

Union Calendar No. 320

112TH CONGRESS
2^D SESSION

H. R. 3989

[Report No. 112-458]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2012

Mr. KLINE (for himself, Mr. HUNTER, Mr. ROE of Tennessee, Mr. PETRI, Mr. WILSON of South Carolina, Mr. THOMPSON of Pennsylvania, Mr. DESJARLAIS, Mrs. NOEM, Mrs. ROBY, and Mr. HECK) introduced the following bill; which was referred to the Committee on Education and the Workforce

APRIL 27, 2012

Additional sponsors: Mr. KELLY, Mr. AUSTIN SCOTT of Georgia, Mr. MEEHAN, and Mr. BARLETTA

APRIL 27, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 9, 2012]

A BILL

To support State and local accountability for public education, inform parents of their schools' performance, 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”.*

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

6 *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 improve-*
ment; 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—GENERAL PROVISIONS FOR THE ACT***Sec. 201. General provisions for the Act.**Sec. 202. Repeal.**Sec. 203. Other laws.**Sec. 204. Amendment to IDEA.***1 SEC. 3. REFERENCES.**

2 *Except as otherwise expressly provided, whenever in*
3 *this Act an amendment or repeal is expressed in terms of*
4 *an amendment to, or repeal of, a section or other provision,*
5 *the reference shall be considered to be made to a section or*
6 *other provision of the Elementary and Secondary Edu-*
7 *cation Act of 1965 (20 U.S.C. 6301 et seq.).*

8 SEC. 4. TRANSITION.

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

1 **SEC. 5. EFFECTIVE DATES.**

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

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

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

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

16 *The Act (20 U.S.C. 6301 et seq.) is amended by insert-*
17 *ing after section 2 the following:*

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

19 “(a) *TITLE I.*—

20 “(1) *PART A.*—*There are authorized to be appro-*
21 *priated to carry out part A of title I \$16,651,768,000*
22 *for fiscal year 2013.*

23 “(2) *PART B.*—*There are authorized to be appro-*
24 *priated to carry out part B of title I \$3,194,000 for*
25 *fiscal year 2013.*

1 “(b) *OUT YEARS.*—*The amounts authorized by sub-*
 2 *section (a) shall be increased for each of fiscal years 2014*
 3 *through 2018 by a percentage equal to the percentage of in-*
 4 *flation according to the Consumer Price Index, for the cal-*
 5 *endar year ending prior to the beginning of that fiscal*
 6 *year.*”.

7 ***TITLE I—AID TO LOCAL***
 8 ***EDUCATIONAL AGENCIES***
 9 ***Subtitle A—In General***

10 ***SEC. 101. TITLE HEADING.***

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

13 ***“TITLE I—AID TO LOCAL***
 14 ***EDUCATIONAL AGENCIES”.***

15 ***SEC. 102. STATEMENT OF PURPOSE.***

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

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

19 *“The purpose of this title is to provide all children the*
 20 *opportunity to graduate high school prepared for postsec-*
 21 *ondary education or the workforce. This purpose can be ac-*
 22 *complished by—*

23 *“(1) meeting the educational needs of low-achiev-*
 24 *ing children in our Nation’s highest-poverty schools,*
 25 *English learners, migratory children, children with*

1 *disabilities, Indian children, and neglected or delin-*
2 *quent children;*

3 *“(2) closing the achievement gap between high-*
4 *and low-performing children, especially the achieve-*
5 *ment gaps between minority and nonminority stu-*
6 *dents, and between disadvantaged children and their*
7 *more advantaged peers;*

8 *“(3) affording parents substantial and meaning-*
9 *ful opportunities to participate in the education of*
10 *their children; and*

11 *“(4) challenging States and local educational*
12 *agencies to embrace meaningful, evidence-based edu-*
13 *cation reform, while encouraging state and local inno-*
14 *vation.”.*

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

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

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

19 *“(a) ALTERNATIVE USES OF FEDERAL FUNDS FOR*
20 *STATE EDUCATIONAL AGENCIES.—*

21 *“(1) IN GENERAL.—Subject to subsections (c)*
22 *and (d) and notwithstanding any other provision of*
23 *law, a State educational agency may use the applica-*
24 *ble funding that the agency receives for a fiscal year*

1 *to carry out any State activity authorized or required*
2 *under one or more of the following provisions:*

3 *“(A) Section 1003.*

4 *“(B) Section 1004.*

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

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

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

8 *“(F) Chapter B of subpart 6 of part A of*
9 *title I.*

10 *“(2) NOTIFICATION.—Not later than June 1 of*
11 *each year, a State educational agency shall notify the*
12 *Secretary of the State educational agency’s intention*
13 *to use the applicable funding for any of the alter-*
14 *native uses under paragraph (1).*

15 *“(3) APPLICABLE FUNDING DEFINED.—*

16 *“(A) IN GENERAL.—Except as provided in*
17 *subparagraph (B), in this subsection, the term*
18 *‘applicable funding’ means funds provided to*
19 *carry out State activities under one or more of*
20 *the following provisions.*

21 *“(i) Section 1003.*

22 *“(ii) Section 1004.*

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

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

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

1 “(B) *LIMITATION.*—*In this subsection, the*
2 *term ‘applicable funding’ does not include funds*
3 *provided under any of the provisions listed in*
4 *subparagraph (A) that State educational agen-*
5 *cies are required by this Act—*

6 “(i) *to reserve, allocate, or spend for*
7 *required activities;*

8 “(ii) *to allocate, allot, or award to*
9 *local educational agencies or other entities*
10 *eligible to receive such funds; or*

11 “(iii) *to use for technical assistance or*
12 *monitoring.*

13 “(4) *DISBURSEMENT.*—*The Secretary shall dis-*
14 *burse the applicable funding to State educational*
15 *agencies for alternative uses under paragraph (1) for*
16 *a fiscal year at the same time as the Secretary dis-*
17 *burses the applicable funding to State educational*
18 *agencies that do not intend to use the applicable*
19 *funding for such alternative uses for the fiscal year.*

20 “(b) *ALTERNATIVE USES OF FEDERAL FUNDS FOR*
21 *LOCAL EDUCATIONAL AGENCIES.*—

22 “(1) *IN GENERAL.*—*Subject to subsections (c)*
23 *and (d) and notwithstanding any other provision of*
24 *law, a local educational agency may use the applica-*
25 *ble funding that the agency receives for a fiscal year*

1 *to carry out any local activity authorized or required*
2 *under one or more of the following provisions:*

3 *“(A) Section 1003.*

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

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

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

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

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

9 *“(2) NOTIFICATION.—A local educational agency*
10 *shall notify the State educational agency of the local*
11 *educational agency’s intention to use the applicable*
12 *funding for any of the alternative uses under para-*
13 *graph (1) by a date that is established by the State*
14 *educational agency for the notification.*

15 *“(3) APPLICABLE FUNDING DEFINED.—*

16 *“(A) IN GENERAL.—Except as provided in*
17 *subparagraph (B), in this subsection, the term*
18 *‘applicable funding’ means funds provided to*
19 *carry out local activities under one or more of*
20 *the following provisions:*

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

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

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

24 *“(iv) Chapter A of subpart 6 of part A*
25 *of title I.*

1 “(B) *LIMITATION.*—*In this subsection, the*
2 *term ‘applicable funding’ does not include funds*
3 *provided under any of the provisions listed in*
4 *subparagraph (A) that local educational agencies*
5 *are required by this Act—*

6 “(i) *to reserve, allocate, or spend for*
7 *required activities;*

8 “(ii) *to allocate, allot, or award to en-*
9 *tities eligible to receive such funds; or*

10 “(iii) *to use for technical assistance or*
11 *monitoring.*

12 “(4) *DISBURSEMENT.*—*Each State educational*
13 *agency that receives applicable funding for a fiscal*
14 *year shall disburse the applicable funding to local*
15 *educational agencies for alternative uses under para-*
16 *graph (1) for the fiscal year at the same time as the*
17 *State educational agency disburses the applicable*
18 *funding to local educational agencies that do not in-*
19 *tend to use the applicable funding for such alternative*
20 *uses for the fiscal year.*

21 “(c) *RULE FOR ADMINISTRATIVE COSTS.*—*A State*
22 *educational agency or a local educational agency shall only*
23 *use applicable funding (as defined in subsection (a)(3) or*
24 *(b)(3), respectively) for administrative costs incurred in*
25 *carrying out a provision listed in subsection (a)(1) or*

1 (b)(1), respectively, to the extent that the agency, in the ab-
 2 sence of this section, could have used funds for administra-
 3 tive costs with respect to a program listed in subsection
 4 (a)(3) or (b)(3), respectively.

5 “(d) *RULE OF CONSTRUCTION.*—Nothing in this sec-
 6 tion shall be construed to relieve a State educational agency
 7 or local educational agency of any requirements relating
 8 to—

9 “(1) use of Federal funds to supplement, not sup-
 10 plant, non-Federal funds;

11 “(2) comparability of services;

12 “(3) equitable participation of private school stu-
 13 dents and teachers;

14 “(4) applicable civil rights requirements;

15 “(5) section 1113; or

16 “(6) section 1111.”

17 **SEC. 104. SCHOOL IMPROVEMENT.**

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

19 (1) in subsection (a)—

20 (A) by striking “2 percent” and inserting
 21 “7 percent”; and

22 (B) by striking “subpart 2 of part A” and
 23 all that follows through “sections 1116 and
 24 1117,” and inserting “chapter B of subpart 1 of

1 *part A for each fiscal year to carry out sub-*
2 *section (b),”;*

3 (2) *in subsection (b)(1), by striking “for schools*
4 *identified for school improvement, corrective action,*
5 *and restructuring, for activities under section*
6 *1116(b)” and inserting “to carry out the State’s sys-*
7 *tem of school improvement under section*
8 *1111(b)(3)(B)(iii)”;*

9 (3) *in subsection (c)—*

10 (A) *in paragraph (1), by inserting “and” at*
11 *the end;*

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

15 (C) *by striking paragraph (3);*

16 (4) *in subsection (d)(1), by striking “subpart 2*
17 *of part A;” and inserting “chapter B of subpart 1 of*
18 *part A;”;*

19 (5) *in subsection (e)—*

20 (A) *by striking “in any fiscal year” and in-*
21 *serting “in fiscal year 2014 and each subsequent*
22 *fiscal year”;*

23 (B) *by striking “subpart 2” and inserting*
24 *“chapter B of subpart 1 of part A”; and*

1 (C) by striking “such subpart” and insert-
2 ing “such chapter”;

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

6 (7) by striking subsection (g).

7 **SEC. 105. DIRECT STUDENT SERVICES.**

8 *The Act (20 U.S.C. 6301 et seq.) is amended by insert-*
9 *ing after section 1003 the following:*

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

11 “(a) *STATE RESERVATION.*—*Each State shall reserve*
12 *3 percent of the amount the State receives under chapter*
13 *B of subpart 1 of part A for each fiscal year to carry out*
14 *this section. Of such reserved funds, the State educational*
15 *agency may use up to 1 percent to administer direct student*
16 *services.*

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

21 “(c) *AWARDS.*—*The State educational agency shall*
22 *award grants to geographically diverse local educational*
23 *agencies including suburban, rural, and urban local edu-*
24 *cational agencies. If there are not enough funds to award*
25 *all applicants in a sufficient size and scope to run an effec-*

1 *tive direct student services program, the State shall*
2 *prioritize awards to local educational agencies with the*
3 *greatest number of low-performing schools.*

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

6 “(1) *shall use up to 1 percent of each award for*
7 *outreach and communication to parents about their*
8 *options and to register students for direct student*
9 *services;*

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

13 “(3) *shall use the remainder of the award to pay*
14 *the transportation required to provide public school*
15 *choice or the hourly rate for high-quality academic*
16 *tutoring services, as determined in the provider ap-*
17 *proval process under subsection (f)(2).*

18 “(e) *APPLICATION.—A local educational agency desir-*
19 *ing to receive an award under subsection (b) shall submit*
20 *an application describing how the local educational agency*
21 *will—*

22 “(1) *provide adequate outreach to ensure parents*
23 *can exercise a meaningful choice of direct student*
24 *services for their child’s education;*

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

4 “(3) ensure ample availability in the public
5 schools the local educational agency will make avail-
6 able for public school choice options;

7 “(4) determine the requirements or criteria for
8 student eligibility for direct student services;

9 “(5) select a variety of providers of high quality
10 academic tutoring from the list required under sub-
11 section (f)(2) and ensure fair negotiations in selecting
12 such providers of high-quality academic tutoring, in-
13 cluding online, on campus, and other models of tutor-
14 ing which provide meaningful choices to parents to
15 find the best service for their child; and

16 “(6) develop an estimated per pupil expenditure
17 available for eligible students to use toward high qual-
18 ity academic tutoring which shall allow for adequate
19 level of services to increase academic achievement
20 from a variety of high-quality academic tutoring pro-
21 viders.

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

23 “(1) shall ensure that each local educational
24 agency receiving an award to provide public school

1 *choice can provide an ample number of options to*
 2 *provide a meaningful choice for parents;*

3 *“(2) shall compile a list of State-approved high-*
 4 *quality academic tutoring providers that includes on-*
 5 *line, on campus, and other models of tutoring; and*

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

10 **SEC. 106. STATE ADMINISTRATION.**

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

13 **“SEC. 1004. STATE ADMINISTRATION.**

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

18 *“(1) 1 percent of the amounts received under*
 19 *such subparts; or*

20 *“(2) \$400,000 (\$50,000 in the case of each out-*
 21 *lying area).*

22 *“(b) EXCEPTION.—If the sum of the amounts reserved*
 23 *under subparts 1, 2, and 3 of part A of this title is equal*
 24 *to or greater than \$14,000,000,000, then the reservation de-*
 25 *scribed in subsection (a)(1) shall not exceed 1 percent of*

1 *the amount the State would receive if \$14,000,000,000 were*
 2 *allocated among the States for subparts 1, 2, and 3 of part*
 3 *A of this title.”.*

4 ***Subtitle B—Improving the Aca-***
 5 ***dem ic Achievement of the Dis-***
 6 ***advantaged***

7 ***SEC. 111. PART A HEADINGS.***

8 *(a) PART HEADING.—The part heading for part A of*
 9 *title I (20 U.S.C. 6311 et seq.) is amended to read as fol-*
 10 *lows:*

11 ***“PART A—IMPROVING THE ACADEMIC***
 12 ***ACHIEVEMENT OF THE DISADVANTAGED”.***

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

16 ***“Subpart 1—Improving Basic Programs Operated by***
 17 ***Local Educational Agencies***

18 ***“CHAPTER A—BASIC PROGRAM***
 19 ***REQUIREMENTS”.***

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

1 **“CHAPTER B—ALLOCATIONS”.**

2 **SEC. 112. STATE PLANS.**

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

5 **“SEC. 1111. STATE PLANS.**

6 “(a) *PLANS REQUIRED.*—

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

21 “(2) *CONSOLIDATED PLAN.*—*A State plan sub-*
22 *mitted under paragraph (1) may be submitted as*
23 *part of a consolidated plan under section 5302.*

24 “(b) *ACADEMIC STANDARDS, ACADEMIC ASSESS-*
25 *MENTS, AND STATE ACCOUNTABILITY.*—

1 “(1) *ACADEMIC STANDARDS.*—

2 “(A) *IN GENERAL.*—*Each State plan shall*
3 *demonstrate that the State has adopted academic*
4 *content standards and academic achievement*
5 *standards aligned with such content standards*
6 *that comply with the requirements of this para-*
7 *graph.*

8 “(B) *SUBJECTS.*—*The State shall have such*
9 *academic standards for mathematics and read-*
10 *ing or language arts, and may have such stand-*
11 *ards for any other subject determined by the*
12 *State.*

13 “(C) *REQUIREMENTS.*—*The standards de-*
14 *scribed in subparagraph (A) shall—*

15 “(i) *apply to all public schools and*
16 *public school students in the State; and*

17 “(ii) *with respect to academic achieve-*
18 *ment standards, include the same knowl-*
19 *edge, skills, and levels of achievement ex-*
20 *pected of all public school students in the*
21 *State.*

22 “(D) *ALTERNATE ACADEMIC ACHIEVEMENT*
23 *STANDARDS.*—*Notwithstanding any other provi-*
24 *sion of this paragraph, a State may, through a*
25 *documented and validated standards-setting*

1 *process, adopt alternate academic achievement*
2 *standards for students with the most significant*
3 *cognitive disabilities, if—*

4 “(i) *the determination about whether*
5 *the achievement of an individual student*
6 *should be measured against such standards*
7 *is made separately for each student; and*

8 “(ii) *such standards—*

9 “(I) *are aligned with the State*
10 *academic standards required under*
11 *subparagraph (A);*

12 “(II) *promote access to the general*
13 *curriculum; and*

14 “(III) *reflect professional judg-*
15 *ment as to the highest possible stand-*
16 *ards achievable by such students.*

17 “(E) *ENGLISH LANGUAGE PROFICIENCY*
18 *STANDARDS.—Each State plan shall describe*
19 *how the State educational agency will establish*
20 *English language proficiency standards that*
21 *are—*

22 “(i) *derived from the four recognized*
23 *domains of speaking, listening, reading, and*
24 *writing; and*

1 “(ii) aligned with the State’s academic
2 content standards in reading or language
3 arts under subparagraph (A).

4 “(2) *ACADEMIC ASSESSMENTS.*—

5 “(A) *IN GENERAL.*—Each State plan shall
6 demonstrate that the State educational agency,
7 in consultation with local educational agencies,
8 has implemented a set of high-quality student
9 academic assessments in mathematics and read-
10 ing or language arts. At the State’s discretion,
11 the State plan may also demonstrate that the
12 State has implemented such assessments in any
13 other subject chosen by the State

14 “(B) *REQUIREMENTS.*—Such assessments
15 shall—

16 “(i) be used in determining the per-
17 formance of each local educational agency
18 and public school in the State in accordance
19 with the State’s accountability system under
20 paragraph (3);

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

24 “(iii) be aligned with the State’s aca-
25 demic standards and provide coherent and

1 *timely information about student attain-*
2 *ment of such standards;*

3 *“(iv) be used for purposes for which*
4 *such assessments are valid and reliable, be*
5 *of adequate technical quality for each pur-*
6 *pose required under this Act, and be con-*
7 *sistent with relevant, nationally recognized*
8 *professional and technical standards;*

9 *“(v)(I) in the case of mathematics and*
10 *reading, be administered in each of grades*
11 *3 through 8 and at least once in grades 9*
12 *through 12;*

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

16 *“(vi) measure individual student aca-*
17 *demically proficiency and growth;*

18 *“(vii) at the State’s discretion—*

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

22 *“(II) be administered through*
23 *multiple assessments during the course*
24 *of the academic year that result in a*
25 *single summative score that provides*

1 *valid, reliable, and transparent infor-*
2 *mation on student achievement;*

3 *“(viii) include measures that assess*
4 *higher-order thinking skills and under-*
5 *standing;*

6 *“(ix) provide for—*

7 *“(I) the participation in such as-*
8 *sessments of all students;*

9 *“(II) the reasonable adaptations*
10 *and accommodations for students with*
11 *disabilities necessary to measure the*
12 *academic achievement of such students*
13 *relative to the State’s academic stand-*
14 *ards; and*

15 *“(III) the inclusion of English*
16 *learners, who shall be assessed in a*
17 *valid and reliable manner and pro-*
18 *vided reasonable accommodations, in-*
19 *cluding, to the extent practicable, as-*
20 *sessments in the language and form*
21 *most likely to yield accurate and reli-*
22 *able information on what such students*
23 *know and can do in academic content*
24 *areas, until such students have*
25 *achieved English language proficiency,*

1 *as assessed by the State under sub-*
2 *paragraph (D);*

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

23 *“(xi) produce individual student inter-*
24 *pretive, descriptive, and diagnostic reports*
25 *regarding achievement on such assessments*

1 that allow parents, teachers, and school
2 leaders to understand and address the spe-
3 cific academic needs of students, and that
4 are provided to parents, teachers, and school
5 leaders, as soon as is practicable after the
6 assessment is given, in an understandable
7 and uniform format, and to the extent prac-
8 ticable, in a language that parents can un-
9 derstand;

10 “(xii) enable results to be disaggregated
11 within each State, local educational agency,
12 and school by gender, by each major racial
13 and ethnic group, by English language pro-
14 ficiency status, by migrant status, by status
15 as a student with a disability, and by eco-
16 nomically disadvantaged status, except that,
17 in the case of a local educational agency or
18 a school, such disaggregation shall not be re-
19 quired in a case in which the number of
20 students in a category is insufficient to
21 yield statistically reliable information or
22 the results would reveal personally identifi-
23 able information about an individual stu-
24 dent; and

1 “(xiii) be administered to not less than
2 95 percent of all students, and not less than
3 95 percent of each subgroup of students de-
4 scribed in paragraph (3)(B)(ii)(II).

5 “(C) ALTERNATE ASSESSMENTS.—A State
6 may provide for alternate assessments aligned
7 with the alternate academic standards adopted
8 in accordance with paragraph (1)(D), for stu-
9 dents with the most significant cognitive disabili-
10 ties, if the State—

11 “(i) establishes and monitors imple-
12 mentation of clear and appropriate guide-
13 lines for individualized education program
14 teams (as defined in section 614(d)(1)(B) of
15 the Individuals with Disabilities Education
16 Act) to apply when determining when a
17 child’s significant cognitive disability justi-
18 fies assessment based on alternate achieve-
19 ment standards;

20 “(ii) ensures that the parents of such
21 students are informed that—

22 “(I) their child’s academic
23 achievement will be measured against
24 such alternate standards; and

1 “(II) *whether participation in*
2 *such assessments precludes the student*
3 *from completing the requirements for a*
4 *regular high school diploma as defined*
5 *in section 5101(35)(A);*

6 “(iii) *demonstrates that such students*
7 *are, to the extent practicable, included in*
8 *the general curriculum and that such alter-*
9 *nate assessments are aligned with such cur-*
10 *riculum;*

11 “(iv) *develops, disseminates informa-*
12 *tion about, and promotes the use of appro-*
13 *priate accommodations to increase the num-*
14 *ber of students with disabilities who are*
15 *tested against academic achievement stand-*
16 *ards for the grade in which a student is en-*
17 *rolled; and*

18 “(v) *ensures that regular and special*
19 *education teachers and other appropriate*
20 *staff know how to administer the alternate*
21 *assessments, including making appropriate*
22 *use of accommodations for students with*
23 *disabilities.*

24 “(D) *ASSESSMENTS OF ENGLISH LANGUAGE*
25 *PROFICIENCY.—*

1 “(i) *IN GENERAL.*—*Each State plan*
2 *shall demonstrate that local educational*
3 *agencies in the State will provide for an an-*
4 *ual assessment of English proficiency of*
5 *all English learners in the schools served by*
6 *the State educational agency.*

7 “(ii) *ALIGNMENT.*—*The assessments*
8 *described in clause (i) shall be aligned with*
9 *the State’s English language proficiency*
10 *standards described in paragraph (1)(E).*

11 “(E) *LANGUAGE ASSESSMENTS.*—*Each*
12 *State plan shall identify the languages other*
13 *than English that are present in the partici-*
14 *pating student population and indicate the lan-*
15 *guages for which yearly student academic assess-*
16 *ments are not available and are needed. The*
17 *State shall make every effort to develop such as-*
18 *sessments and may request assistance from the*
19 *Secretary if linguistically accessible academic as-*
20 *essment measures are needed. Upon request, the*
21 *Secretary shall assist with the identification of*
22 *appropriate academic assessment measures in*
23 *the needed languages, but shall not mandate a*
24 *specific academic assessment or mode of instruc-*
25 *tion.*

1 “(F) *ADAPTIVE ASSESSMENTS.*—A State
2 may develop and administer computer adaptive
3 assessments as the assessments required under
4 subparagraph (A). If a State develops and ad-
5 ministers a computer adaptive assessment for
6 such purposes, the assessment shall meet the re-
7 quirements of this paragraph, except as follows:

8 “(i) Notwithstanding subparagraph
9 (B)(iii), the assessment—

10 “(I) shall measure, at a min-
11 imum, each student’s academic pro-
12 ficiency against the State’s academic
13 standards for the student’s grade level
14 and growth toward such standards;
15 and

16 “(II) if the State chooses, may be
17 used to measure the student’s level of
18 academic proficiency and growth using
19 assessment items above or below the
20 student’s grade level, including for use
21 as part of a State’s accountability sys-
22 tem under paragraph (3).

23 “(ii) Subparagraph (B)(i) shall not be
24 interpreted to require that all students tak-

1 *ing the computer adaptive assessment be ad-*
2 *ministered the same assessment items.*

3 “(3) *STATE ACCOUNTABILITY SYSTEMS.—*

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

11 “(B) *ELEMENTS.—Each State account-*
12 *ability system described in subparagraph (A)*
13 *shall at a minimum—*

14 “(i) *annually measure the academic*
15 *achievement of all public school students in*
16 *the State against the State’s academic*
17 *standards adopted under paragraph (1),*
18 *which may include measures of student*
19 *growth toward such standards, using the as-*
20 *essments described in paragraph (2) and*
21 *other valid and reliable academic indicators*
22 *related to student achievement as identified*
23 *by the State;*

1 “(ii) annually evaluate and identify
2 the academic performance of each public
3 school in the State based on—

4 “(I) student academic achieve-
5 ment as measured in accordance with
6 clause (i); and

7 “(II) the overall performance, and
8 achievement gaps as compared to all
9 students in the school, for economically
10 disadvantaged students, students from
11 major racial and ethnic groups, stu-
12 dents with disabilities, and English
13 learners, except that disaggregation of
14 data under this subclause shall not be
15 required in a case in which the number
16 of students in a category is insufficient
17 to yield statistically reliable informa-
18 tion or the results would reveal person-
19 ally identifiable information about an
20 individual student; and

21 “(iii) include a system for school im-
22 provement for low-performing public schools
23 receiving funds under this subpart that—

1 “(I) implements interventions in
2 such schools that are designed to ad-
3 dress such schools’ weaknesses; and

4 “(II) is implemented by local edu-
5 cational agencies serving such schools.

6 “(C) PROHIBITION.—Nothing in this section
7 shall be construed to permit the Secretary to es-
8 tablish any criteria that specifies, defines, or
9 prescribes any aspect of a State’s accountability
10 system developed and implemented in accordance
11 with this paragraph.

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

16 “(4) REQUIREMENTS.—Each State plan shall de-
17 scribe—

18 “(A) how the State educational agency will
19 assist each local educational agency and each
20 public school affected by the State plan to com-
21 ply with the requirements of this subpart, in-
22 cluding how the State educational agency will
23 work with local educational agencies to provide
24 technical assistance; and

1 “(B) how the State educational agency will
2 ensure that the results of the State assessments
3 described in paragraph (2), the other indicators
4 selected by the State under paragraph (3)(B)(i),
5 and the school evaluations described in para-
6 graph (3)(B)(ii), will be promptly provided to
7 local educational agencies, schools, teachers, and
8 parents in a manner that is clear and easy to
9 understand, but not later than before the begin-
10 ning of the school year following the school year
11 in which such assessments, other indicators, or
12 evaluations are taken or completed.

13 “(5) *TIMELINE FOR IMPLEMENTATION.*—Each
14 State plan shall describe the process by which the
15 State will adopt and implement the State academic
16 standards, assessments, and accountability system re-
17 quired under this section within 2 years of enactment
18 of the Student Success Act.

19 “(6) *EXISTING STANDARDS.*—Nothing in this
20 subpart shall prohibit a State from revising, con-
21 sistent with this section, any standard adopted under
22 this section before or after the date of enactment of the
23 Student Success Act.

24 “(7) *EXISTING STATE LAW.*—Nothing in this sec-
25 tion shall be construed to alter any State law or regu-

1 *lation granting parents authority over schools that re-*
2 *peatedly failed to make adequate yearly progress*
3 *under this section, as in effect on the day before the*
4 *date of the enactment of the Student Success Act.*

5 *“(c) OTHER PROVISIONS TO SUPPORT TEACHING AND*
6 *LEARNING.—Each State plan shall contain assurances*
7 *that—*

8 *“(1) the State will notify local educational agen-*
9 *cies, schools, teachers, parents, and the public of the*
10 *academic standards, academic assessments, and State*
11 *accountability system developed and implemented*
12 *under this section;*

13 *“(2) the State will participate in biennial State*
14 *academic assessments of 4th and 8th grade reading*
15 *and mathematics under the National Assessment of*
16 *Educational Progress carried out under section*
17 *303(b)(2) of the National Assessment of Educational*
18 *Progress Authorization Act if the Secretary pays the*
19 *costs of administering such assessments;*

20 *“(3) the State educational agency will notify*
21 *local educational agencies and the public of the au-*
22 *thority to operate schoolwide programs;*

23 *“(4) the State educational agency will provide*
24 *the least restrictive and burdensome regulations for*

1 *local educational agencies and individual schools par-*
2 *ticipating in a program assisted under this subpart;*

3 *“(5) the State educational agency will encourage*
4 *schools to consolidate funds from other Federal, State,*
5 *and local sources for schoolwide reform in schoolwide*
6 *programs under section 1114;*

7 *“(6) the State educational agency will modify or*
8 *eliminate State fiscal and accounting barriers so that*
9 *schools can easily consolidate funds from other Fed-*
10 *eral, State, and local sources for schoolwide programs*
11 *under section 1114; and*

12 *“(7) the State educational agency will inform*
13 *local educational agencies in the State of the local*
14 *educational agency’s authority to transfer funds*
15 *under section 1002 and to obtain waivers under sec-*
16 *tion 5401;*

17 *“(d) PARENTAL INVOLVEMENT.—Each State plan shall*
18 *describe how the State educational agency will support the*
19 *collection and dissemination to local educational agencies*
20 *and schools of effective parental involvement practices. Such*
21 *practices shall—*

22 *“(1) be based on the most current research that*
23 *meets the highest professional and technical standards*
24 *on effective parental involvement that fosters achieve-*
25 *ment to high standards for all children;*

1 “(2) be geared toward lowering barriers to great-
2 er participation by parents in school planning, re-
3 view, and improvement; and

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

6 “(e) *PEER REVIEW AND SECRETARIAL APPROVAL.*—

7 “(1) *ESTABLISHMENT.*—Notwithstanding section
8 5543, the Secretary shall—

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

11 “(B) appoint individuals to the peer-review
12 process who are representative of parents, teach-
13 ers, State educational agencies, and local edu-
14 cational agencies, and who are familiar with
15 educational standards, assessments, account-
16 ability, the needs of low-performing schools, and
17 other educational needs of students, and ensure
18 that 75 percent of such appointees are practi-
19 tioners.

20 “(2) *APPROVAL.*—The Secretary shall—

21 “(A) approve a State plan within 120 days
22 of its submission;

23 “(B) disapprove of the State plan only if
24 the Secretary demonstrates how the State plan
25 fails to meet the requirements of this section and

1 *immediately notifies the State of such determina-*
2 *tion and the reasons for such determination;*

3 “(C) *not decline to approve a State’s plan*
4 *before—*

5 “(i) *offering the State an opportunity*
6 *to revise its plan;*

7 “(ii) *providing technical assistance in*
8 *order to assist the State to meet the require-*
9 *ments of this section; and*

10 “(iii) *providing a hearing; and*

11 “(D) *have the authority to disapprove a*
12 *State plan for not meeting the requirements of*
13 *this subpart, but shall not have the authority to*
14 *require a State, as a condition of approval of the*
15 *State plan, to include in, or delete from, such*
16 *plan one or more specific elements of the State’s*
17 *academic standards or State accountability sys-*
18 *tem, or to use specific academic assessments or*
19 *other indicators.*

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

23 “(4) *PUBLIC REVIEW.—All communications,*
24 *feedback, and notifications under this subsection shall*
25 *be conducted in a manner that is immediately made*

1 available to the public through the website of the De-
2 partment, including—

3 “(A) peer review guidance;

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

5 “(C) State plans submitted or resubmitted
6 by a State, including the current approved
7 plans;

8 “(D) peer review notes;

9 “(E) State plan determinations by the Sec-
10 retary, including approvals or disapprovals, and
11 any deviations from the peer reviewers’ rec-
12 ommendations with an explanation of the devi-
13 ation; and

14 “(F) hearings.

15 “(5) PROHIBITION.—The Secretary, and the Sec-
16 retary’s staff, may not attempt to participate in, or
17 influence, the peer review process. No Federal em-
18 ployee may participate in, or attempt to influence the
19 peer review process, except to respond to questions of
20 a technical nature, which shall be publicly reported.

21 “(f) DURATION OF THE PLAN.—

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

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

1 “(B) be periodically reviewed and revised as
2 necessary by the State educational agency to re-
3 flect changes in the State’s strategies and pro-
4 grams under this subpart.

5 “(2) *ADDITIONAL INFORMATION.*—If a State
6 makes significant changes to its State plan, such as
7 the adoption of new State academic standards or new
8 academic assessments, or adopts a new State account-
9 ability system, such information shall be submitted to
10 the Secretary under subsection (e)(2) for approval.

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

16 “(h) *REPORTS.*—

17 “(1) *ANNUAL STATE REPORT CARD.*—

18 “(A) *IN GENERAL.*—A State that receives
19 assistance under this subpart shall prepare and
20 disseminate an annual State report card. Such
21 dissemination shall include, at a minimum, pub-
22 licly posting the report card on the home page of
23 the State educational agency’s website.

24 “(B) *IMPLEMENTATION.*—The State report
25 card shall be—

1 “(i) *concise; and*

2 “(ii) *presented in an understandable*
3 *and uniform format that is developed in*
4 *consultation with parents and, to the extent*
5 *practicable, provided in a language that*
6 *parents can understand.*

7 “(C) *REQUIRED INFORMATION.—The State*
8 *shall include in its annual State report card in-*
9 *formation on—*

10 “(i) *the performance of students, in the*
11 *aggregate and disaggregated by the cat-*
12 *egories of students described in subsection*
13 *(b)(2)(B)(xii) (except that such*
14 *disaggregation shall not be required in a*
15 *case in which the number of students in a*
16 *category is insufficient to yield statistically*
17 *reliable information or the results would re-*
18 *veal personally identifiable information*
19 *about an individual student), on the State*
20 *academic assessments described in sub-*
21 *section (b)(2);*

22 “(ii) *the participation rate on such as-*
23 *sessments, in the aggregate and*
24 *disaggregated in accordance with clause*
25 *(i);*

1 “(iii) the performance of students, in
2 the aggregate and disaggregated in accord-
3 ance with clause (i), on other academic in-
4 dicators described in subsection (b)(3)(B)(i);

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

8 “(I) the four-year adjusted cohort
9 graduation rate, and

10 “(II) at the State’s discretion, the
11 extended-year adjusted cohort gradua-
12 tion rate, calculated and reported sepa-
13 rately for students graduating in 5
14 years or less and students graduating
15 in 6 years or less;

16 “(v) each public school’s evaluation re-
17 sults as determined in accordance with sub-
18 section (b)(3)(B)(ii);

19 “(vi) the acquisition of English pro-
20 ficiency by English learners;

21 “(vii) the number and percentage of
22 teachers in each category established under
23 clause (iii) of section 2123(1)(A), except
24 that such information shall not reveal per-

1 *sonally identifiable information about an*
2 *individual teacher; and*

3 *“(viii) the results of the assessments de-*
4 *scribed in subsection (c)(2).*

5 *“(D) OPTIONAL INFORMATION.—The State*
6 *may include in its annual State report card*
7 *such other information as the State believes will*
8 *best provide parents, students, and other mem-*
9 *bers of the public with information regarding the*
10 *progress of each of the State’s public elementary*
11 *schools and public secondary schools.*

12 *“(2) ANNUAL LOCAL EDUCATIONAL AGENCY RE-*
13 *PORT CARDS.—*

14 *“(A) IN GENERAL.—A local educational*
15 *agency that receives assistance under this sub-*
16 *part shall prepare and disseminate an annual*
17 *local educational agency report card.*

18 *“(B) MINIMUM REQUIREMENTS.—The State*
19 *educational agency shall ensure that each local*
20 *educational agency collects appropriate data and*
21 *includes in the local educational agency’s annual*
22 *report the information described in paragraph*
23 *(1)(C) as applied to the local educational agency*
24 *and each school served by the local educational*
25 *agency, and—*

1 “(i) in the case of a local educational
2 agency, information that shows how stu-
3 dents served by the local educational agency
4 achieved on the statewide academic assess-
5 ment and other academic indicators adopt-
6 ed in accordance with subsection
7 (b)(3)(B)(i) compared to students in the
8 State as a whole; and

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

11 “(C) OTHER INFORMATION.—A local edu-
12 cational agency may include in its annual local
13 educational agency report card any other appro-
14 priate information, whether or not such informa-
15 tion is included in the annual State report card.

16 “(D) DATA.—A local educational agency or
17 school shall only include in its annual local edu-
18 cational agency report card data that are suffi-
19 cient to yield statistically reliable information,
20 as determined by the State, and that do not re-
21 veal personally identifiable information about an
22 individual student.

23 “(E) PUBLIC DISSEMINATION.—The local
24 educational agency shall publicly disseminate the
25 information described in this paragraph to all

1 schools served by the local educational agency
2 and to all parents of students attending those
3 schools in an understandable and uniform for-
4 mat, and, to the extent practicable, in a lan-
5 guage that parents can understand, and make
6 the information widely available through public
7 means, such as posting on the Internet, distribu-
8 tion to the media, and distribution through pub-
9 lic agencies, except that if a local educational
10 agency issues a report card for all students, the
11 local educational agency may include the infor-
12 mation under this section as part of such report.

13 “(3) *PREEXISTING REPORT CARDS.*—A State
14 educational agency or local educational agency may
15 use public report cards on the performance of stu-
16 dents, schools, local educational agencies, or the State,
17 that were in effect prior to the enactment of the *Stu-*
18 *dent Success Act* for the purpose of this subsection, so
19 long as any such report card is modified, as may be
20 needed, to contain the information required by this
21 subsection.

