

112TH CONGRESS
2D SESSION

H. R. 3990

To encourage effective teachers in the classrooms of the United States and innovative education programs in our Nation's schools.

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. DESJARLAIS, Mrs. NOEM, Mrs. ROBY, and Mr. HECK) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To encourage effective teachers in the classrooms of the United States and innovative education programs in our Nation's schools.

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 “Encouraging Innova-
5 tion and Effective Teachers Act”.

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

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

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

TITLE I—TEACHER PREPARATION AND EFFECTIVENESS

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

TITLE II—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

- Sec. 201. Parental engagement and local flexibility.

TITLE III—IMPACT AID

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

TITLE IV—TROOPS-TO-TEACHERS PROGRAM

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

TITLE V—REPEAL

- Sec. 501. Repeal of title VI.

TITLE VI—HOMELESS EDUCATION

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

1 SEC. 3. REFERENCES.

2 Except as otherwise expressly provided, whenever in

3 this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
2 sion, the reference shall be considered to be made to a
3 section or other provision of the Elementary and Sec-
4 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

5 **SEC. 4. TRANSITION.**

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

14 **SEC. 5. EFFECTIVE DATES.**

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

18 (b) NONCOMPETITIVE PROGRAMS.—With respect to
19 noncompetitive programs under which any funds are allot-
20 ted by the Secretary of Education to recipients on the
21 basis of a formula, this Act, and the amendments made
22 by this Act, shall take effect on July 1, 2012.

23 (c) COMPETITIVE PROGRAMS.—With respect to pro-
24 grams that are conducted by the Secretary on a competi-
25 tive basis, this Act, and the amendments made by this Act,

1 shall take effect with respect to appropriations for use
2 under those programs for fiscal year 2013.

3 (d) IMPACT AID.—With respect to title IV of the Act
4 (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the
5 amendments made by this Act, shall take effect with re-
6 spect to appropriations for use under that title for fiscal
7 year 2013.

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

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

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

12 “(a) TITLE II.—There are authorized to be appro-
13 priated to carry out title II \$2,988,070,000 for fiscal year
14 2013.

15 “(b) TITLE III.—

16 “(1) PART A.—

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

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

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

1 “(2) PART B.—There are authorized to be ap-
2 propriated to carry out part B of title III
3 \$2,677,476,000 for fiscal year 2013.

4 “(c) TITLE IV.—

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

9 “(2) BASIC PAYMENTS; PAYMENTS FOR HEAV-
10 ILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—
11 For the purpose of making payments under section
12 4003(b), there are authorized to be appropriated
13 \$1,153,540,000 for fiscal year 2013.

14 “(3) PAYMENTS FOR CHILDREN WITH DISABIL-
15 ITIES.—For the purpose of making payments under
16 section 4003(d), there are authorized to be appro-
17 priated \$48,413,000 for fiscal year 2013.

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

21 “(5) FACILITIES MAINTENANCE.—For the pur-
22 pose of carrying out section 4008, there are author-
23 ized to be appropriated \$4,845,000 for fiscal year
24 2013.

1 “(d) OUT YEARS.—The amounts authorized in sub-
 2 sections (a), (b), and (c) shall be increased for each of
 3 fiscal years 2014 through 2018 by a percentage equal to
 4 the percentage of inflation according to the Consumer
 5 Price Index, for the calendar year ending prior to the be-
 6 ginning of that fiscal year.”.

7 **TITLE I—TEACHER PREPARA-**
 8 **TION AND EFFECTIVENESS**

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

10 (a) HEADING.—The heading for title II is amended
 11 to read as follows:

12 **“TITLE II—TEACHER PREPARA-**
 13 **TION AND EFFECTIVENESS”.**

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

16 “PART A—SUPPORTING EFFECTIVE INSTRUCTION
 17 **“SEC. 2101. PURPOSE.**

18 “The purpose of this part is to provide grants to
 19 State educational agencies and subgrants to local edu-
 20 cational agencies to—

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

23 “(2) improve teacher and school leader effec-
 24 tiveness;

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

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

6 “SUBPART 1—GRANTS TO STATES

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

8 “(a) IN GENERAL.—Of the amounts appropriated
9 under section 3(a), the Secretary shall reserve 82 percent
10 to make grants to States with applications approved under
11 section 2112 to pay for the Federal share of the cost of
12 carrying out the activities specified in section 2113. Each
13 grant shall consist of the allotment determined for a State
14 under subsection (b).

15 “(b) DETERMINATION OF ALLOTMENTS.—

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

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

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

1 “(C) one-half of 1 percent for the Sec-
2 retary of the Interior for programs under this
3 part in schools operated or funded by the Bu-
4 reau of Indian Education.

5 “(2) STATE ALLOTMENTS.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), from the funds reserved under sub-
8 section (a) for any fiscal year and not reserved
9 under paragraph (1), the Secretary shall allot
10 to each State the sum of—

11 “(i) an amount that bears the same
12 relationship to 50 percent of the funds as
13 the number of individuals age 5 through
14 17 in the State, as determined by the Sec-
15 retary on the basis of the most recent sat-
16 isfactory data, bears to the number of
17 those individuals in all such States, as so
18 determined; and

19 “(ii) an amount that bears the same
20 relationship to 50 percent of the funds as
21 the number of individuals age 5 through
22 17 from families with incomes below the
23 poverty line in the State, as determined by
24 the Secretary on the basis of the most re-
25 cent satisfactory data, bears to the number

1 of those individuals in all such States, as
2 so determined.

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

8 “(c) ALTERNATE DISTRIBUTION OF FUNDS.—

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

17 “(2) APPLICATION.—In order to receive an al-
18 lotment under paragraph (1), a local educational
19 agency shall submit to the Secretary an application
20 at such time, in such manner, and containing the in-
21 formation described in section 2122.

22 “(3) USE OF FUNDS.—A local educational
23 agency receiving an allotment under paragraph
24 (1)—

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

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

5 “(4) REPORTING REQUIREMENTS.—A local edu-
6 cational agency receiving an allotment under para-
7 graph (1) shall carry out the reporting requirements
8 described in section 2131(a), except that annual re-
9 ports shall be submitted to the Secretary and not a
10 State educational agency.

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

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

1 **“SEC. 2112. STATE APPLICATION.**

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

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

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

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

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

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

4 “(A) a description of how the State edu-
5 cational agency will work with local educational
6 agencies in the State to implement the state-
7 wide teacher evaluation system within 3 years
8 of the date of enactment of the Encouraging
9 Innovation and Effective Teachers Act; and

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

13 “(6) An assurance that the State educational
14 agency will comply with section 5501 (regarding par-
15 ticipation by private school children and teachers).

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

23 “(c) DISAPPROVAL.—The Secretary shall not finally
24 disapprove an application, except after giving the State

1 educational agency notice and an opportunity for a hear-
2 ing.

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

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

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

11 “(A) cite the specific provisions in the ap-
12 plication that are not in compliance; and

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

16 “(e) RESPONSE.—If a State educational agency re-
17 sponds to a notification from the Secretary under sub-
18 section (d)(2) during the 45-day period beginning on the
19 date on which the agency received the notification, and
20 resubmits the application with the requested information
21 described in subsection (d)(2)(B), the Secretary shall ap-
22 prove or disapprove such application prior to the later of—

23 “(1) the expiration of the 45-day period begin-
24 ning on the date on which the application is resub-
25 mitted; or

1 “(2) the expiration of the 120-day period de-
2 scribed in subsection (b).

3 “(f) FAILURE TO RESPOND.—If a State educational
4 agency does not respond to a notification from the Sec-
5 retary under subsection (d)(2) during the 45-day period
6 beginning on the date on which the agency received the
7 notification, such application shall be deemed to be dis-
8 approved.

9 **“SEC. 2113. STATE USE OF FUNDS.**

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

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

15 “(2) use the remainder of the funds, after re-
16 serving funds under paragraph (1), for the State ac-
17 tivities described in subsection (b), except that the
18 State may reserve not more than 1 percent of the
19 grant funds for planning and administration related
20 to carrying out activities described in subsection (b).

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

23 “(1) shall use the amount described in sub-
24 section (a)(2) to—

1 “(A) provide training and technical assist-
2 ance to local educational agencies on—

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

6 “(I) the development and imple-
7 mentation of a teacher evaluation sys-
8 tem that meets the requirements of
9 clauses (i) through (v) of section
10 2123(1)(A); and

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

13 “(ii) in the case of a State educational
14 agency implementing a statewide teacher
15 evaluation system, implementing such eval-
16 uation system; and

17 “(B) fulfill the State educational agency’s
18 responsibilities with respect to the proper and
19 efficient administration of the subgrant pro-
20 gram carried out under this part; and

21 “(2) may use the amount described in sub-
22 section (a)(2) to—

23 “(A) disseminate and share evidence-based
24 and other effective practices related to teacher

1 and school leader effectiveness and professional
2 development; and

3 “(B) provide professional development for
4 teachers and school leaders in the State con-
5 sistent with clauses (i) through (v) of section
6 2123(2)(B).

7 “SUBPART 2—SUBGRANTS TO LOCAL EDUCATIONAL
8 AGENCIES

9 **“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**
10 **CIES.**

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

15 “(b) ALLOCATION OF FUNDS.—From the funds re-
16 served by a State under section 2113(a)(1), the State edu-
17 cational agency shall allocate to each local educational
18 agency in the State the sum of—

19 “(1) an amount that bears the same relation-
20 ship to 50 percent of the funds as the number of in-
21 dividuals age 5 through 17 in the geographic area
22 served by the local educational agency, as deter-
23 mined by the State on the basis of the most recent
24 satisfactory data, bears to the number of those indi-
25 viduals in the geographic areas served by all the

1 local educational agencies in the State, as so deter-
2 mined; and

3 “(2) an amount that bears the same relation-
4 ship to 50 percent of the funds as the number of in-
5 dividuals age 5 through 17 from families with in-
6 comes below the poverty line in the geographic area
7 served by the local educational agency, as deter-
8 mined by the State on the basis of the most recent
9 satisfactory data, bears to the number of those indi-
10 viduals in the geographic areas served by all the
11 local educational agencies in the State, as so deter-
12 mined.

13 **“SEC. 2122. LOCAL APPLICATIONS.**

14 “To be eligible to receive a subgrant under this sub-
15 part, a local educational agency shall submit an applica-
16 tion to the State educational agency involved at such time,
17 in such a manner, and containing such information as the
18 State educational agency may reasonably require that, at
19 a minimum, shall include the following:

20 “(1) A description of—

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

23 “(B) how the activities to be carried out by
24 the local educational agency under this subpart
25 will be evidence-based, improve student aca-

1 demic achievement, and improve teacher and
2 school leader effectiveness;

3 “(C) how, in the case of a local educational
4 agency not in a State with a statewide teacher
5 evaluation system, the local educational agency
6 will develop and implement a teacher evaluation
7 system that meets the requirements described
8 in clauses (i) through (v) of section 2123(1)(A);

9 “(D) how, in developing and implementing
10 such a teacher evaluation system, the local edu-
11 cational agency will work with parents, teach-
12 ers, school leaders, and other staff of the
13 schools served by the local educational agency;
14 and

15 “(E) how the local educational agency will
16 develop and implement such a teacher evalua-
17 tion system within 3 years of the date of enact-
18 ment of the Encouraging Innovation and Effec-
19 tive Teachers Act.

20 “(2) In the case of a local educational agency
21 in a State with a statewide teacher evaluation sys-
22 tem, a description of how the local educational agen-
23 cy will work with the State educational agency to
24 implement the statewide teacher evaluation system

1 within 3 years of the date of enactment of the En-
2 couraging Innovation and Effective Teachers Act.

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

6 **“SEC. 2123. LOCAL USE OF FUNDS.**

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

9 “(1) shall use such funds—

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

12 “(i) uses student achievement data as
13 a significant factor in determining a teach-
14 er’s evaluation;

15 “(ii) uses multiple measures of evalua-
16 tion for evaluating teachers;

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

19 “(iv) shall be used to make personnel
20 decisions, as determined by the local edu-
21 cational agency; and

22 “(v) is based on input from parents,
23 school leaders, teachers, and other staff of
24 schools served by the local educational
25 agency; or

1 “(B) in the case of a local educational
2 agency located in a State implementing a state-
3 wide teacher evaluation system, to implement
4 such evaluation system; and

5 “(2) may use such funds for—

6 “(A) the training of school leaders for the
7 purpose of evaluating teachers under a teacher
8 evaluation system described in subparagraph
9 (A) or (B) of paragraph (1), as appropriate;

10 “(B) professional development for teachers
11 and school leaders that is evidence-based, job-
12 embedded, and continuous, such as—

13 “(i) subject-based professional devel-
14 opment for teachers;

15 “(ii) professional development aligned
16 with the State’s academic standards;

17 “(iii) professional development for
18 teachers of student with disabilities and
19 English learners;

20 “(iv) professional development for
21 teachers identified as in need of additional
22 support through data provided by a teach-
23 er evaluation system described in subpara-
24 graph (A) or (B) of paragraph (1), as ap-
25 propriate;

1 “(v) professional development based
2 on the current science of learning, which
3 includes research on positive brain change
4 and cognitive skill development;

5 “(vi) professional development for
6 school leaders, including mentorship pro-
7 grams for such leaders; or

8 “(vii) professional development on in-
9 tegrated, interdisciplinary, and project-
10 based teaching strategies, including for ca-
11 reer and technical education teachers;

12 “(C) partnering with a public or private
13 organization or a consortium of such organiza-
14 tions to develop and implement a teacher eval-
15 uation system described in subparagraph (A) or
16 (B) of paragraph (1), as appropriate; or

17 “(D) class size reduction, except that the
18 local educational agency may not use more than
19 10 percent of such funds for this purpose.

20 “SUBPART 3—GENERAL PROVISIONS

21 “**SEC. 2131. REPORTING REQUIREMENTS.**

22 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
23 educational agency receiving a subgrant under subpart 2
24 shall submit to the State educational agency involved, on
25 an annual basis until the last year in which the local edu-

1 cational agency receives such subgrant funds, a report
2 on—

3 “(1) how the local educational agency is meet-
4 ing the purposes of this part described in section
5 2101;

6 “(2) how the local educational agency is using
7 such subgrant funds; and

8 “(3) the number and percentage of teachers in
9 each category established under clause (iii) of sec-
10 tion 2123(1)(A).

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

16 “(1) how the State is meeting the purposes of
17 this part described in section 2101; and

18 “(2) how the State is using such grant funds.

19 **“SEC. 2132. NATIONAL ACTIVITIES.**

20 “From the funds reserved by the Secretary under sec-
21 tion 2111(b)(1)(A), the Secretary shall, directly or
22 through grants and contracts—

23 “(1) provide technical assistance to States and
24 local educational agencies in carrying out activities
25 under this part; and

1 “(2) acting through the Institute of Education
2 Sciences, conduct national evaluations of activities
3 carried out by State educational agencies and local
4 educational agencies under this part.

5 **“SEC. 2133. STATE DEFINED.**

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

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

11 **“PART B—TEACHER AND SCHOOL LEADER**

12 **FLEXIBLE GRANT**

13 **“SEC. 2201. PURPOSE.**

14 “‘The purpose of this part is to improve student aca-
15 demic achievement in the core academic subjects by—

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

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

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

2 **“SEC. 2211. STATE ALLOTMENTS.**

3 “(a) RESERVATIONS.—From the amount appro-
4 priated under section 3(a) for any fiscal year, the Sec-
5 retary—

6 “(1) shall reserve 18 percent to award grants to
7 States under this subpart; and

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

10 “(A) not more than 1 percent for national
11 activities described in section 2231;

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

16 “(C) one-half of 1 percent for the Sec-
17 retary of the Interior for programs under this
18 part in schools operated or funded by the Bu-
19 reau of Indian Education.

