v) by adding at the end the following:

1 “(J) An assurance that the applicant will
2 meet the requirements of section 722(g)(3).”;
3 and

4 (D) by striking paragraph (4); and
5 (4) in subsection (d)—

6 (A) in paragraph (1)—

7 (i) by striking “challenging State aca-
8 demic content standards” and inserting
9 “State academic standards”; and

10 (ii) by striking “and challenging State
11 student academic achievement standards”;

12 (B) in paragraph (2)—

13 (i) by striking “students with limited
14 English proficiency,” and inserting
15 “English learners,” ; and

16 (ii) by striking “vocational” and in-
17 serting “career”;

18 (C) in paragraph (3), by striking “pupil
19 services” and inserting “specialized instruc-
20 tional support”;

21 (D) in paragraph (7), by striking “, and
22 unaccompanied youths,” and inserting “, par-
23 ticularly homeless children and youths who are
24 not enrolled in school,”;

1 (E) in paragraph (9) by striking “medical”
2 and inserting “other required health”;

3 (F) in paragraph (10), by inserting before
4 the period at the end “, and other activities de-
5 signed to increase the meaningful involvement
6 of parents or guardians of homeless children or
7 youths in the education of their children”;

8 (G) in paragraph (12), by striking “pupil”
9 and inserting “specialized instructional sup-
10 port”; and

11 (H) in paragraph (13), by inserting before
12 the period at the end “and parental mental
13 health or substance abuse problems”.

14 **SEC. 704. SECRETARIAL RESPONSIBILITIES.**

15 Section 724 of such Act (42 U.S.C. 11434) is amend-
16 ed—

17 (1) by amending subsection (c) to read as fol-
18 lows:

19 “(c) NOTICE.—

20 “(1) IN GENERAL.—The Secretary shall, before
21 the next school year that begins after the date of the
22 enactment of the Student Success Act, update and
23 disseminate nationwide the public notice described in
24 this subsection (as in effect prior to such date) of

1 the educational rights of homeless children and
2 youths.

3 “(2) DISSEMINATION.—The Secretary shall dis-
4 seminate the notice nationally to all Federal agen-
5 cies, program grantees, and grant recipients serving
6 homeless families, children, and youths.”;

7 (2) in subsection (d), by striking “and dissemi-
8 nation” and inserting “, dissemination, and technical
9 assistance”;

10 (3) in subsection (e)—

11 (A) by striking “applications for grants
12 under this subtitle” and inserting “plans for
13 the use of grant funds under section 722”;

14 (B) by striking “60-day” and inserting
15 “120-day”; and

16 (C) by striking “120-day” and inserting
17 “180-day”;

18 (4) in subsection (f), by adding at the end the
19 following: “The Secretary shall provide support and
20 technical assistance to State educational agencies in
21 areas in which barriers to a free appropriate public
22 education persist.”;

23 (5) by amending subsection (g) to read as fol-
24 lows:

1 “(g) GUIDELINES.—The Secretary shall develop,
2 issue, and publish in the Federal Register, not later than
3 60 days after the date of the enactment of the Student
4 Success Act, strategies by which a State—

5 “(1) may assist local educational agencies to
6 implement the provisions amended by the Act; and

7 “(2) can review and revise State policies and
8 procedures that may present barriers to the identi-
9 fication, enrollment, attendance, and success of
10 homeless children and youths in school.”;

11 (6) in subsection (h)(1)(A), by inserting “in all
12 areas served by local educational agencies” before
13 the semicolon at the end; and

14 (7) in subsection (i), by striking “McKinney-
15 Vento Homeless Education Assistance Improvements
16 Act of 2001” and inserting “Student Success Act”.

17 **SEC. 705. DEFINITIONS.**

18 Section 725 of such Act (42 U.S.C. 11434a) is
19 amended—

20 (1) in paragraph (2)(B)(iv), by striking “1309”
21 and inserting “1139”; and

22 (2) in paragraph (3), by striking “9101” and
23 inserting “5101”.

1 **SEC. 706. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 726 of such Act (42 U.S.C. 11435) is amend-
3 ed to read as follows:

4 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

5 “For the purpose of carrying out this subtitle, there
6 are authorized to be appropriated \$61,771,000 for each
7 of fiscal years 2014 through 2019.”.

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