22 “(4) *PARENTS RIGHT-TO-KNOW.*—

23 “(A) *ACHIEVEMENT INFORMATION.*—At the
24 beginning of each school year, a school that re-
25 ceives funds under this subpart shall provide to

1 *each individual parent information on the level*
2 *of achievement of the parent’s child in each of*
3 *the State academic assessments and other aca-*
4 *ademic indicators adopted in accordance with this*
5 *subpart.*

6 “(B) *FORMAT.*—*The notice and information*
7 *provided to parents under this paragraph shall*
8 *be in an understandable and uniform format*
9 *and, to the extent practicable, provided in a lan-*
10 *guage that the parents can understand.*

11 “(i) *PRIVACY.*—*Information collected under this sec-*
12 *tion shall be collected and disseminated in a manner that*
13 *protects the privacy of individuals consistent with section*
14 *444 of the General Education Provisions Act.*

15 “(j) *VOLUNTARY PARTNERSHIPS.*—*A State may enter*
16 *into a voluntary partnership with another State to develop*
17 *and implement the academic assessments and standards re-*
18 *quired under this section, except that the Secretary shall*
19 *not attempt to influence, incentivize, or coerce State par-*
20 *ticipation in any such partnerships.*

21 “(k) *CONSTRUCTION.*—*Nothing in this part shall be*
22 *construed to prescribe the use of the academic assessments*
23 *described in this part for student promotion or graduation*
24 *purposes.*

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

6 “(1) *Each such school that is accredited by the*
7 *State in which it is operating shall use the assess-*
8 *ments and other academic indicators the State has*
9 *developed and implemented to meet the requirements*
10 *of this section, or such other appropriate assessment*
11 *and academic indicators as approved by the Sec-*
12 *retary of the Interior.*

13 “(2) *Each such school that is accredited by a re-*
14 *gional accrediting organization shall adopt an appro-*
15 *priate assessment and other academic indicators, in*
16 *consultation with and with the approval of, the Sec-*
17 *retary of the Interior and consistent with assessments*
18 *and academic indicators adopted by other schools in*
19 *the same State or region, that meet the requirements*
20 *of this section.*

21 “(3) *Each such school that is accredited by a*
22 *tribal accrediting agency or tribal division of edu-*
23 *cation shall use an assessment and other academic in-*
24 *dicators developed by such agency or division, except*
25 *that the Secretary of the Interior shall ensure that*

1 *such assessment and academic indicators meet the re-*
2 *quirements of this section.”.*

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

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

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

7 *“(a) PLANS REQUIRED.—*

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

18 *“(2) CONSOLIDATED APPLICATION.—The plan*
19 *may be submitted as part of a consolidated applica-*
20 *tion under section 5305.*

21 *“(b) PLAN PROVISIONS.—Each local educational agen-*
22 *cy plan shall describe—*

23 *“(1) how the local educational agency will mon-*
24 *itor, in addition to the State assessments described in*

1 *section 1111(b)(2), students' progress in meeting the*
2 *State's academic standards;*

3 *“(2) how the local educational agency will iden-*
4 *tify quickly and effectively those students who may be*
5 *at risk of failing to meet the State's academic stand-*
6 *ards;*

7 *“(3) how the local educational agency will pro-*
8 *vide additional educational assistance to individual*
9 *students in need of additional help in meeting the*
10 *State's academic standards;*

11 *“(4) how the local educational agency will im-*
12 *plement the school improvement system described in*
13 *section 1111(b)(3)(B)(iii) for any of the agency's*
14 *schools identified under such section;*

15 *“(5) how the local educational agency will co-*
16 *ordinate programs under this subpart with other pro-*
17 *grams under this Act and other Acts, as appropriate;*

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

20 *“(7) how teachers, in consultation with parents,*
21 *administrators, and specialized instructional support*
22 *personnel, in targeted assistance schools under section*
23 *1115, will identify the eligible children most in need*
24 *of services under this subpart;*

1 “(8) in general, the nature of the programs to be
2 conducted by the local educational agency’s schools
3 under sections 1114 and 1115, and, where appro-
4 priate, educational services outside such schools for
5 children living in local institutions for neglected and
6 delinquent children, and for neglected and delinquent
7 children in community day school programs;

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

13 “(10) the services the local educational agency
14 will provide homeless children, including services pro-
15 vided with funds reserved under section
16 1113(c)(3)(A);

17 “(11) the strategy the local educational agency
18 will use to implement effective parental involvement
19 under section 1118;

20 “(12) if appropriate, how the local educational
21 agency will use funds under this subpart to support
22 preschool programs for children, particularly children
23 participating in a Head Start program, which serv-
24 ices may be provided directly by the local educational
25 agency or through a subcontract with the local Head

1 *Start agency designated by the Secretary of Health*
2 *and Human Services under section 641 of the Head*
3 *Start Act, or another comparable early childhood de-*
4 *velopment program;*

5 *“(13) how the local educational agency, through*
6 *incentives for voluntary transfers, the provision of*
7 *professional development, recruitment programs, in-*
8 *centive pay, performance pay, or other effective strate-*
9 *gies, will address disparities in the rates of low-in-*
10 *come and minority students and other students being*
11 *taught by ineffective teachers; and*

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

15 *“(A) career and technical education aligned*
16 *with State technical standards that promote*
17 *skills attainment important to in-demand occu-*
18 *pations or industries in the State and the State’s*
19 *academic standards under section 1111(b)(1);*
20 *and*

21 *“(B) work-based learning opportunities that*
22 *provide students in-depth interaction with in-*
23 *dustry professionals.*

1 “(c) *ASSURANCES.—Each local educational agency*
2 *plan shall provide assurances that the local educational*
3 *agency will—*

4 “(1) *participate, if selected, in biennial State*
5 *academic assessments of 4th and 8th grade reading*
6 *and mathematics under the National Assessment of*
7 *Educational Progress carried out under section*
8 *303(b)(2) of the National Assessment of Educational*
9 *Progress Authorization Act;*

10 “(2) *inform schools of schoolwide program au-*
11 *thority and the ability to consolidate funds from Fed-*
12 *eral, State, and local sources;*

13 “(3) *provide technical assistance to schoolwide*
14 *programs;*

15 “(4) *provide services to eligible children attend-*
16 *ing private elementary and secondary schools in ac-*
17 *cordance with section 1120, and timely and meaning-*
18 *ful consultation with private school officials or rep-*
19 *resentatives regarding such services;*

20 “(5) *in the case of a local educational agency*
21 *that chooses to use funds under this subpart to pro-*
22 *vide early childhood development services to low-in-*
23 *come children below the age of compulsory school at-*
24 *tendance, ensure that such services comply with the*

1 *performance standards established under section*
2 *641A(a) of the Head Start Act;*

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

6 “(7) *ensure that the results of the academic as-*
7 *sessments required under section 1111(b)(2) will be*
8 *provided to parents and teachers as soon as is prac-*
9 *tically possible after the test is taken, in an under-*
10 *standable and uniform format and, to the extent*
11 *practicable, provided in a language that the parents*
12 *can understand.*

13 “(d) *SPECIAL RULE.—In carrying out subsection*
14 *(c)(5), the Secretary shall—*

15 “(1) *consult with the Secretary of Health and*
16 *Human Services and shall establish procedures (tak-*
17 *ing into consideration existing State and local laws,*
18 *and local teacher contracts) to assist local educational*
19 *agencies to comply with such subparagraph; and*

20 “(2) *disseminate to local educational agencies the*
21 *education performance standards in effect under sec-*
22 *tion 641A(a)(1)(B) of the Head Start Act, and such*
23 *agencies affected by such subsection shall plan for the*
24 *implementation of such subsection (taking into con-*

1 *sideration existing State and local laws, and local*
2 *teacher contracts).*

3 “(e) *PLAN DEVELOPMENT AND DURATION.*—

4 “(1) *CONSULTATION.*—*Each local educational*
5 *agency plan shall be developed in consultation with*
6 *teachers, school leaders, administrators, and other ap-*
7 *propriate school personnel, and with parents of chil-*
8 *dren in schools served under this subpart.*

9 “(2) *DURATION.*—*Each such plan shall be sub-*
10 *mitted for the first year for which this part is in ef-*
11 *fect following the date of enactment of this Act and*
12 *shall remain in effect for the duration of the agency’s*
13 *participation under this subpart.*

14 “(3) *REVIEW.*—*Each local educational agency*
15 *shall periodically review and, as necessary, revise its*
16 *plan.*

17 “(f) *STATE APPROVAL.*—

18 “(1) *IN GENERAL.*—*Each local educational agen-*
19 *cy plan shall be filed according to a schedule estab-*
20 *lished by the State educational agency.*

21 “(2) *APPROVAL.*—*The State educational agency*
22 *shall approve a local educational agency’s plan only*
23 *if the State educational agency determines that the*
24 *local educational agency’s plan—*

1 “(A) enables schools served under this sub-
2 part to substantially help children served under
3 this subpart to meet the State’s academic stand-
4 ards described in section 1111(b)(1); and

5 “(B) meets the requirements of this section.

6 “(3) REVIEW.—The State educational agency
7 shall review the local educational agency’s plan to de-
8 termine if such agency’s activities are in accordance
9 with section 1118.

10 “(g) PARENTAL NOTIFICATION.—

11 “(1) IN GENERAL.—Each local educational agen-
12 cy using funds under this subpart and subpart 4 to
13 provide a language instruction educational program
14 shall, not later than 30 days after the beginning of
15 the school year, inform parents of an English learner
16 identified for participation, or participating in, such
17 a program of—

18 “(A) the reasons for the identification of
19 their child as an English learner and in need of
20 placement in a language instruction educational
21 program;

22 “(B) the child’s level of English proficiency,
23 how such level was assessed, and the status of the
24 child’s academic achievement;

1 “(C) *the methods of instruction used in the*
2 *program in which their child is, or will be par-*
3 *ticipating, and the methods of instruction used*
4 *in other available programs, including how such*
5 *programs differ in content, instructional goals,*
6 *and the use of English and a native language in*
7 *instruction;*

8 “(D) *how the program in which their child*
9 *is, or will be participating, will meet the edu-*
10 *cational strengths and needs of their child;*

11 “(E) *how such program will specifically*
12 *help their child learn English, and meet age-ap-*
13 *propriate academic achievement standards for*
14 *grade promotion and graduation;*

15 “(F) *the specific exit requirements for the*
16 *program, including the expected rate of transi-*
17 *tion from such program into classrooms that are*
18 *not tailored for English learners, and the ex-*
19 *pected rate of graduation from high school for*
20 *such program if funds under this subpart are*
21 *used for children in secondary schools;*

22 “(G) *in the case of a child with a disability,*
23 *how such program meets the objectives of the in-*
24 *dividualized education program of the child; and*

1 “(H) information pertaining to parental
2 rights that includes written guidance—

3 “(i) detailing—

4 “(I) the right that parents have to
5 have their child immediately removed
6 from such program upon their request;
7 and

8 “(II) the options that parents
9 have to decline to enroll their child in
10 such program or to choose another pro-
11 gram or method of instruction, if
12 available; and

13 “(ii) assisting parents in selecting
14 among various programs and methods of
15 instruction, if more than one program or
16 method is offered by the eligible entity.

17 “(2) NOTICE.—The notice and information pro-
18 vided in paragraph (1) to parents of a child identi-
19 fied for participation in a language instruction edu-
20 cational program for English learners shall be in an
21 understandable and uniform format and, to the extent
22 practicable, provided in a language that the parents
23 can understand.

24 “(3) SPECIAL RULE APPLICABLE DURING THE
25 SCHOOL YEAR.—For those children who have not been

1 *identified as English learners prior to the beginning*
2 *of the school year the local educational agency shall*
3 *notify parents within the first 2 weeks of the child*
4 *being placed in a language instruction educational*
5 *program consistent with paragraphs (1) and (2).*

6 *“(4) PARENTAL PARTICIPATION.—Each local*
7 *educational agency receiving funds under this subpart*
8 *shall implement an effective means of outreach to par-*
9 *ents of English learners to inform the parents regard-*
10 *ing how the parents can be involved in the education*
11 *of their children, and be active participants in assist-*
12 *ing their children to attain English proficiency,*
13 *achieve at high levels in core academic subjects, and*
14 *meet the State’s academic standards expected of all*
15 *students, including holding, and sending notice of op-*
16 *portunities for, regular meetings for the purpose of*
17 *formulating and responding to recommendations from*
18 *parents of students assisted under this subpart.*

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

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

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

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

3 (2) in subsection (c)—

4 (A) by amending paragraph (3) to read as
5 follows:

6 “(3) RESERVATIONS.—

7 “(A) IN GENERAL.—A local educational
8 agency shall reserve such funds as are necessary
9 under this subpart to provide services com-
10 parable to those provided to children in schools
11 funded under this subpart to serve the following:

12 “(i) Homeless children and youths,
13 which may include—

14 “(I) for homeless children and
15 youths who are attending schools not
16 receiving assistance under this subpart
17 and schools receiving assistance under
18 this subpart, providing transportation
19 pursuant to section 722(g)(1)(J)(iii) of
20 the McKinney-Vento Homeless Assist-
21 ance Act; and

22 “(II) for homeless children and
23 youths who are attending schools not
24 receiving assistance under this sub-
25 part—

1 “(aa) providing support
2 services to homeless children and
3 youths in shelters and other loca-
4 tions where they may live; and

5 “(bb) removing barriers to
6 homeless children and youths’ en-
7 rollment, attendance, retention,
8 and success in school.

9 “(ii) Children in local institutions for
10 neglected children.

11 “(iii) If appropriate, children in local
12 institutions for delinquent children, and ne-
13 glected or delinquent children in community
14 day school programs.

15 “(B) AMOUNT RESERVED.—The amount of
16 funds reserved under subparagraph (A)(i) may
17 be based upon a needs assessment of the homeless
18 children and youths in the local educational
19 agency, which may include the following:

20 “(i) Information related to child,
21 youth, and family homelessness in the local
22 educational agency obtained through the co-
23 ordination and collaboration under sub-
24 sections (f)(4) and (g)(5) of section 722 of

1 *the McKinney-Vento Homeless Assistance*
2 *Act.*

3 “(ii) *The number of homeless children*
4 *and youths reported by the local educational*
5 *agency to the State educational agency*
6 *under section 722(f)(3) of such Act for the*
7 *previous school year.*

8 “(iii) *Gaps in identification of home-*
9 *less children and youths in the local edu-*
10 *cational agency, as described by the liaison*
11 *designated pursuant to section*
12 *722(g)(1)(J)(ii) of such Act.”; and*
13 *(B) in paragraph (4)—*

14 *(i) by striking “subpart 2” and insert-*
15 *ing “chapter B”; and*

16 *(ii) by striking “school improvement,*
17 *corrective action, and restructuring under*
18 *section 1116(b)” and inserting “school im-*
19 *provement under section*
20 *1111(b)(3)(B)(iii)”.*

21 **SEC. 115. SCHOOLWIDE PROGRAMS.**

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

23 *(1) in subsection (a)—*

24 *(A) in paragraph (1)—*

1 (i) by striking “part” and inserting
2 “subpart”; and

3 (ii) by striking “in which” through
4 “such families”;

5 (B) in paragraph (2)—

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

8 (ii) in subparagraph (B)—

9 (I) by striking “children with
10 limited English proficiency” and in-
11 serting “English learners”; and

12 (II) by striking “part” and in-
13 serting “subpart”;

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

17 (D) by striking paragraph (4); and

18 (2) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (A)—

21 (I) by striking “(including” and
22 all that follows through “1309(2))”;
23 and

24 (II) by striking “content stand-
25 ards and the State student academic

1 *achievement standards” and inserting*
2 *“standards”;*

3 *(ii) in subparagraph (B)—*

4 *(I) in clause (i), by striking “pro-*
5 *ficient” and all that follows through*
6 *“section 1111(b)(1)(D)” and inserting*
7 *“academic standards described in sec-*
8 *tion 1111(b)(1)”;*

9 *(II) in clause (ii), in the matter*
10 *preceding subclause (I), by striking*
11 *“based on scientifically based research”*
12 *and inserting “evidence-based”;*

13 *(III) in clause (iii)(I)—*

14 *(aa) by striking “student*
15 *academic achievement standards”*
16 *and inserting “academic stand-*
17 *ards”; and*

18 *(bb) by striking “schoolwide*
19 *program,” and all that follows*
20 *through “technical education pro-*
21 *grams; and” and inserting*
22 *“schoolwide programs; and”; and*

23 *(IV) in clause (iv), by striking*
24 *“the State and local improvement*

1 *plans*” and inserting “*school improve-*
2 *ment strategies*”;

3 *(iii) in subparagraph (C), by striking*
4 *“highly qualified” and inserting “effective”;*

5 *(iv) in subparagraph (D)—*

6 *(I) by striking “In accordance*
7 *with section 1119 and subsection*
8 *(a)(4), high-quality” and inserting*
9 *“High-quality”;*

10 *(II) by striking “pupil services”*
11 *and inserting “specialized instruc-*
12 *tional support services”;* and

13 *(III) by striking “student aca-*
14 *demic achievement” and inserting*
15 *“academic”;*

16 *(v) in subparagraph (E), by striking*
17 *“high-quality highly qualified” and insert-*
18 *ing “effective”;*

19 *(vi) in subparagraph (G), by striking*
20 *“, such as Head Start, Even Start, Early*
21 *Reading First, or a State-run preschool*
22 *program,”;*

23 *(vii) in subparagraph (H), by striking*
24 *“section 1111(b)(3)” and inserting “section*
25 *1111(b)(2)”;*

- 1 (viii) in subparagraph (I), by striking
2 “proficient or advanced levels of academic
3 achievement standards” and inserting
4 “State academic standards”; and
5 (ix) in subparagraph (J), by striking
6 “vocational” and inserting “career”; and
7 (B) in paragraph (2)—
8 (i) in subparagraph (A)—
9 (I) in the matter preceding clause
10 (i)—
11 (aa) by striking “first de-
12 velop” and all that follows
13 through “2001)” and inserting
14 “have in place”; and
15 (bb) by striking “and its
16 school support team or other tech-
17 nical assistance provider under
18 section 1117”;
19 (II) in clause (ii), by striking
20 “part” and inserting “subpart”; and
21 (III) in clause (iv), by striking
22 “section 1111(b)(3)” and inserting
23 “section 1111(b)(2)”; and
24 (ii) in subparagraph (B)—
25 (I) in clause (i)—

1 (aa) in subclause (I), by
2 striking “, after considering the
3 recommendation of the technical
4 assistance providers under section
5 1117,”; and

6 (bb) in subclause (II), by
7 striking “the No Child Left Be-
8 hind Act of 2001” and inserting
9 “Student Success Act” ;

10 (II) in clause (ii)—

11 (aa) by striking “(including
12 administrators of programs de-
13 scribed in other parts of this
14 title)”; and

15 (bb) by striking “pupil serv-
16 ices” and inserting “specialized
17 instructional support services”;

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

20 (IV) in clause (v), by striking
21 “Reading First, Early Reading First,
22 Even Start,”; and

23 (3) in subsection (c)—

24 (A) by striking “part” and inserting “sub-
25 part”; and

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

3 **SEC. 116. TARGETED ASSISTANCE SCHOOLS.**

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

5 (1) in subsection (a)—

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

8 (B) by striking “operate such” and insert-
9 ing “operate”; and

10 (C) by striking “part” and inserting “sub-
11 part”;

12 (2) in subsection (b)—

13 (A) in paragraph (1)(B), by striking “chal-
14 lenging student academic achievement” and in-
15 serting “academic”;

16 (B) in paragraph (2)—

17 (i) in subparagraph (A)—

18 (I) by striking “limited English
19 proficient children” and inserting
20 “English learners”; and

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

23 (ii) in subparagraph (B)—

1 (I) in the heading, by striking “,
2 EVEN START, OR EARLY READING
3 FIRST”; and

4 (II) by striking “, Even Start, or
5 Early Reading First”;

6 (iii) in subparagraph (C)—

7 (I) by amending the heading to
8 read as follows: “SUBPART 3 CHIL-
9 DREN.—”;

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

12 (III) by striking “part” and in-
13 serting “subpart”;

14 (iv) in subparagraphs (D) and (E), by
15 striking “part” each place it appears and
16 inserting “subpart”;

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

19 (3) in subsection (c)—

20 (A) in paragraph (1)—

21 (i) in the matter preceding subpara-
22 graph (A)—

23 (I) by striking “part” and insert-
24 ing “subpart”; and

1 (II) by striking “challenging stu-
2 dent academic achievement” and in-
3 serting “academic”;

4 (ii) in subparagraph (A)—

5 (I) by striking “part” and insert-
6 ing “subpart”; and

7 (II) by striking “challenging stu-
8 dent academic achievement” and in-
9 serting “academic”;

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

12 (iv) in subparagraph (C)—

13 (I) in the matter preceding clause
14 (i), by striking “based on scientifically
15 based research” and inserting “evi-
16 dence-based”; and

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

19 (v) in subparagraph (D), by striking
20 “such as Head Start, Even Start, Early
21 Reading First or State-run preschool pro-
22 grams”;

23 (vi) in subparagraph (E), by striking
24 “highly qualified” and inserting “effective”;

25 (vii) in subparagraph (F)—

1 (I) by striking “in accordance
2 with subsection (e)(3) and section
3 1119,”;

4 (II) by striking “part” and in-
5 serting “subpart”; and

6 (III) by striking “pupil services
7 personnel” and inserting “specialized
8 instructional support personnel”; and

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

11 (B) in paragraph (2)—

12 (i) in the matter preceding subpara-
13 graph (A), by striking “proficient and ad-
14 vanced levels of achievement” and inserting
15 “academic standards”;

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

18 (iii) in subparagraph (B), by striking
19 “challenging student academic achievement”
20 and inserting “academic”;

21 (4) in subsection (d), in the matter preceding
22 paragraph (1), by striking “part” each place it ap-
23 pears and inserting “subpart”; and

24 (5) in subsection (e)—

25 (A) in paragraph (2)(B)—

1 (i) in the matter preceding clause (i),
2 by striking “part” and inserting “subpart”;
3 and

4 (ii) in clause (iii), by striking “pupil
5 services” and inserting “specialized instruc-
6 tional support services”; and

7 (B) by striking paragraph (3).

8 **SEC. 117. ACADEMIC ASSESSMENT AND LOCAL EDU-**
9 **CATIONAL AGENCY AND SCHOOL IMPROVE-**
10 **MENT; SCHOOL SUPPORT AND RECOGNITION.**

11 *The Act is amended by repealing sections 1116 and*
12 *1117 (20 U.S.C. 6316; 6317).*

13 **SEC. 118. PARENTAL INVOLVEMENT.**

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

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

17 (2) in subsection (a)—

18 (A) in paragraph (2)—

19 (i) in subparagraph (A), by striking “,
20 and” and all that follows through “1116”;
21 and

22 (ii) in subparagraph (D), by striking
23 “, such as” and all that follows through
24 “preschool programs”; and

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

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

6 “(B) a description and explanation of the
7 curriculum in use at the school and the forms of
8 academic assessment used to measure student
9 progress; and”;

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

12 (5) in subsection (e)—

13 (A) in paragraph (1), by striking “State’s
14 academic content standards and State student
15 academic achievement standards” and inserting
16 “State’s academic standards”;

17 (B) in paragraph (3)—

18 (i) by striking “pupil services per-
19 sonnel,” and inserting “specialized instruc-
20 tional support personnel,”; and

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

23 (C) in paragraph (4), by striking “Head
24 Start, Reading First, Early Reading First, Even
25 Start, the Home Instruction Programs for Pre-

1 *school Youngsters, the Parents as Teachers Pro-*
 2 *gram, and public preschool and other” and in-*
 3 *serting “other Federal, State, and local”; and*
 4 *(6) by amending subsection (g) to read as fol-*
 5 *lows:*

6 “(g) *FAMILY ENGAGEMENT IN EDUCATION PRO-*
 7 *GRAMS.—In a State operating a program under subpart*
 8 *3 of part A of title III, each local educational agency or*
 9 *school that receives assistance under this subpart shall in-*
 10 *form such parents and organizations of the existence of such*
 11 *programs.”.*

12 **SEC. 119. QUALIFICATIONS FOR TEACHERS AND PARA-**
 13 **PROFESSIONALS.**

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

16 **SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
 17 **VATE SCHOOLS.**

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

20 **“SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN**
 21 **PRIVATE SCHOOLS.**

22 “(a) *GENERAL REQUIREMENT.—*

23 “(1) *IN GENERAL.—To the extent consistent with*
 24 *the number of eligible children identified under sec-*
 25 *tion 1115(b) in the school district served by a local*

1 *educational agency who are enrolled in private ele-*
2 *mentary schools and secondary schools, a local edu-*
3 *cational agency shall—*

4 *“(A) after timely and meaningful consulta-*
5 *tion with appropriate private school officials or*
6 *representatives, provide such service, on an equi-*
7 *table basis and individually or in combination,*
8 *as requested by the officials or representatives to*
9 *best meet the needs of such children, special edu-*
10 *cational services, instructional services, coun-*
11 *seling, mentoring, one-on-one tutoring, or other*
12 *benefits under this subpart (such as dual enroll-*
13 *ment, educational radio and television, computer*
14 *equipment and materials, other technology, and*
15 *mobile educational services and equipment) that*
16 *address their needs; and*

17 *“(B) ensure that teachers and families of*
18 *the children participate, on an equitable basis,*
19 *in services and activities developed pursuant to*
20 *this subpart.*

21 *“(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—*
22 *Such educational services or other benefits, including*
23 *materials and equipment, shall be secular, neutral,*
24 *and nonideological.*

25 *“(3) EQUITY.—*

1 “(A) *IN GENERAL.*—*Educational services*
2 *and other benefits for such private school chil-*
3 *dren shall be equitable in comparison to services*
4 *and other benefits for public school children par-*
5 *ticipating under this subpart, and shall be pro-*
6 *vided in a timely manner.*

7 “(B) *OMBUDSMAN.*—*To help ensure such eq-*
8 *uity for such private school children, teachers,*
9 *and other educational personnel, the State edu-*
10 *cational agency involved shall designate an om-*
11 *budsman to monitor and enforce the require-*
12 *ments of this subpart.*

13 “(4) *EXPENDITURES.*—

14 “(A) *IN GENERAL.*—*Expenditures for edu-*
15 *cational services and other benefits to eligible*
16 *private school children shall be equal to the ex-*
17 *penditures for participating public school chil-*
18 *dren, taking into account the number, and edu-*
19 *cational needs, of the children to be served.*

20 “(B) *OBLIGATION OF FUNDS.*—*Funds allo-*
21 *cated to a local educational agency for edu-*
22 *cational services and other benefits to eligible*
23 *private school children shall—*

1 “(i) be obligated in the fiscal year for
2 which the funds are received by the agency;
3 and

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

7 “(5) *PROVISION OF SERVICES.*—The local edu-
8 cational agency or, in a case described in subsection
9 (b)(6)(C), the State educational agency involved, may
10 provide services under this section directly or through
11 contracts with public or private agencies, organiza-
12 tions, and institutions.

13 “(b) *CONSULTATION.*—

14 “(1) *IN GENERAL.*—To ensure timely and mean-
15 ingful consultation, a local educational agency shall
16 consult with appropriate private school officials or
17 representatives during the design and development of
18 such agency’s programs under this subpart in order
19 to reach an agreement between the agency and the of-
20 ficials or representatives about equitable and effective
21 programs for eligible private school children, the re-
22 sults of which shall be transmitted to the designated
23 ombudsmen under section 1120(a)(3)(B). Such proc-
24 ess shall include consultation on issues such as—

1 “(A) *how the children’s needs will be identi-*
2 *fied;*

3 “(B) *what services will be offered;*

4 “(C) *how, where, and by whom the services*
5 *will be provided;*

6 “(D) *how the services will be academically*
7 *assessed and how the results of that assessment*
8 *will be used to improve those services;*

9 “(E) *the size and scope of the equitable serv-*
10 *ices to be provided to the eligible private school*
11 *children, and the proportion of funds that is al-*
12 *located under subsection (a)(4) for such services,*
13 *how that proportion of funds is determined*
14 *under such subsection, and an itemization of the*
15 *costs of the services to be provided;*

16 “(F) *the method or sources of data that are*
17 *used under subsection (c) and section 1113(c)(1)*
18 *to determine the number of children from low-in-*
19 *come families in participating school attendance*
20 *areas who attend private schools;*

21 “(G) *how and when the agency will make*
22 *decisions about the delivery of services to such*
23 *children, including a thorough consideration and*
24 *analysis of the views of the private school offi-*
25 *cial or representatives on the provision of serv-*

1 *ices through a contract with potential third-*
2 *party providers;*

3 *“(H) how, if the agency disagrees with the*
4 *views of the private school officials or representa-*
5 *tives on the provision of services through a con-*
6 *tract, the local educational agency will provide*
7 *in writing to such private school officials an*
8 *analysis of the reasons why the local educational*
9 *agency has chosen not to use a contractor;*

10 *“(I) whether the agency will provide serv-*
11 *ices under this section directly or through con-*
12 *tracts with public and private agencies, organi-*
13 *zations, and institutions;*

14 *“(J) whether to provide equitable services to*
15 *eligible private school children—*

16 *“(i) by creating a pool or pools of*
17 *funds with all of the funds allocated under*
18 *paragraph (4) based on all the children*
19 *from low-income families who attend pri-*
20 *vate schools in a participating school at-*
21 *tendance area of the agency from which the*
22 *local educational agency will provide such*
23 *services to all such children; or*

24 *“(ii) by providing such services to eli-*
25 *gible children in each private school in the*

1 agency's participating school attendance
2 area with the proportion of funds allocated
3 under paragraph (4) based on the number
4 of children from low-income families who
5 attend such school; and

6 “(K) whether to consolidate and use funds
7 under this subpart to provide schoolwide pro-
8 grams for a private school.

9 “(2) *DISAGREEMENT.*—If a local educational
10 agency disagrees with the views of private school offi-
11 cials or representatives with respect to an issue de-
12 scribed in paragraph (1), the local educational agency
13 shall provide in writing to such private school offi-
14 cials an analysis of the reasons why the local edu-
15 cational agency has chosen not to adopt the course of
16 action requested by such officials.

17 “(3) *TIMING.*—Such consultation shall include
18 meetings of agency and private school officials or rep-
19 resentatives and shall occur before the local edu-
20 cational agency makes any decision that affects the
21 opportunities of eligible private school children to
22 participate in programs under this subpart. Such
23 meetings shall continue throughout implementation
24 and assessment of services provided under this section.

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

5 “(5) *DOCUMENTATION.*—*Each local educational*
6 *agency shall maintain in the agency’s records and*
7 *provide to the State educational agency involved a*
8 *written affirmation signed by officials or representa-*
9 *tives of each participating private school that the*
10 *meaningful consultation required by this section has*
11 *occurred. The written affirmation shall provide the*
12 *option for private school officials or representatives to*
13 *indicate that timely and meaningful consultation has*
14 *not occurred or that the program design is not equi-*
15 *table with respect to eligible private school children.*
16 *If such officials or representatives do not provide such*
17 *affirmation within a reasonable period of time, the*
18 *local educational agency shall forward the documenta-*
19 *tion that such consultation has, or attempts at such*
20 *consultation have, taken place to the State edu-*
21 *cational agency.*

22 “(6) *COMPLIANCE.*—

23 “(A) *IN GENERAL.*—*A private school official*
24 *shall have the right to file a complaint with the*
25 *State educational agency that the local edu-*

1 *cational agency did not engage in consultation*
2 *that was meaningful and timely, did not give*
3 *due consideration to the views of the private*
4 *school official, or did not treat the private school*
5 *or its students equitably as required by this sec-*
6 *tion.*

7 “(B) *PROCEDURE.*—*If the private school of-*
8 *ficial wishes to file a complaint, the official shall*
9 *provide the basis of the noncompliance with this*
10 *section by the local educational agency to the*
11 *State educational agency, and the local edu-*
12 *cational agency shall forward the appropriate*
13 *documentation to the State educational agency.*

14 “(C) *STATE EDUCATIONAL AGENCIES.*—*A*
15 *State educational agency shall provide services*
16 *under this section directly or through contracts*
17 *with public or private agencies, organizations,*
18 *and institutions, if—*

19 “(i) *the appropriate private school offi-*
20 *cials or their representatives have—*

21 “(I) *requested that the State edu-*
22 *cational agency provide such services*
23 *directly; and*

1 “(II) demonstrated that the local
2 educational agency involved has not
3 met the requirements of this section; or
4 “(ii) in a case in which—

5 “(I) a local educational agency
6 has more than 10,000 children from
7 low-income families who attend private
8 elementary schools or secondary schools
9 in a participating school attendance
10 area of the agency 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 partici-
15 pating school attendance area of the
16 agency are not being served by the
17 agency’s program under this section.

18 “(c) *ALLOCATION FOR EQUITABLE SERVICE TO PRI-*
19 *VATE SCHOOL STUDENTS.—*

20 “(1) *CALCULATION.—*A local educational agency
21 shall have the final authority, consistent with this sec-
22 tion, to calculate the number of children, ages 5
23 through 17, who are from low-income families and at-
24 tend private schools by—

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

3 “(B) using the results of a survey that, to
4 the extent possible, protects the identity of fami-
5 lies of private school students, and allowing such
6 survey results to be extrapolated if complete ac-
7 tual data are unavailable;

8 “(C) applying the low-income percentage of
9 each participating public school attendance area,
10 determined pursuant to this section, to the num-
11 ber of private school children who reside in that
12 school attendance area; or

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

16 “(2) COMPLAINT PROCESS.—Any dispute regard-
17 ing low-income data for private school students shall
18 be subject to the complaint process authorized in sec-
19 tion 5503.

20 “(d) PUBLIC CONTROL OF FUNDS.—

21 “(1) IN GENERAL.—The control of funds pro-
22 vided under this subpart, and title to materials,
23 equipment, and property purchased with such funds,
24 shall be in a public agency, and a public agency shall

1 *administer such funds, materials, equipment, and*
2 *property.*

3 “(2) *PROVISION OF SERVICES.*—

4 “(A) *PROVIDER.*—*The provision of services*
5 *under this section shall be provided—*

6 “(i) *by employees of a public agency;*

7 *or*

8 “(ii) *through a contract by such public*
9 *agency with an individual, association,*
10 *agency, or organization.*

11 “(B) *REQUIREMENT.*—*In the provision of*
12 *such services, such employee, individual, associa-*
13 *tion, agency, or organization shall be inde-*
14 *pendent of such private school and of any reli-*
15 *gious organization, and such employment or con-*
16 *tract shall be under the control and supervision*
17 *of such public agency.*

18 “(e) *STANDARDS FOR A BYPASS.*—*If a local edu-*
19 *cational agency is prohibited by law from providing for the*
20 *participation in programs on an equitable basis of eligible*
21 *children enrolled in private elementary schools and sec-*
22 *ondary schools, or if the Secretary determines that a local*
23 *educational agency has substantially failed or is unwilling*
24 *to provide for such participation, as required by this sec-*
25 *tion, the Secretary shall—*

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

3 “(2) arrange for the provision of services to such
4 children through arrangements that shall be subject to
5 the requirements of this section and sections 5503 and
6 5504; and

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

11 **SEC. 121. FISCAL REQUIREMENTS.**

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

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

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

18 **SEC. 122. COORDINATION REQUIREMENTS.**

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

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

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

24 (3) in subsection (b)—

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

4 (B) in paragraphs (1) through (3), by strik-
5 ing “such as the Early Reading First program”
6 each place it appears;

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

9 (D) in paragraph (5), by striking “and en-
10 tities carrying out Early Reading First pro-
11 grams”.

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

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

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

19 (2) in subsection (b)—

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

23 (B) in paragraph (3)—

1 (i) in subparagraph (B), by striking
2 “basis,” and all that follows through the pe-
3 riod at the end and inserting “basis.”;

4 (ii) in subparagraph (C)(ii), by strik-
5 ing “challenging State academic content
6 standards” and inserting “State academic
7 standards”; and

8 (iii) by striking subparagraph (D);
9 and

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

12 **SEC. 124. ALLOCATIONS TO STATES.**

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

14 (1) by amending subsection (a) to read as fol-
15 lows:

16 “(a) *RESERVATION.*—

17 “(1) *IN GENERAL.*—From the amounts appro-
18 priated under section 3(a)(1), the Secretary shall re-
19 serve 91 percent of such amounts to carry out this
20 chapter.

21 “(2) *ALLOCATION FORMULA.*—Of the amount re-
22 served under paragraph (1) for each of fiscal years
23 2013 to 2018 (referred to in this subsection as the
24 current fiscal year)—

1 “(A) an amount equal to the amount made
2 available to carry out section 1124 for fiscal year
3 2001 shall be used to carry out section 1124;

4 “(B) an amount equal to the amount made
5 available to carry out section 1124A for fiscal
6 year 2001 shall be used to carry out section
7 1124A; and

8 “(C) an amount equal to 100 percent of the
9 amount, if any, by which the total amount made
10 available to carry out this chapter for the fiscal
11 year for which the determination is made exceeds
12 the total amount available to carry out sections
13 1124 and 1124A for fiscal year 2001 shall be
14 used to carry out section 1125 and 1125A and
15 such amount shall be divided equally between
16 section 1125 and section 1125A.”;

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

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

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

23 **SEC. 125. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
24 **CIES.**

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

1 (1) in subsection (a)—

2 (A) in paragraph (3)—

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

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

7 (B) in paragraph (4)(C), by striking “sub-
8 part” each place it appears and inserting “chap-
9 ter”; and

10 (2) in subsection (c)—

11 (A) in paragraph (1)(B), by striking “sub-
12 part 1 of part D” and inserting “chapter A of
13 subpart 3”; and

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

16 **SEC. 126. ADEQUACY OF FUNDING OF TARGETED GRANTS**
17 **TO LOCAL EDUCATIONAL AGENCIES IN FIS-**
18 **CAL YEARS AFTER FISCAL YEAR 2001.**

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

21 **“SEC. 1125AA. ADEQUACY OF FUNDING OF TARGETED**
22 **GRANTS TO LOCAL EDUCATIONAL AGENCIES**
23 **IN FISCAL YEARS AFTER FISCAL YEAR 2001.**

24 *“Pursuant to section 1122, the total amount allocated*
25 *in any fiscal year after fiscal year 2001 for programs and*

1 *activities under this subpart shall not exceed the amount*
 2 *allocated in fiscal year 2001 for such programs and activi-*
 3 *ties unless the amount available for targeted grants to local*
 4 *educational agencies under section 1125 in the applicable*
 5 *fiscal year meets the requirements of section 1122(a).”.*

6 **SEC. 127. EDUCATION FINANCE INCENTIVE GRANT PRO-**
 7 **GRAM.**

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

9 *(1) by striking “part” each place it appears and*
 10 *inserting “subpart”;*

11 *(2) in subsection (b)(1)—*

12 *(A) in subparagraph (A), by striking “ap-*
 13 *propriated pursuant to subsection (f)” and in-*
 14 *serting “made available for any fiscal year to*
 15 *carry out this section”; and*

16 *(B) in subparagraph (B)(i), by striking*
 17 *“total appropriations” and inserting “the total*
 18 *amount reserved under section 1122(a) to carry*
 19 *out this section”; and*

20 *(3) by striking subsections (a), (e), and (f) and*
 21 *redesignating subsections (b), (c), (d), and (g) as sub-*
 22 *sections (a), (b), (c), and (d), respectively.*

23 **SEC. 128. CARRYOVER AND WAIVER.**

24 *Section 1127 (20 U.S.C. 6339) is amended by striking*
 25 *“subpart” each place it appears and inserting “chapter”.*

1 ***Subtitle C—Additional Aid to***
2 ***States and School Districts***

3 **SEC. 131. ADDITIONAL AID.**

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

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

9 (2) *by inserting after subpart 1 of part A the fol-*
10 *lowing:*

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

12 ***“SEC. 1131. PROGRAM PURPOSES.***

13 *“The purposes of this subpart are as follows:*

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

19 *“(2) To ensure that migratory children who*
20 *move among the States, not be penalized in any man-*
21 *ner by disparities among the States in curriculum,*
22 *graduation requirements, and State academic stand-*
23 *ards.*

24 *“(3) To help such children succeed in school,*
25 *meet the State academic standards that all children*

1 *are expected to meet, and graduate from high school*
2 *prepared for postsecondary education and the work-*
3 *force without the need for remediation.*

4 *“(4) To help such children overcome educational*
5 *disruption, cultural and language barriers, social iso-*
6 *lation, various health-related problems, and other fac-*
7 *tors that inhibit the ability of such children to succeed*
8 *in school.*

9 *“(5) To help such children benefit from State*
10 *and local systemic reforms.*

11 **“SEC. 1132. PROGRAM AUTHORIZED.**

12 *“(a) IN GENERAL.—From the amounts appropriated*
13 *under section 3(a)(1), the Secretary shall reserve 2.4 percent*
14 *to carry out this subpart.*

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

22 **“SEC. 1133. STATE ALLOCATIONS.**

23 *“(a) STATE ALLOCATIONS.—Except as provided in*
24 *subsection (c), each State (other than the Commonwealth*

1 of Puerto Rico) is entitled to receive under this subpart an
2 amount equal to the product of—

3 “(1) the sum of—

4 “(A) the average number of identified eligi-
5 ble full-time equivalent migratory children aged
6 3 through 21 residing in the State, based on data
7 for the preceding 3 years; and

8 “(B) the number of identified eligible mi-
9 gratory children, aged 3 through 21, who re-
10 ceived services under this subpart in summer or
11 intersession programs provided by the State dur-
12 ing the previous year; multiplied by

13 “(2) 40 percent of the average per-pupil expendi-
14 ture in the State, except that the amount determined
15 under this paragraph shall not be less than 32 per-
16 cent, nor more than 48 percent, of the average per-
17 pupil expenditure in the United States.

18 “(b) *HOLD HARMLESS.*—Notwithstanding subsection
19 (a), for each of fiscal years 2013 through 2015, no State
20 shall receive less than 90 percent of the State’s allocation
21 under this section for the previous year.