20 “(b) STATE ALLOTMENTS.—

21 “(1) IN GENERAL.—From the total amount re-
22 served under subsection (a)(1) for each fiscal year
23 and not reserved under subparagraphs (A) through
24 (C) of subsection (a)(2), the Secretary shall allot,
25 and make available in accordance with this section,
26 to each State an amount that bears the same ratio

1 to such sums as the school-age population of the
2 State bears to the school-age population of all
3 States.

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

8 “(3) REALLOTMENT.—If a State does not re-
9 ceive an allotment under this subpart for a fiscal
10 year, the Secretary shall reallocate the amount of the
11 State’s allotment to the remaining States in accord-
12 ance with this section.

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

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

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

24 “(3) describe the procedures and criteria the
25 State educational agency will use for reviewing appli-

1 cations and awarding subgrants to eligible entities
2 under section 2221 on a competitive basis;

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

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

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

19 “(7) include an assurance that, other than pro-
20 viding technical and advisory assistance and moni-
21 toring compliance with this part, the State edu-
22 cational agency has not exercised, and will not exer-
23 cise, any influence in the decision-making processes
24 of eligible entities as to the expenditure of funds

1 made pursuant to an application submitted under
2 section 2221(b).

3 “(d) STATE USE OF FUNDS.—

4 “(1) IN GENERAL.—Each State that receives an
5 allotment under this section shall reserve not less
6 than 95 percent of the amount allotted to such State
7 under subsection (b), for each fiscal year, for sub-
8 grants to eligible entities under subpart 2.

9 “(2) STATE ADMINISTRATION.—A State edu-
10 cational agency may reserve not more than 1 percent
11 of the amount made available to the State under
12 subsection (b) for the administrative costs of car-
13 rying out such State educational agency’s respon-
14 sibilities under this subpart.

15 “(3) STATE-LEVEL ACTIVITIES.—A State edu-
16 cational agency shall use the amount made available
17 to the State under subsection (b) and not reserved
18 under paragraphs (1) and (2) to carry out 1 or more
19 of the following activities:

20 “(A) Reforming teacher and school leader
21 certification, recertification, licensing, and ten-
22 ure systems to ensure that—

23 “(i) each teacher has the subject mat-
24 ter knowledge and teaching skills necessary

1 to help students meet the State’s academic
2 standards; and

3 “(ii) school leaders have the instruc-
4 tional leadership skills to help teachers in-
5 struct and students learn.

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

10 “(i) mid-career professionals from
11 other occupations;

12 “(ii) former military personnel; and

13 “(iii) recent graduates of an institu-
14 tion of higher education, with a record of
15 academic distinction, who demonstrate the
16 potential to become effective teachers or
17 school leaders.

18 “(C) Developing, or assisting eligible enti-
19 ties in developing—

20 “(i) performance-based pay systems
21 for teachers and school leaders;

22 “(ii) strategies that provide differen-
23 tial, incentive, or bonus pay for teachers;

24 or

1 “(iii) teacher advancement initiatives
2 that promote professional growth and em-
3 phasize multiple career paths and pay dif-
4 ferentiation.

5 “(D) Developing, or assisting eligible enti-
6 ties in developing, new teacher and school lead-
7 ers induction and mentoring programs that are
8 designed to—

9 “(i) improve instruction and student
10 learning and achievement; and

11 “(ii) increase the retention of effective
12 teachers and school leaders.

13 “(E) Providing professional development
14 for teachers and school leaders that is focused
15 on—

16 “(i) improving teaching and student
17 learning and achievement in the core aca-
18 demic subjects; and

19 “(ii) improving teaching, student
20 learning, and achievement for students
21 with disabilities, English learners, and
22 other special populations.

23 “(F) Providing training and technical as-
24 sistance to eligible entities that receive a
25 subgrant under section 2221.

1 “(G) Other activities identified by the
2 State that meet the purpose of this part.

3 **“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLI-**
4 **CATIONS.**

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

12 “(b) DISAPPROVAL PROCESS.—

13 “(1) IN GENERAL.—The Secretary shall not fi-
14 nally disapprove an application submitted under sec-
15 tion 2211(c), except after giving the State edu-
16 cational agency notice and an opportunity for a
17 hearing.

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

21 “(A) give the State educational agency no-
22 tice and an opportunity for a hearing; and

23 “(B) notify the State educational agency of
24 the finding of noncompliance and, in such noti-
25 fication, shall—

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

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

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

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

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

19 “(4) FAILURE TO RESPOND.—If the State edu-
20 cational agency does not respond to a notification
21 from the Secretary under paragraph (2)(B) during
22 the 45-day period beginning on the date on which
23 the State educational agency received the notifica-
24 tion, such application shall be deemed to be dis-
25 approved.

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

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

3 “(a) IN GENERAL.—A State that receives an allot-
4 ment under section 2211(b) for a fiscal year shall use the
5 amount reserved under section 2211(d)(1) to award sub-
6 grants, on a competitive basis, to eligible entities in ac-
7 cordance with this section to enable such entities to carry
8 out the programs and activities described in section 2222.

9 “(b) APPLICATION.—

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

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

18 “(A) a description of the programs and ac-
19 tivities to be funded and how they are con-
20 sistent with the purposes of this part; and

21 “(B) an assurance that the eligible entity
22 will comply with section 5501 (regarding par-
23 ticipation by private school children and teach-
24 ers).

25 “(c) PEER REVIEW.—In reviewing applications under
26 this section, a State educational agency shall use a peer

1 review process or other methods of assuring the quality
2 of such applications but the review shall only judge the
3 likelihood of the activity to increase student academic
4 achievement. The reviewers shall not make a determina-
5 tion based on the policy of the proposed activity.

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

10 “(e) DURATION OF AWARDS.—A State educational
11 agency may award subgrants under this section for a pe-
12 riod of not less than 3 years and not more than 5 years.

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

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

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

24 “(1) are consistent with the principles of effec-
25 tiveness described in subsection (b); and

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

3 “(A) developing and implementing initia-
4 tives to assist in recruiting, hiring, and retain-
5 ing highly effective teachers and school leaders,
6 including initiatives that provide—

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

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

11 “(iii) teacher advancement initiatives
12 that promote professional growth and em-
13 phasize multiple career paths and pay dif-
14 ferentiation;

15 “(iv) new teacher and school leader
16 induction and mentoring programs that
17 are designed to improve instruction, stu-
18 dent learning and achievement, and to in-
19 crease teacher and school leader retention;
20 and

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

1 “(B) recruiting qualified individuals from
2 other fields, including mid-career professionals
3 from other occupations and former military per-
4 sonnel;

5 “(C) establishing, improving, or expanding
6 model instructional programs in the core aca-
7 demic subjects to ensure that all children meet
8 the State’s academic standards;

9 “(D) providing high-quality professional
10 development for teachers and school leaders fo-
11 cused on improving teaching and student learn-
12 ing and achievement in the core academic sub-
13 jects;

14 “(E) implementing programs based on the
15 current science of learning, which includes re-
16 search on positive brain change and cognitive
17 skill development; and

18 “(F) other activities and programs identi-
19 fied as necessary by the local educational agen-
20 cy that meet the purpose of this part.

21 “(b) PRINCIPLES OF EFFECTIVENESS.—

22 “(1) IN GENERAL.—For a program or activity
23 developed pursuant to this section to meet the prin-
24 ciples of effectiveness, such program or activity
25 shall—

1 “(A) be based upon an assessment of ob-
2 jective data regarding the need for programs
3 and activities in the elementary schools and sec-
4 ondary schools served to increase the number of
5 teachers and school leaders who are effective in
6 improving student academic achievement;

7 “(B) reflect evidence-based research, or in
8 the absence of a strong research base, reflect
9 effective strategies in the field, that provide evi-
10 dence that the program or activity will improve
11 student academic achievement in the core aca-
12 demic subjects; and

13 “(C) include meaningful and ongoing con-
14 sultation with, and input from, teachers, school
15 leaders, and parents, in the development of the
16 application and administration of the program
17 or activity.

18 “(2) PERIODIC EVALUATION.—

19 “(A) IN GENERAL.—The program or activ-
20 ity carried out by the eligible entity shall under-
21 go a periodic evaluation by the State edu-
22 cational agency involved to assess the eligible
23 entity’s progress toward achieving the purpose
24 of this part.

1 “(B) USE OF RESULTS.—The results of
2 evaluations described under subparagraph (A)
3 shall be—

4 “(i) used to refine, improve, and
5 strengthen the program or activity, and to
6 refine the performance measures; and

7 “(ii) made available to the public upon
8 request, with public notice of such avail-
9 ability provided.

10 **“Subpart 3—General Provisions**

11 **“SEC. 2231. NATIONAL ACTIVITIES.**

12 “From the funds reserved by the Secretary under sec-
13 tion 2211(a)(1), the Secretary shall, directly or through
14 grants and contracts—

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

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

22 **“SEC. 2232. DEFINITIONS.**

23 “In this part:

24 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
25 tity’ means—

1 “(A) a local educational agency or consor-
2 tium of local educational agencies;

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

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

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

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

17 “(3) TEACHER RESIDENCY PROGRAM.—The
18 term ‘teacher residency program’ means a school-
19 based teacher preparation program in which a pro-
20 spective teacher—

21 “(A) for one academic year, teaches along-
22 side an effective teacher, as determined by a
23 teacher evaluation system implemented under
24 part A, who is the teacher of record;

1 “(B) receives concurrent instruction during
2 the year described in subparagraph (A) from
3 the partner institution (as defined in section
4 200 of the Higher Education Act of 1965 (20
5 U.S.C. 1021), which courses may be taught by
6 local educational agency personnel or residency
7 program faculty, in the teaching of the content
8 area in which the teacher will become certified
9 or licensed; and

10 “(C) acquires effective teaching skills.”.

11 (d) PART C.—Part C of title II (20 U.S.C. 6671 et
12 seq.) is amended—

13 (1) by striking subparts 1 through 4;

14 (2) by striking the heading relating to subpart
15 5;

16 (3) by striking sections 2361 and 2368;

17 (4) in section 2362, by striking “principals”
18 and inserting “school leaders”;

19 (5) in section 2363(6)(A), by striking “prin-
20 cipal” and inserting “school leader”;

21 (6) in section 2366(b), by striking “ate law”
22 and inserting “(3) A State law”;

23 (7) by redesignating section 2362 as section
24 2361;

1 (8) by redesignating section 2363 as section
2 2366; and

3 (9) by redesignating sections 2364 through
4 2367 as sections 2362 through 2365, respectively.

5 (e) PART D.—Part D of title II (20 U.S.C. 6751 et
6 seq.) is amended to read as follows:

7 **“PART D—GENERAL PROVISIONS**

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

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

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

14 “At the beginning of each school year, a local edu-
15 cational agency that receives funds under this title shall
16 notify the parents of each student attending any school
17 receiving funds under this title that the parents may re-
18 quest, and the agency will provide the parents on request
19 (and in a timely manner), information regarding the re-
20 sults, as they become available, of the evaluations of the
21 student’s classroom teachers conducted under the teacher
22 evaluation system developed and implemented by the local
23 educational agency under part A.

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

2 “Funds received under this title shall be used to sup-
3 plement, and not supplant, non-Federal funds that would
4 otherwise be used for activities authorized under this title.

5 **“SEC. 2404. PROHIBITION AGAINST FEDERAL MANDATES,
6 DIRECTION, OR CONTROL.**

7 “Nothing in this title shall be construed to authorize
8 the Secretary or any other officer or employee of the Fed-
9 eral Government to mandate, direct, control, support, or
10 exercise any direction or supervision over the instructional
11 content or materials, curriculum, program of instruction,
12 academic standards, academic assessments, or the devel-
13 opment or implementation of a teacher evaluation system
14 of a State, local educational agency, or school.”.

15 **SEC. 102. CONFORMING REPEALS.**

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

19 (b) EFFECTIVE DATE.—The amendments and re-
20 peals made in subsection (a) shall take effect October 1,
21 2012.

1 **TITLE II—PARENTAL ENGAGE-**
2 **MENT AND LOCAL FLEXI-**
3 **BILITY**

4 **SEC. 201. PARENTAL ENGAGEMENT AND LOCAL FLEXI-**
5 **BILITY.**

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

8 “TITLE III—PARENTAL ENGAGEMENT AND
9 LOCAL FLEXIBILITY

10 “PART A—PARENTAL ENGAGEMENT

11 “SUBPART 1—CHARTER SCHOOL PROGRAM

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

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

19 “SUBPART 2—MAGNET SCHOOL ASSISTANCE

20 “**SEC. 3121. PURPOSE.**

21 “The purpose of this subpart is to assist in the deseg-
22 regation of schools served by local educational agencies by
23 providing financial assistance to eligible local educational
24 agencies for—

1 “(1) the elimination, reduction, or prevention of
2 minority group isolation in elementary schools and
3 secondary schools with substantial proportions of mi-
4 nority students, which shall include assisting in the
5 efforts of the United States to achieve voluntary de-
6 segregation in public schools;

7 “(2) the development and implementation of
8 magnet school programs that will assist local edu-
9 cational agencies in achieving systemic reforms and
10 providing all students the opportunity to meet State
11 academic standards;

12 “(3) the development and design of innovative
13 educational methods and practices that promote di-
14 versity and increase choices in public elementary
15 schools and public secondary schools and public edu-
16 cational programs;

17 “(4) courses of instruction within magnet
18 schools that will substantially strengthen the knowl-
19 edge of academic subjects and the attainment of tan-
20 gible and marketable career, technical, and profes-
21 sional skills of students attending such schools;

22 “(5) improving the ability of local educational
23 agencies, including through professional develop-
24 ment, to continue operating magnet schools at a

1 high performance level after Federal funding for the
2 magnet schools is terminated; and

3 “(6) ensuring that students enrolled in the
4 magnet school programs have equitable access to a
5 quality education that will enable the students to
6 succeed academically and continue with postsec-
7 ondary education or employment.

8 **“SEC. 3122. DEFINITION.**

9 “For the purpose of this subpart, the term ‘magnet
10 school’ means a public elementary school, public secondary
11 school, public elementary education center, or public sec-
12 ondary education center that offers a special curriculum
13 capable of attracting substantial numbers of students of
14 different racial backgrounds.

15 **“SEC. 3123. PROGRAM AUTHORIZED.**

16 “From the amount appropriated under section
17 3(b)(1)(B), the Secretary, in accordance with this subpart,
18 is authorized to award grants to eligible local educational
19 agencies, and consortia of such agencies where appro-
20 priate, to carry out the purpose of this subpart for magnet
21 schools that are—

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

1 “(2) designed to bring students from different
2 social, economic, ethnic, and racial backgrounds to-
3 gether.

4 **“SEC. 3124. ELIGIBILITY.**

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

9 “(1) is implementing a plan undertaken pursu-
10 ant to a final order issued by a court of the United
11 States, or a court of any State, or any other State
12 agency or official of competent jurisdiction, that re-
13 quires the desegregation of minority-group-seg-
14 regated children or faculty in the elementary schools
15 and secondary schools of such agency; or

16 “(2) without having been required to do so, has
17 adopted and is implementing, or will, if a grant is
18 awarded to such local educational agency, or consor-
19 tium of such agencies, under this subpart, adopt and
20 implement a plan that has been approved by the
21 Secretary as adequate under title VI of the Civil
22 Rights Act of 1964 for the desegregation of minor-
23 ity-group-segregated children or faculty in such
24 schools.