22 “(c) *ALLOCATION TO PUERTO RICO.*—For each fiscal
23 year, the grant which the Commonwealth of Puerto Rico
24 shall be eligible to receive under this subpart shall be the
25 amount determined by multiplying the number of children

1 *who would be counted under subsection (a)(1) if such sub-*
2 *section applied to the Commonwealth of Puerto Rico by the*
3 *product of—*

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

10 “(2) *32 percent of the average per-pupil expendi-*
11 *ture in the United States.*

12 “(d) *RATABLE REDUCTIONS; REALLOCATIONS.—*

13 “(1) *IN GENERAL.—*

14 “(A) *RATABLE REDUCTIONS.—If, after the*
15 *Secretary reserves funds under section 1138(c),*
16 *the amount appropriated to carry out this sub-*
17 *part for any fiscal year is insufficient to pay in*
18 *full the amounts for which all States are eligible,*
19 *the Secretary shall ratably reduce each such*
20 *amount.*

21 “(B) *REALLOCATION.—If additional funds*
22 *become available for making such payments for*
23 *any fiscal year, the Secretary shall allocate such*
24 *funds to States in amounts that the Secretary*

1 *determines will best carry out the purpose of this*
2 *subpart.*

3 “(2) *SPECIAL RULE.*—

4 “(A) *FURTHER REDUCTIONS.*—*The Sec-*
5 *retary shall further reduce the amount of any*
6 *grant to a State under this subpart for any fis-*
7 *cal year if the Secretary determines, based on*
8 *available information on the numbers and needs*
9 *of migratory children in the State and the pro-*
10 *gram proposed by the State to address such*
11 *needs, that such amount exceeds the amount re-*
12 *quired under section 1134.*

13 “(B) *REALLOCATION.*—*The Secretary shall*
14 *reallocate such excess funds to other States whose*
15 *grants under this subpart would otherwise be in-*
16 *sufficient to provide an appropriate level of serv-*
17 *ices to migratory children, in such amounts as*
18 *the Secretary determines are appropriate.*

19 “(e) *CONSORTIUM ARRANGEMENTS.*—

20 “(1) *IN GENERAL.*—*In the case of a State that*
21 *receives a grant of \$1,000,000 or less under this sec-*
22 *tion, the Secretary shall consult with the State edu-*
23 *cational agency to determine whether consortium ar-*
24 *rangements with another State or other appropriate*

1 *entity would result in delivery of services in a more*
2 *effective and efficient manner.*

3 “(2) *PROPOSALS.*—*Any State, regardless of the*
4 *amount of such State’s allocation, may submit a con-*
5 *sortium arrangement to the Secretary for approval.*

6 “(3) *APPROVAL.*—*The Secretary shall approve a*
7 *consortium arrangement under paragraph (1) or (2)*
8 *if the proposal demonstrates that the arrangement*
9 *will—*

10 “(A) *reduce administrative costs or pro-*
11 *gram function costs for State programs; and*

12 “(B) *make more funds available for direct*
13 *services to add substantially to the educational*
14 *achievement of children to be served under this*
15 *subpart.*

16 “(f) *DETERMINING NUMBERS OF ELIGIBLE CHIL-*
17 *DREN.*—*In order to determine the identified number of mi-*
18 *gratory children residing in each State for purposes of this*
19 *section, the Secretary shall—*

20 “(1) *use the most recent information that most*
21 *accurately reflects the actual number of migratory*
22 *children;*

23 “(2) *develop and implement a procedure for*
24 *monitoring the accuracy of such information;*

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

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

7 “(A) the unique needs of those children par-
8 ticipating in evidence-based or other effective
9 special programs provided under this subpart
10 that operate during the summer and intersession
11 periods; and

12 “(B) the additional costs of operating such
13 programs; and

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

18 “(g) *NONPARTICIPATING STATES.*—In the case of a
19 State desiring to receive an allocation under this subpart
20 for a fiscal year that did not receive an allocation for the
21 previous fiscal year or that has been participating for less
22 than 3 consecutive years, the Secretary shall calculate the
23 State’s number of identified migratory children aged 3
24 through 21 for purposes of subsection (a)(1)(A) by using
25 the most recent data available that identifies the migratory

1 *children residing in the State until data is available to cal-*
2 *culate the 3-year average number of such children in ac-*
3 *cordance with such subsection.*

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

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

9 “(b) *PROGRAM INFORMATION.*—*Each such application*
10 *shall include—*

11 “(1) *a description of how, in planning, imple-*
12 *menting, and evaluating programs and projects as-*
13 *sisted under this subpart, the State and its local oper-*
14 *ating agencies will ensure that the unique educational*
15 *needs of migratory children, including preschool mi-*
16 *gratory children, are identified and addressed*
17 *through—*

18 “(A) *the full range of services that are*
19 *available for migratory children from appro-*
20 *priate local, State, and Federal educational pro-*
21 *grams;*

22 “(B) *joint planning among local, State, and*
23 *Federal educational programs serving migratory*
24 *children, including language instruction edu-*

1 *educational programs under chapter A of subpart 4;*
2 *and*

3 “(C) *the integration of services available*
4 *under this subpart with services provided by*
5 *those other programs;*

6 “(2) *a description of the steps the State is taking*
7 *to provide all migratory students with the oppor-*
8 *tunity to meet the same State academic standards*
9 *that all children are expected to meet;*

10 “(3) *a description of how the State will use*
11 *funds received under this subpart to promote inter-*
12 *state and intrastate coordination of services for mi-*
13 *gratory children, including how the State will provide*
14 *for educational continuity through the timely transfer*
15 *of pertinent school records, including information on*
16 *health, when children move from one school to an-*
17 *other, whether or not such a move occurs during the*
18 *regular school year;*

19 “(4) *a description of the State’s priorities for the*
20 *use of funds received under this subpart, and how*
21 *such priorities relate to the State’s assessment of*
22 *needs for services in the State;*

23 “(5) *a description of how the State will deter-*
24 *mine the amount of any subgrants the State will*
25 *award to local operating agencies, taking into ac-*

1 *count the numbers and needs of migratory children,*
2 *the requirements of subsection (d), and the avail-*
3 *ability of funds from other Federal, State, and local*
4 *programs; and*

5 *“(6) a description of how the State will encour-*
6 *age programs and projects assisted under this subpart*
7 *to offer family literacy services if the programs and*
8 *projects serve a substantial number of migratory chil-*
9 *dren whose parents do not have a regular high school*
10 *diploma or its recognized equivalent or who have low*
11 *levels of literacy.*

12 *“(c) ASSURANCES.—Each such application shall also*
13 *include assurances that—*

14 *“(1) funds received under this subpart will be*
15 *used only—*

16 *“(A) for programs and projects, including*
17 *the acquisition of equipment, in accordance with*
18 *section 1136; and*

19 *“(B) to coordinate such programs and*
20 *projects with similar programs and projects*
21 *within the State and in other States, as well as*
22 *with other Federal programs that can benefit mi-*
23 *gratory children and their families;*

24 *“(2) such programs and projects will be carried*
25 *out in a manner consistent with the objectives of sec-*

1 *tion 1114, subsections (b) and (d) of section 1115,*
2 *subsections (b) and (c) of section 1120A, and part C;*

3 *“(3) in the planning and operation of programs*
4 *and projects at both the State and local agency oper-*
5 *ating level, there is consultation with parents of mi-*
6 *gratory children for programs of not less than one*
7 *school year in duration, and that all such programs*
8 *and projects are carried out—*

9 *“(A) in a manner that provides for the*
10 *same parental involvement as is required for*
11 *programs and projects under section 1118, unless*
12 *extraordinary circumstances make such provi-*
13 *sion impractical; and*

14 *“(B) in a format and language understand-*
15 *able to the parents;*

16 *“(4) in planning and carrying out such pro-*
17 *grams and projects, there has been, and will be, ade-*
18 *quate provision for addressing the unmet education*
19 *needs of preschool migratory children;*

20 *“(5) the effectiveness of such programs and*
21 *projects will be determined, where feasible, using the*
22 *same approaches and standards that will be used to*
23 *assess the performance of students, schools, and local*
24 *educational agencies under subpart 1;*

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

3 “(A) advocacy and outreach activities for
4 migratory children and their families, including
5 informing such children and families of, or help-
6 ing such children and families gain access to,
7 other education, health, nutrition, and social
8 services;

9 “(B) professional development programs, in-
10 cluding mentoring, for teachers and other pro-
11 gram personnel;

12 “(C) high-quality, evidence-based family lit-
13 eracy programs;

14 “(D) the integration of information tech-
15 nology into educational and related programs;
16 and

17 “(E) programs to facilitate the transition of
18 secondary school students to postsecondary edu-
19 cation or employment without the need for reme-
20 diation; and

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

24 “(d) *PRIORITY FOR SERVICES.*—In providing services
25 with funds received under this subpart, each recipient of

1 *such funds shall give priority to migratory children who*
2 *are failing, or most at risk of failing, to meet the State’s*
3 *academic standards under section 1111 (b)(1) .*

4 “(e) *CONTINUATION OF SERVICES.—Notwithstanding*
5 *any other provision of this subpart—*

6 “(1) *a child who ceases to be a migratory child*
7 *during a school term shall be eligible for services until*
8 *the end of such term;*

9 “(2) *a child who is no longer a migratory child*
10 *may continue to receive services for one additional*
11 *school year, but only if comparable services are not*
12 *available through other programs; and*

13 “(3) *secondary school students who were eligible*
14 *for services in secondary school may continue to be*
15 *served through credit accrual programs until gradua-*
16 *tion.*

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

18 “*The Secretary shall approve each State application*
19 *that meets the requirements of this subpart, and may review*
20 *any such application using a peer review process.*

21 **“SEC. 1136. COMPREHENSIVE NEEDS ASSESSMENT AND**
22 **SERVICE-DELIVERY PLAN; AUTHORIZED AC-**
23 **TIVITIES.**

24 “(a) *COMPREHENSIVE PLAN.—*

1 “(1) *IN GENERAL.*—*Each State that receives as-*
2 *sistance under this subpart shall ensure that the State*
3 *and its local operating agencies identify and address*
4 *the unique educational needs of migratory children in*
5 *accordance with a comprehensive State plan that—*

6 “(A) *is integrated with other programs*
7 *under this Act or other Acts, as appropriate;*

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

10 “(i) *the unique needs of migratory*
11 *children are specifically addressed in the*
12 *comprehensive State plan;*

13 “(ii) *the comprehensive State plan is*
14 *developed in collaboration with parents of*
15 *migratory children; and*

16 “(iii) *the comprehensive State plan is*
17 *not used to supplant State efforts regarding,*
18 *or administrative funding for, this subpart;*

19 “(C) *provides that migratory children will*
20 *have an opportunity to meet the same State aca-*
21 *ademic standards under section 1111(b)(1) that*
22 *all children are expected to meet;*

23 “(D) *specifies measurable program goals*
24 *and outcomes;*

1 “(E) encompasses the full range of services
2 that are available for migratory children from
3 appropriate local, State, and Federal edu-
4 cational programs;

5 “(F) is the product of joint planning among
6 such local, State, and Federal programs, includ-
7 ing programs under subpart 1, early childhood
8 programs, and language instruction educational
9 programs under chapter A of subpart 4; and

10 “(G) provides for the integration of services
11 available under this subpart with services pro-
12 vided by such other programs.

13 “(2) *DURATION OF THE PLAN.*—Each such com-
14 prehensive State plan shall—

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

17 “(B) be periodically reviewed and revised
18 by the State, as necessary, to reflect changes in
19 the State’s strategies and programs under this
20 subpart.

21 “(b) *AUTHORIZED ACTIVITIES.*—

22 “(1) *FLEXIBILITY.*—In implementing the com-
23 prehensive plan described in subsection (a), each
24 State educational agency, where applicable through
25 its local educational agencies, shall have the flexibility

1 to determine the activities to be provided with funds
2 made available under this subpart, except that such
3 funds first shall be used to meet the identified needs
4 of migratory children that result from their migratory
5 lifestyle, and to permit these children to participate
6 effectively in school.

7 “(2) *UNADDRESSED NEEDS.*—Funds provided
8 under this subpart shall be used to address the needs
9 of migratory children that are not addressed by serv-
10 ices available from other Federal or non-Federal pro-
11 grams, except that migratory children who are eligible
12 to receive services under subpart 1 may receive those
13 services through funds provided under that subpart,
14 or through funds under this subpart that remain after
15 the agency addresses the needs described in paragraph
16 (1).

17 “(3) *CONSTRUCTION.*—Nothing in this subpart
18 shall be construed to prohibit a local educational
19 agency from serving migratory children simulta-
20 neously with students with similar educational needs
21 in the same educational settings, where appropriate.

22 **“SEC. 1137. BYPASS.**

23 “The Secretary may use all or part of any State’s allo-
24 cation under this subpart to make arrangements with any

1 *public or private agency to carry out the purpose of this*
2 *subpart in such State if the Secretary determines that—*

3 “(1) *the State is unable or unwilling to conduct*
4 *educational programs for migratory children;*

5 “(2) *such arrangements would result in more ef-*
6 *ficient and economic administration of such pro-*
7 *grams; or*

8 “(3) *such arrangements would add substantially*
9 *to the educational achievement of such children.*

10 **“SEC. 1138. COORDINATION OF MIGRATORY EDUCATION AC-**
11 **TIVITIES.**

12 “(a) *IMPROVEMENT OF COORDINATION.—*

13 “(1) *IN GENERAL.—The Secretary, in consulta-*
14 *tion with the States, may make grants to, or enter*
15 *into contracts with, State educational agencies, local*
16 *educational agencies, institutions of higher education,*
17 *and other public and private entities to improve the*
18 *interstate and intrastate coordination among such*
19 *agencies’ educational programs, including through the*
20 *establishment or improvement of programs for credit*
21 *accrual and exchange, available to migratory stu-*
22 *dents.*

23 “(2) *DURATION.—Grants or contracts under this*
24 *subsection may be awarded for not more than 5 years.*

25 “(b) *STUDENT RECORDS.—*

1 “(1) *ASSISTANCE.*—*The Secretary shall assist*
2 *States in developing and maintaining an effective*
3 *system for the electronic transfer of student records*
4 *and in determining the number of migratory children*
5 *in each State.*

6 “(2) *INFORMATION SYSTEM.*—

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

21 “(i) *immunization records and other*
22 *health information;*

23 “(ii) *elementary and secondary aca-*
24 *demic history (including partial credit),*

1 *credit accrual, and results from State as-*
2 *essments required under section 1111(b)(2);*

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

7 *“(iv) eligibility for services under the*
8 *Individuals with Disabilities Education*
9 *Act.*

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

17 *“(3) NO COST FOR CERTAIN TRANSFERS.—A*
18 *State educational agency or local educational agency*
19 *receiving assistance under this subpart shall make*
20 *student records available to another State educational*
21 *agency or local educational agency that requests the*
22 *records at no cost to the requesting agency, if the re-*
23 *quest is made in order to meet the needs of a migra-*
24 *tory child.*

25 *“(4) REPORT TO CONGRESS.—*

1 “(A) *IN GENERAL.*—Not later than April
2 30, 2013, the Secretary shall report to the Com-
3 mittee on Health, Education, Labor, and Pen-
4 sions of the Senate and the Committee on Edu-
5 cation and the Workforce of the House of Rep-
6 resentatives the Secretary’s findings and rec-
7 ommendations regarding the maintenance and
8 transfer of health and educational information
9 for migratory students by the States.

10 “(B) *REQUIRED CONTENTS.*—The Secretary
11 shall include in such report—

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

15 “(ii) recommendations for maintaining
16 such systems; and

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

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

1 “(d) *DATA COLLECTION.*—*The Secretary shall direct*
2 *the National Center for Education Statistics to collect data*
3 *on migratory children.*

4 “**SEC. 1139. DEFINITIONS.**

5 “*As used in this subpart:*

6 “(1) *LOCAL OPERATING AGENCY.*—*The term*
7 *‘local operating agency’ means—*

8 “(A) *a local educational agency to which a*
9 *State educational agency makes a subgrant*
10 *under this subpart;*

11 “(B) *a public or private agency with which*
12 *a State educational agency or the Secretary*
13 *makes an arrangement to carry out a project*
14 *under this subpart; or*

15 “(C) *a State educational agency, if the*
16 *State educational agency operates the State’s mi-*
17 *gratory education program or projects directly.*

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

1 “(A) has moved from one school district to
2 another;

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

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

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

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

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

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

21 “(2) to provide such children and youth with the
22 services needed to make a successful transition from
23 institutionalization to further schooling or employ-
24 ment; and

1 “(3) to prevent at-risk youth from dropping out
2 of school, and to provide dropouts, and children and
3 youth returning from correctional facilities or institu-
4 tions for neglected or delinquent children and youth,
5 with a support system to ensure their continued edu-
6 cation.

7 “(b) *PROGRAM AUTHORIZED.*—From amounts appro-
8 priated under section 3(a)(1), the Secretary shall reserve
9 0.3 of one percent to carry out this subpart.

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

18 **“SEC. 1142. PAYMENTS FOR PROGRAMS UNDER THIS SUB-**

19 **PART.**

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

1 “(b) *LOCAL SUBGRANTS.*—*Each State shall retain, for*
 2 *the purpose of carrying out chapter B, funds generated*
 3 *throughout the State under subpart 1 of this part based on*
 4 *children and youth residing in local correctional facilities,*
 5 *or attending community day programs for delinquent chil-*
 6 *dren and youth.*

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

8 **“SEC. 1151. ELIGIBILITY.**

9 “A *State agency is eligible for assistance under this*
 10 *chapter if such State agency is responsible for providing*
 11 *free public education for children and youth—*

12 “(1) *in institutions for neglected or delinquent*
 13 *children and youth;*

14 “(2) *attending community day programs for ne-*
 15 *glected or delinquent children and youth; or*

16 “(3) *in adult correctional institutions.*

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

18 “(a) *SUBGRANTS TO STATE AGENCIES.—*

19 “(1) *IN GENERAL.*—*Each State agency described*
 20 *in section 1151 (other than an agency in the Com-*
 21 *monwealth of Puerto Rico) is eligible to receive a*
 22 *subgrant under this chapter, for each fiscal year, in*
 23 *an amount equal to the product of—*

1 “(A) *the number of neglected or delinquent*
2 *children and youth described in section 1151*
3 *who—*

4 “(i) *are enrolled for at least 15 hours*
5 *per week in education programs in adult*
6 *correctional institutions; and*

7 “(ii) *are enrolled for at least 20 hours*
8 *per week—*

9 “(I) *in education programs in in-*
10 *stitutions for neglected or delinquent*
11 *children and youth; or*

12 “(II) *in community day programs*
13 *for neglected or delinquent children*
14 *and youth; and*

15 “(B) *40 percent of the average per-pupil ex-*
16 *penditure in the State, except that the amount*
17 *determined under this subparagraph shall not be*
18 *less than 32 percent, nor more than 48 percent,*
19 *of the average per-pupil expenditure in the*
20 *United States.*

21 “(2) *SPECIAL RULE.—The number of neglected*
22 *or delinquent children and youth determined under*
23 *paragraph (1) shall—*

24 “(A) *be determined by the State agency by*
25 *a deadline set by the Secretary, except that no*

1 *State agency shall be required to determine the*
2 *number of such children and youth on a specific*
3 *date set by the Secretary; and*

4 *“(B) be adjusted, as the Secretary deter-*
5 *mines is appropriate, to reflect the relative*
6 *length of such agency’s annual programs.*

7 *“(b) SUBGRANTS TO STATE AGENCIES IN PUERTO*
8 *RICO.—*

9 *“(1) IN GENERAL.—For each fiscal year, the*
10 *amount of the subgrant which a State agency in the*
11 *Commonwealth of Puerto Rico shall be eligible to re-*
12 *ceive under this chapter shall be the amount deter-*
13 *mined by multiplying the number of children counted*
14 *under subsection (a)(1)(A) for the Commonwealth of*
15 *Puerto Rico by the product of—*

16 *“(A) the percentage which the average per-*
17 *pupil expenditure in the Commonwealth of Puer-*
18 *to Rico is of the lowest average per-pupil expend-*
19 *iture of any of the 50 States; and*

20 *“(B) 32 percent of the average per-pupil ex-*
21 *penditure in the United States.*

22 *“(2) MINIMUM PERCENTAGE.—The percentage in*
23 *paragraph (1)(A) shall not be less than 85 percent.*

24 *“(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT*
25 *APPROPRIATIONS.—If the amount reserved for any fiscal*

1 *year for subgrants under subsections (a) and (b) is insuffi-*
2 *cient to pay the full amount for which all State agencies*
3 *are eligible under such subsections, the Secretary shall rat-*
4 *ably reduce each such amount.*

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

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

14 **“SEC. 1154. STATE PLAN AND STATE AGENCY APPLICA-**
15 **TIONS.**

16 *“(a) STATE PLAN.—*

17 *“(1) IN GENERAL.—Each State educational*
18 *agency that desires to receive a grant under this*
19 *chapter shall submit, for approval by the Secretary,*
20 *a plan—*

21 *“(A) for meeting the educational needs of*
22 *neglected, delinquent, and at-risk children and*
23 *youth;*

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

4 “(C) that is integrated with other programs
5 under this Act or other Acts, as appropriate.

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

7 “(A) describe how the State will assess the
8 effectiveness of the program in improving the
9 academic, career, and technical skills of children
10 in the program;

11 “(B) provide that, to the extent feasible,
12 such children will have the same opportunities to
13 achieve as such children would have if such chil-
14 dren were in the schools of local educational
15 agencies in the State;

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

19 “(D) contain an assurance that the State
20 educational agency will—

21 “(i) ensure that programs assisted
22 under this chapter will be carried out in ac-
23 cordance with the State plan described in
24 this subsection;

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

3 “(iii) ensure that the State agencies re-
4 ceiving subgrants under this chapter comply
5 with all applicable statutory and regulatory
6 requirements.

7 “(3) *DURATION OF THE PLAN.*—Each such State
8 plan shall—

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

15 “(b) *SECRETARIAL APPROVAL AND PEER REVIEW.*—

16 “(1) *SECRETARIAL APPROVAL.*—The Secretary
17 shall approve each State plan that meets the require-
18 ments of this chapter.

19 “(2) *PEER REVIEW.*—The Secretary may review
20 any State plan with the assistance and advice of in-
21 dividuals with relevant expertise.

22 “(c) *STATE AGENCY APPLICATIONS.*—Any State agen-
23 cy that desires to receive funds to carry out a program
24 under this chapter shall submit an application to the State
25 educational agency that—

1 “(1) describes the procedures to be used, con-
2 sistent with the State plan under section 1111, to as-
3 sess the educational needs of the children to be served
4 under this chapter;

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

10 “(3) describes the program, including a budget
11 for the first year of the program, with annual updates
12 to be provided to the State educational agency;

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

15 “(5) describes how the State agency will consult
16 with experts and provide the necessary training for
17 appropriate staff, to ensure that the planning and op-
18 eration of institution-wide projects under section 1156
19 are of high quality;

20 “(6) describes how the programs will be coordi-
21 nated with other appropriate State and Federal pro-
22 grams, such as programs under title I of Public Law
23 105–220, career and technical education programs,
24 State and local dropout prevention programs, and
25 special education programs;

1 “(7) describes how the State agency will encour-
2 age correctional facilities receiving funds under this
3 chapter to coordinate with local educational agencies
4 or alternative education programs attended by incar-
5 cerated children and youth prior to and after their
6 incarceration to ensure that student assessments and
7 appropriate academic records are shared jointly be-
8 tween the correctional facility and the local edu-
9 cational agency or alternative education program;

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

12 “(9) designates an individual in each affected
13 correctional facility or institution for neglected or de-
14 linquent children and youth to be responsible for
15 issues relating to the transition of such children and
16 youth from such facility or institution to locally oper-
17 ated programs;

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

21 “(11) provides an assurance that the State agen-
22 cy will assist in locating alternative programs
23 through which students can continue their education
24 if the students are not returning to school after leav-

1 *ing the correctional facility or institution for ne-*
2 *glected or delinquent children and youth;*

3 *“(12) provides assurances that the State agency*
4 *will work with parents to secure parents’ assistance*
5 *in improving the educational achievement of their*
6 *children and youth, and preventing their children’s*
7 *and youth’s further involvement in delinquent activi-*
8 *ties;*

9 *“(13) provides an assurance that the State agen-*
10 *cy will work with children and youth with disabilities*
11 *in order to meet an existing individualized education*
12 *program and an assurance that the agency will notify*
13 *the child’s or youth’s local school if the child or*
14 *youth—*

15 *“(A) is identified as in need of special edu-*
16 *cation services while the child or youth is in the*
17 *correctional facility or institution for neglected*
18 *or delinquent children and youth; and*

19 *“(B) intends to return to the local school;*

20 *“(14) provides an assurance that the State agen-*
21 *cy will work with children and youth who dropped*
22 *out of school before entering the correctional facility*
23 *or institution for neglected or delinquent children and*
24 *youth to encourage the children and youth to reenter*
25 *school and obtain a regular high school diploma once*

1 *the term of the incarceration is completed, or provide*
2 *the child or youth with the skills necessary to gain*
3 *employment, continue the education of the child or*
4 *youth, or obtain a regular high school diploma or its*
5 *recognized equivalent if the child or youth does not*
6 *intend to return to school;*

7 *“(15) provides an assurance that effective teach-*
8 *ers and other qualified staff are trained to work with*
9 *children and youth with disabilities and other stu-*
10 *dents with special needs taking into consideration the*
11 *unique needs of such students;*

12 *“(16) describes any additional services to be pro-*
13 *vided to children and youth, such as career coun-*
14 *seling, distance education, and assistance in securing*
15 *student loans and grants; and*

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

21 **“SEC. 1155. USE OF FUNDS.**

22 *“(a) USES.—*

23 *“(1) IN GENERAL.—A State agency shall use*
24 *funds received under this chapter only for programs*
25 *and projects that—*

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

3 “(B) concentrate on providing participants
4 with the knowledge and skills needed to make a
5 successful transition to secondary school comple-
6 tion, career or technical training, further edu-
7 cation, or employment without the need for re-
8 mediation.

9 “(2) PROGRAMS AND PROJECTS.—Such programs
10 and projects—

11 “(A) may include the acquisition of equip-
12 ment;

13 “(B) shall be designed to support edu-
14 cational services that—

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

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

1 “(iii) afford such children and youth
2 an opportunity to meet State academic
3 standards; and

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

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

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

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

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

4 “(2) provides for a comprehensive assessment of
5 the educational needs of youth aged 20 and younger
6 in adult facilities who are expected to complete incar-
7 ceration within a 2-year period;

8 “(3) describes the steps the State agency has
9 taken, or will take, to provide all children and youth
10 under age 21 with the opportunity to meet State aca-
11 demic standards in order to improve the likelihood
12 that the children and youth will complete secondary
13 school, obtain a regular high school diploma or its
14 recognized equivalent, or find employment after leav-
15 ing the institution;

16 “(4) describes the instructional program, special-
17 ized instructional support services, and procedures
18 that will be used to meet the needs described in para-
19 graph (1), including, to the extent feasible, the provi-
20 sion of mentors for the children and youth described
21 in paragraph (1);

22 “(5) specifically describes how such funds will be
23 used;

1 “(6) describes the measures and procedures that
2 will be used to assess and improve student achieve-
3 ment;

4 “(7) describes how the agency has planned, and
5 will implement and evaluate, the institution-wide or
6 program-wide project in consultation with personnel
7 providing direct instructional services and support
8 services in institutions or community day programs
9 for neglected or delinquent children and youth, and
10 with personnel from the State educational agency;
11 and

12 “(8) includes an assurance that the State agency
13 has provided for appropriate training for teachers
14 and other instructional and administrative personnel
15 to enable such teachers and personnel to carry out the
16 project effectively.

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

18 *“If a State agency operates a program or project under
19 this chapter in which individual children or youth are like-
20 ly to participate for more than one year, the State edu-
21 cational agency may approve the State agency’s applica-
22 tion for a subgrant under this chapter for a period of not
23 more than 3 years.*

1 **“SEC. 1158. TRANSITION SERVICES.**

2 “(a) *TRANSITION SERVICES.*—*Each State agency shall*
3 *reserve not less than 15 percent and not more than 30 per-*
4 *cent of the amount such agency receives under this chapter*
5 *for any fiscal year to support—*

6 “(1) *projects that facilitate the transition of chil-*
7 *dren and youth from State-operated institutions to*
8 *schools served by local educational agencies; or*

9 “(2) *the successful re-entry of youth offenders,*
10 *who are age 20 or younger and have received a reg-*
11 *ular high school diploma or its recognized equivalent,*
12 *into postsecondary education, or career and technical*
13 *training programs, through strategies designed to ex-*
14 *pose the youth to, and prepare the youth for, postsec-*
15 *ondary education, or career and technical training*
16 *programs, such as—*

17 “(A) *preplacement programs that allow ad-*
18 *judicated or incarcerated youth to audit or at-*
19 *tend courses on college, university, or community*
20 *college campuses, or through programs provided*
21 *in institutional settings;*

22 “(B) *worksites schools, in which institutions*
23 *of higher education and private or public em-*
24 *ployers partner to create programs to help stu-*
25 *dents make a successful transition to postsec-*
26 *ondary education and employment; and*

1 “(C) *essential support services to ensure the*
2 *success of the youth, such as—*

3 “(i) *personal, career and technical,*
4 *and academic counseling;*

5 “(ii) *placement services designed to*
6 *place the youth in a university, college, or*
7 *junior college program;*

8 “(iii) *information concerning, and as-*
9 *sistance in obtaining, available student fi-*
10 *nancial aid;*

11 “(iv) *counseling services; and*

12 “(v) *job placement services.*

13 “(b) *CONDUCT OF PROJECTS.—A project supported*
14 *under this section may be conducted directly by the State*
15 *agency, or through a contract or other arrangement with*
16 *one or more local educational agencies, other public agen-*
17 *cies, or private organizations.*

18 “(c) *RULE OF CONSTRUCTION.—Nothing in this sec-*
19 *tion shall be construed to prohibit a school that receives*
20 *funds under subsection (a) from serving neglected and de-*
21 *linquent children and youth simultaneously with students*
22 *with similar educational needs, in the same educational set-*
23 *tings where appropriate.*

1 **“SEC. 1159. TECHNICAL ASSISTANCE.**

2 *“The Secretary shall reserve not more than 1 percent*
3 *of the amount reserved under section 1141 to provide tech-*
4 *nical assistance to and support State agency programs as-*
5 *sisted under this chapter.*

6 **“CHAPTER B—LOCAL AGENCY PROGRAMS**

7 **“SEC. 1161. PURPOSE.**

8 *“The purpose of this chapter is to support the oper-*
9 *ation of local educational agency programs that involve col-*
10 *laboration with locally operated correctional facilities—*

11 *“(1) to carry out high quality education pro-*
12 *grams to prepare children and youth for secondary*
13 *school completion, training, employment, or further*
14 *education;*

15 *“(2) to provide activities to facilitate the transi-*
16 *tion of such children and youth from the correctional*
17 *program to further education or employment; and*

18 *“(3) to operate programs in local schools for chil-*
19 *dren and youth returning from correctional facilities,*
20 *and programs which may serve at-risk children and*
21 *youth.*

22 **“SEC. 1162. PROGRAMS OPERATED BY LOCAL EDUCATIONAL**
23 **AGENCIES.**

24 *“(a) LOCAL SUBGRANTS.—With funds made available*
25 *under section 1142(b), the State educational agency shall*
26 *award subgrants to local educational agencies with high*

1 *numbers or percentages of children and youth residing in*
2 *locally operated (including county operated) correctional*
3 *facilities for children and youth (including facilities in-*
4 *volved in community day programs).*

5 “(b) *SPECIAL RULE.—A local educational agency that*
6 *serves a school operated by a correctional facility is not re-*
7 *quired to operate a program of support for children and*
8 *youth returning from such school to a school that is not*
9 *operated by a correctional agency but served by such local*
10 *educational agency, if more than 30 percent of the children*
11 *and youth attending the school operated by the correctional*
12 *facility will reside outside the boundaries served by the local*
13 *educational agency after leaving such facility.*

14 “(c) *NOTIFICATION.—A State educational agency shall*
15 *notify local educational agencies within the State of the eli-*
16 *gibility of such agencies to receive a subgrant under this*
17 *chapter.*

18 “(d) *TRANSITIONAL AND ACADEMIC SERVICES.—Tran-*
19 *sitional and supportive programs operated in local edu-*
20 *cational agencies under this chapter shall be designed pri-*
21 *marily to meet the transitional and academic needs of stu-*
22 *dents returning to local educational agencies or alternative*
23 *education programs from correctional facilities. Services to*
24 *students at-risk of dropping out of school shall not have a*

1 *negative impact on meeting the transitional and academic*
2 *needs of the students returning from correctional facilities.*

3 **“SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

4 *“Each local educational agency desiring assistance*
5 *under this chapter shall submit an application to the State*
6 *educational agency that contains such information as the*
7 *State educational agency may require. Each such applica-*
8 *tion shall include—*

9 *“(1) a description of the program to be assisted;*

10 *“(2) a description of formal agreements, regard-*
11 *ing the program to be assisted, between—*

12 *“(A) the local educational agency; and*

13 *“(B) correctional facilities and alternative*
14 *school programs serving children and youth in-*
15 *volved with the juvenile justice system;*

16 *“(3) as appropriate, a description of how par-*
17 *ticipating schools will coordinate with facilities work-*
18 *ing with delinquent children and youth to ensure that*
19 *such children and youth are participating in an edu-*
20 *cation program comparable to one operating in the*
21 *local school such youth would attend;*

22 *“(4) a description of the program operated by*
23 *participating schools for children and youth return-*
24 *ing from correctional facilities and, as appropriate,*
25 *the types of services that such schools will provide*

1 *such children and youth and other at-risk children*
2 *and youth;*

3 *“(5) a description of the characteristics (includ-*
4 *ing learning difficulties, substance abuse problems,*
5 *and other needs) of the children and youth who will*
6 *be returning from correctional facilities and, as ap-*
7 *propriate, other at-risk children and youth expected*
8 *to be served by the program, and a description of how*
9 *the school will coordinate existing educational pro-*
10 *grams to meet the unique educational needs of such*
11 *children and youth;*

12 *“(6) as appropriate, a description of how schools*
13 *will coordinate with existing social, health, and other*
14 *services to meet the needs of students returning from*
15 *correctional facilities and at-risk children or youth,*
16 *including prenatal health care and nutrition services*
17 *related to the health of the parent and the child or*
18 *youth, parenting and child development classes, child*
19 *care, targeted reentry and outreach programs, refer-*
20 *als to community resources, and scheduling flexi-*
21 *bility;*

22 *“(7) as appropriate, a description of any part-*
23 *nerships with local businesses to develop training,*
24 *curriculum-based youth entrepreneurship education,*
25 *and mentoring services for participating students;*

1 “(8) as appropriate, a description of how the
2 program will involve parents in efforts to improve the
3 educational achievement of their children, assist in
4 dropout prevention activities, and prevent the involve-
5 ment of their children in delinquent activities;

6 “(9) a description of how the program under this
7 chapter will be coordinated with other Federal, State,
8 and local programs, such as programs under title I
9 of Public Law 105–220 and career and technical edu-
10 cation programs serving at-risk children and youth;

11 “(10) a description of how the program will be
12 coordinated with programs operated under the Juve-
13 nile Justice and Delinquency Prevention Act of 1974
14 and other comparable programs, if applicable;

15 “(11) as appropriate, a description of how
16 schools will work with probation officers to assist in
17 meeting the needs of children and youth returning
18 from correctional facilities;

19 “(12) a description of the efforts participating
20 schools will make to ensure correctional facilities
21 working with children and youth are aware of a
22 child’s or youth’s existing individualized education
23 program; and

24 “(13) as appropriate, a description of the steps
25 participating schools will take to find alternative

1 *placements for children and youth interested in con-*
2 *tinuing their education but unable to participate in*
3 *a traditional public school program.*

4 **“SEC. 1164. USES OF FUNDS.**

5 *“Funds provided to local educational agencies under*
6 *this chapter may be used, as appropriate, for—*

7 *“(1) programs that serve children and youth re-*
8 *turning to local schools from correctional facilities, to*
9 *assist in the transition of such children and youth to*
10 *the school environment and help them remain in*
11 *school in order to complete their education;*

12 *“(2) dropout prevention programs which serve*
13 *at-risk children and youth;*

14 *“(3) the coordination of health and social serv-*
15 *ices for such individuals if there is a likelihood that*
16 *the provision of such services, including day care,*
17 *drug and alcohol counseling, and mental health serv-*
18 *ices, will improve the likelihood such individuals will*
19 *complete their education;*

20 *“(4) special programs to meet the unique aca-*
21 *demie needs of participating children and youth, in-*
22 *cluding career and technical education, special edu-*
23 *cation, career counseling, curriculum-based youth en-*
24 *trepreneurship education, and assistance in securing*

1 *student loans or grants for postsecondary education;*
2 *and*

3 *“(5) programs providing mentoring and peer*
4 *mediation.*

5 **“SEC. 1165. PROGRAM REQUIREMENTS FOR CORRECTIONAL**
6 **FACILITIES RECEIVING FUNDS UNDER THIS**
7 **SECTION.**

8 *“Each correctional facility entering into an agreement*
9 *with a local educational agency under section 1163(2) to*
10 *provide services to children and youth under this chapter*
11 *shall—*

12 *“(1) where feasible, ensure that educational pro-*
13 *grams in the correctional facility are coordinated*
14 *with the student’s home school, particularly with re-*
15 *spect to a student with an individualized education*
16 *program under part B of the Individuals with Dis-*
17 *abilities Education Act;*

18 *“(2) if the child or youth is identified as in need*
19 *of special education services while in the correctional*
20 *facility, notify the local school of the child or youth*
21 *of such need;*

22 *“(3) where feasible, provide transition assistance*
23 *to help the child or youth stay in school, including co-*
24 *ordination of services for the family, counseling, as-*

1 *sistance in accessing drug and alcohol abuse preven-*
2 *tion programs, tutoring, and family counseling;*

3 *“(4) provide support programs that encourage*
4 *children and youth who have dropped out of school to*
5 *re-enter school and obtain a regular high school di-*
6 *ploma once their term at the correctional facility has*
7 *been completed, or provide such children and youth*
8 *with the skills necessary to gain employment or seek*
9 *a regular high school diploma or its recognized equiv-*
10 *alent;*

11 *“(5) work to ensure that the correctional facility*
12 *is staffed with effective teachers and other qualified*
13 *staff who are trained to work with children and youth*
14 *with disabilities taking into consideration the unique*
15 *needs of such children and youth;*

16 *“(6) ensure that educational programs in the*
17 *correctional facility are related to assisting students*
18 *to meet the States’s academic standards;*

19 *“(7) to the extent possible, use technology to as-*
20 *sisit in coordinating educational programs between the*
21 *correctional facility and the community school;*

22 *“(8) where feasible, involve parents in efforts to*
23 *improve the educational achievement of their children*
24 *and prevent the further involvement of such children*
25 *in delinquent activities;*

1 “(9) coordinate funds received under this chapter
2 with other local, State, and Federal funds available to
3 provide services to participating children and youth,
4 such as funds made available under title I of Public
5 Law 105–220, and career and technical education
6 funds;

7 “(10) coordinate programs operated under this
8 chapter with activities funded under the Juvenile Jus-
9 tice and Delinquency Prevention Act of 1974 and
10 other comparable programs, if applicable;

11 “(11) if appropriate, work with local businesses
12 to develop training, curriculum-based youth entrepre-
13 neurship education, and mentoring programs for chil-
14 dren and youth; and

15 “(12) consult with the local educational agency
16 for a period jointly determined necessary by the cor-
17 rectional facility and local educational agency upon
18 discharge from that facility to coordinate educational
19 services so as to minimize disruption to the child’s or
20 youth’s achievement.