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

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

7 “(b) INFORMATION AND ASSURANCES.—Each appli-
8 cation submitted under subsection (a) shall include—

9 “(1) a description of—

10 “(A) how a grant awarded under this sub-
11 part will be used to promote desegregation, in-
12 cluding how the proposed magnet school pro-
13 grams will increase interaction among students
14 of different social, economic, ethnic, and racial
15 backgrounds;

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

20 “(C) how the applicant will continue the
21 magnet school program after assistance under
22 this subpart is no longer available, and, if appli-
23 cable, an explanation of why magnet schools es-
24 tablished or supported by the applicant with
25 grant funds under this subpart cannot be con-

1 tinued without the use of grant funds under
2 this subpart;

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

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

8 “(ii) to implement services and activi-
9 ties that are consistent with other pro-
10 grams under this Act, and other Acts, as
11 appropriate; and

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

15 “(2) assurances that the applicant will—

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

18 “(B) employ effective teachers in the
19 courses of instruction assisted under this sub-
20 part;

21 “(C) not engage in discrimination based on
22 race, religion, color, national origin, sex, or dis-
23 ability in—

24 “(i) the hiring, promotion, or assign-
25 ment of employees of the applicant or

1 other personnel for whom the applicant has
2 any administrative responsibility;

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

7 “(iii) designing or operating extra-
8 curricular activities for students;

9 “(D) carry out a quality education pro-
10 gram that will encourage greater parental deci-
11 sionmaking and involvement; and

12 “(E) give students residing in the local at-
13 tendance area of the proposed magnet school
14 program equitable consideration for placement
15 in the program, consistent with desegregation
16 guidelines and the capacity of the applicant to
17 accommodate the students.

18 “(c) SPECIAL RULE.—No grant shall be awarded
19 under this subpart unless the Assistant Secretary of Edu-
20 cation for Civil Rights determines that the assurances de-
21 scribed in subsection (b)(2)(C) will be met.

22 **“SEC. 3126. PRIORITY.**

23 “In awarding grants under this subpart, the Sec-
24 retary shall give priority to applicants that—

1 “(1) demonstrate the greatest need for assist-
2 ance, based on the expense or difficulty of effectively
3 carrying out approved desegregation plans and the
4 magnet school program for which the grant is
5 sought;

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

9 “(3) propose to select students to attend mag-
10 net school programs by methods such as lottery,
11 rather than through academic examination.

12 **“SEC. 3127. USE OF FUNDS.**

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

16 “(1) for planning and promotional activities di-
17 rectly related to the development, expansion, con-
18 tinuation, or enhancement of academic programs
19 and services offered at magnet schools;

20 “(2) for the acquisition of books, materials, and
21 equipment, including computers and the mainte-
22 nance and operation of materials, equipment, and
23 computers, necessary to conduct programs in mag-
24 net schools;

1 “(3) for the compensation, or subsidization of
2 the compensation, of elementary school and sec-
3 ondary school teachers, and instructional staff where
4 applicable, who are necessary to conduct programs
5 in magnet schools;

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

9 “(A) are designed to make available the
10 special curriculum that is offered by the magnet
11 school program to students who are enrolled in
12 the school but who are not enrolled in the mag-
13 net school program; and

14 “(B) further the purpose of this subpart;

15 “(5) for activities, which may include profes-
16 sional development, that will build the recipient’s ca-
17 pacity to operate magnet school programs once the
18 grant period has ended;

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

1 “(7) to enable the local educational agency, or
2 consortium of such agencies, to have flexibility in de-
3 signing magnet schools for students in all grades.

4 “(b) SPECIAL RULE.—Grant funds under this sub-
5 part may be used for activities described in paragraphs
6 (2) and (3) of subsection (a) only if the activities are di-
7 rectly related to improving student academic achievement
8 based on the State’s academic standards or directly re-
9 lated to improving student reading skills or knowledge of
10 mathematics, science, history, geography, English, foreign
11 languages, art, or music, or to improving career, technical,
12 and professional skills.

13 **“SEC. 3128. PROHIBITION.**

14 “Grants under this subpart shall not be used for con-
15 struction, transportation, or any activity that does not
16 augment academic improvement.

17 **“SEC. 3129. LIMITATIONS.**

18 “(a) DURATION OF AWARDS.—A grant under this
19 subpart shall be awarded for a period that shall not exceed
20 3 fiscal years.

21 “(b) LIMITATION ON PLANNING FUNDS.—A local
22 educational agency, or consortium of such agencies, may
23 expend for planning (professional development shall not
24 be considered to be planning for purposes of this sub-
25 section) not more than 50 percent of the grant funds re-

1 ceived under this subpart for the first year of the program
2 and not more than 15 percent of such funds for each of
3 the second and third such years.

4 “(c) AMOUNT.—No local educational agency, or con-
5 sortium of such agencies, awarded a grant under this sub-
6 part shall receive more than \$4,000,000 under this sub-
7 part for any 1 fiscal year.

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

11 **“SEC. 3130. EVALUATIONS.**

12 “(a) RESERVATION.—The Secretary may reserve not
13 more than 2 percent of the funds appropriated under sec-
14 tion 3(b)(1)(B) for any fiscal year to carry out evalua-
15 tions, provide technical assistance, and carry out dissemi-
16 nation projects with respect to magnet school programs
17 assisted under this subpart.

18 “(b) CONTENTS.—Each evaluation described in sub-
19 section (a), at a minimum, shall address—

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

23 “(2) the extent to which magnet school pro-
24 grams enhance student access to a quality education;

1 “(3) the extent to which magnet school pro-
 2 grams lead to the elimination, reduction, or preven-
 3 tion of minority group isolation in elementary
 4 schools and secondary schools with substantial pro-
 5 portions of minority students; and

6 “(4) the extent to which magnet school pro-
 7 grams differ from other school programs in terms of
 8 the organizational characteristics and resource allo-
 9 cations of such magnet school programs.

10 “(c) DISSEMINATION.—The Secretary shall collect
 11 and disseminate to the general public information on suc-
 12 cessful magnet school programs.

13 **“SEC. 3131. RESERVATION.**

14 “In any fiscal year for which the amount appro-
 15 priated under section 3(b)(1)(B) exceeds \$75,000,000, the
 16 Secretary shall give priority in using such amounts in ex-
 17 cess of \$75,000,000 to awarding grants to local edu-
 18 cational agencies or consortia of such agencies that did
 19 not receive a grant under this subpart in the preceding
 20 fiscal year.

21 “SUBPART 3—FAMILY ENGAGEMENT IN EDUCATION

22 PROGRAMS

23 **“SEC. 3141. PURPOSES.**

24 “The purposes of this subpart are the following:

1 “(1) To provide financial support to organiza-
2 tions to provide technical assistance and training to
3 State and local educational agencies in the imple-
4 mentation and enhancement of systemic and effec-
5 tive family engagement policies, programs, and ac-
6 tivities that lead to improvements in student devel-
7 opment and academic achievement.

8 “(2) To assist State educational agencies, local
9 educational agencies, community-based organiza-
10 tions, schools, and educators in strengthening part-
11 nerships among parents, teachers, school leaders, ad-
12 ministrators, and other school personnel in meeting
13 the educational needs of children and fostering
14 greater parental engagement.

15 “(3) To support State educational agencies,
16 local educational agencies, schools, educators, and
17 parents in developing and strengthening the relation-
18 ship between parents and their children’s school in
19 order to further the developmental progress of chil-
20 dren.

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

24 “(5) To assist the Secretary, State educational
25 agencies, and local educational agencies in the co-

1 ordination and integration of Federal, State, and
2 local services and programs to engage families in
3 education.

4 **“SEC. 3142. GRANTS AUTHORIZED.**

5 “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—
6 From the amount appropriated under section 3(b)(1)(C),
7 the Secretary is authorized to award grants for each fiscal
8 year to statewide organizations (and consortia of such or-
9 ganizations and State educational agencies), to establish
10 Statewide Family Engagement Centers that provide com-
11 prehensive training and technical assistance to State edu-
12 cational agencies, local educational agencies, schools iden-
13 tified by State educational agencies and local educational
14 agencies, organizations that support family-school part-
15 nerships, and other organizations that carry out parent
16 education and family engagement in education programs.

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

21 **“SEC. 3143. APPLICATIONS.**

22 “(a) SUBMISSIONS.—Each statewide organization, or
23 a consortium of such an organization and a State edu-
24 cational agency, that desires a grant under this subpart
25 shall submit an application to the Secretary at such time,

1 in such manner, and including the information described
2 in subsection (b).

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

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

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

12 “(3) A description of the applicant’s plan for
13 building a statewide infrastructure for family en-
14 gagement in education, that includes—

15 “(A) management and governance;

16 “(B) statewide leadership; or

17 “(C) systemic services for family engage-
18 ment in education.

19 “(4) A description of the applicant’s dem-
20 onstrated experience in providing training, informa-
21 tion, and support to State educational agencies, local
22 educational agencies, schools, educators, parents,
23 and organizations on family engagement in edu-
24 cation policies and practices that are effective for
25 parents (including low-income parents) and families,

1 English learners, minorities, parents of students
2 with disabilities, parents of homeless students, foster
3 parents and students, and parents of migratory stu-
4 dents, including evaluation results, reporting, or
5 other data exhibiting such demonstrated experience.

6 “(5) An assurance that the applicant will—

7 “(A) establish a special advisory com-
8 mittee, the membership of which includes—

9 “(i) parents, who shall constitute a
10 majority of the members of the special ad-
11 visory committee;

12 “(ii) representatives of education pro-
13 fessionals with expertise in improving serv-
14 ices for disadvantaged children;

15 “(iii) representatives of local elemen-
16 tary schools and secondary schools, includ-
17 ing students;

18 “(iv) representatives of the business
19 community; and

20 “(v) representatives of State edu-
21 cational agencies and local educational
22 agencies;

23 “(B) use not less than 65 percent of the
24 funds received under this subpart in each fiscal
25 year to serve local educational agencies, schools,

1 and community-based organizations that serve
2 high concentrations of disadvantaged students,
3 including English learners, minorities, parents
4 of students with disabilities, parents of home-
5 less students, foster parents and students, and
6 parents of migratory students;

7 “(C) operate a Statewide Family Engage-
8 ment Center of sufficient size, scope, and qual-
9 ity to ensure that the Center is adequate to
10 serve the State educational agency, local edu-
11 cational agencies, and community-based organi-
12 zations;

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

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

18 “(F) work with—

19 “(i) other Statewide Family Engage-
20 ment Centers assisted under this subpart;
21 and

22 “(ii) parent training and information
23 centers and community parent resource
24 centers assisted under sections 671 and

1 672 of the Individuals with Disabilities
2 Education Act;

3 “(G) use not less than 30 percent of the
4 funds received under this subpart for each fiscal
5 year to establish or expand technical assistance
6 for evidence-based parent education programs;

7 “(H) provide assistance to State edu-
8 cational agencies and local educational agencies
9 and community-based organizations that sup-
10 port family members in supporting student aca-
11 demic achievement;

12 “(I) work with State educational agencies,
13 local educational agencies, schools, educators,
14 and parents to determine parental needs and
15 the best means for delivery of services to ad-
16 dress such needs; and

17 “(J) conduct sufficient outreach to assist
18 parents, including parents who the applicant
19 may have a difficult time engaging with a
20 school or local educational agency.

21 **“SEC. 3144. USES OF FUNDS.**

22 “(a) IN GENERAL.—Grantees shall use grant funds
23 received under this subpart, based on the needs deter-
24 mined under section 3143(b)(5)(I), to provide training
25 and technical assistance to State educational agencies,

1 local educational agencies, and organizations that support
2 family-school partnerships, and activities, services, and
3 training for local educational agencies, school leaders, edu-
4 cators, and parents—

5 “(1) to assist parents in participating effectively
6 in their children’s education and to help their chil-
7 dren meet State standards, such as assisting par-
8 ents—

9 “(A) to engage in activities that will im-
10 prove student academic achievement, including
11 understanding how they can support learning in
12 the classroom with activities at home and in
13 afterschool and extracurricular programs;

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

17 “(C) to become active participants in the
18 development, implementation, and review of
19 school-parent compacts, family engagement in
20 education policies, and school planning and im-
21 provement;

22 “(D) to participate in the design and pro-
23 vision of assistance to students who are not
24 making academic progress;

1 “(E) to participate in State and local deci-
2 sionmaking;

3 “(F) to train other parents; and

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

6 “(2) to develop and implement, in partnership
7 with the State educational agency, statewide family
8 engagement in education policy and systemic initia-
9 tives that will provide for a continuum of services to
10 remove barriers for family engagement in education
11 and support school reform efforts; and

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

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

22 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
23 reserve not more than 2 percent of the funds appropriated
24 under section 3(b)(C) to carry out this subpart to provide
25 technical assistance, by grant or contract, for the estab-

1 lishment, development, and coordination of Statewide
2 Family Engagement Centers.

3 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to prohibit a Statewide Family En-
5 gagement Center from—

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

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

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

12 “(1) no person (including a parent who edu-
13 cates a child at home, a public school parent, or a
14 private school parent) shall be required to partici-
15 pate in any program of parent education or develop-
16 mental screening under this section; and

17 “(2) no program or center assisted under this
18 section shall take any action that infringes in any
19 manner on the right of a parent to direct the edu-
20 cation of their children.

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

22 “The Secretary of the Interior, in consultation with
23 the Secretary of Education, shall establish, or enter into
24 contracts and cooperative agreements with local Indian

1 nonprofit parent organizations to establish and operate
2 Family Engagement Centers.

3 “PART B—LOCAL ACADEMIC FLEXIBLE GRANT

4 **“SEC. 3201. PURPOSE.**

5 “The purpose of this part is to—

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

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

13 **“SEC. 3202. ALLOTMENTS TO STATES.**

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

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

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

1 lying areas and the Bureau to carry out the purpose
2 of this part.

3 “(b) STATE ALLOTMENTS.—

4 “(1) DETERMINATION.—From the funds appro-
5 priated under section 3(b)(2) for any fiscal year and
6 remaining after the Secretary makes reservations
7 under subsection (a), the Secretary shall allot to
8 each State for the fiscal year an amount that bears
9 the same relationship to the remainder as the
10 amount the State received under chapter B of sub-
11 part 1 of part A of title I for the preceding fiscal
12 year bears to the amount all States received under
13 that chapter for the preceding fiscal year, except
14 that no State shall receive less than an amount
15 equal to one-half of 1 percent of the total amount
16 made available to all States under this subsection.

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

22 “(c) STATE USE OF FUNDS.—

23 “(1) IN GENERAL.—Each State that receives an
24 allotment under this part shall reserve not less than
25 75 percent of the amount allotted to the State under

1 subsection (b) for each fiscal year for awards to eli-
2 gible entities under section 3204.

3 “(2) AWARDS TO NONGOVERNMENTAL ENTI-
4 TIES TO IMPROVE STUDENT ACADEMIC ACHIEVE-
5 MENT.—Each State that receives an allotment under
6 subsection (b) for each fiscal year shall reserve not
7 less than 10 percent of the amount allotted to the
8 State for awards to nongovernmental entities under
9 section 3205.