21 **“SEC. 1166. ACCOUNTABILITY.**

22 “The State educational agency—

23 “(1) may require correctional facilities or insti-
24 tutions for neglected or delinquent children and youth
25 to demonstrate, after receiving assistance under this

1 *chapter for 3 years, that there has been an increase*
2 *in the number of children and youth returning to*
3 *school, obtaining a regular high school diploma or its*
4 *recognized equivalent, or obtaining employment after*
5 *such children and youth are released; and*

6 *“(2) may reduce or terminate funding for*
7 *projects under this chapter if a local educational*
8 *agency does not show progress in the number of chil-*
9 *dren and youth obtaining a regular high school di-*
10 *ploma or its recognized equivalent.*

11 **“CHAPTER C—GENERAL PROVISIONS**

12 **“SEC. 1171. PROGRAM EVALUATIONS.**

13 *“(a) SCOPE OF EVALUATION.—Each State agency or*
14 *local educational agency that conducts a program under*
15 *chapters A or B shall evaluate the program, disaggregating*
16 *data on participation by gender, race, ethnicity, and age,*
17 *not less than once every 3 years, to determine the program’s*
18 *impact on the ability of participants—*

19 *“(1) to maintain and improve educational*
20 *achievement;*

21 *“(2) to accrue school credits that meet State re-*
22 *quirements for grade promotion and high school grad-*
23 *uation;*

1 “(3) to make the transition to a regular program
2 or other education program operated by a local edu-
3 cational agency;

4 “(4) to complete high school (or high school
5 equivalency requirements) and obtain employment
6 after leaving the correctional facility or institution
7 for neglected or delinquent children and youth; and

8 “(5) as appropriate, to participate in postsec-
9 ondary education and job training programs.

10 “(b) *EXCEPTION.*—The disaggregation required under
11 subsection (a) shall not be required in a case in which the
12 number of students in a category is insufficient to yield
13 statistically reliable information or the results would reveal
14 personally identifiable information about an individual
15 student.

16 “(c) *EVALUATION MEASURES.*—In conducting each
17 evaluation under subsection (a), a State agency or local
18 educational agency shall use multiple and appropriate
19 measures of student progress.

20 “(d) *EVALUATION RESULTS.*—Each State agency and
21 local educational agency shall—

22 “(1) submit evaluation results to the State edu-
23 cational agency and the Secretary; and

1 “(2) use the results of evaluations under this sec-
2 tion to plan and improve subsequent programs for
3 participating children and youth.

4 **“SEC. 1172. DEFINITIONS.**

5 *“In this subpart:*

6 “(1) *ADULT CORRECTIONAL INSTITUTION.—The*
7 *term ‘adult correctional institution’ means a facility*
8 *in which persons (including persons under 21 years*
9 *of age) are confined as a result of a conviction for a*
10 *criminal offense.*

11 “(2) *AT-RISK.—The term ‘at-risk’, when used*
12 *with respect to a child, youth, or student, means a*
13 *school-aged individual who*

14 *“(A) is at-risk of academic failure; and*

15 *“(B) has a drug or alcohol problem, is preg-*
16 *nant or is a parent, has come into contact with*
17 *the juvenile justice system in the past, is at least*
18 *1 year behind the expected grade level for the age*
19 *of the individual, is an English learner, is a*
20 *gang member, has dropped out of school in the*
21 *past, or has a high absenteeism rate at school.*

22 “(3) *COMMUNITY DAY PROGRAM.—The term*
23 *‘community day program’ means a regular program*
24 *of instruction provided by a State agency at a com-*

1 *munity day school operated specifically for neglected*
2 *or delinquent children and youth.*

3 “(4) *INSTITUTION FOR NEGLECTED OR DELIN-*
4 *QUENT CHILDREN AND YOUTH.—The term ‘institution*
5 *for neglected or delinquent children and youth’*
6 *means—*

7 “(A) *a public or private residential facility,*
8 *other than a foster home, that is operated for the*
9 *care of children who have been committed to the*
10 *institution or voluntarily placed in the institu-*
11 *tion under applicable State law, due to abandon-*
12 *ment, neglect, or death of their parents or guard-*
13 *ians; or*

14 “(B) *a public or private residential facility*
15 *for the care of children who have been adju-*
16 *dicated to be delinquent or in need of super-*
17 *vision.*

18 **“Subpart 4—English Language Acquisition,**
19 **Language Enhancement, and Academic Achievement**

20 **“SEC. 1181. PURPOSES.**

21 “*The purposes of this subpart are—*

22 “(1) *to help ensure that English learners, includ-*
23 *ing immigrant children and youth, attain English*
24 *proficiency and develop high levels of academic*
25 *achievement in English;*

1 “(2) to assist all English learners, including im-
2 migrant children and youth, to achieve at high levels
3 in the core academic subjects so that those children
4 can meet the same State academic standards that all
5 children are expected to meet, consistent with section
6 1111(b)(1);

7 “(3) to assist State educational agencies, local
8 educational agencies, and schools in establishing, im-
9 plementing, and sustaining high-quality, flexible, evi-
10 dence-based language instruction educational pro-
11 grams designed to assist in teaching English learners,
12 including immigrant children and youth;

13 “(4) to assist State educational agencies and
14 local educational agencies to develop and enhance
15 their capacity to provide high-quality, evidence-based
16 instructional programs designed to prepare English
17 learners, including immigrant children and youth, to
18 enter all-English instruction settings; and

19 “(5) to promote parental and community par-
20 ticipation in language instruction educational pro-
21 grams for the parents and communities of English
22 learners.

1 **“CHAPTER A—GRANTS AND SUBGRANTS**
2 **FOR ENGLISH LANGUAGE ACQUI-**
3 **SION AND LANGUAGE ENHANCEMENT**

4 **“SEC. 1191. FORMULA GRANTS TO STATES.**

5 “(a) *IN GENERAL.*—*In the case of each State edu-*
6 *cational agency having a plan approved by the Secretary*
7 *for a fiscal year under section 1192, the Secretary shall re-*
8 *serve 4.4 percent of funds appropriated under section*
9 *3(a)(1) to make a grant for the year to the agency for the*
10 *purposes specified in subsection (b). The grant shall consist*
11 *of the allotment determined for the State educational agency*
12 *under subsection (c).*

13 “(b) *USE OF FUNDS.*—

14 “(1) *SUBGRANTS TO ELIGIBLE ENTITIES.*—*The*
15 *Secretary may make a grant under subsection (a)*
16 *only if the State educational agency involved agrees*
17 *to expend at least 95 percent of the State educational*
18 *agency’s allotment under subsection (c) for a fiscal*
19 *year—*

20 “(A) *to award subgrants, from allocations*
21 *under section 1193, to eligible entities to carry*
22 *out the activities described in section 1194 (other*
23 *than subsection (e)); and*

24 “(B) *to award subgrants under section*
25 *1193(d)(1) to eligible entities that are described*

1 *in that section to carry out the activities de-*
2 *scribed in section 1194(e).*

3 “(2) *STATE ACTIVITIES.*—*Subject to paragraph*
4 *(3), each State educational agency receiving a grant*
5 *under subsection (a) may reserve not more than 5*
6 *percent of the agency’s allotment under subsection (c)*
7 *to carry out the following activities:*

8 “(A) *Professional development activities,*
9 *and other activities, which may include assisting*
10 *personnel in—*

11 “(i) *meeting State and local certifi-*
12 *cation and licensing requirements for teach-*
13 *ing English learners; and*

14 “(ii) *improving teacher skills in meet-*
15 *ing the diverse needs of English learners,*
16 *including in how to implement evidence-*
17 *based programs and curricula on teaching*
18 *English learners.*

19 “(B) *Planning, evaluation, administration,*
20 *and interagency coordination related to the sub-*
21 *grants referred to in paragraph (1).*

22 “(C) *Providing technical assistance and*
23 *other forms of assistance to eligible entities that*
24 *are receiving subgrants from a State educational*

1 agency under this chapter, including assistance
2 in—

3 “(i) identifying and implementing evi-
4 dence-based language instruction edu-
5 cational programs and curricula for teach-
6 ing English learners;

7 “(ii) helping English learners meet the
8 same State academic standards that all
9 children are expected to meet;

10 “(iii) identifying or developing, and
11 implementing, measures of English pro-
12 ficiency; and

13 “(iv) strengthening and increasing
14 parent, family, and community engage-
15 ment.

16 “(D) Providing recognition, which may in-
17 clude providing financial awards, to subgrantees
18 that have significantly improved the achievement
19 and progress of English learners in—

20 “(i) reaching English language pro-
21 ficiency, based on the State’s English lan-
22 guage proficiency assessment under section
23 1111(b)(2)(D); and

24 “(ii) meeting the State academic
25 standards under section 1111(b)(1).

1 “(3) *ADMINISTRATIVE EXPENSES.*—*From the*
2 *amount reserved under paragraph (2), a State edu-*
3 *cational agency may use not more than 40 percent of*
4 *such amount or \$175,000, whichever is greater, for the*
5 *planning and administrative costs of carrying out*
6 *paragraphs (1) and (2).*

7 “(c) *RESERVATIONS AND ALLOTMENTS.*—

8 “(1) *RESERVATIONS.*—*From the amount reserved*
9 *under section 1191(a) for each fiscal year, the Sec-*
10 *retary shall reserve—*

11 “(A) *0.5 percent of such amount for pay-*
12 *ments to outlying areas, to be allotted in accord-*
13 *ance with their respective needs for assistance*
14 *under this chapter, as determined by the Sec-*
15 *retary, for activities, approved by the Secretary,*
16 *consistent with this chapter; and*

17 “(B) *6.5 percent of such amount for na-*
18 *tional activities under sections 1211 and 1222,*
19 *except that not more than \$2,000,000 of such*
20 *amount may be reserved for the National Clear-*
21 *inghouse for English Language Acquisition and*
22 *Language Instruction Educational Programs de-*
23 *scribed in section 1222.*

24 “(2) *STATE ALLOTMENTS.*—

1 “(A) *IN GENERAL.*—*Except as provided in*
2 *subparagraph (B), from the amount reserved*
3 *under section 1191(a) for each fiscal year that*
4 *remains after making the reservations under*
5 *paragraph (1), the Secretary shall allot to each*
6 *State educational agency having a plan ap-*
7 *proved under section 1192(c)—*

8 “(i) *an amount that bears the same re-*
9 *lationship to 80 percent of the remainder as*
10 *the number of English learners in the State*
11 *bears to the number of such children in all*
12 *States, as determined by data available*
13 *from the American Community Survey con-*
14 *ducted by the Department of Commerce or*
15 *State-reported data; and*

16 “(ii) *an amount that bears the same*
17 *relationship to 20 percent of the remainder*
18 *as the number of immigrant children and*
19 *youth in the State bears to the number of*
20 *such children and youth in all States, as*
21 *determined based only on data available*
22 *from the American Community Survey con-*
23 *ducted by the Department of Commerce.*

1 “(B) *MINIMUM ALLOTMENTS.*—No State
2 *educational agency shall receive an allotment*
3 *under this paragraph that is less than \$500,000.*

4 “(C) *REALLOTMENT.*—If any State edu-
5 *cational agency described in subparagraph (A)*
6 *does not submit a plan to the Secretary for a fis-*
7 *cal year, or submits a plan (or any amendment*
8 *to a plan) that the Secretary, after reasonable*
9 *notice and opportunity for a hearing, determines*
10 *does not satisfy the requirements of this chapter,*
11 *the Secretary shall reallocate any portion of such*
12 *allotment to the remaining State educational*
13 *agencies in accordance with subparagraph (A).*

14 “(D) *SPECIAL RULE FOR PUERTO RICO.*—
15 *The total amount allotted to Puerto Rico for any*
16 *fiscal year under subparagraph (A) shall not ex-*
17 *ceed 0.5 percent of the total amount allotted to*
18 *all States for that fiscal year.*

19 “(3) *USE OF DATA FOR DETERMINATIONS.*—In
20 *making State allotments under paragraph (2) for*
21 *each fiscal year, the Secretary shall determine the*
22 *number of English learners in a State and in all*
23 *States, using the most accurate, up-to-date data,*
24 *which shall be—*

1 “(A) data from the American Community
2 Survey conducted by the Department of Com-
3 merce, which may be multiyear estimates;

4 “(B) the number of students being assessed
5 for English language proficiency, based on the
6 State’s English language proficiency assessment
7 under section 1111(b)(2)(D), which may be
8 multiyear estimates; or

9 “(C) a combination of data available under
10 subparagraphs (A) and (B).

11 **“SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.**

12 “(a) *PLAN REQUIRED.*—Each State educational agen-
13 cy desiring a grant under this chapter shall submit a plan
14 to the Secretary at such time and in such manner as the
15 Secretary may require.

16 “(b) *CONTENTS.*—Each plan submitted under sub-
17 section (a) shall—

18 “(1) describe the process that the agency will use
19 in awarding subgrants to eligible entities under sec-
20 tion 1193(d)(1);

21 “(2) provide an assurance that—

22 “(A) the agency will ensure that eligible en-
23 tities receiving a subgrant under this chapter
24 comply with the requirement in section
25 1111(b)(2)(B)(x) to annually assess in English

1 learners who have been in the United States for
2 3 or more consecutive years;

3 “(B) the agency will ensure that eligible en-
4 tities receiving a subgrant under this chapter an-
5 nually assess the English proficiency of all
6 English learners participating in a program
7 funded under this chapter, consistent with sec-
8 tion 1111(b)(2)(D);

9 “(C) in awarding subgrants under section
10 1193, the agency will address the needs of school
11 systems of all sizes and in all geographic areas,
12 including school systems with rural and urban
13 schools;

14 “(D) subgrants to eligible entities under sec-
15 tion 1193(d)(1) will be of sufficient size and
16 scope to allow such entities to carry out high-
17 quality, evidence-based language instruction edu-
18 cational programs for English learners;

19 “(E) the agency will require an eligible en-
20 tity receiving a subgrant under this chapter to
21 use the subgrant in ways that will build such re-
22 cipient’s capacity to continue to offer high-qual-
23 ity evidence-based language instruction edu-
24 cational programs that assist English learners in
25 meeting State academic standards;

1 “(F) the agency will monitor the eligible en-
2 tity receiving a subgrant under this chapter for
3 compliance with applicable Federal fiscal re-
4 quirements; and

5 “(G) the plan has been developed in con-
6 sultation with local educational agencies, teach-
7 ers, administrators of programs implemented
8 under this chapter, parents, and other relevant
9 stakeholders;

10 “(3) describe how the agency will coordinate its
11 programs and activities under this chapter with other
12 programs and activities under this Act and other
13 Acts, as appropriate;

14 “(4) describe how eligible entities in the State
15 will be given the flexibility to teach English learn-
16 ers—

17 “(A) using a high-quality, evidence-based
18 language instruction curriculum for teaching
19 English learners; and

20 “(B) in the manner the eligible entities de-
21 termine to be the most effective; and

22 “(5) describe how the agency will assist eligible
23 entities in increasing the number of English learners
24 who acquire English proficiency.

1 “(c) *APPROVAL.*—*The Secretary, after using a peer re-*
2 *view process, shall approve a plan submitted under sub-*
3 *section (a) if the plan meets the requirements of this section.*

4 “(d) *DURATION OF PLAN.*—

5 “(1) *IN GENERAL.*—*Each plan submitted by a*
6 *State educational agency and approved under sub-*
7 *section (c) shall—*

8 “(A) *remain in effect for the duration of the*
9 *agency’s participation under this chapter; and*

10 “(B) *be periodically reviewed and revised*
11 *by the agency, as necessary, to reflect changes to*
12 *the agency’s strategies and programs carried out*
13 *under this subpart.*

14 “(2) *ADDITIONAL INFORMATION.*—

15 “(A) *AMENDMENTS.*—*If the State edu-*
16 *cational agency amends the plan, the agency*
17 *shall submit such amendment to the Secretary.*

18 “(B) *APPROVAL.*—*The Secretary shall ap-*
19 *prove such amendment to an approved plan, un-*
20 *less the Secretary determines that the amend-*
21 *ment will result in the agency not meeting the*
22 *requirements, or fulfilling the purposes, of this*
23 *subpart.*

1 “(e) *CONSOLIDATED PLAN.*—A plan submitted under
2 subsection (a) may be submitted as part of a consolidated
3 plan under section 5302.

4 “(f) *SECRETARY ASSISTANCE.*—The Secretary shall
5 provide technical assistance, if requested, in the develop-
6 ment of English proficiency standards and assessments.

7 **“SEC. 1193. WITHIN-STATE ALLOCATIONS.**

8 “(a) *IN GENERAL.*—After making the reservation re-
9 quired under subsection (d)(1), each State educational
10 agency receiving a grant under section 1191(c)(2) shall
11 award subgrants for a fiscal year by allocating in a timely
12 manner to each eligible entity in the State having a plan
13 approved under section 1195 an amount that bears the same
14 relationship to the amount received under the grant and
15 remaining after making such reservation as the population
16 of English learners in schools served by the eligible entity
17 bears to the population of English learners in schools served
18 by all eligible entities in the State.

19 “(b) *LIMITATION.*—A State educational agency shall
20 not award a subgrant from an allocation made under sub-
21 section (a) if the amount of such subgrant would be less
22 than \$10,000.

23 “(c) *REALLOCATION.*—Whenever a State educational
24 agency determines that an amount from an allocation made
25 to an eligible entity under subsection (a) for a fiscal year

1 *will not be used by the entity for the purpose for which*
2 *the allocation was made, the agency shall, in accordance*
3 *with such rules as it determines to be appropriate, reallo-*
4 *cate such amount, consistent with such subsection, to other*
5 *eligible entities in the State that the agency determines will*
6 *use the amount to carry out that purpose.*

7 “(d) *REQUIRED RESERVATION.*—A State educational
8 *agency receiving a grant under this chapter for a fiscal*
9 *year—*

10 “(1) *shall reserve not more than 15 percent of the*
11 *agency’s allotment under section 1191(c)(2) to award*
12 *subgrants to eligible entities in the State that have ex-*
13 *perienced a significant increase, as compared to the*
14 *average of the 2 preceding fiscal years, in the percent-*
15 *age or number of immigrant children and youth, who*
16 *have enrolled, during the fiscal year preceding the fis-*
17 *cal year for which the subgrant is made, in public*
18 *and nonpublic elementary schools and secondary*
19 *schools in the geographic areas under the jurisdiction*
20 *of, or served by, such entities; and*

21 “(2) *in awarding subgrants under paragraph*
22 *(1)—*

23 “(A) *shall equally consider eligible entities*
24 *that satisfy the requirement of such paragraph*

1 *but have limited or no experience in serving im-*
2 *migrant children and youth; and*

3 *“(B) shall consider the quality of each local*
4 *plan under section 1195 and ensure that each*
5 *subgrant is of sufficient size and scope to meet*
6 *the purposes of this subpart.*

7 **“SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.**

8 *“(a) PURPOSES OF SUBGRANTS.—A State educational*
9 *agency may make a subgrant to an eligible entity from*
10 *funds received by the agency under this chapter only if the*
11 *entity agrees to expend the funds to improve the education*
12 *of English learners, by assisting the children to learn*
13 *English and meet State academic standards. In carrying*
14 *out activities with such funds, the eligible entity shall use*
15 *evidence-based approaches and methodologies for teaching*
16 *English learners and immigrant children and youth for the*
17 *following purposes:*

18 *“(1) Developing and implementing new language*
19 *instruction educational programs and academic con-*
20 *tent instruction programs for English learners and*
21 *immigrant children and youth, including programs of*
22 *early childhood education, elementary school pro-*
23 *grams, and secondary school programs.*

24 *“(2) Carrying out highly focused, innovative, lo-*
25 *cally designed, evidence-based activities to expand or*

1 *enhance existing language instruction educational*
2 *programs and academic content instruction programs*
3 *for English learners and immigrant children and*
4 *youth.*

5 *“(3) Implementing, within an individual school,*
6 *schoolwide programs for restructuring, reforming, and*
7 *upgrading all relevant programs, activities, and oper-*
8 *ations relating to language instruction educational*
9 *programs and academic content instruction for*
10 *English learners and immigrant children and youth.*

11 *“(4) Implementing, within the entire jurisdiction*
12 *of a local educational agency, agencywide programs*
13 *for restructuring, reforming, and upgrading all rel-*
14 *evant programs, activities, and operations relating to*
15 *language instruction educational programs and aca-*
16 *ademic content instruction for English learners and*
17 *immigrant children and youth.*

18 *“(b) ADMINISTRATIVE EXPENSES.—Each eligible enti-*
19 *ty receiving funds under section 1193(a) for a fiscal year*
20 *shall use not more than 2 percent of such funds for the cost*
21 *of administering this chapter.*

22 *“(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-*
23 *ble entity receiving funds under section 1193(a) shall use*
24 *the funds—*

1 “(1) to increase the *English language proficiency*
2 of *English learners by providing high-quality, evi-*
3 *dence-based language instruction educational pro-*
4 *grams that meet the needs of English learners and*
5 *have demonstrated success in increasing—*

6 “(A) *English language proficiency; and*

7 “(B) *student academic achievement in the*
8 *core academic subjects;*

9 “(2) to provide *high-quality, evidence-based pro-*
10 *fessional development to classroom teachers (including*
11 *teachers in classroom settings that are not the settings*
12 *of language instruction educational programs), school*
13 *leaders, administrators, and other school or commu-*
14 *nity-based organization personnel, that is—*

15 “(A) *designed to improve the instruction*
16 *and assessment of English learners;*

17 “(B) *designed to enhance the ability of*
18 *teachers and school leaders to understand and*
19 *implement curricula, assessment practices and*
20 *measures, and instruction strategies for English*
21 *learners;*

22 “(C) *evidence-based in increasing children’s*
23 *English language proficiency or substantially in-*
24 *creasing the subject matter knowledge, teaching*
25 *knowledge, and teaching skills of 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) to
4 have a positive and lasting impact on the teach-
5 ers’ performance in the classroom, except that
6 this subparagraph shall not apply to an activity
7 that is one component of a long-term, com-
8 prehensive professional development plan estab-
9 lished by a teacher and the teacher’s supervisor
10 based on an assessment of the needs of the teach-
11 er, the supervisor, the students of the teacher,
12 and any local educational agency employing the
13 teacher, as appropriate; and

14 “(3) to provide and implement other evidence-
15 based activities and strategies that enhance or supple-
16 ment language instruction educational programs for
17 English learners, including parental and community
18 engagement activities and strategies that serve to co-
19 ordinate and align related programs.

20 “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject
21 to subsection (c), an eligible entity receiving funds under
22 section 1193(a) may use the funds to achieve one of the pur-
23 poses described in subsection (a) by undertaking one or
24 more of the following activities:

1 “(1) *Upgrading program objectives and effective*
2 *instruction strategies.*

3 “(2) *Improving the instruction program for*
4 *English learners by identifying, acquiring, and up-*
5 *grading curricula, instruction materials, educational*
6 *software, and assessment procedures.*

7 “(3) *Providing to English learners—*

8 “(A) *tutorials and academic or career edu-*
9 *cation for English learners; and*

10 “(B) *intensified instruction.*

11 “(4) *Developing and implementing elementary*
12 *school or secondary school language instruction edu-*
13 *cational programs that are coordinated with other*
14 *relevant programs and services.*

15 “(5) *Improving the English language proficiency*
16 *and academic achievement of English learners.*

17 “(6) *Providing community participation pro-*
18 *grams, family literacy services, and parent outreach*
19 *and training activities to English learners and their*
20 *families—*

21 “(A) *to improve the English language skills*
22 *of English learners; and*

23 “(B) *to assist parents in helping their chil-*
24 *dren to improve their academic achievement and*

1 *becoming active participants in the education of*
2 *their children.*

3 “(7) *Improving the instruction of English learn-*
4 *ers by providing for—*

5 “(A) *the acquisition or development of edu-*
6 *cational technology or instructional materials;*

7 “(B) *access to, and participation in, elec-*
8 *tronic networks for materials, training, and*
9 *communication; and*

10 “(C) *incorporation of the resources described*
11 *in subparagraphs (A) and (B) into curricula*
12 *and programs, such as those funded under this*
13 *chapter.*

14 “(8) *Carrying out other activities that are con-*
15 *sistent with the purposes of this section.*

16 “(e) *ACTIVITIES BY AGENCIES EXPERIENCING SUB-*
17 *STANTIAL INCREASES IN IMMIGRANT CHILDREN AND*
18 *YOUTH.—*

19 “(1) *IN GENERAL.—An eligible entity receiving*
20 *funds under section 1193(d)(1) shall use the funds to*
21 *pay for activities that provide enhanced instructional*
22 *opportunities for immigrant children and youth,*
23 *which may include—*

24 “(A) *family literacy, parent outreach, and*
25 *training activities designed to assist parents to*

1 *become active participants in the education of*
2 *their children;*

3 “(B) *support for personnel, including para-*
4 *professionals who have been specifically trained,*
5 *or are being trained, to provide services to immi-*
6 *grant children and youth;*

7 “(C) *provision of tutorials, mentoring, and*
8 *academic or career counseling for immigrant*
9 *children and youth;*

10 “(D) *identification, development, and ac-*
11 *quisition of curricular materials, educational*
12 *software, and technologies to be used in the pro-*
13 *gram carried out with awarded funds;*

14 “(E) *basic instruction services that are di-*
15 *rectly attributable to the presence in the local*
16 *educational agency involved of immigrant chil-*
17 *dren and youth, including the payment of costs*
18 *of providing additional classroom supplies, costs*
19 *of transportation, or such other costs as are di-*
20 *rectly attributable to such additional basic in-*
21 *struction services;*

22 “(F) *other instruction services that are de-*
23 *signed to assist immigrant children and youth to*
24 *achieve in elementary schools and secondary*
25 *schools in the United States, such as programs of*

1 *introduction to the educational system and civics*
2 *education; and*

3 “(G) *activities, coordinated with commu-*
4 *nity-based organizations, institutions of higher*
5 *education, private sector entities, or other enti-*
6 *ties with expertise in working with immigrants,*
7 *to assist parents of immigrant children and*
8 *youth by offering comprehensive community*
9 *services.*

10 “(2) *DURATION OF SUBGRANTS.—The duration*
11 *of a subgrant made by a State educational agency*
12 *under section 1193(d)(1) shall be determined by the*
13 *agency in its discretion.*

14 “(f) *SELECTION OF METHOD OF INSTRUCTION.—*

15 “(1) *IN GENERAL.—To receive a subgrant from*
16 *a State educational agency under this chapter, an eli-*
17 *gible entity shall select one or more methods or forms*
18 *of instruction to be used in the programs and activi-*
19 *ties undertaken by the entity to assist English learn-*
20 *ers to attain English language proficiency and meet*
21 *State academic standards.*

22 “(2) *CONSISTENCY.—Such selection shall be con-*
23 *sistent with sections 1204 through 1206.*

24 “(g) *SUPPLEMENT, NOT SUPPLANT.—Federal funds*
25 *made available under this chapter shall be used so as to*

1 *supplement the level of Federal, State, and local public*
2 *funds that, in the absence of such availability, would have*
3 *been expended for programs for English learners and immi-*
4 *grant children and youth and in no case to supplant such*
5 *Federal, State, and local public funds.*

6 **“SEC. 1195. LOCAL PLANS.**

7 “(a) *PLAN REQUIRED.*—*Each eligible entity desiring*
8 *a subgrant from the State educational agency under section*
9 *1193 shall submit a plan to the State educational agency*
10 *at such time, in such manner, and containing such infor-*
11 *mation as the State educational agency may require.*

12 “(b) *CONTENTS.*—*Each plan submitted under sub-*
13 *section (a) shall—*

14 “(1) *describe the evidence-based programs and*
15 *activities proposed to be developed, implemented, and*
16 *administered under the subgrant that will help*
17 *English learners increase their English language pro-*
18 *ficiency and meet the State academic standards;*

19 “(2) *describe how the eligible entity will hold ele-*
20 *mentary schools and secondary schools receiving funds*
21 *under this chapter accountable for annually assessing*
22 *the English language proficiency of all children par-*
23 *ticipating under this subpart, consistent with section*
24 *1111(b);*

1 “(3) describe how the eligible entity will promote
2 parent and community engagement in the education
3 of English learners;

4 “(4) contain an assurance that the eligible entity
5 consulted with teachers, researchers, school adminis-
6 trators, parents and community members, public or
7 private organizations, and institutions of higher edu-
8 cation, in developing and implementing such plan;

9 “(5) describe how language instruction edu-
10 cational programs carried out under the subgrant will
11 ensure that English learners being served by the pro-
12 grams develop English language proficiency; and

13 “(6) contain assurances that—

14 “(A) each local educational agency that is
15 included in the eligible entity is complying with
16 section 1112(g) prior to, and throughout, each
17 school year; and

18 “(B) the eligible entity is not in violation
19 of any State law, including State constitutional
20 law, regarding the education of English learners,
21 consistent with sections 1205 and 1206.

22 “(c) *TEACHER ENGLISH FLUENCY*.—Each eligible en-
23 tity receiving a subgrant under section 1193 shall include
24 in its plan a certification that all teachers in any language
25 instruction educational program for English learners that

1 *is, or will be, funded under this subpart are fluent in*
2 *English and any other language used for instruction, in-*
3 *cluding having written and oral communications skills.*

4 **“CHAPTER B—ADMINISTRATION**

5 **“SEC. 1201. REPORTING.**

6 *“(a) IN GENERAL.—Each eligible entity that receives*
7 *a subgrant from a State educational agency under chapter*
8 *A shall provide such agency, at the conclusion of every sec-*
9 *ond fiscal year during which the subgrant is received, with*
10 *a report, in a form prescribed by the agency, on the activi-*
11 *ties conducted and students served under this subpart that*
12 *includes—*

13 *“(1) a description of the programs and activities*
14 *conducted by the entity with funds received under*
15 *chapter A during the two immediately preceding fis-*
16 *cal years, including how such programs and activities*
17 *supplemented programs funded primarily with State*
18 *or local funds;*

19 *“(2) a description of the progress made by*
20 *English learners in learning the English language*
21 *and in meeting State academic standards;*

22 *“(3) the number and percentage of English*
23 *learners in the programs and activities attaining*
24 *English language proficiency based on the State*
25 *English language proficiency standards established*

1 *under section 1111(b)(1)(E) by the end of each school*
2 *year, as determined by the State’s English language*
3 *proficiency assessment under section 1111(b)(2)(D);*

4 *“(4) the number of English learners who exit the*
5 *language instruction educational programs based on*
6 *their attainment of English language proficiency and*
7 *transitioned to classrooms not tailored for English*
8 *learners;*

9 *“(5) a description of the progress made by*
10 *English learners in meeting the State academic*
11 *standards for each of the 2 years after such children*
12 *are no longer receiving services under this subpart;*

13 *“(6) the number and percentage of English*
14 *learners who have not attained English language pro-*
15 *ficiency within five years of initial classification as*
16 *an English learner and first enrollment in the local*
17 *educational agency; and*

18 *“(7) any such other information as the State*
19 *educational agency may require.*

20 *“(b) USE OF REPORT.—A report provided by an eligi-*
21 *ble entity under subsection (a) shall be used by the entity*
22 *and the State educational agency—*

23 *“(1) to determine the effectiveness of programs*
24 *and activities in assisting children who are English*
25 *learners—*

1 “(A) to attain English language pro-
2 ficiency; and

3 “(B) to make progress in meeting State aca-
4 demic standards under section 1111(b)(1); and

5 “(2) upon determining the effectiveness of pro-
6 grams and activities based on the criteria in para-
7 graph (1), to decide how to improve programs.

8 **“SEC. 1202. ANNUAL REPORT.**

9 “(a) STATES.—Based upon the reports provided to a
10 State educational agency under section 1201, each such
11 agency that receives a grant under this subpart shall pre-
12 pare and submit annually to the Secretary a report on pro-
13 grams and activities carried out by the State educational
14 agency under this subpart and the effectiveness of such pro-
15 grams and activities in improving the education provided
16 to English learners.

17 “(b) SECRETARY.—Annually, the Secretary shall pre-
18 pare and submit to the Committee on Education and the
19 Workforce of the House of Representatives and the Com-
20 mittee on Health, Education, Labor, and Pensions of the
21 Senate a report—

22 “(1) on programs and activities carried out to
23 serve English learners under this subpart, and the ef-
24 fectiveness of such programs and activities in improv-

1 *ing the academic achievement and English language*
2 *proficiency of English learners;*

3 *“(2) on the types of language instruction edu-*
4 *cational programs used by local educational agencies*
5 *or eligible entities receiving funding under this sub-*
6 *part to teach English learners;*

7 *“(3) containing a critical synthesis of data re-*
8 *ported by eligible entities to States under section*
9 *1201(a);*

10 *“(4) containing a description of technical assist-*
11 *ance and other assistance provided by State edu-*
12 *cational agencies under section 1191(b)(2)(C);*

13 *“(5) containing an estimate of the number of ef-*
14 *fective teachers working in language instruction edu-*
15 *cational programs and educating English learners,*
16 *and an estimate of the number of such teachers that*
17 *will be needed for the succeeding 5 fiscal years;*

18 *“(6) containing the number of programs or ac-*
19 *tivities, if any, that were terminated because the enti-*
20 *ties carrying out the programs or activities were not*
21 *able to reach program goals;*

22 *“(7) containing the number of English learners*
23 *served by eligible entities receiving funding under this*
24 *subpart who were transitioned out of language in-*
25 *struction educational programs funded under this*

1 *subpart into classrooms where instruction is not tai-*
2 *lored for English learners; and*

3 *“(8) containing other information gathered from*
4 *other reports submitted to the Secretary under this*
5 *subpart when applicable.*

6 **“SEC. 1203. COORDINATION WITH RELATED PROGRAMS.**

7 *“In order to maximize Federal efforts aimed at serving*
8 *the educational needs of English learners, the Secretary*
9 *shall coordinate and ensure close cooperation with other en-*
10 *tities carrying out programs serving language-minority*
11 *and English learners that are administered by the Depart-*
12 *ment and other agencies.*

13 **“SEC. 1204. RULES OF CONSTRUCTION.**

14 *“Nothing in this subpart shall be construed—*

15 *“(1) to prohibit a local educational agency from*
16 *servicing English learners simultaneously with children*
17 *with similar educational needs, in the same edu-*
18 *cational settings where appropriate;*

19 *“(2) to require a State or a local educational*
20 *agency to establish, continue, or eliminate any par-*
21 *ticular type of instructional program for English*
22 *learners; or*

23 *“(3) to limit the preservation or use of Native*
24 *American languages.*

1 **“SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.**

2 *“Nothing in this subpart shall be construed to negate*
3 *or supersede State law, or the legal authority under State*
4 *law of any State agency, State entity, or State public offi-*
5 *cial, over programs that are under the jurisdiction of the*
6 *State agency, entity, or official.*

7 **“SEC. 1206. CIVIL RIGHTS.**

8 *“Nothing in this subpart shall be construed in a man-*
9 *ner inconsistent with any Federal law guaranteeing a civil*
10 *right.*

11 **“SEC. 1207. PROHIBITION.**

12 *“In carrying out this subpart, the Secretary shall nei-*
13 *ther mandate nor preclude the use of a particular cur-*
14 *ricular or pedagogical approach to educating English*
15 *learners.*

16 **“SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND PUER-**
17 **TO RICO.**

18 *“Notwithstanding any other provision of this subpart,*
19 *programs authorized under this subpart that serve Native*
20 *American (including Native American Pacific Islander)*
21 *children and children in the Commonwealth of Puerto Rico*
22 *may include programs of instruction, teacher training, cur-*
23 *riculum development, evaluation, and assessment designed*
24 *for Native American children learning and studying Native*
25 *American languages and children of limited Spanish pro-*
26 *ficiency, except that an outcome of programs serving such*

1 *children shall be increased English proficiency among such*
2 *children.*

3 **“CHAPTER C—NATIONAL ACTIVITIES**

4 **“SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT**
5 **PROJECT.**

6 *“The Secretary shall use funds made available under*
7 *section 1191(c)(1)(B) to award grants on a competitive*
8 *basis, for a period of not more than 5 years, to institutions*
9 *of higher education or public or private organizations with*
10 *relevant experience and capacity (in consortia with State*
11 *educational agencies or local educational agencies) to pro-*
12 *vide for professional development activities that will im-*
13 *prove classroom instruction for English learners and assist*
14 *educational personnel working with such children to meet*
15 *high professional standards, including standards for certifi-*
16 *cation and licensure as teachers who work in language in-*
17 *struction educational programs or serve English learners.*
18 *Grants awarded under this subsection may be used—*

19 *“(1) for preservice, evidence-based professional*
20 *development programs that will assist local schools*
21 *and institutions of higher education to upgrade the*
22 *qualifications and skills of educational personnel who*
23 *are not certified or licensed, especially educational*
24 *paraprofessionals;*

1 “(2) for the development of curricula or other in-
2 structional strategies appropriate to the needs of the
3 consortia participants involved;

4 “(3) to support strategies that strengthen and in-
5 crease parent and community member engagement in
6 the education of English learners; and

7 “(4) to share and disseminate evidence-based
8 practices in the instruction of English learners and in
9 increasing their student achievement.

10 **“CHAPTER D—GENERAL PROVISIONS**

11 **“SEC. 1221. DEFINITIONS.**

12 *“Except as otherwise provided, in this subpart:*

13 “(1) *CHILD.*—The term ‘child’ means any indi-
14 vidual aged 3 through 21.

15 “(2) *COMMUNITY-BASED ORGANIZATION.*—The
16 term ‘community-based organization’ means a private
17 nonprofit organization of demonstrated effectiveness,
18 Indian tribe, or tribally sanctioned educational au-
19 thority, that is representative of a community or sig-
20 nificant segments of a community and that provides
21 educational or related services to individuals in the
22 community. Such term includes a Native Hawaiian
23 or Native American Pacific Islander native language
24 educational organization.

1 “(3) *ELIGIBLE ENTITY.*—The term ‘eligible enti-
2 ty’ means—

3 “(A) one or more local educational agencies;

4 or

5 “(B) one or more local educational agencies,
6 in consortia (or collaboration) with an institu-
7 tion of higher education, community-based orga-
8 nization, or State educational agency.

9 “(4) *IMMIGRANT CHILDREN AND YOUTH.*—The
10 term ‘immigrant children and youth’ means individ-
11 uals who—

12 “(A) are age 3 through 21;

13 “(B) were not born in any State; and

14 “(C) have not been attending one or more
15 schools in any one or more States for more than
16 3 full academic years.

17 “(5) *INDIAN TRIBE.*—The term ‘Indian tribe’
18 means any Indian tribe, band, nation, or other orga-
19 nized group or community, including any Native vil-
20 lage or Regional Corporation or Village Corporation
21 as defined in or established pursuant to the Alaska
22 Native Claims Settlement Act, that is recognized as
23 eligible for the special programs and services provided
24 by the United States to Indians because of their sta-
25 tus as Indians.