10 “(3) STATE ACTIVITIES AND STATE ADMINIS-
11 TRATION.—A State educational agency may reserve
12 not more than 15 percent of the amount allotted to
13 the State under subsection (b) for each fiscal year
14 for the following:

15 “(A) Enabling the State educational agen-
16 cy—

17 “(i) to pay the costs of developing the
18 State assessments and standards required
19 under section 1111(b), which may include
20 the costs of working, at the sole discretion
21 of the State, in voluntary partnerships
22 with other States to develop such assess-
23 ments and standards; or

24 “(ii) if the State has developed the as-
25 sessments and standards required under

1 section 1111(b), to administer those as-
2 sements or carry out other activities re-
3 lated to ensuring that the State’s schools
4 and local educational agencies are helping
5 students meet the State’s academic stand-
6 ards under such section.

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

11 “(C) Monitoring and evaluation of pro-
12 grams and activities assisted under this part.

13 “(D) Providing training and technical as-
14 sistance under this part.

15 “(E) Statewide academic focused pro-
16 grams.

17 “(F) Sharing evidence-based and other ef-
18 fective strategies with eligible entities.

19 **“SEC. 3203. STATE APPLICATION.**

20 “(a) IN GENERAL.—In order to receive an allotment
21 under section 3202 for any fiscal year, a State shall sub-
22 mit to the Secretary, at such time as the Secretary may
23 require, an application that—

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

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

6 “(3) describes the procedures and criteria the
7 State educational agency will use for reviewing appli-
8 cations and awarding funds to eligible entities on a
9 competitive basis, which shall include reviewing how
10 the proposed project will help increase student aca-
11 demic achievement;

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

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

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

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

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

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

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

14 “(9) contains an assurance that the State edu-
15 cational agency—

16 “(A) will make awards for programs for a
17 period of not less than 3 years and not more
18 than 5 years; and

19 “(B) will require each eligible entity seek-
20 ing such an award to submit a plan describing
21 how the project to be funded through the award
22 will continue after funding under this part
23 ends, if applicable; and

24 “(10) contains an assurance that funds appro-
25 priated to carry out this part will be used to supple-

1 ment, and not supplant, other Federal, State, and
2 local public funds expended to provide programs and
3 activities authorized under this part and other simi-
4 lar programs.

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

12 “(c) DISAPPROVAL.—The Secretary shall not finally
13 disapprove the application, except after giving the State
14 educational agency notice and an opportunity for a hear-
15 ing.

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

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

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

24 “(A) cite the specific provisions in the ap-
25 plication that are not in compliance; and

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

4 “(e) RESPONSE.—If the State educational agency re-
5 sponds to the Secretary’s notification described in sub-
6 section (d)(2) during the 45-day period beginning on the
7 date on which the agency received the notification, and
8 resubmits the application with the requested information
9 described in subsection (d)(2)(B), the Secretary shall ap-
10 prove or disapprove such application prior to the later of—

11 “(1) the expiration of the 45-day period begin-
12 ning on the date on which the application is resub-
13 mitted; or

14 “(2) the expiration of the 120-day period de-
15 scribed in subsection (b).

16 “(f) FAILURE TO RESPOND.—If the State edu-
17 cational agency does not respond to the Secretary’s notifi-
18 cation described in subsection (d)(2) during the 45-day pe-
19 riod beginning on the date on which the agency received
20 the notification, such application shall be deemed to be
21 disapproved.

22 “(g) RULE OF CONSTRUCTION.—An application sub-
23 mitted by a State educational agency pursuant to sub-
24 section (a) shall not be approved or disapproved based
25 upon the activities for which the agency may make funds

1 available to eligible entities under section 3204 if the agen-
2 cy's use of funds is consistent with section 3204(b).

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

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

8 “(b) USE OF FUNDS.—

9 “(1) IN GENERAL.—An eligible entity that re-
10 ceives an award under this part shall use the funds
11 for activities that—

12 “(A) are evidence-based;

13 “(B) will improve student academic
14 achievement;

15 “(C) are allowable under State law; and

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

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

23 “(ii) Activities designed to support
24 students, such as academic subject specific
25 programs, adjunct teacher programs, ex-

1 tended learning time programs, and parent
2 engagement, but not including activities
3 to—

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

6 “(II) provide compensation or
7 benefits to teachers, school leaders,
8 other school officials, or local edu-
9 cational agency staff.

10 “(2) PARTICIPATION OF CHILDREN ENROLLED
11 IN PRIVATE SCHOOLS.—An eligible entity that re-
12 ceives an award under this part shall ensure compli-
13 ance with section 5501 (relating to participation of
14 children enrolled in private schools).

15 “(c) APPLICATION.—

16 “(1) IN GENERAL.—To be eligible to receive an
17 award under this part, an eligible entity shall submit
18 an application to the State educational agency at
19 such time, in such manner, and including such infor-
20 mation as the State educational agency may reason-
21 ably require, including the contents required by
22 paragraph (2).

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

1 “(A) a description of the activities to be
2 funded and how they are consistent with sub-
3 section (b);

4 “(B) an assurance that funds under this
5 part will be used to increase the level of State,
6 local, and other non-Federal funds that would,
7 in the absence of funds under this part, be
8 made available for programs and activities au-
9 thorized under this part, and in no case sup-
10 plant Federal, State, local, or non-Federal
11 funds; and

12 “(C) an assurance that the community will
13 be given notice of an intent to submit an appli-
14 cation with an opportunity for comment, and
15 that the application will be available for public
16 review after submission of the application.

17 “(d) REVIEW.—In reviewing local applications under
18 this section, a State educational agency shall use a peer
19 review process or other methods of assuring the quality
20 of such applications but the review shall only judge the
21 likelihood that the project will increase student academic
22 achievement.

23 “(e) GEOGRAPHIC DIVERSITY.—A State educational
24 agency shall distribute funds under this part equitably

1 among geographic areas within the State, including rural,
2 suburban, and urban communities.

3 “(f) AWARD.—A grant shall be awarded to all eligible
4 entities that submit an application that meets the require-
5 ments of this section in an amount that is not less than
6 \$10,000.

7 “(g) DURATION OF AWARDS.—Grants under this
8 part may be awarded for a period of not less than 3 years
9 and not more than 5 years.

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

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

15 “(2) a consortium of local educational agencies
16 working in partnership;

17 “(3) a community-based organization in part-
18 nership with a local educational agency and, if appli-
19 cable, a private sector business entity or nongovern-
20 mental entity; or

21 “(4) a private sector business entity in partner-
22 ship with a local educational agency and, if applica-
23 ble, a community-based organization or nongovern-
24 mental entity.

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

3 “(a) IN GENERAL.—From the amount reserved
4 under section 3202(c)(2), a State educational agency shall
5 award grants to nongovernmental entities, including pub-
6 lic or private organizations, community-based or faith-
7 based organizations, and business entities for a program
8 or project for elementary or secondary school students (or
9 both) that will help improve academic achievement in com-
10 pliance with the requirements in this section. Subject to
11 the availability of funds, the State educational agency
12 shall award a grant to each eligible applicant that meets
13 the requirements in a sufficient size and scope to support
14 the program.

15 “(b) APPLICATION.—The State educational agency
16 shall require an application that includes the following in-
17 formation:

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

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

23 “(3) A description of how the program or
24 project will help increase student academic achieve-
25 ment, including the evidence to support this claim.

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

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

8 “(6) A description of any partnerships the ap-
9 plicant has entered into with the local educational
10 agencies or other entities the applicant will work
11 with, if applicable.

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

17 “(c) MATCHING CONTRIBUTION.—An eligible appli-
18 cant receiving a grant under this section shall provide, ei-
19 ther directly or through private contributions, non-Federal
20 matching funds equal to not less than 50 percent of the
21 amount of the grant.

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

24 “(1) the applicant is an eligible applicant;

1 “(2) the application clearly describes the re-
2 quired elements in subsection (b);

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

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

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

13 “(f) ADMINISTRATIVE COSTS.—Not more than 1 per-
14 cent of a grant awarded under this section may be used
15 for administrative costs.

16 **“SEC. 3206. REPORT.**

17 “Each recipient of a grant under section 3204 or
18 3205 shall report to the State educational agency on—

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

21 “(2) a description of the students served by the
22 program and how the students’ academic achieve-
23 ment improved; and

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

1 **TITLE III—IMPACT AID**

2 **SEC. 301. PURPOSE.**

3 Section 8002 (20 U.S.C. 7701) is amended by strik-
4 ing “challenging State standards” and inserting “State
5 academic standards”.

6 **SEC. 302. PAYMENTS RELATING TO FEDERAL ACQUISITION**
7 **OF REAL PROPERTY.**

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

9 (1) in subsection (a)—

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

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

14 “(C) had an assessed value according to
15 original records (including facsimiles or other
16 reproductions of those records) or other records
17 that the Secretary determines to be appropriate
18 and reliable, including Federal agency records
19 or local historical records, aggregating 10 per-
20 cent or more of the assessed value of—”;

21 (2) in subsection (b)—

22 (A) by amending paragraph (2) to read as
23 follows:

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

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), in determining the estimated taxable
3 value of eligible Federal property located within
4 the boundaries of a local educational agency for
5 fiscal year 2013 and each succeeding fiscal
6 year, the Secretary shall carry out the fol-
7 lowing:

8 “(i) Determine the total taxable value
9 of real property located within the bound-
10 aries of such local educational agency for
11 the purpose of levying a property tax for
12 current expenditures.

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

15 “(I) the total taxable value deter-
16 mined under clause (i), by

17 “(II) the difference between the
18 total acres located within the bound-
19 aries of the local educational agency
20 and the number of Federal acres in
21 that agency eligible under this section.

22 “(iii) Multiply—

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

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

4 “(B) SPECIAL RULE.—In a case in which
5 a local educational agency shares eligible Fed-
6 eral property with 2 or more local educational
7 agencies, the local educational agency may elect
8 to have the Secretary—

9 “(i) calculate the per acre value of the
10 eligible Federal property of each such local
11 educational agency in accordance with sub-
12 paragraph (A); and

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

15 “(I) the average of the per acre
16 values of such eligible Federal prop-
17 erties, by

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

21 (B) by amending paragraph (3) to read as
22 follows:

23 “(3) APPLICATION OF CURRENT LEVIED REAL
24 PROPERTY TAX RATE.—In calculating the amount
25 that a local educational agency is eligible to receive

1 for a fiscal year, the Secretary shall apply the cur-
2 rent levied real property tax rate for current expend-
3 itures levied by fiscally independent local educational
4 agencies, or imputed for fiscally dependent local edu-
5 cational agencies, to the current annually deter-
6 mined estimated taxable value of such acquired Fed-
7 eral property as calculated under paragraph (2).”;

8 (3) by amending subsection (f) to read as fol-
9 lows:

10 “(f) SPECIAL RULE.—Beginning with fiscal year
11 2013, a local educational agency shall be deemed to meet
12 the requirements of subsection (a)(1)(C) if records to de-
13 termine eligibility under such subsection were destroyed
14 prior to fiscal year 2000 and the agency received funds
15 under subsection (b) in the previous year.”;

16 (4) by amending subsection (g) to read as fol-
17 lows:

18 “(g) FORMER DISTRICTS.—

19 “(1) CONSOLIDATIONS.—For fiscal year 2006
20 and each succeeding fiscal year, if a local edu-
21 cational agency described in paragraph (2) is formed
22 at any time after 1938 by the consolidation of two
23 or more former school districts, the local educational
24 agency may elect to have the Secretary determine its
25 eligibility and any amount for which the local edu-

1 cational agency is eligible under this section for such
2 fiscal year on the basis of one or more of those
3 former districts, as designated by the local edu-
4 cational agency.

5 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
6 CIES.—A local educational agency described in this
7 paragraph is—

8 “(A) any local educational agency that, for
9 fiscal year 1994 or any preceding fiscal year,
10 applied for, and was determined to be eligible
11 under section 2(e) of the Act of September 20,
12 1950 (Public Law 874, 81st Congress) as that
13 section was in effect for that fiscal year; or

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

19 “(i) for fiscal years 2006 through
20 2012, the local educational agency notifies
21 the Secretary not later than 30 days after
22 the date of enactment of the Encouraging
23 Innovation and Effective Teachers Act of
24 the designation described in paragraph (1);
25 and

1 “(ii) for fiscal year 2013, and each
2 subsequent fiscal year, the local edu-
3 cational agency includes the designation in
4 its application under section 8005 or any
5 timely amendment to such application.

6 “(3) AVAILABILITY OF FUNDS.—Notwith-
7 standing any other provision of law limiting the pe-
8 riod during which the Secretary may obligate funds
9 appropriated for any fiscal year after fiscal year
10 2005, the Secretary may obligate funds remaining
11 after final payments have been made for any of such
12 fiscal years to carry out this subsection.”;

13 (5) in subsection (h)—

14 (A) by striking “section 8014(a)” each
15 place it appears and inserting “section 3(c)(1)”;

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

18 “(1) FOUNDATION PAYMENTS.—

19 “(A) IN GENERAL.—From the amount ap-
20 propriated under section 3(c)(1) for the fiscal
21 year involved, the Secretary shall first make a
22 payment to the following local educational agen-
23 cies:

24 “(i) Each local educational agency
25 that received a payment under this section

1 for fiscal year 2006 and was eligible for a
2 payment under this section for fiscal year
3 2006.

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

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

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

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

22 “(I) calculating a payment esti-
23 mate for fiscal year 2006 for such
24 local educational agency under sub-
25 section (b) in the same manner as

1 payments were determined for local
2 educational agencies eligible for and
3 receiving payments for fiscal year
4 2006 under such section; and

5 “(II) multiplying the amount de-
6 termined under subclause (I) by 90
7 percent.

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

14 “(D) INSUFFICIENT APPROPRIATIONS.—If
15 the amount appropriated under section 3(c)(1)
16 is insufficient to pay the full amount deter-
17 mined under this paragraph for all eligible local
18 educational agencies for the fiscal year, then
19 the Secretary shall ratably reduce the payment
20 to each such local educational agency under this
21 paragraph.”;

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

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

4 “(A) sum the amounts determined for all
5 eligible local educational agencies under sub-
6 section (b)(2);

7 “(B) determine each eligible local edu-
8 cational agency’s proportional share of the
9 amount calculated under subparagraph (A); and

10 “(C) pay each eligible local educational
11 agency its share of the remaining funds based
12 on the proportion calculated under subpara-
13 graph (B).”;

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

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

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

18 (8) by amending subsection (i) (as so redesign-
19 nated) by striking “(h)(4)(B)” and inserting
20 “(h)(2)”;

21 (9) by repealing subsection (m); and

22 (10) by redesignating subsection (n) as sub-
23 section (j).

1 **SEC. 303. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
2 **NECTED CHILDREN.**

3 (a) COMPUTATION OF PAYMENT.—Section 8003(a)
4 (20 U.S.C. 7703(a)) is amended—

5 (1) in the matter preceding subparagraph (A)
6 of paragraph (1), by inserting after “schools of such
7 agency” the following: “(including those children en-
8 rolled in such agency as a result of the open enroll-
9 ment policy of the State in which the agency is lo-
10 cated, but not including children who are enrolled in
11 a distance education program at such agency and
12 who are not residing within the geographic bound-
13 aries of such agency)”;

14 (2) in paragraph (4)—

15 (A) in the heading, by striking “OR RE-
16 BUILDING” and inserting “, REBUILDING, OR
17 AUTHORIZED FOR DEMOLITION”;

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

23 (C) in subparagraph (B)—

24 (i) by striking “or rebuilding” each
25 place it appears and inserting “, rebuild-
26 ing, or authorized for demolition by the

1 Secretary of Defense or the head of an-
2 other Federal agency”; and

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

7 (3) in paragraph (5)(A), by inserting after
8 “1984,” the following: “or under lease of off-base
9 property under subchapter IV of chapter 169 of title
10 10, United States Code,”.