1 “(6) *LANGUAGE INSTRUCTION EDUCATIONAL*
2 *PROGRAM.—The term ‘language instruction edu-*
3 *cational program’ means an instruction course—*

4 “(A) *in which an English learner is placed*
5 *for the purpose of developing and attaining*
6 *English language proficiency, while meeting*
7 *State academic standards, as required by section*
8 *1111(b)(1); and*

9 “(B) *that may make instructional use of*
10 *both English and a child’s native language to en-*
11 *able the child to develop and attain English lan-*
12 *guage proficiency, and may include the partici-*
13 *pation of English language proficient children if*
14 *such course is designed to enable all partici-*
15 *pating children to become proficient in English*
16 *and a second language.*

17 “(7) *NATIVE AMERICAN AND NATIVE AMERICAN*
18 *LANGUAGE.—The terms ‘Native American’ and ‘Na-*
19 *tive American language’ shall have the meanings*
20 *given such terms in section 103 of the Native Amer-*
21 *ican Languages Act.*

22 “(8) *NATIVE LANGUAGE.—The term ‘native lan-*
23 *guage’, when used with reference to English learner,*
24 *means—*

1 “(A) *the language normally used by such*
2 *individual; or*

3 “(B) *in the case of a child or youth, the lan-*
4 *guage normally used by the parents of the child*
5 *or youth.*

6 “(9) *PARAPROFESSIONAL.—The term ‘para-*
7 *professional’ means an individual who is employed in*
8 *a preschool, elementary school, or secondary school*
9 *under the supervision of a certified or licensed teach-*
10 *er, including individuals employed in language in-*
11 *struction educational programs, special education,*
12 *and migratory education.*

13 “(10) *STATE.—The term ‘State’ means each of*
14 *the 50 States, the District of Columbia, and the Com-*
15 *monwealth of Puerto Rico.*

16 **“SEC. 1222. NATIONAL CLEARINGHOUSE.**

17 *“The Secretary shall establish and support the oper-*
18 *ation of a National Clearinghouse for English Language*
19 *Acquisition and Language Instruction Educational Pro-*
20 *grams, which shall collect, analyze, synthesize, and dissemi-*
21 *nate information about language instruction educational*
22 *programs for English learners, and related programs. The*
23 *National Clearinghouse shall—*

24 *“(1) be administered as an adjunct clearinghouse*
25 *of the Educational Resources Information Center*

1 *Clearinghouses system supported by the Institute of*
2 *Education Sciences;*

3 *“(2) coordinate activities with Federal data and*
4 *information clearinghouses and entities operating*
5 *Federal dissemination networks and systems;*

6 *“(3) develop a system for improving the oper-*
7 *ation and effectiveness of federally funded language*
8 *instruction educational programs; and*

9 *“(4) collect and disseminate information on—*

10 *“(A) educational research and processes re-*
11 *lated to the education of English learners; and*

12 *“(B) accountability systems that monitor*
13 *the academic progress of English learners in lan-*
14 *guage instruction educational programs, includ-*
15 *ing information on academic content and*
16 *English language proficiency assessments for*
17 *language instruction educational programs; and*

18 *“(5) publish, on an annual basis, a list of grant*
19 *recipients under this subpart.*

20 **“SEC. 1223. REGULATIONS.**

21 *“In developing regulations under this subpart, the Sec-*
22 *retary shall consult with State educational agencies and*
23 *local educational agencies, organizations representing*
24 *English learners, and organizations representing teachers*

1 *and other personnel involved in the education of English*
2 *learners.*

3 **“Subpart 5—Rural Education Achievement Program**

4 **“SEC. 1230. PURPOSE.**

5 *“It is the purpose of this subpart to address the unique*
6 *needs of rural school districts that frequently—*

7 *“(1) lack the personnel and resources needed to*
8 *compete effectively for Federal competitive grants;*
9 *and*

10 *“(2) receive formula grant allocations in*
11 *amounts too small to be effective in meeting their in-*
12 *tended purposes.*

13 **“CHAPTER A—SMALL, RURAL SCHOOL**
14 **ACHIEVEMENT PROGRAM**

15 **“SEC. 1231. GRANT PROGRAM AUTHORIZED.**

16 *“(a) IN GENERAL.—From amounts appropriated*
17 *under section 3(a)(1) for a fiscal year, the Secretary shall*
18 *reserve .55 of one percent to award grants to eligible local*
19 *educational agencies to enable the local educational agencies*
20 *to carry out activities authorized under any of the following*
21 *provisions:*

22 *“(1) Part A of title I.*

23 *“(2) Title II.*

24 *“(3) Title III.*

25 *“(b) ALLOCATION.—*

1 “(1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (3), the Secretary shall award a grant under*
3 *subsection (a) to a local educational agency eligible*
4 *under subsection (d) for a fiscal year in an amount*
5 *equal to the initial amount determined under para-*
6 *graph (2) for the fiscal year minus the total amount*
7 *received by the agency in subpart 2 of part A of title*
8 *II for the preceding fiscal year.*

9 “(2) *DETERMINATION OF INITIAL AMOUNT.*—*The*
10 *initial amount referred to in paragraph (1) is equal*
11 *to \$100 multiplied by the total number of students in*
12 *excess of 50 students, in average daily attendance at*
13 *the schools served by the local educational agency,*
14 *plus \$20,000, except that the initial amount may not*
15 *exceed \$60,000.*

16 “(3) *RATABLE ADJUSTMENT.*—

17 “(A) *IN GENERAL.*—*If the amount made*
18 *available to carry out this section for any fiscal*
19 *year is not sufficient to pay in full the amounts*
20 *that local educational agencies are eligible to re-*
21 *ceive under paragraph (1) for such year, the Sec-*
22 *retary shall ratably reduce such amounts for*
23 *such year.*

24 “(B) *ADDITIONAL AMOUNTS.*—*If additional*
25 *funds become available for making payments*

1 *under paragraph (1) for such fiscal year, pay-*
2 *ments that were reduced under subparagraph (A)*
3 *shall be increased on the same basis as such pay-*
4 *ments were reduced.*

5 “(c) *DISBURSEMENT.*—*The Secretary shall disburse*
6 *the funds awarded to a local educational agency under this*
7 *section for a fiscal year not later than July 1 of that fiscal*
8 *year.*

9 “(d) *ELIGIBILITY.*—

10 “(1) *IN GENERAL.*—*A local educational agency*
11 *shall be eligible to use the applicable funding in ac-*
12 *cordance with subsection (a) if—*

13 “(A)(i)(I) *the total number of students in*
14 *average daily attendance at all of the schools*
15 *served by the local educational agency is fewer*
16 *than 600; or*

17 “(II) *each county in which a school served*
18 *by the local educational agency is located has a*
19 *total population density of fewer than 10 persons*
20 *per square mile; and*

21 “(ii) *all of the schools served by the local*
22 *educational agency are designated with a school*
23 *locale code of 41, 42, or 43, as determined by the*
24 *Secretary; or*

1 “(B) the agency meets the criteria estab-
2 lished in subparagraph (A)(i) and the Secretary,
3 in accordance with paragraph (2), grants the
4 local educational agency’s request to waive the
5 criteria described in subparagraph (A)(ii).

6 “(2) CERTIFICATION.—The Secretary shall deter-
7 mine whether to waive the criteria described in para-
8 graph (1)(A)(ii) based on a demonstration by the
9 local educational agency, and concurrence by the
10 State educational agency, that the local educational
11 agency is located in an area defined as rural by a
12 governmental agency of the State.

13 “(3) HOLD HARMLESS.—For a local educational
14 agency that is not eligible under this chapter but met
15 the eligibility requirements under this subsection as it
16 was in effect prior to the date of the enactment of the
17 Student Success Act, the agency shall receive—

18 “(A) for fiscal year 2013, 75 percent of the
19 amount such agency received for fiscal year
20 2012;

21 “(B) for fiscal year 2014, 50 percent of the
22 amount such agency received for fiscal year
23 2012; and

1 “(C) for fiscal year 2015, 25 percent of the
2 amount such agency received for fiscal year
3 2012.

4 “(e) *SPECIAL ELIGIBILITY RULE.*—A local educational
5 agency that receives a grant under this chapter for a fiscal
6 year is not eligible to receive funds for such fiscal year
7 under chapter B.

8 **“CHAPTER B—RURAL AND LOW-INCOME**
9 **SCHOOL PROGRAM**

10 **“SEC. 1235. PROGRAM AUTHORIZED.**

11 “(a) *GRANTS TO STATES.*—

12 “(1) *IN GENERAL.*—From amounts appropriated
13 under section 3(a)(1) for a fiscal year, the Secretary
14 shall reserve .55 of one percent to for this chapter for
15 a fiscal year that are not reserved under subsection
16 (c) to award grants (from allotments made under
17 paragraph (2)) for the fiscal year to State educational
18 agencies that have applications submitted under sec-
19 tion 1237 approved to enable the State educational
20 agencies to award grants to eligible local educational
21 agencies for local authorized activities described in
22 section 1236(a).

23 “(2) *ALLOTMENT.*—From amounts described in
24 paragraph (1) for a fiscal year, the Secretary shall
25 allot to each State educational agency for that fiscal

1 *year an amount that bears the same ratio to those*
2 *amounts as the number of students in average daily*
3 *attendance served by eligible local educational agen-*
4 *cies in the State for that fiscal year bears to the num-*
5 *ber of all such students served by eligible local edu-*
6 *cational agencies in all States for that fiscal year.*

7 *“(3) SPECIALLY QUALIFIED AGENCIES.—*

8 *“(A) ELIGIBILITY AND APPLICATION.—If a*
9 *State educational agency elects not to participate*
10 *in the program under this subpart or does not*
11 *have an application submitted under section*
12 *1237 approved, a specially qualified agency in*
13 *such State desiring a grant under this subpart*
14 *may submit an application under such section*
15 *directly to the Secretary to receive an award*
16 *under this subpart.*

17 *“(B) DIRECT AWARDS.—The Secretary may*
18 *award, on a competitive basis or by formula, the*
19 *amount the State educational agency is eligible*
20 *to receive under paragraph (2) directly to a spe-*
21 *cially qualified agency in the State that has sub-*
22 *mitted an application in accordance with sub-*
23 *paragraph (A) and obtained approval of the ap-*
24 *plication.*

1 “(C) *SPECIALLY QUALIFIED AGENCY DE-*
2 *FINED.—In this subpart, the term ‘specially*
3 *qualified agency’ means an eligible local edu-*
4 *cational agency served by a State educational*
5 *agency that does not participate in a program*
6 *under this subpart in a fiscal year, that may*
7 *apply directly to the Secretary for a grant in*
8 *such year under this subsection.*

9 “(b) *LOCAL AWARDS.—*

10 “(1) *ELIGIBILITY.—A local educational agency*
11 *shall be eligible to receive a grant under this subpart*
12 *if—*

13 “(A) *20 percent or more of the children ages*
14 *5 through 17 years served by the local edu-*
15 *cational agency are from families with incomes*
16 *below the poverty line; and*

17 “(B) *all of the schools served by the agency*
18 *are designated with a school locale code of 32,*
19 *33, 41, 42, 43, as determined by the Secretary.*

20 “(2) *AWARD BASIS.—A State educational agency*
21 *shall award grants to eligible local educational agen-*
22 *cies—*

23 “(A) *on a competitive basis;*

24 “(B) *according to a formula based on the*
25 *number of students in average daily attendance*

1 *served by the eligible local educational agencies*
2 *or schools in the State; or*

3 “(C) *according to an alternative formula, if,*
4 *prior to awarding the grants, the State edu-*
5 *cational agency demonstrates, to the satisfaction*
6 *of the Secretary, that the alternative formula en-*
7 *ables the State educational agency to allot the*
8 *grant funds in a manner that serves equal or*
9 *greater concentrations of children from families*
10 *with incomes below the poverty line, relative to*
11 *the concentrations that would be served if the*
12 *State educational agency used the formula de-*
13 *scribed in subparagraph (B).*

14 “(c) *RESERVATIONS.—From amounts reserved under*
15 *section 1235(a)(1) for this chapter for a fiscal year, the Sec-*
16 *retary shall reserve—*

17 “(1) *one-half of 1 percent to make awards to ele-*
18 *mentary schools or secondary schools operated or sup-*
19 *ported by the Bureau of Indian Education, to carry*
20 *out the activities authorized under this chapter; and*

21 “(2) *one-half of 1 percent to make awards to the*
22 *outlying areas in accordance with their respective*
23 *needs, to carry out the activities authorized under this*
24 *chapter.*

1 **“SEC. 1236. USES OF FUNDS.**

2 “(a) *LOCAL AWARDS.*—Grant funds awarded to local
3 educational agencies under this chapter shall be used for
4 activities authorized under any of the following:

5 “(1) *Part A of title I.*

6 “(2) *Title II.*

7 “(3) *Title III.*

8 “(b) *ADMINISTRATIVE COSTS.*—A State educational
9 agency receiving a grant under this chapter may not use
10 more than 5 percent of the amount of the grant for State
11 administrative costs and to provide technical assistance to
12 eligible local educational agencies.

13 **“SEC. 1237. APPLICATIONS.**

14 “(a) *IN GENERAL.*—Each State educational agency or
15 specially qualified agency desiring to receive a grant under
16 this chapter shall submit an application to the Secretary
17 at such time and in such manner as the Secretary may
18 require.

19 “(b) *CONTENTS.*—Each application submitted under
20 subsection (a) shall include—

21 “(1) a description of how the State educational
22 agency or specially qualified agency will ensure eligi-
23 ble local educational agencies receiving a grant under
24 this chapter will use such funds to help students meet
25 the State academic standards under section
26 1111(b)(1);

1 “(2) if the State educational agency or specially
2 qualified agency will competitively award grants to
3 eligible local educational agencies, as described in sec-
4 tion 1235(b)(2)(A), the application under the section
5 shall include—

6 “(A) the methods and criteria the State edu-
7 cational agency or specially qualified agency
8 will use for reviewing applications and awards
9 funds to local educational agencies on a competi-
10 tive basis; and

11 “(B) how the State educational agency or
12 specially qualified agency will notify eligible
13 local educational agencies of the grant competi-
14 tion; and

15 “(3) a description of how the State educational
16 agency or specially qualified agency will provide tech-
17 nical assistance to eligible local educational agencies
18 to help such agencies implement the activities de-
19 scribed in section 1236(a).

20 **“SEC. 1238. ACCOUNTABILITY.**

21 “(a) *STATE REPORT.*—Each State educational agency
22 or specially qualified agency that receives a grant under
23 this chapter shall prepare and submit an annual report to
24 the Secretary. The report shall describe—

1 “(1) *the methods and criteria the State edu-*
2 *catational agency or specially qualified agency used to*
3 *award grants to eligible local educational agencies,*
4 *and to provide assistance to schools, under this chap-*
5 *ter;*

6 “(2) *how local educational agencies and schools*
7 *used funds provided under this chapter; and*

8 “(3) *the degree to which progress has been made*
9 *toward having all students meet the State academic*
10 *standards under section 1111(b)(1).*

11 “(b) *REPORT TO CONGRESS.—The Secretary shall pre-*
12 *pare and submit to the Committee on Education and the*
13 *Workforce of the House of Representatives and the Com-*
14 *mittee on Health, Education, Labor, and Pensions of the*
15 *Senate a biennial report. The report shall describe—*

16 “(1) *how State local educational agencies, local*
17 *educational agencies, and schools used funds provided*
18 *under this chapter; and*

19 “(2) *the degree to which progress has been made*
20 *toward having all students meet the State academic*
21 *standards under section 1111(b)(1).*

22 **“SEC. 1239. CHOICE OF PARTICIPATION.**

23 “(a) *IN GENERAL.—If a local educational agency is*
24 *eligible for funding under chapters A and B of this subpart,*
25 *such local educational agency may receive funds under ei-*

1 *ther chapter A or chapter B for a fiscal year, but may not*
2 *receive funds under both chapters.*

3 “(b) *NOTIFICATION.*—*A local educational agency eligi-*
4 *ble for both chapters A and B of this subpart shall notify*
5 *the Secretary and the State educational agency under which*
6 *of such chapters such local educational agency intends to*
7 *receive funds for a fiscal year by a date that is established*
8 *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, con-*
17 *duct a census to determine the number of students in*
18 *average daily attendance in kindergarten through*
19 *grade 12 at the schools served by the agency; and*

20 “(2) *not later than March 1 of each year, submit*
21 *the number described in paragraph (1) to the Sec-*
22 *retary (and to the State educational agency, in the*
23 *case of a local educational agency seeking a grant*
24 *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 (a)*
4 *for the purpose of gaining additional funds under section*
5 *1231 or chapter B, then the agency shall be fined an amount*
6 *equal to twice the difference between the amount the agency*
7 *received under this section and the correct amount the agen-*
8 *cy would have received under section 1231 or chapter B*
9 *if the agency had submitted accurate information under*
10 *subsection (a).*

11 “**SEC. 1242. SUPPLEMENT, NOT SUPPLANT.**

12 “*Funds made available under chapter A or chapter B*
13 *shall be used to supplement, and not supplant, any other*
14 *Federal, State, or local education funds.*

15 “**SEC. 1243. RULE OF CONSTRUCTION.**

16 “*Nothing in this subpart shall be construed to prohibit*
17 *a local educational agency that enters into cooperative ar-*
18 *rangements with other local educational agencies for the*
19 *provision of special, compensatory, or other education serv-*
20 *ices, pursuant to State law or a written agreement, from*
21 *entering into similar arrangements for the use, or the co-*
22 *ordination of the use, of the funds made available under*
23 *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 Fed-*
4 *eral Government’s unique and continuing trust relationship*
5 *with and responsibility to the Indian people for the edu-*
6 *cation of Indian children. The Federal Government will*
7 *continue to work with local educational agencies, Indian*
8 *tribes and organizations, postsecondary institutions, and*
9 *other entities toward the goal of ensuring that programs*
10 *that serve Indian children are of the highest quality and*
11 *provide for not only the basic elementary and secondary*
12 *educational needs, but also the unique educational and cul-*
13 *turally related academic needs of these children.*

14 **“SEC. 1252. PURPOSE.**

15 *“It is the purpose of this subpart to support the efforts*
16 *of local educational agencies, Indian tribes and organiza-*
17 *tions, 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 can*
21 *meet the State academic standards that all students*
22 *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 edu-*
 7 *cational agencies in their efforts to reform elementary school*
 8 *and secondary school programs that serve Indian students*
 9 *in order to ensure that such programs are designed to—*

10 *“(1) meet the unique educational needs of such*
 11 *students; and*

12 *“(2) ensure that such students have the oppor-*
 13 *tunity to meet the State academic standards.*

14 **“SEC. 1262. GRANTS TO LOCAL EDUCATIONAL AGENCIES**
 15 **AND TRIBES.**

16 *“(a) IN GENERAL.—From amounts appropriated*
 17 *under section 3(a)(1), the Secretary shall reserve .6 of one*
 18 *percent to local educational agencies and Indian tribes in*
 19 *accordance with this section and section 1263.*

20 *“(b) LOCAL EDUCATIONAL AGENCIES.—*

21 *“(1) ENROLLMENT REQUIREMENTS.—A local*
 22 *educational agency shall be eligible for a grant under*
 23 *this chapter for any fiscal year if the number of In-*
 24 *dian children eligible under section 1267 who were*
 25 *enrolled in the schools of the agency, and to whom the*

1 agency provided free public education, during the pre-
2 ceding fiscal year—

3 “(A) was at least 10; or

4 “(B) constituted not less than 25 percent of
5 the total number of individuals enrolled in the
6 schools of such agency.

7 “(2) *EXCLUSION.*—The requirement of para-
8 graph (1) shall not apply in Alaska, California, or
9 Oklahoma, or with respect to any local educational
10 agency located on, or in proximity to, an Indian res-
11 ervation.

12 “(c) *INDIAN TRIBES.*—

13 “(1) *IN GENERAL.*—If a local educational agency
14 that is otherwise eligible for a grant under this chap-
15 ter does not establish a committee under section
16 1264(c)(4) for such grant, an Indian tribe or a con-
17 sortium of such entities that represents not less than
18 $\frac{1}{3}$ of the eligible Indian children who are served by
19 such local educational agency may apply for such
20 grant.

21 “(2) *SPECIAL RULE.*—The Secretary shall treat
22 each Indian tribe or consortium of such entities ap-
23 plying for a grant pursuant to paragraph (1) as if
24 such Indian tribe were a local educational agency for

1 *purposes of this chapter, except that any such tribe is*
2 *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 agen-*
7 *cy shall be eligible to receive the grant or the tribes*
8 *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 al-*
13 *locate 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 are*
17 *eligible under section 1267 and served by such*
18 *agency; and*

19 *“(B) the greater of—*

20 *“(i) the average per pupil expenditure*
21 *of the State in which such agency is located;*
22 *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 section*
7 *1262, and a school that is operated or supported by*
8 *the Bureau of Indian Education that is eligible for a*
9 *grant under subsection (d), that submits an applica-*
10 *tion that is approved by the Secretary, shall, subject*
11 *to appropriations, receive a grant under this chapter*
12 *in an amount that is not less than \$3,000.*

13 “(2) *CONSORTIA.*—*Local educational agencies*
14 *may form a consortium with other local educational*
15 *agencies or Indian tribes for the purpose of obtaining*
16 *grants under this chapter.*

17 “(3) *INCREASE.*—*The Secretary may increase*
18 *the minimum grant under paragraph (1) to not more*
19 *than \$4,000 for all grantees if the Secretary deter-*
20 *mines such an increase is necessary to ensure the*
21 *quality of the programs provided.*

22 “(c) *DEFINITION.*—*For the purpose of this section, the*
23 *term ‘average per pupil expenditure’, used with respect to*
24 *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 State,*
3 *plus any direct current expenditures by the State for*
4 *the operation of such agencies, without regard to the*
5 *sources of funds from which such local or State ex-*
6 *penditures were made, during the second fiscal year*
7 *preceding the fiscal year for which the computation is*
8 *made; divided by*

9 “(2) *the aggregate number of children who were*
10 *included in average daily attendance for whom such*
11 *agencies provided free public education during such*
12 *preceding fiscal year.*

13 “(d) *SCHOOLS OPERATED OR SUPPORTED BY THE BU-*
14 *REAU OF INDIAN EDUCATION.—*

15 “(1) *IN GENERAL.—Subject to subsection (e), in*
16 *addition to the grants awarded under subsection (a),*
17 *the Secretary shall allocate to the Secretary of the In-*
18 *terior 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 for*
19 *any fiscal year under section 1262(a) are insufficient to*
20 *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 such*
5 *time and in such manner as the Secretary may reasonably*
6 *require.*

7 “(b) *COMPREHENSIVE PROGRAM REQUIRED.—Each*
8 *application submitted under subsection (a) shall include a*
9 *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 subpart*
2 *1, to meet the needs of such students;*

3 *“(4) demonstrates how funds made available*
4 *under this chapter will be used for activities described*
5 *in section 1265;*

6 *“(5) describes the professional development op-*
7 *portunities that will be provided, as needed, to ensure*
8 *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 *and*

17 *“(6) describes how the local educational agen-*
18 *cy—*

19 *“(A) will periodically assess the progress of*
20 *all Indian children enrolled in the schools of the*
21 *local educational agency, including Indian chil-*
22 *dren who do not participate in programs as-*
23 *sisted under this chapter, in meeting the stand-*
24 *ards described in paragraph (2);*

1 “(B) will provide the results of each assess-
2 ment referred to in subparagraph (A) to—

3 “(i) the committee described in sub-
4 section (c)(4); and

5 “(ii) the community, including Indian
6 tribes, whose children are served by the local
7 educational agency; and

8 “(C) is responding to findings of any pre-
9 vious assessments that are similar to the assess-
10 ments described in subparagraph (A); and

11 “(7) describes the processes the local educational
12 agency used to collaborate with Indian tribes in the
13 community in the development of the comprehensive
14 programs.

15 “(c) ASSURANCES.—Each application submitted
16 under subsection (a) shall include assurances that—

17 “(1) the local educational agency will use funds
18 received under this chapter only to supplement the
19 funds that, in the absence of the Federal funds made
20 available under this chapter, such agency would make
21 available for the education of Indian children, and
22 not to supplant such funds;

23 “(2) the local educational agency will prepare
24 and submit to the Secretary such reports in such form
25 as the Secretary may require to—

1 “(A) carry out the functions of the Sec-
2 retary under this chapter; and

3 “(B) determine the extent to which activi-
4 ties carried out with funds provided to the local
5 educational agency under this chapter are effec-
6 tive in improving the educational achievement of
7 Indian students served by such agency;

8 “(3) the program for which assistance is
9 sought—

10 “(A) is based on a comprehensive local as-
11 sessment and prioritization of the unique edu-
12 cational and culturally related academic needs of
13 the American Indian and Alaska Native students
14 for whom the local educational agency is pro-
15 viding an education;

16 “(B) will use the best available talents and
17 resources, including individuals from the Indian
18 community; and

19 “(C) was developed by such agency in open
20 consultation with parents of Indian children and
21 teachers, and, if appropriate, Indian students
22 from secondary schools, including through public
23 hearings held by such agency to provide to the
24 individuals described in this subparagraph a full
25 opportunity to understand the program and to

1 *offer recommendations regarding the program;*
2 *and*

3 “(4) *the local educational agency developed the*
4 *program with the participation and written approval*
5 *of a committee—*

6 “(A) *that is composed of, and selected by—*

7 “(i) *parents of Indian children in the*
8 *local educational agency’s schools;*

9 “(ii) *teachers in the schools; and*

10 “(iii) *if appropriate, Indian students*
11 *attending secondary schools of the agency;*

12 “(B) *a majority of whose members are par-*
13 *ents of Indian children;*

14 “(C) *that has set forth such policies and*
15 *procedures, including policies and procedures re-*
16 *lating to the hiring of personnel, as will ensure*
17 *that the program for which assistance is sought*
18 *will be operated and evaluated in consultation*
19 *with, and with the involvement of, parents of the*
20 *children, and representatives of the area, to be*
21 *served;*

22 “(D) *with respect to an application describ-*
23 *ing a schoolwide program in accordance with*
24 *section 1265(c), that has—*

1 “(i) reviewed in a timely fashion the
2 program; and

3 “(ii) determined that the program will
4 not diminish the availability of culturally
5 related activities for American Indian and
6 Alaska Native students; and

7 “(E) that has adopted reasonable bylaws for
8 the conduct of the activities of the committee and
9 abides by such bylaws.

10 **“SEC. 1265. AUTHORIZED SERVICES AND ACTIVITIES.**

11 “(a) *GENERAL REQUIREMENTS.*—Each local edu-
12 cational agency that receives a grant under this chapter
13 shall use the grant funds, in a manner consistent with the
14 purpose specified in section 1261, for services and activities
15 that—

16 “(1) are designed to carry out the comprehensive
17 program of the local educational agency for Indian
18 students, and described in the application of the local
19 educational agency submitted to the Secretary under
20 section 1264(a);

21 “(2) are designed with special regard for the lan-
22 guage and cultural needs of the Indian students; and

23 “(3) supplement and enrich the regular school
24 program of such agency.

1 “(b) *PARTICULAR ACTIVITIES.*—*The services and ac-*
2 *tivities referred to in subsection (a) may include—*

3 “(1) *culturally related activities that support the*
4 *program described in the application submitted by*
5 *the local educational agency;*

6 “(2) *early childhood and family programs that*
7 *emphasize school readiness;*

8 “(3) *enrichment programs that focus on problem*
9 *solving and cognitive skills development and directly*
10 *support the attainment of State academic standards;*

11 “(4) *integrated educational services in combina-*
12 *tion with other programs that meet the needs of In-*
13 *Indian children and their families;*

14 “(5) *programs that help engage parents and*
15 *tribes to meet the unique educational needs of Indian*
16 *children;*

17 “(6) *career preparation activities to enable In-*
18 *Indian students to participate in programs such as the*
19 *programs supported by the Carl D. Perkins Career*
20 *and Technical Education Act of 2006;*

21 “(7) *activities to educate individuals concerning*
22 *the prevention of substance abuse, violence, and sui-*
23 *cide;*

1 “(8) the acquisition of equipment, but only if the
2 acquisition of the equipment is essential to achieve the
3 purpose described in section 1261;

4 “(9) activities that promote the incorporation of
5 culturally responsive teaching and learning strategies
6 into the educational program of the local educational
7 agency;

8 “(10) activities that incorporate American In-
9 dian and Alaska Native specific curriculum content,
10 consistent with State academic standards into the
11 curriculum used by the local educational agency;

12 “(11) family literacy services; and

13 “(12) activities that recognize and support the
14 unique cultural and educational needs of Indian chil-
15 dren, and incorporate appropriately qualified tribal
16 elders and seniors.

17 “(c) *SCHOOLWIDE PROGRAMS.*—Notwithstanding any
18 other provision of law, a local educational agency may use
19 funds made available to such agency under this chapter to
20 support a schoolwide program under section 1114 if—

21 “(1) the committee established pursuant to sec-
22 tion 1264(c)(4) approves the use of the funds for the
23 schoolwide program; and

24 “(2) the schoolwide program is consistent with
25 the purpose described in section 1261.

1 “(d) *LIMITATION ON ADMINISTRATIVE COSTS.*—Not
2 *more than 5 percent of the funds provided to a grantee*
3 *under this chapter for any fiscal year may be used for ad-*
4 *ministrative purposes.*

5 “(e) *LIMITATION ON USE OF FUNDS.*—*Funds provided*
6 *to a grantee under this chapter may not be used for long-*
7 *distance travel expenses for training activities available lo-*
8 *cally or regionally.*

9 “**SEC. 1266. INTEGRATION OF SERVICES AUTHORIZED.**

10 “(a) *PLAN.*—*An entity receiving funds under this*
11 *chapter may submit a plan to the Secretary for the integra-*
12 *tion of education and related services provided to Indian*
13 *students.*

14 “(b) *CONSOLIDATION OF PROGRAMS.*—*Upon the re-*
15 *ceipt of an acceptable plan under subsection (a), the Sec-*
16 *retary, in cooperation with each Federal agency providing*
17 *grants for the provision of education and related services*
18 *to the entity, shall authorize the entity to consolidate, in*
19 *accordance with such plan, the federally funded education*
20 *and related services programs of the entity and the Federal*
21 *programs, or portions of the programs, serving Indian stu-*
22 *dents in a manner that integrates the program services in-*
23 *volved into a single, coordinated, comprehensive program*
24 *and reduces administrative costs by consolidating adminis-*
25 *trative functions.*

1 “(c) *PROGRAMS AFFECTED.*—*The funds that may be*
2 *consolidated in a demonstration project under any such*
3 *plan referred to in subsection (a) shall include funds for*
4 *any Federal program exclusively serving Indian children,*
5 *or the funds reserved under any Federal program to exclu-*
6 *sively serve Indian children, under which the entity is eligi-*
7 *ble for receipt of funds under a statutory or administrative*
8 *formula for the purposes of providing education and related*
9 *services that would be used to serve Indian students.*

10 “(d) *PLAN REQUIREMENTS.*—*For a plan to be accept-*
11 *able pursuant to subsection (b), the plan shall—*

12 “(1) *identify the programs or funding sources to*
13 *be consolidated;*

14 “(2) *be consistent with the objectives of this sec-*
15 *tion concerning authorizing the services to be inte-*
16 *grated in a demonstration project;*

17 “(3) *describe a comprehensive strategy that iden-*
18 *tifies the full range of potential educational opportu-*
19 *nities and related services to be provided to assist In-*
20 *dian students to achieve the objectives set forth in this*
21 *chapter;*

22 “(4) *describe the way in which services are to be*
23 *integrated and delivered and the results expected from*
24 *the plan;*

1 “(5) identify the projected expenditures under
2 the plan in a single budget;

3 “(6) identify the State, tribal, or local agency or
4 agencies to be involved in the delivery of the services
5 integrated under the plan;

6 “(7) identify any statutory provisions, regula-
7 tions, policies, or procedures that the entity believes
8 need to be waived in order to implement the plan;

9 “(8) set forth measures for student academic
10 achievement consistent with State academic standards
11 under section 1111(b)(1); and

12 “(9) be approved by a committee formed in ac-
13 cordance with section 1264(c)(4), if such a committee
14 exists.

15 “(e) *PLAN REVIEW*.—Upon receipt of the plan from
16 an eligible entity, the Secretary shall consult with the Sec-
17 retary of each Federal department providing funds to be
18 used to implement the plan, and with the entity submitting
19 the plan. The parties so consulting shall identify any waiv-
20 ers of statutory requirements or of Federal departmental
21 regulations, policies, or procedures necessary to enable the
22 entity to implement the plan. Notwithstanding any other
23 provision of law, the Secretary of the affected department
24 shall have the authority to waive any regulation, policy,
25 or procedure promulgated by that department that has been

1 *so identified by the entity or department, unless the Sec-*
2 *retary of the affected department determines that such a*
3 *waiver is inconsistent with the objectives of this chapter or*
4 *those provisions of the statute from which the program in-*
5 *volved derives authority that are specifically applicable to*
6 *Indian students.*

7 “(f) *PLAN APPROVAL.*—*Within 90 days after the re-*
8 *ceipt of an entity’s plan by the Secretary, the Secretary*
9 *shall inform the entity, in writing, of the Secretary’s ap-*
10 *proval or disapproval of the plan. If the plan is dis-*
11 *approved, the entity shall be informed, in writing, of the*
12 *reasons for the disapproval and shall be given an oppor-*
13 *tunity to amend the plan or to petition the Secretary to*
14 *reconsider such disapproval.*

15 “(g) *RESPONSIBILITIES OF DEPARTMENT OF EDU-*
16 *CATION.*—*The Secretary of Education, the Secretary of the*
17 *Interior, and the head of any other Federal department or*
18 *agency identified by the Secretary of Education, shall enter*
19 *into an interdepartmental memorandum of agreement pro-*
20 *viding for the implementation and coordination of the dem-*
21 *onstration projects authorized under this section. The lead*
22 *agency head for a demonstration project under this section*
23 *shall be—*

24 “(1) *the Secretary of the Interior, in the case of*
25 *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 *“(h) RESPONSIBILITIES OF LEAD AGENCY.—The re-*
6 *sponsibilities of the lead agency shall include—*

7 *“(1) the use of a single report format related to*
8 *the plan for the individual project, which shall be*
9 *used by an eligible entity to report on the activities*
10 *undertaken under the project;*

11 *“(2) the use of a single report format related to*
12 *the projected expenditures for the individual project*
13 *which shall be used by an eligible entity to report on*
14 *all project expenditures;*

15 *“(3) the development of a single system of Fed-*
16 *eral oversight for the project, which shall be imple-*
17 *mented by the lead agency; and*

18 *“(4) the provision of technical assistance to an*
19 *eligible entity appropriate to the project, except that*
20 *an eligible entity shall have the authority to accept or*
21 *reject the plan for providing such technical assistance*
22 *and the technical assistance provider.*

23 *“(i) REPORT REQUIREMENTS.—A single report format*
24 *shall be developed by the Secretary, consistent with the re-*
25 *quirements of this section. Such report format shall require*

1 *that reports described in subsection (h), together with*
2 *records maintained on the consolidated program at the local*
3 *level, shall contain such information as will allow a deter-*
4 *mination that the eligible entity has complied with the re-*
5 *quirements incorporated in its approved plan, including*
6 *making a demonstration of student academic achievement,*
7 *and will provide assurances to each Secretary that the eligi-*
8 *ble entity has complied with all directly applicable statu-*
9 *tory requirements and with those directly applicable regu-*
10 *latory requirements that have not been waived.*

11 “(j) *NO REDUCTION IN AMOUNTS.*—*In no case shall*
12 *the amount of Federal funds available to an eligible entity*
13 *involved in any demonstration project be reduced as a re-*
14 *sult of the enactment of this section.*

15 “(k) *INTERAGENCY FUND TRANSFERS AUTHORIZED.*—
16 *The Secretary is authorized to take such action as may be*
17 *necessary to provide for an interagency transfer of funds*
18 *otherwise available to an eligible entity in order to further*
19 *the objectives of this section.*

20 “(l) *ADMINISTRATION OF FUNDS.*—

21 “(1) *IN GENERAL.*—*Program funds for the con-*
22 *solidated programs shall be administered in such a*
23 *manner as to allow for a determination that funds*
24 *from a specific program are spent on allowable activi-*
25 *ties authorized under such program, except that the*

1 *eligible entity shall determine the proportion of the*
2 *funds granted that shall be allocated to such program.*

3 “(2) *SEPARATE RECORDS NOT REQUIRED.—*
4 *Nothing in this section shall be construed as requiring*
5 *the eligible entity to maintain separate records trac-*
6 *ing any services or activities conducted under the ap-*
7 *proved plan to the individual programs under which*
8 *funds were authorized for the services or activities,*
9 *nor shall the eligible entity be required to allocate ex-*
10 *penditures 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 (under*
14 *each program’s or agency’s regulations). The overage (de-*
15 *finied as the difference between the amount of the commin-*
16 *gled funds and the actual administrative cost of the pro-*
17 *grams) shall be considered to be properly spent for Federal*
18 *audit purposes, if the overage is used for the purposes pro-*
19 *vided for under this section.*

20 “(n) *FISCAL ACCOUNTABILITY.—Nothing in this part*
21 *shall be construed so as to interfere with the ability of the*
22 *Secretary or the lead agency to fulfill the responsibilities*
23 *for the safeguarding of Federal funds pursuant to chapter*
24 *75 of title 31, United States Code.*

1 “(o) *REPORT ON STATUTORY OBSTACLES TO PROGRAM*
2 *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 Rep-*
9 *resentatives on the status of the implementation of the*
10 *demonstration projects authorized under this section.*

11 “(2) *CONTENTS.*—*Such report shall identify—*

12 “(A) *statutory barriers to the ability of par-*
13 *ticipants to more effectively integrate their edu-*
14 *cation and related services to Indian students in*
15 *a manner consistent with the objectives of this*
16 *section; and*

17 “(B) *the effective practices for program in-*
18 *tegration that result in increased student*
19 *achievement and other relevant outcomes for In-*
20 *dian students.*

21 “(p) *DEFINITIONS.*—*For the purposes of this section,*
22 *the term ‘Secretary’ means—*

23 “(1) *the Secretary of the Interior, in the case of*
24 *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 sets*
11 *forth information establishing the status of the child as an*
12 *Indian child eligible for assistance under this chapter, and*
13 *that otherwise meets the requirements of subsection (b).*

14 *“(b) FORMS.—The form described in subsection (a)*
15 *shall include—*

16 *“(1) either—*

17 *“(A)(i) the name of the tribe or band of In-*
18 *dians (as defined in section 1291) with respect*
19 *to which the child claims membership;*

20 *“(ii) the enrollment number establishing the*
21 *membership of the child (if readily available);*
22 *and*

23 *“(iii) the name and address of the organiza-*
24 *tion that maintains updated and accurate mem-*

1 *bership data for such tribe or band of Indians;*
2 *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 of*
12 *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 legal*
16 *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 sec-*
21 *tion shall be construed to affect a definition contained in*
22 *section 1291.*

23 *“(d) FORMS AND STANDARDS OF PROOF.—The forms*
24 *and the standards of proof (including the standard of good*
25 *faith compliance) that were in use during the 1985–1986*

1 *academic year to establish the eligibility of a child for enti-*
2 *tlement under the Indian Elementary and Secondary*
3 *School Assistance Act shall be the forms and standards of*
4 *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 determining*
9 *whether a child is eligible to be counted for the purpose of*
10 *computing the amount of a grant award under section*
11 *1263, the membership of the child, or any parent or grand-*
12 *parent of the child, in a tribe or band of Indians (as so*
13 *defined) may be established by proof other than an enroll-*
14 *ment number, notwithstanding the availability of an enroll-*
15 *ment number for a member of such tribe or band. Nothing*
16 *in subsection (b) shall be construed to require the furnishing*
17 *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 necessary*
22 *to carry out the responsibility of the Secretary to*
23 *provide technical assistance under this chapter,*
24 *the Secretary shall conduct a monitoring and*
25 *evaluation review of a sampling of the recipients*

1 *of grants under this chapter. The sampling con-*
2 *ducted under this subparagraph shall take into*
3 *account the size of and the geographic location of*
4 *each local educational agency.*

5 “(B) *EXCEPTION.*—*A local educational*
6 *agency may not be held liable to the United*
7 *States or be subject to any penalty, by reason of*
8 *the findings of an audit that relates to the date*
9 *of completion, or the date of submission, of any*
10 *forms used to establish, before April 28, 1988, the*
11 *eligibility of a child for an entitlement under the*
12 *Indian Elementary and Secondary School As-*
13 *sistance Act.*

14 “(2) *FALSE INFORMATION.*—*Any local edu-*
15 *cational agency that provides false information in an*
16 *application for a grant under this chapter shall—*

17 “(A) *be ineligible to apply for any other*
18 *grant under this chapter; and*

19 “(B) *be liable to the United States for any*
20 *funds from the grant that have not been ex-*
21 *pended.*

22 “(3) *EXCLUDED CHILDREN.*—*A student who pro-*
23 *vides false information for the form required under*
24 *subsection (a) shall not be counted for the purpose of*
25 *computing the amount of a grant under section 1263.*

1 “(g) *TRIBAL GRANT AND CONTRACT SCHOOLS.*—Not-
2 *withstanding any other provision of this section, in calcu-*
3 *lating the amount of a grant under this chapter to a tribal*
4 *school that receives a grant or contract from the Bureau*
5 *of Indian Education, the Secretary shall use only one of*
6 *the following, as selected by the school:*

7 “(1) *A count of the number of students in the*
8 *schools certified by the Bureau.*

9 “(2) *A count of the number of students for whom*
10 *the school has eligibility forms that comply with this*
11 *section.*

12 “(h) *TIMING OF CHILD COUNTS.*—*For purposes of de-*
13 *termining the number of children to be counted in calcu-*
14 *lating the amount of a local educational agency’s grant*
15 *under this chapter (other than in the case described in sub-*
16 *section (g)(1)), the local educational agency shall—*

17 “(1) *establish a date on, or a period not longer*
18 *than 31 consecutive days during, which the agency*
19 *counts those children, if that date or period occurs be-*
20 *fore the deadline established by the Secretary for sub-*
21 *mitting an application under section 1264; and*

22 “(2) *determine that each such child was enrolled,*
23 *and receiving a free public education, in a school of*
24 *the agency on that date or during that period, as the*
25 *case may be.*

1 **“SEC. 1268. PAYMENTS.**

2 “(a) *IN GENERAL.*—Subject to subsections (b) and (c),
3 the Secretary shall pay to each local educational agency
4 that submits an application that is approved by the Sec-
5 retary under this chapter the amount determined under sec-
6 tion 1263. The Secretary shall notify the local educational
7 agency of the amount of the payment not later than June
8 1 of the year for which the Secretary makes the payment.