11 (b) BASIC SUPPORT PAYMENTS FOR HEAVILY IM-
12 PACTED LOCAL EDUCATIONAL AGENCIES.—Section
13 8003(b) (20 U.S.C. 7703(b)) is amended—

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

16 (2) in paragraph (1), by repealing subpara-
17 graph (E);

18 (3) in paragraph (2)—

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

21 “(iii) The Secretary shall—

22 “(I) deem each local educational
23 agency that received a basic support
24 payment under this paragraph for fis-
25 cal year 2009 as eligible to receive a

1 basic support payment under this
2 paragraph for each of fiscal years
3 2010, 2011, and 2012; and

4 “(II) make a payment to each
5 such local educational agency under
6 this paragraph for each of fiscal years
7 2010, 2011, and 2012.”; and

8 (B) in subparagraph (B)—

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

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

13 “(i) IN GENERAL.—A heavily im-
14 pacted local educational agency is eligible
15 to receive a basic support payment under
16 subparagraph (A) with respect to a num-
17 ber of children determined under sub-
18 section (a)(1) if the agency—

19 “(I) is a local educational agen-
20 cy—

21 “(aa) whose boundaries are
22 the same as a Federal military
23 installation or an island property
24 designated by the Secretary of
25 the Interior to be property that is

1 held in trust by the Federal Gov-
2 ernment; and

3 “(bb) that has no taxing au-
4 thority;

5 “(II) is a local educational agen-
6 cy that—

7 “(aa) has an enrollment of
8 children described in subsection
9 (a)(1) that constitutes a percent-
10 age of the total student enroll-
11 ment of the agency that is not
12 less than 45 percent;

13 “(bb) has a per-pupil ex-
14 penditure that is less than—

15 “(AA) for an agency
16 that has a total student en-
17 rollment of 500 or more stu-
18 dents, 125 percent of the av-
19 erage per-pupil expenditure
20 of the State in which the
21 agency is located; or

22 “(BB) for any agency
23 that has a total student en-
24 rollment less than 500, 150
25 percent of the average per-

1 pupil expenditure of the
2 State in which the agency is
3 located; or the average per-
4 pupil expenditure of 3 or
5 more comparable local edu-
6 cational agencies in the
7 State in which the agency is
8 located; and
9 “(cc) is an agency that—
10 “(AA) has a tax rate
11 for general fund purposes
12 that is not less than 95 per-
13 cent of the average tax rate
14 for general fund purposes of
15 comparable local educational
16 agencies in the State; or
17 “(BB) was eligible to
18 receive a payment under this
19 subsection for fiscal year
20 2012 and is located in a
21 State that by State law has
22 eliminated ad valorem tax as
23 a revenue for local edu-
24 cational agencies;

1 “(III) is a local educational agen-
2 cy that—

3 “(aa) has an enrollment of
4 children described in subsection
5 (a)(1) that constitutes a percent-
6 age of the total student enroll-
7 ment of the agency that is not
8 less than 20 percent;

9 “(bb) for the 3 fiscal years
10 preceding the fiscal year for
11 which the determination is made,
12 the average enrollment of chil-
13 dren who are not described in
14 subsection (a)(1) and who are eli-
15 gible for a free or reduced price
16 lunch under the Richard B. Rus-
17 sell National School Lunch Act
18 constitutes a percentage of the
19 total student enrollment of the
20 agency that is not less than 65
21 percent; and

22 “(cc) has a tax rate for gen-
23 eral fund purposes which is not
24 less than 125 percent of the aver-
25 age tax rate for general fund

1 purposes for comparable local
2 educational agencies in the State;

3 “(IV) is a local educational agen-
4 cy that has a total student enrollment
5 of not less than 25,000 students, of
6 which—

7 “(aa) not less than 50 per-
8 cent are children described in
9 subsection (a)(1); and

10 “(bb) not less than 5,500 of
11 such children are children de-
12 scribed in subparagraphs (A) and
13 (B) of subsection (a)(1); or

14 “(V) is a local educational agency
15 that—

16 “(aa) has an enrollment of
17 children described in subsection
18 (a)(1) including, for purposes of
19 determining eligibility, those chil-
20 dren described in subparagraphs
21 (F) and (G) of such subsection,
22 that is not less than 35 percent
23 of the total student enrollment of
24 the agency; and

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

4 (iii) in clause (ii)—

5 (I) by striking “A heavily” and
6 inserting the following: “(I) IN GEN-
7 ERAL.—Subject to subclause (II), a
8 heavily”; and

9 (II) adding at the end the fol-
10 lowing:

11 “(II) LOSS OF ELIGIBILITY DUE
12 TO FALLING BELOW 95 PERCENT OF
13 THE AVERAGE TAX RATE FOR GEN-
14 ERAL FUND PURPOSES.—In a case of
15 a heavily impacted local educational
16 agency that fails to meet the require-
17 ments of clause (i) for a fiscal year by
18 reason of having a tax rate for gen-
19 eral fund purposes that falls below 95
20 percent of the average tax rate for
21 general fund purposes of comparable
22 local educational agencies in the
23 State, subclause (I) shall be applied
24 as if ‘and the subsequent fiscal year’

1 were inserted before the period at the
2 end.”;

3 (C) by striking subparagraph (C);

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

7 (E) in subparagraph (C) (as so redesign-
8 ated)—

9 (i) in the heading, by striking “REG-
10 ULAR”;

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

14 (iii) by amending subclause (I) of
15 clause (ii) to read as follows:

16 “(ii)(I)(aa) For a local educational
17 agency with respect to which 35 percent or
18 more of the total student enrollment of the
19 schools of the agency are children de-
20 scribed in subparagraph (D) or (E) (or a
21 combination thereof) of subsection (a)(1),
22 and that has an enrollment of children de-
23 scribed in subparagraphs (A), (B), or (C)
24 of such subsection equal to at least 10 per-
25 cent of the agency’s total enrollment, the

1 Secretary shall calculate the weighted stu-
2 dent units of those children described in
3 subparagraph (D) or (E) of such sub-
4 section by multiplying the number of such
5 children by a factor of 0.55.

6 “(bb) Notwithstanding subitem (aa), a
7 local educational agency that received a
8 payment under this paragraph for fiscal
9 year 2006 shall not be required to have an
10 enrollment of children described in sub-
11 paragraphs (A), (B), or (C) of subsection
12 (a)(1) equal to at least 10 percent of the
13 agency’s total enrollment.”; and

14 (iv) by amending subclause (III) of
15 clause (ii) by striking “(B)(i)(II)(aa)” and
16 inserting “subparagraph (B)(i)(I)”;

17 (F) in subparagraph (D)(i)(II) (as so re-
18 designated), by striking “6,000” and inserting
19 “5,500”;

20 (G) in subparagraph (E) (as so redesign-
21 nated)—

22 (i) by striking “Secretary” and all
23 that follows through “shall use” and in-
24 serting “Secretary shall use”;

1 (ii) by striking “; and” and inserting
2 a period; and

3 (iii) by striking clause (ii);

4 (H) in subparagraph (F) (as so redesignated),
5 by striking “subparagraph
6 (C)(i)(II)(bb)” and inserting “subparagraph
7 (B)(i)(II)(bb)”;

8 (I) in subparagraph (G) (as so redesignated)—
9 nated)—

10 (i) in clause (i)—

11 (I) by striking “subparagraph
12 (B), (C), (D), or (E)” and inserting
13 “subparagraph (B), (C), or (D)”;

14 (II) by striking “by reason of”
15 and inserting “due to”;

16 (III) by inserting after “clause
17 (iii)” the following “, or as the direct
18 result of base realignment and closure
19 or modularization as determined by
20 the Secretary of Defense and force
21 structure change or force relocation,”;
22 and

23 (IV) by inserting before the pe-
24 riod, the following: “or during such
25 time as activities associated with base

1 closure and realignment,
2 modularization, force structure
3 change, or force relocation are ongoing;
4 ing”; and

5 (ii) in clause (ii), by striking “(D) or
6 (E)” each place it appears and inserting
7 “(C) or (D)”;

8 (4) in paragraph (3)—

9 (A) in subparagraph (B)—

10 (i) by striking clause (iii); and

11 (ii) by inserting after clause (ii) the
12 following:

13 “(iii) In the case of a local educational
14 agency that is providing a program of dis-
15 tance education to children not residing
16 within the geographic boundaries of the
17 agency, the Secretary shall—

18 “(I) for purposes of the calcula-
19 tion under clause (i)(I), disregard
20 such children from the total number
21 of children in average daily attend-
22 ance at the schools served by such
23 agency; and

24 “(II) for purposes of the calcula-
25 tion under clause (i)(II), disregard

1 any funds received for such children
2 from the total current expenditures
3 for such agency.”;

4 (B) in subparagraph (C), by striking “sub-
5 paragraph (D) or (E) of paragraph (2), as the
6 case may be” and inserting “paragraph
7 (2)(D)”;

8 (C) by amending subparagraph (D) to read
9 as follows:

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

19 “(i) a percentage, the denominator of
20 which is the difference between the full
21 amount computed under paragraph (1) or
22 (2) (as the case may be) for all local edu-
23 cational agencies and the amount of the
24 threshold payment (as calculated under
25 subparagraphs (B) and (C)) of all local

1 educational agencies, and the numerator of
2 which is the aggregate of the excess sums,
3 by;

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

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

12 “(E) INSUFFICIENT PAYMENTS.—For each
13 fiscal year described in subparagraph (A) for
14 which the sums appropriated under section
15 3(c)(2) are insufficient to pay each local edu-
16 cational agency all of the local educational
17 agency’s threshold payment described in sub-
18 paragraph (D), the Secretary shall ratably re-
19 duce the payment to each local educational
20 agency under this paragraph.

21 “(F) INCREASES.—If the sums appro-
22 priated under section 3(c)(2) are sufficient to
23 increase the threshold payment above the 100
24 percent threshold payment described in sub-
25 paragraph (D), then the Secretary shall in-

1 crease payments on the same basis as such pay-
2 ments were reduced, except no local educational
3 agency may receive a payment amount greater
4 than 100 percent of the maximum payment cal-
5 culated under this subsection.”; and

6 (5) in paragraph (4)—

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

9 (B) in subparagraph (B), by striking “sub-
10 paragraph (D) or (E)” and inserting “subpara-
11 graph (C) or (D)”.

12 (c) PRIOR YEAR DATA.—Paragraph (2) of section
13 8003(c) (20 U.S.C. 7703(c)) is amended to read as fol-
14 lows:

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

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

21 “(B) was eligible to receive a payment
22 under this section for the previous fiscal year
23 and has had an overall increase in enrollment
24 (as determined by the Secretary in consultation
25 with the Secretary of Defense, the Secretary of

1 Interior, or the heads of other Federal agen-
2 cies)—

3 “(i) of not less than 10 percent, or
4 100 students, of children described in—

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

7 “(II) subparagraph (F) and (G)
8 of subsection (a)(1), but only to the
9 extent such children are civilian de-
10 pendents of employees of the Depart-
11 ment of Defense or the Department of
12 Interior; and

13 “(ii) that is the direct result of closure
14 or realignment of military installations
15 under the base closure process or the relo-
16 cation of members of the Armed Forces
17 and civilian employees of the Department
18 of Defense as part of the force structure
19 changes or movements of units or per-
20 sonnel between military installations or be-
21 cause of actions initiated by the Secretary
22 of the Interior or the head of another Fed-
23 eral agency; or

24 “(C) was eligible to receive a payment
25 under this section for the previous fiscal year

1 and has had an increase in enrollment (as de-
2 termined by the Secretary)—

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

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

10 (d) CHILDREN WITH DISABILITIES.—Section
11 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
12 “section 8014(c)” and inserting “section 3(e)(3)”.

13 (e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C.
14 7703(e)) is amended—

15 (1) by amending paragraph (1) to read as fol-
16 lows:

17 “(1) IN GENERAL.—Subject to paragraph (2),
18 the total amount the Secretary shall pay a local edu-
19 cational agency under subsection (b)—

20 “(A) for fiscal year 2013, shall not be less
21 than 90 percent of the total amount that the
22 local educational agency received under sub-
23 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
24 year 2012;

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

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

11 (2) by amending paragraph (2) to read as fol-
12 lows:

13 “(2) MAXIMUM AMOUNT.—The total amount
14 provided to a local educational agency under sub-
15 paragraph (A), (B), or C of paragraph (1) for a fis-
16 cal year shall not exceed the maximum basic support
17 payment amount for such agency determined under
18 paragraph (1) or (2) of subsection (b), as the case
19 may be, for such fiscal year.”.

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

1 **SEC. 304. POLICIES AND PROCEDURES RELATING TO CHIL-**
2 **DREN RESIDING ON INDIAN LANDS.**

3 Section 8004(e)(9) is amended by striking “Bureau
4 of Indian Affairs” and inserting “Bureau of Indian Edu-
5 cation”.

6 **SEC. 305. APPLICATION FOR PAYMENTS UNDER SECTIONS**
7 **8002 AND 8003.**

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

11 **SEC. 306. CONSTRUCTION.**

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

13 (1) in subsection (a)—

14 (A) in paragraph (1), by striking “section
15 8014(c)” and inserting “section 3(c)(4)”;

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

18 “(C) The agency is eligible under section
19 8003(b)(2) or is receiving basic support pay-
20 ments under circumstances described in section
21 8003(b)(2)(B)(ii).”; and

22 (C) in paragraph (3), by striking “section
23 8014(c)” each place it appears and inserting
24 “section 3(c)(4)”;

25 (2) in subsection (b)—

1 (A) in paragraph (1), by striking “section
2 8014(c)” and inserting “section 3(c)(4)”;

3 (B) in paragraph (3)—

4 (i) in subparagraph (C)(i)(I), by add-
5 ing at the end the following:

6 “(cc) At least 10 percent of
7 the property in the agency is
8 nontaxable due to the presence of
9 the Federal Government.”; and

10 (ii) by adding at the end the fol-
11 lowing:

12 “(F) LIMITATIONS ON ELIGIBILITY RE-
13 QUIREMENTS.—The Secretary shall not limit
14 eligibility—

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

24 “(ii) under subparagraph (C)(i)(I)(cc),
25 to those local educational agencies in which

1 more than 10 percent of the property in
2 each such agency is nontaxable due to the
3 presence of the Federal Government.”; and
4 (C) in paragraph (6)—

5 (i) in the matter preceding subpara-
6 graph (A), by striking “in such manner,
7 and accompanied by such information”
8 and inserting “and in such manner”; and

9 (ii) by striking subparagraph (F).

10 **SEC. 307. FACILITIES.**

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

14 **SEC. 308. STATE CONSIDERATION OF PAYMENTS PRO-**
15 **VIDING STATE AID.**

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

18 **SEC. 309. FEDERAL ADMINISTRATION.**

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

20 (1) in subsection (c), by striking “paragraph
21 (3)” each place it appears and inserting “paragraph
22 (2)”;

23 (2) by adding at the end the following new sub-
24 section:

25 “(d) **TIMELY PAYMENTS.**—

1 “(1) IN GENERAL.—The Secretary shall pay the
2 full amount that a local educational agency is eligi-
3 ble to receive under this title not later than Sep-
4 tember 30 of the second fiscal year following the fis-
5 cal year for which such amount has been appro-
6 priated if, not later than 1 calendar year following
7 the fiscal year in which such amount has been ap-
8 propriated, such local educational agency submits to
9 the Secretary all the data and information necessary
10 for the Secretary to pay the full amount that the
11 agency is eligible to receive under this title for such
12 fiscal year.

13 “(2) PAYMENTS WITH RESPECT TO FISCAL
14 YEARS IN WHICH INSUFFICIENT FUNDS ARE APPRO-
15 PRIATED.—For a fiscal year in which the amount
16 appropriated under section 3(c) is insufficient to pay
17 the full amount a local educational agency is eligible
18 to receive under this title, paragraph (1) shall be ap-
19 plied by substituting ‘is available to pay the agency’
20 for ‘the agency is eligible to receive’ each place it ap-
21 pears.”.

1 **SEC. 310. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
2 **VIEW.**

3 Section 8011(a) (20 U.S.C. 7711(a)) is amended by
4 striking “or under the Act” and all the follows through
5 “1994)”.

6 **SEC. 311. DEFINITIONS.**

7 Section 8013 is amended—

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

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

12 (3) in paragraph (5)(A)(iii)—

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

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

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

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

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

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

1 **SEC. 313. CONFORMING AMENDMENTS.**

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

5 (b) TRANSFER AND REDESIGNATION.—Title VIII (20
6 U.S.C. 7701 et seq.), as amended by this title, is trans-
7 ferred to and redesignated as title IV (20 U.S.C. 7101
8 et seq.).

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

12 **“TITLE IV—IMPACT AID”.**

13 (d) TITLE VIII REFERENCES.—The Act (20 U.S.C.
14 6301 et seq.) is amended—

15 (1) by redesignating sections 8001 through
16 8005 as sections 4001 through 4005, respectively;

17 (2) by redesignating sections 8007 through
18 8013 as sections 4007 through 4013, respectively;

19 (3) by striking “section 8002” each place it ap-
20 pears and inserting “section 4002”;

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

23 (5) by striking “section 8003” each place it ap-
24 pears and inserting “section 4003”, respectively;

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

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

3 (8) by striking “section 8003(a)(1)(C)” each
4 place it appears and inserting “section
5 4003(a)(1)(C)”;

6 (9) by striking “section 8002(a)(2)” each place
7 it appears and inserting “section 4002(a)(2)”;

8 (10) by striking “section 8003(b)” each place it
9 appears and inserting “section 4003(b)”;

10 (11) by striking “section 8003(b)(1)” each
11 place it appears and inserting “section 4003(b)(1)”;

12 (12) in section 4002(b)(1)(C), by striking “sec-
13 tion 8003(b)(1)(C)” and inserting “section
14 4003(b)(1)(C)”;

15 (13) in section 4002(n)(1) (as so redesignated),
16 by striking “section 8013(5)(C)(iii)” and inserting
17 “section 4013(5)(C)(iii)”;

18 (14) in section 4005(b)(2) (as so redesign-
19 nated)—

20 (A) by striking “or 8003” each place it ap-
21 pears and inserting “or 4003”; and

22 (B) in subsection (b)(2), by striking “sec-
23 tion 8004” and inserting “section 4004”; and

24 (C) in subsection (d)(2), by striking “sec-
25 tion 8003(e)” and inserting “section 4003(e)”;

1 (15) in section 4007(a)(3)(A)(i) (as so redesignig-
2 nated), by striking “section 8008(a)” and inserting
3 “section 4008(a)”;

4 (16) in section 4007(a)(4) (as so redesignated),
5 by striking “section 8013(3)” and inserting “section
6 4013(3)”;

7 (17) in section 4009 (as so redesignated)—

8 (A) in subsection (b)(1)—

9 (i) by striking “or 8003(b)” and in-
10 serting “or 4003(b)”;

11 (ii) by striking “section
12 8003(a)(2)(B)” and inserting “section
13 4003(a)(2)(B)”;

14 (iii) by striking “section 8003(b)(2)”
15 and inserting “section 4003(b)(2)”;

16 (B) by striking “section 8011(a)” each
17 place it appears and inserting “section
18 4011(a)”;

19 (18) in section 8010(c)(2)(D) (as so redesignig-
20 nated) by striking “section 8009(b)” and inserting
21 “section 4009(b)”.

22 (e) REPEAL.—Title VIII of the Elementary and Sec-
23 ondary Education Act of 1965 is repealed.

1 **TITLE IV—TROOPS-TO-**
2 **TEACHERS PROGRAM**

3 **SEC. 401. TROOPS-TO-TEACHERS PROGRAM.**

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

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

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

13 **“SEC. 1154. ASSISTANCE TO ELIGIBLE MEMBERS TO OBTAIN**
14 **EMPLOYMENT AS TEACHERS: TROOPS-TO-**
15 **TEACHERS PROGRAM.**

16 “(a) DEFINITIONS.—In this section:

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

20 “(2) CHARTER SCHOOL.—The term ‘charter
21 school’ has the meaning given that term in section
22 5101 of the Elementary and Secondary Education
23 Act of 1965 (20 U.S.C. 7221i).

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

4 “(4) ADDITIONAL TERMS.—The terms ‘elemen-
5 tary school’, ‘local educational agency’, ‘secondary
6 school’, and ‘State’ have the meanings given those
7 terms in section 5101 of the Elementary and Sec-
8 ondary Education Act of 1965 (20 U.S.C. 7801).

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

13 “(1) to assist eligible members of the armed
14 forces described in subsection (c) to obtain certifi-
15 cation or licensing as elementary school teachers,
16 secondary school teachers, or career or technical
17 teachers; and

18 “(2) to facilitate the employment of such mem-
19 bers—

20 “(A) by local educational agencies or pub-
21 lic charter schools that the Secretary of Edu-
22 cation identifies as—

23 “(i) receiving grants under subpart 1
24 of part A of title I of the Elementary and
25 Secondary Education Act of 1965 (20

1 U.S.C. 6311 et seq.) as a result of having
2 within their jurisdictions concentrations of
3 children from low-income families;

4 “(ii) experiencing a shortage of effec-
5 tive teachers, in particular a shortage of
6 science, mathematics, special education, or
7 career or technical teachers; or

8 “(iii) a Bureau-funded school (as such
9 term is defined in section 1141 of the Edu-
10 cation Amendments of 1978 (25 U.S.C.
11 2021)); and

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

14 “(c) ELIGIBILITY AND APPLICATION PROCESS.—

15 “(1) ELIGIBLE MEMBERS.—The following mem-
16 bers of the armed forces are eligible for selection to
17 participate in the Program:

18 “(A) Any member who—

19 “(i) on or after October 1, 1999, be-
20 comes entitled to retired or retainer pay
21 under this title or title 14;

22 “(ii) has an approved date of retire-
23 ment that is within one year after the date
24 on which the member submits an applica-
25 tion to participate in the Program; or

1 “(iii) transfers to the Retired Reserve.

2 “(B) Any member who, on or after Janu-
3 ary 8, 2002—

4 “(i)(I) is separated or released from
5 active duty after 4 or more years of contin-
6 uous active duty immediately before the
7 separation or release; or

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

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

17 “(C) Any member who, on or after Janu-
18 ary 8, 2002, is retired or separated for physical
19 disability under chapter 61 of this title.

20 “(2) SUBMITTAL OF APPLICATIONS.—(A) Selec-
21 tion of eligible members of the armed forces to par-
22 ticipate in the Program shall be made on the basis
23 of applications submitted to the Secretary. An appli-
24 cation shall be in such form as the Secretary may
25 require.

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

8 “(3) SELECTION CRITERIA; EDUCATIONAL
9 BACKGROUND REQUIREMENTS AND HONORABLE
10 SERVICE REQUIREMENT.—(A) Subject to subpara-
11 graph (B), the Secretary shall prescribe the criteria
12 to be used to select eligible members of the armed
13 forces to participate in the Program.

14 “(B) A member of the armed forces is eli-
15 gible to participate in the Program only if the
16 member’s last period of service in the armed
17 forces was honorable, as characterized by the
18 Secretary concerned. A member selected to par-
19 ticipate in the Program before the retirement of
20 the member or the separation or release of the
21 member from active duty may continue to par-
22 ticipate in the Program after the retirement,
23 separation, or release only if the member’s last
24 period of service is characterized as honorable
25 by the Secretary concerned.

1 “(4) SELECTION PRIORITIES.—In selecting eli-
2 gible members of the armed forces to receive assist-
3 ance under the Program, the Secretary shall give
4 priority to members who—

5 “(A) have educational or military experi-
6 ence in science, mathematics, special education,
7 or career and technical subjects; and

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

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

21 “(B) The Secretary may not select an eli-
22 gible member of the armed forces described in
23 paragraph (1)(B)(i) to participate in the Pro-
24 gram under this section and receive financial
25 assistance under subsection (d) unless the mem-

1 ber executes a written agreement to serve as a
2 member of the Selected Reserve of a reserve
3 component of the armed forces for a period of
4 not less than 3 years (in addition to any other
5 reserve commitment the member may have).

6 “(d) PARTICIPATION AGREEMENT AND FINANCIAL
7 ASSISTANCE.—

8 “(1) PARTICIPATION AGREEMENT.—(A) An eli-
9 gible member of the armed forces selected to partici-
10 pate in the Program under subsection (c) and re-
11 ceive financial assistance under this subsection shall
12 be required to enter into an agreement with the Sec-
13 retary in which the member agrees—

14 “(i) within such time as the Secretary
15 may require, to obtain certification or li-
16 censing as an elementary school teacher,
17 secondary school teacher, or career and
18 technical teacher; and

19 “(ii) to accept an offer of full-time
20 employment as an elementary school teach-
21 er, secondary school teacher, or career and
22 technical teacher for not less than three
23 school years with a local educational agen-
24 cy receiving grants under subpart 1 of part
25 A of title I of the Elementary and Sec-

1 ondary Education Act of 1965 (20
2 U.S.C.6311 et seq.) or a Bureau-funded
3 school (as such term is defined in section
4 1141 of the Education Amendments of
5 1978 (25 U.S.C. 11 2021)).

6 “(B) The Secretary may waive the three-
7 year commitment described in subparagraph
8 (A)(ii) for a participant if the Secretary deter-
9 mines the waiver to be appropriate. If the Sec-
10 retary provides the waiver, the participant shall
11 not be considered to be in violation of the
12 agreement and shall not be required to provide
13 reimbursement under subsection (e), for failure
14 to meet the three-year commitment.

15 “(2) VIOLATION OF PARTICIPATION AGREE-
16 MENT; EXCEPTIONS.—A participant in the Program
17 shall not be considered to be in violation of the par-
18 ticipation agreement entered into under paragraph
19 (1) during any period in which the participant—

20 “(A) is pursuing a full-time course of
21 study related to the field of teaching at an in-
22 stitution of higher education;

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

1 “(C) is temporarily totally disabled for a
2 period of time not to exceed 3 years as estab-
3 lished by sworn affidavit of a qualified physi-
4 cian;

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

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

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

15 “(3) STIPEND FOR PARTICIPANTS.—(A) Subject
16 to subparagraph (B), the Secretary may pay to a
17 participant in the Program selected under this sec-
18 tion a stipend in an amount of not more than
19 \$5,000.

20 “(B) The total number of stipends that
21 may be paid under subparagraph (A) in any fis-
22 cal year may not exceed 5,000.

23 “(4) BONUS FOR PARTICIPANTS.—(A) Subject
24 to subparagraph (B), the Secretary may, in lieu of
25 paying a stipend under paragraph (3), pay a bonus

1 of \$10,000 to a participant in the Program selected
2 under this section who agrees in the participation
3 agreement under paragraph (1) to accept full-time
4 employment as an elementary school teacher, sec-
5 ondary school teacher, or career and technical teach-
6 er for not less than 3 school years in a high-need
7 school.

8 “(B) The total number of bonuses that
9 may be paid under subparagraph (A) in any fis-
10 cal year may not exceed 3,000.

11 “(C) For purposes of subparagraph (A),
12 the term ‘high-need school’ means a public ele-
13 mentary school, public secondary school, or
14 public charter school that meets one or more of
15 the following criteria:

16 “(i) At least 50 percent of the stu-
17 dents enrolled in the school were from low-
18 income families (as described in subsection
19 (b)(2)(A)(i)).

20 “(ii) The school has a large percent-
21 age of students who qualify for assistance
22 under part B of the Individuals with Dis-
23 abilities Education Act (20 U.S.C. 1411 et
24 seq.).

1 “(5) TREATMENT OF STIPEND AND BONUS.—A
2 stipend or bonus paid under this subsection to a
3 participant in the Program shall be taken into ac-
4 count in determining the eligibility of the participant
5 for Federal student financial assistance provided
6 under title IV of the Higher Education Act of 1965
7 (20 U.S.C. 1070 et seq.).

8 “(e) REIMBURSEMENT UNDER CERTAIN CIR-
9 CUMSTANCES.—

10 “(1) REIMBURSEMENT REQUIRED.—A partici-
11 pant in the Program who is paid a stipend or bonus
12 under subsection (d) shall be required to repay the
13 stipend or bonus under the following circumstances:

14 “(A) The participant fails to obtain teach-
15 er certification or licensing or to obtain employ-
16 ment as an elementary school teacher, sec-
17 ondary school teacher, or career and technical
18 teacher as required by the participation agree-
19 ment under subsection (d)(1).

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

1 “(C) The participant executed a written
2 agreement with the Secretary concerned under
3 subsection (c)(5)(B) to serve as a member of a
4 reserve component of the armed forces for a pe-
5 riod of 3 years and fails to complete the re-
6 quired term of service.

7 “(2) AMOUNT OF REIMBURSEMENT.—A partici-
8 pant required to reimburse the Secretary for a sti-
9 pend or bonus paid to the participant under sub-
10 section (d) shall pay an amount that bears the same
11 ratio to the amount of the stipend or bonus as the
12 unserved portion of required service bears to the
13 three years of required service. Any amount owed by
14 the participant shall bear interest at the rate equal
15 to the highest rate being paid by the United States
16 on the day on which the reimbursement is deter-
17 mined to be due for securities having maturities of
18 90 days or less and shall accrue from the day on
19 which the participant is first notified of the amount
20 due.

21 “(3) TREATMENT OF OBLIGATION.—The obliga-
22 tion to reimburse the Secretary under this sub-
23 section is, for all purposes, a debt owing the United
24 States. A discharge in bankruptcy under title 11

1 shall not release a participant from the obligation to
2 reimburse the Secretary under this subsection.

3 “(4) EXCEPTIONS TO REIMBURSEMENT RE-
4 QUIREMENT.—A participant shall be excused from
5 reimbursement under this subsection if the partici-
6 pant becomes permanently totally disabled as estab-
7 lished by sworn affidavit of a qualified physician.
8 The Secretary may also waive the reimbursement in
9 cases of extreme hardship to the participant, as de-
10 termined by the Secretary.

11 “(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
12 UNDER MONTGOMERY GI BILL.—The receipt by a partici-
13 ipant in the Program of a stipend or bonus under this
14 subsection (d) shall not reduce or otherwise affect the enti-
15 tlement of the participant to any benefits under chapter
16 30 or 33 of title 38 or chapter 1606 of this title.

17 “(g) PARTICIPATION BY STATES.—

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

24 “(2) ASSISTANCE TO STATES.—(A) Subject to
25 subparagraph (B), the Secretary may make grants

1 to States participating in the Program, or to con-
2 sortia of such States, in order to permit such States
3 or consortia of States to operate offices for purposes
4 of recruiting eligible members of the armed forces
5 for participation in the Program and facilitating the
6 employment of participants in the Program as ele-
7 mentary school teachers, secondary school teachers,
8 and career and technical teachers.