9 “(b) *PAYMENTS TAKEN INTO ACCOUNT BY THE*
10 *STATE.*—The Secretary may not make a grant under this
11 chapter to a local educational agency for a fiscal year if,
12 for such fiscal year, the State in which the local educational
13 agency is located takes into consideration payments made
14 under this chapter in determining the eligibility of the local
15 educational agency for State aid, or the amount of the State
16 aid, with respect to the free public education of children
17 during such fiscal year or the preceding fiscal year.

18 “(c) *REALLOCATIONS.*—The Secretary may reallocate,
19 in a manner that the Secretary determines will best carry
20 out the purpose of this chapter, any amounts that—

21 “(1) based on estimates made by local edu-
22 cational agencies or other information, the Secretary
23 determines will not be needed by such agencies to
24 carry out approved programs under this chapter; or

25 “(2) otherwise become available for reallocation
26 under this chapter.

1 **“SEC. 1269. STATE EDUCATIONAL AGENCY REVIEW.**

2 *“Before submitting an application to the Secretary*
3 *under section 1264, a local educational agency shall submit*
4 *the application to the State educational agency, which may*
5 *comment on such application. If the State educational*
6 *agency comments on the application, the agency shall com-*
7 *ment on all applications submitted by local educational*
8 *agencies in the State and shall provide those comments to*
9 *the respective local educational agencies, with an oppor-*
10 *tunity to respond.*

11 **“CHAPTER B—SPECIAL PROGRAMS AND**
12 **PROJECTS TO IMPROVE EDUCATIONAL**
13 **OPPORTUNITIES FOR INDIAN CHIL-**
14 **DREN**

15 **“SEC. 1271. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
16 **TIES FOR INDIAN CHILDREN.**

17 “(a) *PURPOSE.—*

18 “(1) *IN GENERAL.—It is the purpose of this sec-*
19 *tion to support projects to develop, test, and dem-*
20 *onstrate the effectiveness of services and programs to*
21 *improve educational opportunities and achievement of*
22 *Indian children.*

23 “(2) *COORDINATION.—The Secretary shall take*
24 *the necessary actions to achieve the coordination of*
25 *activities assisted under this chapter with—*

1 “(A) other programs funded under this Act;
2 and

3 “(B) other Federal programs operated for
4 the benefit of American Indian and Alaska Na-
5 tive children.

6 “(b) *ELIGIBLE ENTITIES*.—In this section, the term
7 ‘eligible entity’ means a State educational agency, local
8 educational agency, Indian tribe, Indian organization, fed-
9 erally supported elementary school or secondary school for
10 Indian students, Indian institution (including an Indian
11 institution of higher education), or a consortium of such
12 entities.

13 “(c) *GRANTS AUTHORIZED*.—

14 “(1) *IN GENERAL*.—From amounts appropriated
15 under section 3(a)(1), the Secretary shall reserve 0.2
16 of one percent to award grants to eligible entities to
17 enable such entities to carry out activities under this
18 section and section 1272.

19 “(2) *USES OF FUNDS*.—An eligible entity that
20 receives a grant under this section shall use the funds
21 for one or more activities, including—

22 “(A) innovative programs related to the
23 educational needs of educationally disadvantaged
24 children;

1 “(B) educational services that are not avail-
2 able to such children in sufficient quantity or
3 quality, including remedial instruction, to raise
4 the achievement of Indian children in one or
5 more of the core academic subjects of English,
6 mathematics, science, foreign languages, art, his-
7 tory, and geography;

8 “(C) bilingual and bicultural programs and
9 projects;

10 “(D) special health and nutrition services,
11 and other related activities, that address the spe-
12 cial health, social, and psychological problems of
13 Indian children;

14 “(E) special compensatory and other pro-
15 grams and projects designed to assist and en-
16 courage Indian children to enter, remain in, or
17 reenter school, and to increase the rate of high
18 school graduation for Indian children;

19 “(F) comprehensive guidance, counseling,
20 and testing services;

21 “(G) early childhood and kindergarten pro-
22 grams, including family-based preschool pro-
23 grams that emphasize school readiness and pa-
24 rental skills, and the provision of services to In-
25 dian children with disabilities;

1 “(H) partnership projects between local edu-
2 cational agencies and institutions of higher edu-
3 cation that allow secondary school students to
4 enroll in courses at the postsecondary level to aid
5 such students in the transition from secondary to
6 postsecondary education;

7 “(I) partnership projects between schools
8 and local businesses for career preparation pro-
9 grams designed to provide Indian youth with the
10 knowledge and skills such youth need to make an
11 effective transition from school to a high-skill,
12 high-wage career;

13 “(J) programs designed to encourage and
14 assist Indian students to work toward, and gain
15 entrance into, an institution of higher education;

16 “(K) family literacy services;

17 “(L) activities that recognize and support
18 the unique cultural and educational needs of In-
19 dian children, and incorporate appropriately
20 qualified tribal elders and seniors; or

21 “(M) other services that meet the purpose
22 described in this section.

23 “(3) PROFESSIONAL DEVELOPMENT.—Evidence
24 based professional development of teaching profes-

1 *sionals and paraprofessionals may be a part of any*
2 *program assisted under this section.*

3 “(d) *GRANT REQUIREMENTS AND APPLICATIONS.*—

4 “(1) *GRANT REQUIREMENTS.*—

5 “(A) *IN GENERAL.*—*The Secretary may*
6 *make multiyear grants under subsection (c) for*
7 *the planning, development, pilot operation, or*
8 *demonstration of any activity described in sub-*
9 *section (c) for a period not to exceed 5 years.*

10 “(B) *PRIORITY.*—*In making multiyear*
11 *grants described in this paragraph, the Secretary*
12 *shall give priority to entities submitting applica-*
13 *tions that present a plan for combining two or*
14 *more of the activities described in subsection (c)*
15 *over a period of more than 1 year.*

16 “(C) *PROGRESS.*—*The Secretary shall make*
17 *a grant payment for a grant described in this*
18 *paragraph to an eligible entity after the initial*
19 *year of the multiyear grant only if the Secretary*
20 *determines that the eligible entity has made sub-*
21 *stantial progress in carrying out the activities*
22 *assisted under the grant in accordance with the*
23 *application submitted under paragraph (3) and*
24 *any subsequent modifications to such applica-*
25 *tion.*

1 “(2) *DISSEMINATION GRANTS.*—

2 “(A) *IN GENERAL.*—*In addition to award-*
3 *ing the multiyear grants described in paragraph*
4 *(1), the Secretary may award grants under sub-*
5 *section (c) to eligible entities for the dissemina-*
6 *tion of exemplary materials or programs assisted*
7 *under this section.*

8 “(B) *DETERMINATION.*—*The Secretary may*
9 *award a dissemination grant described in this*
10 *paragraph if, prior to awarding the grant, the*
11 *Secretary determines that the material or pro-*
12 *gram to be disseminated—*

13 “(i) *has been adequately reviewed;*

14 “(ii) *has demonstrated educational*
15 *merit; and*

16 “(iii) *can be replicated.*

17 “(3) *APPLICATION.*—

18 “(A) *IN GENERAL.*—*Any eligible entity that*
19 *desires to receive a grant under this section shall*
20 *submit an application to the Secretary at such*
21 *time and in such manner as the Secretary may*
22 *reasonably require.*

23 “(B) *CONTENTS.*—*Each application sub-*
24 *mitted to the Secretary under subparagraph (A),*

1 *other than an application for a dissemination*
2 *grant under paragraph (2), shall contain—*

3 “(i) *a description of how parents of In-*
4 *dian children and representatives of Indian*
5 *tribes have been, and will be, involved in*
6 *developing and implementing the activities*
7 *for which assistance is sought;*

8 “(ii) *assurances that the applicant will*
9 *participate, at the request of the Secretary,*
10 *in any national evaluation of activities as-*
11 *sisted under this section;*

12 “(iii) *information demonstrating that*
13 *the proposed program for the activities is*
14 *an evidence-based program, which may in-*
15 *clude a program that has been modified to*
16 *be culturally appropriate for students who*
17 *will be served; and*

18 “(iv) *a description of how the appli-*
19 *cant will incorporate the proposed activities*
20 *into the ongoing school program involved*
21 *once the grant period is over.*

22 “(e) *ADMINISTRATIVE COSTS.—Not more than 5 per-*
23 *cent of the funds provided to a grantee under this chapter*
24 *for any fiscal year may be used for administrative pur-*
25 *poses.*

1 **“SEC. 1272. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
2 **AND EDUCATION PROFESSIONALS.**

3 “(a) *PURPOSES.*—*The purposes of this section are—*

4 “(1) *to increase the number of qualified Indian*
5 *teachers, school leaders, or other education profes-*
6 *sionals serving Indian students, including through re-*
7 *ruitment strategies;*

8 “(2) *to provide training to qualified Indian in-*
9 *dividuals to enable such individuals to become effec-*
10 *tive teachers, school leaders, administrators, teacher*
11 *aides, social workers, and ancillary educational per-*
12 *sonnel; and*

13 “(3) *to improve the skills of qualified Indian in-*
14 *dividuals who serve in the capacities described in*
15 *paragraph (2).*

16 “(b) *ELIGIBLE ENTITIES.*—*For the purpose of this sec-*
17 *tion, the term ‘eligible entity’ means—*

18 “(1) *an institution of higher education, includ-*
19 *ing an Indian institution of higher education;*

20 “(2) *a State educational agency or local edu-*
21 *cational agency, in consortium with an institution of*
22 *higher education;*

23 “(3) *an Indian tribe or organization, in consor-*
24 *tium with an institution of higher education; and*

25 “(4) *a Bureau-funded school (as defined in sec-*
26 *tion 1146 of the Education Amendments of 1978).*

1 “(c) *PROGRAM AUTHORIZED.*—*The Secretary is au-*
2 *thorized to award grants from funds reserved under section*
3 *1271(c)(1) to eligible entities having applications approved*
4 *under this section to enable those entities to carry out the*
5 *activities described in subsection (d).*

6 “(d) *AUTHORIZED ACTIVITIES.*—

7 “(1) *IN GENERAL.*—*Grant funds under this sec-*
8 *tion shall be used for activities to provide support*
9 *and training for Indian individuals in a manner*
10 *consistent with the purposes of this section.*

11 “(2) *SPECIAL RULES.*—

12 “(A) *TYPE OF TRAINING.*—*For education*
13 *personnel, the training received pursuant to a*
14 *grant under this section may be inservice or*
15 *preservice training.*

16 “(B) *PROGRAM.*—*For individuals who are*
17 *being trained to enter any education-related field*
18 *other than teaching, the training received pursu-*
19 *ant to a grant under this section shall be in a*
20 *program that results in a graduate degree.*

21 “(e) *APPLICATION.*—*Each eligible entity desiring a*
22 *grant under this section shall submit an application to the*
23 *Secretary at such time and in such manner as the Secretary*
24 *may reasonable require. An application shall include how*
25 *the eligible entity will—*

1 “(1) recruit qualified Indian individuals, such
2 as students who may not be of traditional college age,
3 to become teachers or school leaders;

4 “(2) use funds made available under the grant to
5 support the recruitment, preparation, and profes-
6 sional development of Indian teachers or school lead-
7 ers in local educational agencies that serve a high
8 proportion of Indian students; and

9 “(3) assist participants in meeting the require-
10 ments under subsection (h).

11 “(f) *SPECIAL RULE.*—In awarding grants under this
12 section, the Secretary—

13 “(1) shall consider the prior performance of the
14 eligible entity; and

15 “(2) may not limit eligibility to receive a grant
16 under this section on the basis of—

17 “(A) the number of previous grants the Sec-
18 retary has awarded such entity; or

19 “(B) the length of any period during which
20 such entity received such grants.

21 “(g) *GRANT PERIOD.*—Each grant under this section
22 shall be awarded for an initial period of not more than
23 three years, and may be renewed for not more than an addi-
24 tional two years if the Secretary finds that the grantee is
25 meeting the grant objectives.

1 “(h) *SERVICE OBLIGATION.*—

2 “(1) *IN GENERAL.*—*The Secretary shall require,*
3 *by regulation, that an individual who receives train-*
4 *ing pursuant to a grant made under this section—*

5 “(A) *perform work—*

6 “(i) *related to the training received*
7 *under this section; and*

8 “(ii) *that benefits Indian people; or*

9 “(B) *repay all or a prorated part of the as-*
10 *sistance received.*

11 “(2) *REPORTING.*—*The Secretary shall establish,*
12 *by regulation, a reporting procedure under which a*
13 *grant recipient under this section shall, not later than*
14 *12 months after the date of completion of the train-*
15 *ing, and periodically thereafter, provide information*
16 *concerning compliance with the work requirement*
17 *under paragraph (1).*

18 **“CHAPTER C—FEDERAL ADMINISTRATION**

19 **“SEC. 1281. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-**
20 **CATION.**

21 “(a) *MEMBERSHIP.*—*There is established a National*
22 *Advisory Council on Indian Education (hereafter in this*
23 *section referred to as the ‘Council’), which shall—*

24 “(1) *consist of 15 Indian members, who shall be*
25 *appointed by the President from lists of nominees fur-*

1 nished, from time to time, by Indian tribes and orga-
2 nizations; and

3 “(2) represent different geographic areas of the
4 United States.

5 “(b) DUTIES.—The Council shall—

6 “(1) advise the Secretary concerning the funding
7 and administration (including the development of
8 regulations and administrative policies and practices)
9 of any program, including any program established
10 under this subpart—

11 “(A) with respect to which the Secretary has
12 jurisdiction; and

13 “(B)(i) that includes Indian children or
14 adults as participants; or

15 “(ii) that may benefit Indian children
16 or adults;

17 “(2) make recommendations to the Secretary for
18 filling the position of Director of Indian Education
19 whenever a vacancy occurs; and

20 “(3) submit to Congress, not later than June 30
21 of each year, a report on the activities of the Council,
22 including—

23 “(A) any recommendations that the Council
24 considers appropriate for the improvement of
25 Federal education programs that include Indian

1 *children or adults as participants, or that may*
2 *benefit Indian children or adults; and*

3 *“(B) recommendations concerning the fund-*
4 *ing of any program described in subparagraph*
5 *(A).*

6 **“SEC. 1282. PEER REVIEW.**

7 *“The Secretary may use a peer review process to re-*
8 *view applications submitted to the Secretary under chapter*
9 *B.*

10 **“SEC. 1283. PREFERENCE FOR INDIAN APPLICANTS.**

11 *“In making grants and entering into contracts or co-*
12 *operative agreements under chapter B, the Secretary shall*
13 *give a preference to Indian tribes, organizations, and insti-*
14 *tutions of higher education under any program with respect*
15 *to which Indian tribes, organizations, and institutions are*
16 *eligible to apply for grants, contracts, or cooperative agree-*
17 *ments.*

18 **“SEC. 1284. MINIMUM GRANT CRITERIA.**

19 *“The Secretary may not approve an application for*
20 *a grant, contract, or cooperative agreement under chapter*
21 *B unless the application is for a grant, contract, or coopera-*
22 *tive agreement that is—*

23 *“(1) of sufficient size, scope, and quality to*
24 *achieve the purpose or objectives of such grant, con-*
25 *tract, or cooperative agreement; and*

1 “(2) based on relevant research findings.

2 **“CHAPTER D—DEFINITIONS**

3 **“SEC. 1291. DEFINITIONS.**

4 *“For the purposes of this subpart:*

5 “(1) *ADULT.*—*The term ‘adult’ means an indi-*
6 *vidual who—*

7 *“(A) has attained the age of 16 years; or*

8 *“(B) has attained an age that is greater*
9 *than the age of compulsory school attendance*
10 *under an applicable State law.*

11 “(2) *ALASKA NATIVE.*—*The term ‘Alaska Native’*
12 *has the same meaning as the term ‘Native’ has in sec-*
13 *tion 3(b) of the Alaska Native Claims Settlement Act.*

14 “(3) *FREE PUBLIC EDUCATION.*—*The term ‘free*
15 *public education’ means education that is—*

16 *“(A) provided at public expense, under pub-*
17 *lic supervision and direction, and without tui-*
18 *tion charge; and*

19 *“(B) provided as elementary or secondary*
20 *education in the applicable State or to preschool*
21 *children.*

22 “(4) *INDIAN.*—*The term ‘Indian’ means an indi-*
23 *vidual who is—*

1 “(A) a member of an Indian tribe or band,
2 as membership is defined by the tribe or band,
3 including—

4 “(i) any tribe or band terminated since
5 1940; and

6 “(ii) any tribe or band recognized by
7 the State in which the tribe or band resides;

8 “(B) a descendant, in the first or second de-
9 gree, of an individual described in subparagraph
10 (A);

11 “(C) considered by the Secretary of the Inte-
12 rior to be an Indian for any purpose;

13 “(D) an Eskimo, Aleut, or other Alaska Na-
14 tive; or

15 “(E) a member of an organized Indian
16 group that received a grant under the Indian
17 Education Act of 1988 as in effect the day pre-
18 ceding the date of enactment of the Improving
19 America’s Schools Act of 1994.”.

20 (b) *STRIKE*.—The Act is amended by striking title VII
21 (20 U.S.C. 7401 et seq.).

22 **Subtitle D—National Assessment**

23 **SEC. 141. NATIONAL ASSESSMENT OF TITLE I.**

24 (a) *IN GENERAL*.—Part E of title I (20 U.S.C. 6491
25 et seq.) is redesignated as part B of title I.

1 (b) *REPEALS*.—Sections 1502 and 1504 (20 U.S.C.
2 6492; 6494) are repealed.

3 (c) *REDESIGNATIONS*.—Sections 1501 and 1503 (20
4 U.S.C. 6491; 6493) are redesignated as sections 1301 and
5 1302, respectively.

6 (d) *AMENDMENTS TO SECTION 1301*.—Section 1301
7 (20 U.S.C. 6491), as so redesignated, is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1), by inserting “, acting
10 through the Director of the Institute of Edu-
11 cation Sciences (in this section and section 1302
12 referred to as the ‘Director’),” after “The Sec-
13 retary”;

14 (B) in paragraph (2)—

15 (i) by striking “Secretary” and insert-
16 ing “Director”;

17 (ii) in subparagraph (A), by striking
18 “reaching the proficient level” and all that
19 follows and inserting “graduating high
20 school prepared for postsecondary education
21 or the workforce.”;

22 (iii) in subparagraph (B), by striking
23 “reach the proficient” and all that follows
24 and inserting “meet State academic stand-
25 ards.”;

1 (iv) by striking subparagraphs (D)
2 and (G) and redesignating subparagraphs
3 (E), (F), and (H) through (O) as subpara-
4 graphs (D) through (M), respectively;

5 (v) in subparagraph (D)(v) (as so re-
6 designated), by striking “help schools in
7 which” and all that follows and inserting
8 “address disparities in the percentages of ef-
9 fective teachers teaching in low-income
10 schools.”

11 (vi) in subparagraph (G) (as so reded-
12 ignated)—

13 (I) by striking “section 1116” and
14 inserting “section 1111(b)(3)(B)(iii”;
15 and

16 (II) by striking “, including the
17 following” and all that follows and in-
18 serting a period;

19 (vii) in subparagraph (I) (as so reded-
20 ignated), by striking “qualifications” and
21 inserting “effectiveness”;

22 (viii) in subparagraph (J) (as so reded-
23 ignated), by striking “, including funds
24 under section 1002,”;

1 *(ix) in subparagraph (L) (as so reded-*
2 *ignated), by striking “section*
3 *1111(b)(2)(C)(v)(II)” and inserting “section*
4 *1111(b)(3)(B)(ii)(II)”;* and

5 *(x) in subparagraph (M) (as so reded-*
6 *ignated), by striking “Secretary” and in-*
7 *serting “Director”;*

8 *(C) in paragraph (3), by striking “Sec-*
9 *retary” and inserting “Director”;*

10 *(D) in paragraph (4), by striking “Sec-*
11 *retary” and inserting “Director”;*

12 *(E) in paragraph (5), by striking “Sec-*
13 *retary” and inserting “Director”;* and

14 *(F) in paragraph (6)—*

15 *(i) by striking “No Child Left Behind*
16 *Act of 2001” each place it appears and in-*
17 *serting “Student Success Act”;* and

18 *(ii) by striking “Secretary” each place*
19 *it appears and inserting “Director”;*

20 *(2) in subsection (b), by striking “Secretary”*
21 *each place it appears and inserting “Director”;*

22 *(3) in subsection (c)—*

23 *(A) in paragraph (1)—*

24 *(i) by striking “Secretary” and insert-*
25 *ing “Director”;* and

1 (ii) by striking “part A” and inserting
2 “subpart 1 of part A”;

3 (B) in paragraph (2)—

4 (i) by striking “Secretary” and insert-
5 ing “Director”;

6 (ii) in subparagraph (B), by striking
7 “challenging academic achievement stand-
8 ards” and inserting “State academic stand-
9 ards”;

10 (iii) in subparagraph (E), by striking
11 “effects of the availability” and all that fol-
12 lows and inserting “extent to which actions
13 authorized under section 1111(b)(3)(B)(iii)
14 improve the academic achievement of dis-
15 advantaged students and low-performing
16 schools.”; and

17 (iv) in subparagraph (F), by striking
18 “Secretary” and inserting “Director”; and

19 (C) in paragraph (3)—

20 (i) by striking “Secretary” and insert-
21 ing “Director”; and

22 (ii) by striking subparagraph (C) and
23 inserting the following:

1 “(C) analyzes varying models or strategies
2 for delivering school services, including
3 schoolwide and targeted services.”; and

4 (4) in subsection (d), by striking “Secretary”
5 each place it appears and inserting “Director”.

6 (e) AMENDMENTS TO SECTION 1302.—Section 1302
7 (20 U.S.C. 6493), as so redesignated, is amended—

8 (1) in subsection (a)—

9 (A) by striking “Secretary” and inserting
10 “Director”; and

11 (B) by striking “and for making decisions
12 about the promotion and graduation of stu-
13 dents”;

14 (2) in subsection (b)—

15 (A) by striking “Secretary” the first place
16 it appears and inserting “Director”;

17 (B) by striking “process,” and inserting
18 “process consistent with section 1206,”; and

19 (C) by striking “Assistant Secretary of
20 Educational Research and Improvement” and
21 inserting “Director”;

22 (3) in subsection (d)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (A), by striking
25 “to the State-defined level of proficiency”

1 and inserting “toward meeting the State
2 academic standards”; and

3 (ii) in subparagraph (C), by striking
4 “pupil-services” and inserting “specialized
5 instructional support services”;

6 (B) in paragraph (3), by striking “limited
7 and nonlimited English proficient students” and
8 inserting “English learners”; and

9 (C) in paragraph (6), by striking “Sec-
10 retary” and inserting “Director”; and

11 (4) in subsection (f)—

12 (A) by striking “Secretary” and inserting
13 “Director”; and

14 (B) by striking “authorized to be appro-
15 priated for this part” and inserting “appro-
16 priated under section 3(a)(2)”.

17 ***Subtitle E—Title I General***
18 ***Provisions***

19 ***SEC. 151. GENERAL PROVISIONS FOR TITLE I.***

20 *Part I of title I (20 U.S.C. 6571 et seq.)—*

21 (1) is transferred to and redesignated as part C
22 of title I of the Act; and

23 (2) is amended to read as follows:

1 **“PART C—GENERAL PROVISIONS**

2 **“SEC. 1401. FEDERAL REGULATIONS.**

3 “(a) *IN GENERAL.*—*The Secretary may, in accordance*
4 *with subsections (b) through (d), issue such regulations as*
5 *are necessary to reasonably ensure there is compliance with*
6 *this title.*

7 “(b) *NEGOTIATED RULEMAKING PROCESS.*—

8 “(1) *IN GENERAL.*—*Before publishing in the*
9 *Federal Register proposed regulations to carry out*
10 *this title, the Secretary shall obtain the advice and*
11 *recommendations of representatives of Federal, State,*
12 *and local administrators, parents, teachers, and mem-*
13 *bers of local school boards and other organizations in-*
14 *volved with the implementation and operation of pro-*
15 *grams under this title.*

16 “(2) *MEETINGS AND ELECTRONIC EXCHANGE.*—
17 *Such advice and recommendations may be obtained*
18 *through such mechanisms as regional meetings and*
19 *electronic exchanges of information.*

20 “(3) *PROPOSED REGULATIONS.*—*After obtaining*
21 *such advice and recommendations, and before pub-*
22 *lishing proposed regulations, the Secretary shall—*

23 “(A) *establish a negotiated rulemaking*
24 *process;*

25 “(B) *select individuals to participate in*
26 *such process from among individuals or groups*

1 *that provided advice and recommendations, in-*
2 *cluding representation from all geographic re-*
3 *gions of the United States, in such numbers as*
4 *will provide an equitable balance between rep-*
5 *resentatives of parents and students and rep-*
6 *resentatives of educators and education officials;*
7 *and*

8 “(C) *prepare a draft of proposed policy op-*
9 *tions that shall be provided to the individuals se-*
10 *lected by the Secretary under subparagraph (B)*
11 *not less than 15 days before the first meeting*
12 *under such process.*

13 “(c) *PROPOSED RULEMAKING.—If the Secretary deter-*
14 *mines that a negotiated rulemaking process is unnecessary*
15 *or the individuals selected to participate in the process*
16 *under paragraph (3)(B) fail to reach unanimous agree-*
17 *ment, the Secretary may propose regulations under the fol-*
18 *lowing procedure:*

19 “(1) *Not less than 30 days prior to beginning a*
20 *rulemaking process, the Secretary shall provide to*
21 *Congress, including the Committee on Education and*
22 *the Workforce of the House of Representatives and the*
23 *Committee on Health, Education, Labor, and Pen-*
24 *sions of the Senate, notice that shall include—*

25 “(A) *a copy of the proposed regulations;*

1 “(B) the need to issue regulations;

2 “(C) the anticipated burden the regulations
3 will have on State educational agencies, local
4 educational agencies, schools, and other entities
5 that may be impacted by the regulations; and

6 “(D) any regulations that will be repealed
7 when the new regulations are issued.

8 “(2) 30 days after giving notice of the proposed
9 rule to Congress, the Secretary may proceed with the
10 rulemaking process after addressing all comments re-
11 ceived from the Congress and publishing how such
12 comments are addressed with the proposed rule.

13 “(3) The comment and review period for any
14 proposed regulation shall be 90 days unless an emer-
15 gency requires a shorter period, in which case such
16 period shall be not less than 45 days and the Sec-
17 retary shall—

18 “(A) designate the proposed regulation as
19 an emergency with an explanation of the emer-
20 gency in the notice and report to Congress under
21 paragraph (1); and

22 “(B) publish the length of the comment and
23 review period in such notice and in the Federal
24 Register.

1 “(4) No regulation shall be made final after the
2 comment and review period until the Secretary has
3 published in the Federal Register an independent as-
4 sessment of—

5 “(A) the burden, including the cost burden,
6 the regulation will impose on State educational
7 agencies, local educational agencies, schools and
8 other entities that may be impacted by the regu-
9 lation; and

10 “(B) an explanation of how the entities de-
11 scribed in subparagraph (A) may pay for imple-
12 menting the new regulation.

13 “(d) *LIMITATION.*—Regulations to carry out this title
14 may not require local programs to follow a particular in-
15 structional model, such as the provision of services outside
16 the regular classroom or school program.

17 **“SEC. 1402. AGREEMENTS AND RECORDS.**

18 “(a) *AGREEMENTS.*—In the case in which a negotiated
19 rule making process is established under subsection (b) of
20 section 1401, all published proposed regulations shall con-
21 form to agreements that result from the rulemaking de-
22 scribed in section 1401 unless the Secretary reopens the ne-
23 gotiated rulemaking process.

1 “(b) *RECORDS.*—*The Secretary shall ensure that an*
2 *accurate and reliable record of agreements reached during*
3 *the negotiations process is maintained.*

4 “**SEC. 1403. STATE ADMINISTRATION.**

5 “(a) *RULEMAKING.*—

6 “(1) *IN GENERAL.*—*Each State that receives*
7 *funds under this title shall—*

8 “(A) *ensure that any State rules, regula-*
9 *tions, and policies relating to this title conform*
10 *to the purposes of this title and provide any such*
11 *proposed rules, regulations, and policies to the*
12 *committee of practitioners created under sub-*
13 *section (b) for review and comment;*

14 “(B) *minimize such rules, regulations, and*
15 *policies to which the State’s local educational*
16 *agencies and schools are subject;*

17 “(C) *eliminate or modify State and local*
18 *fiscal accounting requirements in order to facili-*
19 *tate the ability of schools to consolidate funds*
20 *under schoolwide programs;*

21 “(D) *identify any such rule, regulation, or*
22 *policy as a State-imposed requirement; and*

23 “(E)(i) *identify any duplicative or con-*
24 *trasting requirements between the State and Fed-*
25 *eral rules or regulations;*

1 “(ii) eliminate the rules and regulations
2 that are duplicative of Federal requirements; and

3 “(iii) report any conflicting requirements to
4 the Secretary and determine which Federal or
5 State rule or regulation shall be followed.

6 “(2) *SUPPORT AND FACILITATION.*—State rules,
7 regulations, and policies under this title shall support
8 and facilitate local educational agency and school-
9 level systemic reform designed to enable all children
10 to meet the State academic standards.

11 “(b) *COMMITTEE OF PRACTITIONERS.*—

12 “(1) *IN GENERAL.*—Each State educational
13 agency that receives funds under this title shall create
14 a State committee of practitioners to advise the State
15 in carrying out its responsibilities under this title.

16 “(2) *MEMBERSHIP.*—Each such committee shall
17 include—

18 “(A) as a majority of its members, rep-
19 resentatives from local educational agencies;

20 “(B) administrators, including the admin-
21 istrators of programs described in other parts of
22 this title;

23 “(C) teachers from public charter schools,
24 traditional public schools, and career and tech-
25 nical educators;

1 “(D) parents;

2 “(E) members of local school boards;

3 “(F) representatives of private school chil-
4 dren; and

5 “(G) specialized instructional support per-
6 sonnel.

7 “(3) *DUTIES.*—*The duties of such committee*
8 *shall include a review, before publication, of any pro-*
9 *posed or final State rule or regulation pursuant to*
10 *this title. In an emergency situation where such rule*
11 *or regulation must be issued within a very limited*
12 *time to assist local educational agencies with the op-*
13 *eration of the program under this title, the State edu-*
14 *cational agency may issue a regulation without prior*
15 *consultation, but shall immediately thereafter convene*
16 *the State committee of practitioners to review the*
17 *emergency regulation before issuance in final form.*

18 **“SEC. 1404. RULE OF CONSTRUCTION ON EQUALIZED**
19 **SPENDING.**

20 *“Nothing in this title shall be construed to mandate*
21 *equalized spending per pupil for a State, local educational*
22 *agency, or school.”.*

1 **TITLE II—GENERAL PROVISIONS**
2 **FOR THE ACT**

3 **SEC. 201. GENERAL PROVISIONS FOR THE ACT.**

4 (a) *AMENDING TITLE V.—Title V (20 U.S.C. 7201 et*
5 *seq.) is amended to read as follows:*

6 *“TITLE V—GENERAL PROVISIONS*

7 *“PART A—DEFINITIONS*

8 *“SEC. 5101. DEFINITIONS.*

9 *“Except as otherwise provided, in this Act:*

10 *“(1) AVERAGE DAILY ATTENDANCE.—*

11 *“(A) IN GENERAL.—Except as provided oth-*
12 *erwise by State law or this paragraph, the term*
13 *‘average daily attendance’ means—*

14 *“(i) the aggregate number of days of*
15 *attendance of all students during a school*
16 *year; divided by*

17 *“(ii) the number of days school is in*
18 *session during that year.*

19 *“(B) CONVERSION.—The Secretary shall*
20 *permit the conversion of average daily member-*
21 *ship (or other similar data) to average daily at-*
22 *tendance for local educational agencies in States*
23 *that provide State aid to local educational agen-*
24 *cies on the basis of average daily membership (or*
25 *other similar data).*

1 “(C) *SPECIAL RULE.*—If the local edu-
2 cational agency in which a child resides makes
3 a tuition or other payment for the free public
4 education of the child in a school located in an-
5 other school district, the Secretary shall, for the
6 purpose of this Act—

7 “(i) consider the child to be in attend-
8 ance at a school of the agency making the
9 payment; and

10 “(ii) not consider the child to be in at-
11 tendance at a school of the agency receiving
12 the payment.

13 “(D) *CHILDREN WITH DISABILITIES.*—If a
14 local educational agency makes a tuition pay-
15 ment to a private school or to a public school of
16 another local educational agency for a child with
17 a disability, as defined in section 602 of the In-
18 dividuals with Disabilities Education Act, the
19 Secretary shall, for the purpose of this Act, con-
20 sider the child to be in attendance at a school of
21 the agency making the payment.

22 “(2) *AVERAGE PER-PUPIL EXPENDITURE.*—The
23 term ‘average per-pupil expenditure’ means, in the
24 case of a State or of the United States—

1 “(A) without regard to the source of
2 funds—

3 “(i) the aggregate current expenditures,
4 during the third fiscal year preceding the
5 fiscal year for which the determination is
6 made (or, if satisfactory data for that year
7 are not available, during the most recent
8 preceding fiscal year for which satisfactory
9 data are available) of all local educational
10 agencies in the State or, in the case of the
11 United States, for all States (which, for the
12 purpose of this paragraph, means the 50
13 States and the District of Columbia); plus

14 “(ii) any direct current expenditures
15 by the State for the operation of those agen-
16 cies; divided by

17 “(B) the aggregate number of children in
18 average daily attendance to whom those agencies
19 provided free public education during that pre-
20 ceding year.

21 “(3) CHARTER SCHOOL.—The term ‘charter
22 school’ means a public school that—

23 “(A) in accordance with a specific State
24 statute authorizing the granting of charters to
25 schools, is exempt from significant State or local

1 *rules that inhibit the flexible operation and man-*
2 *agement of public schools, but not from any rules*
3 *relating to the other requirements of this para-*
4 *graph;*

5 *“(B) is created by a developer as a public*
6 *school, or is adapted by a developer from an ex-*
7 *isting public school, and is operated under pub-*
8 *lic supervision and direction;*

9 *“(C) operates in pursuit of a specific set of*
10 *educational objectives determined by the school’s*
11 *developer and agreed to by the authorized public*
12 *chartering agency;*

13 *“(D) provides a program of elementary or*
14 *secondary education, or both;*

15 *“(E) is nonsectarian in its programs, ad-*
16 *missions policies, employment practices, and all*
17 *other operations;*

18 *“(F) does not charge tuition;*

19 *“(G) complies with the Age Discrimination*
20 *Act of 1975, title VI of the Civil Rights Act of*
21 *1964, title IX of the Education Amendments of*
22 *1972, section 504 of the Rehabilitation Act of*
23 *1973, and part B of the Individuals with Dis-*
24 *abilities Education Act;*

1 “(H) is a school to which parents choose to
2 send their children, and that admits students on
3 the basis of a lottery, if more students apply for
4 admission than can be accommodated;

5 “(I) agrees to comply with the same Federal
6 and State audit requirements as do other elemen-
7 tary schools and secondary schools in the State,
8 unless such requirements are specifically waived
9 for the purpose of this program;

10 “(J) meets all applicable Federal, State,
11 and local health and safety requirements;

12 “(K) operates in accordance with State law;

13 “(L) has a written performance contract
14 with the authorized public chartering agency in
15 the State that includes a description of how stu-
16 dent performance will be measured in charter
17 schools pursuant to State assessments that are
18 required of other schools and pursuant to any
19 other assessments mutually agreeable to the au-
20 thorized public chartering agency and the char-
21 ter school; and

22 “(M) may serve pre-kindergarten or postsec-
23 ondary school students.

1 “(4) *CHILD*.—The term ‘child’ means any person
2 within the age limits for which the State provides free
3 public education.

4 “(5) *CHILD WITH A DISABILITY*.—The term
5 ‘child with a disability’ has the same meaning given
6 that term in section 602 of the *Individuals with Dis-*
7 *abilities Education Act*.

8 “(6) *COMMUNITY-BASED ORGANIZATION*.—The
9 term ‘community-based organization’ means a public
10 or private nonprofit organization of demonstrated ef-
11 fectiveness that—

12 “(A) is representative of a community or
13 significant segments of a community; and

14 “(B) provides educational or related services
15 to individuals in the community.

16 “(7) *CONSOLIDATED LOCAL APPLICATION*.—The
17 term ‘consolidated local application’ means an appli-
18 cation submitted by a local educational agency pursu-
19 ant to section 5305.

20 “(8) *CONSOLIDATED LOCAL PLAN*.—The term
21 ‘consolidated local plan’ means a plan submitted by
22 a local educational agency pursuant to section 5305.