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

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

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of chapter 58 of such title is
20 amended by adding at the end the following new
21 item:

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

22 (3) CONFORMING AMENDMENT.—Section
23 1142(b) (4)(C) of such title is amended by striking
24 “under sections 1152 and 1153 of this title and the

1 Troops-to-Teachers Program under section 2302 of
2 the Elementary and Secondary Education Act of
3 1965 (20 U.S.C. 6672)” and inserting “under sec-
4 tions 1152, 1153, and 1154 of this title”.

5 **TITLE V—REPEAL**

6 **SEC. 501. REPEAL OF TITLE VI.**

7 The Act is amended by striking title VI (20 U.S.C.
8 7301 et seq.).

9 **TITLE VI—HOMELESS** 10 **EDUCATION**

11 **SEC. 601. STATEMENT OF POLICY.**

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

14 (1) by amending paragraph (2) to read as fol-
15 lows:

16 “(2) In any State where compulsory residency
17 requirements or other requirements, laws, regula-
18 tions, practices, or policies may act as a barrier to
19 the identification, enrollment, attendance, or success
20 in school of homeless children and youths, the State
21 and local educational agencies will review and under-
22 take steps to revise such laws, regulations, practices,
23 or policies to ensure that homeless children and
24 youths are afforded the same free, appropriate pub-

1 lic education as is provided to other children and
2 youths.”;

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

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

7 **SEC. 602. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
8 **THE EDUCATION OF HOMELESS CHILDREN**
9 **AND YOUTHS.**

10 Section 722 of such Act (42 U.S.C. 11432) is amend-
11 ed—

12 (1) in subsection (a), by striking “(g).” and in-
13 serting “(h).”;

14 (2) by striking subsection (b);

15 (3) in subsection (c)—

16 (A) in paragraph (1)(A)—

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

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

21 (iii) by striking clause (iii); and

22 (B) by striking paragraph (3);

23 (4) in subsection (d)—

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

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

6 “(2) To provide services and activities to im-
7 prove the identification of homeless children (includ-
8 ing preschool-aged homeless children and youths)
9 that enable such children and youths to enroll in, at-
10 tend, and succeed in school, or, if appropriate, in
11 preschool programs.”;

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

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

18 “(5) To develop and implement professional de-
19 velopment programs for liaisons designated under
20 subsection (g)(1)(J)(ii) and other local educational
21 agency personnel—

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

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

4 (5) in subsection (e)—

5 (A) by amending paragraph (1) to read as
6 follows:

7 “(1) MINIMUM DISBURSEMENTS BY STATES.—

8 From the grant funds made available each year to
9 a State under subsection (a) to carry out this sub-
10 title, the State educational agency—

11 “(A) may use not more than 20 percent of
12 the State’s allocation under subsection (c)(1)
13 for State-level activities; and

14 “(B) shall use the remainder of the State’s
15 allocation after using amounts for State-level
16 activities under subparagraph (A) to award sub-
17 grants to local educational agencies for the pur-
18 poses of carrying out section 723.”;

19 (B) in paragraph (2), by striking “under
20 this subtitle” and inserting “under paragraph
21 (1)(A)”; and

22 (C) in paragraph (3)—

23 (i) in subparagraph (C)(iv)(II), by
24 striking “sections 1111 and 1116” and in-
25 serting “section 1111”;

- 1 (ii) in subparagraph (F)—
- 2 (I) in clause (i)—
- 3 (aa) in the matter preceding
- 4 subclause (I), by striking “a re-
- 5 port” and inserting “an annual
- 6 report”;
- 7 (bb) by striking “and” at
- 8 the end of subclause (II);
- 9 (cc) by adding “and” at the
- 10 end of subclause (III); and
- 11 (dd) by adding at the end
- 12 the following:
- 13 “(IV) the progress the separate
- 14 schools are making in helping all stu-
- 15 dents meet the State academic stand-
- 16 ards.”; and
- 17 (II) in clause (iii), by striking
- 18 “Not later than 2 years after the date
- 19 of enactment of the McKinney-Vento
- 20 Homeless Education Assistance Im-
- 21 provements Act of 2001, the” and in-
- 22 serting “The”;
- 23 (6) by amending subsection (f) to read as fol-
- 24 lows:

1 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
2 NATOR.—The Coordinator for Education of Homeless
3 Children and Youths established in each State shall—

4 “(1) gather and make publically available reli-
5 able, valid, and comprehensive information on—

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

9 “(B) the nature and extent of the problems
10 homeless children and youths have in gaining
11 access to public preschool programs and to pub-
12 lic elementary schools and secondary schools;

13 “(C) the difficulties in identifying the spe-
14 cial needs and barriers to the participation and
15 achievement of such children and youths;

16 “(D) any progress made by the State edu-
17 cational agency and local educational agencies
18 in the State in addressing such problems and
19 difficulties; and

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

1 “(2) develop and carry out the State plan de-
2 scribed in subsection (g);

3 “(3) collect data for and transmit to the Sec-
4 retary, at such time and in such manner as the Sec-
5 retary may require, a report containing information
6 necessary to assess the educational needs of home-
7 less children and youths within the State, including
8 data necessary for the Secretary to fulfill the respon-
9 sibilities under section 724(h);

10 “(4) in order to improve the provision of com-
11 prehensive education and related support services to
12 homeless children and youths and their families, co-
13 ordinate and collaborate with—

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

17 “(B) providers of services to homeless chil-
18 dren and youths and their families, including
19 services of public and private child welfare and
20 social services agencies, law enforcement agen-
21 cies, juvenile and family courts, agencies pro-
22 viding mental health services, domestic violence
23 agencies, child care providers, runaway and
24 homeless youth centers, and providers of serv-
25 ices and programs funded under the Runaway

1 and Homeless Youth Act (42 U.S.C. 5701 et
2 seq.);

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

10 “(D) local educational agency liaisons des-
11 igned under subsection (g)(1)(J)(ii) for home-
12 less children and youths; and

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

16 “(5) provide technical assistance to local edu-
17 cational agencies, in coordination with local edu-
18 cational agency liaisons designated under subsection
19 (g)(1)(J)(ii), to ensure that local educational agen-
20 cies comply with the requirements of subsection
21 (e)(3), paragraphs (3) through (7) of subsection (g),
22 and subsection (h);

23 “(6) provide professional development opportu-
24 nities for local educational agency personnel and the
25 homeless liaison designated under subsection

1 (g)(1)(J)(ii) to assist such personnel in meeting the
2 needs of homeless children and youths; and

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

9 (7) by amending subsection (g) to read as fol-
10 lows:

11 “(g) STATE PLAN.—

12 “(1) IN GENERAL.—In order to be eligible to
13 receive a grant under this section, each State edu-
14 cational agency shall submit to the Secretary a plan
15 to provide for the education of homeless children
16 and youths within the State that includes the fol-
17 lowing:

18 “(A) A description of how such children
19 and youths are (or will be) given the oppor-
20 tunity to meet the same State academic stand-
21 ards that all students are expected to meet.

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

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

5 “(D) A description of programs for school
6 personnel (including liaisons, school leaders, at-
7 tendance officers, teachers, enrollment per-
8 sonnel, and specialized instructional support
9 personnel) to heighten the awareness of such
10 personnel of the specific needs of homeless ado-
11 lescents, including runaway and homeless
12 youths.

13 “(E) A description of procedures that en-
14 sure that homeless children and youths who
15 meet the relevant eligibility criteria are able to
16 participate in Federal, State, or local nutrition
17 programs.

18 “(F) A description of procedures that en-
19 sure that—

20 “(i) homeless children have equal ac-
21 cess to public preschool programs, adminis-
22 tered by the State educational agency or
23 local educational agency, as provided to
24 other children in the State;

1 “(ii) homeless youths and youths sep-
2 arated from public schools are identified
3 and accorded equal access to appropriate
4 secondary education and support services;
5 and

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

10 “(G) Strategies to address problems identi-
11 fied in the report provided to the Secretary
12 under subsection (f)(3).

13 “(H) Strategies to address other problems
14 with respect to the education of homeless chil-
15 dren and youths, including problems resulting
16 from enrollment delays that are caused by—

17 “(i) immunization and other health
18 records requirements;

19 “(ii) residency requirements;

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

22 “(iv) guardianship issues; or

23 “(v) uniform or dress code require-
24 ments.

1 “(I) A demonstration that the State edu-
2 cational agency and local educational agencies
3 in the State have developed, and shall review
4 and revise, policies to remove barriers to the
5 identification, enrollment, and retention of
6 homeless children and youths in schools in the
7 State.

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

10 “(i) The State educational agency and
11 local educational agencies in the State will
12 adopt policies and practices to ensure that
13 homeless children and youths are not stig-
14 matized or segregated on the basis of their
15 status as homeless.

16 “(ii) Local educational agencies will
17 designate an appropriate staff person, who
18 may also be a coordinator for other Fed-
19 eral programs, as a local educational agen-
20 cy liaison for homeless children and
21 youths, to carry out the duties described in
22 paragraph (6)(A).

23 “(iii) The State and its local edu-
24 cational agencies will adopt policies and
25 practices to ensure that transportation is

1 provided, at the request of the parent or
2 guardian (or in the case of an unaccom-
3 panied youth, the liaison), to and from the
4 school of origin, as determined in para-
5 graph (3)(A), in accordance with the fol-
6 lowing, as applicable:

7 “(I) If the homeless child or
8 youth continues to live in the area
9 served by the local educational agency
10 in which the school of origin is lo-
11 cated, the child’s or youth’s transpor-
12 tation to and from the school of origin
13 shall be provided or arranged by the
14 local educational agency in which the
15 school of origin is located.

16 “(II) If the homeless child’s or
17 youth’s living arrangements in the
18 area served by the local educational
19 agency of origin terminate and the
20 child or youth, though continuing his
21 or her education in the school of ori-
22 gin, begins living in an area served by
23 another local educational agency, the
24 local educational agency of origin and
25 the local educational agency in which

1 the homeless child or youth is living
2 shall agree upon a method to appor-
3 tion the responsibility and costs for
4 providing the child with transpor-
5 tation to and from the school of ori-
6 gin. If the local educational agencies
7 are unable to agree upon such meth-
8 od, the responsibility and costs for
9 transportation shall be shared equally.

10 “(2) COMPLIANCE.—

11 “(A) IN GENERAL.—Each plan adopted
12 under this subsection shall also describe how
13 the State will ensure that local educational
14 agencies in the State will comply with the re-
15 quirements of paragraphs (3) through (7).

16 “(B) COORDINATION.—Such plan shall in-
17 dicate what technical assistance the State will
18 furnish to local educational agencies and how
19 compliance efforts will be coordinated with the
20 local educational agency liaisons designated
21 under paragraph (1)(J)(ii).

22 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
23 MENTS.—

24 “(A) IN GENERAL.—The local educational
25 agency serving each child or youth to be as-

1 sisted under this subtitle shall, according to the
2 child’s or youth’s best interest—

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

6 “(I) in any case in which a fam-
7 ily becomes homeless between aca-
8 demic years or during an academic
9 year; or

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

14 “(ii) enroll the child or youth in any
15 public school that nonhomeless students
16 who live in the attendance area in which
17 the child or youth is actually living are eli-
18 gible to attend.

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

23 “(i) presume that keeping the child or
24 youth in the school of origin is in the child
25 or youth’s best interest, except when doing

1 so is contrary to the wishes of the child's
2 or youth's parent or guardian, or the unac-
3 companied youth;

4 “(ii) consider student-centered factors
5 related to the child's or youth's best inter-
6 est, including factors related to the impact
7 of mobility on achievement, education,
8 health, and safety of homeless children and
9 youth, giving priority to the wishes of the
10 homeless child's or youth's parent of
11 guardian or the unaccompanied youth in-
12 volved;

13 “(iii) if, after conducting the best in-
14 terest determination based on consider-
15 ation of the presumption in clause (i) and
16 the student-centered factors in clause (ii),
17 the local educational agency determines
18 that it is not in the child's or youth's best
19 interest to attend the school of origin or
20 the school requested by the parent, guard-
21 ian, or unaccompanied youth, provide the
22 child's or youth's parent or guardian or
23 the unaccompanied youth with a written
24 explanation of the reasons for its deter-
25 mination, in a manner and form under-

1 standable to such parent, guardian, or un-
2 accompanied youth, including information
3 regarding the right to appeal under sub-
4 paragraph (E); and

5 “(iv) in the case of an unaccompanied
6 youth, ensure that the homeless liaison
7 designated under paragraph (1)(J)(ii) as-
8 sists in placement or enrollment decisions
9 under this subparagraph, gives priority to
10 the views of such unaccompanied youth,
11 and provides notice to such youth of the
12 right to appeal under subparagraph (E).

13 “(C) ENROLLMENT.—

14 “(i) IN GENERAL.—The school se-
15 lected in accordance with this paragraph
16 shall immediately enroll the homeless child
17 or youth, even if the child or youth—

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

1 “(II) has missed application or
2 enrollment deadlines during any pe-
3 riod of homelessness.

4 “(ii) RELEVANT ACADEMIC
5 RECORDS.—The enrolling school shall im-
6 mediately contact the school last attended
7 by the child or youth to obtain relevant
8 academic and other records.

9 “(iii) RELEVANT HEALTH RECORDS.—
10 If the child or youth needs to obtain immu-
11 nizations or other required health records,
12 the enrolling school shall immediately refer
13 the parent or guardian of the child or
14 youth, or the unaccompanied child or
15 youth, to the local educational agency liai-
16 son designated under paragraph (1)(J)(ii),
17 who shall assist in obtaining necessary im-
18 munizations or screenings, or immuniza-
19 tion or other required health records, in
20 accordance with subparagraph (D).

21 “(iv) NO LIABILITY.—Whenever the
22 school selected enrolls an unaccompanied
23 youth in accordance with this paragraph,
24 no liability shall be imposed upon the

1 school by reason of enrolling the youth
2 without parent or guardian consent.

3 “(D) RECORDS.—

4 “(i) IN GENERAL.—Any record ordi-
5 narily kept by the school, including immu-
6 nization or other required health records,
7 academic records, birth certificates, guard-
8 ianship records, and evaluations for special
9 services or programs, regarding each
10 homeless child or youth shall be main-
11 tained—

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

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

19 “(E) ENROLLMENT DISPUTES.—If a dis-
20 pute arises over school selection or enrollment
21 in a school—

22 “(i) the child or youth shall be imme-
23 diately enrolled in the school in which en-
24 rollment is sought, pending final resolution

1 of the dispute, including all available ap-
2 peals;

3 “(ii) the parent, guardian, or unac-
4 companied youth shall be provided with a
5 written explanation of any decisions made
6 by the school, the local educational agency,
7 or the State educational agency involved,
8 including the rights of the parent, guard-
9 ian, or youth to appeal such decisions;

10 “(iii) the parent, guardian, or unac-
11 companied youth shall be referred to the
12 local educational agency liaison designated
13 under paragraph (1)(J)(ii), who shall carry
14 out the dispute resolution process as de-
15 scribed in paragraph (1)(C) as expedi-
16 tiously as possible after receiving notice of
17 the dispute; and

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

23 “(F) PLACEMENT CHOICE.—The choice re-
24 garding placement shall be made regardless of
25 whether the child or youth lives with the home-

1 less parents or has been temporarily placed
2 elsewhere.