23 “(9) *CONSOLIDATED STATE APPLICATION*.—The
24 term ‘consolidated State application’ means an appli-

1 *cation submitted by a State educational agency pur-*
2 *suant to section 5302.*

3 “(10) *CONSOLIDATED STATE PLAN.*—*The term*
4 *‘consolidated State plan’ means a plan submitted by*
5 *a State educational agency pursuant to section 5302.*

6 “(11) *CORE ACADEMIC SUBJECTS.*—*The term*
7 *‘core academic subjects’ means English, reading or*
8 *language arts, mathematics, science, foreign lan-*
9 *guages, civics and government, economics, arts, his-*
10 *tory, and geography.*

11 “(12) *COUNTY.*—*The term ‘county’ means one of*
12 *the divisions of a State used by the Secretary of Com-*
13 *merce in compiling and reporting data regarding*
14 *counties.*

15 “(13) *COVERED PROGRAM.*—*The term ‘covered*
16 *program’ means each of the programs authorized*
17 *by—*

18 “(A) *part A of title I;*

19 “(B) *title II; and*

20 “(C) *title III.*

21 “(14) *CURRENT EXPENDITURES.*—*The term ‘cur-*
22 *rent expenditures’ means expenditures for free public*
23 *education—*

24 “(A) *including expenditures for administra-*
25 *tion, instruction, attendance and health services,*

1 *pupil transportation services, operation and*
2 *maintenance of plant, fixed charges, and net ex-*
3 *penditures to cover deficits for food services and*
4 *student body activities; but*

5 *“(B) not including expenditures for commu-*
6 *nity services, capital outlay, and debt service, or*
7 *any expenditures made from funds received*
8 *under title I.*

9 *“(15) DEPARTMENT.—The term ‘Department’*
10 *means the Department of Education.*

11 *“(16) DIRECT STUDENT SERVICES.—The term*
12 *‘direct student services’ means public school choice or*
13 *high-quality academic tutoring that are designed to*
14 *help increase academic achievement for students.*

15 *“(17) DISTANCE EDUCATION.—The term ‘dis-*
16 *tance education’ means the use of one or more tech-*
17 *nologies to deliver instruction to students who are*
18 *separated from the instructor and to support regular*
19 *and substantive interaction between the students and*
20 *the instructor synchronously or nonsynchronously.*

21 *“(18) EDUCATIONAL SERVICE AGENCY.—The*
22 *term ‘educational service agency’ means a regional*
23 *public multiservice agency authorized by State statute*
24 *to develop, manage, and provide services or programs*
25 *to local educational agencies.*

1 “(19) *ELEMENTARY SCHOOL*.—The term ‘*elemen-*
2 *tary school*’ means a nonprofit institutional day or
3 *residential school, including a public elementary*
4 *charter school, that provides elementary education, as*
5 *determined under State law.*

6 “(20) *ENGLISH LEARNER*.—The term ‘*English*
7 *learner*’, when used with respect to an individual,
8 *means an individual—*

9 “(A) *who is aged 3 through 21;*

10 “(B) *who is enrolled or preparing to enroll*
11 *in an elementary school or secondary school;*

12 “(C)(i) *who was not born in the United*
13 *States or whose native language is a language*
14 *other than English;*

15 “(ii)(I) *who is a Native American or Alaska*
16 *Native, or a native resident of the outlying*
17 *areas; and*

18 “(II) *who comes from an environment*
19 *where a language other than English has had a*
20 *significant impact on the individual’s level of*
21 *English language proficiency; or*

22 “(iii) *who is migratory, whose native*
23 *language is a language other than English,*
24 *and who comes from an environment where*

1 *a language other than English is dominant;*
2 *and*

3 “(D) *whose difficulties in speaking, reading,*
4 *writing, or understanding the English language*
5 *may be sufficient to deny the individual—*

6 “(i) *the ability to meet the State’s aca-*
7 *demical standards described in section 1111;*

8 “(ii) *the ability to successfully achieve*
9 *in classrooms where the language of instruc-*
10 *tion is English; or*

11 “(iii) *the opportunity to participate*
12 *fully in society.*

13 “(21) *EXTENDED-YEAR ADJUSTED COHORT*
14 *GRADUATION RATE.—*

15 “(A) *IN GENERAL.—The term ‘extended-*
16 *year adjusted cohort graduation rate’ means the*
17 *ratio where—*

18 “(i) *the denominator consists of the*
19 *number of students who form the original*
20 *cohort of students who entered the entry*
21 *grade together in the entry year of high*
22 *school, adjusted by—*

23 “(I) *adding the students who*
24 *joined that cohort, after the time of the*

1 *determination of the original cohort;*
2 *and*

3 “(II) *subtracting only those stu-*
4 *dents who left that cohort, after the*
5 *time of the determination of the origi-*
6 *nal cohort; and*

7 “(ii) *the numerator consists of the*
8 *number of students in the cohort, as ad-*
9 *justed under clause (i), who earned a reg-*
10 *ular high school diploma before, during, or*
11 *at the conclusion of—*

12 “(I) *one or more additional years*
13 *beyond the fourth year of high school;*
14 *or*

15 “(II) *a summer session imme-*
16 *diately following the additional year of*
17 *high school.*

18 “(B) *COHORT REMOVAL.—To remove a stu-*
19 *dent from a cohort, a school or local educational*
20 *agency shall require documentation to confirm*
21 *that the student has transferred out, emigrated to*
22 *another country, transferred to a prison or juve-*
23 *nile facility, or is deceased.*

24 “(C) *TRANSFERRED OUT.—*

1 “(i) *IN GENERAL.*—For purposes of
2 this paragraph, the term ‘transferred out’
3 means a student who the high school or
4 local educational agency has confirmed, ac-
5 cording to clause (ii), has transferred—

6 “(I) to another school from which
7 the student is expected to receive a reg-
8 ular high school diploma; or

9 “(II) to another educational pro-
10 gram from which the student is ex-
11 pected to receive a regular high school
12 diploma.

13 “(ii) *CONFIRMATION REQUIRE-*
14 *MENTS.*—

15 “(I) *DOCUMENTATION RE-*
16 *QUIRED.*—The confirmation of a stu-
17 dent’s transfer to another school or
18 educational program described in
19 clause (i) requires documentation from
20 the receiving school or program that
21 the student enrolled in the receiving
22 school or program.

23 “(II) *LACK OF CONFIRMATION.*—A
24 student who was enrolled, but for
25 whom there is no confirmation of the

1 *student having transferred out, shall*
2 *remain in the extended-year adjusted*
3 *cohort.*

4 “(iii) *PROGRAMS NOT PROVIDING*
5 *CREDIT.—A student who is retained in*
6 *grade or who is enrolled in a GED or other*
7 *alternative educational program that does*
8 *not issue or provide credit toward the*
9 *issuance of a regular high school diploma*
10 *shall not be considered transferred out and*
11 *shall remain in the extended-year adjusted*
12 *cohort.*

13 “(D) *SPECIAL RULE.—For those high*
14 *schools that start after grade 9, the original co-*
15 *hort shall be calculated for the earliest high*
16 *school grade students attend no later than the ef-*
17 *fective date for student membership data sub-*
18 *mitted annually by State educational agencies to*
19 *the National Center for Education Statistics*
20 *pursuant to section 153 of the Education*
21 *Sciences Reform Act.*

22 “(22) *FAMILY LITERACY SERVICES.—The term*
23 *‘family literacy services’ means services provided to*
24 *participants on a voluntary basis that are of suffi-*
25 *cient intensity in terms of hours, and of sufficient du-*

1 *ration, to make sustainable changes in a family, and*
2 *that integrate all of the following activities:*

3 *“(A) Interactive literacy activities between*
4 *parents and their children.*

5 *“(B) Training for parents regarding how to*
6 *be the primary teacher for their children and full*
7 *partners in the education of their children.*

8 *“(C) Parent literacy training that leads to*
9 *economic self-sufficiency.*

10 *“(D) An age-appropriate education to pre-*
11 *pare children for success in school and life expe-*
12 *riences.*

13 *“(23) FOUR-YEAR ADJUSTED COHORT GRADUA-*
14 *TION RATE.—*

15 *“(A) IN GENERAL.—The term ‘four-year ad-*
16 *justed cohort graduation rate’ means the ratio*
17 *where—*

18 *“(i) the denominator consists of the*
19 *number of students who form the original*
20 *cohort of entering first-time 9th grade stu-*
21 *dents enrolled in the high school no later*
22 *than the effective date for student member-*
23 *ship data submitted annually by State edu-*
24 *cational agencies to the National Center for*
25 *Education Statistics pursuant to section*

1 *153 of the Education Sciences Reform Act,*
2 *adjusted by—*

3 *“(I) adding the students who*
4 *joined that cohort, after the time of the*
5 *determination of the original cohort;*
6 *and*

7 *“(II) subtracting only those stu-*
8 *dents who left that cohort, after the*
9 *time of the determination of the origi-*
10 *nal cohort, as described in subpara-*
11 *graph (B); and*

12 *“(ii) the numerator consists of the*
13 *number of students in the cohort, as ad-*
14 *justed under clause (i), who earned a reg-*
15 *ular high school diploma before, during, or*
16 *at the conclusion of—*

17 *“(I) the fourth year of high school;*

18 *or*

19 *“(II) a summer session imme-*
20 *diately following the fourth year of*
21 *high school.*

22 *“(B) COHORT REMOVAL.—To remove a stu-*
23 *dent from a cohort, a school or local educational*
24 *agency shall require documentation to confirm*
25 *that the student has transferred out, emigrated to*

1 *another country, transferred to a prison or juve-*
2 *nile facility, or is deceased.*

3 “(C) *TRANSFERRED OUT.*—

4 “(i) *IN GENERAL.*—*For purposes of*
5 *this paragraph, the term ‘transferred out’*
6 *means a student who the high school or*
7 *local educational agency has confirmed, ac-*
8 *cording to clause (ii), has transferred—*

9 “(I) *to another school from which*
10 *the student is expected to receive a reg-*
11 *ular high school diploma; or*

12 “(II) *to another educational pro-*
13 *gram from which the student is ex-*
14 *pected to receive a regular high school*
15 *diploma.*

16 “(ii) *CONFIRMATION REQUIRE-*
17 *MENTS.*—

18 “(I) *DOCUMENTATION RE-*
19 *QUIRED.*—*The confirmation of a stu-*
20 *dent’s transfer to another school or*
21 *educational program described in*
22 *clause (i) requires documentation from*
23 *the receiving school or program that*
24 *the student enrolled in the receiving*
25 *school or program.*

1 “(II) *LACK OF CONFIRMATION.*—A
2 *student who was enrolled, but for*
3 *whom there is no confirmation of the*
4 *student having transferred out, shall*
5 *remain in the adjusted cohort.*

6 “(iii) *PROGRAMS NOT PROVIDING*
7 *CREDIT.*—A *student who is retained in*
8 *grade or who is enrolled in a GED or other*
9 *alternative educational program that does*
10 *not issue or provide credit toward the*
11 *issuance of a regular high school diploma*
12 *shall not be considered transferred out and*
13 *shall remain in the adjusted cohort.*

14 “(D) *SPECIAL RULE.*—*For those high*
15 *schools that start after grade 9, the original co-*
16 *hort shall be calculated for the earliest high*
17 *school grade students attend no later than the ef-*
18 *fective date for student membership data sub-*
19 *mitted annually by State educational agencies to*
20 *the National Center for Education Statistics*
21 *pursuant to section 153 of the Education*
22 *Sciences Reform Act.*

23 “(24) *FREE PUBLIC EDUCATION.*—*The term ‘free*
24 *public education’ means education that is provided—*

1 “(A) at public expense, under public super-
2 vision and direction, and without tuition charge;
3 and

4 “(B) as elementary school or secondary
5 school education as determined under applicable
6 State law, except that the term does not include
7 any education provided beyond grade 12.

8 “(25) GRADUATION RATE.—The term ‘gradua-
9 tion rate’ means the adjusted cohort graduation rate.

10 “(26) HIGH-QUALITY ACADEMIC TUTORING.—The
11 term ‘high-quality academic tutoring’ means supple-
12 mental academic services that—

13 “(A) are in addition to instruction provided
14 during the school day;

15 “(B) are provided by a non-governmental
16 entity or local educational agency that—

17 “(i) is included on a State educational
18 agency approved provider list after dem-
19 onstrating to the State educational agency
20 that its program consistently improves the
21 academic achievement of students; and

22 “(ii) agrees to provide parents of chil-
23 dren receiving high-quality academic tutor-
24 ing, the appropriate local educational agen-
25 cy, and school with information on partici-

1 *pating students increases in academic*
2 *achievement, in a format, and to the extent*
3 *practicable, a language that such parent*
4 *can understand, and in a manner that pro-*
5 *TECTS the privacy of individuals consistent*
6 *with section 444 of the General Education*
7 *Provisions Act (20 U.S.C. 1232g);*

8 *“(C) are selected by the parents of students*
9 *who are identified by the local educational agen-*
10 *cy as being eligible for such services from among*
11 *providers on the approved provider list described*
12 *in subparagraph (B)(i);*

13 *“(D) meet all applicable Federal, State, and*
14 *local health, safety, and civil rights laws; and*

15 *“(E) ensure that all instruction and content*
16 *are secular, neutral, and non-ideological.*

17 *“(27) HIGH SCHOOL.—The term ‘high school’*
18 *means a secondary school that—*

19 *“(A) grants a diploma, as defined by the*
20 *State; and*

21 *“(B) includes, at least, grade 12.*

22 *“(28) INSTITUTION OF HIGHER EDUCATION.—*
23 *The term ‘institution of higher education’ has the*
24 *meaning given that term in section 101(a) of the*
25 *Higher Education Act of 1965.*

1 “(29) *LOCAL EDUCATIONAL AGENCY.*—

2 “(A) *IN GENERAL.*—*The term ‘local edu-*
3 *cational agency’ means a public board of edu-*
4 *cation or other public authority legally con-*
5 *stituted within a State for either administrative*
6 *control or direction of, or to perform a service*
7 *function for, public elementary schools or sec-*
8 *ondary schools in a city, county, township,*
9 *school district, or other political subdivision of a*
10 *State, or of or for a combination of school dis-*
11 *tricts or counties that is recognized in a State as*
12 *an administrative agency for its public elemen-*
13 *tary schools or secondary schools.*

14 “(B) *ADMINISTRATIVE CONTROL AND DI-*
15 *RECTION.*—*The term includes any other public*
16 *institution or agency having administrative con-*
17 *trol and direction of a public elementary school*
18 *or secondary school.*

19 “(C) *BIE SCHOOLS.*—*The term includes an*
20 *elementary school or secondary school funded by*
21 *the Bureau of Indian Education but only to the*
22 *extent that including the school makes the school*
23 *eligible for programs for which specific eligibility*
24 *is not provided to the school in another provision*
25 *of law and the school does not have a student*

1 *population that is smaller than the student pop-*
2 *ulation of the local educational agency receiving*
3 *assistance under this Act with the smallest stu-*
4 *dent population, except that the school shall not*
5 *be subject to the jurisdiction of any State edu-*
6 *cational agency other than the Bureau of Indian*
7 *Education.*

8 “(D) *EDUCATIONAL SERVICE AGENCIES.*—
9 *The term includes educational service agencies*
10 *and consortia of those agencies.*

11 “(E) *STATE EDUCATIONAL AGENCY.*—*The*
12 *term includes the State educational agency in a*
13 *State in which the State educational agency is*
14 *the sole educational agency for all public schools.*

15 “(30) *NATIVE AMERICAN AND NATIVE AMERICAN*
16 *LANGUAGE.*—*The terms ‘Native American’ and ‘Na-*
17 *tive American language’ have the same meaning given*
18 *those terms in section 103 of the Native American*
19 *Languages Act of 1990.*

20 “(31) *OTHER STAFF.*—*The term ‘other staff’*
21 *means specialized instructional support personnel, li-*
22 *brarians, career guidance and counseling personnel,*
23 *education aides, and other instructional and adminis-*
24 *trative personnel.*

1 “(32) *OUTLYING AREA*.—*The term ‘outlying*
2 *area’—*

3 “(A) *means American Samoa, the Common-*
4 *wealth of the Northern Mariana Islands, Guam,*
5 *and the United States Virgin Islands;*

6 “(B) *means the Republic of Palau, to the*
7 *extent permitted under section 105(f)(1)(B)(ix)*
8 *of the Compact of Free Association Amendments*
9 *Act of 2003 (Public Law 99–658; 117 Stat.*
10 *2751) and until an agreement for the extension*
11 *of United States education assistance under the*
12 *Compact of Free Association becomes effective for*
13 *the Republic of Palau; and*

14 “(C) *for the purpose of any discretionary*
15 *grant program under this Act, includes the Re-*
16 *public of the Marshall Islands and the Federated*
17 *States of Micronesia, to the extent permitted*
18 *under section 105(f)(1)(B)(viii) of the Compact*
19 *of Free Association Amendments Act of 2003*
20 *(Public Law 108–188; 117 Stat. 2751).*

21 “(33) *PARENT*.—*The term ‘parent’ includes a*
22 *legal guardian or other person standing in loco*
23 *parentis (such as a grandparent or stepparent with*
24 *whom the child lives, or a person who is legally re-*
25 *sponsible for the child’s welfare).*

1 “(34) *PARENTAL INVOLVEMENT.*—*The term ‘pa-*
2 *rental involvement’ means the participation of par-*
3 *ents in regular, two-way, and meaningful commu-*
4 *nication involving student academic learning and*
5 *other school activities, including ensuring—*

6 “(A) *that parents play an integral role in*
7 *assisting in their child’s learning;*

8 “(B) *that parents are encouraged to be ac-*
9 *tively involved in their child’s education at*
10 *school;*

11 “(C) *that parents are full partners in their*
12 *child’s education and are included, as appro-*
13 *priate, in decisionmaking and on advisory com-*
14 *mittees to assist in the education of their child;*
15 *and*

16 “(D) *the carrying out of other activities,*
17 *such as those described in section 1118.*

18 “(35) *POVERTY LINE.*—*The term ‘poverty line’*
19 *means the poverty line (as defined by the Office of*
20 *Management and Budget and revised annually in ac-*
21 *cordance with section 673(2) of the Community Serv-*
22 *ices Block Grant Act) applicable to a family of the*
23 *size involved.*

24 “(36) *PROFESSIONAL DEVELOPMENT.*—*The term*
25 *‘professional development’—*

1 “(A) includes activities that—

2 “*(i) improve and increase teachers’*
3 *knowledge of the academic subjects the*
4 *teachers teach, and enable teachers to be-*
5 *come effective educators;*

6 “*(ii) are an integral part of broad*
7 *schoolwide and districtwide educational im-*
8 *provement plans;*

9 “*(iii) give teachers, school leaders,*
10 *other staff, and administrators the knowl-*
11 *edge and skills to provide students with the*
12 *opportunity to meet State academic stand-*
13 *ards;*

14 “*(iv) improve classroom management*
15 *skills;*

16 “*(v)(I) are high quality, job-embedded,*
17 *and continuous in order to have a positive*
18 *and lasting impact on classroom instruction*
19 *and the teacher’s performance in the class-*
20 *room; and*

21 “*(II) are not 1-day or short-term work-*
22 *shops or conferences;*

23 “*(vi) support the recruiting, hiring,*
24 *and training of effective teachers, including*
25 *teachers who became certified or licensed*

1 *through State and local alternative routes to*
2 *certification;*

3 “(vii) *advance teacher understanding*
4 *of effective instructional strategies that*
5 *are—*

6 “(I) *evidence-based; and*

7 “(II) *strategies for improving stu-*
8 *dent academic achievement or substan-*
9 *tially increasing the knowledge and*
10 *teaching skills of teachers, including*
11 *through addressing the social and emo-*
12 *tional development needs of students;*
13 *and*

14 “(viii) *are aligned with and directly*
15 *related to—*

16 “(I) *State academic standards*
17 *and assessments; and*

18 “(II) *the curricula and programs*
19 *tied to the standards described in sub-*
20 *clause (I);*

21 “(ix) *are developed with extensive par-*
22 *ticipation of teachers, school leaders, par-*
23 *ents, and administrators of schools to be*
24 *served under this Act;*

1 “(x) are designed to give teachers of
2 *English learners and other teachers and in-*
3 *structional staff, the knowledge and skills to*
4 *provide instruction and appropriate lan-*
5 *guage and academic support services to*
6 *those children, including the appropriate*
7 *use of curricula and assessments;*

8 “(xi) to the extent appropriate, provide
9 *training for teachers, other staff, and school*
10 *leaders in the use of technology so that tech-*
11 *nology and technology applications are ef-*
12 *fectively used to improve teaching and*
13 *learning in the curricula and core academic*
14 *subjects in which the students receive in-*
15 *struction;*

16 “(xii) as a whole, are regularly evalu-
17 *ated for their impact on increased teacher*
18 *effectiveness and improved student academic*
19 *achievement, with the findings of the eval-*
20 *uations used to improve the quality of the*
21 *professional development;*

22 “(xiii) provide instruction in methods
23 *of teaching children with special needs;*

1 “(xiv) include instruction in the use of
2 data and assessments to inform and in-
3 struct classroom practice; and

4 “(xv) include instruction in ways that
5 teachers, school leaders, specialized instruc-
6 tional support personnel, other staff, and
7 school administrators may work more effec-
8 tively with parents; and

9 “(B) may include activities that—

10 “(i) involve the forming of partner-
11 ships with institutions of higher education
12 to establish school-based teacher training
13 programs that provide prospective teachers
14 and new teachers with an opportunity to
15 work under the guidance of experienced
16 teachers and college faculty;

17 “(ii) create programs to enable para-
18 professionals (assisting teachers employed
19 by a local educational agency receiving as-
20 sistance under subpart 1 of part A of title
21 I) to obtain the education necessary for
22 those paraprofessionals to become certified
23 and licensed teachers; and

24 “(iii) provide follow-up training to in-
25 dividuals who have participated in activi-

1 *ties described in subparagraph (A) or an-*
2 *other clause of this subparagraph that are*
3 *designed to ensure that the knowledge and*
4 *skills learned by the teachers are imple-*
5 *mented in the classroom.*

6 *“(37) REGULAR HIGH SCHOOL DIPLOMA.—*

7 *“(A) IN GENERAL.—The term ‘regular high*
8 *school diploma’ means the standard high school*
9 *diploma awarded to the preponderance of stu-*
10 *dents in the State that is fully aligned with*
11 *State standards, or a higher diploma. Such term*
12 *shall not include a GED or other recognized*
13 *equivalent of a diploma, a certificate of attend-*
14 *ance, or any lesser diploma award.*

15 *“(B) EXCEPTION FOR STUDENTS WITH SIG-*
16 *NIFICANT COGNITIVE DISABILITIES.—For a stu-*
17 *dent who is assessed using an alternate assess-*
18 *ment aligned to alternate academic standards*
19 *under section 1111(b)(1)(D), receipt of a regular*
20 *high school diploma as defined under subpara-*
21 *graph (A) or a State-defined alternate diploma*
22 *obtained within the time period for which the*
23 *State ensures the availability of a free appro-*
24 *priate public education and in accordance with*
25 *section 612(a)(1) of the Individuals with Dis-*

1 *abilities Education Act shall be counted as grad-*
2 *uating with a regular high school diploma for*
3 *the purposes of this Act.*

4 “(38) *SCHOOL LEADER.*—*The term ‘school lead-*
5 *er’ means a principal, assistant principal, or other*
6 *individual who is—*

7 “(A) *an employee or officer of a school, local*
8 *educational agency, or other entity operating the*
9 *school; and*

10 “(B) *responsible for—*

11 “(i) *the daily instructional leadership*
12 *and managerial operations of the school;*
13 *and*

14 “(ii) *creating the optimum conditions*
15 *for student learning.*

16 “(39) *SECONDARY SCHOOL.*—*The term ‘sec-*
17 *ondary school’ means a nonprofit institutional day or*
18 *residential school, including a public secondary char-*
19 *ter school, that provides secondary education, as de-*
20 *termined under State law, except that the term does*
21 *not include any education beyond grade 12.*

22 “(40) *SECRETARY.*—*The term ‘Secretary’ means*
23 *the Secretary of Education.*

1 “(41) *SPECIALIZED INSTRUCTIONAL SUPPORT*
2 *PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT*
3 *SERVICES.—*

4 “(A) *SPECIALIZED INSTRUCTIONAL SUP-*
5 *PORT PERSONNEL.—The term ‘specialized in-*
6 *structional support personnel’ means school*
7 *counselors, school social workers, school psycholo-*
8 *gists, and other qualified professional personnel*
9 *involved in providing assessment, diagnosis,*
10 *counseling, educational, therapeutic, and other*
11 *necessary services (including related services as*
12 *that term is defined in section 602 of the Indi-*
13 *viduals with Disabilities Education Act) as part*
14 *of a comprehensive program to meet student*
15 *needs.*

16 “(B) *SPECIALIZED INSTRUCTIONAL SUP-*
17 *PORT SERVICES.—The term ‘specialized instruc-*
18 *tional support services’ means the services pro-*
19 *vided by specialized instructional support per-*
20 *sonnel.*

21 “(42) *STATE.—The term ‘State’ means each of*
22 *the 50 States, the District of Columbia, the Common-*
23 *wealth of Puerto Rico, and each of the outlying areas.*

24 “(43) *STATE EDUCATIONAL AGENCY.—The term*
25 *‘State educational agency’ means the agency pri-*

1 *marily responsible for the State supervision of public*
2 *elementary schools and secondary schools.*

3 “(44) *TECHNOLOGY.*—*The term ‘technology’*
4 *means modern information, computer and commu-*
5 *nication technology products, services, or tools, in-*
6 *cluding, but not limited to, the Internet and other*
7 *communications networks, computer devices and other*
8 *computer and communications hardware, software*
9 *applications, data systems, and other electronic con-*
10 *tent and data storage.*

11 **“SEC. 5102. APPLICABILITY OF TITLE.**

12 *“Parts B, C, D, and E of this title do not apply to*
13 *title IV of this Act.*

14 **“SEC. 5103. APPLICABILITY TO BUREAU OF INDIAN EDU-**
15 **CATION OPERATED SCHOOLS.**

16 *“For the purpose of any competitive program under*
17 *this Act—*

18 *“(1) a consortium of schools operated by the Bu-*
19 *reau of Indian Education;*

20 *“(2) a school operated under a contract or grant*
21 *with the Bureau of Indian Education in consortium*
22 *with another contract or grant school or a tribal or*
23 *community organization; or*

24 *“(3) a Bureau of Indian Education school in*
25 *consortium with an institution of higher education, a*

1 *contract or grant school, or a tribal or community or-*
2 *ganization,*
3 *shall be given the same consideration as a local educational*
4 *agency.*

5 ***“PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE***
6 ***AND OTHER FUNDS***

7 ***“SEC. 5201. CONSOLIDATION OF STATE ADMINISTRATIVE***
8 ***FUNDS FOR ELEMENTARY AND SECONDARY***
9 ***EDUCATION PROGRAMS.***

10 ***“(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—***

11 ***“(1) IN GENERAL.—A State educational agency***
12 ***may consolidate the amounts specifically made avail-***
13 ***able to it for State administration under one or more***
14 ***of the programs under paragraph (2).***

15 ***“(2) APPLICABILITY.—This section applies to***
16 ***any program under this Act under which funds are***
17 ***authorized to be used for administration, and such***
18 ***other programs as the Secretary may designate.***

19 ***“(b) USE OF FUNDS.—***

20 ***“(1) IN GENERAL.—A State educational agency***
21 ***shall use the amount available under this section for***
22 ***the administration of the programs included in the***
23 ***consolidation under subsection (a).***

24 ***“(2) ADDITIONAL USES.—A State educational***
25 ***agency may also use funds available under this sec-***

1 *tion for administrative activities designed to enhance*
2 *the effective and coordinated use of funds under pro-*
3 *grams included in the consolidation under subsection*
4 *(a), such as—*

5 *“(A) the coordination of those programs*
6 *with other Federal and non-Federal programs;*

7 *“(B) the establishment and operation of*
8 *peer-review mechanisms under this Act;*

9 *“(C) the administration of this title;*

10 *“(D) the dissemination of information re-*
11 *garding model programs and practices;*

12 *“(E) technical assistance under any pro-*
13 *gram under this Act;*

14 *“(F) State-level activities designed to carry*
15 *out this title;*

16 *“(G) training personnel engaged in audit*
17 *and other monitoring activities; and*

18 *“(H) implementation of the Cooperative*
19 *Audit Resolution and Oversight Initiative of the*
20 *Department.*

21 *“(c) RECORDS.—A State educational agency that con-*
22 *solidates administrative funds under this section shall not*
23 *be required to keep separate records, by individual program,*
24 *to account for costs relating to the administration of pro-*
25 *grams included in the consolidation under subsection (a).*

1 “(d) *REVIEW.*—To determine the effectiveness of State
2 administration under this section, the Secretary may peri-
3 odically review the performance of State educational agen-
4 cies in using consolidated administrative funds under this
5 section and take such steps as the Secretary finds appro-
6 priate to ensure the effectiveness of that administration.

7 “(e) *UNUSED ADMINISTRATIVE FUNDS.*—If a State
8 educational agency does not use all of the funds available
9 to the agency under this section for administration, the
10 agency may use those funds during the applicable period
11 of availability as funds available under one or more pro-
12 grams included in the consolidation under subsection (a).

13 “(f) *CONSOLIDATION OF FUNDS FOR STANDARDS AND*
14 *ASSESSMENT DEVELOPMENT.*—In order to develop State
15 academic standards and assessments, a State educational
16 agency may consolidate the amounts described in subsection
17 (a) for those purposes under title I.

18 **“SEC. 5202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

19 “A State educational agency that also serves as a local
20 educational agency shall, in its applications or plans under
21 this Act, describe how the agency will eliminate duplication
22 in conducting administrative functions.

23 **“SEC. 5203. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**
24 **OF THE INTERIOR FUNDS.**

25 “(a) *GENERAL AUTHORITY.*—

1 “(1) *TRANSFER.*—*The Secretary shall transfer to*
2 *the Department of the Interior, as a consolidated*
3 *amount for covered programs, the Indian education*
4 *programs under subpart 6 of part A of title I, and*
5 *the education for homeless children and youth pro-*
6 *gram under subtitle B of title VII of the McKinney-*
7 *Vento Homeless Assistance Act, the amounts allotted*
8 *to the Department of the Interior under those pro-*
9 *grams.*

10 “(2) *AGREEMENT.*—

11 “(A) *IN GENERAL.*—*The Secretary and the*
12 *Secretary of the Interior shall enter into an*
13 *agreement, consistent with the requirements of*
14 *the programs specified in paragraph (1), for the*
15 *distribution and use of those program funds*
16 *under terms that the Secretary determines best*
17 *meet the purposes of those programs.*

18 “(B) *CONTENTS.*—*The agreement shall—*

19 “(i) *set forth the plans of the Secretary*
20 *of the Interior for the use of the amount*
21 *transferred and the achievement measures to*
22 *assess program effectiveness; and*

23 “(ii) *be developed in consultation with*
24 *Indian tribes.*

1 “(b) *ADMINISTRATION.*—*The Department of the Inte-*
 2 *rior may use not more than 1.5 percent of the funds consoli-*
 3 *dated under this section for its costs related to the adminis-*
 4 *tration of the funds transferred under this section.*

5 “*PART C—COORDINATION OF PROGRAMS; CONSOLIDATED*
 6 *STATE AND LOCAL PLANS AND APPLICATIONS*

7 “**SEC. 5301. PURPOSES.**

8 “*The purposes of this part are—*

9 “(1) *to improve teaching and learning by en-*
 10 *couraging greater cross-program coordination, plan-*
 11 *ning, and service delivery;*

12 “(2) *to provide greater flexibility to State and*
 13 *local authorities through consolidated plans, applica-*
 14 *tions, and reporting; and*

15 “(3) *to enhance the integration of programs*
 16 *under this Act with State and local programs.*

17 “**SEC. 5302. OPTIONAL CONSOLIDATED STATE PLANS OR AP-**
 18 **PLICATIONS.**

19 “(a) *GENERAL AUTHORITY.*—

20 “(1) *SIMPLIFICATION.*—*In order to simplify ap-*
 21 *plication requirements and reduce the burden for*
 22 *State educational agencies under this Act, the Sec-*
 23 *retary, in accordance with subsection (b), shall estab-*
 24 *lish procedures and criteria under which, after con-*
 25 *sultation with the Governor, a State educational*

1 *agency may submit a consolidated State plan or a*
2 *consolidated State application meeting the require-*
3 *ments of this section for—*

4 *“(A) each of the covered programs in which*
5 *the State participates; and*

6 *“(B) such other programs as the Secretary*
7 *may designate.*

8 *“(2) CONSOLIDATED APPLICATIONS AND*
9 *PLANS.—After consultation with the Governor, a*
10 *State educational agency that submits a consolidated*
11 *State plan or a consolidated State application under*
12 *this section shall not be required to submit separate*
13 *State plans or applications under any of the pro-*
14 *grams to which the consolidated State plan or consoli-*
15 *dated State application under this section applies.*

16 *“(b) COLLABORATION.—*

17 *“(1) IN GENERAL.—In establishing criteria and*
18 *procedures under this section, the Secretary shall col-*
19 *laborate with State educational agencies and, as ap-*
20 *propriate, with other State agencies, local educational*
21 *agencies, public and private agencies, organizations,*
22 *and institutions, private schools, and parents, stu-*
23 *dents, and teachers.*

24 *“(2) CONTENTS.—Through the collaborative*
25 *process described in paragraph (1), the Secretary*

1 *shall establish, for each program under this Act to*
2 *which this section applies, the descriptions, informa-*
3 *tion, assurances, and other material required to be in-*
4 *cluded in a consolidated State plan or consolidated*
5 *State application.*

6 “(3) *NECESSARY MATERIALS.—The Secretary*
7 *shall require only descriptions, information, assur-*
8 *ances (including assurances of compliance with appli-*
9 *cable provisions regarding participation by private*
10 *school children and teachers), and other materials*
11 *that are absolutely necessary for the consideration of*
12 *the consolidated State plan or consolidated State ap-*
13 *plication.*

14 **“SEC. 5303. CONSOLIDATED REPORTING.**

15 “(a) *IN GENERAL.—In order to simplify reporting re-*
16 *quirements and reduce reporting burdens, the Secretary*
17 *shall establish procedures and criteria under which a State*
18 *educational agency, in consultation with the Governor of*
19 *the State, may submit a consolidated State annual report.*

20 “(b) *CONTENTS.—The report shall contain informa-*
21 *tion about the programs included in the report, including*
22 *the performance of the State under those programs, and*
23 *other matters as the Secretary determines are necessary,*
24 *such as monitoring activities.*

1 “(c) *REPLACEMENT.*—*The report shall replace separate individual annual reports for the programs included in the consolidated State annual report.*

4 “**SEC. 5304. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.**

6 “(a) *ASSURANCES.*—*A State educational agency, in consultation with the Governor of the State, that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 5302, shall have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted, that provides that—*

13 “(1) *each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;*

16 “(2)(A) *the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, an eligible private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and*

22 “(B) *the public agency, eligible private agency, institution, or organization, or Indian tribe will administer those funds and property to the extent required by the authorizing law;*

1 “(3) the State will adopt and use proper methods
2 of administering each such program, including—

3 “(A) the enforcement of any obligations im-
4 posed by law on agencies, institutions, organiza-
5 tions, and other recipients responsible for car-
6 rying out each program;

7 “(B) the correction of deficiencies in pro-
8 gram operations that are identified through au-
9 dits, monitoring, or evaluation; and

10 “(C) the adoption of written procedures for
11 the receipt and resolution of complaints alleging
12 violations of law in the administration of the
13 programs;

14 “(4) the State will cooperate in carrying out any
15 evaluation of each such program conducted by or for
16 the Secretary or other Federal officials;

17 “(5) the State will use such fiscal control and
18 fund accounting procedures that will ensure proper
19 disbursement of, and accounting for, Federal funds
20 paid to the State under each such program;

21 “(6) the State will—

22 “(A) make reports to the Secretary as may
23 be necessary to enable the Secretary to perform
24 the Secretary’s duties under each such program;
25 and

1 “(B) maintain such records, provide such
2 information to the Secretary, and afford such ac-
3 cess to the records as the Secretary may find nec-
4 essary to carry out the Secretary’s duties; and

5 “(7) before the plan or application was sub-
6 mitted to the Secretary, the State afforded a reason-
7 able opportunity for public comment on the plan or
8 application and considered such comment.

9 “(b) *GEPA PROVISION.*—Section 441 of the General
10 *Education Provisions Act shall not apply to programs*
11 *under this Act.*

12 **“SEC. 5305. CONSOLIDATED LOCAL PLANS OR APPLICA-**
13 **TIONS.**

14 “(a) *GENERAL AUTHORITY.*—

15 “(1) *CONSOLIDATED PLAN.*—A local educational
16 agency receiving funds under more than one covered
17 program may submit plans or applications to the
18 State educational agency under those programs on a
19 consolidated basis.

20 “(2) *AVAILABILITY TO GOVERNOR.*—The State
21 educational agency shall make any consolidated local
22 plans and applications available to the Governor.

23 “(b) *REQUIRED CONSOLIDATED PLANS OR APPLICA-*
24 *TIONS.*—A State educational agency that has an approved
25 consolidated State plan or application under section 5302

1 *may require local educational agencies in the State receiv-*
2 *ing funds under more than one program included in the*
3 *consolidated State plan or consolidated State application*
4 *to submit consolidated local plans or applications under*
5 *those programs, but may not require those agencies to sub-*
6 *mit separate plans.*

7 “(c) *COLLABORATION.*—*A State educational agency, in*
8 *consultation with the Governor, shall collaborate with local*
9 *educational agencies in the State in establishing procedures*
10 *for the submission of the consolidated State plans or consoli-*
11 *dated State applications under this section.*

12 “(d) *NECESSARY MATERIALS.*—*The State educational*
13 *agency shall require only descriptions, information, assur-*
14 *ances, and other material that are absolutely necessary for*
15 *the consideration of the local educational agency plan or*
16 *application.*

17 **“SEC. 5306. OTHER GENERAL ASSURANCES.**

18 “(a) *ASSURANCES.*—*Any applicant, other than a State*
19 *educational agency that submits a plan or application*
20 *under this Act, shall have on file with the State educational*
21 *agency a single set of assurances, applicable to each pro-*
22 *gram for which a plan or application is submitted, that*
23 *provides that—*

1 “(1) each such program will be administered in
2 accordance with all applicable statutes, regulations,
3 program plans, and applications;

4 “(2)(A) the control of funds provided under each
5 such program and title to property acquired with
6 program funds will be in a public agency or in an
7 eligible private agency, institution, organization, or
8 Indian tribe, if the law authorizing the program pro-
9 vides for assistance to those entities; and

10 “(B) the public agency, eligible private agency,
11 institution, or organization, or Indian tribe will ad-
12 minister the funds and property to the extent required
13 by the authorizing statutes;

14 “(3) the applicant will adopt and use proper
15 methods of administering each such program, includ-
16 ing—

17 “(A) the enforcement of any obligations im-
18 posed by law on agencies, institutions, organiza-
19 tions, and other recipients responsible for car-
20 rying out each program; and

21 “(B) the correction of deficiencies in pro-
22 gram operations that are identified through au-
23 dits, monitoring, or evaluation;

24 “(4) the applicant will cooperate in carrying out
25 any evaluation of each such program conducted by or

1 *for the State educational agency, the Secretary, or*
2 *other Federal officials;*

3 “(5) *the applicant will use such fiscal control*
4 *and fund accounting procedures as will ensure proper*
5 *disbursement of, and accounting for, Federal funds*
6 *paid to the applicant under each such program;*

7 “(6) *the applicant will—*

8 “(A) *submit such reports to the State edu-*
9 *cational agency (which shall make the reports*
10 *available to the Governor) and the Secretary as*
11 *the State educational agency and Secretary may*
12 *require to enable the State educational agency*
13 *and the Secretary to perform their duties under*
14 *each such program; and*

15 “(B) *maintain such records, provide such*
16 *information, and afford such access to the*
17 *records as the State educational agency (after*
18 *consultation with the Governor) or the Secretary*
19 *may reasonably require to carry out the State*
20 *educational agency’s or the Secretary’s duties;*
21 *and*

22 “(7) *before the application was submitted, the*
23 *applicant afforded a reasonable opportunity for pub-*
24 *lic comment on the application and considered such*
25 *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 *catational 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 Secretary*
12 *to waive any statutory or regulatory requirement of*
13 *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 statu-*
17 *tory or regulatory requirement of this Act for a State*
18 *educational agency, local educational agency, Indian*
19 *tribe, or school (through a local educational agency),*
20 *that submits a waiver request pursuant to this sub-*
21 *section.*

22 “(b) *PLAN.*—

23 “(1) *IN GENERAL.*—A State educational agency,
24 *local educational agency, or Indian tribe that desires*
25 *a waiver under this section shall submit a waiver re-*

1 *quest to the Secretary, which shall include a plan*
2 *that—*

3 “(A) *identifies the Federal programs af-*
4 *ected by the requested waiver;*

5 “(B) *describes which Federal statutory or*
6 *regulatory requirements are to be waived;*

7 “(C) *reasonably demonstrates that the waiv-*
8 *er will improve instruction for students and ad-*
9 *vance student academic achievement;*

10 “(D) *describes the methods the State edu-*
11 *cational agency, local educational agency, or In-*
12 *Indian tribe will use to monitor the effectiveness of*
13 *the implementation of the plan;*

14 “(E) *describes the State educational agency,*
15 *local educational agency, or Indian tribe’s proc-*
16 *ess for holding public schools accountable for stu-*
17 *dent academic achievement and intervening in*
18 *low performing schools; and*

19 “(F) *describes how schools will continue to*
20 *provide assistance to the same populations served*
21 *by programs for which the waiver is requested.*

22 “(2) *ADDITIONAL INFORMATION.—A waiver re-*
23 *quest under this section—*

24 “(A) *may provide for waivers of require-*
25 *ments applicable to State educational agencies,*

1 *local educational agencies, Indian tribes, and*
2 *schools; and*

3 “(B) shall be developed and submitted—

4 “(i)(I) by local educational agencies
5 *(on behalf of those agencies and schools) to*
6 *State educational agencies; and*

7 “(II) by State educational agencies (on
8 *their own behalf, or on behalf of, and based*
9 *on the requests of, local educational agencies*
10 *in the State) to the Secretary; or*

11 “(ii) by Indian tribes (on behalf of
12 *schools operated by the tribes) to the Sec-*
13 *retary.*

14 “(3) *GENERAL REQUIREMENTS.—*

15 “(A) *STATE EDUCATIONAL AGENCIES.—In*
16 *the case of a waiver request submitted by a State*
17 *educational agency acting on its own behalf, or*
18 *on behalf of local educational agencies in the*
19 *State, the State educational agency shall—*

20 “(i) provide the public and local edu-
21 *cational agencies in the State with notice*
22 *and a reasonable opportunity to comment*
23 *and provide input on the request;*

24 “(ii) submit the comments and input
25 *to the Secretary, with a description of how*

1 *the State addressed the comments and*
2 *input; and*

3 “(iii) *provide notice and a reasonable*
4 *time to comment to the public and local*
5 *educational agencies in the manner in*
6 *which the applying agency customarily pro-*
7 *vides similar notice and opportunity to*
8 *comment to the public.*

9 “(B) *LOCAL EDUCATIONAL AGENCIES.—In*
10 *the case of a waiver request submitted by a local*
11 *educational agency that receives funds under this*
12 *Act—*

13 “(i) *the request shall be reviewed by the*
14 *State educational agency and be accom-*
15 *panied by the comments, if any, of the State*
16 *educational agency and the public; and*

17 “(ii) *notice and a reasonable oppor-*
18 *tunity to comment regarding the waiver re-*
19 *quest shall be provided to the State edu-*
20 *cational agency and the public by the agen-*
21 *cy requesting the waiver in the manner in*
22 *which that agency customarily provides*
23 *similar notice and opportunity to comment*
24 *to the public.*

25 “(4) *PEER REVIEW.—*

1 “(A) *ESTABLISHMENT.*—*The Secretary shall*
2 *establish a multi-disciplinary peer review team*
3 *to review waiver requests under this section.*

4 “(B) *APPLICABILITY.*—*The Secretary may*
5 *approve a waiver request under this section*
6 *without conducting a peer review of the request,*
7 *but shall use the peer review process under this*
8 *paragraph before disapproving such a request.*

9 “(C) *STANDARD AND NATURE OF REVIEW.*—
10 *Peer reviewers shall conduct a good faith review*
11 *of waiver requests submitted to them under this*
12 *section. Peer reviewers shall review such waiver*
13 *requests—*

14 “(i) *in their totality;*

15 “(ii) *in deference to State and local*
16 *judgment; and*

17 “(iii) *with the goal of promoting State-*
18 *and local-led innovation.*

19 “(5) *WAIVER DETERMINATION, DEMONSTRATION,*
20 *AND REVISION.*—

21 “(A) *IN GENERAL.*—*The Secretary shall ap-*
22 *prove a waiver request not more than 60 days*
23 *after the date on which such request is submitted,*
24 *unless the Secretary determines and dem-*
25 *onstrates that—*

1 “(i) the waiver request does not meet
2 the requirements of this section;

3 “(ii) the waiver is not permitted under
4 subsection (c);

5 “(iii) the plan that is required under
6 paragraph (1)(C), and reviewed with def-
7 erence to State and local judgment, provides
8 no reasonable evidence to determine that a
9 waiver will enhance student academic
10 achievement; or

11 “(iv) the waiver request does not pro-
12 vide for adequate evaluation to ensure re-
13 view and continuous improvement of the
14 plan.