3 “(G) SCHOOL OF ORIGIN DEFINED.—

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

9 “(ii) RECEIVING SCHOOL.—When the
10 child or youth completes the final grade
11 level served by the school of origin, as de-
12 scribed in clause (i), the term “school of
13 origin” shall include the designated receiv-
14 ing school at the next grade level for all
15 feeder schools.

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

20 “(I) PRIVACY.—Information about a home-
21 less child’s or youth’s living situation shall be
22 treated as a student education record under
23 section 444 of the General Education Provi-
24 sions Act (20 U.S.C. 1232g) and shall not be
25 released to housing providers, employers, law

1 enforcement personnel, or other persons or
2 agencies not authorized to have such informa-
3 tion under section 99.31 of title 34, Code of
4 Federal Regulations.

5 “(J) ACADEMIC ACHIEVEMENT.—The
6 school selected in accordance with this para-
7 graph shall ensure that homeless children and
8 youth have opportunities to meet the same
9 State academic standards to which other stu-
10 dents are held.

11 “(4) COMPARABLE SERVICES.—Each homeless
12 child or youth to be assisted under this subtitle shall
13 be provided services comparable to services offered
14 to other students in the school selected under para-
15 graph (3), including the following:

16 “(A) Transportation services.

17 “(B) Educational services for which the
18 child or youth meets the eligibility criteria, such
19 as services provided under title I of the Elemen-
20 tary and Secondary Education Act of 1965 (20
21 U.S.C. 6301 et seq.) or similar State or local
22 programs, educational programs for children
23 with disabilities, and educational programs for
24 English learners.

1 “(C) Programs in career and technical
2 education.

3 “(D) Programs for gifted and talented stu-
4 dents.

5 “(E) School nutrition programs.

6 “(5) COORDINATION.—

7 “(A) IN GENERAL.—Each local educational
8 agency serving homeless children and youths
9 that receives assistance under this subtitle shall
10 coordinate—

11 “(i) the provision of services under
12 this subtitle with local social services agen-
13 cies and other agencies or entities pro-
14 viding services to homeless children and
15 youths and their families, including serv-
16 ices and programs funded under the Run-
17 away and Homeless Youth Act (42 U.S.C.
18 5701 et seq.); and

19 “(ii) transportation, transfer of school
20 records, and other interdistrict activities,
21 with other local educational agencies.

22 “(B) HOUSING ASSISTANCE.—If applica-
23 ble, each State educational agency and local
24 educational agency that receives assistance
25 under this subtitle shall coordinate with State

1 and local housing agencies responsible for devel-
2 oping the comprehensive housing affordability
3 strategy described in section 105 of the Cran-
4 ston-Gonzalez National Affordable Housing Act
5 (42 U.S.C. 12705) to minimize educational dis-
6 ruption for children and youths who become
7 homeless.

8 “(C) COORDINATION PURPOSE.—The co-
9 ordination required under subparagraphs (A)
10 and (B) shall be designed to—

11 “(i) ensure that all homeless children
12 and youths are promptly identified;

13 “(ii) ensure that homeless children
14 and youths have access to, and are in rea-
15 sonable proximity to, available education
16 and related support services; and

17 “(iii) raise the awareness of school
18 personnel and service providers of the ef-
19 fects of short-term stays in a shelter and
20 other challenges associated with homeless-
21 ness.

22 “(D) HOMELESS CHILDREN AND YOUTHS
23 WITH DISABILITIES.—For children and youth
24 who are to be assisted both under this subtitle,
25 and under the Individuals with Disabilities

1 Education Act (20 U.S.C. 1400 et seq.) or sec-
2 tion 504 of the Rehabilitation Act of 1973 (29
3 U.S.C. 794), each local educational agency shall
4 coordinate the provision of services under this
5 subtitle with the provision of programs for chil-
6 dren with disabilities served by that local edu-
7 cational agency and other involved local edu-
8 cational agencies.

9 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

10 “(A) DUTIES.—Each local educational
11 agency liaison for homeless children and youths,
12 designated under paragraph (1)(J)(ii), shall en-
13 sure that—

14 “(i) homeless children and youths are
15 identified by school personnel through out-
16 reach and coordination activities with other
17 entities and agencies;

18 “(ii) homeless children and youths are
19 enrolled in, and have a full and equal op-
20 portunity to succeed in, schools of that
21 local educational agency;

22 “(iii) homeless families, children, and
23 youths have access to and receive edu-
24 cational services for which such families,
25 children, and youths are eligible, including

1 services through Head Start, Early Head
2 Start, early intervention, and preschool
3 programs administered by the local edu-
4 cational agency;

5 “(iv) homeless families, children, and
6 youths receive referrals to health care serv-
7 ices, dental services, mental health and
8 substances abuse services, housing services,
9 and other appropriate services;

10 “(v) the parents or guardians of
11 homeless children and youths are informed
12 of the educational and related opportuni-
13 ties available to their children and are pro-
14 vided with meaningful opportunities to par-
15 ticipate in the education of their children;

16 “(vi) public notice of the educational
17 rights of homeless children and youths is
18 disseminated in locations frequented by
19 parents or guardians of such children and
20 youths, and unaccompanied youths, includ-
21 ing schools, shelters, public libraries, and
22 soup kitchens in a manner and form un-
23 derstandable to the parents and guardians
24 of homeless children and youths, and unac-
25 companied youths;

1 “(vii) enrollment disputes are medi-
2 ated in accordance with paragraph (3)(E);

3 “(viii) the parent or guardian of a
4 homeless child or youth, and any unaccom-
5 panied youth, is fully informed of all trans-
6 portation services, including transportation
7 to the school of origin, as described in
8 paragraph (1)(J)(iii), and is assisted in ac-
9 cessing transportation to the school that is
10 selected under paragraph (3)(A);

11 “(ix) school personnel providing serv-
12 ices under this subtitle receive professional
13 development and other support; and

14 “(x) unaccompanied youths—

15 “(I) are enrolled in school;

16 “(II) have opportunities to meet
17 the same State academic standards to
18 which other students are held, includ-
19 ing through implementation of the
20 policies and practices required by
21 paragraph (1)(F)(ii); and

22 “(III) are informed of their sta-
23 tus as independent students under
24 section 480 of the Higher Education
25 Act of 1965 (20 U.S.C. 1087vv) and

1 receive verification of such status for
2 purposes of the Free Application for
3 Federal Student Aid described in sec-
4 tion 483 of such Act (20 U.S.C.
5 1090).

6 “(B) NOTICE.—State coordinators estab-
7 lished under subsection (d)(3) and local edu-
8 cational agencies shall inform school personnel,
9 service providers, advocates working with home-
10 less families, parents and guardians of homeless
11 children and youths, and homeless children and
12 youths of the duties of the local educational
13 agency liaisons, including publishing an annu-
14 ally updated list of the liaisons on the State
15 educational agency’s website.

16 “(C) LOCAL AND STATE COORDINATION.—
17 Local educational agency liaisons for homeless
18 children and youths shall, as a part of their du-
19 ties, coordinate and collaborate with State coor-
20 dinators and community and school personnel
21 responsible for the provision of education and
22 related services to homeless children and
23 youths. Such coordination shall include col-
24 lecting and providing to the State Coordinator
25 the reliable, valid, and comprehensive data

1 needed to meet the requirements of paragraphs
2 (1) and (3) of subsection (f).

3 “(7) REVIEW AND REVISIONS.—

4 “(A) IN GENERAL.—Each State edu-
5 cational agency and local educational agency
6 that receives assistance under this subtitle shall
7 review and revise any policies that may act as
8 barriers to the enrollment of homeless children
9 and youths in schools that are selected under
10 paragraph (3).

11 “(B) CONSIDERATION.—In reviewing and
12 revising such policies, consideration shall be
13 given to issues concerning transportation, im-
14 munization, residency, birth certificates, school
15 records and other documentation, and guard-
16 ianship.

17 “(C) SPECIAL ATTENTION.—Special atten-
18 tion shall be given to ensuring the enrollment
19 and attendance of homeless children and youths
20 who are not currently attending school.”; and

21 (8) in subsection (h)(1)(A), by striking “fiscal
22 year 2009,” and inserting “fiscal years 2013
23 through 2018,”.

1 **SEC. 603. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
2 **THE EDUCATION OF HOMELESS CHILDREN**
3 **AND YOUTHS.**

4 Section 723 of such Act (42 U.S.C. 11433) is amend-
5 ed—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “facili-
8 tating the enrollment,” and inserting “facili-
9 tating the identification, enrollment,”;

10 (B) in paragraph (2)(A)—

11 (i) by adding “and” at the end of
12 clause (i);

13 (ii) by striking “; and” and inserting
14 a period at the end of clause (ii); and

15 (iii) by striking clause (iii); and

16 (C) by adding at the end the following:

17 “(4) DURATION OF GRANTS.—Subgrants
18 awarded under this section shall be for terms of not
19 to exceed 3 years.”;

20 (2) in subsection (b)—

21 (A) by striking paragraph (3) and redesign-
22 ating paragraphs (4) and (5) as paragraphs
23 (3) and (4), respectively; and

24 (B) by adding at the end the following:

25 “(6) An assurance that the local educational
26 agency will collect and promptly provide data re-

1 requested by the State Coordinator pursuant to para-
2 graphs (1) and (3) of section 722(f).

3 “(7) An assurance that the local educational
4 agency has removed barriers to complying with the
5 requirements of section 722(g)(1)(I).”;

6 (3) in subsection (c)—

7 (A) in paragraph (1), by striking “726”
8 and inserting “722(a)”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by inserting
11 “identification,” before “enrollment”;

12 (ii) by amending subparagraph (B) to
13 read as follows:

14 “(B) The extent to which the application
15 reflects coordination with other local and State
16 agencies that serve homeless children and
17 youths.”; and

18 (iii) in subparagraph (C), by inserting
19 “(as of the date of submission of the appli-
20 cation)” after “current practice”;

21 (C) in paragraph (3)—

22 (i) by amending subparagraph (C) to
23 read as follows:

24 “(C) The extent to which the applicant will
25 promote meaningful involvement of parents or

1 guardians of homeless children or youths in the
2 education of their children.”;

3 (ii) in subparagraph (D), by striking
4 “within” and inserting “into”;

5 (iii) in subparagraph (G)—

6 (I) by striking “Such” and in-
7 serting “The extent to which the ap-
8 plicant’s program meets such”; and

9 (II) by striking “case manage-
10 ment or related”;

11 (iv) by redesignating subparagraph
12 (G) as subparagraph (I) and inserting
13 after subparagraph (F) the following:

14 “(G) The extent to which the local edu-
15 cational agency will use the subgrant to lever-
16 age resources, including by maximizing
17 nonsubgrant funding for the position of the liai-
18 son described in section 722(g)(1)(J)(ii) and
19 the provision of transportation.

20 “(H) How the local educational agency
21 uses funds to serve homeless children and
22 youths under section 1113(c)(3) of the Elemen-
23 tary and Secondary Education Act of 1965 (20
24 U.S.C. 6313(c)(3)).”; and

25 (v) by adding at the end the following:

1 “(J) An assurance that the applicant will
2 meet the requirements of section 722(g)(3).”;
3 and

4 (D) by striking paragraph (4).

5 (4) in subsection (d)—

6 (A) in paragraph (1)—

7 (i) by striking “challenging State aca-
8 demic content standards” and inserting
9 “State academic standards”; and

10 (ii) by striking “and challenging State
11 student academic achievement standards”;

12 (B) in paragraph (2)—

13 (i) by striking “students with limited
14 English proficiency,” and inserting
15 “English learners,” ; and

16 (ii) by striking “vocational” and in-
17 serting “career”;

18 (C) in paragraph (3), by striking “pupil
19 services” and inserting “specialized instruc-
20 tional support”;

21 (D) in paragraph (7), by striking “, and
22 unaccompanied youths,” and inserting “, par-
23 ticularly homeless children and youths who are
24 not enrolled in school,”;

1 (E) in paragraph (9) by striking “medical”
2 and inserting “other required health”;

3 (F) in paragraph (10), by inserting before
4 the period at the end “, and other activities de-
5 signed to increase the meaningful involvement
6 of parents or guardians of homeless children or
7 youths in the education of their children”;

8 (G) in paragraph (12), by striking “pupil”
9 and inserting “specialized instructional sup-
10 port”; and

11 (H) in paragraph (13), by inserting before
12 the period at the end “and parental mental
13 health or substance abuse problems”.

14 **SEC. 604. SECRETARIAL RESPONSIBILITIES.**

15 Section 724 of such Act (42 U.S.C. 11434) is amend-
16 ed—

17 (1) by amending subsection (c) to read as fol-
18 lows:

19 “(c) NOTICE.—

20 “(1) IN GENERAL.—The Secretary shall, before
21 the next school year that begins after the date of the
22 enactment of the Encouraging Innovation and Effec-
23 tive Teachers Act, update and disseminate nation-
24 wide the public notice described in this subsection

1 (as in effect prior to such date) of the educational
2 rights of homeless children and youths.

3 “(2) DISSEMINATION.—The Secretary shall dis-
4 seminate the notice nationally to all Federal agen-
5 cies, program grantees, and grant recipients serving
6 homeless families, children, and youths.”;

7 (2) in subsection (d), by striking “and dissemi-
8 nation” and inserting “, dissemination, and technical
9 assistance”;

10 (3) in subsection (e)—

11 (A) by striking “this subtitle” and insert-
12 ing “section 722”;

13 (B) by striking “60-day” and inserting
14 “120-day”; and

15 (C) by striking “120-day” and inserting
16 “180-day”;

17 (4) in subsection (f), by adding at the end the
18 following: “The Secretary shall provide support and
19 technical assistance to State educational agencies in
20 areas in which barriers to a free appropriate public
21 education persist.”;

22 (5) by amending subsection (g) to read as fol-
23 lows:

24 “(g) GUIDELINES.—The Secretary shall develop,
25 issue, and publish in the Federal Register, not later than

1 60 days after the date of the enactment of the Encour-
2 aging Innovation and Effective Teachers Act, strategies
3 by which a State—

4 “(1) may assist local educational agencies to
5 implement the provisions amended by the Act; and

6 “(2) can review and revise State policies and
7 procedures that may present barriers to the identi-
8 fication, enrollment, attendance, and success of
9 homeless children and youths in school.”;

10 (6) in subsection (h)(1), by inserting “in all
11 areas served by local educational agencies” before
12 the semicolon at the end; and

13 (7) in subsection (i), by striking “McKinney-
14 Vento Homeless Education Assistance Improvements
15 Act of 2001” and inserting “Encouraging Innova-
16 tion and Effective Teachers Act”.

17 **SEC. 605. DEFINITIONS.**

18 Section 725 of such Act (42 U.S.C. 11434a) is
19 amended—

20 (1) in paragraph (2)(B)(iv), by striking “1309”
21 and inserting “1139” and

22 (2) in paragraph (3), by striking “9101” and
23 inserting “5101”

1 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 726 of such Act (42 U.S.C. 11435) is amend-
3 ed to read as follows:

4 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

5 “(a) IN GENERAL.—For the purpose of carrying out
6 this subtitle, there are authorized to be appropriated
7 \$65,173,000 for fiscal year 2013.

8 “(b) OUT YEARS.—The amount authorized under
9 subsection (a) shall be increased for each of fiscal years
10 2014 through 2018 by a percentage equal to the percent-
11 age of inflation according to the Consumer Price Index,
12 for the calendar year ending prior to the beginning of that
13 fiscal year.”.

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