15 “(B) WAIVER DETERMINATION AND REVI-
16 SION.—If the Secretary determines and dem-
17 onstrates that the waiver request does not meet
18 the requirements of this section, the Secretary
19 shall—

20 “(i) immediately—

21 “(I) notify the State educational
22 agency, local educational agency, or
23 Indian tribe of such determination;
24 and

1 “(II) at the request of the State
2 educational agency, local educational
3 agency, or Indian tribe, provide de-
4 tailed reasons for such determination
5 in writing;

6 “(ii) offer the State educational agen-
7 cy, local educational agency, or Indian tribe
8 an opportunity to revise and resubmit the
9 waiver request not more than 60 days after
10 the date of such determination; and

11 “(iii) if the Secretary determines that
12 the resubmission does not meet the require-
13 ments of this section, at the request of the
14 State educational agency, local educational
15 agency, or Indian tribe, conduct a public
16 hearing not more than 30 days after the
17 date of such resubmission.

18 “(C) WAIVER DISAPPROVAL.—The Secretary
19 may disapprove a waiver request if—

20 “(i) the State educational agency, local
21 educational agency, or Indian tribe has
22 been notified and offered an opportunity to
23 revise and resubmit the waiver request, as
24 described under clauses (i) and (ii) of sub-
25 paragraph (B); and

1 “(ii) the State educational agency,
2 local educational agency, or Indian tribe—

3 “(I) does not revise and resubmit
4 the waiver request; or

5 “(II) revises and resubmits the
6 waiver request, and the Secretary de-
7 termines that such waiver request does
8 not meet the requirements of this sec-
9 tion after a hearing conducted under
10 subparagraph (B)(iii), if requested.

11 “(D) *EXTERNAL CONDITIONS.*—The Sec-
12 retary shall not require or impose new or addi-
13 tional requirements in exchange for receipt of a
14 waiver if such requirements are not specified in
15 this Act.

16 “(c) *RESTRICTIONS.*—The Secretary shall not waive
17 under this section any statutory or regulatory requirements
18 relating to—

19 “(1) the allocation or distribution of funds to
20 States, local educational agencies, Indian tribes, or
21 other recipients of funds under this Act;

22 “(2) comparability of services;

23 “(3) use of Federal funds to supplement, not sup-
24 plant, non-Federal funds;

1 “(4) equitable participation of private school stu-
2 dents and teachers;

3 “(5) parental participation and involvement;

4 “(6) applicable civil rights requirements;

5 “(7) the prohibitions—

6 “(A) in subpart 2 of part E;

7 “(B) regarding use of funds for religious
8 worship or instruction in section 5505; and

9 “(C) regarding activities in section 5524; or

10 “(8) the selection of a school attendance area or
11 school under subsections (a) and (b) of section 1113,
12 except that the Secretary may grant a waiver to allow
13 a school attendance area or school to participate in
14 activities under subpart 1 of part A of title I if the
15 percentage of children from low-income families in
16 the school attendance area or who attend the school is
17 not more than 10 percentage points below the lowest
18 percentage of those children for any school attendance
19 area or school of the local educational agency that
20 meets the requirements of subsections (a) and (b) of
21 section 1113.

22 “(d) DURATION AND EXTENSION OF WAIVER; LIMITA-
23 TIONS.—

1 “(1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), a waiver approved by the Secretary under*
3 *this section may be for a period not to exceed 3 years.*

4 “(2) *EXTENSION.*—*The Secretary may extend the*
5 *period described in paragraph (1) if the State dem-*
6 *onstrates that—*

7 “(A) *the waiver has been effective in ena-*
8 *bling the State or affected recipient to carry out*
9 *the activities for which the waiver was requested*
10 *and the waiver has contributed to improved stu-*
11 *dent achievement; and*

12 “(B) *the extension is in the public interest.*

13 “(3) *SPECIFIC LIMITATIONS.*—*The Secretary*
14 *shall not require a State educational agency, local*
15 *educational agency, or Indian tribe, as a condition of*
16 *approval of a waiver request, to—*

17 “(A) *include in, or delete from, such request,*
18 *specific academic standards;*

19 “(B) *use specific academic assessment in-*
20 *struments or items; or*

21 “(C) *include in, or delete from, such waiver*
22 *request any criterion that specifies, defines, or*
23 *prescribes the standards or measures that a State*
24 *or local educational agency or Indian tribe uses*
25 *to establish, implement, or improve—*

- 1 “(i) *State academic standards;*
2 “(ii) *academic assessments;*
3 “(iii) *State accountability systems; or*
4 “(iv) *teacher and school leader evalua-*
5 *tion systems.*

6 “(e) *REPORTS.—*

7 “(1) *WAIVER REPORTS.—A State educational*
8 *agency, local educational agency, or Indian tribe that*
9 *receives a waiver under this section shall, at the end*
10 *of the second year for which a waiver is received*
11 *under this section and each subsequent year, submit*
12 *a report to the Secretary that—*

13 “(A) *describes the uses of the waiver by the*
14 *agency or by schools;*

15 “(B) *describes how schools continued to pro-*
16 *vide assistance to the same populations served by*
17 *the programs for which waivers were granted;*
18 *and*

19 “(C) *evaluates the progress of the agency*
20 *and schools, or Indian tribe, in improving the*
21 *quality of instruction or the academic achieve-*
22 *ment of students.*

23 “(2) *REPORT TO CONGRESS.—The Secretary*
24 *shall annually submit to the Committee on Education*
25 *and the Workforce of the House of Representatives*

1 *and the Committee on Health, Education, Labor, and*
2 *Pensions of the Senate a report—*

3 “(A) *summarizing the uses of waivers by*
4 *State educational agencies, local educational*
5 *agencies, Indian tribes, and schools; and*

6 “(B) *describing the status of the waivers in*
7 *improving academic achievement.*

8 “(f) *TERMINATION OF WAIVERS.—The Secretary shall*
9 *terminate a waiver under this section if the Secretary deter-*
10 *mines, after notice and an opportunity for a hearing, that*
11 *the performance of the State or other recipient affected by*
12 *the waiver has been inadequate to justify a continuation*
13 *of the waiver and the recipient of the waiver has failed to*
14 *make revisions needed to carry out the purpose of the waiv-*
15 *er, or if the waiver is no longer necessary to achieve its*
16 *original purpose.*

17 “(g) *PUBLICATION.—A notice of the Secretary’s deci-*
18 *sion to grant each waiver under subsection (a) shall be pub-*
19 *lished in the Federal Register and the Secretary shall pro-*
20 *vide for the dissemination of the notice to State educational*
21 *agencies, interested parties, including educators, parents,*
22 *students, advocacy and civil rights organizations, and the*
23 *public.*

1 “PART E—UNIFORM PROVISIONS

2 “SUBPART 1—PRIVATE SCHOOLS

3 **“SEC. 5501. PARTICIPATION BY PRIVATE SCHOOL CHIL-**
4 **DREN AND TEACHERS.**

5 “(a) PRIVATE SCHOOL PARTICIPATION.—

6 “(1) IN GENERAL.—*Except as otherwise provided*
7 *in this Act, to the extent consistent with the number*
8 *of eligible children in areas served by a State edu-*
9 *catational agency, local educational agency, educational*
10 *service agency, consortium of those agencies, or an-*
11 *other entity receiving financial assistance under a*
12 *program specified in subsection (b), who are enrolled*
13 *in private elementary schools and secondary schools*
14 *in areas served by such agency, consortium, or entity,*
15 *the agency, consortium, or entity shall, after timely*
16 *and meaningful consultation with appropriate pri-*
17 *vate school officials or their representatives, provide to*
18 *those children and their teachers or other educational*
19 *personnel, on an equitable basis, special educational*
20 *services or other benefits that address their needs*
21 *under the program.*

22 “(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL
23 SERVICES OR BENEFITS.—*Educational services or*
24 *other benefits, including materials and equipment,*

1 *provided under this section, shall be secular, neutral,*
2 *and nonideological.*

3 “(3) *SPECIAL RULE.—Educational services and*
4 *other benefits provided under this section for private*
5 *school children, teachers, and other educational per-*
6 *sonnel shall be equitable in comparison to services*
7 *and other benefits for public school children, teachers,*
8 *and other educational personnel participating in the*
9 *program and shall be provided in a timely manner.*

10 “(4) *EXPENDITURES.—*

11 “(A) *IN GENERAL.—Expenditures for edu-*
12 *cational services and other benefits to eligible*
13 *private school children, teachers, and other serv-*
14 *ice personnel shall be equal to the expenditures*
15 *for participating public school children, taking*
16 *into account the number and educational needs,*
17 *of the children to be served.*

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

22 “(i) *be obligated in the fiscal year for*
23 *which the funds are received by the agency;*
24 *and*

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

4 “(C) NOTICE OF ALLOCATION.—Each State
5 educational agency shall—

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

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

17 “(5) PROVISION OF SERVICES.—An agency, con-
18 sortium, or entity described in subsection (a)(1) of
19 this section may provide those services directly or
20 through contracts with public and private agencies,
21 organizations, and institutions.

22 “(b) APPLICABILITY.—

23 “(1) IN GENERAL.—This section applies to pro-
24 grams under—

25 “(A) subpart 2 of part A of title I;

1 “(B) subpart 4 of part A of title I;

2 “(C) part A of title II;

3 “(D) part B of title II; and

4 “(E) part B of title III.

5 “(2) DEFINITION.—For the purpose of this sec-
6 tion, the term ‘eligible children’ means children eligi-
7 ble for services under a program described in para-
8 graph (1).

9 “(c) CONSULTATION.—

10 “(1) IN GENERAL.—To ensure timely and mean-
11 ingful consultation, a State educational agency, local
12 educational agency, educational service agency, con-
13 sortium of those agencies, or entity shall consult, in
14 order to reach an agreement, with appropriate pri-
15 vate school officials or their representatives during the
16 design and development of the programs under this
17 Act, on issues such as—

18 “(A) how the children’s needs will be identi-
19 fied;

20 “(B) what services will be offered;

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

23 “(D) how the services will be assessed and
24 how the results of the assessment will be used to
25 improve those services;

1 “(E) the size and scope of the equitable serv-
2 ices to be provided to the eligible private school
3 children, teachers, and other educational per-
4 sonnel and the amount of funds available for
5 those services;

6 “(F) how and when the agency, consortium,
7 or entity will make decisions about the delivery
8 of services, including a thorough consideration
9 and analysis of the views of the private school of-
10 ficials or their representatives on the provision of
11 services through potential third-party providers
12 or contractors; and

13 “(G) how, if the agency disagrees with the
14 views of the private school officials or their rep-
15 resentatives on the provision of services through
16 a contract, the local educational agency will pro-
17 vide in writing to such private school officials or
18 their representatives an analysis of the reasons
19 why the local educational agency has chosen not
20 to use a contractor.

21 “(2) DISAGREEMENT.—If the agency, consor-
22 tium, or entity disagrees with the views of the private
23 school officials or their representatives with respect to
24 an issue described in paragraph (1), the agency, con-
25 sortium, or entity shall provide to the private school

1 *officials or their representatives a written explanation*
2 *of the reasons why the local educational agency has*
3 *chosen not to adopt the course of action requested by*
4 *such officials or their representatives.*

5 *“(3) TIMING.—The consultation required by*
6 *paragraph (1) shall occur before the agency, consor-*
7 *tium, or entity makes any decision that affects the op-*
8 *portunities of eligible private school children, teachers,*
9 *and other educational personnel to participate in pro-*
10 *grams under this Act, and shall continue throughout*
11 *the implementation and assessment of activities under*
12 *this section.*

13 *“(4) DISCUSSION REQUIRED.—The consultation*
14 *required by paragraph (1) shall include a discussion*
15 *of service delivery mechanisms that the agency, con-*
16 *sortium, or entity could use to provide equitable serv-*
17 *ices to eligible private school children, teachers, ad-*
18 *ministrators, and other staff.*

19 *“(5) DOCUMENTATION.—Each local educational*
20 *agency shall maintain in the agency’s records and*
21 *provide to the State educational agency involved a*
22 *written affirmation signed by officials or their rep-*
23 *resentatives of each participating private school that*
24 *the meaningful consultation required by this section*
25 *has occurred. The written affirmation shall provide*

1 *the option for private school officials or their rep-*
2 *resentatives to indicate that timely and meaningful*
3 *consultation has not occurred or that the program de-*
4 *sign is not equitable with respect to eligible private*
5 *school children. If such officials or their representa-*
6 *tives do not provide such affirmation within a rea-*
7 *sonable period of time, the local educational agency*
8 *shall forward the documentation that such consulta-*
9 *tion has, or attempts at such consultation have, taken*
10 *place to the State educational agency.*

11 “(6) COMPLIANCE.—

12 “(A) IN GENERAL.—*If the consultation re-*
13 *quired under this section is with a local edu-*
14 *cational agency or educational service agency, a*
15 *private school official or representative shall*
16 *have the right to file a complaint with the State*
17 *educational agency that the consultation re-*
18 *quired under this section was not meaningful*
19 *and timely, did not give due consideration to the*
20 *views of the private school official or representa-*
21 *tive, or did not treat the private school or its stu-*
22 *dents equitably as required by this section.*

23 “(B) PROCEDURE.—*If the private school of-*
24 *ficial or representative wishes to file a com-*
25 *plaint, the private school official or representa-*

1 *tive shall provide the basis of the noncompliance*
2 *with this section and all parties shall provide the*
3 *appropriate documentation to the appropriate*
4 *officials or representatives.*

5 “(C) *SERVICES.*—*A State educational agen-*
6 *cy shall provide services under this section di-*
7 *rectly or through contracts with public and pri-*
8 *rate agencies, organizations, and institutions,*
9 *if—*

10 “(i) *the appropriate private school offi-*
11 *cial or their representatives have—*

12 “(I) *requested that the State edu-*
13 *catinal agency provide such services*
14 *directly; and*

15 “(II) *demonstrated that the local*
16 *educational agency or Education Serv-*
17 *ice Agency involved has not met the re-*
18 *quirements of this section; or*

19 “(ii) *in a case in which—*

20 “(I) *a local educational agency*
21 *has more than 10,000 children from*
22 *low-income families who attend private*
23 *elementary schools or secondary schools*
24 *in such agency’s school attendance*
25 *areas, as defined in section*

1 1113(a)(2)(A), that are not being
2 served by the agency's program under
3 this section; or

4 “(II) 90 percent of the eligible
5 private school students in a school at-
6 tendance area, as defined in section
7 1113(a)(2)(A), are not being served by
8 the agency's program under this sec-
9 tion.

10 “(d) PUBLIC CONTROL OF FUNDS.—

11 “(1) IN GENERAL.—The control of funds used to
12 provide services under this section, and title to mate-
13 rials, equipment, and property purchased with those
14 funds, shall be in a public agency for the uses and
15 purposes provided in this Act, and a public agency
16 shall administer the funds and property.

17 “(2) PROVISION OF SERVICES.—

18 “(A) IN GENERAL.—The provision of serv-
19 ices under this section shall be provided—

20 “(i) by employees of a public agency;
21 or

22 “(ii) through contract by the public
23 agency with an individual, association,
24 agency, organization, or other entity.

1 “(B) *INDEPENDENCE; PUBLIC AGENCY.*—*In*
2 *the provision of those services, the employee, per-*
3 *son, association, agency, organization, or other*
4 *entity shall be independent of the private school*
5 *and of any religious organization, and the em-*
6 *ployment or contract shall be under the control*
7 *and supervision of the public agency.*

8 “(C) *COMMINGLING OF FUNDS PROHIB-*
9 *ITED.*—*Funds used to provide services under this*
10 *section shall not be commingled with non-Fed-*
11 *eral funds.*

12 **“SEC. 5502. STANDARDS FOR BY-PASS.**

13 “(a) *IN GENERAL.*—*If, by reason of any provision of*
14 *law, a State educational agency, local educational agency,*
15 *educational service agency, consortium of those agencies, or*
16 *other entity is prohibited from providing for the participa-*
17 *tion in programs of children enrolled in, or teachers or other*
18 *educational personnel from, private elementary schools and*
19 *secondary schools, on an equitable basis, or if the Secretary*
20 *determines that the agency, consortium, or entity has sub-*
21 *stantially failed or is unwilling to provide for that partici-*
22 *pation, as required by section 5501, the Secretary shall—*

23 “(1) *waive the requirements of that section for*
24 *the agency, consortium, or entity; and*

1 “(2) *arrange for the provision of equitable serv-*
2 *ices to those children, teachers, or other educational*
3 *personnel through arrangements that shall be subject*
4 *to the requirements of this section and of sections*
5 *5501, 5503, and 5504.*

6 “(b) *DETERMINATION.—In making the determination*
7 *under subsection (a), the Secretary shall consider one or*
8 *more factors, including the quality, size, scope, and location*
9 *of the program, and the opportunity of private school chil-*
10 *dren, teachers, and other educational personnel to partici-*
11 *pate in the program.*

12 **“SEC. 5503. COMPLAINT PROCESS FOR PARTICIPATION OF**
13 **PRIVATE SCHOOL CHILDREN.**

14 “(a) *PROCEDURES FOR COMPLAINTS.—The Secretary*
15 *shall develop and implement written procedures for receiv-*
16 *ing, investigating, and resolving complaints from parents,*
17 *teachers, or other individuals and organizations concerning*
18 *violations of section 5501 by a State educational agency,*
19 *local educational agency, educational service agency, con-*
20 *sortium of those agencies, or entity. The individual or orga-*
21 *nization shall submit the complaint to the State educational*
22 *agency for a written resolution by the State educational*
23 *agency within 45 days.*

24 “(b) *APPEALS TO SECRETARY.—The resolution may be*
25 *appealed by an interested party to the Secretary not later*

1 *than 30 days after the State educational agency resolves*
2 *the complaint or fails to resolve the complaint within the*
3 *45-day time limit. The appeal shall be accompanied by a*
4 *copy of the State educational agency’s resolution, and, if*
5 *there is one, a complete statement of the reasons supporting*
6 *the appeal. The Secretary shall investigate and resolve the*
7 *appeal not later than 90 days after receipt of the appeal.*

8 *“SUBPART 2—PROHIBITIONS*

9 **“SEC. 5521. PROHIBITION AGAINST FEDERAL MANDATES,**
10 **DIRECTION, OR CONTROL.**

11 *“(a) IN GENERAL.—No officer or employee of the Fed-*
12 *eral Government shall, directly or indirectly – through*
13 *grants, contracts, or other cooperative agreements – man-*
14 *date, direct, or control a State, local educational agency,*
15 *or school’s specific instructional content, academic stand-*
16 *ards and assessments, curricula, or program of instruction,*
17 *nor shall anything in this Act be construed to authorize*
18 *such officer or employee to do so.*

19 *“(b) FINANCIAL SUPPORT.—No officer or employee of*
20 *the Federal Government shall, directly or indirectly –*
21 *through grants, contracts, or other cooperative agreements*
22 *– make financial support available in a manner that is*
23 *conditioned upon a State, local educational agency, or*
24 *school’s adoption of specific instructional content, academic*
25 *standards and assessments, curriculum, or program of in-*

1 *struction even if such requirements are specified in an Act*
2 *other than this Act, nor shall anything in this Act be con-*
3 *strued to authorize such officer or employee to do so.*

4 **“SEC. 5522. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
5 **USE OF FEDERAL FUNDS.**

6 *“(a) GENERAL PROHIBITION.—Nothing in this Act*
7 *shall be construed to authorize an officer or employee of the*
8 *Federal Government directly or indirectly – whether*
9 *through a grant, contract, or cooperative agreement – to*
10 *mandate, direct, or control a State, local educational agen-*
11 *cy, or school’s curriculum, program of instruction, or allo-*
12 *cation of State or local resources, or mandate a State or*
13 *any subdivision thereof to spend any funds or incur any*
14 *costs not paid for under this Act.*

15 *“(b) PROHIBITION ON ENDORSEMENT OF CUR-*
16 *RICULUM.—Notwithstanding any other prohibition of Fed-*
17 *eral law, no funds provided to the Department under this*
18 *Act may be used by the Department directly or indirectly*
19 *– whether through a grant, contract, or cooperative agree-*
20 *ment – to endorse, approve, develop, require, or sanction*
21 *any curriculum designed to be used in an elementary school*
22 *or secondary school.*

23 *“(c) LOCAL CONTROL.—Nothing in this Act shall be*
24 *construed to—*

1 “(1) authorize an officer or employee of the Fed-
2 eral Government directly or indirectly – whether
3 through a grant, contract, or cooperative agreement –
4 to mandate, direct, review, or control a State, local
5 educational agency, or school’s instructional content,
6 curriculum, and related activities;

7 “(2) limit the application of the General Edu-
8 cation Provisions Act;

9 “(3) require the distribution of scientifically or
10 medically false or inaccurate materials or to prohibit
11 the distribution of scientifically or medically true or
12 accurate materials; or

13 “(4) create any legally enforceable right.

14 “(d) *PROHIBITION ON REQUIRING FEDERAL AP-*
15 *PROVAL OR CERTIFICATION OF STANDARDS.*—Notwith-
16 standing any other provision of Federal law, no State shall
17 be required to have academic standards approved or cer-
18 tified by the Federal Government, in order to receive assist-
19 ance under this Act.

20 “(e) *RULE OF CONSTRUCTION ON BUILDING STAND-*
21 *ARDS.*—Nothing in this Act shall be construed to mandate
22 national school building standards for a State, local edu-
23 cational agency, or school.

1 **“SEC. 5523. PROHIBITION ON FEDERALLY SPONSORED**
2 **TESTING.**

3 “(a) *GENERAL PROHIBITION.*—Notwithstanding any
4 other provision of Federal law and except as provided in
5 subsection (b), no funds provided under this Act to the Sec-
6 retary or to the recipient of any award may be used to
7 develop, pilot test, field test, implement, administer, or dis-
8 tribute any federally sponsored national test or testing ma-
9 terials in reading, mathematics, or any other subject, unless
10 specifically and explicitly authorized by law.

11 “(b) *EXCEPTIONS.*—Subsection (a) shall not apply to
12 international comparative assessments developed under the
13 authority of section 153(a)(5) of the Education Sciences Re-
14 form Act of 2002 and administered to only a representative
15 sample of pupils in the United States and in foreign na-
16 tions.

17 **“SEC. 5524. LIMITATIONS ON NATIONAL TESTING OR CER-**
18 **TIFICATION FOR TEACHERS.**

19 “(a) *MANDATORY NATIONAL TESTING OR CERTIFI-*
20 *CATION OF TEACHERS.*—Notwithstanding any other provi-
21 sion of this Act or any other provision of law, no funds
22 available to the Department or otherwise available under
23 this Act may be used for any purpose relating to a manda-
24 tory nationwide test or certification of teachers or education
25 paraprofessionals, including any planning, development,

1 *implementation, or administration of such test or certifi-*
2 *cation.*

3 “(b) *PROHIBITION ON WITHHOLDING FUNDS.—The*
4 *Secretary is prohibited from withholding funds from any*
5 *State educational agency or local educational agency if the*
6 *State educational agency or local educational agency fails*
7 *to adopt a specific method of teacher or paraprofessional*
8 *certification.*

9 “**SEC. 5525. PROHIBITED USES OF FUNDS.**

10 “*No funds under this Act may be used—*

11 “(1) *for construction, renovation, or repair of*
12 *any school facility, except as authorized under title IV*
13 *or otherwise authorized under this Act;*

14 “(2) *for medical services, drug treatment or re-*
15 *habilitation, except for specialized instructional sup-*
16 *port services or referral to treatment for students who*
17 *are victims of, or witnesses to, crime or who illegally*
18 *use drugs;*

19 “(3) *for transportation unless otherwise author-*
20 *ized under this Act;*

21 “(4) *to develop or distribute materials, or oper-*
22 *ate programs or courses of instruction directed at*
23 *youth, that are designed to promote or encourage sex-*
24 *ual activity, whether homosexual or heterosexual;*

1 “(5) to distribute or to aid in the distribution by
2 any organization of legally obscene materials to mi-
3 nors on school grounds;

4 “(6) to provide sex education or HIV-prevention
5 education in schools unless that instruction is age ap-
6 propriate and includes the health benefits of absti-
7 nence; or

8 “(7) to operate a program of contraceptive dis-
9 tribution in schools.

10 “SUBPART 3—OTHER PROVISIONS

11 “**SEC. 5541. ARMED FORCES RECRUITER ACCESS TO STU-**
12 **DENTS AND STUDENT RECRUITING INFORMA-**
13 **TION.**

14 “(a) *POLICY.*—

15 “(1) *ACCESS TO STUDENT RECRUITING INFORMA-*
16 *TION.*—Notwithstanding section 444(a)(5)(B) of the
17 *General Education Provisions Act*, each local edu-
18 *cational agency receiving assistance under this Act*
19 *shall provide, upon a request made by a military re-*
20 *cruter or an institution of higher education, access to*
21 *the name, address, and telephone listing of each sec-*
22 *ondary school student served by the local educational*
23 *agency, unless the parent of such student has sub-*
24 *mitted the prior consent request under paragraph (2).*

25 “(2) *CONSENT.*—

1 “(A) *OPT-OUT PROCESS.*—A parent of a
2 secondary school student may submit a written
3 request, to the local educational agency, that the
4 student’s name, address, and telephone listing
5 not be released for purposes of paragraph (1)
6 without prior written consent of the parent.
7 Upon receiving such request, the local edu-
8 cational agency may not release the student’s
9 name, address, and telephone listing for such
10 purposes without the prior written consent of the
11 parent.

12 “(B) *NOTIFICATION OF OPT-OUT PROC-*
13 *ESS.*—Each local educational agency shall notify
14 the parents of the students served by the agency
15 of the option to make a request described in sub-
16 paragraph (A).

17 “(3) *SAME ACCESS TO STUDENTS.*—Each local
18 educational agency receiving assistance under this
19 Act shall provide military recruiters the same access
20 to secondary school students as is provided generally
21 to institutions of higher education or to prospective
22 employers of those students.

23 “(4) *RULE OF CONSTRUCTION PROHIBITING OPT-*
24 *IN PROCESSES.*—Nothing in this subsection shall be
25 construed to allow a local educational agency to with-

1 *hold access to a student’s name, address, and tele-*
2 *phone listing from a military recruiter or institution*
3 *of higher education by implementing an opt-in proc-*
4 *ess or any other process other than the written con-*
5 *sent request process under paragraph (2)(A).*

6 “(5) *PARENTAL CONSENT.*—*For purposes of this*
7 *subsection, whenever a student has attained 18 years*
8 *of age, the permission or consent required of and the*
9 *rights accorded to the parents of the student shall only*
10 *be required of and accorded to the student.*

11 “(b) *NOTIFICATION.*—*The Secretary, in consultation*
12 *with the Secretary of Defense, shall, not later than 120 days*
13 *after the date of enactment of the Student Success Act, no-*
14 *tify school leaders, school administrators, and other edu-*
15 *cators about the requirements of this section.*

16 “(c) *EXCEPTION.*—*The requirements of this section do*
17 *not apply to a private secondary school that maintains a*
18 *religious objection to service in the Armed Forces if the ob-*
19 *jection is verifiable through the corporate or other organiza-*
20 *tional documents or materials of that school.*

21 **“SEC. 5542. RULEMAKING.**

22 *“The Secretary shall issue regulations under this Act*
23 *as prescribed under section 1401 only to the extent that such*
24 *regulations are necessary to ensure that there is compliance*

1 *with the specific requirements and assurances required by*
2 *this Act.*

3 **“SEC. 5543. PEER REVIEW.**

4 “(a) *IN GENERAL.*—*If the Secretary uses a peer review*
5 *panel to evaluate an application for any program required*
6 *under this Act, the Secretary shall conduct it in accordance*
7 *with this section.*

8 “(b) *MAKEUP.*—*The Secretary shall—*

9 “(1) *solicit nominations for peers to serve on the*
10 *panel from States that are—*

11 “(A) *practitioners in the subject matter; or*

12 “(B) *experts in the subject matter; and*

13 “(2) *select the peers from such nominees, except*
14 *that there shall be at least 75 percent practitioners on*
15 *each panel and in each group formed from the panel.*

16 “(c) *GUIDANCE.*—*The Secretary shall issue the peer re-*
17 *view guidance concurrently with the notice of the grant.*

18 “(d) *REPORTING.*—*The Secretary shall—*

19 “(1) *make the names of the peer reviewers avail-*
20 *able to the public before the final deadline for the ap-*
21 *plication of the grant;*

22 “(2) *make the peer review notes publically avail-*
23 *able once the review has concluded; and*

1 “(3) *make any deviations from the peer review-*
2 *ers’ recommendations available to the public with an*
3 *explanation of the deviation.*

4 “(e) *APPLICANT REVIEWS.—An applicant shall have*
5 *an opportunity within 30 days to review the peer review*
6 *notes and appeal the score to the Secretary prior to the Sec-*
7 *retary making any final determination.*

8 “(f) *PROHIBITION.—The Secretary, and the Sec-*
9 *retary’s staff, may not attempt to participate in, or influ-*
10 *ence, the peer review process. No Federal employee may par-*
11 *ticipate in, or attempt to influence the peer review process,*
12 *except to respond to questions of a technical nature, which*
13 *shall be publicly reported.*

14 **“SEC. 5544. PARENTAL CONSENT.**

15 *“Upon receipt of written notification from the parents*
16 *or legal guardians of a student, the local educational agency*
17 *shall withdraw such student from any program funded*
18 *under part B of title III. The local educational agency shall*
19 *make reasonable efforts to inform parents or legal guardians*
20 *of the content of such programs or activities funded under*
21 *this Act, other than classroom instruction.*

22 **“SEC. 5551. SEVERABILITY.**

23 *“If any provision of this Act is held invalid, the re-*
24 *mainder of this Act shall be unaffected thereby.*

1 **“SEC. 5552. DEPARTMENT STAFF.**

2 *“The Secretary shall—*

3 *“(1) not later than 60 days after the date of the*
4 *enactment of the Student Success Act, identify the*
5 *number of Department employees who worked on or*
6 *administered each education program and project au-*
7 *thorized under this Act, as such program or project*
8 *was in effect on the day before such enactment date,*
9 *and publish such information on the Department’s*
10 *website;*

11 *“(2) not later than 60 days after such enactment*
12 *date, identify the number of full-time equivalent em-*
13 *ployees who work on or administer programs or*
14 *projects authorized under this Act, as in effect on the*
15 *day before such enactment date, that have been elimi-*
16 *nated or consolidated since such date;*

17 *“(3) not later than 1 year after such enactment*
18 *date, reduce the workforce of the Department by the*
19 *number of full-time equivalent employees the Depart-*
20 *ment calculated under paragraph (2); and*

21 *“(4) not later than 1 year after such enactment*
22 *date, report to the Congress on—*

23 *“(A) the number of employees associated*
24 *with each program or project authorized under*
25 *this Act administered by the Department;*

1 “(B) the number of full-time equivalent em-
2 ployees who were determined to be associated
3 with eliminated or consolidated programs or
4 projects under paragraph (2); and

5 “(C) how the Secretary reduced the number
6 of employees at the Department under paragraph
7 (3).

8 “PART F—EVALUATIONS

9 “SEC. 5601. EVALUATIONS.

10 “(a) RESERVATION OF FUNDS.—Except as provided in
11 subsections (b) and (c), the Secretary may reserve not more
12 than 0.5 percent of the amount appropriated to carry out
13 each categorical program and demonstration project au-
14 thorized under this Act—

15 “(1) to conduct—

16 “(A) comprehensive evaluations of the pro-
17 gram or project; and

18 “(B) studies of the effectiveness of the pro-
19 gram or project and its administrative impact
20 on schools and local educational agencies;

21 “(2) to evaluate the aggregate short- and long-
22 term effects and cost efficiencies across Federal pro-
23 grams assisted or authorized under this Act and re-
24 lated Federal preschool, elementary, and secondary
25 programs under any other Federal law; and

1 “(3) to increase the usefulness of evaluations of
2 grant recipients in order to ensure the continuous
3 progress of the program or project by improving the
4 quality, timeliness, efficiency, and use of information
5 relating to performance under the program or project.

6 “(b) *TITLE I EXCLUDED.*—The Secretary may not re-
7 serve under subsection (a) funds appropriated to carry out
8 any program authorized under title I.

9 “(c) *EVALUATION ACTIVITIES AUTHORIZED ELSE-*
10 *WHERE.*—If, under any other provision of this Act (other
11 than title I), funds are authorized to be reserved or used
12 for evaluation activities with respect to a program or
13 project, the Secretary may not reserve additional funds
14 under this section for the evaluation of that program or
15 project.”.

16 (b) *TECHNICAL AMENDMENTS.*—

17 (1) *TITLE IX.*—

18 (A) *SUBPART 1 OF PART E OF TITLE V.*—

19 (i) *TRANSFER AND REDESIGNATION.*—

20 Sections 9504 through 9506 (20 U.S.C.
21 7884; 7885; 7886) are—

22 (I) transferred to title V, as
23 amended by subsection (a) of this sec-
24 tion;

1 (ii) inserted after section 5503 of
2 such title; and

3 (iii) redesignated as sections 5504
4 through 5506, respectively.

5 (ii) AMENDMENTS.—Section 5504 (as
6 so redesignated) is amended—

7 (I) in subsection (a)(1)(A), by
8 striking “section 9502” and inserting
9 “section 5502”;

10 (II) in subsection (b), by striking
11 “section 9501” and inserting “section
12 5501”; and

13 (III) in subsection (d), by striking
14 “No Child Left Behind Act of 2001”
15 and inserting “Student Success Act”.

16 (B) SUBPART 2 OF PART E OF TITLE V.—

17 (i) TRANSFER AND REDESIGNATION.—
18 Sections 9531, 9533, and 9534 (20 U.S.C.
19 7911; 7913; 7914) are—

20 (I) transferred to title V, as
21 amended by subparagraph (A) of this
22 paragraph;

23 (II) inserted after section 5525 of
24 such title; and

1 (III) redesignated as sections 5526
2 through 5528, respectively.

3 (ii) AMENDMENTS.—Section 5528 (as
4 so redesignated) is amended—

5 (I) by striking “(a) IN GEN-
6 ERAL.—Nothing” and inserting “Noth-
7 ing”; and

8 (II) by striking subsection (b).

9 (C) SUBPART 3 OF PART E OF TITLE V.—
10 Sections 9522, 9523, 9524, and 9525 (20 U.S.C.
11 7902; 7903; 7904; 7905) are—

12 (i) transferred to title V, as amended
13 by subparagraph (B) of this paragraph;

14 (ii) inserted after section 5544 of such
15 title; and

16 (iii) redesignated as sections 5545
17 through 5548, respectively.

18 (2) TITLE IV.—Sections 4141 and 4155 (20
19 U.S.C. 7151; 7161) are—

20 (A) transferred to title V, as amended by
21 paragraph (1) of this subsection;

22 (B) inserted after section 5548 (as so reded-
23 ignated by paragraph (1)(C)(iii) of this sub-
24 section); and

1 (C) redesignated as sections 5549 and 5550,
2 respectively.

3 **SEC. 202. REPEAL.**

4 Title IX (20 U.S.C. 7801 et seq.), as amended by sec-
5 tion 201(b)(1) of this title, is repealed.

6 **SEC. 203. OTHER LAWS.**

7 Beginning on the date of the enactment of this Act,
8 any reference in law to the term “highly qualified” as de-
9 fined in section 9101 of the Elementary and Secondary
10 Education Act of 1965 shall be treated as a reference to
11 such term under section 9101 of the Elementary and Sec-
12 ondary Education Act of 1965 as in effect on the day before
13 the date of the enactment of this Act.

14 **SEC. 204. AMENDMENT TO IDEA.**

15 Section 602 of the Individuals with Disabilities Edu-
16 cation Act (20 U.S.C. 1401) is amended by striking para-
17 graph (10).

Union Calendar No. 320

112TH CONGRESS
2D Session

H. R. 3989

[Report No. 112-458]

A BILL

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

APRIL 27, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed