IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2012

Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, reported the following original bill; which was read twice and placed on the calendar

A BILL

To amend the Elementary and Secondary Education Act of 1965.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Elementary and Sec-
ondary Education Reauthorization Act of 2011”.

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1 SEC. 3. REFERENCES.

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

8 SEC. 4. TRANSITION.

9 (a) Multi-Year Awards.—Except as otherwise provided in this Act, the recipient of a multi-year award under the Elementary and Secondary Education Act of 1965, as that Act was in effect prior to the date of enactment of this Act, shall continue to receive funds in accord-
ance with the terms of that award, except that no addi-

tional funds may be awarded after September 30, 2012.

(b) PLANNING AND TRANSITION.—Notwithstanding

any other provision of law, a recipient of funds under the

Elementary and Secondary Education Act of 1965, as that

Act was in effect prior to the date of enactment of this

Act, may use funds available to the recipient under that

predecessor authority to carry out necessary and reason-

able planning and transition activities in order to ensure

an orderly implementation of programs authorized by this

Act, and the amendments made by this Act.

(c) ORDERLY TRANSITION.—The Secretary shall take

such steps as are necessary to provide for the orderly tran-

sition to, and implementation of, programs authorized by

this Act, and by the amendments made by this Act, from

programs authorized by the Elementary and Secondary

Education Act of 1965, as that Act was in effect prior

to the date of enactment of this Act.

SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in

this Act, this Act, and the amendments made by this Act,

shall be effective upon the date of enactment of this Act.

(b) NONCOMPETITIVE PROGRAMS.—With respect to

noncompetitive programs under which any funds are allot-
ted by the Secretary of Education to recipients on the
basis of a formula, this Act, and the amendments made by this Act, shall take effect on July 1, 2012.

(c) COMPETITIVE PROGRAMS.—With respect to programs that are conducted by the Secretary on a competitive basis, this Act, and the amendments made by this Act, shall take effect with respect to appropriations for use under those programs for fiscal year 2012.

(d) IMPACT AID.—With respect to title VIII (Impact Aid), this Act, and the amendments made by this Act, shall take effect with respect to appropriations for use under that title for fiscal year 2012.


Section 2 is amended to read as follows:

“SEC. 2. TABLE OF CONTENTS.

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

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"Sec. 8008. Facilities.
"Sec. 8009. State consideration of payments in providing State aid.
"Sec. 8010. Federal administration.
"Sec. 8011. Administrative hearings and judicial review.
"Sec. 8012. Forgiveness of overpayments.
"Sec. 8013. Definitions.

"TITLE IX—GENERAL PROVISIONS

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PART G—Miscellaneous Provisions
SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

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

"SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out part A of title I (except for sections 1116(d) and 1125A and subpart 3 of part A of such title) such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(2) SCHOOL IMPROVEMENT GRANTS, NATIONAL ACTIVITIES, AND EVALUATION.—

"(A) IN GENERAL.—There are authorized to be appropriated to carry out section 1116(d) such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(B) RESERVATION FOR NATIONAL ACTIVITIES.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary shall reserve not more than 2 percent for the
national activities described in section 1116(d)(6).

“(3) Education finance incentive grant program.—There are authorized to be appropriated to carry out section 1125A such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(b) Grants for State Assessments and the National Assessment of Educational Progress.—

“(1) National assessment of educational progress.—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(2) State assessments and related activities.—For the purpose of carrying out assessment and related activities under subpart 3 of part A of title I, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(c) Pathways to College.—For the purposes of carrying out part B of title I, Pathways to College, there are authorized to be appropriated such sums as may be
necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(d) Education of Migratory Children.—For the purposes of carrying out part C of title I, Education of Migratory Children, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(e) Neglected and Delinquent.—For the purposes of carrying out part D of title I, Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-risk, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(f) Continuous Improvement and Support for Teachers and Principals.—

“(1) In general.—For the purposes of carrying out subparts 1, 2, 3, and 4 of part A of title II, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(2) Principal Recruitment and Training.—For the purposes of carrying out subpart 5 of part A of title II, Principal Recruitment and Training, there are authorized to be appropriated such
sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(g) Teacher Pathways to the Classroom.—For the purposes of carrying out part B of title II, Teacher Pathways to the Classroom, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(h) Teacher Incentive Fund.—For the purposes of carrying out part C of title II, Teacher Incentive Fund, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(i) Achievement Through Technology and Innovation.—For the purposes of carrying out part D of title II, Achievement through Technology and Innovation, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(j) English Learners and Immigrant Students.—For the purposes of carrying out title III, Language and Academic Content Instruction for English Learners and Immigrant Students, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.
“(k) Improving Literacy Instruction and Student Achievement.—For the purposes of carrying out part A of title IV, Improving Literacy Instruction and Student Achievement, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(l) Improving Science, Technology, Engineering, and Mathematics Instruction and Student Achievement.—For the purposes of carrying out part B of title IV, Improving Science, Technology, Engineering, and Mathematics Instruction and Student Achievement, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(m) Increasing Access to a Well-Rounded Education.—For the purposes of carrying out part C of title IV, Increasing Access to a Well-Rounded Education, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(n) Successful, Safe, and Healthy Students.—For the purposes of carrying out part D of title IV, Successful, Safe, and Healthy Students, there are authorized to be appropriated such sums as may be nec-
• necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(o) 21st Century Community Learning Centers.—For the purposes of carrying out part E of title IV, 21st Century Community Learning Centers, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(p) Promise Neighborhoods.—For the purposes of carrying out part F of title IV, Promise Neighborhoods, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(q) Parent and Family Information and Resource Centers.—For the purposes of carrying out part G of title IV, Parent and Family Information and Resource Centers, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(r) Ready to Learn.—For the purposes of carrying out part H of title IV, Ready to Learn, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.
“(s) Programs of National Significance.—For the purposes of carrying out part I of title IV, Programs of National Significance, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(t) Race to the Top.—For the purposes of carrying out part A of title V, Race to the Top, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(u) Investing in Innovation.—For the purposes of carrying out part B of title V, Investing in Innovation, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(v) Magnet Schools Assistance.—For the purposes of carrying out part C of title V, Magnet Schools Assistance, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(w) Public Charter Schools.—For the purposes of carrying out part D of title V, Public Charter Schools, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.
“(x) Voluntary Public School Choice.—For the purposes of carrying out part E of title V, Voluntary Public School Choice, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(y) Rural Education Achievement Program.—For the purposes of carrying out part B of title VI, Rural Education Achievement Program, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(z) Indian, Native Hawaiian, and Alaska Native Education.—

“(1) In General.—For the purposes of carrying out title VII, Indian, Native Hawaiian, and Alaska Native Education, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(2) Alaska Native Programs.—There are authorized to be appropriated to carry out section 7304 such sums as may be necessary for fiscal year 2012 and each of the 5 succeeding fiscal years.

“(aa) Impact Aid.—For the purposes of carrying out title VIII, Impact Aid, there are authorized to be appro-
appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(1) Payments for Federal Acquisition of Real Property.—For the purpose of making payments under section 8002, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(2) Basic Payments; Payments for Heavily Impacted Local Educational Agencies.—For the purpose of making payments under section 8003(b), there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(3) Payments for Children with Disabilities.—For the purpose of making payments under section 8003(d), there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

“(4) Construction.—For the purpose of carrying out section 8007, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.
“(5) FACILITIES MAINTENANCE.—For the purpose of carrying out section 8008, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.”.

TITLE I—ENSURING COLLEGE AND CAREER READINESS FOR ALL STUDENTS

SEC. 1001. PURPOSE.

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

“SEC. 1001. PURPOSE.

“The purpose of this title is to ensure that every child has a fair, equal, and significant opportunity to obtain a high-quality education, succeed from the earliest grades, and graduate from high school ready for college, career, and citizenship. This purpose can be accomplished by—

“(1) setting high expectations for children to graduate college and career ready from high school;

“(2) supporting high-quality teaching that uses student achievement data, professional collaboration, meaningful feedback, effective technologies, student engagement, multi-tiered systems of support, and other evidence-based practices to continuously im-
prove instruction and encourage new models of
teaching and learning;

“(3) removing barriers to, and encouraging
State and local innovation and leadership in, edu-
cation based on the evaluation of success and contin-
uous improvement, especially in providing excellent
instruction, high-quality assessments, meaningful ac-
countability, evidence-based supports and interven-
tions in underperforming schools, highly effective
educators, a well-rounded education, and other key
factors for success;

“(4) providing additional resources and sup-
ports to meet the needs of disadvantaged students,
including children from low-income families and
those attending high-poverty schools, English learn-
ers, migratory children, children with disabilities, In-
dian children, and neglected or delinquent children;

“(5) focusing on increasing student achievement
and closing achievement gaps, especially achievement
gaps between minority and nonminority students
and between disadvantaged children and their more
advantaged peers;

“(6) removing barriers and promoting integra-
tion across all levels of education, and across Fed-
eral education programs;
“(7) streamlining Federal requirements to reduce burdens on States, districts local educational agencies, schools, and educators; and

“(8) strengthening parental engagement and coordination of student, family, and community supports to promote student success.”.

SEC. 1002. STATE RESERVATIONS.

Title I (20 U.S.C. 6301 et seq.) is amended—

(1) by striking sections 1002 and 1003;

(2) by redesignating section 1004 as section 1002; and

(3) in section 1002 (as redesignated by paragraph (2))—

(A) in the section heading, by inserting “AND STATE ACCOUNTABILITY AND SUPPORT” before the period at the end;

(B) by redesignating paragraphs (1) and (2) of subsection (a) as subparagraphs (A) and (B), respectively, and by aligning the margins of such subparagraphs with the margins of subparagraph (A) of section 1111(a)(1);

(C) by redesignating subsection (b) as paragraph (2) of subsection (a), and by aligning the margins of such paragraph with the margins of paragraph (1) of section 1111(a);
(D) by striking “IN GENERAL.—Except as provided in subsection (b)” and inserting the following: “STATE ADMINISTRATION.—
“(1) IN GENERAL.—Except as provided in paragraph (2)”;

(E) in subsection (a)(2), as redesignated by subparagraph (C), by striking “subsection (a)(1)” and inserting “paragraph (1)(A)”; and

(F) by adding at the end the following:
“(b) ACCOUNTABILITY AND SUPPORT.—
“(1) IN GENERAL.—Each State may reserve not more than 4 percent of the amount the State receives under subpart 2 of part A to carry out paragraph (2) and to carry out the State and local educational agency responsibilities under section 1116, which may include carrying out a statewide system of technical assistance and support for local educational agencies.

“(2) USES.—Of the amount reserved under paragraph (1) for any fiscal year, the State educational agency—
“(A) shall use not less than 90 percent of that amount by allocating such sums directly to local educational agencies for activities required under section 1116; or
“(B) may, with the approval of the local educational agency, directly provide for such activities or arrange for their provision through other entities such as educational service agencies.

“(3) PRIORITY.—The State educational agency, in allocating funds to local educational agencies under this subsection, shall give priority to local educational agencies that—

“(A) serve the lowest-achieving schools, including schools identified under subsection (b) or (c) of section 1116;

“(B) demonstrate the greatest need for such funds; and

“(C) demonstrate the strongest commitment to ensuring that such funds are used to enable the lowest-achieving schools to improve student achievement and outcomes.

“(4) UNUSED FUNDS.—If, after consultation with local educational agencies in the State, the State educational agency determines that the amount of funds reserved to carry out this subsection is greater than the amount needed to provide the assistance described in this subsection, the State
educational agency shall allocate the excess amount to local educational agencies in accordance with—

“(A) the relative allocations the State educational agency made to those agencies for that fiscal year under subpart 2 of part A; or

“(B) section 1126(c).

“(5) SPECIAL RULE.—Notwithstanding any other provision of this subsection, the amount of funds reserved by the State educational agency under this subsection in any fiscal year shall not decrease the amount of funds each local educational agency receives under subpart 2 of part A below the amount received by such local educational agency under such subpart for the preceding fiscal year.

“(6) REPORTING.—Each State educational agency shall make publicly available a list of those schools that have received funds or services pursuant to this subsection and the percentage of students from each such school from families with incomes below the poverty line.”.

PART A—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

SEC. 1111. STATE AND LOCAL REQUIREMENTS.

Section 1111 (20 U.S.C. 6301) is amended to read as follows:
“SEC. 1111. STATE AND LOCAL REQUIREMENTS.

“(a) Academic Standards, Academic Assessments, and Accountability Requirements.—

“(1) Requirements for college and career ready state standards.—In order to receive a grant under this part, each State shall demonstrate that the State meets the following requirements:

“(A) College and career ready aligned standards for reading or language arts and mathematics.—

“(i) In general.—The State shall—

“(I) not later than December 31, 2013, adopt college and career ready academic content standards in reading or language arts, and mathematics, that meet the requirements of clauses (ii) and (iii); and

“(II) not later than the beginning of the 2015–2016 school year, adopt college and career ready student academic achievement standards in reading or language arts, and mathematics, that meet the requirements of clauses (ii) and (iv).
“(ii) Alignment of College and Career Ready Standards.—Each State plan shall demonstrate that the State has adopted college and career ready academic content standards and college and career ready student academic achievement standards that are aligned with—

“(I) academic coursework, without the need for remediation, at public institutions of higher education in the State;

“(II) relevant State career and technical education standards; and

“(III) appropriate career skills.

“(iii) Requirements for Academic Content Standards.—College and career ready academic content standards shall—

“(I) be used by the State, and by local educational agencies, public elementary schools, and public secondary schools in the State to carry out the requirements of this part;

“(II) be the same standards that the State applies to all public elemen-
tery and secondary schools and students in the State;

“(III) include the same knowledge, skills, and levels of achievement expected of all elementary and secondary school students in the State; and

“(IV) be evidence-based and include rigorous content and skills.

“(iv) REQUIREMENTS FOR STUDENT ACADEMIC ACHIEVEMENT STANDARDS.— College and career ready student academic achievement standards for a subject shall—

“(I) be aligned with the State’s academic content standards described in clause (iii); and

“(II) establish levels of performance (at a minimum, basic, on-track, and advanced levels) that determine how well students are mastering the material in the State academic content standards.

“(v) METHOD.—A State may meet the requirements in this subparagraph in-
dividually or through a consortium with 1 or more other States.

“(vi) No requirement to submit standards to the secretary.—A State shall not be required to submit the State’s college and career ready academic content standards or the State’s college and career ready student academic achievement standards to the Secretary for review or approval.

“(B) Science standards.—A State—

“(i) shall demonstrate that the State has adopted, by not later than December 31, 2013, statewide academic content standards and student academic achievement standards in science that are aligned with the knowledge and skills needed to be college and career ready, as described in subparagraph (A)(ii);

“(ii) shall not be required to submit such standards to the Secretary; and

“(iii) may choose to use such standards as part of the State’s accountability system under paragraph (3), if such stand-
ards meet the requirements of clauses (ii) through (iv) of subparagraph (A).

“(C) Standards for other subjects.—If a State adopts high-quality academic content standards and student academic achievement standards in subjects other than reading or language arts, mathematics, and science, such State may choose to use such standards as part of the State’s accountability system, consistent with section 1116.

“(D) Alternate academic achievement standards for students with the most significant cognitive disabilities.—The State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards in any subject included in the State’s accountability system under paragraph (3) for students with the most significant cognitive disabilities, if—

“(i) the determination about whether the achievement of an individual student should be measured against such standards is made separately for each student in each subject being assessed; and
“(ii) such alternate academic achievement standards—

“(I) are aligned with the State academic content standards required under this paragraph for the subject;

“(II) provide access to the general curriculum and the student academic achievement standards required under this paragraph for such subject; and

“(III) reflect professional judgment as to the highest possible standards achievable by such student.

“(E) English language proficiency standards.—A State shall, not later than December 31, 2014, adopt high-quality English language proficiency standards that—

“(i) are aligned with the State’s academic content standards in reading or language arts under subparagraph (A) so that achieving English language proficiency, as measured by the State’s English language proficiency standards, indicates a sufficient knowledge of English to allow the State to validly and reliably measure the student’s
achievement on the State’s reading or lan-
guage arts student academic achievement
standards;

“(ii) ensure proficiency in English for
each of the domains of speaking, listening,
reading, and writing;

“(iii) address the different proficiency
levels of English learners; and

“(iv) are updated, not later than 1
year after the State adopts any new aca-
demic content standards in reading or lan-
guage arts under this paragraph, in order
to align the English language proficiency
standards with the new content standards.

“(F) NO FEDERAL CONTROL.—Nothing in
this section shall be construed to authorize an
officer or employee of the Federal Government
to mandate, direct, or control a State’s aca-
demic content standards or student academic
achievement standards developed in accordance
with this section.

“(G) EXISTING STANDARDS.—Nothing in
this part shall prohibit a State from revising,
consistent with this section, any standard
adopted under this part before, on, or after the
date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011.

“(2) ACADEMIC ASSESSMENTS.—

“(A) STATE ASSESSMENTS.—The State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, shall, beginning not later than the beginning of the 2015–2016 school year, adopt and implement statewide assessments that—

“(i) include statewide assessments in reading or language arts, and mathematics, annually for grades 3 through 8 and not less frequently than once during grades 10 through 12, that—

“(I) are aligned with the State’s academic content standards in such subjects under paragraph (1)(A);

“(II) are administered to all public elementary and secondary school students in the State;

“(III) measure individual academic achievement;

“(IV) in the case of a State described in subsection (b)(1)(B), meas-
ure individual student growth, including measuring whether students are attaining growth in accordance with clauses (i) and (ii) of such subsection; and

“(V) may, at the State’s choosing—

“(aa) be administered through a single summative assessment each year; or

“(bb) be administered through multiple statewide assessments during the course of the year if the State can demonstrate to the Secretary’s satisfaction that the results of these multiple assessments, taken in their totality, provide a summative score that provides valid and reliable information on whether students are on track to college and career readiness in reading or language arts, and mathematics;
“(ii) include statewide assessments in science, not less than once during each of the grade spans of grades 3 through 5, 6 through 9, and 10 through 12, that measure—

“(I) student achievement relative to the State’s science student academic achievement standards under paragraph (1)(B);

“(II) individual academic achievement; and

“(III) in the case of a State described in subsection (b)(1)(B), individual student growth, including measuring whether students are attaining growth in accordance with clauses (i) and (ii) of such subsection;

“(iii) include the English language proficiency assessments and any alternate assessments described in subparagraphs (D) and (E), respectively; and

“(iv) at the discretion of the State, measure the proficiency of students in the other academic subjects for which the State has adopted academic content stand-
ards and student academic achievement standards under paragraph (1)(C).

“(B) REQUIREMENTS FOR ASSESSMENTS.—The assessments administered under this paragraph shall—

“(i) be the same academic assessments used to measure the achievement of all students;

“(ii) be used only for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards;

“(iii) be used only if the State educational agency provides to the Secretary evidence that the assessments used are of adequate technical quality for each purpose required under this Act and are consistent with the requirements of this section, which evidence the Secretary may make public;

“(iv) involve multiple measures of student academic achievement, including measures that assess higher-order thinking skills and understanding;
“(v) provide for—

“(I) the participation in such assessments of all students;

“(II) the reasonable adaptations for children with disabilities necessary to measure the academic achievement of such children in a subject, relative to the State academic content standards and State student academic achievement standards under paragraph (1) for such subject; and

“(III) the valid and reliable accommodations for children with disabilities necessary to measure the academic achievement of such children in a subject, relative to the State academic content standards and State student academic achievement standards under paragraph (1) for such subject; and

“(IV) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered to such stu-
students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency as determined under subparagraph (D), except that the State may exempt any English learner at the lowest levels of English language proficiency from the reading or language arts assessment for not more than 2 years following the date of the student’s first enrollment in a school in the United States;

“(vi) notwithstanding clause (v)(IV), include the academic assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (not including Puerto Rico) for 3 or more consecutive school years, except that, if the local educational agency determines, on a case-by-case individual basis, that aca-
ademic assessments in another language or form would likely yield more accurate and reliable information on what such student knows and can do, the local educational agency may make a determination to assess such student in the appropriate language other than English for a period that does not exceed 2 additional consecutive years, if such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such student knows and can do on tests (written in English) of reading or language arts;

“(vii) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year;

“(viii) produce individual student interpretive, descriptive, and diagnostic reports that allow parents, teachers, and principals to understand and address the specific academic needs of students and include information regarding achievement
on the academic assessments aligned with
State academic achievement standards,
and that are provided to parents, teachers,
and principals—

“(I) as soon as is practicably pos-
sible after the assessment is given;

“(II) in an understandable and
uniform format; and

“(III) to the extent practicable,
in a language that parents can under-
stand;

“(ix) enable results to be
disaggregated within the State, local edu-
cational agency, and school by gender, by
each major racial and ethnic group, by
English language proficiency status, by mi-
grant status, by status as a student with
a disability, and by economically disadvan-
taged status, except that, in the case of a
local educational agency or a school, such
disaggregation shall not be required in a
case in which the results would reveal per-
sonally identifiable information about an
individual student;
“(x) be consistent with widely accepted professional testing standards and objectively measure academic achievement, knowledge, and skills;

“(xi) not evaluate or assess personal or family beliefs and attitudes or publicly disclose personally identifiable information;

“(xii) enable itemized score analyses to be produced and reported, consistent with clause (ii), to local educational agencies and schools, so that parents, teachers, principals, and administrators can interpret and address the specific academic needs of students as indicated by the students’ achievement on assessment items;

“(xiii) produce student achievement and other student data that can be used to inform determinations of individual principal and teacher effectiveness for purposes of evaluation and for determining the needs of principals and teachers for professional development and support; and

“(xiv) consistent with paragraph (3)(D), be administered to not less than 95 percent of all students, and not less than
95 percent of each subgroup of students described in clause (ix), who are enrolled in the school.

“(C) LANGUAGES OF ASSESSMENTS.—The State shall identify the languages other than English that are present in the participating student population in the State and indicate, in the State’s plan under subsection (b), the languages for which yearly student academic assessments included in the State’s accountability system under paragraph (3) are not available and are needed. The State shall make every effort to develop assessments in such languages and may request assistance from the Secretary if linguistically accessible academic assessments are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessments in such languages, but shall not mandate a specific academic assessment or mode of instruction.

“(D) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—

“(i) IN GENERAL.—Each State plan shall demonstrate that local educational agencies in the State will, not later than
the beginning of the 2015–2016 school year, provide for the annual assessment of English language proficiency of all English learners in the schools served by the State educational agency.

“(ii) REQUIREMENTS.—The English language proficiency assessment described in clause (i) shall—

“(I) be aligned with the State’s English language proficiency standards under paragraph (1)(E);

“(II) be designed to measure, in a valid and reliable manner, student progress toward, and attainment of, English language proficiency; and

“(III) reflect the academic language that is required for success on the State’s academic assessments, consistent with paragraph (1)(E)(iv).

“(E) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—A State may provide alternate assessments that are aligned with alternate academic achievement standards described
in paragraph (1)(D) for students with the most significant cognitive disabilities, if the State—

“(i) establishes and monitors implementation of clear and appropriate guidelines for individualized education program teams (as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act) to apply in determining, on a subject-by-subject basis, when a child’s significant cognitive disability justifies assessment based on alternate academic achievement standards;

“(ii) ensures that parents of the students whom the State plans to assess using alternate assessments are involved in the decision that their child’s academic achievement will be measured against alternate academic achievement standards, consistent with section 614(d)(1)(A)(i)(VI)(bb) of the Individuals with Disabilities Education Act, and are informed whether participation in such assessment may preclude the student from completing the requirements for a regular
secondary school diploma, as determined by the State;

“(iii) provides evidence that students with the most significant cognitive disabilities are, to the maximum extent practicable, included in the general curriculum and in assessments aligned with such curriculum, as described in section 601(c)(5)(A) of the Individuals with Disabilities Education Act;

“(iv) certifies that, consistent with section 612(a)(16)(A) of the Individuals with Disabilities Education Act, the State’s regular academic assessments described in subparagraphs (A), (C), and (D) are universally designed to be accessible to students, including students with sensory, physical, and intellectual disabilities, through the provision of reasonable adaptations and valid and reliable accommodations that produce valid results;

“(v) develops, disseminates information about, makes available, and promotes the use of reasonable adaptations and valid and reliable accommodations to increase
the number of students with the most significant cognitive disabilities participating in grade-level academic instruction and assessments that are aligned with grade-level academic standards, and promotes the use of appropriate accommodations to increase the number of students with the most significant cognitive disabilities who are tested against grade-level academic achievement standards;

“(vi) takes steps to ensure that regular and special education teachers and other appropriate staff know how to administer assessments, including how to make appropriate use of reasonable adaptations and valid and reliable accommodations for such assessments, for students with the most significant cognitive disabilities; and

“(vii) requires separate determinations about whether a student should be assessed using an alternate assessment for each subject assessed.

“(F) ADAPTIVE ASSESSMENTS.—A State may develop and administer computer adaptive
assessments as the assessments required under subparagraph (A). If a State develops and administers a computer adaptive assessment for such purposes, the assessment shall meet the requirements of this paragraph, except as follows:

“(i) Notwithstanding subparagraph (A)(i)(I), the assessment shall measure, at a minimum, whether each student is meeting or exceeding the on-track level of performance for the State academic content standards for the student’s grade level, and, if the State chooses—

“(I) may measure the student’s level of performance in the grades above or below the student’s grade level; and

“(II) may be used to measure student growth using assessment items above and below grade level, including for purposes of determining if a student is attaining growth in accordance with clauses (i) and (ii) of subsection (b)(1)(B), as applicable.
“(ii) Subparagraph (B)(i) shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items.

“(G) REDUCING DUPLICATIVE ASSESSMENT.—The State shall include, in the State plan under subsection (b), a description of how the State will regularly analyze assessment and accommodations practice and use, and reduce duplicative assessment.

“(3) STATE-DESIGNED ACCOUNTABILITY SYSTEMS.—

“(A) ACCOUNTABILITY SYSTEM.—Each State plan shall, not later than the beginning of the 2013–2014 school year, demonstrate that the State educational agency has developed and is implementing a single, statewide accountability system that—

“(i) annually measures and reports on—

“(I) the achievement of students in all public elementary schools and secondary schools and local educational agencies in the State on the
assessments described in paragraph (2); and

“(II) for high schools in the State, graduation rates;

“(ii) expects the continuous improvement of all public schools in the State in the academic achievement and outcomes of all students, including the subgroups of students described in section 1116(b)(1)(B);

“(iii) annually identifies schools that need supports and interventions to prepare college and career ready students;

“(iv) provides for the improvement, through supports and interventions that address student needs, of all schools that are not identified under section 1116(b) but are low-performing or have low-performing subgroups of the students described in section 1116(b)(1)(B);

“(v) develops the capacity of local educational agencies and schools to effectively educate their students and continuously improve;
“(vi) recognizes, and encourages other local educational agencies to replicate, the practices of local educational agencies and schools that are successful in effecting significant student achievement or student growth; and

“(vii) meets the requirements of section 1116.

“(B) SUBJECTS COVERED.—The State shall include in the accountability system the subjects of reading or language arts and mathematics and may include any other subject that the State chooses through its State plan, if the State has adopted academic content standards and student academic achievement standards under paragraph (1)(C) and assessments under paragraph (2)(B) for the subject.

“(C) ACCOUNTABILITY FOR CHARTER SCHOOLS.—The accountability provisions under this Act shall be overseen for public charter schools in accordance with State charter school law.

“(D) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—In determining the percentage of students who are on
track to college and career readiness or, if applicable, attaining growth in accordance with clauses (i) and (ii) of subsection (b)(1)(B), for a subject for any purpose under this section or section 1116 or 1117, a State educational agency may include, for all schools in the State, the performance of the State’s students with the most significant cognitive disabilities on alternate assessments as described in paragraph (2)(E) in the subjects included in the State’s accountability system, if the total number of those students in all grades assessed and for each subject in the accountability system who are on track to college and career readiness, according to those alternate assessments, does not exceed 1 percent of all students in the State in the grades assessed in each subject.

“(4) TRANSITION PROVISIONS.—The Secretary shall take such steps as are necessary to provide for the orderly transition between the accountability systems required under section 1111(b)(2), as such section was in effect on the day before the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, and the new accountability systems required under this subsection.
“(5) Voluntary partnerships.—A State may enter into a voluntary partnership with another State to develop and implement the academic assessments, academic content standards, and student academic achievement standards required under this section.

“(b) State plans.—

“(1) In general.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency in consultation with local educational agencies, teachers, principals, specialized instructional support personnel, administrators, other staff, and parents, that—

“(A) demonstrates the State’s compliance with this section;

“(B) if the State chooses to use student growth as a measure of academic progress and to determine if students are on track to college and career readiness, describes how the State will measure student growth to ensure that—

“(i) a student performing below the on-track level of performance for the student’s grade level under subsection
(a)(1)(A)(iv) on the academic assessment for the subject under subsection (a)(2) is attaining a rate of academic growth in the subject that indicates that the student will be on track to college and career readiness in not more than a specified number of years; or

“(ii) a student who is performing at or above the on-track level of performance for the student’s grade level on the academic assessment for the subject is continuing to make academic growth;

“(C) is coordinated with the State plans required by other programs under this Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006, the Head Start Act, the Child Care and Development Block Grant Act of 1990, and the Adult Education and Family Literacy Act;

“(D) provides an assurance that the State will continue to administer the academic assessments required under paragraphs (3)(A) and (7) of this subsection, as such paragraphs were
in effect on the day before the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, and to include the results of such assessments in the State's accountability system, until the State has implemented the assessments required under subsection (a)(2);

“(E) provides an assurance that the State will participate in the biennial State academic assessments of grade 4 and grade 8 reading and mathematics under the National Assessment of Educational Progress carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act if the Secretary pays the costs of administering such assessments;

“(F) describes the State accountability system under subsection (a)(3) and the State's plan for blue ribbon schools under section 1117 (if the State chooses to carry out such section);

“(G) describes the process the State will utilize to review local educational agency plans submitted pursuant to section 1112, including the parent and family engagement plan de-
scribed in section 1118 and other provisions related to parent and family engagement;

“(H) describes the support the State will provide to local educational agencies for the education of homeless children and youths, and how such support is consistent with the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act;

“(I) describes how the State educational agency has involved the committee of practitioners established under section 1603(b) in developing the plan and monitoring its implementation;

“(J) describes how the State educational agency will coordinate with the State Advisory Council on Early Childhood Education and Care, as appropriate;

“(K) describes how the State and State educational agency will comply with the requirements of section 1501, and the State’s plan to ensure such compliance;

“(L) describes how, beginning not later than 1 year after the date of enactment of the Elementary and Secondary Education Reau-
authorization Act of 2011, and for each subsequent year—

“(i) the State educational agency will provide for the equitable distribution of teachers in the State within local educational agencies and the State using data on the percentage and distribution of more than 1, or an index that incorporates more than 1, of the categories of teachers described in subparagraph (M); and

“(ii) the State will report to the Secretary the percentage and distribution of teachers in the State, based on the measures used in the State, for each quartile of schools based on school poverty level, for high-minority schools, and for low-minority schools; and

“(M) describes how the State will annually submit to the Secretary, for each quartile of schools in the State based on school poverty level and for high-minority schools and low-minority schools in the State, data regarding the percentage and distribution of the following categories of teachers:
“(i) Teachers who are not classified as highly qualified teachers.

“(ii) Teachers who are inexperienced.

“(iii) Teachers who have not completed a teacher preparation program.

“(iv) Teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

“(v) Where applicable, teachers who are in the highest or lowest rating categories of a teacher evaluation system that is consistent with section 2301(b)(4).

“(2) Comprehensive plan.—A State plan submitted under paragraph (1) may be submitted as part of the comprehensive plan under section 9302.

“(3) Duration of the plan.—

“(A) In general.—Each State plan shall—

“(i) remain in effect for the duration of the State’s participation under this part; and

“(ii) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State’s strategies and programs under this part.
“(B) ADDITIONAL INFORMATION.—

“(i) REVISED PLANS.—If a State makes significant changes to its plan, such as adopting new State academic content standards, new State student achievement standards, or new academic assessments under subsection (a), the State shall submit a revised plan to the Secretary.

“(ii) REVIEW OF REVISED PLANS.—The Secretary shall review the information submitted under clause (i) and may, notwithstanding paragraph (4), approve or disapprove changes to the State plan without undertaking the peer-review or hearing process described in such paragraph.

“(4) PEER REVIEW AND SECRETARIAL APPROVAL.—

“(A) SECRETARIAL DUTIES.—The Secretary shall—

“(i) establish a peer-review process that maximizes collaboration with each State to assist in the review of State plans;

“(ii) appoint expert individuals to the peer-review process who—
“(I) represent a regionally diverse cross-section of States;

“(II) are representative of parents, teachers, State educational agencies, and local educational agencies; and

“(III) are familiar with educational standards, assessments, accountability, the needs of persistently low-achieving schools as described in section 1116(c)(2), and the needs of disadvantaged students and other educational needs of students;

“(iii) ensure that the peer-review process provides timely feedback from the peer-review panel to the States, and that such feedback shall be made publicly available, including through electronic means;

“(iv) not decline approval of a State plan before—

“(I) offering the State an opportunity to revise the State plan;

“(II) providing technical assistance to the State to meet the require-
ments of this subsection and sub-
sections (a) and (c); and

“(III) upon the request of a
State, providing a hearing;

“(v) have the authority to disapprove
a State plan for not meeting the require-
ments of this part, and may deny approval
to a State plan under this subsection that
was recommended by the peer-review panel
by making available written findings of the
cause for such disapproval;

“(vi) approve a State plan not later
than 120 days after its submission unless
the Secretary determines that the plan
does not meet the requirements of this sec-
tion;

“(vii) if the Secretary determines that
the State plan does not meet the require-
ments of this subsection and subsection
(e), immediately notify the State in writing
of such determination and the reasons for
such determination; and

“(viii) not have the authority to re-
quire a State, as a condition of approval of
the State plan, to include in, or delete
from, such plan 1 or more specific elements of the State’s academic content standards or to use specific academic assessment instruments or items.

“(B) STATE REVISIONS.—A State plan shall be revised by the State educational agency if necessary to satisfy the requirements of this section.

“(c) PARENT AND FAMILY ENGAGEMENT.—Each State plan shall include a description of how the State will strengthen engagement of the parents and families in education (referred to in this subsection as the ‘parent and family engagement plan’) in accordance with the following:

“(1) STATEWIDE PARENT AND FAMILY ENGAGEMENT STRATEGY.—The parent and family engagement plan shall demonstrate how the State plans to increase and enhance the engagement of parents and family members in education throughout the State, through the implementation and replication of evidence-based or promising practices and strategies, in order to—

“(A) increase student academic achievement and college and career readiness (as measured by the State academic content and student academic achievement standards);
“(B) provide parents and family members with the skills and opportunities necessary to become full partners in their child’s education;

“(C) improve child development;

“(D) strengthen relationships and partnerships among school personnel (including educators and administrators) and parents and family members, to support student achievement and college and career readiness;

“(E) improve the ability of local educational agencies and schools to increase the participation of parents and family members in school improvement strategies; and

“(F) focus the activities described in subparagraphs (A) through (E) in high-need local educational agencies and high-need schools.

“(2) COORDINATION; COLLECTION; DISSEMINATION.—The parent and family engagement plan shall describe how the State will—

“(A) ensure maximum coordination and minimum duplication of efforts (which may include the designation of a parent and family engagement coordinator) among, at a minimum—

“(i) Federal, State, and local programs;
“(ii) the State Advisory Councils on Early Childhood Education and Care;

“(iii) the parent and family information and resource centers established under part G of title IV; and

“(iv) appropriate non-Federal entities (such as community-based and philanthropic organizations); and

“(B) collect and disseminate best practices and research on parent and family engagement strategies to—

“(i) local educational agencies, including high-need local educational agencies, and high-need schools in the State, such as through parent and family engagement academies and other leadership development strategies; and

“(ii) institutions of higher education and other organizations with a demonstrated record of success in increasing the engagement of parents and family members in education.

“(3) TECHNICAL ASSISTANCE, TRAINING, AND CAPACITY-BUILDING.—The State parent and family engagement plan shall describe the evidence-based
technical assistance, professional development, or 
other capacity-building strategies that the State will 
provide to, at a minimum, high-need local edu-
cational agencies and high-need schools, which—

“(A) shall include the provision of tech-
nical assistance to local educational agencies 
that serve schools identified under subsection 
(b) or (c)(2) of section 1116;

“(B) shall include partnering with the ap-
propriate parent and family information and re-
source centers; and

“(C) may include assistance in developing, 
revising, or implementing the local educational 
agency plans submitted pursuant to section 
1112, as such plans relate to supporting parent 
and family engagement.

“(4) LEVERAGING RESOURCES.—Each State 
plan may include a description of how the State will 
leverage resources of employers, business leaders, 
philanthropic and non-profit organizations, and 
other community members committed to improving 
student achievement and development to increase 
and strengthen parent and family engagement.

“(d) ANNUAL STATE REPORT CARDS.—
“(1) IN GENERAL.—A State that receives a grant under this part shall prepare and disseminate an annual report card for each public elementary school and secondary school in the State, each local educational agency in the State, and the State as a whole.

“(2) REQUIREMENTS FOR ALL REPORT CARDS.—The State shall ensure that the school, local educational agency, and State report cards required under this subsection shall—

“(A) be uniform across the State;

“(B) be concise;

“(C) be presented in a format that is easily understandable and, to the extent practicable, provided in a language that parents can understand; and

“(D) be accessible to the public, which shall include—

“(i) making the State report card and all local educational agency and school report cards available on a single webpage of the State’s website;

“(ii) placing, on the website of each local educational agency and, where applicable, each school, a link that provides ac-
cess to the report card for the local educational agency or school, respectively; and

“(iii) providing a copy of a school’s report card to the parents of each student enrolled in the school each year.

“(3) REQUIRED STUDENT INFORMATION FOR SCHOOL REPORT CARDS.—Each school report card required under paragraph (1) shall include the following:

“(A) A clear and concise description of the State’s accountability system under subsection (a)(3), including a description of the criteria by which the State evaluates school performance, and the criteria that the State has established to determine the status of schools.

“(B) Information on each of the following, in the aggregate and disaggregated and cross-tabulated by the subgroups described in subsection (a)(2)(B)(ix) (except that such disaggregation and cross-tabulation shall not be required in a case in which the results would reveal personally identifiable information about an individual student):

“(i) Student achievement at each performance level on the State academic as-
sessments that are included in the State’s accountability system under subsection (a)(3).

“(ii) The percentage of students who do not take the State academic assessments.

“(iii) The most recent 3-year trend in student achievement in each subject area, and for each grade level, for such assessments.

“(iv) A comparison of the school’s student academic assessment data to the State average for each tested subject.

“(v) In the case of a school in a State described in subsection (b)(1)(B)—

“(I) the number and percentage of students who are attaining growth, in accordance with clauses (i) and (ii) of such subsection, for each subject area and grade level; and

“(II) the most recent 3-year trend in student growth in each subject area, and for each grade level, for the State academic assessments.
“(vi) The number and percentage of students with the most significant cognitive disabilities that take an alternate assessment under subsection (a)(2)(E), by grade and subject.

“(vii) The number of students who are English learners, and the performance of such students, on the State’s English language proficiency assessments under subsection (a)(2)(D), including the students’ attainment of, and progress toward, higher levels of English language proficiency.

“(viii) For each high school—

“(I) student graduation rates, including—

“(aa) the 4-year adjusted cohort graduation rate, as defined in section 9101(30)(A); and

“(bb) the cumulative graduation rate, as defined in section 9101(30)(B); and

“(II) not later than the beginning of the 2012–2013 school year, the rate at which students who graduated
from the high school in the preceding
year enrolled in institutions of higher
education by the beginning of the next
school year; and

“(III) not later than the begin-
ing of the 2013–2014 school year,
the rate of student remediation, in the
aggregate, for high school graduates
who enroll in public institutions of
higher education in the State or in
other institutions of higher education
(to the extent obtaining the data re-
garding remediation from other insti-
tutions is practicable).

“(C) The school’s categorization, if appli-
cable, in the State school accountability and im-
provement system under section 1116.

“(D) The most recently available academic
achievement results in grades 4 and 8 of the
State’s students on the National Assessment of
Educational Progress in reading and mathe-
matics, including the percentage of students at
each achievement level in the aggregate and by
the groups described in section 303(b)(2)(G) of
the National Assessment of Educational

“(4) OPTIONAL INFORMATION.—A State may include in each school report card such other information as the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State’s public elementary and secondary schools. Such information may include—

“(A) the percentage of students passing examinations related to coursework acceptable for postsecondary credit at institutions of higher education, such as Advanced Placement or International Baccalaureate examinations;

“(B) the average class size, by grade;

“(C) the incidence of school violence, bullying, drug abuse, alcohol abuse, student suspensions, student detentions, and student expulsions;

“(D) indicators of school climate;

“(E) student attendance; and

“(F) school readiness of students in kindergarten.

“(5) LOCAL EDUCATIONAL AGENCY AND STATE REPORT CARDS.—Each local educational agency re-
port card and State report card required under paragraph (1)—

“(A) shall include the data described in clauses (i) through (viii) of paragraph (3)(B) for the local educational agency or State, respectively, as a whole and disaggregated by the subgroups described in subsection (a)(2)(B)(ix);

“(B) may include any optional information described in paragraph (4) for the local educational agency or State, respectively; and

“(C) in the case of a State report card, shall include the data described in paragraph (3)(B)(viii) disaggregated by status as a child in foster care, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

“(6) DATA.—A State shall only include in a school report card or local educational agency report card, data that do not reveal personally identifiable information about an individual student.

“(7) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that
was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, may use those report cards for the purpose of this subsection as long as any such report card is modified, as may be needed, to contain the information required by this subsection.

“(8) C O S T R E D U C T I O N .— Each State educational agency and local educational agency receiving assistance under this part shall, wherever possible, take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts.

“(9) C R O S S - T A B U L A T E D D A T A N O T U S E D F O R A C C O U N T A B I L I T Y .— Groups of students obtained by cross-tabulating data under this subsection shall not be considered to be subgroups under section 1116. Such cross-tabulated data shall not be used to determine whether a school is identified under subsection (b) or (c) of section 1116 or is a low-performing school under section 1116(e).

“(e) R E P O R T I N G .—
“(1) Annual state report.—Each State educational agency that receives assistance under this part shall report annually to the Secretary, and make widely available within the State—

“(A) information on the State’s progress in developing and implementing the academic assessments described in subsection (a)(2);

“(B) information on the achievement of students, in terms of being on track to college and career readiness and, for States described in subsection (b)(1)(B), in terms of attaining growth in accordance with clauses (i) and (ii) of such subsection, on such academic assessments, including results disaggregated (except in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student) by the subgroups described in subsection (a)(2)(B)(ix) and by status as a child in foster care;

“(C) in any year before the State begins to provide the information described in subparagraph (B), information on the results of student academic assessments (including results
disaggregated by the subgroups described in subsection (a)(2)(B)(ix)) required under this section;

“(D) information on the acquisition of English language proficiency by students who are English learners;

“(E) the number of schools, and the name of each school, identified under section 1116(c)(2); and

“(F) the number of schools, and the name of each school, identified under section 1117.

“(2) Secretary’s report card and biennial evaluation report.—

“(A) Secretary’s report card.—Not later than July 1, 2013, and annually thereafter, the Secretary shall prepare and submit to the authorizing committees a national report card on the status of elementary and secondary education in the United States. Such report shall—

“(i) analyze existing data from State reports required under this Act, the Individuals with Disabilities Education Act, and the Carl D. Perkins Career and Tech-
nical Education Act of 2006, and summarize major findings from such reports;

“(ii) analyze data from the National Assessment of Educational Progress and international assessments, including the Third International Mathematics and Science Survey;

“(iii) identify trends in student achievement, student performance, and high school graduation rates, by analyzing and reporting on the status and performance of subgroups of students, including subgroups based on race, ethnicity, and socioeconomic status and the subgroups of children with disabilities and English learners;

“(iv) compare the performance of students, including the subgroups described in clause (iii), across States and local educational agencies across the United States;

“(v) identify and report on promising practices, areas of greatest improvement in student achievement and educational attainment, and other examples worthy of national attention;
“(vi) identify and report on areas of educational concern that warrant national attention; and

“(vii)(I) analyze existing data, as of the time of the report, on Federal, State, and local expenditures on education, including per pupil spending, teacher salaries and pension obligations, school level spending, and other financial data publicly available; and

“(II) report on current trends and major findings resulting from the analysis.

“(B) SPECIAL RULE.—The information used to prepare the report described in subparagraph (A) shall be derived from existing State and local reporting requirements and data sources. Nothing in this paragraph shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized by any other Federal law.

“(C) BIENNIAL REPORT.—The Secretary shall transmit biennially to the authorizing committees a report that provides national and
State-level data on the information collected under paragraph (1).

“(f) Penalties.—If a State that receives a grant under this part fails to meet any requirement of this part, the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

“(g) Parents’ Right-to-Know.—

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

“(A) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

“(B) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.
“(C) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

“(D) Whether the student is provided services by paraprofessionals and, if so, their qualifications.

“(2) ADDITIONAL INFORMATION.—In addition to the information that parents of students may request under paragraph (1), a school that receives funds under this part shall provide to each individual parent, with respect to the student—

“(A) information on the level of achievement of the student in each of the State academic assessments as required under this part; and

“(B) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who is not a highly qualified teacher.

“(3) FORMAT.—The notice and information provided to parents under this subsection shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.
“(h) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

“(i) TECHNICAL ASSISTANCE.—The Secretary shall provide a State educational agency, at the State educational agency’s request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality academic assessments, the setting of State standards, the development of State accountability systems, the minimum number of students in a subgroup needed to protect confidentiality, and other relevant areas.

“(j) CONSTRUCTION.—Nothing in this part shall be construed to prescribe the use of the academic assessments described in this part for student promotion or graduation purposes.

“(k) SPECIAL RULE WITH RESPECT TO BUREAU-FUNDED SCHOOLS.—In determining the assessments to be used by each school operated or funded by the Bureau of Indian Education of the Department of Interior that receives funds under this part, the following shall apply:

“(1) STATE ACCREDITED SCHOOLS.—Each such school that is accredited by the State in which it is operating shall use the assessments the State has developed and implemented to meet the require-
ments of this section, or such other appropriate assessment as approved by the Secretary of the Interior.

“(2) Regionally Accredited Schools.—Each such school that is accredited by a regional accrediting organization shall adopt appropriate assessments, in consultation with and with the approval of, the Secretary of the Interior and consistent with assessments adopted by other schools in the same State or region, that meets the requirements of this section.

“(3) Tribally Accredited Schools.—Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use assessments developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessments meet the requirements of this section.”.

SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

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

“SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

“(a) Plans Required.—

“(1) Subgrants.—A local educational agency may receive a subgrant under this part for any fiscal
year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate.

“(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 9305.

“(b) PLAN DEVELOPMENT AND DURATION.—

“(1) Consultation.—Each local educational agency plan shall be developed in consultation with—

“(A) teachers, principals, administrators, and other appropriate school personnel;

“(B) representatives of early childhood education and care programs in the geographic area served by the local educational agency, as appropriate; and

“(C) parents and family members of children in schools served under this part.

“(2) Duration.—Each local educational agency plan shall be submitted pursuant to this section
for the first year for which this part is in effect fol-
lowing the date of enactment of the Elementary and
Secondary Education Reauthorization Act of 2011
and shall remain in effect for the duration of the
agency’s participation under this part.

“(3) REVIEW.—Each local educational agency
shall periodically review and, as necessary, revise its
plan to reflect changes in the local educational agen-
cy’s strategies and programs under this part.

“(c) STATE APPROVAL.—

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

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

“(A) enables schools served under this part
to substantially help children served under this
part meet the academic content and student
academic achievement standards expected of all
children described in section 1111(a)(1); and

“(B) meets the requirements of this part.

“(d) PLAN PROVISIONS.—In order to help low-achiev-
ing children meet college and career ready student aca-
academic achievement standards, and to close the achievement gap between high- and low-achieving children, especially achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers, each local educational agency plan shall describe each of the following:

“(1) How the local educational agency will work with each of the schools served by the agency to—

“(A) develop and implement a comprehensive program of instruction to meet the academic needs of all students;

“(B) identify quickly and effectively students who may be at risk for academic failure;

“(C) provide additional educational assistance to individual students assessed as needing help in meeting the State’s college and career ready student academic achievement standards;

“(D) identify significant gaps in student achievement among subgroups of students identified under section 1111(a)(2)(B)(ix) and develop strategies to reduce such gaps in achievement; and

“(E) identify and implement effective methods and instructional strategies that are based on scientifically valid research intended to
strengthen the core academic programs of the
schools, including multi-tiered systems of sup-
port, universal design for learning, and positive
behavioral interventions and supports.

“(2) How the local educational agency will mon-
itor and evaluate the effectiveness of school pro-
grams in improving student academic achievement,
especially for students not meeting college and ca-
reer ready student academic achievement standards.

“(3) The strategy the local educational agency
will use to implement effective parent and family en-
gagement under section 1118.

“(4) How the local educational agency will co-
ordinate and integrate services provided under this
part with other early childhood education and care
programs at the local educational agency or indi-
vidual school level (including programs under section
619 of the Individuals with Disabilities Education
Act) that include plans for the transition of partici-
pants in such programs to local elementary school
programs and, if appropriate, a description of how
the local educational agency will use funds under
this part to support preschool programs for children,
particularly children participating in a Head Start
program, which may be provided directly by the local
educational agency or through a subcontract with the Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or another comparable public early childhood education and care program.

“(5) How activities under this part will be co-ordinated and integrated with Federal, State, and local services and programs, including programs supported under this Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Head Start Act, the Child Care and Development Block Grant Act of 1990, and the Workforce Investment Act of 1998, violence prevention programs, nutrition programs, and housing programs.

“(6) How the local educational agency will co-ordinate and integrate services provided under this part with local workforce development programs that serve disadvantaged or out-of-school youth, such as those providing workforce investment activities under chapter 4 of subtitle B of title I of the Workforce Investment Act of 1998, including a description of how the local educational agency will use funds under this part to support such activities.
“(7) The poverty criteria that will be used to select school attendance areas under section 1113.

“(8) How teachers, in consultation with parents and family members, administrators, and specialized instructional support personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this part.

“(9) How the local educational agency will identify and address any disparities in the equitable distribution of teachers, consistent with the requirements of section 1111(b)(1)(L).

“(10) Data on the percentage and distribution of more than 1, or an index that incorporates more than 1, of the categories of teachers described in subparagraphs (A) through (E) of subsection (e)(10).

“(11) A general description of the nature of the programs to be conducted by such agency’s schools under sections 1114 and 1115 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs.

“(12) A description of—
“(A) how the local educational agency will provide opportunities for the enrollment, attendance, and success of homeless children and youths; and

“(B) the services the local educational agency will provide homeless children and youths, including services provided with funds reserved under section 1113(c)(3), and how those services may differ from those provided in prior years.

“(13) A description of the support the local educational agency will provide for homeless children and youths, consistent with the requirements of the McKinney-Vento Homeless Assistance Act.

“(e) Assurances.—Each local educational agency plan shall provide assurances that the local educational agency will—

“(1) use the results of the academic assessments required under section 1111(a)(2), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students will meet the State’s on-track or advanced level of
achievement on the State academic assessments required under such section;

“(2) provide to parents and teachers the results from the academic assessments required under section 1111(a)(2) as soon as is practicably possible after the test is taken in an understandable and uniform format and, to the extent possible, provided in a language that the parents and, to the greatest extent practicable, family members, can understand;

“(3) participate, if selected, in State academic assessments of student achievement in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act;

“(4) fulfill such agency’s school improvement responsibilities under section 1116;

“(5) ensure that migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

“(6) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and timely and
meaningful consultation with private school officials regarding such services;

“(7) inform eligible schools of the local educational agency’s authority to obtain waivers on the school’s behalf under applicable Federal flexibility provisions;

“(8) in the case of a local educational agency that chooses to use funds under this part to provide early childhood education and care services to low-income children below the age of compulsory school attendance, ensure that such services comply with the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act;

“(9) comply with the requirements of section 1501 that relate to the local educational agency and describe the local educational agency’s plan to ensure such compliance; and

“(10) annually submit to the State educational agency, for each quartile of schools in the local educational agency based on school poverty level and for high-minority schools and low-minority schools in the local educational agency, data regarding the percentage and distribution of the following categories of teachers:
“(A) Teachers who are not classified as highly qualified teachers.

“(B) Teachers who are inexperienced.

“(C) Teachers who have not completed a teacher preparation program.

“(D) Teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

“(E) Where applicable, teachers who are in the highest or lowest categories of a teacher evaluation system that is consistent with section 2301(b)(4).

“(f) Parental Notification Regarding Language Instruction Programs.—

“(1) In general.—Each local educational agency using funds under this part to provide a language instruction educational program as determined under part C of title III shall, not later than 30 days after the beginning of the school year, inform a parent or parents of an English learner identified for participation or participating in, such a program of—

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

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

“(C) the methods of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

“(D) how the program in which their child is, or will be, participating, will meet the educational strengths and needs of their child;

“(E) how such program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation;

“(F) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from secondary
school for such program if funds under this part are used for children in secondary schools;

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

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

“(i) detailing—

“(I) the right that parents have
to have their child immediately re-
moved from such program upon their
request; and

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

“(ii) assisting parents in selecting
among various programs and methods of
instruction, if more than 1 program or
method is offered by the eligible entity.

“(2) NOTICE.—The notice and information pro-
vided in paragraph (1) to a parent or parents of a
child identified for participation in a language in-
struction educational program for English learners shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

“(3) Special rule applicable during the school year.—For those children who have not been identified as English learners prior to the beginning of the school year and who are subsequently so identified, the local educational agency shall notify the parents of such children within the first 2 weeks of the child being placed in a language instruction educational program consistent with paragraphs (1) and (2).

“(4) Parental participation.—Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents and, to the extent practicable, family members, of English learner students to inform the parents and family members regarding how the parents and family members can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet college and career ready State student academic achievement standards and State academic
content standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents and family members of students assisted under this part.

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

SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

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

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

“(3) RANKING ORDER.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), if funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

“(i) annually rank, without regard to grade spans, such agency’s eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent, or exceeds 50 percent
in the case of the high schools served by such agency, from highest to lowest according to the percentage of children from low-income families; and

“(ii) serve such eligible school attendance areas in rank order.

“(B) APPLICABILITY.—A local educational agency shall not be required to reduce, in order to comply with subparagraph (A), the amount of funding provided under this part to elementary schools and middle schools from the amount of funding provided under this part to such schools for the fiscal year preceding the data of enactment of the Elementary and Secondary Education Reauthorization Act of 2011 in order to provide funding under this part to high schools pursuant to subparagraph (A).”;

(B) by striking paragraph (5) and inserting the following:

“(5) MEASURES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most re-
cent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

“(i) to identify eligible school attendance areas;

“(ii) to determine the ranking of each area; and

“(iii) to determine allocations under subsection (e).

“(B) LOW-INCOME FAMILIES IN SECONDARY SCHOOLS.—For measuring the number of students in low-income families in secondary schools, the local educational agency shall use the same measure of poverty, which shall be the calculation producing the greater of the results from among the following 2 calculations:
“(i) The calculation described under subparagraph (A).

“(ii) A feeder pattern described in subparagraph (C).

“(C) FEEDER PATTERN.—In this part, the term ‘feeder pattern’ means an accurate estimate of the number of students in low-income families in a secondary school that is calculated by applying the average percentage of students in low-income families of the elementary school attendance areas as calculated under subparagraph (A) that feed into the secondary school to the number of students enrolled in such school.”; and

(C) by adding at the end the following:

“(8) RESERVATION FOR EARLY CHILDHOOD EDUCATION AND CARE.—A local educational agency may reserve funds made available to carry out this section for early childhood education and care in eligible school attendance areas before making allocations to high schools in eligible school attendance areas pursuant to this section.”; and

(2) in subsection (e)—

(A) by striking paragraph (3) and inserting the following:
“(3) Reservation for homeless children and youth and other at-risk children.—

“(A) Funds for homeless children and youth and other at-risk children.—

A local educational agency shall reserve such funds as are necessary under this part to serve—

“(i) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live;

“(ii) children in local institutions for neglected children;

“(iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs; and

“(iv) children in foster care (as defined in section 1502), including providing points of contact (as described in section 1501(d)) in local educational agencies for child welfare agencies and children in foster care.
“(B) Reservation of funds.—Notwithstanding the requirements of subsections (b) and (c) of section 1120A, funds reserved under subparagraph (A) may be used to provide homeless children and youths with services not ordinarily provided to other students under this part, including—

“(i) providing funding for the liaison designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;

“(ii) providing transportation pursuant to section 722(g)(1)(J)(iii) of such Act;

“(iii) providing services to preschool-aged homeless children and homeless secondary school students;

“(iv) providing support services to homeless children and youths in shelters and other locations where they may live; and

“(v) removing barriers to homeless children and youths’ enrollment, attendance, retention, and success in school.
“(C) Amount reserved.—The amount of funds reserved in accordance with subparagraph (A)(i) shall be determined by an assessment of the needs of homeless children and youths in the local educational agency. Such needs assessment shall include the following:

“(i) Information related to child, youth, and family homelessness in the local educational agency obtained through the coordination and collaboration required under subsections (f)(4) and (g)(5) of section 722 of the McKinney-Vento Homeless Assistance Act.

“(ii) The number of homeless children and youths reported by the local educational agency to the State educational agency under section 722(f)(3) of the McKinney-Vento Homeless Assistance Act for the previous school year.”; and

(B) in paragraph (4), by striking “eligible under this section and identified for school improvement, corrective action, and restructuring under section 1116(b)” and inserting “identified under section 1116(c)(2)”.
SEC. 1114. SCHOOLWIDE PROGRAMS.

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

(1) in subsection (a)—

(A) in paragraph (1), by adding at the end the following: “Funds under this part may be used to support activities that address needs identified through the comprehensive needs assessment under subsection (b)(1)(A) and consistent with the schoolwide program.”;

(B) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking “provide” and all that follows through the period and inserting “identify particular services as supplemental.”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) SUPPLEMENTAL FUNDS.—

“(i) IN GENERAL.—A local educational agency serving a school participating in a schoolwide program shall use funds available to carry out this section only to supplement the aggregate amount of funds that would, in the absence of funds under this part, be made available from State and local sources for the school, including funds needed to provide services
that are required by law for children with
disabilities and children who are English
learners.

“(ii) COMPLIANCE.—To demonstrate
compliance with clause (i), a local edu-
cational agency shall demonstrate that the
methodology it uses to allocate State and
local funds to each school receiving funds
under this part ensures the school receives
all of the State and local funds the school
would otherwise receive if it were not re-
ceiving funds under this part.

“(iii) NONAPPLICABILITY.—Section
1120A(b) shall not apply to schools oper-
ating schoolwide programs under this sec-
tion.”;

(C) in paragraph (3)(B)—

(i) by inserting “or” after “civil
rights,”; and

(ii) by striking “, services to private
school children, maintenance of effort,
comparability of services, uses of Federal
funds to supplement, not supplant non-
Federal funds, or the distribution of funds
to State educational agencies or local educational agencies”; and

(D) by striking paragraph (4);

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “section 1309(2)” and inserting “section 1312”; and

(II) by striking “section 1111(b)(1)” and inserting “section 1111(a)(1)”; and

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) by striking “proficient and advanced” and inserting “on-track and advanced”; and

(bb) by striking “section 1111(b)(1)(D)” and inserting “section 1111(a)(1)(A)(iv)”;

(II) in clause (ii), by striking “scientifically based research” and inserting “scientifically valid research”; and

(III) in clause (iii)—

(aa) in subclause (I)—
(AA) in item (aa), by striking “pupil services” and inserting “specialized instructional support services”; and

(BB) in item (cc), by striking “vocational and technical education programs; and” and inserting “career and technical education programs;”; and

(bb) by adding at the end the following:

“(III) a multi-tier system of supports and positive behavior supports; and”;

(iii) in subparagraph (C), by inserting “and highly rated” after “qualified”; 

(iv) by striking subparagraphs (D) and (F); 

(v) by redesignating subparagraphs (E), (G), (H), (I), and (J), as subparagraphs (D), (E), (F), (G), and (H), respectively;
(vi) in subparagraph (D), as redesignated by clause (v), by inserting “and highly rated” after “qualified”;  

(vii) in subparagraph (E), as redesignated by clause (v), by striking “, Even Start, Early Reading First,” and inserting “, programs under part A of title IV,”;  

(viii) in subparagraph (F), as redesignated by clause (v), by striking “section 1111(b)(3)” and inserting “section 1111(a)(2)”; and  

(ix) in subparagraph (G), as redesignated by clause (v), by striking “proficient or advanced levels of academic achievement standards required by section 1111(b)(1)” and inserting “on-track and advanced levels of academic achievement standards required by section 1111(a)(1)(A)(iv)”; and  

(B) in paragraph (2)—  

(i) in subparagraph (A)—  

(I) in the matter preceding clause (i), by striking “No Child Left Behind Act of 2001), in consultation with the local educational agency and its school support team or other technical assist-
ance provider under section 1117,”
and inserting “Elementary and Sec-
ondary Education Reauthorization Act
of 2011), in consultation with the
local educational agency,”; and
(II) in clause (iv), by striking
“section 1111(b)(3)” and inserting
“section 1111(a)(2)”; and
(ii) in subparagraph (B)—
(I) in clause (i)—
(aa) in subclause (I), by
striking “, after considering the
recommendation of the technical
assistance providers under sec-
tion 1117,”; and
(bb) in subclause (II), by
striking “the No Child Left Be-
hind Act of 2001” and inserting
“the Elementary and Secondary
Education Reauthorization Act of
2011”;
(II) in clause (ii), by striking
“pupil services personnel” and insert-
ing “specialized instructional support
personnel”; and
(III) in clause (v), by striking “Reading First, Early Reading First, Even Start,” and inserting “part A of title IV,”; and

(3) in subsection (c), by striking “Even Start programs or Early Reading First programs” and inserting “programs under part A of title IV”.

SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

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

(1) in subsection (b)—

(A) in paragraph (1)(B)—

(i) by striking “challenging” and inserting “college and career ready”; and

(ii) by striking “except that” and all that follows through the period at the end and inserting “including children who are at risk of failing to be ready for elementary school.”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “or limited English proficient children” and inserting “, or English learners”; and

(ii) by striking subparagraph (B) and inserting the following:
“(B) Head start or literacy programs.—A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start program, a program under part A of title IV, or in preschool services under this title, is eligible for services under this part.”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “challenging” and inserting “college and career ready”;

(ii) in subparagraph (A), by striking “challenging” and inserting “college and career ready”;

(iii) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking “scientifically based research” and inserting “scientifically valid research”;

(II) in clause (ii), by striking “and” after the semicolon;

(III) in clause (iii), by inserting “and” after the semicolon;
(IV) by adding at the end the fol-
lowing:

“(iv) may include a multi-tier system
of supports and positive behavioral sup-
ports;”;

(iv) in subparagraph (D), by striking

“Even Start, Early Reading First” and in-
serting “programs under part A of title
IV,”; 

(v) in subparagraph (E), by inserting

“and highly rated” after “qualified”; and

(vi) in subparagraph (F)—

(I) by striking “subsection (e)(3)
and”; and

(II) by striking “pupil services
personnel” and inserting “specialized
instructional support personnel”; and

(B) in paragraph (2)—

(i) in the matter preceding subpara-
graph (A), by striking “proficient and ad-
vanced” and inserting “on-track and ad-
vanced”; and

(ii) in subparagraph (B), by striking

“challenging” and inserting “college and
career ready”; and
(3) in subsection (e)(2)(B)(iii), by striking “pupil services personnel” and inserting “specialized instructional support personnel”.

SEC. 1116. SCHOOL PERFORMANCE.

Section 1116 (20 U.S.C. 6316) is amended to read as follows:

"SEC. 1116. SCHOOL PERFORMANCE.

“(a) School Accountability and Improvement System.—

“(1) In general.—Each State receiving a grant under this part shall, as part of the accountability system required under section 1111(a)(3), establish a school accountability and improvement system to differentiate public elementary and secondary schools by levels of performance, in accordance with subsections (b) through (e), and to provide such schools with intervention, as needed.

“(2) Approval and Peer Review of System.—

“(A) In general.—Not later than the beginning of the 2013–2014 school year, a State receiving a grant under this part shall develop a school accountability and improvement system that includes—
“(i) the identification of the public schools in the State that are achievement gap schools and persistently low-achieving schools, and the school improvement strategies or other consequences to be used for such schools in accordance with this section; and

“(ii) the implementation of the State-designed accountability system, as described in section 1111(a)(3).

“(B) REVIEW AND APPROVAL.—The State shall include information describing the school accountability and improvement system in the State plan under section 1111(b), which shall be subject to peer review and approval by the Secretary as part of the State plan, in accordance with such section.

“(b) ACHIEVEMENT GAP SCHOOLS.—

“(1) IDENTIFICATION OF ACHIEVEMENT GAP SCHOOLS.—

“(A) IN GENERAL.—Each State receiving a grant under this part shall define the category of achievement gap schools for the State as part of its State plan, and shall identify annually, beginning in the 2013–2014 school year,
the schools in the category. A State shall include in its achievement gap schools the 5 percent of public high schools in the State, and the 5 percent of public elementary schools and secondary schools in the State that are not high schools, that are not identified as persistently low-achieving under subsection (c)(2), and that have the largest achievement gap among any of the subgroups of students described in subparagraph (B) or have the lowest performance by students in such subgroups in the State, with respect to—

“(i) being on track to career and college readiness in the subjects included in the State accountability system under section 1111(a)(3); and

“(ii) in the case of high schools, the graduation rate.

“(B) SUBGROUPS OF STUDENTS.—The subgroups described in this subparagraph shall be obtained by disaggregating students enrolled in a school by each major racial and ethnic group, by English proficiency status, by status as a child with a disability, and by economically disadvantaged status.
“(C) DATA RULE.—In identifying achievement gap schools under this paragraph, a State shall—

“(i) use data for the most recent year for which data are available; or

“(ii) average data for the most recent 2- to 3-year period for which data are available.

“(D) PARENTAL NOTIFICATION.—Each year, a State shall provide timely notification to all parents of students enrolled in each school identified under subparagraph (A) that the school is one of the State’s achievement gap schools for such year.

“(2) STATE AND LOCAL STRATEGIES.—

“(A) IMPROVEMENT STRATEGIES.—For each achievement gap school identified under paragraph (1), the local educational agency serving the school shall, in accordance with the State accountability system described in section 1111(a)(3), develop and implement a measurable and data-driven correction plan to improve the performance of low-achieving subgroups in the school in order to close achievement gaps.
“(B) Failure to Improve Performance After 3 Years.—Notwithstanding any other provision of law, any local educational agency serving an achievement gap school that has been identified as such for a period of more than 3 consecutive years shall not be eligible for any priority, preference, or special consideration for any grant, subgrant, or other program funded under this Act.

“(c) Persistently Low-Achieving Schools.—

“(1) Lowest-Achieving Schools in the State.—

“(A) In General.—Each State receiving a grant under this part shall, beginning in the 2013–2014 school year and every year thereafter, determine the lowest-achieving schools in the State, which shall include—

“(i) the lowest-achieving 5 percent of public high schools, and the lowest-achieving 5 percent of public elementary schools and secondary schools that are not high schools, in the State, based on—

“(I) student performance on the State academic assessments in reading or language arts, and mathe-
mathematics, including student absolute performance and, for a State described in section 1111(b)(1)(B), growth (defined, for the purposes of this section, as the percentage of students who are on track to college and career readiness in a subject);

“(II) in the case of high schools, graduation rates; and

“(III) if the State so chooses—

“(aa) schoolwide gains; and

“(bb) absolute student performance and, in the case of a State described in section 1111(b)(1)(B), student growth, on other statewide assessments; and

“(ii) the public high schools in the State that have less than a 60 percent graduation rate.

“(B) DATA RULE.—In identifying the lowest-achieving schools under this paragraph, a State shall—

“(i) use data for the most recent year for which data are available; or
“(ii) average data for the most recent 2- to 3-year period for which data are available.

“(C) PARENTAL NOTIFICATION.—Each year, a State shall provide timely notification to all parents of students enrolled in each school identified under subparagraph (A) that the school is one of the State’s lowest-achieving schools for such year.

“(D) LIST OF TARGETED LOW-ACHIEVING SCHOOLS.—Each year, the State shall—

“(i) compile a list of the schools identified under subparagraph (A) that—

“(I) receive assistance under this part;

“(II) are public high schools for which not less than 50 percent of each school’s students are from low-income families, as determined by the local educational agency under section 1113; or

“(III) are public high schools that have less than a 60 percent graduation rate;
“(ii) submit the list described in clause (i) to the Secretary;
“(iii) distribute the list described in clause (i) to the local educational agencies, elementary schools, and secondary schools in the State; and
“(iv) make such list publicly available, including through the Internet.
“(2) IDENTIFICATION AS PERSISTENTLY LOW-ACHIEVING.—
“(A) IDENTIFICATION.—For the 2013–2014 school year, each State receiving a grant under this part shall identify each school included on the list under paragraph (1)(D)(i) for the preceding school year as a persistently low-achieving school. For the 2014–2015 school year, and each subsequent school year, each such State shall identify each school that has been included on the list under such paragraph for the 2 preceding consecutive school years as a persistently low-achieving school.
“(B) 5-YEAR PERIOD.—A school that is identified by the State under subparagraph (A) shall be a persistently low-achieving school for
the 5-year period following the school’s identification, except as provided in paragraph (7).

“(3) STATE WAIVER.—If a State determines that all schools that would otherwise be considered to be in the lowest-achieving 5 percent of schools under paragraph (1)(A)(i) are actually performing at a satisfactory level of performance based on the measures used by the State to identify persistently low-achieving schools, the State may apply to the Secretary to waive the requirements of this subsection.

“(4) NEEDS ANALYSIS.—Each local educational agency receiving assistance under this part shall conduct a data-driven needs analysis, which may involve an external partner with expertise in conducting such needs analysis, of each school identified under paragraph (2) by the State to determine the most appropriate school improvement strategies to improve student performance. Such needs analysis shall include—

“(A) a diagnostic review of data related to students and instructional staff;

“(B) an analysis of the school governance, curriculum, instruction, student supports, conditions for learning, and parent and family en-
gagement practices relative to the needs of the student population; and

“(C) the resources, which may include community-based supports and early childhood education and care, available at the school, local educational agency, and community levels to meet student needs and support improved student achievement and outcomes and the implementation of any school improvement strategy.

“(5) STATE AND LOCAL RESPONSIBILITIES.—

“(A) STATE RESPONSIBILITIES.—Each State receiving a grant under this part shall ensure that a local educational agency receiving assistance carries out the requirements of subparagraph (B) for each persistently low-achieving school in the State.

“(B) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—Each local educational agency receiving assistance under this part shall, consistent with the State’s accountability system under section 1111(a)(3), for each school identified under paragraph (2) that it serves—

“(i) establish a process for selecting an appropriate school improvement strategy for the school that uses information
from the needs analysis under paragraph (4);

“(ii) select the school improvement strategy to be used in each identified school and the timeline for implementing the selected school improvement strategy in such school;

“(iii) develop a detailed budget covering the 5-year identification period, including planned expenditures at the school level for activities supporting full and effective implementation of the selected school improvement strategy;

“(iv) implement a school improvement strategy at the school in accordance with the requirements of paragraph (6);

“(v) use appropriate measures to monitor the effectiveness of the implementation;

“(vi) review and select turnaround partners to assist in implementing school improvement strategies;

“(vii) align other Federal, State, and local resources with the school improvement strategy;
“(viii) provide the school with the operational flexibility, including autonomy over staffing, time, and budget, needed to enable full and effective implementation of the selected strategy, including through the modification of practices or policies, if necessary;

“(ix) collect and use data on an ongoing basis to adjust implementation of the school improvement strategy to improve student achievement;

“(x) provide an assurance that the implementation of the selected school improvement strategy addresses the needs of all the subgroups of students described in subsection (b)(1)(B) in the school;

“(xi) take steps to sustain successful reforms and practices after the school is no longer identified under paragraph (2); and

“(xii) provide technical assistance and other support to ensure effective implementation of the school improvement strategy in the school, which may include assistance in—

“(I) data collection and analysis;
“(II) recruiting and retaining staff;
“(III) teacher and principal evaluation;
“(IV) professional development;
“(V) parent and family engagement;
“(VI) coordination of services with early childhood education and care providers;
“(VII) coordination of services to address students’ social, emotional, and health needs; and
“(VIII) monitoring the implementation of the school improvement strategy selected under paragraph (6).)

“(C) STATE AS LOCAL EDUCATIONAL AGENCY.—A State may take over a persistently low-achieving school and act as the local educational agency for purposes of this subsection, if permitted under State law.

“(6) SCHOOL IMPROVEMENT STRATEGIES.—
“(A) REQUIRED ACTIVITIES FOR ALL SCHOOL IMPROVEMENT STRATEGIES.—A local
educational agency implementing any strategies
under this paragraph for a school shall—

“(i) provide staff at the school with
ongoing professional development, con-
sistent with the needs analysis described in
paragraph (4);

“(ii) conduct regular evaluations for
the teachers and principals at the school
that provide specific feedback on areas of
strength and in need of improvement;

“(iii) provide time for collaboration
among instructional staff at the school to
improve student achievement;

“(iv) provide instructional staff at the
school with timely access to student data
to inform instruction and meet the aca-
demic needs of individual students, which
may include, in elementary school, school
readiness data;

“(v) collaborate with parents, the
community, teachers, and other school per-
sonnel at the school on the selection and
implementation of the strategy;
“(vi) use data to identify and implement a research-based instructional program that—

“(I) analyzes student progress and performance and develops appropriate interventions for students who are not making adequate progress; and

“(II) provides differentiated instruction and related instructional supports;

“(vii) in the case of an elementary school with kindergarten entry, consider the issue of school readiness in such school by—

“(I) examining factors that contribute to school readiness as part of the needs analysis conducted under paragraph (4); and

“(II) if school readiness is identified in the needs analysis as an area in need of improvement—

“(aa) coordinating with appropriate early childhood programs, such as programs under
the Child Care Development and
Block Grant Act of 1990, the
Head Start Act, prekindergarten
programs, and other similar Fed-
eral, State, and local programs,
in order to align instruction to
better prepare students for ele-
mentary school; and

“(bb) developing a plan to
improve or expand early child-
hood options which may include
the use of funds under this part
for such purposes;

“(viii) provide ongoing mechanisms
for parent and family engagement; and

“(ix) provide appropriate services and
supports for students as identified in the
school’s needs analysis.

“(B) STRATEGIES.—A local educational
agency shall identify a school improvement
strategy for a school described in paragraph
(5)(A) from among the following strategies:

“(i) TRANSFORMATION STRATEGY.—A
local educational agency implementing a
transformation strategy in a school shall—
“(I) replace the principal, if the principal has served in that role at the school for more than 2 years, with a principal who has—

“(aa) a demonstrated record of success in increasing student achievement;

“(bb) training or experience in raising student achievement; or

“(cc) training or experience in turning around low-performing schools;

“(II) require existing instructional staff and school leadership to reapply for their positions; and

“(III) require that all instructional staff and school leadership hiring be done at the school through mutual consent.

“(ii) STRATEGIC STAFFING STRATEGY.—A local educational agency implementing a strategic staffing initiative as a strategy for a school shall—
“(I) replace the principal, if the principal has served in that role at the school for more than 2 years, with a principal who has the demonstrated record of success, training, or experience described in clause (i)(I);

“(II) require that the principal be allowed to staff the school with a school turnaround team of the principal’s choosing from among individuals with a demonstrated record of success in increasing student achievement, which team shall include key leadership positions in the school and—

“(aa) in the case of a school that is an elementary school, not more than 5 teachers; or

“(bb) in the case of a school that is a secondary school, not more than 20 teachers; and

“(III) provide incentives to the principal and teachers to participate in the initiative.
“(iii) TURNAROUND STRATEGY.—A local educational agency implementing a turnaround model as a strategy for a school shall—

“(I) replace the principal, if the principal has served in that role at the school for more than 2 years, with a principal who has the demonstrated record of success, training, or experience described in clause (i)(I); and

“(II) screen all teachers in the school and retain not more than 65 percent of them.

“(iv) WHOLE SCHOOL REFORM STRATEGY.—A local educational agency implementing a whole school reform strategy for a school shall implement an evidence-based strategy that ensures whole school reform. The strategy shall be undertaken in partnership with a strategy developer offering a school reform program that is based on at least a moderate level of evidence that the program will have a statistically significant effect on student outcomes, including more than 1 well-designed or well-imple-
mented experimental or quasi-experimental study.

“(v) Restart Strategy.—A local educational agency implementing a restart strategy in a school shall carry out the following:

“(I)(aa) Convert the school into a public charter school, or close and re-open the school as a public charter school in partnership with a nonprofit charter school operator, a nonprofit charter management organization, or a nonprofit education management organization, that has a demonstrated record of improving student achievement for students similar to those served by the school; or

“(bb) convert the school to a magnet school or create a new, innovative school, as defined by the State.

“(II) Ensure that the new school—

“(aa) serves the grade levels as the original school for which
the strategy is being implemented; and

“(bb) enrolls any former student of the original school who requests to attend the school and then, after all such students are enrolled, admits additional students, using a random lottery system if more students apply for admission than can be accommodated.

“(vi) SCHOOL CLOSURE STRATEGY.—A local educational agency implementing a school closure strategy for a school—

“(I) shall close the school and enroll the students who attended the school in other schools, including charter schools, served by the local educational agency that are within reasonable proximity to the closed school, as determined by the local educational agency, and that are higher-performing than the school that is being closed;
“(II) shall provide transportation, or shall pay for the provision of transportation, for each such student to the student’s new school, consistent with State law and local educational agency policy;

“(III) shall provide information about high-quality educational options, as well as transition and support services to students, who attended the closed school and the students’ parents; and

“(IV) may use school improvement funds provided under subsection (d) to pay for the expenses of—

“(aa) transitioning students from the school that is being closed to the new school;

“(bb) supporting the new school; and

“(cc) expanding and offering student supports and services within the new school, which may include high-quality prekindergarten programs and services.
“(C) Flexibility.—

“(i) Flexibility for certain local educational agencies.—Notwithstanding any other provision of this paragraph—

“(I) a local educational agency that is eligible for services under subpart 1 or 2 of part B of title VI, as determined by the Secretary, may modify not more than 1 of the elements or activities required under subparagraph (A) of a school improvement strategy selected for a school described in paragraph (5)(A), in order to better meet the needs of students in such school; and

“(II) a State educational agency may apply to the Secretary for a waiver of clauses (i)(I), (ii)(I), and (iii)(I) of subparagraph (B).

“(ii) State flexibility.—

“(I) In general.—Notwithstanding any other provision of this paragraph, a State educational agency may, with the approval of the Sec-
retary, establish an alternative State-
determined school improvement strat-
egy that may be used by local edu-
cational agencies in addition to the
strategies described in subparagraph
(B).

“(II) EXCEPTION FOR REQUIRED
ACTIVITIES.—A local educational
agency implementing an approved al-
ternative State-determined school im-
provement strategy in accordance with
this subparagraph shall not be re-
quired to implement the activities de-
scribed in subparagraph (A).

“(D) PUBLIC SCHOOL CHOICE.—

“(i) IN GENERAL.—In addition to the
requirements of subparagraph (A) and the
school improvement strategy determined
under subparagraph (B) or (C)(ii), a local
educational agency shall, not later than 3
months before the first day of the school
year following identification under para-
graph (2), provide all students enrolled in
the identified school with the option to
transfer to another public school served by
the local educational agency that has not 
been identified under such paragraph, un-
less such an option is prohibited by State 

“(ii) PRIORITY.—In providing stu-
dents the option to transfer to another 
public school, the local educational agency 
shall give priority to the lowest achieving 
children from low-income families, as de-
termined by the local educational agency 
for the purposes of allocating funds to 
schools under section 1113(a)(3).

“(iii) TREATMENT.—Students who 
use the option to transfer to another public 
school shall be enrolled in classes and 
other activities in the public school to 
which the students transfer in the same 
manner as all other children at the public 
school.

“(iv) SPECIAL RULE.—A local edu-
cational agency shall permit a child who 
transfers to another public school under 
this subparagraph to remain in that school 
until the child has completed the highest 
grade in such school.
“(7) Improvement.—If, at any time during the 5-year period for which a school is identified as a persistently low-achieving school under paragraph (2), the State determines, based on the most current data, that the school has improved and is no longer one of the State’s persistently low-achieving schools, then—

“(A) the State educational agency shall no longer identify the school as a persistently low-achieving school for any remainder of the 5-year period; and

“(B) if an eligible entity, as defined in subsection (d)(1), was receiving school improvement funds under subsection (d) for such school, the eligible entity shall continue to receive such grant funds as are necessary, and use such funds to carry out the grant activities in such school, for the full period of such grant.

“(8) Repeated Classification as Persistently Low-Achieving.—For each public school that is identified under paragraph (2) for any portion of a 5-year period and that is re-identified under such paragraph for the subsequent time period, the local educational agency shall carry out the requirements of this subsection for such subsequent
period by implementing, with respect to such school, the restart strategy or school closure strategy under clause (v) or (vi) of paragraph (6)(B).

“(d) SCHOOL IMPROVEMENT FUNDS.—

“(1) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE ENTITY.—the term ‘eligible entity’ means—

“(i) a State educational agency;

“(ii) a local educational agency that receives funds under this part and serves at least 1 eligible school;

“(iii) a consortium of such local educational agencies; or

“(iv) an educational service agency that serves at least 1 local educational agency described in clause (ii).

“(B) ELIGIBLE SCHOOL.—The term ‘eligible school’ means a school identified under subsection (b) or paragraph (1) or (2) of subsection (c).

“(2) ALLOTMENTS TO STATES.—

“(A) IN GENERAL.—From the funds made available to carry out this subsection under section 3(a)(2) for a fiscal year, the Secretary shall provide States that submit an application
described in paragraph (3) with school improvement funds through an allotment, as determined under subparagraph (B) and in addition to the amounts made available to States under subpart 2, to enable the States to award subgrants and carry out the activities described in this subsection to assist eligible schools.

“(B) ALLOTMENTS TO STATES.—From the funds made available to carry out this subsection under section 3(a)(2) for a fiscal year, the Secretary shall allot to each State with an approved application an amount that bears the same relation to such funds as the amount that the State received under subpart 2 for the preceding fiscal year bears to the amount that all States receive under such subpart for such fiscal year.

“(3) STATE APPLICATION.—A State that desires to receive school improvement funds under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include a description of—
“(A) the process and the criteria that the State will use to award subgrants under paragraph (5)(A)(i);

“(B) the process and the criteria the State will use to determine whether the eligible entity’s proposal for each eligible school meets the requirements of subparagraphs (B) and (C) of paragraph (5), and paragraphs (4) and (6), of subsection (c);

“(C) how the State will ensure geographic diversity in making subgrants;

“(D) how the State will set priorities in awarding subgrants to eligible entities approved to serve schools identified under subsection (b), if funds are available to do so;

“(E) how the State will monitor and evaluate the implementation of school improvement strategies by eligible entities, including how the State will use the results of the evaluation to improve State strategies for supporting schools identified under subsection (b) or (c); and

“(F) how the State will reduce barriers for schools in the implementation of school improvement strategies, including operational flexibility that would enable complete implemen-
tation of the selected school improvement strat-
egy.

“(4) STATE ADMINISTRATION AND TECHNICAL
assistance.—A State that receives an allotment
under this subsection may reserve not more than a
total of 5 percent of such allotment for the adminis-
tration of this subsection, which may include activi-
ties aimed at building State capacity to support the
local educational agency and school improvement,
such as providing technical assistance and other sup-
port (including regular site visits to monitor imple-
mentation of selected school improvement strategies
to eligible entities serving schools identified under
subsection (c)(2)), either directly or through edu-
cational service agencies or other public or private
organizations.

“(5) SCHOOL IMPROVEMENT ACTIVITIES.—

“(A) IN GENERAL.—A State that receives
school improvement funds under this subsection
shall use not less than 95 percent of such allot-
ment to carry out school improvement activities
for eligible schools by—

“(i) awarding subgrants, on a com-
petitive basis, to eligible entities to enable
the eligible entities to carry out the activi-
ties described in subparagraph (D) for eligible schools; or

“(ii) if the State chooses and the local educational agency serving an eligible school agrees, directly providing the activities described in clauses (i) through (iii) of subparagraph (D) to the eligible school and the local educational agency, or arranging for other entities, such as school support teams or educational service agencies, to provide such activities to the school.

“(B) PRIORITY.—In distributing grant funds under this paragraph, a State shall assist the schools identified under paragraph (1) or (2) of subsection (c), including such schools that have improved as provided for in subsection (c)(7), in the State before assisting eligible schools that are identified under subsection (b).

“(C) SUBGRANTS.—

“(i) APPLICATIONS.—An eligible entity that desires a subgrant under this paragraph shall submit an application to the State at such time, in such manner, and
including such information as the State shall require. The application shall include a description of how the eligible entity will carry out the requirements of subparagraphs (B) and (C) of paragraph (5), and paragraphs (4) and (6), for each eligible school to be served by the grant.

“(ii) Demonstration of additional responsibilities.—Each eligible entity that desires a subgrant under this paragraph shall demonstrate in its application that the eligible entity has—

“(I) adopted human resource policies that prioritize the recruitment, retention, and placement of effective staff in eligible schools;

“(II) ensured that eligible schools have access to resources to implement the school improvement strategies described in subsection (c)(6), such as facilities, professional development, and technology;

“(III) identified opportunities to reduce duplication, increase efficiency, and assist eligible schools in com-
plying with reporting requirements of
State and Federal programs;

“(IV) developed an early warning
indicator system that monitors school-
level data, and alerts the eligible
school when a student indicates
slowed progress toward high school
graduation, so that the school can
provide appropriate student interven-
tions; and

“(V) facilitated alignment and
coordination between early childhood
education and care programs and
services serving students who will at-
tend eligible schools that are elemen-
tary schools, and teachers and prin-
cipals of such eligible schools.

“(iii) Subgrant size.—A State shall
award subgrants under this paragraph of
sufficient size to enable subgrant recipients
to fully and effectively implement the se-
lected school improvement strategies.

“(iv) Subgrant period.—Each
subgrant awarded under this paragraph
shall be for a 5-year period.
“(v) WITHHOLDING FINAL FUNDING.—In order for a State to award subgrant funds to an eligible entity for the final 2 years of the subgrant cycle, the eligible entity shall demonstrate that the schools receiving funds under this paragraph have made significant progress on the leading indicators.

“(D) USE OF SUBGRANT FUNDS.—An eligible entity that receives a subgrant under this paragraph shall use the subgrant funds to—

“(i) carry out the requirements of subparagraphs (B) and (C) of paragraph (5), and paragraphs (4) and (6), in an eligible school that has been identified under subsection (c)(2) as of the date of the grant award, which may include a maximum 1-year planning period;

“(ii) if all eligible schools identified under subsection (c)(2) in the State have received funds under this subsection, apply, and carry out, the requirements of subparagraphs (B) and (C) of paragraph (5), and paragraphs (4) and (6), at other
eligible schools as if such schools had been identified under subsection (e)(2);

“(iii) carry out activities at the local educational agency level that directly support such implementation, such as—

“(I) assistance in data collection and analysis;

“(II) recruiting and retaining staff;

“(III) teacher and principal evaluation;

“(IV) professional development;

“(V) coordination of services to address students’ social, emotional, and health needs; and

“(VI) progress monitoring.

“(E) SUPPLEMENT, NOT SUPPLANT.—An eligible entity or State shall use Federal funds received under this subsection only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs funded under this subsection.
“(F) INTERVENTION BY STATE.—In the case of a State educational agency that has taken over a school or local educational agency, the State may use an amount of funds under this subsection similar to the amount that the school or local educational agency would receive, under this subsection, in order to carry out the activities described in clauses (i) through (iii) of subparagraph (D) for the school and local educational agency, either directly or through an eligible entity designated by the State educational agency.

“(6) NATIONAL ACTIVITIES.—From amounts appropriated and reserved for this paragraph under section 3(a)(2)(B), the Secretary shall carry out the following national activities:

“(A) Activities focused on building State and local educational agency capacity to turn around schools identified under subsection (e)(2) and schools in rural areas through activities such as—

“(i) identifying and disseminating effective school improvement strategies, including in rural areas;
“(ii) making available targeted technical assistance, including planning and implementation tools; and

“(iii) expanding the availability of turnaround partners capable of assisting in turning around schools identified under subsection (c)(2), including in rural areas.

“(B) Activities focused on building capacity to turn around schools identified under subsection (c)(2), including in rural areas.

“(C) The use of data, research, and evaluation to—

“(i) identify schools that are implementing school improvement strategies effectively;

“(ii) identify effective school improvement strategies; and

“(iii) collect and disseminate that information to States and local educational agencies in a manner that facilitates replication of effective practices.

“(D) Other activities designed to support State and local efforts to improve eligible schools.
“(7) EVALUATION.—The Director of the Institute of Education Sciences shall conduct an evaluation of the programs carried out under this subsection.

“(e) STATE RESPONSIBILITIES.—Consistent with section 1111(a)(3)(A)(iv), a State educational agency receiving assistance under this part shall provide support for the improvement of all schools that are not identified under subsection (b) or (c)(2) but are low-performing or have low-performing subgroups of students described in subsection (b)(1)(B).

“(f) CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.”.

SEC. 1117. BLUE RIBBON SCHOOLS.

Section 1117 (20 U.S.C. 6317) is amended to read as follows:
“SEC. 1117. BLUE RIBBON SCHOOLS.

“(a) Program Purpose.—It is the purpose of this section to assist States and local educational agencies in identifying and rewarding high-performing public schools.

“(b) Blue Ribbon Schools.—

“(1) Identification of Blue Ribbon Schools.—Each State receiving a grant under this part may—

“(A) define the category of blue ribbon schools, consistent with paragraph (2), for the State as part of its State plan in section 1111(b); and

“(B) identify, for each school year, the schools in the State that are blue ribbon schools for such year.

“(2) Blue Ribbon School Criteria.—

“(A) In General.—If a State elects to carry out this subsection, the State’s blue ribbon schools shall consist of the top 5 percent of the State’s public elementary schools and secondary schools, as designated by the State based on—

“(i) the percentage of students who are on track to college and career readiness for English or language arts, and mathematics;
“(ii) in the case of high schools, the school’s graduation rates;

“(iii) the performance of each category of students described in subsection (b)(1)(B);

“(iv) if the State chooses to measure student growth in accordance with section 1111(b)(1)(B), the percentage of students attaining growth in accordance with clauses (i) and (ii) of such section; and

“(v) school gains.

“(B) Noneligibility for Blue Ribbon Status.—A school identified under subsection (b) or (c)(2) of section 1116 for a year shall not be eligible for blue ribbon school status for the same year.

“(c) Rewards for Blue Ribbon Schools.—

“(1) In general.—Each State that defines and identifies blue ribbon schools under subsection (b)(1) for a school year may—

“(A) provide each blue ribbon school in the State with increased autonomy over the school’s budget, staffing, and time;

“(B) allow each blue ribbon school to have flexibility in the use of any funds provided to
the school under this Act for any purpose al-
lowed under this Act (notwithstanding any
other provision of this Act), as long as such use
is consistent with the Civil Rights Act of 1964,
title IX of the Education Amendments of 1972,
section 504 of the Rehabilitation Act of 1973,
the Americans with Disabilities Act of 1990 (42
U.S.C. 12101), and part B of the Individuals
with Disabilities Education Act; and

“(C) reserve not more than .5 percent of
the funds allotted to the State under subpart 2
and use such reserved amounts to distribute re-
wards, on a competitive basis, to local edu-
cational agencies that serve 1 or more blue rib-
bon schools identified under subsection (b) that
receive funds under subpart 2 to enable the
local educational agencies to provide awards to
such blue ribbon schools that receive funds
under such subpart.

“(2) USE OF REWARDS.—As a condition of re-
ceiving an award from a local educational agency
under this subsection, a blue ribbon school shall
agree to use the award funds to—

“(A) improve student achievement; and
“(B) provide technical assistance to the lowest-achieving schools in the State that have characteristics similar to the blue ribbon school, in accordance with the State plan under section 1111(b)(1)(F).”.

SEC. 1118. PARENT AND FAMILY ENGAGEMENT.

Section 1118 (20 U.S.C. 6318) is amended to read as follows:

“SEC. 1118. PARENT AND FAMILY ENGAGEMENT.

“(a) LOCAL EDUCATIONAL AGENCY PARENT AND FAMILY ENGAGEMENT PLAN.—

“(1) IN GENERAL.—A local educational agency may receive funds under this part only if such agency develops and implements a strategic, evidence-based plan to support meaningful engagement of parents and family members in education (referred to in this section as the ‘parent and family engagement plan’). Such plan shall be aligned through incorporation into the local educational agency’s plan developed under section 1112 and shall include strategies (especially in high-need schools) that are planned and implemented in meaningful consultation with—
“(A) parents and family members of participating children, including districtwide parent advisory committees, where applicable;

“(B) to the greatest extent practicable, individuals with expertise in effectively engaging parents and family members in education; and

“(C) organizations that have a demonstrated record of effectiveness in assisting students in becoming college and career ready.

“(2) Consultation and Dissemination.— Each local educational agency that receives funds under this part shall—

“(A) develop and implement the parent and family engagement plan jointly with parents and family members of participating children and, where applicable, with a districtwide parent advisory committee; and

“(B) develop a template for schools to use in communicating—

“(i) parent and family engagement strategies; and

“(ii) the content of the compact described in subsection (e).
“(3) CONTENTS OF THE LOCAL EDUCATIONAL AGENCY PARENT AND FAMILY ENGAGEMENT PLAN.—

“(A) REQUIRED ELEMENTS.—The parent and family engagement plan shall—

“(i) establish the local educational agency’s expectations for, and commitment to support, meaningful engagement strategies;

“(ii) describe the process through which the local educational agency will equip parents and family members, with particular attention to economically disadvantaged parents and family members, to—

“(I) act in partnership with school personnel to improve the academic achievement and development of their children;

“(II) participate in school improvement strategies; and

“(III) communicate effectively with educators and administrators, such as through the establishment of a districtwide parent advisory com-
mittee, if such committee does not already exist;

“(iii) describe how the local educational agency will provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent and family engagement strategies, such as—

“(I) making facilities of the local educational agency available, as appropriate; and

“(II) utilizing the expertise of, and developing strategies with, organizations that have a demonstrated record of success in supporting parent and family engagement;

“(iv) describe how the local educational agency will use data (including data collected through the evaluation described in subsection (b), a conditions for learning measurement system as described in section 4404(g), and surveys of parent and family engagement) to continuously
improve and increase engagement strategies; and

“(v) describe how the local educational agency will involve parents in the development of the plan described in section 1112.

“(B) OPTIONAL ELEMENTS.—The parent and family engagement plan may include, in addition to the requirements described in subparagraph (A), a description of how the local educational agency plans to involve employers, business leaders, philanthropic and nonprofit organizations, and other community members committed to improving student achievement and development in order to increase and strengthen parent and family engagement, as well as how the local educational agency will coordinate with parent and family information and resource centers established under part G of title IV.

“(b) EVALUATION.—The local educational agency shall conduct, with the involvement of parents and family members, an annual evaluation of the effectiveness of the parent and family engagement plan in—
“(1) improving student academic achievement and development;

“(2) improving the college and career readiness of children; and

“(3) reducing barriers to greater participation in the activities described in this section by parents and family members, with particular attention to parents and family members who are economically disadvantaged.

“(c) RESERVATION AND USE OF FUNDS.—

“(1) IN GENERAL.—Each local educational agency shall reserve not less than 1 percent of such agency’s allocation under subpart 2 to carry out the activities described in this section.

“(2) EXCEPTION.—The reservation requirement under paragraph (1) shall not apply if 1 percent of the local educational agency’s allocation under subpart 2 for the fiscal year for which the determination is made is equal to or less than $5,000.

“(3) USE OF FUNDS.—Funds reserved under paragraph (1) may be used to carry out systemic, evidence-based parent and family engagement strategies, consistent with the local educational agency parent and family engagement plan described in subsection (a), such as the following:
“(A) Designating or establishing a dedicated office or dedicated personnel for parent and family engagement.

“(B) Providing subgrants to schools working in partnership with an organization with a demonstrated record of success in improving and increasing parent and family engagement.

“(C) Professional development for school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, school leaders, and parents and family members.

“(D) Districtwide or school-based leadership training for parents and family members and other evidence-based leadership development strategies.

“(E) Adult education and literacy activities, as defined in section 203 of the Adult Education and Family Literacy Act.

“(F) Home visitation programs.

“(G) Volunteerism programs.

“(H) Other evidence-based or promising strategies for improving and increasing parent and family engagement, which may include
family and student supports, as defined in section 4603.

“(I) Conducting the evaluation described in subsection (b).

“(J) Disseminating information on best practices (such as implementation, replication, impact studies, and evaluations) focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.

“(K) Coordinating parent and family engagement strategies conducted by the local educational agency and schools within the local educational agency with local early learning programs, career and technical education programs, and postsecondary education programs.

“(4) DISTRIBUTION OF FUNDS.—

“(A) IN GENERAL.—Not less than 95 percent of the funds reserved under this subsection shall be distributed to schools served under this part.

“(B) PRIORITY.—In allocating the funds described in subparagraph (A), each local edu-
cational agency shall give priority to high-need schools.

“(C) Districtwide Activities.—Funds used to implement leadership training for parents and family members or other districtwide parent and family engagement initiatives with a demonstrated record of effectiveness that may be cost effective and that directly benefit parents and family members, may be considered funds distributed to schools.

“(d) Family Member Engagement.—Each school served under this part shall—

“(1) regularly convene, at not less than 1 time during each academic year, a meeting at a convenient time, to which parents and family members of participating children shall be invited and encouraged to attend, in order to—

“(A) review the parent and family engagement compact described in subsection (e);

“(B) inform parents and family members of opportunities for engagement in their child’s education; and

“(C) explain to parents and family members the right of the parents and family mem-
bers to be involved, and the benefits of meaningful engagement;

“(2) use multiple methods to involve and collaborate with parents and family members (in an organized, ongoing, and timely way, including through electronic means) in the planning, development, review, implementation, and improvement of school improvement plans and strategies, including in developing the schoolwide program plan under section 1114(b)(2) or a similar school improvement plan;

“(3) at a minimum, provide parents and family members with—

“(A) opportunities to develop the knowledge and skills to engage as full partners in supporting academic achievement, child development, and school improvement;

“(B) a description and explanation of the forms of academic assessment used to measure student progress, the proficiency levels students are expected to meet, and opportunities to promote learning and college and career readiness during out-of-school time;

“(C) opportunities to develop leadership skills and to engage school and local edu-
cational agency staff in decisions relative to the
education of their children; and

“(D) opportunities to increase their ability
to engage effectively with educators and admin-
istrators in formal and structured settings, such
as parent-teacher conferences, individualized
education program team meetings, local edu-
cational agency meetings, disciplinary hearings,
and the school budgeting process;

“(4) make the school safe and welcoming to
parents and family members;

“(5) provide professional development and other
evidence-based support to school staff regarding ef-
effective parent and family engagement;

“(6) collaborate with community-based organi-
zations, employers, or other entities to accomplish
the purposes of this section;

“(7) to the extent feasible and appropriate, co-
ordinate and integrate parent and family engage-
ment programs and strategies with other Federal,
State, and local programs; and

“(8) provide such other support for parent and
family engagement strategies under this section as
parents and family members may request, to the ex-
ten practicable.
“(e) Shared Responsibilities for College and Career Readiness.—Each school served under this part shall jointly develop with parents and family members, for all children served under this part, a parent and family engagement compact. Such compact shall—

“(1) describe the activities the school will take in accordance with subsection (d);

“(2) describe the school’s responsibility to—

“(A) provide a rigorous curriculum and effective instruction in a supportive, safe, and healthy learning environment;

“(B) inform parents and family members (with attention to economically disadvantaged parents and family members) of opportunities to participate in school improvement or governance councils, engage in the development of discipline and suspension and other school policies, and access the parent and family information and resource centers established under part G of title IV; and

“(C) to the greatest extent practicable—

“(i) communicate with parents and family members when children are chronically absent from school, when children are suspended or expelled, or when chil-
dren drop out of school, which may include through home visits;

“(ii) refer parents and family mem-
bers to adult education and literacy activi-
ties, social services, or other programs and services designed to support parent and family engagement; and

“(iii) offer evidence-based mentoring programs to students;

“(3) describe the responsibilities of parents and family members to be full partners in the education of their child, which may include—

“(A) communicating high expectations for their child’s academic achievement and college and career readiness;

“(B) reading to their child, promoting the use of libraries, facilitating access to cultural events, parks, and recreational services, encouraging community service and leadership, and planning for entry and success in institutions of higher education and careers;

“(C) monitoring their child’s school attend-
ance, homework, course completion, academic achievement, and progress toward college and career readiness; and
“(D) participating, as appropriate, in decisions relating to school improvement, decisions regarding the education of their children, and positive use of out-of-school time; and

“(4) address the importance of communication between teachers, parents, and family members on an ongoing basis through, at a minimum—

“(A) regular parent-teacher conferences;

“(B) frequent reports to family members on—

“(i) their children’s progress; and

“(ii) opportunities to be involved at school, including opportunities to support school improvement; and

“(C) providing parents and family members with—

“(i) reasonable access to staff;

“(ii) opportunities to volunteer and participate at school; and

“(iii) as appropriate, observation of classroom activities and school-based activities; and

“(D) to the extent practicable, providing information required under this section, and conducting any consultations required under
this section, in a language that parents can understand; and

“(5) describe the process through which school personnel communicate effectively with parents and family members and ensure that other community stakeholders are engaged, as appropriate, in supporting school improvement.

“(f) ACCESSIBILITY.—In carrying out the parent and family engagement requirements of this part, local educational agencies and schools, to the greatest extent practicable, shall provide opportunities for the full and informed participation of parents and family members (including parents and family members with disabilities), including providing information and school reports in a format and, to the greatest extent practicable, in a language such parents can understand.”.

SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-

PROFESSIONALS.

Section 1119 (20 U.S.C. 6319) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) TEACHER QUALIFICATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each local educational agency receiving assistance under this part shall ensure that all
teachers teaching a core academic subject in a program supported with funds under this part are highly qualified teachers.

“(2) Exception.—Each local educational agency located in a State in which the State has fully implemented a teacher and principal evaluation system that is consistent with section 2301(b)(4) shall only be required to comply with the requirements under paragraph (1) as they relate to new teachers.

“(3) Special rule for small, rural, or remote schools.—In the case of a local educational agency that is unable to provide a highly qualified teacher to serve as an on-site classroom teacher for a core academic subject in a small, rural, or remote school, the local educational agency may meet the requirements of this section by using distance learning to provide such instruction by a teacher who is a highly qualified teacher for purposes of the core academic subject, as long as—

“(A) the teacher who is a highly qualified teacher in the core academic subject—

“(i) is responsible for providing at least 50 percent of the direct instruction in
the core academic subject through distance learning;

“(ii) is responsible for monitoring student progress; and

“(iii) is the teacher who assigns the students their grades; and

“(B) an on-site teacher who is a highly qualified teacher for a subject other the core academic subject taught through distance learning is present in the classroom throughout the period of distance learning and provides supporting instruction and assistance to the students.

“(b) Qualifications for American Indian, Alaska Native, or Native Hawaiian Language, Culture, or History Teachers.—

“(1) Language or Culture.—

“(A) In general.—Notwithstanding any other provision of law, the requirements of subsection (a) on local educational agencies with respect to highly qualified teachers shall not apply to a teacher of American Indian, Alaska Native, or Native Hawaiian language or culture, whether the teacher is teaching on a permanent, part-time, or occasional basis.
“(B) Competency.—A State may require that a local tribe or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), verify the competency of a public school teacher of American Indian, Alaska Native, or Native Hawaiian language or culture to teach such subject, to the chief administrative officer of the local educational agency or the chief State school officer.

“(2) History.—

“(A) In general.—Notwithstanding any other provision of law, the requirements of subsection (a) on local educational agencies with respect to highly qualified teachers, shall not apply to a teacher who is a Native elder or other authority on American Indian, Alaska Native, or Native Hawaiian history and who provides instruction in such subject, whether on a part-time or occasional basis.

“(B) Competency.—A State may require that a local tribe or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), verify the competency of the instructor
described in subparagraph (A) of American Indian, Alaska Native, or Native Hawaiian history to teach such subject, to the chief administrative officer of the local educational agency or the chief State school officer.”;

(2) in subsection (c)(1), by striking “hired after the date of enactment of the No Child Left Behind Act of 2001 and”;

(3) by striking subsections (d) and (l);

(4) by redesignating subsections (e), (f), (g), (h), (i), (j), and (k), as subsections (d), (e), (f), (g), (h), (i), and (j), respectively;

(5) in subsection (d), as redesignated by paragraph (4), by striking “Subsections (c) and (d)” and inserting “Subsection (c)”;

(6) by striking subsection (i), as redesignated by paragraph (4), and inserting the following:

“(i) SPECIAL RULE.—A State educational agency may not require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part.”.

SEC. 1120. TECHNICAL CORRECTION REGARDING COMPLAINT PROCESS FOR SECTION 1120.

Section 1120(c)(2) (20 U.S.C. 6320(c)(2)) is amended by striking “9505” and inserting “9503”.

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SEC. 1121. COMPARABILITY OF SERVICES.

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

(1) in subsection (a), by striking “involved”; and

(2) by striking subsection (c) and inserting the following:

“(c) COMPARABILITY.—

“(1) IN GENERAL.—

“(A) COMPARABILITY.—Beginning for the 2015–2016 school year, a local educational agency may receive funds under this part only if the local educational agency demonstrates to the State educational agency that the combined State and local per-pupil expenditures (including actual personnel and actual non-personnel expenditures) in each school served under this part, in the most recent year for which such data were available, are not less than the average combined State and local per-pupil expenditures for those schools that are not served under this part.

“(B) ALTERNATIVE COMPARABILITY.—If the local educational agency is serving all of the schools under its jurisdiction under this part, the agency shall demonstrate to the State educational agency that the average combined
State and local per-pupil expenditures (including actual personnel and actual non-personnel expenditures) for its high-poverty schools, in the most recent year for which such data are available, were not less than the average combined State and local per-pupil expenditures for its low-poverty schools.

“(C) BASIS.—A local educational agency may meet the requirements of subparagraphs (A) and (B) on a local educational agency-wide basis or a grade-span by grade-span basis.

“(D) EXCLUSION OF FUNDS.—

“(i) IN GENERAL.—For the purpose of complying with this paragraph, a local educational agency shall exclude any State or local funds expended in any school for—

“(I) excess costs of providing services to English learners;

“(II) excess costs of providing services to children with disabilities;

“(III) capital expenditures; and

“(IV) such other expenditures as the Secretary determines appropriate.

“(ii) CHANGES AFTER THE BEGINNING OF THE SCHOOL YEAR.—A local edu-
cational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining compliance under this subsection.

“(2) DOCUMENTATION.—A local educational agency shall demonstrate that it is meeting the requirements of paragraph (1) by submitting to the State educational agency the per-pupil expenditures, personnel expenditures, non-personnel expenditures, and total expenditures for each school served by the local educational agency.

“(3) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than 1 building for each grade span.

“(4) PROCESS AND PROCEDURES.—

“(A) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—Each local educational agency assisted under this part shall, by October 31, 2016, report to the State educational agency on its compliance with the requirements of this subsection for the preceding school year, including a listing, by school, of actual combined per-pupil State and local personnel and non-personnel expenditures.
“(B) State educational agency responsibilities.—Each State educational agency assisted under this part shall ensure that such information is made publicly available by the State or the local educational agency, including the school by school listing described in subparagraph (A).

“(C) Plan.—A local educational agency that does not meet the requirements of this subsection in any year shall develop and implement a plan to ensure compliance for the subsequent school year and may be required by the State educational agency to report on its progress in implementing such plan.

“(5) Transition provisions.—

“(A) School years preceding the 2015-2016 school year.—For school years preceding the 2015-2016 school year, a local educational agency may receive funds under this part only if the local educational agency demonstrates to the State educational agency that the local educational agency meets the requirements of this subsection, as in effect on the day before the date of enactment of the Elementary
and Secondary Education Reauthorization Act of 2011.

“(B) Transition between requirements.—The Secretary shall take such steps as are necessary to provide for the orderly transition between the requirements under this section, as in effect on the day before the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, and the new requirements under this section, as amended by such Act.

“(6) Rule of construction.—Nothing in this subsection shall be construed to require a local educational agency to transfer school personnel in order to comply with this subsection.”.

SEC. 1122. COORDINATION REQUIREMENTS.

Section 1120B (20 U.S.C. 6322) is amended to read as follows:

“SEC. 1120B. COORDINATION REQUIREMENTS.

“(a) In general.—Each local educational agency receiving assistance under this part shall carry out the activities described in subsection (b) with Head Start agencies (consistent with section 642(e)(5) of the Head Start Act (42 U.S.C. 9801(e)(5)), providers of services under part C of the Individuals with Disabilities Education Act,
programs carried out under section 619 of such Act, and, if feasible, other entities carrying out early childhood education and care programs and services.

“(b) Activities.—The activities and services referred to in subsection (a) include—

“(1) developing and implementing a systematic procedure for transferring, with parental consent, early childhood education and care program records for each participating child to the school in which such child will enroll;

“(2) establishing ongoing communication between early childhood education and care program staff and their counterparts in the schools (including teachers, principals, social workers, local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act, and health staff) to facilitate the coordination and alignment of programs;

“(3) establishing ongoing communications between the early childhood education and care program and the local educational agency for developing continuity of developmentally appropriate instructional programs and shared expectations for children’s learning and development as children transition to school;
“(4) organizing and participating in joint training, including transition-related training for school staff and early childhood education and care programs;

“(5) establishing comprehensive transition policies and procedures that support the school readiness of children transitioning to school;

“(6) conducting outreach to parents, families, and elementary school teachers to discuss the educational, development, and other needs of children entering school;

“(7) helping parents of children who are English learners understand—

“(A) the instructional and other services provided by the school in which such child will enroll after participation in a Head Start program or other Federal early childhood care and education program; and

“(B) as appropriate, the information provided to parents of English learners under section 3202;

“(8) helping parents understand the instructional and other services provided by the school in which their child will enroll after participation in a
Head Start program or other Federal early childhood care and education program; and

“(9) developing and implementing a system to increase program participation of underserved populations of eligible children, especially children eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), parents of children who are English learners, and parents of children with disabilities.”.

SEC. 1123. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

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

(1) in subsection (a), by striking “section 1002(a) and 1125A(f)” and inserting “paragraphs (1) and (3) of section 3(a)”;

(2) in subsection (b)(3)—

(A) in subparagraph (A), by striking “and freely associated States”; and

(B) in subparagraph (C)(ii), by striking “challenging State academic content standards” and inserting “college and career ready State academic content standards under section 1111(a)(1)”; and

(3) by striking subsection (c) and inserting the following:
“(c) Definition of Outlying Area.—As used in subsections (a) and (b), the term ‘outlying area’ has the meaning given that term in subparagraphs (A) and (B) of section 9101(42).”.

SEC. 1124. ALLOCATIONS TO STATES.

Section 1122(a) (20 U.S.C. 6332(a)) is amended by striking “section 1002(a) to carry out this part for each of fiscal years 2002–2007” and inserting “section 3(a)(1) to carry out this part for each of fiscal years 2012–2017”.

SEC. 1125. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

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

(1) in subsection (a), by striking “subsection (f)” and inserting “section 3(a)(3),”;

(2) in subsection (b)(1)(A), by striking “subsection (f)” and inserting “section 3(a)(3)”;

(3) by striking subsection (f); and

(4) by redesignating subsection (g) as subsection (f).

SEC. 1126. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.

Part A of title I (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:
“Subpart 3—Grants for State Assessments and Related Activities

“SEC. 1131. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.

“(a) Grants for State Assessments.—From amounts made available under subsection (c)(1) to carry out this subsection, the Secretary shall make grants to States—

“(1) to enable States to pay the costs of developing, improving, or administering State assessments and standards consistent with section 1111(a), which may include the cost of working in voluntary partnerships with other States, at the sole discretion of each such State; and

“(2) in the case of States that have developed the assessments and standards consistent with the requirements of section 1111(a), to enable each such State—

“(A) to administer such assessments; or

“(B) to carry out other activities described in this section, which may include—

“(i) developing college and career ready State academic content and student academic achievement standards and aligned assessments in academic subjects...
for which standards and assessments are
not required under section 1111(a);

“(ii) developing or improving assess-
ments of English language proficiency nec-
essary to comply with section
1111(a)(2)(D);

“(iii) developing multiple measures of
student academic achievement, including
measures that assess higher-order thinking
skills and understanding, to increase the
reliability and validity of State assessment
systems;

“(iv) developing, enhancing, or admin-
istering, in publicly funded early childhood
care and education programs and elemen-
tary schools, early learning assessments
(including accommodations to provide ac-
cess for young children with disabilities) to
improve instruction for young children;

“(v) strengthening the capacity of
local educational agencies and schools to
provide all students with the opportunity
to increase educational achievement, in-
cluding carrying out professional develop-
ment activities aligned with State student
academic achievement standards and assessments;

“(vi) expanding the range, and improving the quality, of accommodations available to English learners and students with disabilities to improve the use of such accommodations, including professional development activities;

“(vii) improving the dissemination of information about student achievement and school performance to parents and families, including the development of information and reporting systems designed to—

“(I) identify best educational practices based on scientifically valid research; or

“(II) assist in linking records of student achievement, length of enrollment, and graduation over time;

“(viii) providing instructional supports, which may include formative assessments;

“(ix) developing computer adaptive assessments that meet the requirements of section 1111(a); and
“(x) developing alternate assessments,
as described in section 1111(a)(2)(E),
aligned to alternate achievement standards.

“(b) Grants for Enhanced Assessment Systems.—

“(1) Grant Program Authorized.—From
amounts made available under subsection (c)(2) to
carry out this subsection, the Secretary shall award,
on a competitive basis, grants to State educational
agencies to enable the State educational agencies to
carry out the activities described in paragraph (3).

“(2) Application.—Each State educational
agency desiring to receive a grant under this section
shall submit an application to the Secretary at such
time, in such manner, and accompanied by such in-
formation as the Secretary may require.

“(3) Authorized Activities.—Each State
educational agency that receives a grant under this
section shall use the grant funds to—

“(A) enable States, or a consortia of
States, to collaborate with institutions of higher
education or other organizations or agencies to
improve the quality, validity, and reliability of
State academic assessments beyond the require-
ments for such assessments described in section 1111(a)(2);

“(B) measure student academic achievement using multiple measures of student academic achievement from multiple sources, including measures that assess higher-order thinking skills and understanding;

“(C) chart student progress over time; or

“(D) evaluate student academic achievement through the development of comprehensive academic assessment instruments.

“(c) ALLOTMENT OF APPROPRIATED FUNDS.—

“(1) IN GENERAL.—For each fiscal year, the Secretary shall use the amount of funds made available for this section for such year or $400,000,000 of such funds, whichever is less, to—

“(A) reserve one-half of 1 percent for the Bureau of Indian Affairs;

“(B) reserve one-half of 1 percent for the outlying areas; and

“(C) from the amounts remaining after the application of subparagraphs (A) and (B), allocate to each State, for the purposes of carrying out the activities under subsection (a), an amount equal to—
“(i) $3,000,000; and

“(ii) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

“(2) REMAINDER.—Any amounts remaining for a fiscal year after the Secretary carries out paragraph (1) shall be made available to award funds under subsection (b) to States according to the quality, needs, and scope of the State application under this section. In determining the grant amount, the Secretary shall ensure that a State’s grant shall include an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.
“(3) DEFINITION OF STATE.—In this section, the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”.

PART B—PATHWAYS TO COLLEGE

SEC. 1201. IMPROVING SECONDARY SCHOOLS.

Part B of title I (20 U.S.C. 6361 et seq.) is amend-
ed—

(1) by striking the part heading and inserting the following:

“PART B—PATHWAYS TO COLLEGE”;

and

(2) by striking subpart 1 and inserting the fol-

lowing:

“Subpart 1—Improving Secondary Schools

“SEC. 1201. SECONDARY SCHOOL REFORM.

“(a) PURPOSES.—The purposes of this section are to ensure students graduate from secondary school on track to college and career readiness and to increase graduation rates by providing grants to eligible entities to provide schools with the necessary resources to implement innovative and effective secondary school reform strategies.

“(b) DEFINITIONS.—In this section:

“(1) COMPETENCY-BASED LEARNING MODEL.— The term ‘competency-based learning model’ means
an education model in which educators use explicit measurable learning objectives to assist students to advance upon mastery of the objectives as determined through relevant assessments.

“(2) Effective secondary school reform strategies.—The term ‘effective secondary school reform strategies’ means a set of programs, interventions, and activities with demonstrated effectiveness in improving the academic achievement of struggling students or dropouts.

“(3) Eligible entity.—The term ‘eligible entity’ means a high-need local educational agency in partnership with 1 or more external partners.

“(4) Eligible secondary school.—The term ‘eligible secondary school’ means a high school that—

“(A) is eligible for funds under part A;

“(B) has a graduation rate below 75 percent;

“(C) does not receive grant funds under section 1116(d); and

“(D) is identified as low performing based on the State’s accountability system.

“(5) External partner.—The term ‘external partner’ means a public or private nonprofit organi-
zation, public or private nonprofit institution of higher education, or nonprofit charter management organization, with a demonstrated record of successful secondary school reform.

“(6) Feeder middle school.—The term ‘feeder middle school’ means an elementary school or secondary school from which a majority of students go on to attend an eligible secondary school.

“(7) Secretary.—The term ‘Secretary’ means the Secretary of Education.

“(8) Struggling student.—The term ‘struggling student’ means a student who is at an increased risk for low academic achievement and is unlikely to graduate secondary school on track to college and career readiness.

“(e) Grants Authorized.—

“(1) In general.—

“(A) Reservation.—From the total amount of funds appropriated to carry out this section for a fiscal year, the Secretary may reserve not more than 2.5 percent for national activities, which the Secretary shall use for technical assistance, data collection and dissemination, and reporting activities.
“(B) GRANTS.—From the total amount of funds appropriated to carry out this section for a fiscal year and not reserved under subpara-
graph (A), the Secretary shall award grants, on a competitive basis, to eligible entities, based on the quality of the applications submitted, of which—

“(i) not more than 25 percent of grant funds shall be used for activities de-
dscribed in subsection (e)(1); and

“(ii) not less than 75 percent of grant funds shall be used for activities described in paragraphs (2) and (3) of subsection (e) and subsection (f).

“(2) GRANT DURATION.—Grants awarded under this section shall be for a period of 5 years, conditional after 3 years on satisfactory progress on the performance indicators described in subsection (d)(2)(E), as determined by the Secretary.

“(3) ANNUAL REPORT.—Each eligible entity that receives a grant under this section shall submit to the Secretary an annual report including data on the entity’s progress on the performance indicators described in subsection (d)(2)(E).

“(d) APPLICATION.—
“(1) IN GENERAL.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include, at a minimum, a description of the following:

“(A) How the eligible entity will use funds awarded under this section to carry out the activities described in subsection (e)(1).

“(B) The external partner’s capacity and record of success in secondary school reform and how the eligible entity will sustain the activities proposed, including the availability of funds from non-Federal sources and coordination with other Federal, State, and local funds.

“(C) How the eligible entity conducted a comprehensive needs analysis and capacity assessment of the eligible secondary schools served by the eligible entity to identify secondary schools proposed to be served by the grant. The needs analysis and capacity assessment shall include the following:
“(i) An examination of each secondary school’s data in the aggregate, and disaggregated by each of the subgroups of students described in section 1111(a)(2)(B)(ix), on the following:

“(I) Graduation rates and characteristics of those students who are not graduating, including such students’ attendance, behavior, expulsion rates, suspension rates, course performance, and credit accumulation rates.

“(II) Rates of dropout recovery (re-entry).

“(III) Rates of enrollment and remediation in institutions of higher education, in accordance with section 1111(d)(3)(B)(viii).

“(IV) The percentage of students who are 2 or more years over-aged or under-credited for their grade level.

“(ii) An examination of each eligible secondary school and feeder middle school’s data in the aggregate, and disaggregated by each of the subgroups of
students described in section 1111(a)(2)(B)(ix), as applicable, on the following:

“(I) Student academic achievement, including the percentage of students who have on-time credit accumulation at the end of each grade and the percent of students failing a core, credit-bearing, reading or language arts, science, or mathematics course, or failing 2 or more of any courses.

“(II) Percentage of students who have an attendance rate lower than 90 percent.

“(III) Annual rates of expulsions, suspensions, school violence, harassment, and bullying, as defined under State or local laws or policies.

“(IV) Annual, average credit accumulation.

“(V) Annual, average attendance rates.

“(VI) Annual rates of students who move in and out of the school within a school year
“(VII) Curriculum alignment with college and career ready standards across all grade levels.

“(VIII) Support services to address the nonacademic barriers that impact student achievement.

“(IX) The number and percentage of students who do not transition from grade 8 to grade 9 and who have not transferred to and enrolled in a school outside of the local educational agency within the State.

“(iii) An examination, including a description, of each eligible secondary school’s capacity to implement the school reform activities under subsection (e)(3), including—

“(I) the capacity and experience levels of administrative, instructional, and noninstructional staff; and

“(II) the budget, including how Federal, State, and local funds are being spent (as of the time of the assessment) and can be better spent; and
“(III) the technical assistance, additional resources, and staff necessary to implement the activities identified in subsection (e).

“(iv) An assessment of the external partner capacity to provide technical assistance and resources to implement the activities described in subsection (e).

“(D) The strategies chosen to be implemented at the eligible secondary schools, including a rationale for reform strategies, as described in subsection (e)(3)(F), selected for each of the eligible secondary schools, including how the chosen strategy will most effectively address the needs identified through the needs analysis.

“(E) The performance indicators and targets the eligible entity will use to assess the effectiveness of the activities implemented under this section including—

“(i) graduation rates;

“(ii) dropout recovery (re-entry) rates;

“(iii) percentage of students with less than a 90 percent attendance rate;
“(iv) percentage of students who have on-time credit accumulation at the end of each grade and the percentage of students failing a core subject course;

“(v) rates of expulsions, suspensions, school violence, harassment, and bullying, as defined under State or local laws or policies;

“(vi) annual, average attendance rates;

“(vii) annual rates of student mobility;

“(viii) college remediation, enrollment, persistence, and completion rates; and

“(ix) percentage of students successfully—

“(I) completing Advanced Placement or International Baccalaureate courses;

“(II) completing rigorous post-secondary education courses while attending a secondary school; or

“(III) enrolling in and completing, career and technical education, as defined in section 3 of the
Carl D. Perkins Career and Technical Education Act of 2006, and registered apprenticeship programs, as defined in section 173A(b) of the Workforce Investment Act of 1998.

“(e) REQUIRED USES OF FUNDS.—

“(1) IN GENERAL.—An eligible entity that receives a grant under this section shall use the grant funds to—

“(A) implement an early warning indicator system to help high schools, and their feeder middle schools, served by the eligible entity’s local educational agency, to identify struggling students and create a system of evidence-based interventions, by—

“(i) identifying and analyzing indicators that most reliably predict dropping out of secondary school;

“(ii) analyzing the distribution of struggling students in secondary schools across all grades;

“(iii) analyzing student progress and performance on the indicators identified under clause (i);
“(iv) analyzing academic indicators to determine—

“(I) whether students will graduate on track to college and career readiness; and

“(II) which students are 2 or more years over-aged or under-credited for on-time secondary school graduation;

“(v) analyzing student data to assist students in grade and school transitions; and

“(vi) developing a mechanism for regularly collecting, reporting, and making accessible to each school served by the eligible entity for each such school’s students—

“(I) student-level data on the indicators identified under clause (i);

“(II) student-level progress and performance, as described in clause (iii);

“(III) student-level data on the indicators described in clause (iv); and
“(IV) information about the impact of interventions on student outcomes and progress;

“(B) provide support and credit recovery opportunities for struggling students, including those who are over-aged and under-credited, at secondary schools served by the eligible entity by offering activities, such as—

“(i) a flexible school schedule;

“(ii) competency-based learning models and performance-based assessments; and

“(iii) the provision of support services;

“(C) provide dropout recovery or re-entry programs to secondary schools that are designed to encourage and support dropouts returning to an educational system, program, or institution following an extended absence in order to graduate on track to college and career readiness;

“(D) provide evidence-based grade and school transition programs and supports, including through curricula alignment; and

“(E) provide school leaders, instructional staff, noninstructional staff, students, and fami-
lies with high-quality, easily accessible information about—

“(i) secondary school graduation requirements;

“(ii) postsecondary education application processes;

“(iii) postsecondary admissions processes and requirements, including public financial aid and other available private scholarship and grant aid opportunities; and

“(iv) other programs and services for increasing rates of college access and success for students from low-income families.

“(2) **REQUIRED USE OF FUNDS IN FEEDER MIDDLE SCHOOLS.**—An eligible entity that receives a grant under this section shall use the grant funds in feeder middle schools to improve the academic achievement of their students and prepare them to graduate on track to college and career readiness by—

“(A) using early warning indicator and intervention systems described in paragraph (1)(A);
“(B) creating a personalized learning environment;

“(C) providing high-quality professional development opportunities to school leaders, teachers, and other school staff to prepare staff to—

“(i) address the academic challenges of students in middle grades;

“(ii) understand the developmental needs of students in the middle grades and how to address them in an educational setting;

“(iii) implement data-driven interventions; and

“(iv) provide academic guidance to students so that students can graduate on track to college and career readiness; and

“(D) implementing organizational practices and school schedules that allow for collaborative staff participation, team teaching, and common instructional planning time.

“(3) REQUIRED USE OF FUNDS IN ELIGIBLE SECONDARY SCHOOLS.—An eligible entity that receives a grant under this section shall use the grant
funds in eligible secondary schools to implement a comprehensive approach that will—

“(A) personalize the school experience by taking steps such as—

“(i) creating opportunities for struggling students to receive personalized instruction and opportunities for credit recovery;

“(ii) implementing competency-based models; and

“(iii) providing ongoing evaluation of student academic achievement and the necessary supports so that students graduate on track to college and career readiness;

“(B) increase student engagement by providing service-learning, experiential, work-based, and other learning opportunities, such as—

“(i) contextual learning opportunities;

“(ii) internship opportunities;

“(iii) community service, learning apprenticeships, and job shadowing;

“(iv) college campus visits, and post-secondary and career counseling; and

“(v) developing an individual graduation plan for each student that defines
each student’s career and postsecondary education goals, and provides the individualized evidence-based interventions necessary to meet the goals;

“(C) provide school leaders with autonomy through a flexible budget and staffing authority;

“(D) implement high-quality professional development for teachers and school leaders, provide increased opportunities for teachers to work collaboratively, and improve instruction;

“(E) improve curriculum and instruction, by—

“(i) adopting effective, evidence-based curricula and instructional materials aligned to high academic standards for all students; and

“(ii) increasing rigor through the use of Advanced Placement or International Baccalaureate courses; and

“(F) implement at least 1 of the following effective secondary school reform strategies to prepare students for college and a career, and to improve graduation rates:
“(i) Graduation Promise Academies,
which include—

“(I) 9th grade academies taught
by teams of teachers who work with
small groups of students;

“(II) Career Academies for upper
grades;

“(III) extended learning periods,
such as block scheduling, to reduce
the number of students for whom
teachers are responsible and the num-
ber of courses students are taking at
any one time;

“(IV) an after-hours credit recov-
ery program;

“(V) curriculum coaches who
provide high-quality professional de-
velopment and support;

“(VI) partnerships among par-
ents, teachers, administrators, com-
munity-based organizations, and com-
munity members focused on improving
student achievement; and
“(VII) a college-going culture, including student supports and guidance.

“(ii) Career Academies, which—

“(I) establish career pathways by implementing a college and career ready curriculum that integrates rigorous academics, career and technical education, and experiential learning for high school students in high-skill, high-demand industries in collaboration with local and regional employers;

“(II) provide counseling to advance students’ college and career goals;

“(III) collaborate with local employers to develop and provide work-based experiences for high school students;

“(IV) modernize career-related equipment utilized by students; and

“(V) provide dual enrollment opportunities with college credit-bearing courses, including accelerated certificate programs with community col-
legs or other recognized postsecondary credentials.

“(iii) Early College Schools, which—

“(I) partner with 1 or more public or nonprofit institutions of higher education;

“(II) conduct outreach programs to ensure that middle school and high school students and their families are aware of the Early College Schools;

“(III) design curricula and sequences of courses in collaboration with teachers from the eligible secondary school and faculty from the partner institution of higher education so that students may simultaneously earn credits towards a high school diploma and either an associate degree or transferable postsecondary education credits toward a postsecondary degree at no cost to students or their families;

“(IV) coordinate secondary and postsecondary support services, and academic calendars to allow students
to visit and take courses at the institutions of higher education; and

“(V) provide academic and support services, including financial aid counseling for postsecondary education.

“(f) ALLOWABLE USES OF FUNDS.—An eligible entity that receives a grant under this section may use grant funds to—

“(1) improve parent and family engagement in the educational attainment and achievement of struggling students and dropouts to be on track to college and career readiness by—

“(A) leveraging community-based services and opportunities; and

“(B) providing parents and families with the necessary information, including data on their child’s academic achievement and how to navigate the public school system;

“(2) provide extended learning opportunities, by extending the school day, week, or year to increase the total number of school hours to include additional time for instruction in academic subjects and enrichment activities that contribute to a well-rounded education;
“(3) increase student supports through activities such as student advisories, school counseling opportunities, and one-to-one mentoring; and

“(4) create smaller learning communities.

“(g) MATCHING FUNDS.—

“(1) IN GENERAL.—An eligible entity that receives a grant under this section shall provide matching funds, from non-Federal sources, in an amount equal to not less than 20 percent of the amount of grant funds awarded in the first 3 years of the grant, not less than 50 percent of the amount awarded in the fourth year of the grant, and not less than 75 percent of the amount awarded in the fifth year of the grant, as applicable.

“(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for a fiscal year for an eligible entity, on a case-by-case basis, if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (e).

“(h) SUPPLEMENT NOT SUPPLANT.—An eligible entity shall use Federal funds received under this section only to supplement the funds that would, in the absence
of such Federal funds, be made available from other Fed-
eral and non-Federal sources for the activities described
in this section, and not to supplant such funds.’’.

SEC. 1202. ACCELERATED LEARNING.

Subpart 2 of part B of title I (20 U.S.C. 6371 et
seq.) is amended to read as follows:

“Subpart 2—Accelerated Learning

SEC. 1221. PURPOSES.

“The purposes of this subpart are—

“(1) to raise student academic achievement

by—

“(A) increasing the number of teachers

serving high-need schools who are qualified to

teach Advanced Placement or International

Baccalaureate courses; and

“(B) increasing the number of students at-
tending high-need schools who—

“(i) enroll and succeed in Advanced

Placement or International Baccalaureate

courses; and

“(ii) take Advanced Placement or

International Baccalaureate examinations;

“(2) to increase, and to support statewide and,
as applicable, districtwide, efforts to increase the
availability of, and enrollment in, Advanced Place-
ment or International Baccalaureate courses, and
pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools; and

“(3) to provide high-quality professional development for teachers of Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools.

“SEC. 1222. FUNDING DISTRIBUTION RULE.

“From amounts appropriated to carry out this subpart for a fiscal year, the Secretary shall give priority to funding activities under section 1223 and shall distribute any remaining funds under section 1224.

“SEC. 1223. ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE EXAMINATION FEE PROGRAM.

“(a) GRANTS AUTHORIZED.—From amounts made available to carry out this subpart for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under this section to enable the State educational agencies to pay, on behalf of low-income students, part or all of the costs of Advanced Placement or International Baccalaureate examination fees, if the low-income students—
“(1) are enrolled in an Advanced Placement or International Baccalaureate course; and

“(2) plan to take an Advanced Placement or International Baccalaureate examination.

“(b) AWARD BASIS.—In determining the amount of the grant awarded to a State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all States.

“(c) INFORMATION DISSEMINATION.—A State educational agency that is awarded a grant under this section shall make publicly available information regarding the availability of Advanced Placement or International Baccalaureate examination fee payments under this section, and shall disseminate such information to eligible secondary school students and parents, including through secondary school teachers and counselors.

“(d) APPLICATIONS.—Each State educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application shall—
“(1) describe the Advanced Placement or International Baccalaureate examination fees the State educational agency will pay on behalf of low-income students in the State from grant funds awarded under this section;

“(2) provide an assurance that any grant funds awarded under this section shall be used only to pay for Advanced Placement or International Baccalaureate examination fees; and

“(3) contain such information as the Secretary may require to demonstrate that the State educational agency will ensure that a student is eligible for payments authorized under this section, including ensuring that the student is a low-income student.

“(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

“(f) REPORT.—

“(1) IN GENERAL.—Each State educational agency awarded a grant under this section shall, with respect to each Advanced Placement or International Baccalaureate course subject, annually report to the Secretary the following data for the preceding year:
“(A) The number of students in the State who are taking an Advanced Placement or International Baccalaureate course in such subject.

“(B) The number of Advanced Placement or International Baccalaureate examinations taken by students in the State who have taken an Advanced Placement or International Baccalaureate course in such subject.

“(C) The number of students in the State scoring at each level on Advanced Placement or International Baccalaureate examinations in such subject.

“(D) Demographic information regarding students in the State taking Advanced Placement or International Baccalaureate courses and Advanced Placement or International Baccalaureate examinations in that subject, disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

“(2) REPORT TO CONGRESS.—The Secretary shall annually compile the information received from each State educational agency under paragraph (1) and report to the authorizing committees regarding the information.
“(g) BIA as SEA.—For purposes of this section, the
Bureau of Indian Affairs shall be treated as a State edu-
cational agency.

“SEC. 1224. ADVANCED PLACEMENT AND INTERNATIONAL
BACCALAUREATE INCENTIVE PROGRAM
GRANTS.

“(a) Grants Authorized.—

“(1) In General.—From amounts made avail-
able to carry out this subpart for a fiscal year, the
Secretary shall award grants, on a competitive basis,
to eligible entities to enable such entities to carry
out the authorized activities described in subsection
(e).

“(2) Duration, Renewal, and Payments.—

“(A) Duration.—The Secretary shall
award a grant under this section for a period
of not more than 3 years.

“(B) Renewal.—The Secretary may
renew a grant awarded under this section for
an additional period of not more than 2 years,
if an eligible entity—

“(i) is achieving the objectives of the
grant; and

“(ii) has shown improvement against
baseline data on the performance measures
described in subparagraphs (A) through (E) of subsection (g)(1).

“(C) PAYMENTS.—The Secretary shall make grant payments under this section on an annual basis.

“(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

“(1) a State educational agency;

“(2) a high-need local educational agency; or

“(3) a partnership consisting of—

“(A) a national, regional, or statewide public or nonprofit organization with expertise and experience in providing Advanced Placement or International Baccalaureate course services;

and

“(B) a State educational agency or a high-need local educational agency.

“(e) APPLICATION.—

“(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(2) CONTENTS.—The application shall, at a minimum, include a description of—
“(A) the goals and objectives for the project supported by the grant under this section, including—

“(i) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses;

“(ii) increasing the number of Advanced Placement or International Baccalaureate courses that are offered at high-need schools; and

“(iii) increasing the number of students attending a high-need school, particularly low-income students, who succeed in—

“(I) Advanced Placement or International Baccalaureate courses; and

“(II) if offered by the school, pre-Advanced Placement or pre-International Baccalaureate courses;

“(B) how the eligible entity will ensure that students have access to courses, including pre-Advanced Placement or pre-International Baccalaureate courses, that will prepare stu-
sents to succeed in Advanced Placement or International Baccalaureate courses;

“(C) how the eligible entity will provide professional development for teachers that will further the goals and objectives of the grant project;

“(D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach Advanced Placement or International Baccalaureate courses;

“(E) how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in carrying out the activities described in subsection (e);

“(F) how the eligible entity will use funds received under this section; and

“(G) how the eligible entity will evaluate the outcome of the grant project.

“(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications from eligible entities that—

“(1) are part of a statewide or districtwide strategy, as applicable, for increasing the availability of Advanced Placement or International Baccala-
laureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools;

“(2) demonstrate a focus on increasing the availability of Advanced Placement or International Baccalaureate courses in core academic subjects; and

“(3) propose to carry out activities that target high-need schools.

“(e) AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out activities designed to increase—

“(A) the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses; and

“(B) the number of students attending high-need schools who succeed in the examinations for such courses, including through reimbursing low-income students attending high-need schools for part or all of the cost of Advanced Placement or International Baccalaureate examination fees.
“(2) ALLOWABLE ACTIVITIES.—In addition to the activities described in paragraph (1), an eligible entity that receives a grant under this section may use grant funds for—

“(A) high-quality teacher professional development, in order to expand the pool of teachers in the participating State, high-need local educational agency, or high-need school who are qualified to teach Advanced Placement or International Baccalaureate courses, including through innovative models, such as online academies and training institutes;

“(B) pre-Advanced Placement or pre-International Baccalaureate teacher and counselor high-quality professional development in secondary school to prepare students for success in Advanced Placement or International Baccalaureate courses and in institutions of higher education;

“(C) coordination and articulation between grade levels to prepare students to succeed in Advanced Placement or International Baccalaureate courses;
“(D) purchase of instructional materials for Advanced Placement or International Baccalaureate courses;

“(E) activities to increase the availability of, and participation in, online Advanced Placement or International Baccalaureate courses;

“(F) carrying out the requirements of subsection (g); and

“(G) in the case of an eligible entity described in subsection (b)(1), awarding subgrants to high-need local educational agencies to enable the high-need local educational agencies to carry out authorized activities described in subparagraphs (A) through (F).

“(f) CONTRACTS.—An eligible entity that is awarded a grant to provide online Advanced Placement or International Baccalaureate courses under this subpart may enter into a contract with an organization to provide the online Advanced Placement or International Baccalaureate courses, including contracting for necessary support services.

“(g) COLLECTING AND REPORTING REQUIREMENTS.—

“(1) REPORT.—Each eligible entity receiving a grant under this section shall collect and report to
the Secretary annually such data regarding the results of the grant as the Secretary may reasonably require, including—

“(A) the number of students served by the eligible entity enrolling in Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, disaggregated by grade level of the student, and the grades received by such students in the courses;

“(B) the number of students taking an Advanced Placement or International Baccalaureate examination and the distribution of scores on those examinations, disaggregated by the grade level of the student at the time of examination;

“(C) the number of teachers who are currently, as of the date of the report, receiving training to teach Advanced Placement or International Baccalaureate courses and will teach such courses in the next school year;

“(D) the number of teachers becoming qualified to teach Advanced Placement or International Baccalaureate courses; and
“(E) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in high-need schools served by the eligible entity.

“(2) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report the data required under paragraph (1)—

“(A) disaggregated by subject area;

“(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 1111(a)(2)(B)(ix); and

“(C) in a manner that allows for an assessment of the effectiveness of the grant program.

“(h) EVALUATION.—From the amount appropriated for this subpart and reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this section, consistent with section 9601, including progress as measured by the performance measures established under subparagraphs (A) through (E) of subsection (g)(1).
“(i) Matching Requirement.—

“(1) In general.—Subject to paragraph (3), each eligible entity that receives a grant under this section shall provide toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, except that an eligible entity that is a high-need local educational agency shall provide an amount equal to not more than 50 percent of the amount of the grant.

“(2) Matching funds.—The eligible entity may provide the matching funds described in paragraph (1) in cash or in-kind, fairly evaluated, but may not provide more than 50 percent of the matching funds in-kind. The eligible entity may provide the matching funds from State, local, or private sources.

“(3) Waiver.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity described in paragraph (1) or (2) of subsection (b), if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (e).
“SEC. 1225. SUPPLEMENT, NOT SUPPLANT.

“Grant funds provided under this subpart shall sup-
plement, and not supplant, other non-Federal funds that
are available to assist low-income students to pay for the
cost of Advanced Placement or International Bacca-
laureate examination fees or to expand access to Advanced
Placement or International Baccalaureate courses, and
pre-Advanced Placement or pre-International Baccala-
ureate courses.

“SEC. 1226. DEFINITIONS.

“In this subpart:

“(1) HIGH-NEED SCHOOL.—The term ‘high-
need school’ means a secondary school—

“(A) with a demonstrated need for Ad-
vanced Placement or International Baccal-
laureate courses; and

“(B) that—

“(i) has a high concentration of low-
income students; or

“(ii) is designated with a school locale
code of 33, 41, 42, or 43, as determined
by the Secretary.

“(2) LOW-INCOME STUDENT.—The term ‘low-
income student’ means a student who is eligible for
free or reduced-price lunch under the Richard B.
Russell National School Lunch Act (42 U.S.C. 1751 et seq.).”.

SEC. 1203. REORGANIZATION.

Part B of title I, as amended by this part, is further amended by striking subparts 3 and 4.

PART C—EDUCATION OF MIGRATORY CHILDREN

SEC. 1301. PROGRAM PURPOSE.

Section 1301 (20 U.S.C. 6391) is amended to read as follows:

“SEC. 1301. PROGRAM PURPOSE.

“It is the purpose of this part to assist States in providing high-quality and comprehensive educational programs (including, as appropriate, instructional and educationally related support services), during the regular school year and summer or intersession periods, that address the unique educational needs of migratory children arising from their migratory lifestyle, in order to help such children—

“(1) succeed in school;

“(2) meet the same State college and career ready academic content and student academic achievement standards under section 1111(a)(1) that all children are expected to meet;

“(3) graduate high school ready for higher education and careers; and
“(4) overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.”.

SEC. 1302. PROGRAM AUTHORIZED.

Section 1302 (20 U.S.C. 6392) is amended—

(1) by striking “In order to carry out the purpose of this part” and inserting “From the amounts made available under section 3(d) for a fiscal year to carry out this part”;

(2) by striking “combinations” and inserting “consortia”; and

(3) by striking “to establish” and inserting “to enable such agencies or consortia to establish”.

SEC. 1303. STATE ALLOCATIONS.

Section 1303 (20 U.S.C. 6393) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) STATE ALLOCATIONS.—Except as provided in subsection (b), the amount awarded to each State (other than the Commonwealth of Puerto Rico) under this part for each fiscal year shall be an amount equal to the product of—

“(1) the sum of—
“(A) the average number of identified eligible migratory children aged 3 through 21, residing in the State, based on data for the preceding 3 years; and

“(B) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during the previous year; multiplied by

“(2) 40 percent of the average per-pupil expenditure in the State, except that the amount calculated under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.”;

(2) by redesignating subsections (b) through (e) as subsections (e) through (f), respectively;

(3) by inserting after subsection (a) the following:

“(b) HOLD HARMLESS.—Notwithstanding subsection (a), for each of fiscal years 2011 through 2013, no State receiving an allocation under this section shall receive less than 90 percent of the State’s allocation under this section for the previous year.”;

(4) in subsection (c), as redesignated by paragraph (2)—
(A) by striking paragraphs (2) and (3);
(B) by striking “PUERTO RICO.—” and all that follows through “For each” and inserting the following: “PUERTO RICO.—For each”;
(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by aligning such paragraphs with the margins of paragraph (1) of subsection (e), as redesignated by paragraph (2);

(D) in the matter preceding paragraph (1), as redesignated by subparagraph (C)—
(i) by striking “which” and inserting “that”; and
(ii) by striking “subsection (a)(1)(A)” and inserting “subsection (g)”;

(E) in paragraph (1), as redesignated by paragraph (2)—
(i) by striking “which” and inserting “that”; and
(ii) by inserting “, except that the percentage calculated under this paragraph shall not be less than 85 percent” before the semicolon at the end; and

(5) in subsection (d), as redesignated by paragraph (2)—
(A) in paragraph (1)—

(i) by striking “IN GENERAL.—(A)
If,” and all that follows through “this part” and inserting the following: “IN
GENERAL.—

“(A) RATALE REDUCTIONS.—If the
amount available for allocations to States under
this part”; and

(ii) in subparagraph (B), by striking
“If additional” and inserting “REALLOCA-
TION.—If additional”;

(B) in paragraph (2)—

(i) by striking “SPECIAL RULE.—(A)
The” and inserting the following: “SPE-
CIAL RULE.—

“(A) FURTHER REDUCTIONS.—The”;

(ii) in subparagraph (A), by striking
“required under section 1304” and insert-
ing “needed to carry out the approved ac-
tivities in the application under section
1304”;

(iii) in subparagraph (B), by striking
“The Secretary shall” and inserting “RE-
ALLOCATION.—The Secretary shall”; and
(iv) by adding at the end the following:

“(C) ADDITIONAL REQUIREMENTS.—The Secretary—

“(i) shall—

“(I) develop and implement a procedure for monitoring the accuracy of the information described in subparagraph (A); and

“(II) issue, through regulations or guidance, criteria for a system of State quality control for the accuracy of State counts of eligible migratory children; and

“(ii) may not reduce the amount of a State allocation under this paragraph on the basis of unintentional errors in such counts for States implementing a system of State quality control that meets the criteria described in clause (i)(II), if the discrepancy between the initial State count and any subsequent revisions is minimal.”;

(6) in subsection (f), as redesignated by paragraph (2)—
(A) in the matter preceding paragraph (1), by inserting “best serve migratory children under this part and” after “In order to”;

(B) in paragraph (1), by striking “such information as the Secretary finds” and inserting “the most recent information that”;

(C) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(D) by inserting after paragraph (1) the following:

“(2) develop and implement a procedure for monitoring the accuracy of such information, if such a procedure does not create barriers to the families of migratory children who are eligible for services under this part;”;

(E) in paragraph (3), as redesignated by subparagraph (C), by striking “develop and implement a procedure for more accurately reflecting” and inserting “update such procedure, and implement the updated procedure, to more accurately reflect the”;

(F) in paragraph (4)(A), as redesignated by subparagraph (C), by inserting “of high-
quality, sustained, and intensive education services’’ after ‘‘special programs’’; and

(G) in paragraph (5), as redesignated by subparagraph (C), by striking ‘‘the child whose education has been interrupted’’ and inserting ‘‘migratory children’’; and

(7) by adding at the end the following:

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

SEC. 1304. STATE APPLICATIONS; SERVICES.

Section 1304 (20 U.S.C. 6394) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—
(I) by striking “special” and inserting “unique”; and

(II) by inserting “and out of school migratory children” after “preschool migratory children”; and

(ii) in subparagraph (B)—

(I) by striking “migrant” and inserting “migratory”; and

(II) by striking “part A or B of title III” and inserting “part A of title III”;

(B) in paragraph (2)—

(i) by striking “migratory students” and inserting “migratory children”; and

(ii) by striking “same challenging” and all that follows through “standards that” and inserting “same State college and career ready academic content and student academic achievement standards adopted under section 1111(a)(1) that”; 

(C) by striking paragraph (6);

(D) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;
(E) by inserting after paragraph (2) the following:

“(3) a description of how the State will meet the requirements of section 1308(b) for the timely electronic transfer of student records and how the State will use such records transfer to meet the unique educational needs of migratory students and remove barriers to the proper enrollment and retention of migratory children in schools;”;

(F) in paragraph (4), as redesignated by subparagraph (D)—

(i) by striking “require, the State” and inserting “require and using the linkage system described in section 1308(b), the State and each of its local operating agencies”;

(ii) by striking “another” and inserting “another or from 1 school district to another”; and

(iii) by striking “such move” and inserting “such a move”;}

(G) in paragraph (7)—

(i) by striking “family literacy services” and inserting “family literacy activities”;
(ii) by striking “program or project serves” and inserting “programs and projects serve”;

(iii) by striking “who have parents who” and inserting “whose parents”; and

(iv) by striking the period at the end and inserting “; and”; and

(H) by adding at the end the following:

“(8) such budgetary and other information as the Secretary may require.”;

(2) in subsection (c)—

(A) in paragraph (2), by striking “part I” and inserting “part F”;

(B) by striking paragraph (3) and inserting the following:

“(3) in the planning and operation of programs and projects at both the State and local agency operating levels, there is consultation with parent advisory councils for programs of not less than 1 school year in duration, and that all such programs and projects are—

“(A) conducted in a manner that provides for the same parental involvement as is required for programs and projects under section 1118, including, to the extent practicable, de-
scriptions required for parental involvement under section 1118(a)(3)(A), unless extraordinary circumstances make such provision impractical; and

“(B) are developed in a format and language understandable to the parents;”;

(C) in paragraph (4), by inserting “and migratory children who are not attending school” before the semicolon at the end;

(D) in paragraph (6), by striking subparagraph (C) and inserting the following:

“(C) family literacy programs that are determined to be high quality;”; and

(E) by striking paragraph (7) and inserting the following:

“(7) the State has procedures in place to verify the accuracy and completeness of any data regarding the counting of migratory children that is submitted to the Secretary under this part.”; and

(3) in subsection (d)—

(A) by striking “who are failing” and all that follows through the period and inserting the following: “who have made a move within the previous 1-year period and who—
“(1) are failing, or most at risk of failing, to meet the State college and career ready academic content standards and student academic achievement standards adopted under section 1111(a)(1); or

“(2) have dropped out of school.”; and

(B) in subsection (e)—

(i) in paragraph (2), by striking “1” and inserting “one”; and

(ii) in paragraph (3), by striking “secondary school students” and inserting “students”.

SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.

Section 1305(b) (20 U.S.C. 6395(b)) is amended by striking “may” and inserting “shall, to the extent practicable,”.

SEC. 1306. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

Section 1306 (20 U.S.C. 6396) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “special” and inserting “unique”; and
• (ii) by inserting “, consistent with the purposes of this part,” after “migratory children”;
  (B) by striking subparagraph (B);
  (C) by redesignating subparagraphs (C) through (G) as subparagraphs (E) through (I), respectively;
  (D) by inserting after subparagraph (A) the following:
    “(B) addresses the unique educational needs of migratory children;
    “(C) is developed in collaboration with parents of migratory children;
    “(D) is not used to supplant State efforts regarding, or administrative funding for, this part;”;
  (E) in subparagraph (E), as redesignated by subparagraph (C), by striking “same challenging” and all that follows through “standards that” and inserting “same State college and career ready academic content and student academic achievement standards adopted under section 1111(a)(1) that”; and
  (F) in subparagraph (H), as redesignated by subparagraph (C)—
(i) by striking “early childhood programs,” and inserting “early childhood care and education programs,”; and

(ii) by striking “part A or B of title III” and inserting “part A of title III”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “local educational” and inserting “local operating”;

(B) by striking paragraph (2) and inserting the following:

“(2) UNMET NEEDS.—Funds provided under this part shall be used to meet the needs of migratory children that are not met by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A may receive those services through funds provided under that part or through funds under this part that remain after the agency meets the needs described in paragraph (1).”; and

(C) in paragraph (4), by striking “special educational” and inserting “unique educational”.

SEC. 1307. BYPASS.

Section 1307 (20 U.S.C. 6397) is amended, in the matter preceding paragraph (1), by striking “make ar-
rangements with” and inserting “award grants to, or
erenter into contracts with.”.

SEC. 1308. NATIONAL ACTIVITIES.

Section 1308 (20 U.S.C. 6398) is amended—

(1) by striking the section heading and insert-
ing “NATIONAL ACTIVITIES.”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “nonprofit entities to
improve” and inserting the following: “en-
tities to—

“(A) improve”;

(ii) by inserting “through” before

“the establishment”;

(iii) by striking the period at the end

and inserting “; and”; and

(iv) by adding at the end the fol-

owing:

“(B) improve the coordination between
State educational agencies, local operating
agencies, and their counterparts in other na-
tions in educating migratory children who move
between the United States and such nations.”;

and
(B) in paragraph (2), by inserting “or contracts” after “Grants”;

(3) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) ASSISTANCE.—In order to determine the number of migratory children in each State, the Secretary shall assist each State in maintaining an effective system for the electronic transfer of student records.”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “The Secretary, in consultation” and all that follows through “may include—” and inserting the following: “The Secretary, in consultation with the States, shall continue to ensure the linkage of migratory child record systems for the purpose of electronically exchanging, within and among the States, health and educational information regarding all migratory children eligible under this part. The Secretary shall ensure
such linkage occurs in a cost-effective manner, utilizing systems used by the State prior to, or developed after, the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011. The Secretary shall determine the minimum data elements that each State receiving funds under this part shall collect, maintain, and exchange, and the requirements of the linkage system that States shall meet for the timely submission of access to such information. Such minimum data elements may include—

and

(II) in clause (ii), by striking “section 1111(b)” and inserting “section 1111(a)(2)”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) CONSULTATION.—The Secretary shall maintain ongoing consultation with the States, local educational agencies, and other migratory student service providers on—
“(i) the effectiveness of the system of electronic records transfer described in subparagraph (A); and
“(ii) the ongoing improvement of such system.”; and
(C) in paragraph (4)—
(i) in subparagraph (A)—
(I) by striking “2003” and inserting “2012, and every 2 years thereafter,”; and
(II) by striking “the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives” and inserting “the authorizing committees”; and
(ii) in subparagraph (B)—
(I) in clause (ii), by striking “the development and linkage of” and inserting “maintaining”; and
(II) in clause (iii), by striking “measures that may be taken to ensure” and inserting “improving”;
(4) by redesignating subsection (c) as subsection (f), and transferring such subsection so as to follow subsection (e);

(5) by inserting after subsection (b) the following:

“(c) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance designed to support State efforts to meet the needs of migratory children, which may include supporting the attendance of State and local operating agency staff, and other appropriate individuals, at special meetings convened by the Secretary in order to carry out activities consistent with this section.”;

(6) in subsection (d)—

(A) by striking “, pursuant to criteria that the Secretary shall establish,”; and

(B) by striking “whose education is interrupted” and inserting “described in section 1304(d)”;

(7) by striking subsection (e) and inserting the following:

“(e) IMPROVEMENTS AND COORDINATION.—From any funds made available under this section and remaining after carrying out the requirements under subsections (b) and (d), the Secretary, in consultation with the States, may make grants to, or enter into contracts with, State
educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit entities to improve the interstate and intrastate coordination among such agencies' and entities' programs available to migratory students consistent with this section, including the establishment or improvement of programs for academic credit accrual and exchange.”.

SEC. 1309. PERFORMANCE DATA; EVALUATIONS AND STUDY; STATE ASSISTANCE.

Part C of title I (20 U.S.C. 6391 et seq.) is further amended—

(1) by redesignating section 1309 as section 1312; and

(2) by inserting after section 1308 the following:

“SEC. 1309. PERFORMANCE DATA.

“Consistent with section 1111(d)(3)(B), and in a manner prescribed by the Secretary, each State that receives a grant under this part shall annually submit to the Secretary, and make public, data on—

“(1) the academic achievement of migratory students, as measured by the State assessments required under section 1111(a)(2);

“(2) such students’ high school graduation rates and rates of enrollment and persistence in, and
completion of a program of study at, institutions of
higher education; and
“(3) the results of such other performance
measures and targets as the Secretary may pre-
scribe.

“SEC. 1310. EVALUATION AND STUDY.
“(a) PROGRAM EVALUATION.—From the amount re-
served for evaluation activities in accordance with section
9601(a), the Secretary, acting through the Director of the
Institute of Education Sciences, shall, in consultation with
the relevant program office at the Department, evaluate
the implementation and impact of the activities supported
under this part, consistent with section 9601.
“(b) STUDY.—The Secretary shall conduct a pilot
study, funded as part of the 2012 National Assessment
of Educational Progress, on the feasibility of using the
National Assessment of Educational Progress for assess-
ing and reporting on the academic achievement of migrat-
ory children in grades 4 and 8 in reading and mathem-
atics.

“SEC. 1311. STATE ASSISTANCE IN DETERMINING NUMBER
OF MIGRATORY CHILDREN.
“Each State that desires to receive assistance under
this part shall assist the Secretary in determining the
number of migratory children in such State under para-
graphs (1) and (2) of subsection (a), and subsection (g), of section 1303 through such procedures as the Secretary may require, except that the Secretary shall not require additional information that is not directly related to determining the migratory status of the child or the administration of this part.”.

SEC. 1310. DEFINITIONS.

Section 1312 (20 U.S.C. 6399), as redesignated by section 1309(1), is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (3) and (5), respectively;

(2) by inserting before paragraph (3), as redesignated by paragraph (1), the following:

“(1) Food processor.—The term ‘food processor’ means a position working with a raw agricultural, dairy, or fishing product and transforming the product into a more refined product up to the point of an initial commercial sale.

“(2) Initial commercial sale.—The term ‘initial commercial sale’ means the first point of sale of an agricultural, dairy, or fishing product—

“(A) for refining to the next-stage processor;

“(B) to the wholesaler;

“(C) to the retailer; or
“(D) directly to the consumer.”;

(3) by inserting after paragraph (3), as redesignated by paragraph (1), the following:

“(4) MIGRATORY AGRICULTURAL WORKER.—
The term ‘migratory agricultural worker’ means an individual who—

“(A) made a qualifying move in the preceding 36-month period; and

“(B) after making such move, sought or engaged in employment in agricultural work, which may be dairy work or the initial processing of raw agricultural products.”; and

(4) by striking paragraph (5), as redesignated by paragraph (1), and inserting the following:

“(5) MIGRATORY CHILD.—The term ‘migratory child’ means a child who—

“(A) is, or whose parent or spouse is, a migratory agricultural worker or migratory fisher who is currently engaged in, or seeking to obtain, temporary or seasonal employment, usually for not longer than 15 months, in agricultural or fishing work until the point of the initial commercial sale (including employment as a migratory dairy worker, a food processor, or a migratory fisher); and
“(B) in the preceding 36 months—

“(i) has moved from 1 school district to another;

“(ii) in a State that is comprised of a single school district, has moved from 1 administrative area to another within such district; or

“(iii) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in, or to accompany a parent or spouse engaging in, a fishing activity.

“(6) MIGRATORY FISHER.—The term ‘migratory fisher’ means an individual who made a qualifying move in the preceding 36 months and, after doing so, sought or engaged in employment in fishing work.

“(7) QUALIFYING MOVE.—The term ‘qualifying move’—

“(A) means—

“(i) a move from 1 school district to another, or from 1 administrative area to another within a State that is comprised of a single school district; and
“(ii) in the case of a migratory fisher who resides in a school district of more than 15,000 square miles, includes migrating a distance of 20 miles or more to a temporary residence; and

“(B) with respect to a qualifying move for a parent or spouse of a migratory child, means a move described in subparagraph (A) that is separated by not more than 1 year from the move or migration described in paragraph (5)(B) of the migratory child.”.

PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

SEC. 1401. PURPOSE AND PROGRAM AUTHORIZATION.

Section 1401 (20 U.S.C. 6421) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “challenging State academic content standards and challenging State student academic achievement standards” and inserting “college and career ready academic content standards and student academic achievement standards under section 1111(a)(1)”;}
(B) in paragraph (3), by striking “to pre-
vent at-risk youth from dropping out of school, 
and”; and 
(2) in subsection (b), by striking “1002(d)” and 
inserting “3(e)”. 

SEC. 1402. ALLOCATION OF FUNDS. 

Paragraph (2) of section 1412(b) (20 U.S.C. 
6432(b)) is amended to read as follows:
“(2) MINIMUM PERCENTAGE.—The percentage 
in paragraph (1)(A) shall not be less than 85 per- 
cent.”.

SEC. 1403. STATE PLAN AND STATE AGENCY APPLICATIONS. 

Section 1414 (20 U.S.C. 6434) is amended— 
(1) in subsection (a)— 
(A) in paragraph (1)(B)— 
(i) by striking “from” and inserting 
“between”; and 
(ii) by striking “to” and inserting 
“and”; 
(B) in paragraph (2)— 
(i) in subparagraph (A), by striking 
“academic, vocational, and technical skills” 
and inserting “college and career readiness 
(as determined based on the State college 
and career ready academic content and
student academic achievement standards
under section 1111(a)(1))’’; and

(ii) in subparagraph (B), by striking
“and” after the semicolon;

(C) in subparagraph (C)(iv), by striking
the period at the end and inserting “; and”;

and

(D) by adding at the end the following:
“(D) provide assurances that the State
educational agency has established—

“(i) procedures to ensure that each
student who has been placed in the juve-
nile justice system is promptly re-enrolled
in secondary school or placed in a re-entry
program that best meets the educational
and social needs of the student;

“(ii) procedures for facilitating the
transfer of credits that such students
earned during placement; and

“(iii) opportunities for such students
to participate in higher education or career
pathways.”; and

(2) in subsection (c)—

(A) in paragraph (1)—
(i) by inserting “and respond to” after “assess”; and

(ii) by inserting “, including an assessment upon entry into a correctional facility” before the semicolon at the end;

(B) in paragraph (8), by striking “vocational” and inserting “career”;

(C) in paragraph (9)—

(i) by striking “encourage” and insert “require, to the extent practicable,”;

(ii) by inserting “and after” after “prior to”; and

(iii) by inserting “and that transition plans are in place” before the semicolon at the end;

(D) in paragraph (11)—

(i) by inserting “such” after “transition of”; 

(ii) by striking “from” and inserting “between”; and

(iii) by striking “institution to locally operated” and inserting “institution and locally operated education”;

(E) in paragraph (16)—
(i) by inserting “and obtain a secondary school diploma” after “reenter school”; and

(ii) by inserting “that leads to economic self-sufficiency” after “employment”; and

(F) in paragraph (17), by inserting “certified or licensed” before “teachers”.

SEC. 1404. USE OF FUNDS.

Section 1415(a) (20 U.S.C. 6435(a)) is amended—

(1) in paragraph (1)(B), by striking “vocational” and inserting “career”; and

(2) in paragraph (2)—

(A) in subparagraph (B)—

(i) in clause (i), by striking “challenging academic content standards and student academic achievement standards” and inserting “college and career ready academic content standards and student academic achievement standards under section 1111(a)(1)”; and

(ii) in clause (iii), by striking “challenging” and inserting “such”;

(B) in subparagraph (C)—
(i) by striking “part I” and inserting “part F”; and

(ii) by striking “and” after the semi-colon;

(C) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(E) may include the costs of testing for such children and youth for a recognized equivalent of a secondary school diploma.”.

SEC. 1405. INSTITUTION-WIDE PROJECTS.

Section 1416 (20 U.S.C. 6436) is amended—

(1) in paragraph (3), by striking “challenging State academic content standards and student academic achievement standards” and inserting “college and career ready academic content standards and student academic achievement standards under section 1111(a)(1)”;

(2) in paragraph (4)—

(A) by striking “pupil services” and inserting “specialized instructional support services”;

and

(B) by inserting “and the development and implementation of transition plans” before the semicolon; and
• (3) in paragraph (6), by inserting “and improve” after “assess”.

SEC. 1406. TRANSITION SERVICES.

Section 1418(a) (20 U.S.C. 6438(a)) is amended—

(1) in paragraph (1)—

(A) by striking “from” and inserting “between”; and

(B) by striking “to schools” and inserting “and schools”; and

(2) in paragraph (2), by striking “vocational” each place the term appears and inserting “career”.

SEC. 1407. PROGRAM EVALUATION.

Section 1419 is amended to read as follows:

“SEC. 1419. PROGRAM EVALUATION.

“From the amount reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute for Education Sciences, shall, in consultation with the relevant program office of the Department, evaluate the implementation and impact of the activities supported under this part, consistent with section 9601.”.

SEC. 1408. PURPOSE OF LOCAL AGENCY PROGRAMS.

Section 1421(1) (20 U.S.C. 6451(1)) is amended by striking “, training, employment, or further education” and inserting “and college and career readiness (as deter-
mined based on the State college and career ready academic content and student academic achievement standards under section 1111(a)(1))”.

SEC. 1409. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

Section 1422(d) (20 U.S.C. 6452(d)) is amended—

(1) by striking “meet the transitional” and inserting “meet the transitional needs (including the social and emotional needs)”;

(2) by striking “meeting the transitional” and inserting “meeting such transitional”.

SEC. 1410. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

Section 1423 (20 U.S.C. 6453) is amended—

(1) in paragraph (6), by striking “, at-risk children or youth, and other participating children or youth,” and inserting “and at-risk children or youth,”;

(2) in paragraph (8), by inserting “and family members” after “parents”; and

(3) in paragraph (9), by striking “vocational” and inserting “career”.

SEC. 1411. USES OF FUNDS.

Section 1424 (20 U.S.C. 6454) is amended—

(1) in paragraph (2), by striking “, including” and all that follows through “gang members”; and
(2) in paragraph (4), by striking “vocational and technical education” and inserting “career and technical education, costs associated with testing for a recognized equivalent of a secondary school diploma”.

SEC. 1412. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

Section 1425 (20 U.S.C. 6455) is amended—

(1) in paragraph (9), by striking “vocational” and inserting “career”;

(2) in paragraph (10), by striking “and” after the semicolon;

(3) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(12) develop an initial educational services and transition plan for each child or youth served under this subpart upon entry into the correctional facility, in partnership with the child or youth’s family members and the local educational agency that most recently provided services to the child or youth (if applicable), consistent with section 1414(a)(1); and

“(13) consult with the local educational agency for a period jointly determined necessary by the cor-
rectional facility and local educational agency upon
discharge from that facility, to coordinate edu-
cational services so as to minimize disruption to the
child’s or youth’s achievement.”.

SEC. 1413. ACCOUNTABILITY.

Section 1426 (20 U.S.C. 6456) is amended to read
as follows:

“SEC. 1426. ACCOUNTABILITY.

“The State educational agency—

“(1) shall require correctional facilities or insti-
tutions for delinquent children and youth to annually
report on the number of children and youth released
from the correctional facility or institution who re-
turned or did not return to school, the number of
children and youth obtaining a secondary school di-
ploma or its recognized equivalent, and the number
of children and youth obtaining employment; and

“(2) may require correctional facilities or insti-
tutions for delinquent children and youth to dem-
onstrate, after receiving assistance under this sub-
part for 3 years, that there has been an increase in
the number of children and youth returning to
school, obtaining a secondary school diploma or its
recognized equivalent, or obtaining employment after
such children and youth are released.”.
SEC. 1414. PROGRAM EVALUATIONS.

Section 1431(a)(1) (20 U.S.C. 6471(a)(1)) is amended by inserting “, including the ability to become college and career ready, as determined under the State academic content and student academic achievement standards under section 1111(a)(1), and to graduate high school in the standard number of years” before the semicolon at the end.

SEC. 1415. DEFINITIONS.

Section 1432(2) (20 U.S.C. 6472(2)) is amended to read as follows:

“(2) At-risk.—The term ‘at-risk’, when used with respect to a child, youth, or student, means a school-aged individual who—

“(A) is at risk of academic failure; and

“(B) has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system or has been determined to be neglected in the past, is a gang member, or has dropped out of school in the past.”.
PART E—EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE

SEC. 1501. EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE.

(a) IN GENERAL.—Part E of title I (20 U.S.C. 6491 et seq.) is amended to read as follows:

"PART E—EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE

"SEC. 1501. EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE.

“(a) Obligations To Collaborate With Child Welfare Agencies.—

“(1) IN GENERAL.—Each State educational agency receiving assistance under part A shall collab- 

orate with the State agency responsible for ad- 

ministering the State plans under parts B and E of 

title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.) to develop and implement a plan 

to ensure that the following occurs, for each child in 

the State, when the child moves to a new school at- 

tendance area as a result of being placed in foster 

care (as described in section 1502(1)), changing fos- 

ter care placements, or leaving foster care:

“(A) Attendance at a School of Ori- 

gin.—
(i) In general.—The child enrolls or remains in the child’s school of origin, unless a determination is made that it is in the child’s best interest to attend a different school.

(ii) Limitation.—A child who leaves foster care shall only be entitled to remain in the child’s school of origin for the remainder of the school year.

(B) Immediate enrollment.—When a determination is made regarding the school that it is in the best interest of a child in foster care to attend, the child shall be immediately enrolled in such school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, immunization and medical records, a birth certificate, guardianship records, proof of residency, or other documentation.

(C) Records transfer.—Any records ordinarily kept by a school, including records of immunizations, health screenings, and other required health records, academic records, birth certificates, evaluations for special services or programs, and any individualized education pro-
grams (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), regarding a child in foster care shall be—

“(i) maintained so that the records involved are available, in a timely fashion, when a child in foster care enters a new school; and

“(ii) immediately transferred to the enrolling school, even if the child owes fees or fines or was not withdrawn from previous schools in conformance with local withdrawal procedures.

“(2) IMPLEMENTATION.—Each State educational agency receiving assistance under part A shall ensure that the plan described in paragraph (1) is implemented by the local educational agencies in the State.

“(b) CREDIT TRANSFER AND DIPLOMAS.—Each State that receives assistance under part A shall have policies for ensuring that—

“(1) a child in foster care who is changing schools can transfer school credits and receive partial credits for coursework satisfactorily completed
while attending a prior school or educational pro-
gram;

“(2) a child in foster care is afforded opportuni-
ties to recover school credits lost due to placement
instability while in foster care; and

“(3) a child in foster care who has changed sec-
ondary schools can receive a secondary school di-
ploma either from one of the schools in which the
child was enrolled or through a State-issued sec-
ondary school diploma system, consistent with State
graduation requirements.

“(c) TRANSPORTATION.—Not later than 1 year after
the date of enactment of the Elementary and Secondary
Education Reauthorization Act of 2011, the State edu-
cational agency shall enter into an agreement with the
State agency responsible for administering the State plans
under parts B and E of title IV of the Social Security
Act to ensure that children in foster care, and children
leaving foster care, who are attending their schools of ori-
gin receive transportation to and from those schools, in
accordance with subsection (a)(1) and with section
475(1)(G) of the Social Security Act (42 U.S.C.
675(1)(G)). The agreement shall include a description of
the following:
“(1) How foster care maintenance payments will be used to help fund the transportation of children in foster care to their schools of origin.

“(2) How children who leave foster care will receive transportation to maintain their enrollment in their schools of origin for the remainder of the academic year, if remaining in their schools of origin is in their best interests.

“(d) POINTS OF CONTACT.—

“(1) LOCAL EDUCATIONAL AGENCIES.—A State that receives assistance under part A shall ensure that each local educational agency in the State designates an individual employed by the agency to serve as a point of contact for the child welfare agencies responsible for children in foster care enrolled in the local educational agency and to oversee the implementation of the local educational agency requirements under this section. A local educational agency’s point of contact shall not be the individual designated as its local educational agency liaison under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act, unless such individual has the capacity, resources, and time to perform both roles.
“(2) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving assistance under part A shall designate an individual to serve as a point of contact for child welfare agencies and to oversee the implementation of the State educational agency requirements under this section. A State educational agency’s point of contact shall not be the individual designated as the State’s Coordinator for Education of Homeless Children and Youths under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act, unless such individual has the capacity, resources, and time to perform both roles.

“SEC. 1502. DEFINITIONS.

“In this part:

“(1) CHILD IN FOSTER CARE.—The term ‘child in foster care’ means a child whose care and placement is the responsibility of the agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.), without regard to whether foster care maintenance payments are made under section 472 of the Social Security Act (42 U.S.C. 672) on behalf of the child.
“(2) School attendance area.—The term ‘school attendance area’ has the meaning given the term in section 1113(a)(2).

“(3) School of origin.—The term ‘school of origin’ means, with respect to a child in foster care, any of the following:

“(A) The public school in which the child was enrolled prior to entry into foster care.

“(B) The public school in which the child is enrolled when a change in foster care placement occurs.

“(C) The public school the child attended when last permanently housed, as such term is used in section 722(g)(3)(G) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(3)(G)), if such child was eligible for assistance under such Act before the child became a child in foster care.”.

(b) Guidance.—Not later than 90 days after the date of enactment of this Act, the Secretary, in collaboration with the Secretary of Health and Human Services, is directed to issue guidance on the implementation of part E of title I of the Elementary and Secondary Education Act of 1965, including how State and local agencies will
work together to ensure that transportation for children
in foster care is provided to the school of origin.

PART F—GENERAL PROVISIONS

SEC. 1601. REORGANIZATION.

(a) In General.—Title I (20 U.S.C. 6301 et seq.)
is further amended—

(1) by striking parts F through H;

(2) by redesignating part I as part F; and

(3) by redesignating sections 1901 through
1908 as sections 1601 through 1608, respectively.

(b) Technical and Conforming Amendments.—
Part F of title I, as redesignated by subsection (a)(2), is
further amended—

(1) in section 1601(b)(4)(A) (20 U.S.C.
6571(b)(4)(A)), as redesignated by subsection
(a)(3), by striking “No Child Left Behind Act of
2001” and inserting “Elementary and Secondary
Education Reauthorization Act of 2011”;

(2) in section 1602(a) (20 U.S.C. 6572(a)), as
redesignated by subsection (a)(3), by striking
“1901” and inserting “1601”;

(3) in section 1603(b)(2)(G) (20 U.S.C.
6573(b)(2)(G)), as redesignated by subsection
(a)(3), by striking “pupil services personnel” and in-
serting “specialized instructional support personnel”;

and


**TITLE II—SUPPORTING EXCELLENT TEACHERS AND PRINCIPALS**

**SEC. 2101. SUPPORTING EXCELLENT TEACHERS AND PRINCIPALS.**

(a) TECHNICAL AMENDMENTS.—Title II (20 U.S.C. 6601 et seq.) is amended—

(1) by striking the title heading and inserting “SUPPORTING EXCELLENT TEACHERS AND PRINCIPALS”;

(2) by redesignating subpart 3 of part D as part H of title IV, and transferring such part H so as to follow part G of title IV, as added by section 4108 of this Act;

(3) in part H of title IV, as redesignated by paragraph (2), by striking the part heading and inserting the following: “READY-TO-LEARN”;
(4) by redesignating section 2431 as section 4801;

(5) in section 4801, as redesignated by paragraph (4)—

(A) by striking the section heading and inserting the following: “READY-TO-LEARN”;

(B) in subsection (a)—

(i) in paragraph (1)(E)(ii)—

(I) by striking “Even Start providers,”; and

(II) by striking “family literacy services” and inserting “family literacy activities”;

(ii) in paragraph (2)—

(I) by striking “Even Start providers,”; and

(II) by striking “family literacy services” and inserting “family literacy activities”;

(iii) in paragraph (4)(B), by striking “Even Start, and”;

(C) in subsection (c)(2), by striking “relevant committees of Congress” and inserting “authorizing committees”; and
(D) by striking subsection (e) and inserting the following:

“(e) FUNDING RULE.—Not less than 60 percent of the amount appropriated to carry out this section for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).”;

(6) by redesignating subpart 5 of part C as subpart 3 of part E of title IX, and transferring such subpart 3 so as to follow subpart 2 of part E of title IX;

(7) by redesignating sections 2361, 2362, 2363, 2364, 2365, 2366, 2367, and 2368, as sections 9541, 9542, 9543, 9544, 9545, 9546, 9547, and 9548, respectively; and

(8) in section 9546(b), as redesignated by paragraph (7), by striking the matter following paragraph (2) and inserting the following:

“(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.”.

(b) TROOPS-TO-TEACHERS.—

(1) TRANSFER OF FUNCTIONS.—

(A) TRANSFER.—The responsibility and authority for operation and administration of
the Troops-to-Teachers Program in chapter A of subpart 1 of part C of title II (20 U.S.C. 6671 et seq.), as in effect on the day before the date of enactment of this Act, is transferred from the Secretary of Education to the Secretary of Defense.

(B) **Effective date.**—The transfer under subparagraph (A) shall take effect on the first day of the first month beginning more than 180 days after the date of enactment of this Act, or on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(2) **Enactment and modification of program authority in title 10, United States Code.**—

(A) **In general.**—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

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§ 1154. Assitance to eligible members to obtain employment as teachers: Troops-to-Teachers Program

(a) **Definitions.**—In this section:

(1) **Charter school.**—The term ‘charter school’ has the meaning given that term in section
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“(2) PROGRAM.—The term ‘Program’ means the Troops-to-Teachers Program authorized by this section.


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

“(1) to assist eligible members of the Armed Forces described in subsection (c) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and

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

“(A) by local educational agencies or public charter schools that the Secretary of Education identifies as—
“(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

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

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

“(c) ELIGIBILITY AND APPLICATION PROCESS.—

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

“(A) Any member who—

“(i) on or after the date of the enactment of the Elementary and Secondary Education Reauthorization Act of 2011, becomes entitled to retired or retainer pay under this title or title 14;

“(ii) has an approved date of retirement that is within 1 year after the date
on which the member submits an applica-
tion to participate in the Program; or

“(iii) transfers to the Retired Reserve.

“(B) Any member who, on or after the
date of the enactment of the Elementary and
Secondary Education Reauthorization Act of
2011—

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

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

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

“(C) Any member who, on or after the
date of the enactment of the Elementary and
Secondary Education Reauthorization Act of
2011, is retired or separated for physical dis-
ability under chapter 61 of this title.
“(2) Submission of applications.—(A) Selection of eligible members of the Armed Forces to participate in the Program shall be made on the basis of applications submitted to the Secretary. An application shall be in such form and contain such information as the Secretary may require.

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

“(3) Selection criteria; educational background requirements and honorable service requirement.—(A) Subject to subparagraphs (B) and (C), the Secretary shall prescribe the criteria to be used to select eligible members of the Armed Forces to participate in the Program.

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

“(I) to have received the equivalent of 1 year of college from an accredited institution of higher education and have 3 or more years of military experience in a vocational or technical field; or

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

“(C) A member of the Armed Forces is eligible to participate in the Program only if the member’s last period of service in the Armed Forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member’s last period of service is characterized as honorable by the Secretary concerned.
“(4) SELECTION PRIORITIES.—In selecting eligible members of the Armed Forces to receive assistance under the Program, the Secretary shall give priority to members who—

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

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

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

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

“(d) Participation Agreement and Financial Assistance.—

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

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

“(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years with a local educational agency or public charter school receiving grants under part A of title I of the.

“(B) The Secretary may waive the 3-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines the waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (e), for failure to meet the 3-year commitment.

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

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

“(B) is serving on active duty as a member of the Armed Forces;

“(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;
“(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

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

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

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

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

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

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

“(C) For purposes of subparagraph (A), the term ‘high-need school’ means a public elementary school, public secondary school, or public charter school that meets 1 or more of the following criteria:

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

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

“(5) Treatment of stipend and bonus.—A stipend or bonus paid under this subsection to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).
“(e) Reimbursement Under Certain Circumstances.—

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

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

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

“(C) The participant executed a written agreement with the Secretary concerned under subsection (c)(5)(B) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.
“(2) Amount of Reimbursement.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (d) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the 3 years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

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

“(4) Exceptions to Reimbursement Requirement.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in
cases of extreme hardship to the participant, as deter-
mined by the Secretary.

“(f) **Relationship to Educational Assistance**

**Under Montgomery GI Bill.**—The receipt by a partic-
ipant in the Program of a stipend or bonus under sub-
section (d) shall not reduce or otherwise affect the entitle-
ment of the participant to any benefits under chapter 30
or 33 of title 38 or chapter 1606 of this title.

“(g) **Participation by States.**—

“(1) **Discharge of state activities**

through consortia of states.—The Secretary
may permit States participating in the Program to
carry out activities authorized for such States under
the Program through 1 or more consortia of such
States.

“(2) **Assistance to states.**—(A) Subject to
subparagraph (B), the Secretary may make grants
to States participating in the Program, or to con-
sortia of such States, in order to permit such States
or consortia of States to operate offices for purposes
of recruiting eligible members of the Armed Forces
for participation in the Program and facilitating the
employment of participants in the Program as ele-
mentary school teachers, secondary school teachers,
and vocational or technical teachers.
“(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed $5,000,000.”.

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

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

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

(4) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date of the transfer under paragraph (1).

(e) SUPPORTING EXCELLENT TEACHERS AND PRINCIPALS.—Title II (20 U.S.C. 6601 et seq.), as amended by subsection (a), is further amended by striking parts A, B, C, and D, and inserting the following:
“PART A—CONTINUOUS IMPROVEMENT AND
SUPPORT FOR TEACHERS AND PRINCIPALS

“SEC. 2101. PURPOSE.

“The purpose of this part is to provide grants to State educational agencies and subgrants to local educational agencies to enable such agencies to improve academic achievement for all students, including students with disabilities and English learners, by—

“(1) providing professional development that is designed to improve instruction and student achievement; and

“(2) increasing the number and improving the equitable distribution of high-quality teachers and principals.

“SEC. 2102. DEFINITIONS.

“In this part:

“(1) INDUCTION PROGRAM.—The term ‘induction program’ means a program based on scientifically valid research for new teachers that is designed to improve instruction and increase teacher retention, and that includes—

“(A) high-quality teacher mentoring;

“(B) the development of skills needed by new teachers, including content knowledge, pedagogical knowledge, classroom management (which may include positive behavioral interven-
tions and supports), and the analysis and use of student assessments (including formative assessments), and other student data;

“(C) periodic, structured time for collaboration and professional development with teachers in the same subject or field, and opportunities to draw directly on the expertise of other school and local educational agency staff and other organizations that provide high-quality supports, which may include team teaching or a reduced teaching load; and

“(D) regular and structured observation with timely feedback.

“(2) MENTORING.—The term ‘mentoring’ means supporting teachers or principals to increase the effectiveness and retention of such teachers or principals through a program that—

“(A) includes clear criteria for the selection of mentors that takes into account the mentor’s—

“(i) record of increasing student achievement; and

“(ii) ability to facilitate adult learning;
“(B) provides high-quality training for mentors in how to support teachers or principals;

“(C) provides regularly scheduled time for collaboration, examination of student work and achievement data, and ongoing opportunities for mentors and mentees to observe each other’s teaching or leading, and identify and address areas identified for improvement; and

“(D) matches mentees with mentors in the same field, grade, grade span, or subject area.

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

“Subpart 1—Grants to States

“SEC. 2111. ALLOTMENTS TO STATES.

“(a) IN GENERAL.—The Secretary shall make grants to States with applications approved under section 2112 to enable the States to carry out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

“(b) DETERMINATION OF ALLOTMENTS.—
“(1) Reservation of Funds.—From the total amount appropriated to carry out this subpart for a fiscal year, the Secretary shall reserve—

“(A) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

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

“(2) State Allotments.—

“(A) In General.—Subject to subparagraph (B), from the funds appropriated to carry out this subpart and not reserved under paragraph (1), the Secretary shall allot to each State the sum of—

“(i) an amount that bears the same relationship to 35 percent of the remaining amount as the number of individuals ages 5 through 17 in the State, as determined by the Secretary on the basis of the most
recent satisfactory data, bears to the num-
ber of those individuals in all such States,
as so determined; and

“(ii) an amount that bears the same
relationship to 65 percent of the remaining
amount as the number of individuals, ages
5 through 17 from families with incomes
below the poverty line, in the State, as de-
determined by the Secretary on the basis of
the most recent satisfactory data, bears to
the number of those individuals in all such
States, as so determined.

“(B) EXCEPTION.—No State receiving an
allotment under subparagraph (A) may receive
less than one-half of 1 percent of the total
amount allotted under such subparagraph.

“(3) REALLOTMENT.—If any State does not re-
ceive an allotment under this subsection for any fis-
cal year, the Secretary shall reallocate the amount of
the allotment to the remaining States in accordance
with this subsection.

“SEC. 2112. STATE APPLICATIONS.

“(a) IN GENERAL.—For a State to be eligible to re-
ceive a grant under this part, the State educational agency
shall submit an application to the Secretary at such time,
in such manner, and containing such information as the Secretary may reasonably require.

“(b) CONTENTS.—Each application submitted under this section shall be subject to peer review and include—

“(1) a description of how the State educational agency will ensure that each local educational agency receiving a subgrant under subpart 2 will comply with the requirements of such subgrant;

“(2) a description of how the State will use funds reserved under section 2113(a);

“(3) a description of how the activities to be carried out by the State educational agency under this subpart will be based on a review of scientifically valid research and an explanation of why the activities are expected to improve student achievement;

“(4) a description of how activities under this subpart are aligned with State academic content and student academic achievement standards and State assessments, which include, as appropriate, State early learning standards for children younger than kindergarten;

“(5) a description of how the State educational agency will provide data on each teacher’s student achievement and, if applicable, student growth, for
the State assessments required under section 1111(a)(2) to teachers and local educational agencies, in a timely and useful manner;

“(6) if the State intends to use grant funds to develop or improve a teacher and principal evaluation system—

“(A) a description of such system; and

“(B) an assurance that such system will be consistent with section 2301(b)(4);

“(7) a description of how the State educational agency will hold local educational agencies accountable for meeting the requirements of section 1119;

“(8) an assurance that the State educational agency will comply with section 9501 (regarding participation by private school children and teachers); and

“(9) a description of the activities funded under this subpart, including how such activities will be coordinated with the State agency responsible for early childhood education and care programs and the State Advisory Council on Early Childhood Education and Care established under section 642B of the Head Start Act, that are designed to improve and strengthen the knowledge and skills of teachers
and principals responsible for educating children in preschool, where applicable, through grade 3.

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

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

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

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

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

“(A) cite the specific provisions in the application that are not in compliance; and
“(B) request additional information, only
as to the noncompliant provisions, needed to
make the application compliant.

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

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

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

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

“SEC. 2113. STATE USE OF FUNDS.

“(a) IN GENERAL.—A State that receives a grant
under section 2111—
“(1) shall reserve 95 percent of the funds made available through the grant to make subgrants to local educational agencies as described in subpart 2; “(2) shall use not less than 2 percent but not more than 5 percent of funds made available through the grant to improve the performance and distribution of high quality principals and, at the State’s discretion, other school leaders, including through—

“(A) developing, periodically reviewing, and revising State policies and standards related to principals; “(B) developing, with appropriate stakeholders, and carrying out a State plan to provide for well-prepared principals, based on an analysis of relevant data; 

“(C) activities designed to recruit, prepare, place, assist, support, and retain high quality principals for high-need schools and low-performing schools; “(D) providing training and support to principals and school leadership teams in high-need schools and low-performing schools on improving instruction and closing achievement gaps; and
“(E) providing compensation or incentives to attract, retain, and reward high quality principals and other school leaders for high-need schools and low-performing schools;

“(3) shall use funds remaining after making the reservations under paragraphs (1) and (2) to—

“(A) plan and administer State activities under this part, including awarding, monitoring, and enforcing the requirements of subgrants awarded under subpart 2;

“(B) assist local educational agencies in recruiting, preparing, placing, developing, and retaining high-quality teachers for high-need schools and low-performing schools;

“(C) provide technical assistance, as necessary, to local educational agencies that receive subgrants under subpart 2, to improve performance on the measures described in section 2141(b);

“(D) develop and disseminate the State Report Card described in subpart 4, and use the information in the Report Card to guide efforts under this part; and

“(E) provide technical assistance and support to local educational agencies in the devel-
opment and implementation of programs and policies that support children’s transition from early childhood education and care programs into elementary schools, improve school readiness, and improve the academic achievement of young children; and

“(4) may use any funds remaining after making the reservations under paragraphs (1) and (2) and carrying out paragraph (3) to provide technical assistance to local educational agencies to support the design and implementation of a system to evaluate teachers and principals consistent with section 2301(b)(4), including—

“(A) developing and disseminating research-based models and designing high-quality evaluation tools, such as classroom observation rubrics;

“(B) developing and providing training for principals and other evaluators on how to evaluate teachers in order to differentiate teacher performance accurately, provide useful feedback, and use evaluation results to inform decisionmaking about professional development, improvement strategies, and personnel decisions;
“(C) developing methods, including training and auditing, for ensuring inter-rater reliability of evaluation results;

“(D) the appropriate collection, reporting, analysis, and use of evaluation data; and

“(E) creating opportunities for teachers and principals to provide feedback on the quality and usefulness of the local educational agency’s evaluation system.

“(b) OPTIONAL USES.—

“(1) IN GENERAL.—Notwithstanding subsection (a)(2), a State that receives a grant under section 2111 may, from the funds available for the uses described in such subsection (a)(2), use an amount equal to not more than 1 percent of the funds made available through the grant to establish, expand, or implement 1 or more teacher or principal preparation academies and to provide for a State authorizer, if—

“(A) the State does not have in place legal, statutory, or regulatory barriers to the creation or operation of teacher or principal preparation academies;

“(B) the State enables candidates attending a teacher or principal preparation academy
to be eligible for State financial aid to the same extent as participants in other State-approved teacher or principal preparation programs, including alternative certification, licensure, or credential programs;

“(C) the State enables teachers or principals who are teaching or working while on alternative certificates, licenses, or credentials to teach or work in the State while enrolled in a teacher or principal preparation academy; and

“(D) the State will recognize a certificate of completion (from any teacher or principal preparation academy that is not, or is unaffiliated with, an institution of higher education), as at least the equivalent of a master’s degree in education for the purposes of hiring, retention, compensation, and promotion in the State.

“(2) DEFINITIONS.—In this subsection:

“(A) TEACHER OR PRINCIPAL PREPARATION ACADEMY.—The term ‘teacher or principal preparation academy’ means a public or other nonprofit institution that will prepare teachers or principals, or both, to serve in high-need schools and that—
“(i) enters into an agreement with a State authorizer that specifies the goals expected of the institution, including—

“(I) a requirement that—

“(aa) teacher or principal candidates, or teachers teaching or principals serving on alternative certificates, licenses, or credentials, who are enrolled in the academy receive a significant part of their training through clinical preparation that partners candidates with mentor teachers or principals with a demonstrated track record of success in improving student growth, including (where applicable) children with disabilities, children living in poverty, and English learners; and

“(bb) the academy will provide instruction to teacher candidates that links to the clinical preparation experience;

“(II) the number of teachers or principals the academy will produce
and the minimum number and percentage of teachers or principals who will demonstrate success in improving student performance based on multiple measures (including student growth);

“(III) a requirement that the teacher preparation component of the academy will only award a certificate of completion (or degree, if the academy is, or is affiliated with, an institution of higher education) after the graduate demonstrates a track record of success in improving student performance based on multiple measures (including student growth), either as a student teacher or teacher-of-record on an alternative certificate, license, or credential;

“(IV) a requirement that the principal preparation component of the academy will only award a certificate of completion (or degree, if the academy is, or is affiliated with, an institution of higher education) after
the graduate demonstrates a track
record of success in improving student
performance for some or all of a
school’s students; and

“(V) timelines for producing co-
horts of graduates and conferring cer-
tificates of completion (or degrees, if
the academy is, or is affiliated with,
an institution of higher education)
from the academy;

“(ii) shall not have unnecessary re-
strictions placed on the methods the acad-
emy will use to train teacher or principal
candidates (or teachers or principals that
are teaching or working while on alter-
native certificates, licenses, or credentials),
including restrictions or requirements—

“(I) obligating the faculty of the
academy to hold advanced degrees, or
prohibiting the faculty of the academy
from holding advanced degrees;

“(II) obligating such faculty to
conduct academic research;

“(III) related to the physical in-
frastructure of the academy;
“(IV) related to the number of course credits required as part of the program of study;

“(V) related to the undergraduate coursework completed by teachers teaching on alternative certificates, licenses, or credentials, as long as such teachers have successfully passed all relevant State-approved content area examinations; or

“(VI) related to obtaining additional accreditation from a national accrediting body; and

“(iii) limits admission to its program to candidates who demonstrate strong potential to improve student achievement, based on a rigorous selection process that reviews a candidate’s prior academic achievement or record of professional accomplishment.

“(B) STATE AUTHORIZER.—The term ‘State authorizer’ means an entity designated by the Governor of a State to recognize teacher or principal preparation academies within the State that—
“(i) enters into an agreement with a teacher or principal preparation academy that specifies the goals expected of the academy, as described in subparagraph (A)(i);

“(ii) may be a nonprofit organization, State educational agency, or other public entity, or consortium of such entities (including a consortium of States); and

“(iii) does not reauthorize a teacher or principal preparation academy if the academy fails to produce the minimum number or percentage of effective teachers or principals, respectively, identified in the academy’s authorizing agreement.

“(c) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

“Subpart 2—Subgrants to Local Educational Agencies

“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

“(a) IN GENERAL.—The Secretary may make a grant to a State under subpart 1 only if the State educational
agency agrees to distribute the funds described in this sec-
tion as subgrants to local educational agencies under this
subpart.

“(b) ALLOCATIONS.—

“(1) IN GENERAL.—From the total amount re-
served by a State under section 2113(a)(1) for a fis-
cal year, the State educational agency shall allocate
to each of the eligible local educational agencies in
the State for such fiscal year the sum of—

“(A) an amount that bears the same rela-
tionship to 20 percent of the total amount re-
served as the number of individuals age 5
through 17 in the geographic area served by the
agency, as determined by the Secretary on the
basis of the most recent satisfactory data, bears
to the number of those individuals in the geo-
graphic areas served by all the local educational
agencies in the State, as so determined; and

“(B) an amount that bears the same rela-
tionship to 80 percent of the total amount re-
served as the number of individuals age 5
through 17 from families with incomes below
the poverty line in the geographic area served
by the agency, as determined by the Secretary
on the basis of the most recent satisfactory
data, bears to the number of those individuals
in the geographic areas served by all the local
educational agencies in the State, as so deter-
mined.

“(2) HOLD HARMLESS.—

“(A) IN GENERAL.—Notwithstanding para-
graph (1), the State educational agency shall
allocate to each of the eligible local educational
agencies in the State an amount that is not less
than 90 percent of the allocation the eligible
local educational agency received for the pre-
vious fiscal year under this part.

“(B) RATABLE REDUCTION.—If insuffi-
cient funds are appropriated to allocate the
amounts that all eligible local educational agen-
cies in the State are eligible to receive under
subparagraph (A) for a fiscal year, the Sec-
retary shall ratably reduce those amounts for
the fiscal year.

“SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESS-
MENT.

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

“(2) conduct, with the involvement of school staff and other stakeholders, as applicable, an assessment of the needs of the local educational agency in the areas set forth under section 2141(b).

“(b) CONTENTS.—Each application submitted under this section shall include the following:

“(1) A description of the results of the needs assessment conducted under subsection (a)(2).

“(2) A description of the performance measures and activities the local educational agency will use to address the needs identified in such assessment.

“(3) If applicable, a description of how the local educational agency will improve or implement a rigorous, transparent, and fair evaluation system for teachers and principals consistent with section 2301(b)(4).

“(4) The local educational agency’s plan for using subgrant funds, and other Federal, State and local funds, to provide for the equitable distribution of teachers within the local educational agency consistent with section 1111(b)(1)(K).
“SEC. 2123. LOCAL USE OF FUNDS.

“(a) IN GENERAL.—A local educational agency that receives a subgrant under section 2121 shall use subgrant funds to increase student achievement for all students, including English learners and students with disabilities, by carrying out 1 or more of the following activities:

“(1) Developing and carrying out professional development, which may include joint professional development for teachers, principals, and other relevant school staff with early childhood education and care program staff.

“(2) Reducing class size for prekindergarten through grade 3, by an amount and to a level consistent with what scientifically valid research has found to improve student achievement.

“(3) Developing and implementing an induction program or a mentoring program.

“(4) Developing and implementing, or improving, a teacher and principal evaluation system that is consistent with section 2301(b)(4).

“(5) Increasing teacher capacity to evaluate student work and use student achievement data, which may include supporting the involvement of teachers in assessment scoring.
“(6) Recruiting, preparing, placing, supporting, developing, rewarding, and retaining high-quality teachers and principals, especially—

“(A) teachers and principals in high-need schools and low-performing schools taking into consideration members of groups underrepresented in the teaching profession and the principalship; and

“(B) teachers in high-need subjects or fields.

“(7) Improving within-district equity in the distribution of teachers consistent with the requirements of section 1111(b)(1)(K).

“(8) Enabling teachers to become certified as teachers in a high-need subject or field.

“(9) Creating career ladders, which may include modifying the local educational agency’s policies and practices, to provide opportunities for high-quality teachers or paraprofessionals to advance or take on additional roles and responsibilities.

“(10) Reforming the local educational agency’s system of compensating teachers and principals in order to—

“(A) provide incentives to recruit and retain high-quality principals and teachers in a
high-need subject or field, or who teach in or
lead a high-need school or low-performing
school; and
“(B) reward high-quality teachers and
principals for increasing student achievement or
taking on additional roles and responsibilities.
“(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-
ceived under this subpart shall be used to supplement, and
not supplant, non-Federal funds that would otherwise be
used for activities authorized under this subpart.

“Subpart 3—National Leadership Activities

“SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.
“From the funds made available to carry out this
part for a fiscal year, the Secretary is authorized to set
aside not more than 1 percent to carry out the following
activities related to the purpose of this part:
“(1) Research and development.
“(2) Technical assistance.
“(3) Outreach and dissemination activities di-
rectly or through grants, contracts, or cooperative
agreements.

“Subpart 4—Accountability

“SEC. 2141. ACCOUNTABILITY.
“(a) IN GENERAL.—
“(1) STATE REPORT.—Each State that receives a grant under subpart 1 shall annually submit to the Secretary, in a manner prescribed by the Secretary, and make public, a State Report on program performance and results under such grant. Such State Report shall provide the information required under subsection (b).

“(2) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency that receives a subgrant under subpart 2 shall annually submit to the State, in a manner prescribed by the State, and make public, a Local Educational Agency Report on program performance and results under such subgrant. Such Local Educational Agency Report shall provide the information required under subsection (b).

“(3) FERPA COMPLIANCE.—Each State and local educational agency that submits a report in compliance with this subsection shall collect, report, and disseminate information contained in such report in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the ‘Family Educational Rights and Privacy Act of 1974’).
“(4) Teacher and principal privacy.—No State or local educational agency shall publicly report information in compliance with this subsection in a case in which the results would reveal personally identifiable information about an individual teacher or principal.

“(b) Information.—Each State Report and Local Educational Agency Report shall contain, as appropriate—

“(1) the number of teachers in the State and local educational agency teaching under a provisional license due to not having passed all required State licensure tests for 1, 2, and 3 or more school years; and

“(2) data, by teacher preparation program within the State, on the student achievement data of students taught by such program’s graduates.

“Subpart 5—Principal Recruitment and Training

“SEC. 2151. PRINCIPAL RECRUITMENT AND TRAINING GRANT PROGRAM.

“(a) Definitions.—In this section:

“(1) Current principal.—The term ‘current principal’ means an individual who, as of the date of the determination of participation in a program
under this section, is employed as a principal or has
been employed as a principal.

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

“(A) a local educational agency that serves
an eligible school or a consortium of such agen-
cies;

“(B) a State educational agency or a con-
sortium of such agencies;

“(C) a State educational agency in part-
nership with 1 or more local educational agen-
cies that serve an eligible school;

“(D) an entity described in subparagraphs
(A), (B), or (C) in partnership with 1 or more
nonprofit organizations or institutions of higher
education; or

“(E) an institution of higher education or
a nonprofit organization, if the institution or
nonprofit organization can demonstrate a
record of—

“(i) preparing principals who have
been able to improve student achievement
substantially; and

“(ii) placing a significant percentage
of such principals in eligible schools.
“(3) ELIGIBLE SCHOOL.—The term ‘eligible school’ means a public school, including a public charter school, that meets 1 or more of the following criteria:

“(A) Is a high-need school.

“(B) Is a persistently low-achieving school, as described in section 1116.

“(C) Is an achievement gap school, as described in section 1116.

“(D) In the case of a public school containing middle grades, feeds into a public high school that has less than a 60 percent graduation rate.

“(E) Is a rural school served by a local educational agency that is eligible to receive assistance under part B of title VI.

“(4) MIDDLE GRADE.—The term ‘middle grade’ means any of grades 5 through 8.

“(5) SCHOOL-LEVEL STUDENT OUTCOMES.—The term ‘school-level student outcomes’ means, at the whole school level and for each subgroup of students described in section 1111(a)(2)(B)(ix) served by the school—

“(A) student academic achievement and student growth; and
“(B) additional outcomes, including, at the high school level, graduation rates and the percentage of students taking college-level coursework.

“(b) PROGRAM AUTHORIZED.—

“(1) Principal recruitment and training grant program.—The Secretary shall award grants to eligible entities to enable such entities to recruit, prepare, place, and support principals in eligible schools.

“(2) Duration.—

“(A) In general.—

“(i) Not more than 5 year duration.—A grant awarded under this section shall be not more than 5 years in duration.

“(ii) Renewal.—The Secretary may—

“(I) renew a grant awarded under this section based on performance; and

“(II) in renewing a grant under subclause (I), award the grantee increased funding to scale up or replicate the grantee’s program.
“(B) PERFORMANCE.—In evaluating performance for purposes of subparagraph (A)(ii)(I)—

“(i) the Secretary’s primary consideration shall be the extent to which the principals recruited, prepared, placed, or supported by the grantee have improved school-level student outcomes in eligible schools; and

“(ii) the Secretary shall also consider the percentage of program graduates—

“(I) who become principals in eligible schools;

“(II) who remain principals in eligible schools for multiple years; and

“(III) who are highly rated principals under a teacher and principal evaluation system described in section 2301(b)(4), if applicable.

“(c) APPLICATION AND SELECTION CRITERIA.—

“(1) APPLICATION.—An eligible entity that desires a grant under this section shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.
“(2) Selection criteria.—In awarding grants under this section, the Secretary shall consider—

“(A) the extent to which the entity has the capacity to implement the activities described in subsection (e) that the entity proposes to implement;

“(B) the extent to which the entity has a demonstrated record of effectiveness or an evidenced-based plan for preparing principals to improve school-level student outcomes in eligible schools;

“(C) the extent to which the entity has a demonstrated record of effectiveness or an evidence-based plan for providing principals trained by the entity with the guidance, support, and tools they need to improve school-level student outcomes in eligible schools, including providing principals with resources, such as funding to ensure supports for quality teaching, and decisionmaking authority over areas such as personnel, budget, curriculum, or scheduling; and

“(D) the likelihood of the entity sustaining the project with funds other than funds pro-
vided under this section, which other funds may include funds provided under this title other than this section, once the grant is no longer available to the entity.

“(d) AWARDING GRANTS.—

“(1) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible entity with a record of preparing or developing principals who—

“(A) have improved school-level student outcomes;

“(B) have become principals in eligible schools;

“(C) remain principals in eligible schools for multiple years; and

“(D) are highly rated principals under a teacher and principal evaluation system described in section 2301(b)(4), if applicable.

“(2) GRANTS FOR RURAL SCHOOLS AND LOWEST PERFORMING SCHOOLS.—In awarding grants under this section, the Secretary shall, consistent with the quality of applications—

“(A) award not less than 1 grant to an eligible entity that intends to establish a program that focuses on training or supporting prin-
principals and other school leaders for rural schools;
and

“(B) award not less than 1 grant to an eligi-
gible entity that intends to establish a program
to train and support principals and other school
leaders to lead reform efforts in persistently
low-achieving schools in a State or more than 1
State, as determined under section 1116.

“(3) REFORM EFFORTS.—An eligible entity
that receives a grant under this section to carry out
a program described in paragraph (2)(B)—

“(A) during the first year of the grant,
shall use grant funds—

“(i) to bring together experts and
stakesholders who are committed to dra-
matic and effective reform of persistently
low-achieving schools who can provide
input about what the evidence base shows
regarding effective school leadership in
such schools;

“(ii) to collect and develop, in con-
 management with experts and stakeholders, a
core body of knowledge regarding effective
school reform leadership in persistently
low-achieving schools, which is evidence
based; and

“(iii) to develop, drawing on the core
body of knowledge developed in clause (ii),
a leadership training program for prin-
cipals, mentors, and other school leaders,
to prepare and support the principals,
mentors, and leaders to lead effective
school reform efforts in persistently low-
achieving schools; and

“(B) during each year of the grant after
the first year, shall use grant funds—

“(i) to carry out the leadership train-
ing program described in subparagraph
(A)(iii);

“(ii) to ensure that the leadership
training program described in subpara-
graph (A)(iii) is informed, on an ongoing
basis, by consultation with experts and
stakeholders, and by the program’s track-
ing of the performance of its graduates in
leading school reform efforts in persistently
low-achieving schools;
“(iii) to select cohorts of experienced principals to lead school reform efforts in persistently low-achieving schools;

“(iv) to provide support for, and encourage interaction among, cohorts of principals after completion of the leadership training program described in subparagraph (A)(iii); and

“(v) to disseminate information to principals, mentors, and other school leaders engaging in reform efforts in persistently low-achieving schools.

“(e) ACTIVITIES.—Each eligible entity that receives a grant under this section shall use grant funds to carry out the following:

“(1) To recruit and select, using rigorous, competency-based, selection criteria, and train and support a diverse group of aspiring or current principals, or both, for work in eligible schools.

“(2) Tracking participants to determine if such individuals are attaining, or have attained, the competencies needed to complete the training and enter into an effective leadership role, and provide counseling and, if appropriate, separation, to participants
who the entity determines will not attain, or have
not attained, those competencies.

“(3) If the eligible entity provides a program
for aspiring principals, providing such aspiring prin-
cipals with—

“(A) a pre-service residency that is not less
than 1 year in length, and that includes coach-
ing from a mentor principal, and instructional
leadership and organizational management ex-
perience;

“(B) focused coursework on instructional
leadership, organizational management, and the
use of a variety of data for purposes of—

“(i) instruction;

“(ii) evaluation and development of
teachers; and

“(iii) development of highly effective
school organizations; and

“(C) ongoing support, mentoring, and pro-
fessional development for not less than 2 years
after the aspiring principals complete the resi-
dency and commence work as school leaders.

“(4) To train mentors for principals who are
serving or who wish to serve in eligible schools or for
aspiring principals who wish to serve in such eligible schools, or for both.

“(5) Providing differentiated training to participants in competencies that evidence shows are critical to improving school-level student outcomes in eligible schools, such as—

“(A) recruiting, training, supervising, supporting, and evaluating teachers and other staff;

“(B) developing teams of effective school staff, and distributing among members of such teams responsibilities for leading and improving their schools;

“(C) where applicable for participants serving elementary schools, offering high-quality early childhood education to the students such participants are serving and facilitating the transition of children from early learning settings to elementary school;

“(D) setting high expectations for student achievement;

“(E) addressing the unique needs of specific student populations served, such as students with disabilities, students who are
English learners, and students who are homeless or in foster care;

“(F) managing budget resources and school time to support high-quality instruction and improvements in student achievement, such as by extending the school day and year and providing common planning time to teachers and staff; and

“(G) working effectively with students’ parents and other members of the community.

“(6) Delivering high-quality, differentiated, school-level support services and training to current principals of eligible schools, if the eligible entity provides a program for current principals, or during the period described in paragraph (3)(C) to individuals who have completed the aspiring principal residency, if the eligible entity provides a program for aspiring principals, to help meet the specific needs of the eligible schools they serve, which may include—

“(A) training and support for the design of school-wide improvement plans based on the diagnosis of school conditions and needs informed by data and analysis of classroom and school practices; and
“(B) support in organizing and training
the teams described in paragraph (5)(B).

“(7) Making available any training materials
funded under the grant, such as syllabi, assign-
ments, or selection rubrics, to the Department for
public dissemination.

“(8) Tracking the effectiveness of the program
based on, at a minimum—

“(A) school-level student outcomes at the
schools where program graduates have served
as principals;

“(B) the percentage of program graduates
who become principals in eligible schools;

“(C) the percentage of program graduates
who remain principals in eligible schools for
multiple years; and

“(D) the percentage of program graduates
who are highly rated under a teacher and prin-
cipal evaluation system described in section
2301(b)(4), if applicable.

“(9) Using the data on the effectiveness of the
program for, among other purposes, the continuous
improvement of the program.

“(f) ANNUAL REPORT.—An eligible entity that re-
ceives a grant under this section shall submit an annual
report, beginning in the third year of the grant, to the Secretary regarding—

“(1) school-level student outcomes resulting from implementation of the grant activities; and

“(2) data on—

“(A) the percentage of program graduates who become principals in eligible schools;

“(B) the percentage of graduates who remain principals in eligible schools for multiple years; and

“(C) the percentage of program graduates who are highly rated under a teacher and principal evaluation system described in section 2301(b)(4), if applicable.

“(g) MATCHING REQUIREMENT.—

“(1) MATCHING REQUIREMENT.—

“(A) IN GENERAL.—An eligible entity that receives a grant under this section shall contribute annually to the activities assisted under such grant matching funds in an amount equal to not less than 20 percent of the amount of the grant from non-Federal sources.

“(B) MATCHING FUNDS.—The matching funds requirement under subparagraph (A) may be met by—
“(i) contributions that are in cash or
in-kind, fairly evaluated; and

“(ii) payments of a salary or stipend
to an aspiring principal during the aspiring
principal’s residency year.

“(2) WAIVER.—The Secretary may waive or re-
duce the matching requirement under paragraph (1)
if the eligible entity demonstrates a need for such
waiver or reduction due to financial hardship.

“(h) SUPPLEMENT, NOT SUPPLANT.—Grant funds
provided under this section shall be used to supplement,
and not supplant, any other Federal, State, or local funds
otherwise available to carry out the activities described in
this section.

“(i) EVALUATION AND DISSEMINATION OF BEST
PRACTICES.—In accordance with section 9601, the Sec-
retary shall—

“(1) carry out an evaluation of programs fund-
ed under this section; and

“(2) identify and disseminate research and best
practices related to such programs.

“(j) REPORT TO CONGRESS.—Not later than 5 years
after the date of enactment of the Elementary and Sec-
ondary Education Reauthorization Act of 2011, the Sec-
retary shall submit a report to the Committee on Health,
Education, Labor, and Pensions of the Senate, the Committee on Appropriations of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Appropriations of the House of Representatives on lessons learned through programs funded with grants awarded under this section.

"PART B—TEACHER PATHWAYS TO THE CLASSROOM"

"SEC. 2201. TEACHER PATHWAYS."

“(a) PURPOSE.—It is the purpose of this section to support the recruitment, selection, preparation, placement, retention, and support of teachers in high-need subjects or fields who will improve student academic achievement and student outcomes at high-needs schools.

“(b) DEFINITIONS.—In this section:

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

“(A) a partnership of—

“(i) 1 or more institutions of higher education or nonprofit organizations; and

“(ii) a high-need local educational agency and 1 or more other local educational agencies or State educational agencies; or
“(B) an institution of higher education or a nonprofit organization that can demonstrate a record of—

“(i) preparing teachers who are successful in improving student achievement; and

“(ii) placing a significant percentage of those teachers in high-need schools.

“(2) Teacher in a high-need subject or field.—The term ‘teacher in a high-need subject or field’ means a teacher of—

“(A) students with disabilities;

“(B) English learners;

“(C) mathematics; or

“(D) science.

“(e) Authorization of Grant Awards.—The Secretary shall award grants to eligible entities to pay for the Federal share of the cost of carrying out the activities described in this section.

“(d) Applications.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.
“(e) CONSIDERATIONS.—In awarding grants under this section, the Secretary shall consider the geographic diversity of the eligible entities, including the distribution of grants among urban, suburban, and rural areas.

“(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applicants that demonstrate a record of—

“(1) recruiting college undergraduates, recent college graduates, graduate students, and professionals with a demonstrated history of significant academic achievement to become teachers;

“(2) recruiting and selecting candidates who are members of groups underrepresented in the teaching profession; and

“(3) preparing teachers who consistently improve student academic achievement at high-need schools.

“(g) REQUIRED USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant funds for the following:

“(1) To recruit, select, prepare, place, retain, and support teachers for high-need schools and teachers in high-need subjects or fields.

“(2) To prepare all teachers to teach students with disabilities and English language learners.
“(3) To prepare teachers in classroom management, instructional planning and delivery, learning theory and cognitive development, literacy development, and student assessment.

“(4) To provide school-based, clinical experience at a high-need school that includes observation of and feedback on teacher candidates’ teaching.

“(5) To provide ongoing mentoring and support, which may include coursework, for participants for at least 1 school year.

“(h) PERMISSIBLE USE OF GRANT FUNDS.—An eligible entity that receives a grant under this section may use the grant funds to provide financial stipends for teacher candidates who are not the teacher of record.

“(i) PERFORMANCE AND GRANT RENEWAL.—

“(1) TRACKING PERFORMANCE.—An eligible entity that receives a grant under this section shall—

“(A) track the placement rate, retention rate, and performance in improving student academic achievement of teachers recruited and prepared by programs funded by the grant; and

“(B) submit data on such performance to the Secretary.
“(2) CONDITIONS FOR GRANT RENEWAL.—The Secretary shall evaluate the information submitted under paragraph (1) and renew a grant awarded under this section only if the data indicate the teachers are successful in improving student academic achievement.

“(j) FISCAL AGENT.—The fiscal agent for an eligible entity that receives a grant under this section may be a local educational agency, State educational agency, institution of higher education, or nonprofit organization that is a partner in the eligible entity.

“(k) MATCHING REQUIREMENTS.—

“(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share for this section shall be a percentage of the cost of the activities assisted under the grant as determined by the Secretary.

“(2) NON-FEDERAL SHARE.—

“(A) IN GENERAL.—The non-Federal share provided by an eligible entity receiving a grant under this section shall be a percentage of the cost of the activities assisted under the grant as determined by the Secretary. The non-Federal share may include in-kind contributions.
“(B) Special rule.—The Secretary may waive or reduce the amount of the non-Federal share described in subparagraph (A) for any fiscal year if the eligible entity demonstrates to the Secretary that the funds needed to carry out that subparagraph are unavailable due to economic hardship, as determined by the Secretary.

“(l) Evaluation.—The Director of the Institute of Education Sciences shall—

“(1) evaluate the implementation and impact of the program under this section;

“(2) identify best practices for recruiting, selecting, preparing, placing, retaining, and supporting teachers in high-need subjects or fields for high-need schools; and

“(3) disseminate research on best practices.

“PART C—TEACHER INCENTIVE FUND PROGRAM

“SEC. 2301. PURPOSES; DEFINITIONS.

“(a) Purposes.—The purposes of this part are to assist States, local educational agencies, and nonprofit organizations to develop, implement, improve, or expand—

“(1) comprehensive performance-based compensation systems for teachers, principals, and schools that raise student academic achievement and
close the achievement gap, especially for teachers and principals in high-need schools; and

“(2) rigorous, transparent, and fair teacher and principal evaluation systems.

“(b) DEFINITIONS.—Except as otherwise provided, in this part:

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

“(A) a local educational agency or a consortium of local educational agencies, including a charter school that is a local educational agency;

“(B) a State educational agency, or other State agency designated by the chief executive of a State to participate under this subpart; or

“(C) a nonprofit or for-profit organization, which may include an institution of higher education, in partnership with an entity described in subparagraph (A) or (B).

“(2) PERFORMANCE-BASED COMPENSATION SYSTEM.—The term ‘performance-based compensation system’ means a system of compensation for teachers and principals that—
“(A) differentiates levels of compensation primarily on the basis of measurable increases in student academic achievement; and

“(B) may include—

“(i) differentiated levels of compensation on the basis of effective teachers’ and principals’ employment and success in hard-to-staff schools or high-need subject areas; and

“(ii) recognition of the skills and knowledge of teachers and principals, as demonstrated through—

“(I) successful fulfillment of additional responsibilities or job functions; and

“(II) evidence of high achievement and mastery of content knowledge and superior teaching skills.

“(3) STUDENT ACADEMIC ACHIEVEMENT.—In this subsection, the term ‘student academic achievement’ means—

“(A) for grades and subjects for which there are assessments, as described in section 1111(a)(2), a student’s results from the State’s
assessments under such section or other state-wide assessments; and

“(B) other measures of a student’s learning and performance, such as end-of-course tests, and other measures that are rigorous and comparable across schools in a school district and that are aligned with the State academic content standards and student academic achievement standards under section 1111(a)(1).

“(4) TEACHER AND PRINCIPAL EVALUATION SYSTEM.—The term ‘teacher and principal evaluation system’ means a system for evaluating the performance of teachers and principals that—

“(A) provides meaningful feedback to teachers and principals on the results of their evaluation;

“(B) establishes multiple categories of teacher and principal performance;

“(C) evaluates teachers and principals regularly consistent with research and best practice, including multiple measures;

“(D) is used to inform decisions about professional development;
“(E) is developed and implemented with teacher and principal involvement;

“(F) is regularly reviewed to ensure that the evaluation provides meaningful differentiation and is aligned with student academic achievement results;

“(G) provides training for the evaluators who are responsible for conducting classroom observations;

“(H) for teachers—

“(i) shall be based in significant part on evidence of improved student academic achievement;

“(ii) shall include observations of classroom teaching; and

“(iii) may include other measures of student academic achievement and teacher performance; and

“(I) for principals—

“(i) shall be based in significant part on evidence of improved student academic achievement and student outcomes;

“(ii) shall be based on evidence of providing strong instructional leadership and support to teachers and other staff; and
“(iii) may include other measures of principal performance such as parent and family engagement.

“SEC. 2302. TEACHER INCENTIVE FUND GRANTS.

“(a) IN GENERAL.—From the amounts appropriated to carry out this part, the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop, implement, improve, or expand performance-based compensation systems and teacher and principal evaluation systems in a school served by a project under this part.

“(b) PRIORITY.—In awarding a grant under this part, the Secretary shall give priority to an eligible entity that concentrates the proposed activities with respect to teachers and principals serving in high-need schools.

“(c) APPLICATIONS.—To be eligible to receive a grant under this part, an eligible entity shall submit an application to the Secretary, at such time and in such manner as the Secretary may reasonably require. The application shall include, as applicable—

“(1) a description of the performance-based compensation system and teacher and principal evaluation system that the eligible entity proposes to develop, implement, improve, or expand;
“(2) a description and evidence of the support and commitment, from teachers and principals in the school to be served by the project, the community, including community-based organizations, and the local educational agencies, for the performance-based compensation system and teacher and principal evaluation system, including a demonstration of consultation with teachers and principals in the design and development of the proposal;

“(3) a description of how the eligible entity will develop and implement a fair, rigorous, and objective process to evaluate teacher, principal, and student performance under the project, including the baseline performance against which evaluations of improved performance will be made;

“(4) a description of the local educational agency or school to be served by the project, including such student academic achievement, demographic, and socioeconomic information as the Secretary may request;

“(5) a description of the quality of teachers and principals in the local educational agency and the schools to be served by the project and how the project will increase the quality of teachers and principals in a high-need school;
“(6) a description of how the eligible entity will use grant funds under this part in each year of the grant;

“(7) a description of how the eligible entity will continue funding and carrying out the performance-based compensation system and teacher and principal evaluation system after the grant period ends;

“(8) a description of the State, local, or other public or private funds that will be used to supplement the grant and sustain the activities assisted under the grant at the end of the grant period; and

“(9) a description of the rationale and evidence for the proposed activities and of any prior experience of the eligible entity in developing and implementing such activities.

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—An eligible entity that receives a grant under this part shall use grant funds to carry out, in collaboration with teachers, principals, other school administrators, and members of the public, activities authorized under paragraph (2) that are designed to develop, implement, improve, or expand, consistent with this part—

“(A) a performance-based compensation system; and
“(B) a teacher and principal evaluation system.

“(2) AUTHORIZED ACTIVITIES.—An eligible entity receiving a grant under this part shall use grant funds for the following activities:

“(A) Developing or improving teacher and principal evaluation systems that reflect clear and fair measures of teacher and principal performance.

“(B) Paying, as part of a comprehensive performance-based compensation system, bonuses, and increased salaries, if the eligible entity uses an increasing share of non-Federal funds to pay the bonuses and increased salaries each year of the grant, to teachers and principals who—

“(i) have demonstrated effectiveness in raising student academic achievement;

“(ii) work in high-need schools; or

“(iii) work in a high-need subject, field, or geographic area.

“(C) Conducting outreach within a local educational agency or a State to gain input on how to construct the teacher and principal eval-
uation system and to develop support for such system.

“(e) DURATION OF GRANTS.—

“(1) IN GENERAL.—The Secretary may award a grant under this part for a period of not more than 5 years.

“(2) LIMITATION.—A local educational agency may receive (whether individually or as part of a consortium or partnership) a grant under this part only once.

“(f) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this part, including the distribution between rural and urban areas.

“(g) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each eligible entity that receives a grant under this part shall provide, over the course of the grant period, an increasing share of matching funds (which may be provided in cash or in kind) to carry out activities supported by the grant.

“(2) WAIVER.—The Secretary may waive the matching requirement under paragraph (1) for an eligible entity—
“(A) that consists of a high-need local educational agency; or

“(B) that is located in a rural area.

“(h) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this part shall be used to supplement, not supplant, other Federal, State, or local funds available to carry out the activities described in this part.

“PART D—ACHIEVEMENT THROUGH TECHNOLOGY AND INNOVATION

“SEC. 2401. SHORT TITLE.

“This part may be cited as the ‘Achievement Through Technology and Innovation Act of 2011’ or the ‘ATTAIN Act’.

“SEC. 2402. PURPOSES AND GOALS.

“The purposes and goals of this part are—

“(1) to ensure that through effective and innovative uses of technology that every student has access to personalized, rigorous, and relevant learning to meet the goals of this Act to raise student achievement, close the achievement gap, and ensure highly effective teaching, and to prepare all students to be technology literate and on track to college and career readiness for the 21st century digital economy;
“(2) to evaluate, build upon, and increase the use of evidence-based and innovative systemic education transformations that center on the use of technology that leads to school improvement, improved productivity, and increased student achievement;

“(3) to ensure that all educators are connected in an ongoing manner to technology-based and online resources and supports, including through enhanced ongoing, meaningful professional development to ensure that—

“(A) all educators are technology literate and effectively use technology to improve instruction; and

“(B) education administrators possess the capacity to—

“(i) provide leadership in the use of technology for systemic education transformation; and

“(ii) improve educational productivity;

“(4) to improve student engagement, opportunity, attendance, graduation rates, and technology access through enhanced or redesigned curriculum or instruction;
“(5) to more effectively collect and use student performance and other data in a timely manner to inform instruction, address individualized student needs, support school decisionmaking, and support school improvement and increased student achievement, including through delivery of computer-based and online assessments;

“(6) to enhance the use of technology, online and blended learning for systemic education transformation, including curricula redesign and new instructional strategies to personalize learning; and

“(7) to increase education productivity and reduce costs through the use of technology, blended learning and online learning, including for the delivery of online assessments.

“SEC. 2403. DEFINITIONS.

“In this part:

“(1) BLENDED LEARNING.—The term ‘blended learning’ means the combination of online learning and traditional in-person classroom instruction, or technology-based learning, in a supervised classroom setting.

“(2) EDUCATIONAL PRODUCTIVITY.—The term ‘educational productivity’ means student educational
opportunities and outcomes or relative costs and expenditures of education.

“(3) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ includes a consortium of local educational agencies.

“(4) STUDENT TECHNOLOGY LITERACY.—The term ‘student technology literacy’ means student knowledge and skills in using contemporary information, communication, and learning technologies in a manner necessary for successful employment, lifelong learning, and citizenship in the knowledge-based, digital, and global 21st century, as further defined by the State educational agency, which includes, at a minimum, the ability—

“(A) to effectively communicate and collaborate;

“(B) to analyze and solve problems;

“(C) to access, evaluate, manage, and create information and otherwise gain information literacy;

“(D) to demonstrate creative thinking, construct knowledge, and develop innovative products and processes; and

“(E) to do so in a safe and ethical manner.
“(5) Systemic education transformation.—The term ‘systemic education transformation’ means the redesign of educational policies, practices, and resources through technology and blended learning to improve student engagement and educational opportunities, personalize learning, and improve educational productivity, including the redesign of curriculum, instruction, data systems, assessment, teacher evaluation, and the use of instructional time and location.

“SEC. 2404. ALLOCATION OF FUNDS; LIMITATION; TRIGGER.

“(a) Allocation of Funds Between State and Local Initiatives.—The funds made available to carry out this part shall be available to carry out subparts 1 and 2, as described in subsection (c).

“(b) Limitation.—

“(1) Local Administrative Costs.—Of the funds made available to a local educational agency under this part for a fiscal year, not more than 3 percent may be used by the local educational agency for administrative costs.

“(2) State Administrative Costs.—Of the funds made available to a State educational agency under section 2412(a)(1)(A), not more than 60 per-
cent may be used by the State educational agency for administrative costs.

“(c) TRIGGER.—For fiscal years—

“(1) for which the amount appropriated to carry out this part is less than $300,000,000, all funds available to carry out this part shall be available to carry out subpart 2; and

“(2) for which the amount appropriated to carry out this part equals or is more than $300,000,000, all funds available to carry out this part shall be available to carry out subpart 1.

“Subpart 1—State and Local Grants

“SEC. 2411. ALLOTMENT AND REALLOTMENT.

“(a) Reservations and Allocation.—From the amount made available to carry out this subpart under section 2404(c)(2) for a fiscal year—

“(1) the Secretary shall reserve—

“(A) three-quarters of 1 percent for the Secretary of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Education; and

“(B) one-half of 1 percent to provide assistance under this subpart to the outlying areas; and
“(2) subject to subsection (b), the Secretary shall use the remainder to award grants by allotting to each State educational agency an amount that bears the same relationship to such remainder for such year as the amount received under part A of title I for such year by such State educational agency bears to the amount received under such part for such year by all State educational agencies.

“(b) Minimum Allotment.—The amount of any State educational agency’s allotment under subsection (a)(2) for any fiscal year shall not be less than one-half of 1 percent of the amount made available for allotments to State educational agencies under this subpart for such year.

“(c) Reallocation of Unused Funds.—The Secretary shall reallocate any unused amount of a State educational agency’s allotment to the remaining State educational agencies that use their entire allotments under this subpart in accordance with this section.

“SEC. 2412. USE OF ALLOTMENT BY STATE.

“(a) In General.—

“(1) In General.—Of the amount provided to a State educational agency under section 2411(a)(2) for a fiscal year—
“(A) the State educational agency may use not more than 5 percent of such amount or $100,000, whichever amount is greater, to carry out activities under section 2414; and

“(B) the State educational agency shall distribute the remainder in accordance with paragraphs (2) and (3).

“(2) DISTRIBUTION OF REMAINDER.—The State educational agency shall—

“(A)(i) use 60 percent of the remainder to award Improving Teaching and Learning through Technology subgrants to local educational agencies having applications approved under section 2415(c) for the activities described in section 2416(b); and

“(ii) allot to each such local educational agency an amount that bears the same relationship to 60 percent of the remainder for such year as the amount received under part A of title I for such year by such local educational agency bears to the amount received under such part for such year by all local educational agencies within the State, subject to subsection (b)(2); and
“(B) use 40 percent of the remainder to award Systemic Education Transformation through Technology Integration subgrants, through a State-determined competitive process, to local educational agencies having applications approved under section 2415(b) for the activities described in section 2416(a).

“(3) Option in Years with Insufficient Amounts Appropriated.—If the amount provided to a State educational agency under section 2411(a)(2) for a fiscal year is not large enough to provide every local educational agency with a minimum subgrant under subsection (b)(2), the State educational agency may distribute 100 percent of the remainder described in paragraph (1)(B) as either formula grants under paragraph (2)(A) or competitive grants under paragraph (2)(B).

“(b) Sufficient Amounts.—

“(1) Special rule.—In awarding subgrants under subsection (a)(2)(B), the State educational agency shall—

“(A) ensure the subgrants are of sufficient size and scope to be effective, consistent with the purposes of this part;
“(B) ensure subgrants are of sufficient duration to be effective, consistent with the purposes of this part, including by awarding subgrants for a period of not less than 2 years that may be renewed for not more than an additional 1 year;

“(C) give preference in the awarding of subgrants, and the providing of all technical assistance, to local educational agencies that serve schools in need of improvement, as identified under section 1116, including those schools with high populations of—

“(i) English learners;

“(ii) students with disabilities; or

“(iii) other subgroups of students who have not met the State’s student academic achievement standards; and

“(D) ensure an equitable distribution among urban and rural areas of the State, according to the demonstrated need for assistance under this subpart of the local educational agencies serving the areas.

“(2) Minimum formula-based subgrant.—

The amount of any local educational agency’s
subgrant under subsection (a)(2)(A) for any fiscal year shall be not less than $3,000.

“(c) REALLOTTMENT OF UNUSED FUNDS.—If any local educational agency does not apply for a subgrant under subsection (a) for a fiscal year, or does not use the local educational agency’s entire allotment under this subpart for such fiscal year, the State shall reallocate any unused funds to the remaining local educational agencies.

“SEC. 2413. STATE APPLICATIONS.

“(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may specify, an application containing the contents described in subsection (b) and such other information as the Secretary may reasonably require.

“(b) CONTENTS.—Each State educational agency application submitted under subsection (a) shall include each of the following:

“(1) A description of how the State educational agency will support local educational agencies that receive subgrants under this subpart in meeting the purposes and goals of this part and the requirements of this subpart, including through technical assistance in using technology to redesign curriculum and
instruction, improve educational productivity, and deliver computer-based and online assessment.

“(2) A description of the State educational agency’s long-term goals and strategies for improving student academic achievement, including student technology literacy, through the effective use of technology.

“(3) A description of the priority area upon which the State educational agency will focus its assistance under this subpart, which shall be identified from among the core academic subjects, grade levels, and student subgroup populations with the largest achievement gaps in the State.

“(4) A description of how the State educational agency will support local educational agencies to implement, professional development programs pursuant to section 2416(b)(1)(A).

“(5) A description of how the State educational agency will ensure that teachers, paraprofessionals, school librarians, and administrators possess the knowledge and skills to use technology—

“(A) for curriculum redesign to change teaching and learning and improve student achievement;
“(B) for assessment, data analysis, and to personalize learning;

“(C) to improve student technology literacy; and

“(D) for their own ongoing professional development and for access to teaching resources and tools.

“(6) A description of the process, activities, and performance measures that the State educational agency will use to evaluate the impact and effectiveness of activities described in section 2414.

“(7) Identification of the State college and career ready academic content standards and college and career ready student academic achievement standards that the State educational agency will use to ensure that each student is technologically literate consistent with the definition of student technology literacy, and a description of how the State educational agency will assess student performance in gaining technology literacy, only for the purpose of tracking progress towards achieving the 8th grade technology literacy goal and not for meeting adequate yearly progress goals, including through embedding such assessment items in other State tests or performance-based assessments portfolios, or
through other valid and reliable means. Nothing in this subpart shall be construed to require States to develop a separate test to assess student technology literacy.

“(8) An assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds.

“(9) A description of how the State educational agency consulted with local educational agencies in the development of the State application.

“SEC. 2414. STATE ACTIVITIES.

“(a) MANDATORY ACTIVITIES.—From funds made available under section 2412(a)(1)(A), a State educational agency shall carry out each of the following activities:

“(1) Identify the State college and career ready academic content standards and college and career ready student academic achievement standards that the State educational agency will use to ensure that each student is technologically literate consistent with the definition of student technology literacy.

“(2) Assess student performance in gaining technology literacy consistent with paragraph (1), including through embedding such assessment items in other State tests, performance-based assessments, or portfolios, or through other means, except that such
assessments shall be used only to track student technology literacy and shall not be used to determine adequate yearly progress, and widely disseminate such results.

“(3) Provide guidance, technical assistance, and other assistance, including in the priority area identified by the State pursuant to section 2413(b)(3), in using technology to improve teaching and redesign curriculum and instruction, improve educational productivity, and deliver computer-based and online assessment, and in submitting applications for funding under this part to high-need local educational agencies—

“(A) with the highest percentage or number of—

“(i) students not achieving at the State proficiency level; and

“(ii) student populations described in section 2412(b)(1)(C); and

“(B) serving schools identified as in need of improvement under section 1116.

“(b) PERMISSIVE ACTIVITIES.—From funds made available under section 2412(a)(1)(A), a State educational agency may carry out 1 or more of the following activities that assist local educational agencies:

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“(1) State leadership activities and technical assistance that support achieving the purposes and goals of this part.

“(2) Developing or utilizing research-based or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies.

“(3) Providing, or supporting local educational agencies in providing, sustained and intensive, high-quality professional development pursuant to section 2416(b)(1)(A).

“(4) Assessing student performance in gaining technology literacy consistent with subsection (a)(2), including through embedding such assessment items in other State tests, performance-based assessments, or portfolios, or through other means.

“SEC. 2415. LOCAL APPLICATIONS.

“(a) IN GENERAL.—Each local educational agency desiring a subgrant under this subpart shall submit to the State educational agency an application containing a new or updated local long-range strategic educational technology plan, and such other information as the State educational agency may reasonably require that shall include each of the following:
“(1) A description of how the local educational agency will align and coordinate the local educational agency’s use of funds under this subpart with—

“(A) the local educational agency’s efforts to boost student achievement and close achievement gaps;

“(B) the local educational agency’s technology plan;

“(C) the local educational agency’s plans and activities for improving student achievement, including plans and activities under sections 1111, 1112, 1116, and 2123, as applicable; and

“(D) funds available from other Federal, State, and local sources.

“(2) An assurance that financial assistance provided under this subpart will supplement, and not supplant, other funds available to carry out activities assisted under this subpart.

“(3) A description of the process used to assess and, as needed, update technologies throughout the local educational agency.

“(4) Such other information as the State educational agency may reasonably require.
“(b) Competitive Grants; Systemic Education Transformation Through Technology Integration.—In addition to the information described in subsection (a), a local educational agency submitting an application for a Systemic Education Transformation Through Technology Integration subgrant shall submit to the State educational agency an application containing each of the following:

“(1) A description of how the local educational agency will use the subgrant funds to implement systemic education transformation, which is a comprehensive set of programs, practices, and technologies to improve student achievement and close achievement gaps that—

“(A) collectively lead to school or school district change and improvement, including in the use of technology; and

“(B) incorporate all of the following elements:

“(i) Reform or redesign of curriculum, instruction, assessment, use of data, or other practices through the use of technology in order to increase student learning opportunity, and engagement in learning.
“(ii) Improvement of educator quality, knowledge and skills, and effectiveness through ongoing, sustainable, timely, and contextual professional development described in section 2416(b)(1)(A).

“(iii) Ongoing use of formative and other assessments and other timely data sources and data systems to more effectively identify individual student learning needs and personalize learning.

“(iv) Engagement of school district leaders, school leaders, and classroom educators.

“(v) Programs, practices, and technologies that are based on scientific research.

“(2) An assurance that the local educational agency will use not less than 25 percent of the subgrant funds to implement a program of professional development described in section 2416(b)(1)(A).

“(3) A description of how the local educational agency will evaluate the impact of 1 or more programs or activities carried out under this subpart.
“(c) Formula Grants; Improving Teaching and Learning Through Technology.—In addition to the information described in subsection (a), a local educational agency submitting an application for an Improving Teaching and Learning Through Technology subgrant shall submit to the State educational agency an application containing each of the following:

“(1) An assurance that the local educational agency will use not less than 40 percent of the subgrant funds for ensuring educators, including teachers and administrators, are technology literate, prepared to use technology to improve the curriculum and instruction, and are connected online to supports and resources, including for—

“(A) professional development described in section 2416(b)(1)(A); and

“(B) to provide educators with ongoing access to technology tools, applications, supports and other resources, including those related specifically to such professional development activities.

“(2) A description of the local educational agency’s program of professional development described in section 2416(b)(1)(A).
“(3) A description of the use of technology tools, applications, and other resources to improve student learning and achievement in the area of priority identified under paragraph (4).

“(4) A description of the priority area subgrant funds will target, identified from among the core academic subjects, grade levels, and student subgroup populations in which the most number of students served by the local educational agency are not proficient.

“(5) A description of how funds will be used to integrate technology to redesign the curriculum or instruction, implement computer-based and online assessments, improve use of data to personalize learning, or improve education productivity.

“(d) COMBINED APPLICATIONS.—A local educational agency that submits an application under subsection (b), may, upon notice to the State educational agency, submit a single application that will also be considered as an application for subgrant funds awarded under subsection (c), if the application addresses each application requirement under subsections (a), (b), and (c).

“SEC. 2416. LOCAL ACTIVITIES.

“(a) COMPETITIVE GRANTS; SYSTEMIC EDUCATION TRANSFORMATION THROUGH TECHNOLOGY INTEGRA-
TION.—A local educational agency that receives funds through a subgrant under section 2412(a)(2)(B), shall carry out activities to improve student learning, technology literacy, and achievement, as follows:

“(1) Use not less than 5 percent of such funds to evaluate the impact of 1 or more programs or activities carried out under the subgrant as identified in the local educational agency’s application and approved by the State educational agency.

“(2) Use funds remaining after carrying out paragraph (1) to implement a plan for systemic education transformation in 1 or more schools, in accordance with section 2415(b)(1), including each of the following:

“(A) Using not less than 25 percent of subgrant funds to ensure educators, including teachers and administrators, are technology literate, prepared to use technology to improve the curriculum and instruction, and are connected online to supports and resources, including through the following:

“(i) Professional development activities, as described in subsection (b)(1)(A).

“(ii) The acquisition and implementation of technology tools, applications, and
other resources to provide educators with
ongoing access and support, including for
use in the professional development activi-
ties described in clause (i).

“(B) Acquiring and effectively imple-
menting technology tools, applications, and
other resources in conjunction with enhancing
or redesigning the curriculum or instruction in
order to—

“(i) increase student learning oppor-
tunity or access, student engagement in
learning, or student attendance or gradua-
tion rates;

“(ii) improve student achievement in
1 or more of the core academic subjects;

and

“(iii) improve student technology lit-
eracy.

“(C) Acquiring and effectively imple-
menting technology tools, applications, and
other resources to—

“(i) conduct ongoing formative and
other assessments and use other timely
data sources and data systems to more ef-
fectively identify and address individual
student learning needs;

“(ii) support personalized student
learning, including through instructional
software and digital content that supports
the learning needs of each student, or
through providing access to high-quality
courses and instructors otherwise not avail-
able except through technology and online
learning; and

“(iii) conduct other activities con-
sistent with research-based or innovative
systemic education transformation, includ-
ing activities that increase parental in-
volvement.

“(b) FORMULA GRANTS; IMPROVING TEACHING AND
LEARNING THROUGH TECHNOLOGY.—A local educational
agency that receives funds through a subgrant under sec-
tion 2412(a)(2)(A), shall carry out activities to improve
student learning, technology literacy, and achievement in
the area of priority identified under section 2415(c)(4),
as follows:

“(1) Use not less than 40 percent of such funds
for professional development activities that are
aligned with activities supported under section 2123
to improve educator effectiveness and quality through support for the following:

“(A) Training of school personnel, which—

“(i) shall include the development, acquisition, or delivery of—

“(I) training that is ongoing, sustainable, timely, and directly related to up-to-date teaching content areas;

“(II) training in strategies and pedagogy in the core academic subjects that involve use of technology and curriculum redesign as key components of changing teaching and learning and improving student achievement and technology literacy;

“(III) training in the use of computer-based and online assessments, and in the use of student performance and other data to individualized instruction;

“(IV) training that includes ongoing communication and follow-up with instructors, facilitators, and peers; and

“(ii) may include—
“(I) the use of, and training of, instructional technology specialists, mentors, master teachers, or coaches to serve as experts and train other teachers in the effective use of technology; and

“(II) the use of technology, such as distance learning and online virtual educator-to-educator peer communities, as a means for delivering professional development.

“(B) The acquisition and implementation of technology tools, applications, and other resources to be employed in the professional development activities described in subparagraph (A).

“(2) Use funds remaining after carrying out paragraph (1) to acquire or implement technology tools, applications, and other resources to improve student learning, technology literacy, and achievement in the area of priority identified by the local educational agency, including through 1 or more of the following:

“(A) Conducting ongoing formative assessment and using other timely data sources and
data systems to more effectively identify and address individual student learning needs.

“(B) Supporting personalized student learning, including through instructional software and digital content that supports the learning needs of each student, or through providing access to high-quality courses and instructors not otherwise available except through technology such as online learning.

“(C) Increasing parental involvement through improved communication with teachers and access to student assignments and grades.

“(D) Enhancing accountability, instruction, and data-driven decisionmaking through data systems that allow for management, analysis, and disaggregating of student, teacher, and school data.

“(E) Such other activities as are appropriate and consistent with the goals and purposes of this part.

“(c) MULTIPLE GRANTS.—A local educational agency that receives subgrants under both subparagraph (A) and subparagraph (B) of section 2412(a)(2) may use all such subgrant funds for activities authorized under subsection (a).
“Subpart 2—State Competitive Grants

“SEC. 2421. STATE COMPETITIVE GRANTS.

“(a) In General.—From the amount made available to carry out this subpart under section 2404(c)(1) for a fiscal year, the Secretary shall award grants to consortia of State educational agencies having applications approved under subsection (b) for the activities described in subsection (d).

“(b) State Consortia Applications.—

“(1) In General.—To be eligible to receive a grant under this subpart, a consortium of State educational agencies shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require, including the information described in paragraph (2).

“(2) Contents.—An application submitted by a consortium of State educational agencies for a grant under this subpart shall include the following:

“(A) An identification of the States included in the consortium, and which State will act as both fiscal agent and lead grant administrator.

“(B) A description of how the consortium will support local educational agencies in achieving the absolute priority of supporting en-
hanced use of technology, including online and
blended learning for systemic education trans-
formation, curricula redesign, and new instruc-
tional strategies to personalize learning.

“(C) An identification of an additional pri-
ority the consortium will address and a descrip-
tion of how the State educational agencies will
support local educational agencies in achieving
the priority. Such priority shall be 1 or more of
the following:

“(i) Preparing for and administering
State assessments online.

“(ii) Using technology and blended
learning.

“(iii) Preparing the capacity of ad-
ministrators and other education leaders to
lead systemic education transformation
through technology.

“(D) A brief description of each State edu-
cational agency’s long-term goals and strategies
for improving student academic achievement,
including student technology literacy, through
the effective use of technology, and how the
grant will support that plan’s implementation
and student achievement.
“(E) A description of how the State educational agencies will use grant funds to improve the ability of educators, including teachers and administrators, to more effectively use technology.

“(F) A description of the process, activities, and performance measures that the State educational agencies will use to evaluate the impact and effectiveness of activities and to disseminate those findings across the State and to other States outside the consortium.

“(G) An identification of the State college and career ready academic content standards that the State educational agencies will use to ensure that each student is technology literate.

“(H) An assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds available for activities described in this subpart.

“(I) A description of how the State educational agencies consulted with local educational agencies in the development of the application.
“(J) A description of the process the State educational agencies will use to competitively award subgrants under this subpart.

“(K) A description of how the State educational agencies will coordinate activities carried out with funds under this subpart with other Federal, State, and local funds and activities in order to leverage their impact beyond what could be accomplished directly with grant funds.

“(L) Assurances that the following conditions have been met by each State in the consortium, which shall include a description of how such conditions have been met in each such State, or, in the instance that such conditions have not been met, a description each State’s plan for meeting such conditions:

“(i) Student advancement and graduation are based on demonstrated competency regardless of seat-time, or time spent in a traditional classroom.

“(ii) The State has ensured that all students have access to high-quality digital content and online courses without arbi-
trary caps or other limitations on enrollment in online learning.

“(iii) Teacher certification or licensure requirements of the State require educators to be technology literate, including the ability to—

“(I) integrate technology into curriculum, instruction, and assessment;

“(II) use data to personalize learning; or

“(III) teach online.

“(iv) The State allows the use of State funds for technology tools and applications, if appropriate, to meet program goals and requirements, including ensuring that the State’s rules support adoption of electronic learning materials, including allowance that materials may be updated in an ongoing manner and can be acquired through subscription.

“(v) The State’s learning standards include student technology literacy standards, and the State’s learning performance
standards assess student technology literacy.

“(c) AWARDS.—

“(1) IN GENERAL.—In awarding grants under this subpart, the Secretary shall ensure the grants—

“(A) are of sufficient size and duration to be effective;

“(B) are distributed among States of diverse geographic locations and populations; and

“(C) serve students attending high-need schools.

“(2) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to applications from consortia in which each State has met, or has proposed a detailed plan with specific timelines to meet, all of the following conditions:

“(A) Assessments in the State are delivered online and may be taken when students have completed a particular course or unit of instruction, not at a specified time and date.

“(B) The State has signed teacher certification reciprocity agreements with 1 or more other States, including for online instruction.

“(C) Postsecondary and other teacher training institutions are required to provide, or
supported in providing, training in online and
blended instruction.

“(D) The State directly supports tech-
ology tools and applications and ensures that
all students and teachers have high-speed ac-
cess to the Internet.

“(E) The State supports policies or plans
facilitating the use of student owned devices in
schools or that facilitate home access to digital
content.

“(F) The States have plans that support
students with disabilities, advanced learners,
below-grade-level learners, and English learners.

“(d) STATE CONSORTIUM USE OF FUNDS.—A State
educational agency consortium that receives a grant under
this subpart shall—

“(1) allocate not less than 75 percent of grant
funds to local educational agencies to carry out the
activities described in the consortium’s application;
and

“(2) use the funds remaining after carrying out
paragraph (1) for State-level activities, as described
in the consortium’s application, including—

“(A) assessing the impact of grant funds;
and
“(B) disseminating the findings of the con-
sortium throughout the consortium and nation-
ally.

“Subpart 3—Internet Safety

“SEC. 2431. INTERNET SAFETY.

“(a) In General.—No funds made available under
this part to a local educational agency for an elementary
school or secondary school that does not receive services
at discount rates under section 254(h)(5) of the Commu-
nications Act of 1934 (47 U.S.C. 254(h)(5)) may be used
to purchase computers used to access the Internet, or to
pay for direct costs associated with accessing the Internet,
for such school unless the school, school board, local edu-
cational agency, or other authority with responsibility for
administration of such school both—

“(1)(A) has in place a policy of Internet safety
for minors that includes the operation of a tech-
ology protection measure with respect to any of its
computers with Internet access that protects against
access through such computers to visual depictions
that are—

“(i) obscene;

“(ii) child pornography; or

“(iii) harmful to minors; and
“(B) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

“(2)(A) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

“(i) obscene; or

“(ii) child pornography; and

“(B) is enforcing the operation of such technology protection measure during any use of such computers.

“(b) Timing and Applicability of Implementation.—

“(1) IN GENERAL.—The local educational agency with responsibility for a school covered by subsection (a) shall certify the compliance of such school with the requirements of subsection (a) as part of the application process for each program funding year.

“(2) Process.—

“(A) Schools with Internet Safety Policies and Technology Protection
MEASURES IN PLACE.—A local educational agency with responsibility for a school covered by subsection (a) that has in place an Internet safety policy meeting the requirements of subsection (a) shall certify its compliance with subsection (a) during each annual program application cycle under this Act.

“(B) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—

“(i) CERTIFICATION.—A local educational agency with responsibility for a school covered by subsection (a) that does not have in place an Internet safety policy meeting the requirements of subsection (a) for each year in which the local educational agency is applying for funds for such school under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements.

“(ii) INELIGIBILITY.—Any school covered by subsection (a) for which the local educational agency concerned is unable to
certify compliance with such requirements for a year shall be ineligible for all funding under this part for such year and all subsequent years until such time as such school comes into compliance with such requirements.

“(c) Disabling During Certain Use.—An administrator, supervisor, or person authorized by the responsible authority under subsection (a) may disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes.

“(d) Noncompliance.—

“(1) Use of General Education Provisions Act Remedies.—Whenever the Secretary has reason to believe that any recipient of funds under this part is failing to comply substantially with the requirements of this section, the Secretary may—

“(A) withhold further payments to the recipient under this part;

“(B) issue a complaint to compel compliance of the recipient through a cease and desist order; or

“(C) enter into a compliance agreement with a recipient to bring it into compliance with such requirements,
in same manner as the Secretary is authorized to
take such actions under sections 455, 456, and 457,
respectively, of the General Education Provisions
Act.

“(2) RECOVERY OF FUNDS PROHIBITED.—The
actions authorized by paragraph (1) are the exclu-
sive remedies available with respect to the failure of
a school to comply substantially with a provision of
this section, and the Secretary shall not seek a re-
covery of funds from the recipient for such failure.

“(3) RECOMMENCEMENT OF PAYMENTS.—
Whenever the Secretary determines (whether by cer-
tification or other appropriate evidence) that a re-
cipient of funds who is subject to the withholding of
payments under paragraph (1)(A) has cured the fail-
ure providing the basis for the withholding of pay-
ments, the Secretary shall cease the withholding of
payments to the recipient under that paragraph.

“(e) DEFINITIONS.—In this subpart:

“(1) ACCESS TO INTERNET.—A computer shall
be considered to have access to the Internet if such
computer is equipped with a modem or is connected
to a computer network that has access to the Inter-
net.
“(2) ACQUISITION OR OPERATION.—An elementary school or secondary school shall be considered to have received funds under this part for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly—

“(A) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

“(B) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

“(3) CHILD PORNOGRAPHY.—The term ‘child pornography’ has the meaning given that term in section 2256 of title 18, United States Code.

“(4) COMPUTER.—The term ‘computer’ includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

“(5) HARMFUL TO MINORS.—The term ‘harmful to minors’ means any picture, image, graphic image file, or other visual depiction that—

“(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
“(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

“(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

“(6) MINOR.—The term ‘minor’ means an individual who has not attained the age of 17.

“(7) OBSCENE.—The term ‘obscene’ has the meaning applicable to that term under section 1460 of title 18, United States Code.

“(8) SEXUAL ACT AND SEXUAL CONTACT.—The terms ‘sexual act’ and ‘sexual contact’ have the meanings given those terms in section 2246 of title 18, United States Code.

“(f) SEVERABILITY.—If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.”.
TITLE III—LANGUAGE AND ACADEMIC CONTENT INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

SEC. 3001. REORGANIZATION.

Title III (20 U.S.C. 6801 et seq.) is amended—

(1) in the title heading, by striking “LIMITED ENGLISH PROFICIENT” and inserting “ENGLISH LEARNERS”;

(2) by striking sections 3001 and 3122;

(3) by redesignating sections 3123 through 3129 as sections 3122 through 3128, respectively;

(4) by striking subpart 4 of part A;

(5) by striking part B;

(6) by redesignating sections 3301 through 3304 as sections 3201 through 3204, respectively; and

(7) by redesignating part C as part B.

SEC. 3002. PURPOSES.

Section 3102 (20 U.S.C. 6812) is amended to read as follows:

“SEC. 3102. PURPOSES.

“The purposes of this part are—
“(1) to support the provision of education to meet the needs of English learners and immigrant students and provide English learners and immigrant students with high-quality, evidence-based services, which also supplement services and supports provided under title I, to ensure that English learners, including those English learners who are also immigrants, acquire the English language proficiency and academic content knowledge they need to meet the State’s college and career ready academic content standards and for State academic assessments;

“(2) to support the efforts of State educational agencies and local educational agencies to enhance their capacity to provide high-quality educational programs that are effective for English learners and that reflect the diversity of the English learner population;

“(3) to support the efforts of teachers, school leaders, State educational agencies, and local educational agencies to develop and enhance the capacity and flexibility needed to—

“(A) provide evidence-based, linguistically and culturally appropriate services to assist English learners supported under this part in—
“(i) attaining English language proficiency; and

“(ii) meeting State college and career ready academic content standards;

“(B) implement such services effectively;

“(C) evaluate the impact of such services on student English language proficiency and academic content knowledge; and

“(D) modify such services as appropriate to meet the needs of students;

“(4) to ensure that rigorous and consistent standards, assessments, and State accountability systems are in place for programs serving English learners; and

“(5) to promote parental and community participation in language instruction educational programs in communities for parents of children who are English learners.”.

SEC. 3003. FORMULA GRANTS TO STATES.

Section 3111 (20 U.S.C. 6821) is amended—

(1) in subsection (b)—

(A) by striking paragraph (2) and inserting the following:

“(2) STATE ACTIVITIES.—
“(A) IN GENERAL.—Subject to subparagraph (B), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency’s allotment under subsection (c) to provide technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including in—

“(i) identifying and implementing effective and high-quality language instruction educational programs and curricula and academic content instruction programs that are based on scientifically valid research on teaching English learners;

“(ii) program evaluation to ensure that the language instruction educational programs and academic content instruction programs selected by subgrantees are appropriate for the needs of the English learners served;

“(iii) teacher and principal preparation, professional development activities, and other evidence-based activities, which may include activities that—
“(I) support the implementation of professional teaching standards and teacher evaluation systems for teachers of English learners; and

“(II) assist such teachers in meeting State and local certification and licensing requirements for teaching English learners;

“(iv) strengthening and increasing parent, family, and community engagement;

“(v) developing, enhancing, aligning, and implementing English language proficiency standards and assessments, particularly helping to ensure uniform implementation of English language proficiency standards within the State;

“(vi) providing recognition, which may include providing financial awards, to subgrantees that significantly improve the rate at which English learners acquire English language proficiency and are able to demonstrate the English language proficiency needed for core content mastery; and
“(vii) planning, evaluation, administration, and interagency coordination.

“(B) LIMITATION.—A State may use not more than 40 percent of the amount reserved under subparagraph (A) or $175,000, whichever is greater, for the activities described in subparagraph (A)(vii).”; and

(B) by striking paragraph (3); and

(2) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

“(1) RESERVATIONS.—From the amount appropriated under section 3(i) for each fiscal year, the Secretary shall reserve—

“(A) 0.5 percent or $5,000,000 of such amount, whichever is greater, for payments to eligible entities that are defined under section 3112(a) for activities, approved by the Secretary, consistent with this subpart;

“(B) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this subpart (as determined by the Secretary) for activities that are approved by
the Secretary and consistent with the purposes of this subpart; and

“(C) 6.5 percent of such amount for national activities under sections 3131, 3132, and 3203, except that not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and not more than $2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 3203.”;

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(D) in paragraph (2), as redesignated by subparagraph (C)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “3001(a)” and inserting “3(j)”;

(ii) by striking “limited English proficient children” and inserting “English learners”; and

(II) in clause (i)—

(aa) by striking “limited English proficient children” and inserting “English learners”; and
(bb) by inserting “, as determined by data available from the American Community Survey conducted by the Department of Commerce or State-reported data” after “children in all States”; and

(III) in clause (ii), by inserting “, as determined based only on data available from the American Community Survey conducted by the Department of Commerce” after “children and youth in all States”; and

(ii) by striking subparagraph (C) and inserting the following:

“(C) REALLOTMENT.—If any State educational agency described in subparagraph (A) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of this subpart, the Secretary shall reallocate any portion of such allotment to the remaining
State educational agencies in accordance with subparagraph (A).’’; and

(E) by striking paragraph (3), as redesignated by subparagraph (C), and inserting the following:

“(3) USE OF DATA FOR DETERMINATIONS.—In making State allotments under paragraph (2), for each fiscal year, the Secretary shall determine the number of English learners in a State and in all States, for each fiscal year, using the most accurate, up-to-date data, which may be—

“(A) data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;

“(B) the number of students assessed as not having attained English language proficiency, based on the State’s English language proficiency assessment under section 1111(a)(2)(D), which may be multiyear estimates; or

“(C) a combination of data available under subparagraphs (A) and (B).”.

"S 3578 PCS"
SEC. 3004. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

Section 3112 (20 U.S.C. 6822) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “Indian Affairs” and inserting “Indian Education of the Department of the Interior”;

(B) in paragraph (5), by striking “Indian Affairs” and inserting “Indian Education of the Department of the Interior”; and

(C) in paragraph (6), by striking “Indian Affairs” and inserting “Indian Education of the Department of the Interior” both places such term appears;

(2) in subsection (b), by striking “an entity that is considered to be an eligible entity under subsection (a), and that” and inserting “an eligible entity that”; and

(3) by striking subsection (c) and inserting the following:

“(c) SPECIAL RULES.—

“(1) INELIGIBILITY FOR MULTIPLE AWARDS FOR SAME PERIOD.—An eligible entity that receives a grant under this section shall not be eligible to receive a subgrant under section 3114 for the same period.
“(2) Native American Language Programs.—An eligible entity that receives a grant under this section may, in addition to other activities supported under this subpart, use the grant funds to support Native American language immersion programs and Native American language restoration programs, which may be taught by traditional or tribal leaders.”.

SEC. 3005. STATE EDUCATIONAL AGENCY PLANS.

Section 3113 (20 U.S.C. 6823) is amended to read as follows:

“SEC. 3113. STATE EDUCATIONAL AGENCY PLANS.

“(a) Plan Required.—Each State educational agency desiring a grant under this subpart shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) Contents.—Each plan submitted under subsection (a) shall—

“(1) describe the process that the agency will use in awarding subgrants to eligible entities under section 3114(d)(1);

“(2) describe the process by which, within a period established by the Secretary, the agency will establish uniform statewide criteria for local educational agencies to use in—
“(A) identifying English learners who need services under this part;

“(B) determining when such students no longer need those services; and

“(C) including the same standards of achievement for all English learners in all local educational agencies in the State;

“(3) describe the process through which the State educational agency will support local educational agencies in assisting English learners in acquiring proficiency in each of the 4 language domains of reading, writing, speaking, and listening, as measured by the State’s English language proficiency assessment;

“(4) provide an assurance that if the State adopts new academic content standards, the State educational agency will, not later than 1 year after the date of adoption of such standards—

“(A) update the State English language proficiency standards to ensure that such standards align with the new academic content standards; and

“(B) provide the Secretary with evidence of such alignment;
“(5) provide an assurance that the State
English language proficiency assessment system is
valid and reliable and meets the appropriate require-
ments of paragraph (10);

“(6) include criteria for defining the perform-
ance standard that students at lower levels of
English language proficiency must meet to attain
the level that the State defines as English language
proficient;

“(7) describe how the agency will coordinate
programs and activities carried out under this sub-
part with the other programs and activities that
such agency carries out under this Act;

“(8) describe how the agency will assist eligible
entities in increasing the extent to which English
learners acquire English language proficiency within
a reasonable time frame, as informed by evidence
and best practices;

“(9) provide an assurance that eligible entities
in the State will be given the flexibility to teach
English learners using a language instruction cur-
riculum that has been demonstrated to be effective,
consistent with section 3115(f);

“(10) describe how the agency will manage sub-
grants awarded under this subpart, including—
“(A) how the agency will ensure that subgrant funds are expended to support the provision of services to help English learners acquire the English language proficiency and the academic content knowledge they need to meet the State’s college and career ready academic content standards and to advance to postsecondary education and careers, which may include using a scientifically valid language instruction curriculum to improve language acquisition and content mastery for English learners;

“(B) how the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement under section 1111(a)(2)(B)(vi) to annually assess in English, children who have been in the United States for 3 or more consecutive years;

“(C) how the agency will monitor eligible entities receiving a subgrant under this part to ensure compliance with applicable Federal fiscal requirements, including the requirements under subsections (f) (g), and (h) of section 3115;

“(D) how the agency will, in awarding subgrants under section 3114, address the needs of
local educational agencies of all sizes and in all
geographic areas, including local educational
agencies that serve rural and urban schools;
and
“(E) an assurance that the agency will re-
quire an eligible entity receiving a subgrant
under this subpart to use the subgrant in ways
that will build such eligible entity’s capacity to
continue to offer high-quality language instruc-
tion educational programs and academic con-
tent instruction programs that assist English
learners in meeting State academic content and
student academic achievement standards to be-
come on track to college and career readiness;
“(11) provide an assurance that the State’s
English language proficiency standards are aligned
with the academic content and academic achieve-
ment standards described in section 1111; and
“(12) provide an assurance that the plan has
been developed in consultation with local educational
agencies, teachers, administrators of programs de-
scribed under this part, parents, family members,
and other relevant stakeholders.
“(c) APPROVAL.—The Secretary, after using a peer
review process, shall approve a plan submitted under sub-
section (a) if the plan meets the requirements of this sec-

“(d) DURATION OF PLAN.—

“(1) IN GENERAL.—Each plan submitted by a

State educational agency and approved under sub-

section (c) shall—

“(A) remain in effect for the duration of

the State educational agency’s participation

under this part; and

“(B) be periodically reviewed and revised

by the agency to reflect changes to the agency’s

strategies and programs carried out under this

part.

“(2) ADDITIONAL INFORMATION.—

“(A) AMENDMENTS.—If a State edu-

cational agency amends the plan approved

under subsection (c), the agency shall submit

the amendment to the Secretary.

“(B) APPROVAL.—The Secretary shall ap-

prove an amendment to an approved plan, un-

less the Secretary determines that the amend-

ment will result in the agency not meeting the

requirements, or fulfilling the purposes, of this

part.
“(e) Consolidated Plan.—A plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 9302.

“(f) Secretary Assistance.—The Secretary shall provide technical assistance, if requested, in the development of English language proficiency standards, objectives, and assessments.”.

SEC. 3006. WITHIN-STATE ALLOCATIONS.

Section 3114 (20 U.S.C. 6824) is amended—

(1) in subsection (a)—

(A) by striking “section 3111(c)(3)” and inserting “section 3111(c)(2)”;

(B) by inserting “, in a timely manner,” after “by allocating”; and

(C) by striking “limited English proficient children” and inserting “English learners” both places the term appears; and

(2) in subsection (d)—

(A) in paragraph (1), by striking “section 3111(c)(3)” and inserting “section 3111(c)(2)”;

and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “equally”; and

(II) by striking “and” at the end;
• redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

“(B) shall consider eligible entities that experience a significant increase in the percentage of immigrant children and youth served, and eligible entities that experience a significant increase in the number of immigrant children and youth served; and”.

SEC. 3007. SUBGRANTS TO ELIGIBLE ENTITIES.

Section 3115 (20 U.S.C. 6825) is amended to read as follows:

“SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.

“(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to supplement the education of English learners by helping them learn English and meet the State college and career ready academic content and student academic achievement standards. The eligible subgrantee shall carry out activities with such funds, using evidence-based approaches and methodologies that have been demonstrated to be effective for
teaching English learners and immigrant children and youth, for the following purposes:

“(1) Developing and implementing new language instruction educational programs and academic content instruction programs for such children and youth, including early childhood education and care programs, elementary school programs, and secondary school programs.

“(2) Carrying out highly focused, innovative, locally designed, evidence-based activities to expand or enhance existing language instruction educational programs and academic content instruction programs for such children and youth.

“(3) Implementing, within an individual school, whole school programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children and youth.

“(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs
and academic content instruction for such children
and youth.

“(b) ADMINISTRATIVE EXPENSES.—Each eligible en-
tity receiving funds under section 3114(a) for a fiscal year
may use not more than 2 percent of such funds for the
direct cost of administering this subpart.

“(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-
ble entity receiving funds under section 3114(a) shall use
the funds for 2 or more of the following activities:

“(1) Increasing the English language pro-
ficiency of English learners by providing high-quality
evidence-based language instruction educational pro-
grams and academic content instruction programs
that meet the needs of the specific English learners
served, and by identifying, acquiring, and upgrading
curricula, instructional materials, educational soft-
ware, and assessment practices that are proven ef-
fective in—

“(A) increasing English language pro-
ficiency;

“(B) increasing student academic achieve-
ment in the core academic subjects; and

“(C) supporting students so that the stu-
dents are college and career ready.
“(2) Providing high-quality professional development to teachers (including teachers of language instruction educational programs and academic content instruction programs, teachers of other academic subjects, and special education teachers), principals, administrators, and other school or community-based organization personnel that is—

“(A) designed to improve the instruction and assessment of English learners;

“(B) designed to enhance the ability of teachers and school leaders to understand and effectively implement curricula, assessment practices and measures, and instructional strategies for English learners;

“(C) aligned with the instructional program used by teachers that is responsive to the needs of the English learners served;

“(D) based on scientifically valid research demonstrating the effectiveness of the professional development in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers; and

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“(E) of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the performance of teachers in the classroom, except that this subparagraph shall not apply to an activity that is 1 component of a long-term, comprehensive professional development plan established by a teacher and the teacher’s supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate.

“(3) Carrying out other highly focused, evidence-based, proven effective activities and strategies that expand, enhance, or supplement existing language instruction educational programs and academic content instruction programs for English learners, including activities that enhance and increase parent, family, and community participation, maximize coordination and alignment among related programs, and build partnerships between schools and community-based early learning programs serving English learners.
“(d) Authorized Subgrantee Activities.—Subject to subsection (e), an eligible entity receiving funds under section 3114(a) may use the funds to achieve 1 of the purposes described in subsection (a) by undertaking 1 or more of the following activities:

“(1) Upgrading program objectives and effective instruction strategies.

“(2) Providing to English learners—

“(A) tutorials and academic or career and technical education; and

“(B) intensified instruction.

“(3) Developing and implementing preschool, elementary school, or secondary school language instruction educational programs and academic content instruction programs that are coordinated with other relevant programs and services.

“(4) Improving the English language proficiency and academic achievement of children who are English learners.

“(5) Improving the instruction of English learners, including English learners who are children with disabilities, by providing for—

“(A) the acquisition or development of educational technology or instructional materials;
“(B) access to, and participation in, electronic networks for materials, training, and communication; and

“(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as curricula and programs funded under this subpart.

“(6) Providing community participation programs, family literacy activities, and parent and family outreach and training activities to children who are English learners and their families—

“(A) to improve the English language skills of children who are English learners; and

“(B) to assist parents in—

“(i) helping their children to improve their academic achievement; and

“(ii) becoming active participants in the education of their children.

“(7) Carrying out other activities that are consistent with the purposes of this subpart.

“(e) Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth.—

“(1) In general.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds
to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

“(A) family literacy, parent and family outreach, and leadership development activities designed to assist parents and family members in becoming engaged participants in the education and development of their children;

“(B) support for personnel, including para-professionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

“(C) the provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

“(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds awarded under section 3114(a);

“(E) basic instructional services that are directly attributable to the presence in the local educational agency involved of immigrant children and youth, including the payment of costs
of providing additional classroom supplies and
costs of transportation;

“(F) such other costs that are directly at-
tributable to such additional basic instructional
services or that are designed to assist immi-
grant children and youth to achieve in elemen-
tary schools and secondary schools in the
United States, such as programs of introduction
to the educational system and civics education;
and

“(G) activities, coordinated with commu-

“(2) DURATION OF SUBGRANTS.—The duration
of a subgrant made by a State educational agency
under section 3114(d)(1) shall be determined by the
agency in its discretion.

“(f) SELECTION OF METHOD OF INSTRUCTION.—
“(1) IN GENERAL.—An eligible entity receiving a subgrant from a State educational agency under this subpart shall select 1 or more methods or forms of instruction to be used in the programs and activities undertaken by the entity in assisting English learners in attaining English language proficiency and meeting State academic content and student academic achievement standards, to be on track to college and career readiness.

“(2) CONSISTENCY.—The selection of methods or forms of instruction, as described under paragraph (1), shall be consistent with sections 3124 through 3126.

“(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

“(h) PROHIBITION ON USE OF FUNDS.—A subgrantee shall not use subgrant funds received under this subpart for services that are required to be provided to English learners as a result of—
“(1) a letter of findings, issued by the Assistant Secretary for Civil Rights, indicating that the sub-
grantee’s program and services do not meet the legal requirements under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), unless the sub-
grantee has appealed the findings or entered into settlement discussions designed to lead to a resolu-
tion agreement with the Assistant Secretary for Civil Rights pursuant to section 100.7(d) of title 34, Code of Federal Regulations; or

“(2) a Federal court order resulting from litiga-
tion in the Federal courts, except where the litiga-
tion commences with a complaint filed with an ac-
companying consent decree, to enforce title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or section 204(f) of the Equal Educational Oppor-
tunities Act of 1974 (20 U.S.C. 1703(f)).”.

SEC. 3008. LOCAL PLANS.

Section 3116 (20 U.S.C. 6826) is amended to read as follows:

“SEC. 3116. LOCAL PLANS.

“(a) PLAN REQUIRED.—Each eligible entity desiring a subgrant from a State educational agency under section 3114 shall submit a plan to the State educational agency
at such time, in such manner, and containing such infor-
mation as the State educational agency may require.

“(b) CONTENTS.—Each plan submitted under sub-
section (a) shall—

“(1) describe the scientifically valid programs
and activities proposed to be developed, imple-
mented, and administered under the subgrant, in-
cluding how such programs and activities will sup-
plement programs intended to enable children to
speak, read, write, and comprehend the English lan-
guage, meet State academic content and student
academic achievement standards, and graduate high
school ready for college and careers;

“(2) describe how the eligible entity will hold el-
ementary schools and secondary schools receiving
funds under this subpart accountable for—

“(A) assessing annually, in accordance
with section 1111, the English language pro-
ficiency of all English learners participating in
programs funded under this subpart; and

“(B) meeting timelines, progress criteria,
and performance targets for English learners in
order to ensure that such children served by the
programs carried out under this part—
“(i) develop proficiency in English;

and

“(ii) master the academic content knowledge they need to meet the State’s college and career ready academic content standards under section 1111(a)(1);

“(3) describe how the eligible entity will promote family and community member engagement;

“(4) describe how the eligible entity will consult with teachers, researchers, school administrators, parents, family and community members, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing and implementing such plan;

“(5) describe how language instruction educational programs and academic content instruction programs carried out under the subgrant will ensure that English learners being served by the programs develop English language proficiency and demonstrate such proficiency through academic content mastery;

“(6) ensure that activities supported by funds allocated to individual schools are described in any general local school level-plan required by the eligible
entity, and in the absence of a required school-level plan, such activities are described in a separate school-level title III activity plan; and

“(7) contain an assurance that—

“(A) the eligible entity is not in violation of State law, including State constitutional law, regarding the education of English learners, consistent with sections 3124 through 3128;

“(B) each local educational agency that is included in the eligible entity complies with section 3202 prior to, and throughout, each school year; and

“(C) systemic improvements for meeting the needs of English learners and targeting funds to particular concentrations of English learners were considered in developing such plan.

“(c) TEACHER ENGLISH FLUENCY.—Each eligible entity receiving a subgrant under this subpart shall include in its plan a certification that all teachers in any language instruction educational program for English learners that is, or will be, funded under this part are fluent in the languages used for instruction, including having written and oral communications skills.”.
SEC. 3009. EVALUATIONS.

Section 3121 (20 U.S.C. 6841) is amended to read as follows:

"SEC. 3121. EVALUATIONS.

(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with an evaluation of programs and services supported under this title, in a form prescribed by the agency, that includes—

(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years, including how such programs and activities supplemented programs funded primarily with State or local funds;

(2) a description of the progress made by English learners in improving their English language proficiency, in meeting the State’s academic content and student academic achievement standards, and in graduating from high school ready for college and careers;

(3) the number and percentage of English learners participating in the programs and activities supported by funds provided under this part, who by
the end of each school year, attain English language
proficiency in each of the 4 domains of reading,
writing, speaking, and listening, as determined by
the State’s English language proficiency assessment
and the number who exit the language instruction
educational programs based on their attainment of
English language proficiency on such assessment;
“(4) a description of the progress made by
former English learners in meeting the State’s aca-
demic content and student academic achievement
standards and in graduating from high school and
being college and career ready, for each of the 3
years after such individuals are no longer receiving
services under this part; and
“(5) the number and percentage of English
learners who have not attained English language
proficiency within 5 years of first enrollment in the
local educational agency and initial classification as
English learners.
“(b) USE OF EVALUATION.—An evaluation provided
by an eligible entity under subsection (a) shall be used
by the entity and the State educational agency—
“(1) to assess the progress of children in at-
taining English language proficiency, including—
“(A) a child’s level of speaking, listening, reading, and writing skills in English; and

“(B) a child’s progress in attaining the State student academic achievement and college and career readiness standards; and

“(2) to improve programs and activities, including by determining the effectiveness of programs and activities in increasing the English language proficiency of English learners and making determinations about whether or not to continue funding for specific programs or activities.”.

SEC. 3010. REPORTING REQUIREMENTS.

Section 3122 (as redesignated by section 3001(3)) (20 U.S.C. 6843) is amended—

(1) by striking “children who are limited English proficient” each place the term appears and inserting “English learners”;

(2) by striking “limited English proficient children” each place the term appears and inserting “English learners”; and

(3) in subsection (b)—

(A) in the matter before paragraph (1), by striking “Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor,
and Pensions of the Senate” and inserting “au-

thorizing committees”;

(B) in paragraph (4), by striking “section
3111(b)(2)(C)” and inserting “section
3111(b)(2)”; and

(C) in paragraph (9), by striking “the eval-

uations from specially qualified agencies and”.

SEC. 3011. COORDINATION WITH RELATED PROGRAMS.

Section 3123 (as redesignated by section 3001(3))

(20 U.S.C. 6844) is amended—

(1) by striking “children of limited English pro-

ficiency” and inserting “English learners”; and

(2) by striking “language-minority and limited

English proficient children” and inserting “lan-

guage-minority children and English learners”.

SEC. 3012. RULES OF CONSTRUCTION.

Section 3124 (as redesignated by section 3001(3))

(20 U.S.C. 6845) is amended—

(1) by striking “limited English proficient chil-
dren” and inserting “English learners” each place
the term appears;

(2) in paragraph (2), by striking “or”;

(3) in paragraph (3), by striking the period at
the end and inserting “; or”; and

(4) by adding at the end the following:
“(4) to require an eligible entity to cease providing services under this title to any student who may have been assessed at or above the proficiency level on the annual assessment of English language proficiency under section 1111(a)(2)(D), but has not attained, or is not on track to attain, the proficiency level on the regular State academic content assessment under section 1111(a)(2)(A), including such assessment in English or language arts.”.

SEC. 3013. PROHIBITION.

Section 3128 (as redesignated by section 3001(3)) (20 U.S.C. 6849) is amended by striking “limited English proficient children” and inserting “English learners”.

SEC. 3014. NATIONAL ACTIVITIES.

Subpart 3 of part A of title III (20 U.S.C. 6861) is amended—

(1) by striking section 3131 and inserting the following:

“SEC. 3131. PROFESSIONAL DEVELOPMENT GRANTS.

“The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or nonprofit institutions with relevant experience or expertise and capacity (in consortia with State educational agencies or local educational agencies)
to provide for professional development activities that will improve classroom instruction for English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs and academic content instruction programs or serve English learners. Grants awarded under this section may be used to—

“(1) support partnerships between State or local educational agencies and institutions of higher education to support the work of individuals who are completing baccalaureate and masters programs (such as programs in the areas of teacher training, program administration, policy, research, evaluation, assessment, and curriculum development) and to improve educational services and programs for English learners, provided that recipients of fellowships or assistance are required, on completion of their studies, to—

“(A) assist in the education of English learners through work in a school, local educational agency, or other educational agency or organization for a period of time equivalent to the period of time during which an individual receives assistance under this section; or
“(B) repay all or a prorated part of their assistance under this section;

“(2) support research on promising instructional strategies or programs that have practical applications for teachers, counselors, parents and family members, school leaders, and others responsible for educating or improving the education of English learners and their families;

“(3) support strategies that promote school readiness for English learners and their transition from early childhood programs, such as Head Start or State-run preschool programs, to elementary school programs;

“(4) support strategies that promote high school graduation for English learners;

“(5) support strategies that strengthen and increase family and community member engagement in education;

“(6) support the development of curricula that are appropriate to the needs of the participating consortium; and

“(7) support the dissemination of information gathered in accordance with paragraphs (1) through (5), particularly evidence-based best practices and the provision of technical assistance.”; and
(2) by adding at the end the following:

"SEC. 3132. COMMISSION ON ASSESSMENT OF ENGLISH LEARNERS.

"(a) Commission on Assessment of English Learners.—

"(1) In general.—The Secretary shall establish an independent commission on the assessment and advancement of English learners (referred to in this section as the ‘commission’) to carry out the activities described in subsection (c).

"(2) Date of Appointment.—The members of the commission shall be appointed not later than 6 months after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011.

"(b) Composition.—

"(1) In general.—The commission shall be comprised of individuals with experience and expertise in the educational advancement and development of English learners, including individuals with expertise in—

"(A) the art of teaching English to speakers of other languages;

"(B) measurement and educational assessment systems; and

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“(C) educational assessment and accountability practices.

“(2) EXPERTISE OF MEMBERS.—The Secretary shall ensure that the individuals selected in accordance with paragraph (1) are experts who are competent, by virtue of their training, expertise, or experience, to evaluate instruction, assessments, and models for English learners.

“(c) DUTIES OF THE COMMISSION.—The commission shall provide the Secretary with advice and recommendations about the following issues:

“(1) The development and approval of standards pertaining to English learners, in order to assist the Secretary in the review and approval of statewide accountability systems that are required under section 1111(a)(3).

“(2) The provision of regulations and guidance pertaining to the inclusion of English learners in assessment and accountability systems, including recommendations about appropriate accommodations and appropriate weights for assessments involving English learners.

“(3) Ensuring that State English language proficiency standards under section 1111(a)(1)(E) are
properly aligned with college and career ready academic content standards under section 1111(a)(1).

“(4) The formation of peer review panels, under section 1111(b)(4), with regard to—

“(A) the inclusion on the panels of experts about English learners; and

“(B) processes to ensure that the work of the peer review panel is consistent with the standards and guidance developed by the commission.

“(5) Identifying ways to support local capacity-building efforts to assist local educational agencies and schools in properly supporting English learners.

“(6) Ensuring that the research, development, and dissemination activities of the Department address identified gaps in knowledge for effectively including English learners in assessment and accountability practices.

“(7) Ways to address the needs of English learners in all program planning at the Department, including inter- and intra-agency coordination.

“(d) ANNUAL REPORT.—The commission shall, beginning not later than 1 year after the date on which all members of the commission have been appointed, submit an annual report to the Secretary and the authorizing
committees of Congress containing the findings and recommendations described in subsection (e).”.

SEC. 3015. DEFINITIONS.

Section 3201 (as redesignated by section 3001(6)) (20 U.S.C. 7011) is amended—
(1) by striking paragraph (13);
(2) redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively;
(3) by inserting after paragraph (4) the following:
“(5) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—
“(A) 1 or more local educational agencies;
or
“(B) 1 or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.”.

(4) in paragraph (6), as redesignated by paragraph (2)—
(A) in subparagraph (A)—
(i) in clause (i)—
(I) by striking “limited English proficient adults” and inserting “adults who meets the English learner
requirements described in subparagraphs (C) and (D) of section 9101(23)”; and

(II) by striking “English proficiency” and inserting “English language proficiency”; and

(ii) in clause (ii), by striking the semicolon and inserting “; and”;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(5) in paragraph (9)(A), as redesignated by paragraph (2)—

(A) by striking “a limited English proficient child” and inserting “an English learner”; and

(B) by striking “challenging State academic content and student academic achievement standards, as required by section 1111(b)(1)” and inserting “college and career ready academic content and student academic achievement standards, as required by section 1111(a)(1)” ; and

(6) in paragraph (12), as redesignated by paragraph (2), by striking “an individual of limited
English proficiency,” and inserting “an individual who meets the English learner requirements described in subparagraphs (C) and (D) of section 9101(23),”.

SEC. 3016. PARENTAL NOTIFICATION.
Section 3202 (as redesignated by section 3001(6)) (20 U.S.C. 7012) is amended to read as follows:

“SEC. 3202. PARENTAL NOTIFICATION.
“(a) IN GENERAL.—Each eligible entity receiving funds under this title to provide a language instruction educational program and academic content instruction program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of an English learner identified for participation in, or participating in, such program of—

“(1) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program and academic content instruction program;

“(2) the child’s level of English language proficiency, how that level was assessed, and the status of the child’s academic achievement;

“(3) the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other avail-
able programs, including how such programs differ in content, instructional goals, and use of English and a native language in instruction;

“(4) how the program in which their child is, or will be participating, will appropriately respond to the educational strengths and needs of the child;

“(5) how the program will specifically help their child learn English and reflect age appropriate academic achievement standards for grade promotion and graduation;

“(6) the specific exit requirements for the program, the expected rate of transition from the program into classrooms that are not tailored for English learners, and the expected rate of graduation from secondary school for English learners in the program if the child is in secondary school;

“(7) in the case of a child with a disability, how the program meets the objectives of the child’s individualized education program; and

“(8) information pertaining to parental rights that includes written guidance—

“(A) detailing—

“(i) the parent’s right to have the parent’s child immediately removed from
the program upon the parent’s request; and

“(ii) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

“(B) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.

“(b) Receipt of Information.—The information described in subsection (a) shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

“(c) Special Rule Applicable During School Year.—For a child who has not been identified for participation in a language instruction educational program and academic content instruction program prior to the beginning of the school year, the eligible entity shall carry out subsections (a) and (b) with respect to the parents of the child within 2 weeks of the child being placed in such program.

“(d) Parent and Family Engagement.—

“(1) In general.—Each eligible entity using funds provided under this title to provide a language
instruction educational program and academic content instruction program shall implement an effective means of outreach to parents and family members of English learners to inform such parents and family members of how they can—

“(A) be involved in the education of their children; and

“(B) be active participants in assisting their children—

“(i) to learn English;

“(ii) to achieve at high levels in core academic subjects;

“(iii) to meet the same State academic content and student academic achievement standards as all children are expected to meet to become on track to college and career readiness; and

“(iv) to understand expectations for college readiness and career success.

“(2) RECEIPT OF RECOMMENDATIONS.—The outreach described in paragraph (1) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents described in such paragraph.
“(e) Basis for Admission or Exclusion.—A child shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.”.

SEC. 3017. NATIONAL CLEARINGHOUSE.

Section 3203 (as redesignated by section 3001(6)) (20 U.S.C. 7013) is amended by striking “limited English proficient children” and inserting “English learners” each place the term appears.

SEC. 3018. REGULATIONS.

Section 3204 (as redesignated by section 3001(6)) (20 U.S.C. 7014) is amended—

(1) by striking “limited English proficient individuals” and inserting “English learners”; and

(2) by striking “limited English proficient children” and inserting “English learners”.

TITLE IV—SUPPORTING SUCCESSFUL, WELL-ROUNDED STUDENTS

SEC. 4101. REDESIGNATIONS.

Title IV (20 U.S.C. 7101 et seq.) is amended—

(1) by striking the title heading and inserting the following: “SUPPORTING SUCCESSFUL, WELL-ROUNDED STUDENTS”;

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(2) by redesignating subpart 3 of part A as subpart 1 of part G of title IX, as added by section 9104(a) of this Act, and transferring such subpart 1 so as to follow the part heading of such part G as added by section 9104(a) of this Act;

(3) by redesignating section 4141 as section 9701;

(4) by redesignating part C as subpart 2 of part G of title IX, as added by section 9104(a) of this Act, and transferring such subpart 2 so as to follow subpart 1 of part G of title IX, as redesignated by paragraph (2);

(5) by redesignating sections 4301, 4302, 4303, and 4304, as sections 9721, 9722, 9723, and 9724, respectively;

(6) in section 9721, as redesignated by paragraph (5), by striking “part” and inserting “subpart”;

(7) in section 9722, as redesignated by paragraph (5)—

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

(B) in paragraph (2)(B), by striking “part” and inserting “subpart”;
(8) in section 9723(e)(3), by striking the mat-
ter following subparagraph (B) and inserting the fol-
lowing:

“(C) such other matters as justice may re-
quire.”; and

(9) in section 9724, as redesignated by para-
graph (5), by striking “part” both places the term
appears and inserting “subpart”.

SEC. 4102. IMPROVING LITERACY INSTRUCTION AND STU-
DENT ACHIEVEMENT.

Part A of title IV (20 U.S.C. 7101 et seq.) is amend-
ed to read as follows:

“PART A—IMPROVING LITERACY INSTRUCTION
AND STUDENT ACHIEVEMENT

“SEC. 4101. SHORT TITLE.

“This part may be cited as the ‘Improving Literacy
Instruction and Student Achievement Act’.

“SEC. 4102. PURPOSES.

“The purposes of this part are—

“(1) to improve student academic achievement
in reading and writing by providing Federal support
to State educational agencies to develop, coordinate,
and implement comprehensive literacy plans that en-
sure high-quality instruction and effective strategies

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in reading and writing from early education through grade 12; and

“(2) to assist State educational agencies in achieving the purpose described in paragraph (1) by—

“(A) supporting the development and implementation of comprehensive early learning through grade 12 literacy programs in every State that are based on scientifically valid research, to ensure that every child can read and write at grade level or above;

“(B) providing children with learning opportunities in high-quality, language rich, literature rich, informational text rich, culturally relevant, and developmentally appropriate environments so that the children develop the fundamental knowledge and skills necessary for literacy engagement, development, and achievement in kindergarten through grade 12;

“(C) educating parents in the ways the parents can support their child’s communication and literacy development;

“(D) supporting efforts to link and align standards and research-based instruction and teaching practices in early learning programs;
“(E) supporting high-quality and effective strategies for children to develop oral language, reading, and writing abilities through high-quality research-based instruction and teaching practices;

“(F) improving academic achievement by establishing adolescent literacy initiatives that provide explicit and systematic instruction in oral language, reading, and writing development across the curriculum;

“(G) identifying and supporting children reading and writing significantly below grade level by providing research-based, intensive interventions, including interventions conducted during extended learning time, to help the children acquire the language and literacy skills the children need to stay on track for graduation;

“(H) providing assistance to local educational agencies in order to provide educators with ongoing, job embedded professional development, and other support, that focuses on—

“(i) effective literacy instruction; and

“(ii) the special knowledge and skills necessary to teach and support literacy de-
development effectively across the developmental and age span;

“(I) supporting State educational agencies and local educational agencies in improving reading, writing, and literacy-based academic achievement for children, especially children who are low-income individuals, are English learners, are migratory, are children with disabilities, are Indian or Alaskan Native, are neglected or delinquent, are homeless, are in the custody of the child welfare system, or have dropped out of school;

“(J) supporting State educational agencies and local educational agencies in using age appropriate and developmentally and linguistically appropriate instructional materials and strategies that assist teachers as the teachers work with children to develop reading and writing competencies appropriate to the children’s grade and skill levels;

“(K) strengthening coordination among schools, early literacy programs, family literacy programs, juvenile justice programs, public libraries, and outside-of-school programs that provide children with strategies, curricula,
interventions, and assessments designed to advance early and continuing language and literacy development in ways appropriate for each context;

“(L) supporting professional development for educators based on scientific approaches to adult learning; and

“(M) evaluating whether the professional development activities and approaches are effective in building knowledge and skills of educators and their use of appropriate and effective practices.

“SEC. 4103. DEFINITIONS.

“In this part:

“(1) CHILD.—The term ‘child’ means an individual from the age of birth through the final year for which the State provides free public education.

“(2) CLASSROOM-BASED INSTRUCTIONAL ASSESSMENT.—The term ‘classroom-based instructional assessment’ means an assessment for children from birth through grade 3 that—

“(A) is valid and reliable for the age and population of children served in the program;

“(B) is used to evaluate children’s developmental progress and learning and includes sys-
tematic observations by teachers of children performing tasks, including academic and literacy tasks, that are part of the children’s daily classroom experience; and

“(C) is used to improve classroom instruction.

“(3) COMPREHENSIVE LITERACY INSTRUCTION.—The term ‘comprehensive literacy instruction’ means instruction that—

“(A) incorporates effective literacy instruction; and

“(B) is designed to support—

“(i) developmentally appropriate, contextually explicit, systematic instruction, and frequent practice, in reading across content areas; and

“(ii) developmentally appropriate and contextually explicit instruction, and frequent practice, in writing across content areas.

“(4) DEVELOPMENTAL DELAY.—The term ‘developmental delay’ has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).
“(5) **EARLY LEARNING PROGRAM.**—The term ‘early learning program’ means a program serving children between the ages of birth and kindergarten entry.

“(6) **EFFECTIVE LITERACY INSTRUCTION.**—

“(A) **IN GENERAL.**—The term ‘effective literacy instruction’ means literacy instruction that—

“(i) includes age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension;

“(ii) includes age-appropriate, explicit instruction in writing, including opportunities for children to write with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction and feedback from instructional staff;

“(iii) makes available and uses diverse, high-quality print materials that reflect the reading and development levels, and interests, of children;
“(iv) uses differentiated instructional approaches, including individual and small group instruction and discussion;

“(v) provides opportunities for children to use language with peers and adults in order to develop language skills, including developing vocabulary;

“(vi) includes frequent practice of reading and writing strategies;

“(vii) uses age-appropriate, valid, and reliable screening assessments, diagnostic assessments, formative assessments, and summative assessments to identify a child’s learning needs, to inform instruction, and to monitor the child’s progress and the effects of instruction;

“(viii) uses strategies to enhance children’s motivation to read and write and children’s engagement in self-directed learning;

“(ix) incorporates the principles of universal design for learning;

“(x) depends on teachers’ collaboration in planning, instruction, and assessing
a child’s progress and on continuous professional learning; and

“(xi) links literacy instruction to the State college and career ready academic content standards under section 1111(a)(1), including the ability to navigate, understand, and write about, complex print and digital subject matter.

“(B) BIRTH THROUGH KINDERGARTEN.—When used with respect to instruction for children from birth to kindergarten entry, the term ‘effective literacy instruction’ also includes—

“(i) developing such children’s alphabet knowledge, reading aloud to children, discussing reading and writing with children, and modeling age and developmentally appropriate reading and writing strategies; and

“(ii) encouraging children’s early attempts at oral communication, reading, and writing.

“(C) KINDERGARTEN THROUGH GRADE 12.—When used with respect to the instruction of children in kindergarten through grade 12,
the term ‘effective literacy instruction’ also in-
cludes—

“(i) providing systematic and intensive interventions, which can be provided inside or outside the classroom as well as before, during, or after regular school hours, to supplement regular instruction for children reading below grade level;

“(ii) providing reading and writing opportunities that build academic vocabulary and knowledge of different text structures in core academic subjects;

“(iii) enabling children to write, communicate, and create knowledge, in ways that fit purpose, audience, occasion, discipline, and format, including practice in—

“(I) adhering to language conventions, including spelling, punctuation, and grammar;

“(II) planning and revising to improve clarity, coherence, logical development, and language usage; and

“(III) writing individually and collaboratively with feedback from instructors and peers; and
“(iv) cultivating shared responsibility for children’s literacy learning by coordinating writing tasks, instructional practices, and criteria for feedback across academic content areas.

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

“(A) that serves high-need children; and

“(B)(i) when used with respect to a subgrant under section 4108, that consists of—

“(I) 1 or more local educational agencies providing early learning programs that have a demonstrated record of providing comprehensive literacy instruction for the age group such agencies or programs propose to serve;

“(II) 1 or more public or private early learning programs, such as a Head Start program, a child care program, a State-funded prekindergarten program, a public library program, or a family literacy program, that have a demonstrated record of providing comprehensive literacy instruction for
the age group such programs propose
to serve; or

“(III) 1 or more local educational
agencies providing early learning pro-
grams, or 1 or more public or private
eyearly learning programs, such as a
Head Start program, a child care pro-
gram, a State-funded prekindergarten
program, a public library program, or
a family literacy program, in partner-
ship with 1 or more public or private
nonprofit organizations or agencies
that have a demonstrated record of ef-
fectiveness—

“(aa) in improving the early
literacy development of children
from birth through kindergarten
entry; and

“(bb) in providing profes-
sional development aligned with
the activities described in section
4108(c)(1); or

“(ii) when used with respect to a
subgrant under section 4109—

“(I) that is—
“(aa) a local educational agency;

“(bb) a consortium of local educational agencies; or

“(cc) a local educational agency or consortium of local educational agencies acting in partnership with 1 or more public or private nonprofit organizations or agencies that have a demonstrated record of effectiveness in—

“(AA) improving literacy achievement of children consistent with the purposes of their participation from kindergarten through grade 12; and

“(BB) providing professional development aligned with the activities described in subsection (b) and (c) of section 4109; and

“(II)(aa) has the highest numbers or proportion of children who are
counted under section 1124(c), in comparison to other local educational agencies in the State;

“(bb) is among or consists of the local educational agencies in the State with the highest numbers or percentages of children reading or writing below grade level, based on the most currently available State academic assessment data under section 1111(a); or

“(cc) has jurisdiction over a significant number or percentage of schools that are identified as persistently low-achieving under section 1116(c)(2).

“(8) ENGLISH LANGUAGE ACQUISITION.—

“(A) IN GENERAL.—The term ‘English language acquisition’ means the process by which a non-native English speaker acquires proficiency in speaking, listening, reading, and writing the English language.

“(B) INCLUSIONS FOR ENGLISH LEARNERS IN SCHOOL.—For an English learner in school, such term includes not only the social language
proficiency needed to participate in the school environment, but also the academic language proficiency needed to acquire literacy and academic content and demonstrate the child’s learning.

“(9) FAMILY LITERACY SERVICES.—The term ‘family literacy services’ means literacy services provided to participants on a voluntary basis that are of sufficient intensity and quality, that better enable parents to support their children’s learning needs, and that integrate—

“(A) interactive literacy activities between or among family members who are primary caregivers and their children, including family literacy education to improve literacy of parents; and

“(B) training for family members who are primary caregivers regarding how to be the primary teacher for their children and full partners in the education of their children.

“(10) FORMATIVE ASSESSMENT.—The term ‘formative assessment’ means an assessment that—

“(A) is teacher-generated or selected by teachers or instructional leaders for use during learning;
“(B) is embedded within the learning activity and linked directly to the intended outcomes of the current unit of instruction; and

“(C) provides feedback to help adjust ongoing teaching and learning to improve children’s achievement of intended instructional outcomes.

“(11) HIGH-QUALITY PROFESSIONAL DEVELOPMENT.—The term ‘high-quality professional development’ means professional development that—

“(A) is job-embedded, ongoing, and based on scientifically valid research;

“(B) is sustained, intensive, and classroom-focused, and is not limited in scope to a 1-day or short-term workshop or conference;

“(C) is designed to increase the knowledge and expertise of teachers, early childhood educators and administrators, principals, other instructional leaders, and other program staff in applying—

“(i) effective literacy instruction; and

“(ii) instructional strategies and practices that are appropriate to the age, development, and needs of children and improve learning, including strategies and practices
consistent with the principles of universal
design for learning;

“(D) includes and supports teachers in ef-
effectively administering age and developmentally
appropriate assessments, and analyzing the re-
sults of these assessments for the purposes of
planning, monitoring, adapting, and improving
effective classroom instruction or teaching
strategies to improve child literacy;

“(E) includes instructional strategies uti-
Gizing one-to-one, small group, and classroom-
based instructional materials and approaches
based on scientifically valid research on literacy;

“(F) provides ongoing instructional literacy
coaching—

“(i) to ensure high-quality implemen-
tation of comprehensive literacy instruction
that is—

“(I) content centered;

“(II) integrated across the cur-
riculum;

“(III) collaborative; and

“(IV) school, setting, and class-
room embedded; and
“(ii) that uses student data to improve instruction;

“(G) includes and supports teachers in setting high reading and writing achievement goals for all children and provides the teachers with the instructional tools and skills to help children reach such goals;

“(H) for educators serving children in kindergarten through grade 12—

“(i) supports effective literacy instruction through core academic subjects, and through career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects; and

“(ii) includes explicit instruction in discipline-specific thinking and how to read and interpret discipline-specific text structures and features;

“(I) is differentiated for educators working with children from birth through kindergarten entry, children in kindergarten through grade 3, and children in grades 4 through 12, and, as appropriate, based on the grade or needs of the children; and
“(J) supports family literacy experiences and practices, and educating parents, teachers, and other caregivers about literacy development and child literacy development.

“(12) INSTRUCTIONAL LEADER.—The term ‘instructional leader’ means an individual who—

“(A) is an employee or officer of a school; and

“(B) is responsible for—

“(i) the school’s performance; and

“(ii) the daily instructional and managerial operations of the school.

“(13) LITERACY COACH.—The term ‘literacy coach’ means a professional—

“(A) who has—

“(i) previous teaching experience; and

“(ii)(I) a master’s degree with a concentration in reading and writing education or demonstrated proficiency in teaching reading or writing in a core academic subject consistent with effective literacy instruction; or

“(II) in the case of a literacy coach for children from birth through kindergarten entry, a concentration, credential,
or significant experience in child development and early literacy development;

“(B) who supports teachers to—

“(i) apply research on how children become successful readers, writers, and communicators;

“(ii) apply multiple forms of assessment to guide instructional decisionmaking and use data to improve literacy instruction;

“(iii) improve children’s writing and reading in and across content areas such as mathematics, science, social studies, and language arts;

“(iv) develop and implement differentiated instruction and teaching approaches to serve the needs of the full range of learners, including English learners and children with disabilities;

“(v) apply principles of universal design for learning;

“(vi) employ best practices in engaging principals, early learning program educators and administrators, teachers, and other relevant professionals to change
school cultures that encourage and support literacy development and achievement; and

“(vii) set for children birth through kindergarten developmentally appropriate expectations for language and literacy development, and high reading and writing achievement goals for all children and select, acquire, and use instructional tools and skills to help children reach such goals; and

“(C) whose role with teachers and professionals supporting literacy instruction is—

“(i) to provide high-quality professional development, consistent with the definition of comprehensive literacy instruction;

“(ii) to work cooperatively and collaboratively with principals, teachers, and other professionals in employing strategies to help teachers identify and support child literacy and language development needs and teach literacy across the content areas and developmental domains; and

“(iii) to work cooperatively and collaboratively with other professionals in em-
ploying strategies to help teachers teach literacy across the content areas so that the teachers can meet the needs of all children, including children with disabilities, English learners, and children who are reading at or above grade level.

“(14) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’—

“(A) has the meaning given the term in section 9101; and

“(B) includes any public charter school that constitutes a local educational agency under State law.

“(15) READING.—The term ‘reading’ means a complex system of deriving meaning from print that is developmentally appropriate, that requires all of the following:

“(A) The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

“(B) The ability to read with comprehension.

“(C) The ability to decode unfamiliar words with fluency.
“(D) The use of background knowledge and vocabulary to make meaning from a text.

“(E) The development and use of appropriate active strategies to interpret and construct meaning from print.

“(F) The development and maintenance of a motivation to read.

“(16) SCIENTIFICALLY VALID RESEARCH.—The term ‘scientifically valid research’ has the meaning given the term in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).

“(17) SCREENING ASSESSMENT.—The term ‘screening assessment’ means an assessment that is—

“(A) valid, reliable, and based on scientifically based reading research; and

“(B) a brief procedure designed as a first step in identifying children who may be at high risk for delayed development or academic failure and in need of further diagnosis of their need for special services or additional reading instruction.

“(18) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.
“(19) **STATE LITERACY LEADERSHIP TEAM.—**

“(A) **IN GENERAL.—** The term ‘State literacy leadership team’ means a team that—

“(i) is appointed and coordinated by the State educational agency;

“(ii) assumes the responsibility to guide the development and implementation of a statewide, comprehensive literacy plan;

“(iii) shall include, at a minimum—

“(I) a school principal with literacy expertise;

“(II) a teacher with literacy expertise;

“(III) a teacher or administrator with expertise in special education;

“(IV) a teacher or administrator with expertise in teaching the English language to English learners;

“(V) a representative from the State educational agency who oversees literacy initiatives; and

“(VI) a representative from higher education who is actively involved in research, development, or teacher preparation in comprehensive literacy
instruction and intervention based on scientifically valid research;

“(iv) may include—

“(I) a literacy specialist serving in a school district within the State;

“(II) a literacy coach;

“(III) a librarian;

“(IV) a representative with family literacy expertise;

“(V) a representative from a State child-serving agency with expertise in comprehensive language and literacy instruction and strategies;

“(VI) a school counselor;

“(VII) a teacher of a core academic subject;

“(VIII) a special education administrator;

“(IX) a professor from a 4-year institution of higher education;

“(X) a parent;

“(XI) a business leader;

“(XII) the Governor or a delegated representative of the Governor;
“(XIII) a representative from the State board of education;

“(XIV) a representative from the State legislature;

“(XV) a representative of a non-profit and community-based organization providing comprehensive literacy instruction and support; and

“(XVI) a representative from a school district superintendent’s office; and

“(v) shall include, among the individuals selected to be members of the council pursuant to clauses (iii) and (iv), not less than 5 individuals who have literacy expertise in 1 of each of the areas of—

“(I) birth through kindergarten entry, such as the State Head Start collaboration director;

“(II) kindergarten entry through grade 3;

“(III) grades 4 through 12;

“(IV) English learners; and

“(V) special education.
“(B) INCLUSION OF A PREEXISTING PARTNERSHIP.—If, before the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, a State educational agency established a consortium, partnership, or any other similar body that was considered a literacy partnership for purposes of subpart 1 or 2 of part B of title I (as such title was in effect on such date) and that includes the individuals required under clauses (iii) and (v) of subparagraph (A), such consortium, partnership, or body may be considered a State literacy leadership team for purposes of subparagraph (A).

“(20) SUMMATIVE ASSESSMENT.—The term ‘summative assessment’ means an assessment that—

“(A) is valid, reliable, and based on scientifically valid research on literacy and English language acquisition; and

“(B) for children from birth through kindergarten entry, measures how young children have progressed over time relative to developmental norms, and for children in kindergarten through grade 12, measures what children have
learned over time, relative to academic content standards.

“(21) WRITING.—The term ‘writing’ means—

“(A) composing meaning in print or through other media, including technologies, to communicate and to create new knowledge in ways appropriate to the context of the writing and the literacy development stage of the writer;

“(B) composing ideas individually and collaboratively in ways that are appropriate for a variety of purposes, audiences, and occasions;

“(C) choosing vocabulary, tone, genre, and conventions, such as spelling and punctuation, suitable to the purpose, audience, and occasion; and

“(D) revising compositions for clarity of ideas, coherence, logical development, and precision of language use.

“SEC. 4104. PROGRAM AUTHORIZED.

“(a) RESERVATIONS AND AWARDS TO STATE EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—From the amounts appropriated to carry out this part for a fiscal year, the Secretary shall—
“(A) reserve not more than a total of 4 percent of such amounts for dissemination of information and technical assistance under section 4110;

“(B) reserve not more than 5 percent of such amounts to award planning grants, on a competitive basis, to State educational agencies serving States, in accordance with section 4105;

“(C) in the case of a fiscal year for which the amounts to carry out this part are less than $500,000,000, use the amount not reserved under subparagraphs (A) and (B) to make awards, on a competitive basis, to State educational agencies serving States that have applications approved under section 4106 to enable the State educational agencies to carry out the activities described in section 4106(a); and

“(D) in the case of a fiscal year for which the amounts appropriated to carry out this part are equal to or exceeding $500,000,000—

“(i) reserve a total of 1 percent of such amount for—

“(I) allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth
of the Northern Mariana Islands, to
be distributed among such outlying
areas on the basis of their relative
need, as determined by the Secretary
in accordance with the purposes of
this part; and

“(II) the Secretary of the Inte-
rior for programs under sections 4105
through 4109 in schools operated or
funded by the Bureau of Indian Edu-
cation; and

“(ii) use the amount not reserved
under clause (i) and subparagraphs (A)
and (B) to make awards, as described in
paragraph (2), to State educational agen-
cies serving States that have applications
approved under section 4106 to enable the
State educational agencies to carry out the
activities described in section 4106(a).

“(2) SPECIAL RULES FOR YEARS WITH FUNDS
EQUAL OR EXCEEDING $500,000,000.—

“(A) PROPORTIONAL DIVISION.—In each
fiscal year described in paragraph (1)(D), the
amount reserved under paragraph (1)(D)(i)
shall be divided between the uses described in
subclauses (I) and (II) of such paragraph in the same proportion as the amount reserved under section 1121(a) is divided between the uses described in paragraphs (1) and (2) of such section for such fiscal year.

“(B) CONSULTATION.—A State educational agency that receives an allotment under paragraph (1)(D)(ii) shall engage in timely and meaningful consultation with representatives of Indian tribes located in the State in order to improve the coordination and quality of activities designed to develop effective approaches to achieve the purposes of this part consistent with the cultural, language, and educational needs of Indian children.

“(C) STATE ALLOTMENT FORMULA.—The Secretary shall allot the amount made available under paragraph (1)(D)(ii) for a fiscal year among the States in proportion to the number of children, from birth through age 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such chil-
children who reside in all States for that fiscal year.

“(3) MINIMUM AWARD AMOUNT.—No State educational agency receiving an award under this section for a fiscal year may receive less than one-fourth of 1 percent of the total amount appropriated to carry out this part for the fiscal year.

“(4) PUERTO RICO.—The amount allotted under paragraph (1)(C) to the Commonwealth of Puerto Rico for a fiscal year may not exceed one-fourth of 1 percent of the total amount appropriated to carry out this part for such fiscal year.

“(b) PEER REVIEW.—

“(1) IN GENERAL.—The Secretary shall convene a peer review panel to evaluate the applications to carry out section 4105 or 4106 using the evaluation criteria described in paragraph (2).

“(2) DEVELOPMENT OF EVALUATION CRITERIA.—The Secretary shall report to the authorizing committees regarding the peer review process and evaluation criteria that shall be used to evaluate the grant applications to carry out sections 4105 and 4106.

“(3) MEMBERSHIP.—
“(A) COMPOSITION.—A peer review panel convened under paragraph (1) shall be composed of not less than 9 members, of whom—

“(i) 3 shall be appointed by the Secretary;

“(ii) 3 shall be appointed by the Secretary from among individuals—

“(I) recommended by the Chairman of the National Research Council of the National Academy of Sciences; and

“(II) with expertise in comprehensive language and literacy instruction and strategies; and

“(iii) 3 shall be appointed by the Secretary from among individuals—

“(I) recommended by the Director of the National Institute of Child Health and Human Development; and

“(II) with expertise concerning literacy development in children from birth through grade 12.

“(B) COMPETENCY AND EXPERTISE; EXPERTISE.—The peer review panel convened under paragraph (1) may include—
“(i) classroom teachers with expertise in literacy, and literacy coaches, including—
   “(I) special education teachers;
   “(II) teachers of children who are English learners; and
   “(III) early childhood educators;
   “(ii) experts who provide high-quality professional development to teachers and other instructional staff to support children’s literacy development;
   “(iii) experts in the screening assessment, diagnostic assessment, and other assessment of children’s literacy development; and
   “(iv) experts in comprehensive literacy instruction and strategies in reading and writing, language development, and English language acquisition, as appropriate, including reading and writing in core academic subjects.

“(4) DISTRIBUTION OF RECOMMENDATIONS.— Not later than 120 days after a peer review panel submits to the Secretary the panel’s recommendation regarding an application by a State educational
agency for a grant under section 4105 or 4106, the Secretary shall notify the State educational agency that the application has been approved or disapproved and shall provide to such State educational agency a copy of the peer review panel’s recommendation.

“(c) CONFLICTS OF INTEREST.—

“(1) PEER REVIEW PANELS.—The Secretary shall ensure that each member of a peer review panel described in subsection (b) does not stand to benefit financially from a grant or subgrant awarded under this part.

“(2) STATE LITERACY LEADERSHIP TEAMS.— Each State educational agency that receives funding under this part shall ensure that each member of a State literacy leadership team participating in a program or activity assisted under this part does not stand to benefit financially from a grant or subgrant awarded under this part.

“(d) SUPPLEMENT NOT SUPPLANT.—Award funds provided under this part shall supplement, and not supplant, non-Federal funds that would, in the absence of such award funds, be made available for literacy instruction and support of children participating in programs assisted under this part.
“(e) MAINTENANCE OF EFFORT.—Each State educational agency that receives a grant or allotment under this section, and each eligible entity that receives a subgrant under section 4108 or 4109, shall maintain for the fiscal year for which the grant or subgrant is received and for each subsequent fiscal year the expenditures of the State educational agency or eligible entity, respectively, for literacy instruction at a level not less than the level of such expenditures maintained by the State educational agency or eligible entity, respectively, for the fiscal year preceding such fiscal year for which the grant or subgrant is received.

“SEC. 4105. STATE PLANNING GRANTS.

“(a) PLANNING GRANTS AUTHORIZED.—

“(1) IN GENERAL.—From amounts made available under section 4104(a)(1)(B), the Secretary may award planning grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities that improve literacy for children from birth through grade 12.

“(2) GRANT PERIOD.—A planning grant awarded under this section shall be for a period of not more than 1 year.
“(3) NONRENEWABILITY.—The Secretary shall not award a State educational agency more than 1 planning grant under this section.

“(b) APPLICATION.—

“(1) IN GENERAL.—Each State educational agency desiring a planning grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(2) CONTENTS.—Each application submitted under this subsection shall, at a minimum, include a description of how the State educational agency will develop a plan for improving State efforts to develop, coordinate, implement, and assess comprehensive literacy activities that ensure high-quality instruction and effective strategies in reading and writing for all children in early learning programs and kindergarten through grade 12 programs. Such plan shall—

“(A) describe the activities for which assistance under this section is sought, demonstrating a particular focus on children who are reading or writing below grade level and children whose early literacy skills are below the appropriate age or developmental level;
“(B) provide a budget for the use of the planning grant funds to complete the required activities described in subsection (c);

“(C) include an analysis of data on child literacy and language and student academic achievement in reading to identify and establish baseline and benchmark levels against which to monitor child progress and improvement in literacy; and

“(D) provide an assurance that all State agencies responsible for administering early learning programs and services (including the State Head Start Collaboration Office and the State agency responsible for administering child care) and the State Advisory Council on Early Childhood Education and Care collaborated with the State educational agency to write the early learning portion of the grant application submitted under this subsection.

“(3) APPROVAL OF APPLICATIONS.—The Secretary shall evaluate applications under this subsection based on the responsiveness of the applications to the requirements under this subsection.
“(c) REQUIRED ACTIVITIES.—A State educational agency receiving planning grant funds under this section shall carry out each of the following activities:

“(1) Reviewing reading, writing, or other language and literacy resources and programs, such as school library programs, and data across the State to identify any literacy needs and gaps in the State.

“(2) Forming or designating a State literacy leadership team which shall execute the following functions:

“(A) Creating a comprehensive State literacy plan that—

“(i) is designed to improve language development, reading, writing, and academic achievement for children, especially children reading below grade level and children whose literacy skills are below the appropriate age or developmental level;

“(ii) includes—

“(I) a needs assessment and an implementation plan, including an analysis of data on child literacy and student academic achievement in reading to identify baseline and benchmark levels of literacy and early
literacy skills in order to monitor progress and improvement; and

“(II) a plan to improve reading achievement among all children;

“(iii) ensures high-quality instruction, consistent with the characteristics of effective literacy instruction and strategies, in early learning programs and kindergarten through grade 12 programs; and

“(iv) provides for activities designed to improve literacy achievement for children who read or write below grade level, including such children who—

“(I) attend schools that are identified under section 1116(c)(2); or

“(II) are counted under section 1124(c);

“(B) Providing recommendations to guide the State educational agency in the State educational agency’s process of strengthening State literacy standards and embedding State literacy standards with the State’s college and career ready academic content standards and college and career ready student academic achievement
standards, and early learning and development standards.

“(C) Providing recommendations to guide the State educational agency in the State educational agency’s process of measuring, assessing, and monitoring progress in literacy at the school, local educational agency, and State levels.

“(D) Identifying criteria for high-quality professional development providers, which providers may include qualified teachers within the State, for the State educational agency and local educational agencies.

“(E) Advising the State educational agency on how to help ensure that local educational agencies and schools provide timely and appropriate data to teachers to inform and improve instruction.

“(F) Providing recommendations to guide the State educational agency in the State educational agency’s planning process of building educators’ capacity to provide high-quality comprehensive literacy instruction.

“SEC. 4106. STATE IMPLEMENTATION GRANTS.

“(a) Implementation Grants Authorized.—
“(1) **IN GENERAL.**—From amounts made available under subparagraphs (C) or (D)(ii) of section 4104(a)(1) (as applicable), the Secretary shall award implementation grants to State educational agencies to enable the State educational agencies—

“(A) to implement the comprehensive literacy plan that meets the criteria in section 4105(c)(2)(A) for early learning programs and kindergarten through grade 12 programs;

“(B) to carry out State activities under section 4107; and

“(C) to award subgrants under sections 4108 and 4109.

“(2) **LIMITATION.**—The Secretary shall not award an implementation grant under this section to a State for any year for which the State has received a planning grant under section 4105.

“(3) **DURATION OF GRANTS.**—An implementation grant under this section shall be awarded for a period of not more than 5 years.

“(4) **RENEWALS.**—

“(A) **IN GENERAL.**—The Secretary may renew a grant under this section for a period of not more than 2 years.
“(B) CONDITIONS.—In order to be eligible to have an implementation grant renewed under this paragraph, the State educational agency shall demonstrate to the satisfaction of the Secretary that, during the project period—

“(i) with respect to children from birth through kindergarten entry, the State educational agency has collaborated with the State agencies that oversee child care and other early learning programs, and has collaborated with the State Advisory Council on Early Childhood Education and Care, to comply with the terms of the grant, including using the funds—

“(I) to increase access to high-quality professional development;

“(II) for developmentally appropriate curricula and teaching materials; and

“(III) for developmentally appropriate classroom-based instructional assessments and developmentally appropriate screening assessments and diagnostic assessments; and
“(ii) with respect to children in kindergarten through grade 12, demonstrates that there has been significant progress in student academic achievement, as measured by appropriate assessments, including the assessments included in the State accountability system under section 1111(a)(3)(A).

“(b) State Applications.—

“(1) In general.—A State educational agency that desires to receive an implementation grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The State educational agency shall collaborate with the State agency responsible for administering early learning programs and the State agency responsible for administering child care programs in the State in writing and implementing the early learning portion of the grant application under this subsection.

“(2) Contents.—An application described in paragraph (1) shall include the following:

“(A) A description of the members of the State literacy leadership team and a description
of how the State educational agency has developed a comprehensive State literacy plan, consistent with the requirements of section 4105(c)(2)(A).

“(B) An implementation plan that includes a description of how the State educational agency will—

“(i) carry out the State activities described in section 4107;

“(ii) assist eligible entities with—

“(I) providing strategic and intensive comprehensive literacy instruction based on scientifically valid research for children who are reading and writing below grade level, including through—

“(aa) the use of multitiered systems of support; and

“(bb) addressing the literacy needs of children with disabilities or developmental delays and English learners in programs serving children from birth through grade 12;
“(II) providing training to parents, as appropriate, so that the parents can participate in the literacy related activities described in sections 4108 and 4109 to assist in the language and literacy development of their children;

“(III) selecting and using reading and writing assessments;

“(IV) providing classroom-based instruction that is supported by one-to-one and small group work;

“(V) using curricular materials and instructional tools, which may include technology, to improve instruction and literacy achievement;

“(VI) providing for high-quality professional development; and

“(VII) using the principles of universal design for learning;

“(iii) ensure that local educational agencies in the State have leveraged and are effectively leveraging the resources needed to implement effective comprehensive literacy instruction, and have the ca-
capacity to implement literacy initiatives effectively; and

“(iv) continually coordinate and align the activities assisted under this part with reading, writing, and other literacy resources and programs across the State and locally that serve children and their families and promote comprehensive literacy instruction and learning, including strengthening partnerships among schools, libraries, local youth-serving agencies, and programs, in order to improve literacy for all children.

“(C) A description of the key data metrics, and the performance targets for such metrics, that will be used and reported annually under section 4111(b)(1), which shall include—

“(i) metrics established consistent with section 1111(a)(3)(A), for children in grades 3 through 12; and

“(ii) the relevant program metrics and performance targets that the State shall use to monitor the implementation of its plan under section 4111.
“(D) An assurance that the State educational agency, and any eligible entity receiving a subgrant from the State educational agency under section 4108 or 4109, will, if requested, participate in the national evaluation under section 4110.

“(E) An assurance that the State educational agency will use implementation grant funds for literacy programs as follows:

“(i) Not less than 10 percent of such grant funds shall be used for State and local programs and activities pertaining to children from birth through kindergarten entry.

“(ii) Not less than 30 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among the grades of kindergarten through grade 5.

“(iii) Not less than 30 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

“(iv) Not more than 10 percent of such implementation grant funds shall be
used for the State activities described in section 4107.

“(F) An assurance that the State educational agency shall give priority to awarding a subgrant to an eligible entity—

“(i) under section 4108 based on the number or percentage of children younger than the age of kindergarten entry who are—

“(I) served by the eligible entity; and

“(II) from families with income levels below the poverty line; and

“(ii) under section 4109 based on—

“(I) the number or percentage of children from birth through age 17 who are—

“(aa) served by the eligible entity; and

“(bb) from families with income levels below the poverty line; and

“(II) the number or percentage of children in kindergarten through grade 12 served by the eligible entity
who are reading and writing below grade level according to State assessments.

“(c) APPROVAL OF APPLICATIONS.—

“(1) IN GENERAL.—The Secretary shall evaluate State educational agency applications under subsection (b) based on the responsiveness of the applications to the application requirements under such subsection.

“(2) PEER REVIEW.—The Secretary shall convene a peer review panel in accordance with section 4104(b) to evaluate applications for each implementation grant awarded to a State educational agency under this section.

“(3) EARLY LEARNING.—In order for a State educational agency’s application under this section to be approved by the Secretary, the application shall contain an assurance that the State agencies responsible for administering early learning programs and services, including the State agency responsible for administering child care programs, and the State Advisory Council on Early Childhood Education and Care, approve of and will be extensively consulted in the implementation of activities con-
sistent with section 4108, with respect to the early
learning portion of the application.

“SEC. 4107. STATE ACTIVITIES.

“(a) REQUIRED ACTIVITIES.—A State educational
agency shall use the implementation grant funds described
in section 4106(b)(2)(E)(iv) to carry out the activities pro-
posed in a State’s implementation plan under section
4106(b)(2)(B), including the following activities:

“(1) In consultation with the State literacy
leadership team, providing technical assistance, or
engaging qualified providers to provide technical as-
sistance, to eligible entities to enable the eligible en-
tities to design and implement literacy programs
under section 4108 or 4109.

“(2) Consulting with the State literacy leader-
ship team and coordinating with institutions of higher
education in the State—

“(A) in order to provide recommendations
to strengthen and enhance preservice courses
for students preparing, at institutions of higher
education in the State, to teach children from
birth through grade 12 in explicit, systematic,
and intensive instruction in evidence-based lit-
eracy methods; and
“(B) by following up on reviews completed by the State literacy leadership team with recommendations to ensure that such institutions offer courses that meet the highest standards.

“(3) Reviewing and updating, in collaboration with teachers, statewide educational and professional organizations representing teachers, and statewide educational and professional organizations representing institutions of higher education, State licensure or certification standards in the area of literacy instruction in early education through grade 12.

“(4) Making publicly available, including on the State educational agency’s website, information on promising instructional practices to improve child literacy achievement.

“(b) PERMISSIVE ACTIVITIES.—After carrying out the activities described in subsection (a), a State educational agency may use remaining implementation grant funds described in section 4106(b)(2)(E)(iv) to carry out 1 or more of the following activities:

“(1) Training the personnel of eligible entities to use data systems to improve child literacy learning.
“(2) Developing literacy coach training programs and training literacy coaches.

“(3) Building public support among local educational agency personnel, early learning programs, and the community for comprehensive literacy instruction for children from birth through grade 12.

“(4) Administration and evaluation of activities carried out under this part.

“SEC. 4108. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF BIRTH THROUGH KINDERGARTEN ENTRY LITERACY.

“(a) Subgrants.—

“(1) In general.—A State educational agency, in consultation with the State agencies responsible for administering early learning programs and services, including the State agency responsible for administering child care programs, and the State Advisory Council on Early Childhood Education and Care, shall use a portion of implementation grant funds provided under subparagraph (C) or (D)(ii) of section 4104(a)(1) to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from birth through kindergarten entry.
“(2) DURATION.—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant.

“(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant awarded under this section shall be of sufficient size and scope to allow the eligible entity to carry out high-quality early literacy initiatives for children from birth through kindergarten entry.

“(c) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

“(1) how the subgrant funds will be used to enhance the language and literacy development and school readiness of children, from birth through kindergarten entry, in early learning programs, which shall include an analysis of data that support the proposed use of subgrant funds;

“(2) the programs that the eligible entity proposes to assist under the subgrant, including demographic and socioeconomic information on the children enrolled in the programs;
“(3) a budget for the eligible entity that projects the cost of developing and implementing literacy initiatives to carry out the activities described in subsection (e);

“(4) how, if the eligible entity is requesting a planning period, which shall not exceed 1 year, the eligible entity will use that planning period to prepare for successful implementation of a plan to support the development of learning and literacy consistent with the purposes of this part;

“(5) the literacy initiatives, if any, in place and how these initiatives will be coordinated and integrated with activities supported under this section;

“(6) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, through high-quality professional development;

“(7) how the subgrant funds will be used to provide services, incorporate activities, and select and use literacy instructional materials that—

“(A) meet the diverse developmental and linguistic needs of children, including English learners and children with disabilities and developmental delays; and
“(B) are based on scientifically valid re-
search on child development and learning for
children from birth through kindergarten entry;
“(8) how the subgrant funds will be used to
provide screening assessments, diagnostic assess-
ments, and classroom-based instructional assess-
ments and assessments of developmental progress;
“(9) how families and caregivers will be in-
volved, as appropriate, in supporting their child’s lit-
eracy development, instruction, and assessment;
“(10) how the subgrant funds will be used to
help children, particularly children experiencing dif-
fercy with spoken and written language, to make
the transition from early childhood education pro-
gams to formal classroom instruction;
“(11) how the activities assisted under the
subgrant will be coordinated with comprehensive lit-
eracy instruction at the kindergarten through grade
12 levels;
“(12) how the subgrant funds will be used—
“(A) to evaluate the success of the activi-
ties assisted under the subgrant in enhancing
the early language and literacy development of
children from birth through kindergarten entry;
“(B) to evaluate data for program improvement; and

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

“(d) Approval of Local Applications.—The State educational agency, in consultation with the State agencies responsible for administering early learning programs, including the State agency responsible for administering child care programs and the State Advisory Council on Early Childhood Education and Care, shall—

“(1) select applications for funding under this section based on the quality of the applications submitted, including the relationship between literacy activities proposed and the research base or data supporting such investments, as appropriate, and the recommendations of—

“(A) the State literacy leadership team;

and

“(B) other experts in the area of early literacy; and

“(2) place priority for funding programs based on the criteria in section 4106(b)(2)(F).

“(e) Local Uses of Funds.—

“(1) In General.—An eligible entity that receives a subgrant under this section shall use the
subgrant funds, consistent with the entity’s approved application under subsection (e), to—

“(A) enhance and improve early learning programs to ensure that children in such programs are provided with high-quality oral language and literature- and print-rich environments in which to develop early literacy skills;

“(B) carry out high-quality professional development opportunities for early childhood educators, teachers, and instructional leaders;

“(C) acquire, provide training for, and implement screening assessments, diagnostic assessments, and classroom-based instructional assessments;

“(D) select, develop, and implement a multitier system of support;

“(E) integrate research-based instructional materials, activities, tools, and measures into the programs offered by the eligible entity to improve development of early learning language and literacy skills;

“(F) train providers and personnel to support, develop, and administer high-quality early learning literacy initiatives that—

“(i) utilize data—
“(I) to inform instructional design; and

“(II) to assess literacy needs;

and

“(ii) provide time and support for personnel to meet to plan comprehensive literacy instruction;

“(G) provide family literacy services, as appropriate, and educate parents, teachers, and other caregivers about child literacy development;

“(H) annually collect, summarize, and report to the State educational agency data—

“(i) to document child progress in early literacy and language skills development as a result of activities carried out under this section;

“(ii) to stimulate and accelerate improvement by identifying the programs served by the eligible entity that produce significant gains in skills development; and

“(iii) for all subgroups of children and categories of children, including children in the subgroups described in section 1111(a)(2)(B)(ix), in a manner that—
“(I) utilizes a variety of measures of child literacy and language skills development; and

“(II) is consistent across the State; and

“(I) coordinate the involvement of families, early learning program staff, principals, other instructional leaders, and teachers in literacy development of children served under this part.

“(2) CURRICULA AND ASSESSMENT MATERIALS

LIMITATION.—Each eligible entity that receives a subgrant under this section shall not use more than 20 percent of the subgrant funds in the first year of subgrant funding, and not more than 10 percent of the subgrant funds in each year thereafter, to purchase curricula and assessment materials.

“(f) PROHIBITION.—The use of assessment items and data on any assessment authorized under this section to provide rewards or sanctions for individual children, early learning program providers, teachers, program directors, or principals is prohibited.
“SEC. 4109. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF KINDERGARTEN THROUGH GRADE 12 LITERACY.

“(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

“(1) SUBGRANTS.—A State educational agency shall use a portion of the implementation grant funds provided under subparagraph (C) or (D)(ii) of section 4104(a)(1) to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsections (b) and (c).

“(2) SUFFICIENT SIZE AND SCOPE.—A State educational agency shall award subgrants under this section of sufficient size and scope to allow the eligible entities to carry out high-quality literacy initiatives in each grade level for which the subgrant funds are provided.

“(3) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include, for each school that the eligible entity identifies as partici-
pating in a subgrant program under this section, the
following information:

“(A) A description of the eligible entity’s
capacity survey conducted to identify how
subgrant funds will be used to inform and im-
prove comprehensive literacy instruction at the
school.

“(B) How the school, local educational
agency, or a provider of high-quality profes-
sional development will provide ongoing high-
quality professional development to all teachers,
including early childhood educators, principals,
and other instructional leaders served by the
school, including early learning program admin-
istrators.

“(C) How the school will identify children
in need of literacy interventions or other sup-
port services and provide appropriate scientif-
ically valid instructional interventions or other
support services which may include extended
learning time for struggling children.

“(D) A budget for the school that projects
the cost of developing and implementing literacy
initiatives to carry out the activities described
in subsections (b) and (e) as applicable.
“(E) An explanation of how the school will integrate comprehensive literacy instruction into core academic subjects.

“(F) A description of how the school will coordinate comprehensive literacy instruction with early learning and after-school programs and activities in the area served by the local educational agency, such as school library programs.

“(G) A description of the assessments that will be used in an assessment system to improve comprehensive literacy instruction and track child literacy progress.

“(H) A description of how families and caregivers will be involved in supporting their children’s literacy instruction and assessment.

“(I) A description of how, if an eligible entity is requesting a planning period, the eligible entity will use that planning period to prepare for successful implementation of a plan to support the development of learning and literacy consistent with the purposes of this part.

“(J) A description of the literacy initiatives, if any, in place and how these initiatives
will be coordinated and integrated with activities supported under this section.

“(K) An assurance that the eligible entity will, if requested, participate in the national evaluation described in section 4110.

“(b) LOCAL USES OF FUNDS FOR KINDERGARTEN THROUGH GRADE 5.—An eligible entity that receives a subgrant under this section shall use the subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 5:

“(1) Developing and implementing a literacy plan across content areas that—

“(A) serves the needs of all children, including children with disabilities and English learners, especially children who are reading or writing below grade level;

“(B) provides intensive, supplemental, accelerated, and explicit intervention and support in reading and writing for children whose literacy skills are below grade level; and

“(C) supports activities that are provided primarily during the regular school day but which may be augmented by after-school and out-of-school time instruction.
“(2) Acquiring, providing training for, selecting, and administering assessments, and managing, monitoring, and planning instruction based on the assessment data.

“(3) Providing high-quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, and other program staff.

“(4) Training principals, specialized instructional support personnel, and other school district personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 literacy initiatives that—

“(A) utilize data—

“(i) to inform instructional decisions; and

“(ii) to assess professional development needs; and

“(B) provide time and support for teachers to meet to plan comprehensive literacy instruction.

“(5) Coordinating the involvement of early learning program staff, principals, other instructional leaders, teachers, teacher literacy teams,
English as a second language specialists (as appropriate), special educators, and school librarians in the literacy development of children served under this part.

“(6) Engaging families and encouraging family literacy experiences and practices to support literacy development.

“(7) Annually collecting, summarizing, and reporting to the State educational agency data—

“(A) to document and monitor for the purpose of improving practice, improvements, or increases in children’s reading and writing pursuant to activities carried out under this section;

“(B) to stimulate and accelerate improvement by identifying the schools that produce significant gains in literacy achievement; and

“(C) for all children and categories of children, including the subgroups of children described in section 1111(a)(2)(B)(ix), in a manner that utilizes a variety of measures and that is consistent across the State.

“(c) LOCAL USES OF FUNDS FOR GRADES 6 THROUGH 12.—An eligible entity that receives a subgrant under this section shall use subgrant funds to carry out
the following activities pertaining to children in grades 6 through 12:

“(1) Developing and implementing a literacy plan described in paragraphs (1), (2), (3), (6), and (7) of subsection (b) for children in grades 6 through 12.

“(2) Training principals, specialized instructional support personnel, and other instructional leaders to support, develop, administer, and evaluate high-quality adolescent literacy initiatives that—

“(A) utilize data—

“(i) to inform instructional decisions and allow for personalization of instruction based on a child’s need; and

“(ii) to assess professional development needs;

“(B) assess the quality of adolescent comprehensive literacy instruction in core academic subjects, and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects;

“(C) provide time for teachers to meet to plan research-based adolescent comprehensive literacy instruction in core academic subjects,
and career and technical education subjects
where such career and technical education sub-
jects provide for the integration of core aca-
demic subjects; and

“(D) include explicit instruction in disci-
pline-specific thinking and how to read and
interpret discipline-specific text structures and
features.

“(3) Coordinating the involvement of principals,
other instructional leaders, teachers, teacher literacy
teams, English as a second language specialists (as
appropriate), special educators, and school librarians
in the literacy development of children served under
this part.

“(d) ALLOWABLE USES.—An eligible entity that re-
ceives a subgrant under this section may, in addition to
carrying out the activities described in subsections (b) and
(c), use subgrant funds to carry out the following activities
pertaining to children in kindergarten through grade 12:

“(1) Providing a planning period of not more
than 1 year for eligible entities to establish the ele-
ments necessary for successful implementation of a
literacy program for kindergarten through grade 12.

“(2) Recruiting, placing, training, and compen-
sating literacy coaches.
“(3) Connecting out-of-school learning opportunities to in-school learning in order to improve the literacy achievement of the children.

“(4) Training families and caregivers to support the improvement of adolescent literacy.

“(5) Providing for a multitier system of support.

“(6) Forming a school literacy leadership team to help implement, assess, and identify necessary changes to the literacy initiatives in 1 or more schools to ensure success.

“(7) Providing high-quality, literacy-rich environments that engage children with materials and experiences at the children’s reading and writing levels.

“(8) Providing time for teachers (and other literacy staff, as appropriate, such as school librarians) to meet to plan comprehensive literacy instruction.

“(e) LIMITATION OF USE TO CERTAIN SCHOOLS.—An eligible entity receiving a subgrant under this section shall, in distributing the subgrant funds, provide the subgrant funds only to schools, including public charter schools, that have the highest percentages or numbers of children counted under section 1124(c).
“SEC. 4110. NATIONAL EVALUATION, INFORMATION DISSEMINATION, AND TECHNICAL ASSISTANCE.

“(a) National Evaluation.—

“(1) In general.—From the amount reserved in accordance with section 9601, the Secretary shall enter into a contract with an organization independent of the Department for a 5-year national evaluation of the grant and subgrant programs assisted under this part. Such evaluation shall include scientifically valid research that applies rigorous and systematic procedures to obtain valid knowledge relevant to the implementation and effect of the programs.

“(2) Contents of evaluation.—The evaluation described in this subsection shall include an analysis of each of the following:

“(A) The impact of the implementation of literacy initiatives and practices supported under this part on—

“(i) increasing academic outcomes, including child literacy development in reading and writing, and speaking (as appropriate), grade promotion, and graduation to the extent predictable;
“(ii) promoting the appropriate early literacy development of young children; and

“(iii) strengthening the literacy skills of English learners and children with disabilities.

“(B) The fidelity of implementation of core program features, such as coherence of the program across grades, quality of technical assistance, State and local educational agency leadership, professional development for teachers and administrators, use of quality materials and pedagogy, and use of assessment.

“(C) The relationship between implementation of core features and children’s academic outcomes.

“(D) Other inquiries as designated by the Secretary, such as—

“(i) the core functions of literacy initiatives that have demonstrated the greatest impact on child literacy achievement, especially among children reading below grade level;

“(ii) effective strategies to integrate State and local standards, curricula, as-
sessments, instruction, materials, and interventions to improve literacy;

“(iii) the types of literacy activities and professional development that most effectively improve the early reading, writing, and language skills of children from birth through kindergarten entry;

“(iv) the impact of adolescent literacy initiatives on adolescent motivation, engagement, and participation in adolescent literacy activities;

“(v) the relationship between children’s literacy achievement and secondary school success, including improving graduation rates; and

“(vi) effective strategies to integrate school and public library programs to improve literacy.

“(3) PROGRAM IMPROVEMENT.—The Secretary shall—

“(A) provide the findings of the evaluation conducted under this section to State educational agencies and subgrant recipients for use in program improvement;
“(B) make such findings publicly available, including on the Department’s website; and
“(C) submit such findings to the authorizing committees.
“(b) INFORMATION DISSEMINATION AND TECHNICAL ASSISTANCE.—
“(1) IN GENERAL.—From amounts reserved under section 4104(a)(1)(A), the Secretary, in collaboration with the regional educational laboratories established under section 174 of the Education Sciences Reform Act of 2002, the comprehensive centers established under section 203 of the Educational Technical Assistance Act of 2002, and the Director of the National Institute of Child Health and Human Development, shall—
“(A) distribute information on—
“(i) comprehensive literacy instruction, including best practices and model programs identified in the evaluation;
“(ii) other inquiries designated by the Secretary under subsection (a)(2)(D); or
“(iii) other relevant Federal studies of literacy activities; and
“(B) provide technical assistance in order to assist States and local educational agencies
in improving comprehensive literacy instruction and learning.

“(2) DISSEMINATION AND COORDINATION.—

The Secretary shall disseminate the information described in paragraph (1)(A) to—

“(A) recipients of Federal financial assistance under this part, the Head Start Act, the Individuals with Disabilities Education Act, and the Adult Education and Family Literacy Act; and

“(B) each Bureau-funded school (as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)).

“(3) USE OF NETWORKS.—In carrying out this subsection, the Secretary shall, to the extent practicable, use information and dissemination networks developed and maintained through other public and private entities.

“SEC. 4111. CONSEQUENCES OF INSUFFICIENT PROGRESS, REPORTING REQUIREMENTS, AND CONFLICTS OF INTEREST.

“(a) CONSEQUENCES OF INSUFFICIENT PROGRESS.—

“(1) CONSEQUENCES FOR GRANT RECEIPIENTS.—If the Secretary determines that a State
educational agency receiving an award under sub-
paragraph (C) or (D)(ii) of section 4104(a)(1), or an
eligible entity receiving a subgrant under section
4108 or 4109, is not making significant progress in
meeting the purposes of this part and the key data
metrics identified by the State educational agency in
section 4106(b)(2)(C) after the submission of a re-
port described in subsection (b), then the Secretary
may withhold, in whole or in part, further payments
under this part in accordance with section 455 of
the General Education Provisions Act or take such
other action authorized by law as the Secretary de-
determines necessary, including providing technical as-
sistance upon request of the State educational agen-
cy, or eligible entity, respectively.

“(2) CONSEQUENCES FOR SUBGRANT recipi-
ents.—

“(A) IN GENERAL.—A State educational
agency receiving an award under subparagraph
(C) or (D)(ii) of section 4104(a)(1) may refuse
to award subgrant funds to an eligible entity
under section 8 or 9 if the State educational
agency finds that the eligible entity is not mak-
ing significant progress in meeting the purposes
of this part, after—
“(i) affording the eligible entity notice, a period for correction, and an opportunity for a hearing; and

“(ii) providing technical assistance to the eligible entity.

“(B) FUNDS AVAILABLE.—Subgrant funds not awarded under subparagraph (A) shall be redirected to an eligible entity serving similar children in the same area or region as the eligible entity not awarded the subgrant funds, to the greatest extent practicable.

“(b) REPORTING REQUIREMENTS.—

“(1) STATE EDUCATIONAL AGENCY ANNUAL REPORTS.—Each State educational agency receiving an award under subparagraph (C) or (D)(ii) of section 4104(a)(1) shall report annually to the Secretary regarding the State educational agency’s progress in addressing the purposes of this part. Such report shall include at a minimum data, for each subgrantee, and for the State, on the metrics identified under section 4106(b)(2)(C), such as—

“(A) the number and percentage of children reading and writing on grade level by the end of grade 3;
“(B) the percent of children served under
the award who receive special education and re-
lated services; and

“(C) the degree of appropriate develop-
mental progress or literacy achievement growth
of children, disaggregated by the subgroups de-
scribed in section 1111(a)(2)(B)(ix).

“(2) PERIODIC REPORTS.—Each State edu-
cational agency receiving an award under subpara-
graph (C) or (D)(ii) of section 4104(a)(1) shall peri-
odically report to the Secretary regarding the State
educational agency’s progress in addressing the pur-
poses of this part. Such reports shall be submitted
at such times, and in such manner, as the Secretary
shall establish, and shall, over the term of the grant,
include descriptions of—

“(A) the professional development activi-
ties provided under the award, including types
of activities and entities involved in providing
professional development to classroom teachers
and other program staff, such as school librar-
ians;

“(B) instruction, strategies, activities, cur-
ricula, materials, and assessments used in the
programs funded under the award;
“(C) the types of programs funded under the award and demographic information, including ages, of the children served by the programs funded under the award, except that such information shall not be personally identifiable;

“(D) the experience and qualifications of the program staff who provide comprehensive literacy instruction under the programs funded under the award, including the experience and qualifications of those staff working with children with disabilities or developmental delay, with English learners, and with children from birth to kindergarten entry; and

“(E) student performance on relevant program metrics, as identified in the State educational agency’s plan, such as—

“(i) the number of children reading and writing on grade level by the end of the third grade;

“(ii) the percent of students served under this part receiving special education services;

“(iii) the instruction and activities delivered to at-risk students served under this part; and
“(iv) the professional development activities provided to teachers participating under this part.

“(3) ELIGIBLE ENTITY REPORTS.—Each eligible entity receiving a subgrant under section 4108 or 4109 shall report to the State educational agency regarding the eligible entity’s progress in addressing the purposes of this part. Any such report shall be submitted at such time, and in such manner, as the State educational agency shall establish, consistent with the requirements of paragraphs (1) and (2) for reports submitted by the State educational agency to the Secretary, and shall, over the term of the subgrant, include, consistent with such requirements for the State educational agency reports, descriptions of—

“(A) how the subgrant funds were used; and

“(B) the results of an external evaluation, if the Secretary determines such evaluation to be applicable.

“SEC. 4112. RULES OF CONSTRUCTION.

“(a) CHILD ELIGIBILITY.—Nothing in this part shall be construed to prohibit children eligible for assistance under title I or III or children eligible for assistance under
the Individuals with Disabilities Education Act from receiving literacy instruction and intervention under this part.

“(b) IDEA EVALUATION.—The screening assessments, diagnostic assessments, and formative assessments of reading and writing authorized under this part shall not be construed to constitute an evaluation required under the Individuals with Disabilities Education Act, except that assessments administered under this Act may be used in conjunction with other assessments as part of an evaluation under the Individuals with Disabilities Education Act, provided that all assessment requirements of such Act are met.”.

SEC. 4103. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH INSTRUCTION AND STUDENT ACHIEVEMENT.

(a) Redesignation.—Title IV (20 U.S.C. 7101 et seq.) is amended—

(1) by redesignating part B as part E, and transferring such part E so as to follow part D, as added by section 4105;

(2) by striking section 4206; and

(3) by redesignating sections 4201, 4202, 4203, 4204, and 4205, as sections 4501, 4502, 4503, 4504, and 4505, respectively.
(b) Improving Science, Technology, Engineering, and Math Instruction and Student Achievement.—Title IV (20 U.S.C. 7101 et seq.) is amended by inserting after part A the following:

“PART B—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT

“SEC. 4201. PURPOSE.

“The purpose of this part is to improve student academic achievement in science, technology, engineering, and mathematics by—

“(1) improving instruction in such subjects through grade 12;

“(2) improving student engagement in, and increasing student access to, such subjects;

“(3) improving the quality and effectiveness of classroom instruction by recruiting, training, and supporting highly rated teachers and providing robust tools and supports for students and teachers in such subjects; and

“(4) closing student achievement gaps, and preparing more students to be college and career ready in such subjects.

“SEC. 4202. DEFINITIONS.

“In this part:
“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a State educational agency; or

“(B) a State educational agency in partnership with 1 or more other State educational agencies.

“(2) ELIGIBLE SUBGRANTEE.—The term ‘eligible subgrantee’ means—

“(A) a high-need local educational agency;

“(B) an educational service agency serving more than 1 high-need local educational agency;

“(C) a consortium of high-need local educational agencies; or

“(D) an entity described in subparagraph (A) or (C) of paragraph (3) that has signed a memorandum of agreement with an entity described in subparagraph (A), (B), or (C) of this paragraph to implement the requirements of this part in partnership with such entity.

“(3) OUTSIDE PARTNER.—The term ‘outside partner’ means an entity that has expertise and a demonstrated record of success in improving student learning and engagement in the identified subjects described in section 4204(b)(2), including any of the following:
“(A) A nonprofit or community-based organization, which may include a cultural organization, such as a museum or learning center.

“(B) A business.

“(C) An institution of higher education.

“(D) An educational service agency.

“(4) **STATE.**—The term ‘State’ means—

“(A) any of the 50 States;

“(B) the District of Columbia;

“(C) the Bureau of Indian Education; or

“(D) the Commonwealth of Puerto Rico.

**SEC. 4203. GRANTS; ALLOTMENTS.**

“(a) **RESERVATIONS.**—

“(1) **IN GENERAL.**—From the amounts appropriated for this part for a fiscal year, the Secretary shall reserve—

“(A) not more than 2 percent to provide technical assistance to States; and

“(B) not more than 5 percent for State capacity-building grants, if the Secretary is awarding such grants in accordance with paragraph (2).

“(2) **CAPACITY-BUILDING GRANTS.**—

“(A) **IN GENERAL.**—In any year for which funding is distributed competitively, as de-
scribed in subsection (b)(1), the Secretary may award 1 capacity-building grant to each State that does not receive a grant under subsection (b), on a competitive basis, to enable such State to become more competitive in future years.

“(B) DURATION.—Grants awarded under subparagraph (A) shall be for a period of 1 year.

“(b) COMPETITIVE GRANTS.—

“(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out this part, and not reserved under subsection (a)(1), is less than $500,000,000, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such eligible entities to carry out the activities described in this part.

“(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 3 years.

“(3) RENEWAL.—

“(A) IN GENERAL.—If an eligible entity demonstrates progress, as measured by the metrics described in section 4206(a), the Secretary may renew a grant for an additional 2-year period.
“(B) REDUCED FUNDING.—Grant funds awarded under subparagraph (A) shall be awarded at a reduced amount.

“(c) FORMULA GRANTS.—

“(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out this part, and not reserved under subsection (a)(1), is equal to or more than $500,000,000, the Secretary shall award grants to States, based on the formula described in paragraph (2).

“(2) DISTRIBUTION OF FUNDS.—The Secretary shall allot to each State—

“(A) an amount that bears the same relationship to 35 percent of the excess amount described in paragraph (1) as the number of individuals ages 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(B) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals ages 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Sec-
retary on the basis of the most recent satisfac-
tory data, bears to the number of those individ-
uals in all such States, as so determined.

“(3) **FUNDING MINIMUM.**—No State receiving
an allotment under this subsection may receive less
than one-half of 1 percent of the total amount allotted
under paragraph (1) for a fiscal year.

“(4) **PUERTO RICO.**—The amount allotted
under paragraph (2) to the Commonwealth of Puer-
to Rico for a fiscal year may not exceed one-half of
1 percent of the total amount allotted under para-
graph (1) for such fiscal year.

“(5) **REALLOTMENT OF UNUSED FUNDS.**—If a
State does not successfully apply, the Secretary shall
reallot the amount of the State’s allotment to the re-
mainning States in accordance with this subsection.

**SEC. 4204. APPLICATIONS.**

“(a) **IN GENERAL.**—Each eligible entity or State de-
siring a grant under this part, whether through a competi-
tive grant under section 4203(b) or through an allotment
under section 4203(e), shall submit an application to the
Secretary at such time, in such manner, and accompanied
by such information as the Secretary may require.

“(b) **CONTENTs.**—At a minimum, an application sub-
mitted under subsection (a) shall include the following:
“(1) A description of the needs, including assets, identified by the State or eligible entity, based on a State analysis, which—

“(A) may include results from a relevant pre-existing analysis of science, technology, engineering, and mathematics education quality and outcomes in the State or States served by the eligible entity;

“(B) shall include data for elementary school and secondary school grades, as applicable, to the extent that such data are available, on—

“(i) student achievement in science and mathematics, including such data collected in accordance with the requirements of section 1111(a)(3)(A), and student achievement in technology and engineering;

“(ii) science, technology, engineering, and mathematics teacher evaluations;

“(iii) student access to mathematics and science courses needed to enroll in credit-bearing coursework at institutions of higher education in the State or States served by the eligible entity;
“(iv) access to science, technology, engineering, and mathematics courses for students through grade 12 who—

“(I) are eligible to receive a free or reduced priced lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

“(II) come from families with an income that is below the poverty line;

“(v) student achievement gaps in science, technology, engineering, and mathematics subjects;

“(vi) the percentage of students who successfully—

“(I) complete Advanced Placement or International Baccalaureate courses in science, technology, engineering, and mathematics subjects; or

“(II) complete rigorous postsecondary education courses in science, technology, engineering, and mathematics subjects;

“(vii) the information collected under section 1111(d)(3)(B)(viii)(III);
“(viii) available instructional systems and supports, such as curricula, instructional materials, professional development, teacher evaluation systems, and assessments;

“(ix) science, technology, engineering, and mathematics teacher qualifications; and

“(x) teacher shortages and teacher distribution among local educational agencies and schools in science, technology, engineering, and mathematics subjects;

“(C) shall include labor market information regarding the industry and business workforce needs within the eligible entity;

“(D) shall include an analysis of the quality of pre-service preparation at all public institutions of higher education (including alternative pathways to teacher licensure or certification) for individuals preparing to teach science, technology, engineering, and mathematics subjects in a preschool, elementary school, or secondary school in the State; and

“(E) shall include an analysis of the implementation of any multi-tiered systems of sup-
port that have been employed in the State or
States served by the eligible entity to address
the learning needs of students in any science,
technology, engineering, and mathematics sub-
jects.

“(2) An identification of the specific science,
technology, engineering, and mathematics subjects
that the State or eligible entity will address through
the activities described in section 4205, consistent
with the needs identified under paragraph (1) (re-
ferred to in this part as ‘identified subjects’).

“(3) A description, in a manner that addresses
any needs identified under paragraph (1), of—

“(A) how grant funds will be used by the
State or eligible entity to improve instruction in
identified subjects using evidence-based pro-
grams of instruction that are aligned with the
college and career ready standards and aca-
demic assessments under paragraphs (1) and
(2) of section 1111(a);

“(B) how grant funds will be used to sup-
port subgrantees and other high-need local edu-
cational agencies in the employment of multi-
tiered systems of support to provide early inter-
vening services, as described in section

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613(a)(4)(A)(ii) of the Individuals with Disabilities Education Act, and to increase student achievement in identified subjects;

“(C) the process that the State or eligible entity will use for awarding subgrants, including how relevant stakeholders will be involved;

“(D) how the State’s or eligible entity’s activities and subgrants will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

“(E) the technical assistance that the State or eligible entity will provide to subgrantees to support the activities undertaken by the subgrantees;

“(F) how the State or eligible entity will evaluate the activities funded, both at the State and subgrantee level, with funds provided under this part, and in a manner consistent with any evaluation activities carried out by the Institute of Education Sciences under section 4207, or the National Science Foundation;
“(G) how the State or eligible entity will allocate funds in a manner that will provide services to both elementary schools and secondary schools;

“(H) how the State or eligible entity will provide targeted support to improve instruction in high-need local educational agencies and high-need schools;

“(I) how the State or eligible entity’s proposed project will ensure an increase in access for students who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields to high-quality courses in 1 or more of the identified subjects; and

“(J) how the State or eligible entity will continue to involve stakeholders in education reform efforts related to science, technology, engineering, and mathematics instruction.

“(4) Assurances that the State or eligible entity will monitor implementation of approved subgrantee plans.

“(c) ADDITIONAL FUNDING.—A State or eligible entity that submits a request to use the additional State activities reservation described in section 4205(d)(2), shall
provide, in a manner that addresses the needs identified
under subsection (b)(1), a description of the activities that
the eligible entity will carry out with such funds, con-
sistent with section 4205.

“SEC. 4205. AUTHORIZED ACTIVITIES.

“(a) REQUIRED ACTIVITIES.—Each State or eligible
entity that receives a grant under this part shall use the
grant funds to carry out each of the following activities:

“(1) Increasing access for students through
grade 12 who are members of groups underrepre-
sented in science, technology, engineering, and
mathematics subject fields to high-quality courses in
the identified subjects.

“(2) Implementing evidence-based programs of
instruction based on high-quality standards and as-
seSSments in the identified subjects.

“(3) Providing professional development and
other comprehensive systems of support for teachers
and school leaders to promote high-quality instruc-
tion and instructional leadership in the identified
subjects.

“(4) Providing technical assistance to sub-
grantees and other high-need schools and local edu-
cational agencies in order to improve student
achievement and narrow achievement gaps in identified subjects, including through—

“(A) the development and implementation of multi-tiered systems of support; and

“(B) the development of curriculum or instructional materials consistent with the principals of universal design for learning, as defined in section 103 of the Higher Education Act of 1965.

“(b) PERMISSIBLE ACTIVITIES.—Each State or eligible entity that receives a grant under this part may use the grant funds to carry out 1 or more of the following activities:

“(1) Recruiting qualified teachers and instructional leaders who are trained in identified subjects, including teachers who have transitioned into the teaching profession from a career in science, technology, engineering, and mathematics fields.

“(2) Providing induction and mentoring services to new teachers in identified subjects.

“(3) Developing instructional supports, such as curricula and assessments, which shall be evidence-based and aligned with State college and career ready academic content standards under section
1111(a)(1), and may include Internet-based curricular and Internet-based instructional supports.

“(4) Implementing an interdisciplinary approach, by integrating instruction in 1 or more science, technology, engineering, and mathematics subjects with reading, English language arts, or instruction in other core academic subjects and noncore academic subjects.

“(e) Subgrants.—

“(1) In general.—Each State or eligible entity that receives a grant under this section shall award subgrants, on a competitive basis, to eligible subgrantees.

“(2) Minimum subgrant.—A State or eligible entity shall award subgrants under this subsection that are of sufficient size and scope to support high-quality, evidence-based, effective programs that are consistent with the purpose of this part.

“(3) Subgrantee application.—

“(A) In general.—Each eligible subgrantee desiring a subgrant under this subsection shall submit an application to the State or eligible entity at such time, in such manner, and accompanied by such information as the State or eligible entity may require.
“(B) CONTENTS OF SUBGRANTEE APPLICATION.—At a minimum, the application described in subparagraph (A) shall include the following:

“(i) A description of the activities that the eligible subgrantee will carry out, and how such activities will improve teaching and student academic achievement in the identified subjects, in a manner consistent with scientifically valid research.

“(ii) A description of how the eligible subgrantee will use funds provided under this subsection to serve students and teachers in high-need schools.

“(iii) A description of how funds provided under this subsection will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

“(iv) If the eligible subgrantee is working with outside partners, a description of how such outside partners will be
involved in improving instruction and increasing access to high-quality learning experiences in the identified subjects.

“(4) SUBGRANTEE USE OF FUNDS.—

“(A) REQUIRED USE OF FUNDS.—Each subgrantee under this subsection shall use the subgrant funds to carry out activities for students through grade 12, consistent with the activities described in the subgrantee’s application, which shall include—

“(i) high-quality teacher and instructional leader recruitment, support, and evaluation in the identified subjects;

“(ii) professional development, which may include development and support for instructional coaches, to enable teachers and instructional leaders to increase student achievement in identified subjects, through—

“(I) implementation of classroom assessments; and

“(II) differentiation of instruction in identified subjects for all students, including for students who are
children with disabilities and students
who are English learners;
“(iii) activities to—
“(I) improve the content knowl-
edge of teachers; and
“(II) facilitate professional col-
laboration, which may include pro-
viding time for such collaborations;
“(iv) the development, adoption, and
improvement of high-quality curricula and
instructional supports that—
“(I) are aligned with State col-
lege and career ready academic con-
tent standards under section
1111(a)(1); and
“(II) the eligible subgrantee will
use to improve student academic
achievement in identified subjects;
“(v) the development or improvement,
and implementation, of multi-tiered sys-
tems of support to provide early inter-
vening services and to increase student
achievement in 1 or more of the identified
subjects; and
“(vi) integrating instruction in the identified subjects with instruction in reading, English language arts, or other core and noncore academic subjects.

“(B) ALLOWABLE USE OF FUNDS.—In addition to the required activities described in subparagraph (A), each eligible subgrantee that receives a subgrant under this subsection, may also use the subgrant funds to—

“(i) support the participation of low-income students in nonprofit competitions related to science, technology, engineering, and mathematics subjects (such as robotics, science research, invention, mathematics, computer science, and technology competitions); and

“(ii) broaden secondary school students’ access to, and interest in, careers that require academic preparation in 1 or more identified subjects.

“(C) LIMITATION.—Each subgrantee that receives a subgrant under this subsection shall not expend more than 15 percent of the subgrant funds on the activities described in subparagraph (B).
“(D) MATCHING FUNDs.—A State or eligi-
ble entity shall require an eligible subgrantee
receiving a subgrant under this subsection to
demonstrate that such subgrantee has obtained
a commitment from 1 or more outside partners
to match, using non-Federal funds or in-kind
contributions, not less than 15 percent of the
amount of subgrant funds. In the case of sig-
nificant financial hardship, an eligible sub-
grantee may apply to the State or eligible entity
for, and the State or eligible entity may grant,
a waiver of a portion of the minimum matching
funds requirement.

“(d) STATE ACTIVITIES.—

“(1) IN GENERAL.—Each State or eligible enti-
ty that receives a grant under this part may use not
more than 5 percent of grant funds for—

“(A) administrative costs;

“(B) monitoring the implementation of
subgrants;

“(C) providing technical assistance to sub-
grantees; and

“(D) evaluating subgrants in coordination
with the evaluation described in section 4207.
“(2) Reservation.—Each State or eligible entity that receives a grant under this part may submit a request to the Secretary to reserve not more than 15 percent of grant funds, inclusive of the amount described in paragraph (1), for additional State activities, consistent with subsections (a) and (b).

“SEC. 4206. PERFORMANCE METRICS; REPORT.

“(a) Establishment of Performance Metrics.—The Secretary, acting through the Director of the Institute of Education Sciences, shall establish performance metrics to evaluate the effectiveness of the activities carried out under this part.

“(b) Annual Report.—Each State or eligible entity that receives a grant under this part shall prepare and submit an annual report to the Secretary, which shall include information relevant to the performance metrics described in subsection (a).

“SEC. 4207. EVALUATION.

“From the amount reserved in accordance with section 9601, the Secretary shall—

“(1) acting through the Director of the Institute of Education Sciences, and in consultation with the Director of the National Science Foundation—
“(A) evaluate the implementation and impact of the activities supported under this part, including progress measured by the metrics established under section 4206(a); and

“(B) identify best practices to improve instruction in science, technology, engineering, and mathematics subjects; and

“(2) disseminate, in consultation with the National Science Foundation, research on best practices to improve instruction in science, technology, engineering, and mathematics subjects.

“SEC. 4208. SUPPLEMENT NOT SUPPLANT.

“Funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

“SEC. 4209. MAINTENANCE OF EFFORT.

“A State that receives funds under this part for a fiscal year shall maintain the fiscal effort provided by the State for the subjects supported by the funds under this part at a level equal to or greater than the level of such fiscal effort for the preceding fiscal year.”.
SEC. 4104. INCREASING ACCESS TO A WELL-ROUNDED EDUCATION.

Title IV (20 U.S.C. 7101 et seq.) is amended by inserting after part B, as added by section 4103 of this Act, the following:

“PART C—INCREASING ACCESS TO A WELL-ROUNDED EDUCATION

“SEC. 4301. PURPOSE.

“The purpose of this part is to improve student achievement by giving students increased access to high-quality instruction for a well-rounded education.

“SEC. 4302. DEFINITIONS.

“In this part:

“(1) COVERED SUBJECTS.—The term ‘covered subjects’ means any of the following academic subjects:

“(A) Arts.
“(B) Civics and government.
“(C) Economics.
“(D) Environmental education.
“(E) Financial literacy.
“(F) Foreign languages.
“(G) Geography.
“(H) Health education.
“(I) History.
“(J) Physical education.
“(K) Social studies.

“(2) Eligible entity.—The term ‘eligible entity’ means a State educational agency in partnership with—

“(A) a nonprofit organization with a demonstrated record of success in improving student achievement in 1 or more covered subjects;

“(B) an institution of higher education;

“(C) a local educational agency;

“(D) an educational service agency; or

“(E) 1 or more other State educational agencies.

“(3) Eligible subgrantee.—The term ‘eligible subgrantee’ means—

“(A) a high-need local educational agency;

“(B) an educational service agency serving more than 1 high-need local educational agency; or

“(C) a consortium of high-need local educational agencies.

“(4) Low-income student.—The term ‘low-income student’ means a student—

“(A) from a family with an income below the poverty line; or
“(B) who is eligible for free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“SEC. 4303. GRANT PROGRAM.

“(a) Grants to Eligible Entities.—From amounts appropriated to carry out this part for a fiscal year, and not reserved in accordance with section 9601, the Secretary shall make grants to eligible entities to enable the eligible entities to carry out the activities described in subsection (e).

“(b) Duration.—A grant under this section shall be for a period of not more than 5 years.

“(c) Payments.—

“(1) Contingent Payments.—After the third year of a grant under this section, the Secretary shall make continued funding under the grant contingent upon the eligible entity’s progress toward reaching the goals established under the metrics described in subsection (h)(1).

“(2) Formula.—

“(A) Distribution Trigger.—

“(i) Amount to Trigger Formula.—If the amount of funds appropriated to carry out this part for a fiscal...
year equals or exceeds $500,000,000, then the Secretary shall award grants to eligible entities based on the formula described under subparagraph (B).

“(ii) Amount to trigger competitive grant process.—If the funds appropriated to carry out this part for a fiscal year are less than $500,000,000, then the Secretary shall award grants to eligible entities on a competitive basis.

“(B) Formula.—From funds made available to carry out this part for a fiscal year, and not reserved in accordance with section 9601, the Secretary shall allot to each eligible entity having an application approved under subparagraph (C)—

“(i) an amount that bears the same relationship to 80 percent of the remainder as the number of individuals ages 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all
States that have an application approved under such subparagraph; and

“(ii) an amount that bears the same relationship to 20 percent of the remainder as the number of individuals ages 5 to 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all States that have an application approved under such subparagraph.

“(C) EXCEPTIONS.—

“(i) MINIMUM GRANT AMOUNT.—Subject to clause (ii), no State receiving an allotment under subparagraph (B) may receive less than 1 percent of the total amount allotted under such subparagraph.

“(ii) PUERTO RICO.—The percentage of the amount allotted under subparagraph (B) that is allotted to the Commonwealth of Puerto Rico for a fiscal year may not exceed the amount under clause (i).

“(D) PEER REVIEW REQUIREMENTS.—The Secretary shall establish a peer review process to ensure that applications submitted for for-
mula funding, as described in subparagraph (B), are of high quality and meet the requirements and purposes of this part.

“(d) APPLICATION.—

“(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(2) CONTENTS.—The application shall, at a minimum—

“(A) describe the needs identified by the eligible entity, based on the eligible entity’s analysis of—

“(i) student access to, and quality of instruction in, covered subjects, including a comparison of such access and quality between low-income and non-low-income students in the State served by the eligible entity;

“(ii) the capacity of high-need local educational agencies in such State to deliver high-quality instruction in covered subjects, including an analysis of instructional supports, curricula, teacher evalua-
tion systems, and teacher qualifications, effectiveness, knowledge, and skills;

“(iii) the capacity of the eligible entity to provide local educational agencies with the support, including professional development and technical assistance, needed to deliver high-quality instruction and curricula in covered subjects; and

“(iv) standards, assessments, curricula, accommodations, and other supports used in such State in covered subjects;

“(B) identify the covered subjects that the eligible entity will address through the activities described in subsection (e), consistent with the needs identified in subparagraph (A);

“(C) describe, in a manner that addresses the needs identified in subparagraph (A)—

“(i) how access to high-quality courses in the subjects identified in subparagraph (B) will be increased for low-income students in such State;

“(ii) how the knowledge and skills of teachers will be evaluated and improved so
that such teachers will deliver high-quality
instruction in such subjects;

“(iii) how the eligible entity will pro-
vide assistance to high-need local edu-
cational agencies to improve student access
to, and achievement in, the subjects identi-
fied in subparagraph (B), including
through principal training; and

“(iv) how the eligible entity will en-
sure that all activities funded through a
grant awarded under this section are evi-
dence-based;

“(D) describe how activities funded
through a grant awarded under this section will
be aligned with other Federal, State, and local
funding, programs, and strategies, as appro-
priate; and

“(E) if applicable, describe the eligible en-
tity’s plan for disbursing funds to eligible sub-
grantees to implement the activities described
in subsection (e).

“(3) COMPETITIVE PRIORITY.—If grants are
awarded competitively, consistent with subsection
(c)(2)(A)(ii), the Secretary shall give priority to ap-
lications from eligible entities that—
“(A) include in the application a plan to implement an interdisciplinary approach, by integrating instruction in 1 or more covered subjects with reading, English, language arts, science, or mathematics instruction; and

“(B) include in the application a plan to provide expanded learning time in the schools served by eligible subgrantees, in order to increase access to covered subjects.

“(e) AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall use the grant funds to increase access for low-income students to high-quality courses in the subjects identified in subsection (d)(2)(B) by carrying out 1 or more of the following activities:

“(A) Improving the knowledge and skills of teachers through rigorous evaluation systems, professional development, and other instructional supports in order to deliver high-quality instruction in such subjects, including to students who are English learners and students who are children with disabilities.

“(B) Providing assistance to high-need local educational agencies to improve low-in-
come student access to, and achievement in, such subjects.

“(C) Developing and implementing, or building local capacity to develop and implement, high-quality curricula, instructional supports, and assessments that are aligned with the State college and career ready academic content and achievement standards, consistent with section 1111(a)(1), in such subjects.

“(2) SPECIAL RULE.—Each eligible entity that receives a grant under this section shall use grant funds to meet the needs identified in subsection (d)(2)(A) and the Secretary shall not require any eligible entity to address a specific subject or to address all covered subjects.

“(3) STATE ADMINISTRATION.—Each eligible entity that receives a grant under this section may reserve not more than 4 percent of grant funds for administration costs of the grant.

“(f) SUBGRANTS.—

“(1) IN GENERAL.—Each eligible entity that receives a grant under this section may, in accordance with paragraph (2), award subgrants, on a competitive basis, to eligible subgrantees to enable such eli-
gible subgrantees to carry out the activities de-
scribed in subsection (e).

“(2) MINIMUM GRANT.—Each subgrant under
this subsection shall be of sufficient size and scope
to support a high-quality, effective program that is
consistent with the purpose of this part.

“(g) EVALUATION.—From the amount reserved in
accordance with section 9601, the Secretary shall—

“(1) acting through the Director of the Insti-
tute of Education Sciences—

“(A) evaluate, in consultation with the rel-
evant program office at the Department of
Education, the implementation and impact of
the activities supported under this section, in-
cluding progress as measured by the metrics es-
tablished under subsection (h)(1); and

“(B) identify best practices to improve in-
struction in covered subjects; and

“(2) disseminate research on best practices to
improve instruction in covered subjects.

“(h) ACCOUNTABILITY.—

“(1) PERFORMANCE METRICS.—The Secretary,
acting through the Director of the Institute of Edu-
cation Sciences, shall, in consultation with the rel-
evant program office at the Department, establish
performance metrics to evaluate the outcomes of grant projects that are assisted under this part.

“(2) Annual reports.—Each eligible entity that receives a grant under this section shall prepare and submit an annual report to the Secretary, which shall include information about the performance metrics described in paragraph (1).

“(i) Supplement not supplant.—An eligible entity shall use Federal funds received under this section only to supplement the funds that would, in the absence of such Federal funds, be made available from other Federal and non-Federal sources for the activities described in this section, and not to supplement such funds.

“(j) Maintenance of effort.—A State that receives assistance under this part shall maintain the fiscal effort provided by the State for the subjects supported by a grant under this part at a level equal to or greater than the level of such fiscal effort for the preceding fiscal year.”.

SEC. 4105. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS.

Title IV (20 U.S.C. 7101 et seq.) is amended by inserting after part C, as added by section 4104 of this Act, the following:
“PART D—SUCCESSFUL, SAFE, AND HEALTHY STUDENTS

“SEC. 4401. PURPOSE.

“The purpose of this part is to assist States and local educational agencies in developing and implementing comprehensive programs and strategies to foster positive conditions for learning in public schools, in order to increase academic achievement for all students through activities that—

“(1) promote student physical health and well-being, nutrition, and fitness;

“(2) promote student mental health and well-being;

“(3) prevent school violence and harassment, and reduce substance abuse among students; and

“(4) promote safe and supportive schools.

“SEC. 4402. DEFINITIONS.

“In this part:

“(1) CONTROLLED SUBSTANCE.—The term ‘controlled substance’ means a drug or other substance identified under Schedule I, II, III, IV, or V of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(e)).

“(2) DRUG.—The term ‘drug’ includes—

“(A) a controlled substance;
“(B) with respect to alcohol and tobacco, the illegal use of such substances; and

“(C) with respect to inhalants and anabolic steroids, the harmful, abusive, or addictive use of such substances.

“(3) Drug and violence prevention.—The term ‘drug and violence prevention’ means—

“(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the abuse and illegal use of drugs; and

“(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, at school sponsored activities, and via communications made available through electronic means, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others, and employs positive, preventative approaches to school discipline that minimize students’ re-
moval from instruction and reduce disparities among the subgroups of students described in section 1111(a)(2)(B)(ix).

“(4) ELIGIBLE LOCAL APPLICANT.—The term ‘eligible local applicant’ means—

“(A) a local educational agency;

“(B) a consortium of local educational agencies; or

“(C) a local educational agency or consortium of local educational agencies in partnership with a nonprofit organization that has a demonstrated record of success in implementing activities consistent with the purpose of this part.

“(5) PHYSICAL EDUCATION INDICATORS.—The term ‘physical education indicators’ means a set of measures for instruction on physical activity, health-related fitness, physical competence, and cognitive understanding about physical activity that—

“(A) are publicly reported annually in the State’s conditions for learning measurement system described in section 4404(g); and

“(B) include, for the State, for each local educational agency in the State, and for each school in the State, the average number of min-
utes that all students engage in moderate to vigorous physical activity, as measured against established recommended guidelines of the Centers for Disease Control and Prevention and the Department of Health and Human Services.

“(6) PROGRAMS TO PROMOTE MENTAL HEALTH.—The term ‘programs to promote mental health’ means programs that—

“(A) develop students’ social and emotional competencies; and

“(B) link students with, as applicable, school-based or local mental health systems, including by—

“(i) enhancing, improving, or developing collaborative efforts between school-based systems and mental health systems;

“(ii) improving the availability of crisis intervention services and appropriate referrals for students potentially in need of mental health services;

“(iii) providing training for mental health professionals and other school-based specialized instructional support personnel who will participate in the program; and
“(iv) providing services that establish
or expand the availability of counseling
and mental health programs for students.

“(7) PROGRAMS TO PROMOTE PHYSICAL ACTIVITY, EDUCATION, FITNESS, AND NUTRITION.—The
term ‘programs to promote physical activity, edu-
cation, fitness, and nutrition’ means programs that
increase and enable active student participation in
physical well-being activities, provide teacher profes-
sional development, are comprehensive in nature,
and include opportunities for professional develop-
ment for teachers of physical education to stay
abreast of the latest research, issues, and trends in
the field of physical education, and include 1 or
more of the following activities:

“(A) Fitness education and assessment to
help students understand, improve, or maintain
their physical well-being.

“(B) Instruction in a variety of motor
skills and physical activities designed to en-
hance the physical, mental, social, and emo-
tional development of every student.

“(C) Development of, and instruction in,
cognitive concepts about motor skill and phys-
ical fitness that support a lifelong healthy lifestyle.

“(D) Opportunities to develop positive social and cooperative skills through physical activity.

“(E) Instruction in healthy eating habits and good nutrition.

“SEC. 4403. RESERVATIONS.

“From amounts made available to carry out this part, the Secretary shall reserve—

“(1) for the first 3 years for which funding is made available to carry out this part—

“(A) not more than 30 percent of such amounts or $30,000,000, whichever amount is greater, for State conditions for learning measurement systems grants, distributed to every State (by an application process consistent with section 4404) in an amount proportional to each State’s share of funding under part A of title I of this Act, to develop or improve the State’s conditions for learning measurement system described in section 4404(g), and to conduct a needs analysis to meet the requirements of section 4404(c)(2); and
“(B) not more than 68 percent of such amounts for Successful, Safe, and Healthy Students State Grants under section 4404;

“(2) for the fourth year and each subsequent year for which funding is made available to carry out this part, not less than 98 percent of such amounts for Successful, Safe, and Healthy Students State Grants under section 4404; and

“(3) in each year for which funding is made available to carry out this part, not more than 2 percent of such amounts for technical assistance.

“SEC. 4404. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS STATE GRANTS.

“(a) PURPOSE.—The purpose of this section is to provide funding to States to implement comprehensive programs that address conditions for learning in schools in the State. Such programs shall be based on—

“(1) scientifically valid research; and

“(2) an analysis of need that considers, at a minimum, the indicators in the State’s conditions for learning measurement system described in subsection (g).

“(b) STATE GRANTS.—

“(1) IN GENERAL.—From amounts reserved under section 4403 for Successful, Safe, and
Healthy Students State Grants, the Secretary shall award grants to States to carry out the purpose of this section.

“(2) Awards to States.—

“(A) Formula Grants.—Except as provided in subparagraph (B), if the total amount reserved under section 4404 for Successful, Safe, and Healthy Students State Grants for a fiscal year is $500,000,000 or greater, the Secretary shall allot to each State with an approved application an amount that bears the same relationship to such total amount as the amount received under part A of title I by such State for the preceding fiscal year bears to the amount received under such part for the preceding fiscal year by all States.

“(B) Minimum State Allotment.—

“(i) In general.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total amount allotted under such subparagraph.

“(ii) Puerto Rico.—The amount allotted under subparagraph (A) to the Commonwealth of Puerto Rico for a fiscal year
may not exceed one-half of 1 percent of the total amount allotted under such subpara-
graph for such fiscal year.

“(C) COMPETITIVE GRANTS.—

“(i) IN GENERAL.—If the total amount reserved under section 4404 for Successful, Safe, and Healthy Students State Grants for a fiscal year is less than $500,000,000, the Secretary shall award grants under this section on a competitive basis.

“(ii) SUFFICIENT SIZE AND SCOPE.— In awarding grants on a competitive basis pursuant to clause (i), the Secretary shall ensure that grant awards are of sufficient size and scope to carry out required and approved activities under this section.

“(c) APPLICATIONS.—

“(1) IN GENERAL.—A State that desires to receive a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

“(2) CONTENT OF APPLICATION.—At a minimum, the application shall include—
“(A) a plan for improving conditions for learning in schools in the State in a manner consistent with the requirements of the program that may be a part of a broader statewide child and youth plan, if such a plan exists and is consistent with the requirements of this part;

“(B) a needs analysis of the conditions for learning in schools in the State, which—

“(i) shall include a description of, and data measuring, the State’s conditions for learning; and

“(ii) may be a part of a broader statewide child and youth needs analysis, if such an analysis exists and is consistent with the requirements of this part;

“(C) a description of how the activities the State proposes to implement with grant funds are responsive to the results of the needs analysis described in subparagraph (B); and

“(D) a description of how the State will—

“(i) develop, adopt, adapt, or implement the State’s conditions for learning measurement system described in subsection (g), and how the State will ensure that all local educational agencies and
schools in the State participate in such system;

“(ii) ensure the quality and validity of the State’s conditions for learning data collection;

“(iii) coordinate the proposed activities with other Federal and State programs, including programs funded under this part, which may include programs to expand learning time and for before- and after-school programming;

“(iv) assist local educational agencies to align activities with funds the agencies receive under the program with other funding sources in order to support a coherent and nonduplicative program;

“(v) solicit and approve subgrant applications, including how the State will—

“(I) allocate funds for statewide activities and subgrants for each year of the grant, consistent with allocation requirements under subsection (h)(2);

and

“(II) consider the results of the analysis described in subparagraph
(B) in the State’s distribution of sub-
grants;

“(vi) address the needs of diverse geo-
graphic areas in the State, including rural
and urban communities;

“(vii) provide assistance to local edu-
cational agencies and schools in their ef-
forts to prevent and appropriately respond
to incidents of harassment, including build-
ing the capacity of such agencies and
schools to educate family and community
members regarding the agencies’ and
schools’ respective roles in preventing and
responding to such incidents; and

“(viii) provide assistance to local edu-
cational agencies and schools in their ap-
proaches to school discipline.

“(3) Application review process.—The
Secretary shall establish a process to review applica-
tions submitted under this subsection.

“(d) Duration.—

“(1) In general.—A State that receives a
grant under this section may receive funding for not
more than 5 years in accordance with this sub-
section.
“(2) Initial period.—The Secretary shall award grants under this section for an initial period of not more than 3 years.

“(3) Grant extension.—The Secretary may extend a competitive grant awarded to a State under this section for not more than an additional 2 years if the State shows sufficient improvement, as determined by the Secretary, against baseline data for the performance metrics established under subsection (i).

“(e) Reservation and use of funds.—A State that receives a grant under this section shall—

“(1) reserve not more than 7 1⁄2 percent of the grant funds for administration of the program, technical assistance, and the development, improvement, and implementation of the State’s conditions for learning measurement system, as described in subsection (g); and

“(2) use the remainder of grant funds after making the reservation under paragraph (1) to award subgrants, on a competitive basis, to eligible local applicants.

“(f) Required state activities.—A State that receives a grant under this section shall—
“(1) establish a statewide physical education re-
requirement that is consistent with widely recognized
standards;
“(2) require all local educational agencies in the
State to—
“(A) establish policies that prevent and
prohibit conduct that is sufficiently severe, per-
sistent, or pervasive to limit a student’s ability
to participate in or benefit from a program or
activity of a public school or educational agen-
cy, or to create a hostile or abusive educational
environment at a program or activity of a pub-
lic school or educational agency, including acts
of verbal, nonverbal, or physical aggression, in-
timidation, or hostility; and
“(B) provide—
“(i) annual notice to parents and stu-
dents describing the full range of prohib-
ited conduct contained in such local edu-
cational agency’s discipline policies; and
“(ii) grievance procedures for students
or parents to register complaints regarding
the prohibited conduct contained in such
local educational agency’s discipline poli-
cies, including—
“(I) the name of the local educational agency officials who are designated as responsible for receiving such complaints; and

“(II) timelines that the local educational agency will follow in the resolution of such complaints;

“(3) not later than 1 year after receipt of the grant, develop, adapt, improve, or adopt and implement the statewide conditions for learning measurement system described in subsection (g) (unless the State can demonstrate, to the satisfaction of the Secretary, that an appropriate system has already been implemented) that annually measures the State’s progress in the conditions for learning for every public school in the State;

“(4) collect information in each year of the grant on the conditions for learning at the school-building level;

“(5) collect annual incident data at the school-building level that are accurate and complete;

“(6) publicly report, at the school level and local educational agency level, the data collected in the State’s conditions for learning measurement system, described in subsection (g), each year in a time-
ly and highly accessible manner, and in a manner
that does not reveal personally identifiable informa-
tion;

“(7) use the results of the data collected in the
State’s conditions for learning measurement system
to—

“(A) identify and address conditions for
learning statewide;

“(B) help subgrantees identify and address
school and student needs; and

“(C) provide individualized assistance to
schools identified under section 1116 and
schools with significant conditions for learning
weaknesses;

“(8) award subgrants, consistent with sub-
section (h), to eligible local applicants; and

“(9) monitor subgrants and provide technical
assistance to subgrantees on the implementation of
grant activities.

“(g) CONDITIONS FOR LEARNING MEASUREMENT
SYSTEM.—

“(1) IN GENERAL.—Each State that receives a
grant under this part shall establish a State report-
ing and information system that measures conditions
for learning in the State and is, to the extent prac-
ticable, part of the State’s statewide longitudinal
data system and with the State’s system for report-
ing the data required under section 1111.

“(2) SYSTEM ACTIVITIES.—The State reporting
and information system described in paragraph (1)
shall—

“(A) contain, at a minimum, data from
valid and reliable surveys of students and staff
and the indicators in subparagraph (B) that
allow staff at the State, local educational agen-
cies, and schools to examine and improve
school-level conditions for learning;

“(B) collect school-level data on—

“(i) physical education indicators;

“(ii) student attendance and truancy;

“(iii) in-school suspensions, out-of-
school suspensions, expulsions, referrals to
law enforcement, school-based arrests, and
disciplinary transfers (including place-
ments in alternative schools) by student;

“(iv) the frequency, seriousness, and
incidence of violence and drug-related of-
fenses resulting in disciplinary action in el-
ementary schools and secondary schools in
the State; and
“(v) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence, including harassment, by youth and school personnel in schools and communities;

“(C) collect and report data, including, at a minimum, the data described in clauses (ii), (iii), and (v) of subparagraph (B), in the aggregate and disaggregated by the categories of race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, and cross tabulated across all of such categories by gender and by disability;

“(D) protect student privacy, consistent with applicable data privacy laws and regulations, including section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the ‘Family Educational Rights and Privacy Act of 1974’); and

“(E) to the extent practicable, utilize a web-based reporting system.
“(3) COMPILING STATISTICS.—In compiling the
statistics required to measure conditions for learning
in the State—

“(A) the offenses described in paragraph
(2)(B)(iv) shall be defined pursuant to the
State’s criminal code, and aligned to the extent
possible, with the Federal Bureau of Investiga-
tion’s Uniform Crime Reports categories, but
shall not identify victims of crimes or persons
accused of crimes and the collected data shall
include incident reports by school officials,
anonymous student surveys, and anonymous
teacher surveys;

“(B) the performance metrics that are es-
tablished under subsection (i) shall be collected
and the performance on such metrics shall be
defined and reported uniformly statewide;

“(C) the State shall collect, analyze, and
use the data under paragraph (2)(B) at least
annually, except the indicators under paragraph
(2)(B)(v) may be collected, at a minimum,
every 2 years; and

“(D) grant recipients and subgrant recipi-
ents shall use the data for planning and contin-
uous improvement of activities implemented
under this part, and may collect data for indicators that are locally defined, and that are not reported to the State, to meet local needs (so long as such indicators are aligned with the conditions for learning).

“(h) Subgrants.—

“(1) In general.—

“(A) Awarding of subgrants.—A State that receives a grant under this section shall award subgrants, on a competitive basis, to eligible local applicants—

“(i) based on need as identified by the State’s conditions for learning measurement system described in subsection (g);

“(ii) that are of sufficient size and scope to enable subgrantees to carry out approved activities; and

“(iii) to implement programs that—

“(I) are comprehensive in nature;

“(II) are based on scientifically valid research;

“(III) improve conditions for learning; and

“(IV) are part of a strategy to achieve all the conditions for learning.
“(B) ASSISTANCE.—A State that receives a grant under this section shall provide assistance to subgrant applicants and recipients in the selection of scientifically valid programs and interventions.

“(2) ALLOCATION.—

“(A) IN GENERAL.—In awarding subgrants under this section, each State shall ensure that, for the aggregate of all subgrants awarded by the State, not less than 20 percent of the subgrant funds are allocated to carry out programs to promote physical activity, education, fitness, and nutrition.

“(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require States, in making subgrants to eligible local applicants, to require subgrant recipients to use 20 percent of subgrant funds for the promotion of physical activity, education, fitness, and nutrition.

“(3) APPLICATIONS.—An eligible local applicant that desires to receive a subgrant under this subsection shall submit to the State an application at such time, in such manner, and containing such information as the State may require.
“(4) PRIORITY.—In awarding subgrants under this subsection, a State shall give priority to applications that—

“(A) demonstrate the greatest need according to the results of the local needs assessment; and

“(B) propose to serve schools with the highest concentrations of poverty, based on the percentage of students receiving or are eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(5) ACTIVITIES OF SUBGRANT RECIPIENTS.—Each recipient of a subgrant under this subsection shall, for the duration of the subgrant, provide for the following:

“(A) Carry out activities—

“(i) the need for which has been identified, at a minimum, through the State’s conditions for learning measurement system described in subsection (g);

“(ii) that are part of a comprehensive strategy or framework to address such need; and
“(iii) that include 1 or more of the following:

“(I) Drug and violence prevention;

“(II) Programs to promote mental health.

“(III) Programs to promote physical activity, education, fitness, and nutrition.

“(B) Ensure that each framework, intervention, or program selected be based on scientifically valid research and be used for the purpose for which such framework, intervention, or program was found to be effective.

“(C) Use school-level data from the State’s conditions for learning measurement system, described in subsection (g), to inform the implementation and continuous improvement of activities carried out under this part.

“(D) Collect and report to the State educational agency, data for schools served by the subgrant recipient, in a manner consistent with the State’s conditions for learning measurement system, described in subsection (g).
“(E) Establish policies to expand access to quality physical activity opportunities, including local school wellness policies consistent with the requirements of section 9A of the Richard B. Russell National School Lunch Act. For purposes of this part, school wellness councils established consistent with section 9A of the Richard B. Russell National School Lunch Act may be part of existing school councils, if such councils exist and have the capacity and willingness to address school wellness.

“(F) Engage family members and community-based organizations in the development of conditions for learning surveys, and in the planning, implementation, and review of the subgrant recipient’s efforts under this part.

“(G) Consider and accommodate the unique needs of students with disabilities and English learners in implementing activities.

“(i) ACCOUNTABILITY.—

“(1) Establishment of performance metrics.—The Secretary, acting through the Director of the Institute of Education Sciences, shall establish program performance metrics to measure the
effectiveness of the activities carried out under this part.

“(2) ANNUAL REPORT.—Each State that receives a grant under this part shall prepare and submit an annual report to the Secretary, which shall include information relevant to the conditions for learning, including on progress towards meeting outcomes for the metrics established under paragraph (1).

“(j) EVALUATION.—From the amount reserved in accordance with section 9601, the Secretary, acting through the Director of the Institute of Education Sciences, shall conduct an evaluation of the impact of the practices funded or disseminated under this section.

“SEC. 4405. TECHNICAL ASSISTANCE.

“From the amount reserved under section 4403(3), the Secretary shall provide technical assistance to applicants, recipients, and subgrant recipients of the programs funded under this part.

“SEC. 4406. PROHIBITED USES OF FUNDS.

“No funds appropriated under this part may be used to pay for—

“(1) school resource officer or other security personnel salaries, metal detectors, security cameras,
or other security-related salaries, equipment, or expenses;

“(2) drug testing programs; or

“(3) the development, establishment, implementation, or enforcement of zero-tolerance discipline policies, other than those expressly required under the Gun-Free Schools Act (20 U.S.C. 7151 et seq.).

SEC. 4407. FEDERAL AND STATE NONDISCRIMINATION LAWS.

and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

SEC. 4106. 21ST CENTURY COMMUNITY LEARNING CENTERS.

Part E of title IV, as redesignated by section 4103(a) of this Act, is amended—

(1) in section 4501, as redesignated by section 4103(a) of this Act—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking “to provide” and inserting “to assist States in pro-

viding”; and

(II) by striking “communities” and inserting “eligible entities”;

(ii) in paragraph (1)—

(I) by inserting “students with before school, after school, or summer learning” after provide;

(II) by striking “, particularly students”; and

(III) by striking the comma after “low-performing schools”;
(I) by inserting “who attend low-
performing schools” after “offer stu-
dents”; and

(II) by striking “and” after the
semicolon; and

(iv) by striking paragraph (3) and in-
serting the following:

“(3) significantly increase the number of hours
in a regular school day, week, or year in order to
provide students with additional time for academic
work and for additional subjects and enrichment ac-
tivities that increase student achievement and en-
gagement; and

“(4) comprehensively redesign and implement
an expanded school day, expanded school week, or
expanded school year schedule for all students in a
high-need school, to provide additional time for—

“(A) instruction in core academic subjects;

“(B) instruction in additional subjects and
enrichment activities; and

“(C) teachers and staff to collaborate,
plan, and engage in professional development
within and across grades and subjects.”; and

(B) in subsection (b)—

(i) in paragraph (1)—
(I) in the matter preceding subparagraph (A), by striking “that—” and inserting “that provides 1 or more of the following;”;

(II) in subparagraph (A)—

(a) by striking “assists” and inserting “Before school, after school, or summer learning programs that assist”; 

(bb) by striking “(such as before and after school or during summer recess)” after “not in session”; and

(ee) by striking “; and” and inserting a period; and

(III) by striking subparagraph (B) and inserting the following:

“(B) Expanded learning time programs that significantly increase the total number of hours in a regular school day, week, or year, in order to provide students with the greatest academic needs with—

“(i) additional time to participate in academic activities that—
“(I) are aligned with the instruction that such students receive during the regular school day; and

“(II) are targeted to the academic needs of such students; and

“(ii) time to engage in enrichment and other activities that complement the academic program and contribute to a well-rounded education, which may include music and the arts, physical education, and experiential and work-based learning opportunities.

“(C) Expanded learning time initiatives that use an expanded school day, expanded school week, or expanded school year schedule to increase the total number of school hours for the school year at a high-need school by not less than 300 hours and redesign the school’s program in a manner that includes additional time—

“(i) for academic work, and to support innovation in teaching, in order to improve the proficiency of participating students, particularly struggling students, in core academic subjects;
“(ii) to advance student learning for all students in all grades;

“(iii) for additional subjects and enrichment activities that contribute to a well-rounded education, which may include music and the arts, physical education, and experiential and work-based learning opportunities; and

“(iv) for teachers to engage in collaboration and professional planning, within and across grades and subjects.”;

(ii) by striking paragraphs (2) and (3) and inserting the following:

“(2) ELIGIBLE ENTITY.—

“(A) IN GENERAL.—The term ‘eligible entity’ means a partnership of—

“(i) 1 or more high-need local educational agencies in partnership with 1 or more nonprofit organizations with a demonstrated record of success in designing and implementing before school, after school, summer learning, or expanded learning time activities; or

“(ii) 1 or more nonprofit organizations with a demonstrated record of suc-
cess in designing and implementing before
school, after school, summer learning, or
expanded learning time activities, in part-
nership with 1 or more high-need local
educational agencies.

“(B) SPECIAL RULE.—A State educational
agency shall deem a rural local educational
agency applying for a grant under section 4504
without a partnering public or nonprofit entity
to be an eligible entity if the rural local edu-
cational agency demonstrates that such agency
is unable to partner with a public or nonprofit
organization in reasonable geographic proximity
or of sufficient quality to meet the requirements
of this part.”; and

(iii) by redesignating paragraph (4) as
paragraph (3);
(2) in section 4502, as redesignated by section
4103(a) of this Act—

(A) in subsection (a)—

(i) by striking “under section 4206”
and inserting “to carry out this part”;

(ii) by striking paragraph (1);
(iii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(iv) in paragraph (2), as redesignated by clause (iii), by striking “Bureau of Indian Affairs” and inserting “Bureau of Indian Education”;

(B) in subsection (b)(1), by striking “under section 4206” and inserting “to carry out this part”; and

(C) in subsection (e)—

(i) in paragraph (1), by striking “4204” and inserting “4504”;

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking “responsible for administering youth development programs and adult learning activities” and inserting “as applicable”; and

(bb) by striking “4204(b)” and inserting “4504(b)”;

(II) by striking the undesignated matter following subparagraph (B) and inserting the following:
“(C) supervising the awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).”; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by inserting “comprehensive” after “Monitoring and”; and

(bb) by inserting “(directly, or through a grant or contract) of the effectiveness” after “evaluation”; 

(II) by striking subparagraph (B) and inserting the following:

“(B) Providing capacity building, training, professional development, and technical assistance under this part to eligible entities, relating to activities such as—

“(i) coordinating activities carried out under this part with other Federal, State, and local programs so as to implement high-quality programs; and
“(ii) aligning activities carried out under this part with State academic content standards.”; and

(III) by striking subparagraphs (C) and (D);

(3) in section 4503(a), as redesignated by section 4103(a) of this Act—

(A) in the matter preceding paragraph (1), by striking “4202” and inserting “4502”;

(B) in paragraph (3), by striking “serve—” through “subparagraph (A)” and inserting “serve students who primarily attend high-need schools and schools that are identified through a State’s accountability and improvement system under subsection (b) or (c)(2) of section 1116”;

(C) in paragraph (4)—

(i) by inserting “the State’s rigorous, high-quality competition for grants under section 4204, including” after “describes”; and

(ii) by striking “, which shall include” through “standards”; and

(D) by striking paragraph (5) and inserting the following:
“(5) describes how the State educational agency will ensure that awards made under this part are of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part;”;

(E) by striking paragraph (7) and inserting the following:

“(7) describes how the State educational agency will assist eligible entities in coordinating funds received through the grant with other funding streams, in order to support a coherent and sustainable approach to funding and implementing programs and activities under this part and other programs under this Act;”;

(F) in paragraph (8)(A), by striking “not less than 3 years and not more than 5 years” and inserting “not more than 3 years, and may extend a grant for an additional period of not more than 2 years if the eligible entity is achieving the intended outcomes of the grant”;

(G) in paragraph (10)—

(i) by inserting “, if any,” after “transportation needs”; and

(ii) by striking “4204(b)” and inserting “4504(b)”;}
(H) in paragraph (11), by striking “before and after school (or summer school) programs, the heads of the State health and mental health agencies or their designees,” and inserting “before school, after school, summer learning, and expanded learning time programs and initiatives,”;

(I) in paragraph (12), by striking “before and after school” and inserting “before school, after school, summer learning, and expanded learning time”;

(J) in paragraph (13)—

(i) in the matter preceding subparagraph (A), by inserting “, on a regular basis, and not less than every 3 years after the receipt of the grant” after “will evaluate”;

(ii) by striking subparagraph (A) and inserting the following:

“(A) a description of the benchmarks and performance goals that will be used to hold eligible entities accountable and to determine whether to provide eligible entities receiving a grant under section 4504 with an additional 2-
year period of grant funding after the initial 3-year grant; and

(iii) in subparagraph (B), by striking “and” after the semicolon;

(K) in paragraph (14), by striking the period at the end and inserting “; and”; and

(L) by adding at the end the following:

“(15) contains an assurance that each eligible entity that applies for an award under section 4504 shall have the flexibility to apply for funds to carry out programs described in subparagraph (A), (B), or (C) of section 4501(b)(1).”;

(4) in section 4504, as redesignated by section 4103(a) of this Act—

(A) in subsection (a), by striking “4202(e)(1)” and inserting “4502(e)(1)”;

(B) in subsection (b)(2)—

(i) by striking subparagraph (A) and inserting the following:

“(A) a description of the before school, after school, summer learning, or expanded learning time activities to be funded, including—
“(i) evidence that research-based strategies for student achievement and engagement will be utilized in the program;

“(ii) as applicable, an explanation of how the program will offer students—

“(I) academic instruction that is aligned with the academic needs of the students; and

“(II) engaging enrichment activities that are aligned with the developmental needs and interests of the students, and that contribute to a well-rounded education;

“(iii) an assurance that the program will take place in a safe learning environment and an easily accessible facility;

“(iv) if applicable, a description of how students participating in the program will travel safely to and from home; and

“(v) a description of how the eligible entity will disseminate information about the program to the community in a manner that is understandable and accessible;”;

(ii) in subparagraph (B)—
(I) by striking “activity” and inserting “program”; and

(II) by adding at the end “and help keep students on track to college and career readiness”;

(iii) by striking subparagraphs (L) and (M);

(iv) by striking subparagraph (E) and inserting the following:

“(E) as applicable, an explanation of how the program will offer students—

“(i) academic instruction that is aligned with the academic needs of the students; and

“(ii) engaging enrichment activities that are aligned with the developmental needs and interests of the students, and that contribute to a well-rounded education;”;

(v) in subparagraph (F), by striking “schools eligible” and all that follows through “such students” and inserting “high-need schools and schools that are identified through a State’s accountability
and improvement system under subsections (b) or (e)(2) of section 1116’’;
(vi) by striking subparagraph (H) and inserting the following:
“(H) a description of the capacity of the eligible entity partners described in section 4501(b)(2)(A)(ii) to successfully implement the program, including the quality and experience of the management team of such partners;’’;
(vii) in subparagraph (I)—
(I) by striking “in the center’’;
and
(II) by striking “(including the needs of working families)’’;
(viii) by striking subparagraph (J) and inserting the following:
“(J) a description of the education and training activities that program staff and teachers, as applicable, have received or will receive to effectively administer the proposed program;’’; and
(ix) by redesignating subparagraph (N) as subparagraph (L);
(C) by striking subsections (d) and (h) and redesignating subsections (e) through (g) and
(i) as subsections (d) through (f) and (g), respectively;

(D) in subsection (f), as redesignated by subparagraph (C), by striking “not less than 3 years and not more than 5 years” and inserting “not more than 3 years, and may be extended for an additional period of not more than 2 years, if an eligible entity is achieving the intended outcomes of the grant”;

(E) by striking subsection (g), as redesignated by subparagraph (C), and inserting the following:

“(g) PRIORITY.—

“(1) IN GENERAL.—In awarding grants under this part, a State educational agency shall give priority to high-quality applications that—

“(A) are based on strong research evidence for improving student learning, as measured by student achievement and other measures of student learning and development that are appropriate for, and aligned to, the program’s goals and design;

“(B) propose to serve the highest percentage of students from low-income families;
“(C) include a partnership agreement, signed by each partner of the eligible entity, that—

“(i) shows that the staff of each partner are committed to work collaboratively to implement the proposed activities, including through coordinated planning, collaborative implementation, and joint professional development and training opportunities;

“(ii) sets clear expectations, including measurable goals for each partner;

“(iii) requires the collection and reporting of data about the outcomes of programs funded under this part, in order to monitor progress toward achieving such goals and inform implementation; and

“(iv) specifies how student information will be shared to advance the goals of the proposed program and activities, including student academic achievement and engagement data, as appropriate and in accordance with Federal, State, and local laws; and
“(D) are submitted by eligible entities that
will provide matching funds to carry out the ac-
tivities supported by the grant, as described in
paragraph (2).
“(2) Matching funds.—
“(A) Amount of matching funds.—In
awarding grants under this section, a State
educational agency shall give priority to applica-
tions from eligible entities that, in addition to
meeting the requirements of paragraph (1),
provide matching funds in an amount not less
than—
“(i) for the first year of an initial
grant under this section, 10 percent of the
cost of the activities;
“(ii) for the second year of such
grant, 20 percent of the cost of the activi-
ties;
“(iii) for the third year of such grant, and for the first year of a subsequent
grant under this section, 30 percent of the
cost of the activities; and
“(iv) for the second or any succeeding
year of such subsequent grant, 40 percent
of the cost of the activities.
“(B) CASH OR IN-KIND.—The eligible entity may provide the matching funds described in subparagraph (A) in cash or in-kind, fairly evaluated, including plant, equipment, or services, but may not provide more than 50 percent of the matching funds in-kind.

“(C) WAIVER.—A State educational agency may waive all or part of the matching requirement for priority described in this paragraph, on a case-by-case basis, upon a showing of serious financial hardship.”; and

(F) by adding at the end the following:

“(h) SPECIAL RULE.—In implementing 21st Century Community Learning Centers, the Department shall not give priority to, show preference for, or provide direction about whether communities use 21st Century Community Learning Centers funds for eligible entities described in subparagraph (A), (B), or (C) of section 4501(b)(1).”;

(5) in section 4505, as redesignated by section 4103(a) of this Act—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking “before and after school activities (including during summer recess periods)” and inserting “before school,
after school, summer learning, or expanded learning time activities’’;

(ii) by redesignating paragraphs (1) through (12) as paragraphs (2) through (13), respectively;

(iii) by inserting before paragraph (2), as redesignated by clause (ii), the following:

“(1) high-quality expanded learning time programs or initiatives;”;

(iv) in paragraph (6), as redesignated by clause (ii), by striking “(including those provided by senior citizen volunteers)”;

(v) in paragraph (7), as redesignated by clause (ii), by striking “limited English proficient students” and inserting “English learners”; and

(B) by striking subsection (b) and inserting the following:

“(b) PERFORMANCE INDICATORS.—Each State educational agency that receives a grant under this part shall collect, and annually report to the Secretary, information on the following performance indicators, disaggregated, as appropriate, by the subgroups described in section 1111(a)(2)(B)(ix):
“(1) The average time added to the school day, school week, or school year, if applicable.

“(2) Student participation and attendance rates for the programs funded under this part.

“(3) Student achievement in core academic subjects and high school graduation rates, as applicable, for students who participate in such programs.”.

SEC. 4107. PROMISE NEIGHBORHOODS.

Title IV (20 U.S.C. 7101 et seq.) is amended by inserting after part E, as redesignated by section 4103(a) of this Act, the following:

“PART F—PROMISE NEIGHBORHOODS

SEC. 4601. SHORT TITLE.

“This part may be cited as the ‘Promise Neighborhoods Act of 2011’.

SEC. 4602. PURPOSE.

“The purpose of this part is to significantly improve academic outcomes, including school readiness, high school graduation, and college and career readiness of children living in our Nation’s most distressed neighborhoods, by using data-driven decisionmaking and existing external resources to provide children in such neighborhoods with access to a community-based continuum of high-quality pipeline services that include access to early learning opportunities, high-quality schools, and evidence-based practices.
that address the needs of such children from birth through college and career.

“SEC. 4603. DEFINITIONS.

“In this part:

“(1) COLLEGE AND CAREER READINESS.—The term ‘college and career readiness’ means the level of preparation a student needs in order to meet the State academic content and achievement standards under section 1111(a)(1).

“(2) COMMUNITY OF PRACTICE.—The term ‘community of practice’ means a group of entities that interact regularly to share best practices to address 1 or more persistent problems, or improve practice with respect to such problems, in 1 or more neighborhoods.

“(3) EXPANDED LEARNING TIME.—The term ‘expanded learning time’ means the activities and programs described in subparagraphs (A), (B), and (C) of section 4501(b)(1).

“(4) FAMILY AND STUDENT SUPPORTS.—The term ‘family and student supports’ includes—

“(A) health programs (including both mental health and physical health services);

“(B) school-, public-, and child-safety programs;
“(C) programs that improve family stability;

“(D) workforce development programs (including those that meet local business needs, such as internships and externships);

“(E) social service programs;

“(F) legal aid programs;

“(G) financial literacy education programs;

“(H) adult education and family literacy programs;

“(I) parent, family, and community engagement programs; and

“(J) programs that increase access to learning technology and enhance the digital literacy skills of students.

“(5) INTEGRATED STUDENT SUPPORTS.—The term ‘integrated student supports’ means services, supports, and community resources, which shall be offered through a site coordinator for at-risk students, that have been shown by evidence-based research—

“(A) to increase academic achievement and engagement;

“(B) to support positive child and youth development; and
“(C) to increase student preparedness for success in college and the workforce.

“(6) NEIGHBORHOOD.—The term ‘neighborhood’ means a defined geographical area in which there are multiple signs of distress, demonstrated by indicators of need, including poverty, childhood obesity rates, academic failure, and rates of juvenile delinquency, adjudication, or incarceration.

“(7) PIPELINE SERVICES.—The term ‘pipeline services’ means a continuum of supports and services for children from birth through college entry, college success, and career attainment, including, at a minimum, strategies to address through services or programs (including integrated student supports and wraparound services) the following:

“(A) Prenatal education and support for expectant parents.

“(B) High-quality early learning opportunities.

“(C) High-quality schools and out-of-school-time programs and strategies.

“(D) Support for a child’s transition to elementary school, between elementary school to middle school, from middle school to high
school, and from high school into and through
college and into the workforce.

“(E) Parent, family, and community en-
gagement.

“(F) Parent, family, and student supports.

“(G) Activities that support college and ca-
reer readiness, including coordination between
such activities, such as—

“(i) assistance with college admis-
sions, financial aid, and scholarship appli-
cations, especially for low-income and low-
achieving students; and

“(ii) career preparation services and
supports and wrap around services.

“Subpart 1—Promise Neighborhood Partnership

Grants

“SEC. 4611. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—

“(1) PROGRAM AUTHORIZED.—From amounts
appropriated to carry out this subpart, the Secretary
shall award grants, on a competitive basis, to eligible
entities to implement a comprehensive, evidence-
based continuum of coordinated services and sup-
ports that engages community partners to improve
academic achievement, student development, and col-
college and career readiness, measured by common outcomes, by carrying out the activities described in section 4614 in neighborhoods with high concentrations of low-income individuals and persistently low-achieving schools or schools with an achievement gap.

“(2) SUFFICIENT SIZE AND SCOPE.—Each grant awarded under this subpart shall be of sufficient size and scope to allow the eligible entity to carry out the purpose of this part.

“(b) DURATION.—Grants awarded under this subpart shall be for a period of not more than 5 years and may be renewed for not more than 1 additional grant period.

“(c) CONTINUED FUNDING.—Continued funding after the third year of the grant period shall be contingent on the eligible entity’s progress toward meeting the performance metrics described in section 4616(a).

“(d) MATCHING REQUIREMENT.—Each eligible entity receiving a grant under this subpart shall contribute matching funds in an amount equal to not less than 100 percent of the amount of the grant. Such matching funds shall come from non-Federal sources. The Secretary shall require that a portion of such matching funds come from private sources.
“(e) Financial Hardship Waiver.—The Secretary may waive or reduce, on a case-by-case basis, the matching requirement described in subsection (d), for a period of 1 year at a time, if the eligible entity demonstrates significant financial hardship.

“SEC. 4612. ELIGIBLE ENTITIES.

“In this subpart, the term ‘eligible entity’ means not less than 1 nonprofit entity in partnership with not less than 1 high-need local educational agency. Such partnership may also include any of the following entities:

“(1) A charter school funded by the Bureau of Indian Education that is not a local educational agency, except that such school shall not be the fiscal agent for the eligible entity partnership.

“(2) An institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

“(3) The office of a chief elected official of a unit of local government.

“(4) An Indian tribe or tribal organization, as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).
“SEC. 4613. APPLICATION REQUIREMENTS.

“(a) IN GENERAL.—To be eligible to receive a grant under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) CONTENTS OF APPLICATION.—At a minimum, an application described in subsection (a) shall include the following:

“(1) A plan to significantly improve the academic outcomes of children living in a neighborhood that is served by the eligible entity, by providing a continuum of services and supports that addresses the needs of children in the neighborhood, as identified by the needs analysis described in paragraph (4) and supported by evidence-based practices.

“(2) A description of the neighborhood that the eligible entity will serve.

“(3) Measurable annual goals for the outcomes of the grant, including—

“(A) performance goals, in accordance with the metrics described in section 4616(a), for each year of the grant; and

“(B) projected participation rates and any plans to expand the number of children served or the neighborhood proposed to be served by the grant program.
“(4) An analysis of the needs and assets of the neighborhood identified in paragraph (2), including—

“(A) a description of the process through which the needs analysis was produced, including a description of how parents, family, and community members were engaged in such analysis;

“(B) an analysis of community assets, including programs already provided from Federal and non-Federal sources, within, or accessible to, the neighborhood, including, at a minimum—

“(i) early learning programs, including high-quality child care, Early Head Start programs, Head Start programs, and prekindergarten programs;

“(ii) the availability of healthy food options and opportunities for physical activity;

“(iii) existing family and student supports;

“(iv) locally owned businesses and employers; and

“(v) institutions of higher education;
“(C) evidence of successful collaboration within the neighborhood;

“(D) the steps that the eligible entity is taking, at the time of the application, to address the needs identified in the needs analysis; and

“(E) any barriers the eligible entity, public agencies, and other community-based organizations have faced in meeting such needs.

“(5) A description of the data used to identify the pipeline services to be provided, including data regarding—

“(A) school readiness;

“(B) academic achievement and college and career readiness;

“(C) graduation rates;

“(D) health indicators;

“(E) college enrollment, persistence, and completion rates, as available; and

“(F) conditions for learning, including school climate surveys, discipline rates, and student attendance and incident data.

“(6) A description of the process used to develop the application, including the involvement of family and community members.
“(7) An estimate of—

“(A) the number of children, by age, who
will be served by each pipeline service; and

“(B) for each age group, the percentage of
children (of such age group), within the neigh-
borhood, who the eligible entity proposes to
serve, disaggregated by each service, and the
goals for increasing such percentage over time.

“(8) A description of how the pipeline services
will facilitate the coordination of the following activi-
ties:

“(A) Providing high-quality early learning
opportunities for children, beginning prenatally
and extending through grade 3, by—

“(i) supporting high-quality early
learning opportunities that provide chil-
dren with access to programs that support
the cognitive and developmental skills, in-
cluding social and emotional skills, needed
for success in elementary school;

“(ii) providing for opportunities,
through parenting classes, baby academies,
home visits, or other evidence-based strate-
gies, for families and expectant parents
to—
“(I) acquire the skills to promote early learning, development, and health and safety, including learning about child development and positive discipline strategies (such as through the use of technology and public media programming);

“(II) learn about the role of families and expectant parents in their child’s education; and

“(III) become informed about educational opportunities for their children, including differences in quality among early learning opportunities;

“(iii) ensuring successful transitions between early learning programs and elementary school, including through the establishment of memoranda of understanding between early learning providers and local educational agencies serving young children and families;

“(iv) ensuring appropriate screening, diagnostic assessments, and referrals for children with disabilities, developmental
delays, or other special needs, consistent
with the Individuals with Disabilities Edu-
cation Act (20 U.S.C. 1400 et seq.), where
applicable;

“(v) improving the early learning
workforce in the community, including
through—

“(I) investments in the recruit-
ment, retention, distribution, and sup-
port of high-quality professionals, es-
pecially those with certification and
experience in child development;

“(II) the provision of high-quality
teacher preparation and professional
development; or

“(III) the use of joint profes-
sional development for early learning
providers and elementary school
teachers and administrators; and

“(vi) enhancing data systems and
data sharing among the eligible entity,
partners, early learning providers, schools,
and local educational agencies operating in
the neighborhood.
“(B) Supporting, enhancing, operating, or expanding rigorous and comprehensive education reforms designed to significantly improve educational outcomes for children and youth in early learning programs through grade 12, which may include—

“(i) operating schools or working in close collaboration with local schools to provide high-quality academic programs, curricula, and integrated student supports;

“(ii) providing expanded learning time; and

“(iii) providing programs and activities that ensure that students—

“(I) are prepared for the college admissions, scholarship, and financial aid application processes; and

“(II) graduate college and career ready.

“(C) Supporting access to a healthy lifestyle, which may include—

“(i) the provision of high-quality and nutritious meals;
“(ii) access to programs that promote physical activity, physical education, and fitness; and
“(iii) education to promote a healthy lifestyle and positive body image.
“(D) Providing social, health, and mental health services and supports, including referrals for essential care and preventative screenings, for children, family, and community members, which may include—
“(i) dental services;
“(ii) vision care; and
“(iii) speech, language, and auditory screenings and referrals.
“(E) Supporting students and family members as the students transition from early learning programs into elementary school, from elementary school to middle school, from middle school to high school, from high school into and through college and into the workforce, including through evidence-based strategies to address challenges that students may face as they transition, such as the following:
“(i) Early college high schools.
“(ii) Dual enrollment programs.
“(iii) Career academies.

“(iv) Counseling and support services.

“(v) Dropout prevention and recovery strategies.

“(vi) Collaboration with the juvenile justice system and reentry counseling for adjudicated youth.

“(vii) Advanced Placement or International Baccalaureate courses.

“(viii) Teen parent classrooms.

“(ix) Graduation and career coaches.

“(9) A description of the strategies that will be used to provide pipeline services (including a description of the process used to identify such strategies and the outcomes expected and a description of which programs and services will be provided to children, family members, community members, and children not attending schools or programs operated by the eligible entity or its partner providers) to support the purpose of this part.

“(10) An explanation of the process the eligible entity will use to establish and maintain family and community engagement.
“(11) An explanation of how the eligible entity will continuously evaluate and improve the continuum of high-quality pipeline services, including—

“(A) a description of the metrics, consistent with section 4616(a), that will be used to inform each component of the pipeline; and

“(B) the processes for using data to improve instruction, optimize integrated student supports, provide for continuous program improvement, and hold staff and partner organizations accountable.

“(12) An identification of the fiscal agent, which may be any entity described in section 4612 (not including paragraph (1) of such section).

“(13) A list of the non-Federal sources of funding that the eligible entity will secure to comply with the matching funds requirement described in section 4611(d), in addition to other programs from which the eligible entity has already secured funding, including those funded by the Department or programs in the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Justice, or the Department of Labor.
“(c) MEMORANDUM OF UNDERSTANDING.—An eligi-
ble entity, as part of the application described in this sec-
tion, shall submit a preliminary memorandum of under-
standing, signed by each partner entity or agency. The 
preliminary memorandum of understanding shall describe,
at a minimum—

“(1) each partner’s financial and programmatic 
commitment with respect to the strategies described 
in the application, including an identification of the 
fiscal agent;

“(2) each partner’s long-term commitment to 
providing pipeline services that, at a minimum, ac-
counts for the cost of supporting the continuum of 
supports and services (including a plan for how to 
support services and activities after grant funds are 
no longer available) and potential changes in local 
government;

“(3) each partner’s mission and the plan that 
will govern the work that the partners do together;

“(4) each partner’s long-term commitment to 
supporting the continuum of supports and services 
through data collection, monitoring, reporting, and 
sharing; and
“(5) each partner’s commitment to ensure sound fiscal management and controls, including evidence of a system of supports and personnel.

“SEC. 4614. USE OF FUNDS.

“(a) IN GENERAL.—Each eligible entity that receives a grant under this subpart shall use the grant funds to—

“(1) implement the pipeline services, as described in the application under section 4613; and

“(2) continuously evaluate the success of the program and improve the program based on data and outcomes.

“(b) SPECIAL RULES.—

“(1) FUNDS FOR PIPELINE SERVICES.—Each eligible entity that receives a grant under this subpart shall, in the second year of the grant and each subsequent year, including each year of a renewal grant, use not less than 80 percent of grant funds to carry out the activities described in subsection (a)(1).

“(2) OPERATIONAL FLEXIBILITY.—Each eligible entity that operates a school in a neighborhood served by a grant program under this subpart shall provide such school with the operational flexibility, including autonomy over staff, time, and budget,
needed to effectively carry out the activities described in the application under section 4613.

"SEC. 4615. REPORT AND PUBLICLY AVAILABLE DATA."

“(a) REPORT.—Each eligible entity that receives a grant under this subpart shall prepare and submit an annual report to the Secretary, which shall include—

“(1) information about the number and percentage of children in the neighborhood who are served by the grant program, including a description of the number and percentage of children accessing each of the pipeline services;

“(2) data (disaggregated by the categories described in section 1111(a)(2)(B)(ix)) about the grant program’s success in—

“(A) narrowing achievement gaps and improving student achievement;

“(B) ensuring school readiness and healthy socio-emotional development;

“(C) increasing student persistence;

“(D) increasing student attendance, and decreasing incidences of violence, suspension, and expulsion;

“(E) improving conditions for learning, as measured by a school climate survey; and
“(F) increasing secondary school graduation rates and college entry;
“(3) information relating to the performance metrics described in section 4616(a); and
“(4) other indicators that may be required by the Secretary, in consultation with the Director of the Institute of Education Sciences.
“(b) PUBLICLY AVAILABLE DATA.—Each eligible entity that receives a grant under this subpart shall make publicly available, including through electronic means, the information described in subsection (a). To the extent practicable, such information shall be provided in a form and language accessible to parents and families in the neighborhood, and such information shall be a part of statewide longitudinal data systems.

“SEC. 4616. ACCOUNTABILITY.
“(a) PERFORMANCE METRICS.—The Secretary shall establish performance metrics relevant to the evaluation of the grant program under this subpart.
“(b) EVALUATION.—The Secretary shall evaluate the implementation and impact of the activities funded under this subpart, in accordance with section 9601.

“Subpart 2—Promise School Grants

“SEC. 4621. PROGRAM AUTHORIZED.
“(a) IN GENERAL.—
“(1) Program Authorized.—From amounts appropriated to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible entities to implement school-centered, evidence-based strategies and integrated student supports that leverage community partnerships to improve student achievement and child and youth development by carrying out the activities described in section 4624 in schools with high concentrations of low-income children.

“(2) Sufficient Size and Scope.—Each grant awarded under this subpart shall be of sufficient size and scope to allow the eligible entity to carry out the purpose of this part.

“(b) General Provisions.—The requirements of subsections (b), (c), (d), and (e) of section 4611 and section 4614(b) shall apply to a grant under this subpart in the same manner as such subsections apply to a grant under subpart 1, except that the performance metrics used for section 4611(c) shall be the metrics under section 4626(a).

“Sec. 4622. Definition of Eligible Entity.

“In this subpart, the term ‘eligible entity’ means—

“(1) not less than 1 high-need local educational agency (including a charter school that is a local
educational agency) in partnership with 1 or more nonprofit entities or institutions of higher education; or

“(2) a school funded by the Bureau of Indian Education that falls under the definition of a local educational agency in partnership with 1 or more nonprofit entities or institutions of higher education.

“SEC. 4623. APPLICATION REQUIREMENTS; PRIORITY.

“(a) IN GENERAL.—To be eligible to receive a grant under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) CONTENTS OF APPLICATION.—At a minimum, the application described in subsection (a) shall include the following:

“(1) A description of the local educational agency, schools, and students that will be served by the subgrant program.

“(2) A description of the steps that the eligible entity is taking—

“(A) to meet the needs identified in the analysis described in paragraph (4); and

“(B) to remove any barriers that the eligible entity has identified in meeting such needs.
“(3) The designation of a site coordinator, with appropriate qualifications and appropriate time, autonomy, and support to provide—

“(A) leadership in building relationships and establishing and sustaining partnerships that support school improvement, school turnaround efforts in accordance with section 1116(c), increases in student achievement, positive child and youth development, and parent, family, and community engagement; and

“(B) effective coordination of student services at all stages of the continuum of high-quality pipeline services.

“(4) An analysis of the needs and assets of the schools and communities that will be assisted under this subpart. Such analysis shall include—

“(A) student data, including information about—

“(i) school readiness;
“(ii) academic achievement;
“(iii) credit accumulation;
“(iv) grade-to-grade promotion;
“(v) graduation;
“(vi) attendance; and
“(vii) discipline; and
“(B) information about the assets described in section 4613(b)(4)(B) with respect to such schools and communities.

“(5) An explanation of how the eligible entity and its program partners will use evidence-based practice, data, and research to leverage partnerships to implement integrated student supports and wrap-around services to—

“(A) address the needs identified in paragraph (4);

“(B) encourage parents, family members, and community members to—

“(i) participate in the education of their children and become an integral part of the school culture, school improvement, and decisionmaking; and

“(ii) promote strategies that include the educational and financial literacy information that is necessary to increase access to, and success in, postsecondary education;

“(C) enable teachers and administrators, including early learning providers, to complement and enrich efforts to help children—

“(i) achieve learning gains;
“(ii) prepare for graduation; and

“(iii) plan for the future, including preparing for college and careers; and

“(D) coordinate and leverage other programs that serve children, the schools served by the grant, and the neighborhood.

“(6) An explanation of the extent to which the eligible entity and its program partners will serve or involve children residing in the neighborhood regardless of whether such children attend a school served by the grant (including by, as appropriate, providing high-quality early learning opportunities for children, beginning at birth and extending through grade 3) by—

“(A) carrying out the activities described in section 4613(b)(8)(A), as appropriate; and

“(B) carrying out the activities described in subparagraphs (B) through (E) of section 4613(b)(8).

“(7) A description of the capacity of the eligible entity for measuring student outcomes and school-specific outcomes.

“(8) A description of how the strategies supported with funds under this subpart will be—
“(A) coordinated with other programs and strategies carried out by the local educational agency; and

“(B) to the greatest extent practicable, coordinated with other agencies, such as agencies that provide reentry services to adjudicated youth.

“(9) A description of the strategy the eligible entity will use to—

“(A) support family and community engagement; and

“(B) make schools the centers of their respective communities.

“(10) A list of the non-Federal sources of funding that the eligible entity will secure to comply with the matching funds requirement described in section 4611(d), in addition to other programs the eligible entity has already secured funding from, including those funded by the Department, or programs in the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Justice, or the Department of Labor.

“(c) MEMORANDUM OF UNDERSTANDING.—An eligible entity, as part of the application described in this sec-
tion, shall submit a preliminary memorandum of understanding that meets the requirements of section 4613(c).

“(d) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to applicants that—

“(1) propose to provide a continuum of high-quality education and student support services for children beginning in prekindergarten and extending through high school graduation;

“(2) propose to include significant investments in high-quality early learning programs, consistent with subsection (b)(6)(A); and

“(3) provide schools served by the grant with the operational flexibility, including autonomy over staff, time, and budget, needed to effectively carry out the activities described in the application under this section.

“SEC. 4624. USE OF FUNDS.

“Each eligible entity that receives a grant under this subpart shall use the grant funds to—

“(1) implement the activities described in the application under section 4623; and

“(2) continuously evaluate the success of the grant program and improve the grant program based on data and outcomes.
“SEC. 4625. REPORT AND PUBLICLY AVAILABLE DATA.

“(a) REPORT.—Each eligible entity that receives a grant under this subpart shall prepare and submit an annual report to the Secretary, which shall include—

“(1) information about the number and percentage of children served by the grant program, disaggregated the subgroups described in section 1111(b)(2)(B)(ix);

“(2) data about the grant program’s success in—

“(A) narrowing achievement gaps;

“(B) ensuring school readiness and healthy socio-emotional development;

“(C) improving academic achievement;

“(D) increasing student persistence in elementary school and secondary school;

“(E) increasing on-time secondary school graduation rates and college entry; and

“(F) increasing student attendance and decreasing incidents of violence, suspension, and expulsion; and

“(3) other indicators that may be required by the Secretary, in consultation with the Director of the Institute of Education Sciences.

“(b) PUBLICLY AVAILABLE DATA.—Each eligible entity that receives a grant under this subpart shall make
publicly available, including through electronic means, the
information described in subsection (a). To the extent
practicable, such information shall be provided in a form
and language accessible to parents and families in the
neighborhood.

“SEC. 4626. ACCOUNTABILITY.

“(a) PERFORMANCE METRICS.—The Secretary shall
establish performance metrics relevant to the evaluation
of the grant program under this subpart.

“(b) EVALUATION.—The Secretary shall evaluate the
implementation and impact of the activities funded under
this subpart, in accordance with section 9601.

“Subpart 3—General Provisions

“SEC. 4631. NATIONAL ACTIVITIES.

“From the amounts appropriated to carry out this
part for a fiscal year, in addition to the amounts that may
be reserved in accordance with section 9601, the Secretary
may reserve not more than 5 percent for national activi-
ties, which may include—

“(1) research on the activities carried out under
subparts 1 and 2;

“(2) identification and dissemination of best
practices;

“(3) technical assistance;

“(4) professional development; and
“(5) other activities consistent with the purpose of this part.”.

SEC. 4108. PARENT AND FAMILY INFORMATION AND RESOURCE CENTERS.

Title IV (20 U.S.C. 7101 et seq.) is amended by inserting after part F, as added by section 4107 of this Act, the following:

“PART G—PARENT AND FAMILY INFORMATION AND RESOURCE CENTERS

“SEC. 4701. PURPOSE.

“The purpose of this part is to increase and enhance parent and family engagement in education by—

“(1) providing support and technical assistance to State educational agencies;

“(2) supporting a community of practice related to effective parent and family engagement strategies and practices; and

“(3) as appropriate, providing information and training to local educational agencies, schools, parents and families, and community members.

“SEC. 4702. DEFINITION OF ELIGIBLE ENTITY.

“In this part, the term ‘eligible entity’ means—

“(1) a nonprofit organization (including a statewide nonprofit organization); or
“(2) a consortium consisting of a nonprofit organ-
ization (including a statewide nonprofit organiza-
tion) and a State educational agency or local edu-
cational agency.

“SEC. 4703. GRANTS AUTHORIZED.

“(a) PARENT AND FAMILY INFORMATION AND RE-
SOURCE CENTERS.—The Secretary is authorized to award
grants, on a competitive basis, to eligible entities to enable
such eligible entities to operate State parent and family
information and resource centers that—

“(1) assist the State educational agency in
identifying, implementing, and replicating effective
evidence-based parent, family, and community en-
gagement strategies, including assisting the State
educational agency in carrying out parent and family
engagement strategies that are funded under section
1118 and other provisions of this Act;

“(2) provide technical assistance, training, in-
formation, and support, as appropriate (including
support in turning around schools), to, at a min-
imum, high-need schools and schools that are served
by high-need local educational agencies; and

“(3) strengthen partnerships among parents,
family members, community-based organizations (in-
cluding faith-based organizations), schools, local
educational agencies, employers, and other appropriate community members who are committed to improving and enhancing parent, family, and community engagement in order to improve student achievement and support positive child development.

“(b) DURATION.—Grants awarded under this part shall be for a period of 5 years.

“(c) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall ensure that not less than 1 grant is awarded to an eligible entity in each State.

“(d) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to applications from eligible entities that have a demonstrated record of effectiveness in increasing and enhancing the engagement of parents and families whose children attend a high-need school or a school that is served by a high-need local educational agency.

“SEC. 4704. APPLICATIONS.

“(a) SUBMISSION.—Each eligible entity that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.
“(b) ASSURANCES.—Each application submitted under subsection (a) shall include, at a minimum, an assurance that the eligible entity will—

“(1)(A) be governed by a board of directors, of which not less than 50 percent is comprised of members who are—

“(i) parents or family members of school-aged children in the State that the eligible entity serves, including educationally and economically disadvantaged parents; and

“(ii) community stakeholders who are committed to improving schools and increasing parent and family engagement; or

“(B) be an organization or consortium that represents the interests of parents and family members of school-aged children;

“(2) use not less than 75 percent of the funds received under this part for each fiscal year to serve areas with a demonstrated high concentration of low-income families;

“(3) reserve not less than 20 percent of the funds received under this part for each fiscal year to establish, expand, or operate parent education programs for parents whose children attend early childhood education and care programs;
“(4) operate a parent and family information and resource center of sufficient size, scope, and quality to effectively carry out the purpose of this part;

“(5) ensure that parents and family members, including economically disadvantaged parents and family members with children who attend high-need schools or schools that are served by high-need local educational agencies, have access to leadership development training and other evidence-based strategies that provide the skills and resources parents and family members need to support school improvement, increase student achievement, and promote positive student development; and

“(6) demonstrate to the Secretary that a portion of the services provided by the eligible entity under the grant is supported through non-Federal contributions, which contributions may be in cash or in-kind.

“(c) CONTENTS.—In addition to the requirements described in subsection (b), each application submitted under subsection (a) shall, at a minimum—

“(1) describe how the eligible entity will serve both urban and rural areas throughout the State that is served by the eligible entity;
“(2) demonstrate the eligible entity’s record of effectiveness in carrying out parent and family engagement activities, including the provision of high-quality technical assistance to State educational agencies and local educational agencies;

“(3) describe the process through which the eligible entity will—

“(A) leverage relationships with, and collect and exchange information among, partners; and

“(B) disseminate information about evidence-based best practices to support parent and family engagement strategies;

“(4) describe the eligible entity’s strategy for serving parents and family members of children in the area served by the eligible entity, including parents and family members of students who are served by high-need local educational agencies;

“(5) describe how the eligible entity will assist the State educational agency in effectively supporting high-need local educational agencies in—

“(A) increasing parent and family member understanding of, and opportunities to develop the knowledge and skills to engage as full part-
ners in, supporting academic achievement, child
development, and school improvement; and

“(B) employing evidence-based strategies
to—

“(i) increase the participation of eco-
nomically disadvantaged and English
learner parents and family members in
school activities; and

“(ii) improve parent and family en-
gagement strategies in low-performing
schools served by high-need local edu-
cational agencies; and

“(6) identify the Federal, State, and local serv-
ices and programs that prepare children to be ready
for institutions of higher education and careers with
which the eligible entity will coordinate, including—

“(A) programs supported under this Act;

“(B) violence prevention programs;

“(C) programs that serve at-risk or out-of-
school youth;

“(D) nutrition programs;

“(E) housing programs;

“(F) Head Start and other early childhood
care and education programs;
“(G) adult education and literacy activities
(as defined in section 203 of the Adult Edu-
cation and Family Literacy Act); and

“(H) workforce development programs.

“SEC. 4705. USES OF FUNDS.

“(a) REQUIRED ACTIVITIES.—Each eligible entity
that receives a grant under this part shall use such grant
funds to provide services to parents, family members, edu-
cators, and community members and to assist State edu-
cational agencies, local educational agencies, and, where
applicable, districtwide parent advisory committees in sup-
porting parent and family engagement in education by
carrying out the following activities:

“(1) Providing technical assistance to State
educational agencies in—

“(A) reviewing and responding to local
parent and family engagement plans described
in section 1118(a) (including, at a minimum,
such plans submitted by high-need local edu-
cational agencies) in order to support evidence-
based strategies and best practices in parent
and family engagement;

“(B) the implementation of Federal and
State laws, regulations, and guidance relating
to parent and family engagement;
“(C) the implementation or replication of statewide evidence-based programs and strategies, especially for parents who are educationally and economically disadvantaged; and

“(D) applicable evaluation, reporting, and accountability processes.

“(2) Obtaining and disseminating information about the range of options, programs, services, and resources (including curricula) that are available at the national level, the State level, and the local level to assist school and local educational agency personnel in implementing evidence-based parent and family engagement strategies.

“(3) Coordinating parent and family engagement strategies with relevant Federal, State, and local services and programs.

“(4) Working with individuals and organizations with expertise in identifying and implementing evidence-based practices to improve parent and family engagement.

“(5) Coordinating and integrating early care and education programs with school-age programs, especially those programs focusing on supporting the transition of young children into kindergarten through grade 3, such as by increasing awareness of
school readiness expectations among family and community members.

“(6) Implementing parent institutes or other leadership development strategies to ensure that parents and family members have the skills and resources needed to understand student and school data in order to make decisions, effectively communicate with school officials and educators, support school improvement, and increase student achievement.

“(b) PERMISSIVE ACTIVITIES.—In addition to the activities required under subsection (a), each eligible entity that receives a grant under this part may use such grant funds to carry out the following activities:

“(1) Assisting parents and family members in the State to participate effectively in their children’s education through the provision of direct services to parents and family members.

“(2) Developing and disseminating templates for schools and local educational agencies to use to provide information about curricula, academic expectations, academic assessments, and the results of academic assessments to family members in a manner and a language that such family members can understand.
“(3) Providing training, information, and support to organizations that support partnerships among schools, parents, family members, and districtwide parent advisory committees, as applicable.

“(4) Providing professional development to school and local educational agency staff (which may be provided jointly to educators and family members) to assist school and agency staff in developing and implementing strategies to increase and strengthen ongoing communication with parents and family members, including professional development opportunities that prepare teachers to have more focused, goal-oriented, and reciprocal parent-teacher conferences.

“SEC. 4706. ADMINISTRATIVE PROVISIONS.

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

“(b) PERFORMANCE ACCOUNTABILITY.—

“(1) PERFORMANCE INDICATORS.—Each eligible entity receiving a grant under this part shall
submit to the Secretary an annual report regarding
the parent and family information and resource cen-
ters assisted under this part. Such report shall be
made publicly available, including through electronic
means, and shall include, at a minimum, a descrip-
tion of how each parent and family information and
resource center has performed with respect to the
following indicators:

“(A) The number of local educational
agencies or other entities that received assist-
ance or support in the previous academic year.

“(B) The number of parents and family
members whose children participated in the pre-
vious academic year in programs, activities, or
strategies supported by the parent and family
information and resource center, and—

“(i) the number of such parents
whose children are eligible to be counted
under section 1124(c)(1)(A);

“(ii) the number of such parents
whose children are English learners; and

“(iii) the number of such parents who
are parents of children with disabilities.

“(C) The outcomes directly attributable to
the provision of assistance or support provided
by the parent and family information and resource center, such as increased parent and family member participation in school planning activities, parent-teacher conferences, or the local educational agency budgeting process.

“(D) Other evidence-based indicators that the Secretary may reasonably require.

“(2) PERFORMANCE GOALS.—

“(A) IN GENERAL.—Each eligible entity that is awarded a grant under this part shall establish, in consultation with the Secretary, annual performance goals for each of the indicators described in paragraph (1). Such performance goals shall be made publicly available, including through electronic means.

“(B) TERMINATION.—If an eligible entity receiving grant funds under this part does not meet the performance goals established under this paragraph for 2 consecutive years, after the provision of technical assistance in the second consecutive year, the Secretary shall terminate the grant and conduct a new competition for the grant.

“(C) LOSS OF ELIGIBILITY.—If an eligible entity has received a grant under this part and
such grant has been terminated in accordance with subparagraph (B), the eligible entity shall not be eligible to participate in future grant competitions, or receive grant funds, under this part.

“(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to each eligible entity receiving a grant under this part that does not meet the performance goals established under paragraph (2).

“(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit an annual report to the authorizing committees, which shall—

“(1) include the information that each eligible entity submits to the Secretary in accordance with subsection (b)(1);

“(2) summarize and synthesize the best practices collected by the parent and family information and resource centers for increasing and improving parent, family, and community engagement; and

“(3) be made available to the public (including through electronic means).

“(d) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to prohibit a parent and family information and resource center from—
“(1) allowing its employees or agents to meet
with family members at a site that is not on school
grounds; or
“(2) working with another public or nonprofit
agency that serves children.
“(e) PARENTAL RIGHTS.—Notwithstanding any
other provision of this part—
“(1) no individual (including a parent who edu-
cates a child at home, parent of a public school stu-
dent, or parent of a private school student) shall be
required to participate in any program of parent or
family education or developmental screening under
this part; and
“(2) a program or center assisted under this
part shall not take any action that infringes in any
manner on the right of a parent to direct the edu-
cation of such parent’s child.”.

SEC. 4108. PROGRAMS OF NATIONAL SIGNIFICANCE.

The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating subpart 1 of part D of title
V as part I of title IV, and transferring such part
I so as to follow part H of title IV, as redesignated
by section 2101(a) of this Act;

(2) in part I of title IV, as redesignated under
paragraph (1), by striking the part heading and in-
serting the following: “PROGRAMS OF NATIONAL SIGNIFICANCE”;

(3) by striking section 5414;

(4) by redesignating sections 5411, 5412, and 5413, as sections 4901, 4902, and 4903, respectively;

(5) in section 4901, as redesignated under paragraph (4)—

(A) in subsection (a)—

(i) by striking “challenging State academic content and student academic achievement standards” and inserting “college and career ready academic content and student academic achievement standards under section 1111(a)(1)”; and

(ii) by inserting “nonprofit” before “private”; and

(B) by striking subsection (b), and inserting the following:

“(b) USES OF FUNDS.—A nonprofit entity receiving a grant under subsection (a) shall use the grant funds to carry out 1 of the following activities:

“(1) Providing funding for economically disadvantaged students, including students from military families and recent immigrants, and their
teachers, to participate in programs based in Washington, DC that increase civic responsibility and understanding of the Federal Government among young people.

“(2) Developing, implementing, evaluating, and disseminating innovative, research-based approaches to civic learning, which may include hands-on civic engagement activities, for low-income elementary school and secondary school students that demonstrate innovation, scalability, accountability, and a focus on underserved populations.

“(3) Supporting a national principal and teacher certification process that provides a framework for measuring and improving teaching and instructional leadership with a focus on educators working in schools that are eligible for funding under part A of title I, including comprehensive rigorous teaching standards and assessment systems designed to reward educator effectiveness and deliver high-quality professional development across all academic subjects and grades.

“(4) Creating a national teacher corps of outstanding college graduates to teach in underserved communities in order to—
“(A) increase the supply of effective teachers in low-income communities; and

“(B) provide and support the retention of teachers for high-need fields.

“(5) Supporting a national network of providers of high-quality, evidence-based professional development in writing instruction for teachers across all academic subjects and grades.

“(6) Encouraging parents and caregivers to read aloud to their children by supporting programs through which, during pediatric exams, doctors and nurses train parents and caregivers who may not be skilled readers.

“(7) Preparing young children from low-income families for reading success by the third grade by—

“(A) distributing inexpensive books;

“(B) training volunteers to serve at-risk children;

“(C) developing motivational literacy activities for at-risk children; and

“(D) providing information on literacy resources, such as those provided by local libraries and other community-based organizations.
“(8) Supporting model projects and programs that encourage involvement in the performing and visual arts, for—

“(A) persons with disabilities, by—

“(i) increasing access to all forms of the arts for all persons, including those living with intellectual, physical, and sensory disabilities; and

“(ii) fostering a greater awareness of the need for arts programs for individuals with disabilities; and

“(B) children, youth, and educators.

“(9) Implementing a coordinated program of scientifically based research, demonstration projects, innovative strategies, and professional development for teachers and other instructional leaders working in high-poverty schools to—

“(A) enhance the ability of educators to meet the special educational needs of gifted and talented students, including high-ability students who have not been formally identified as gifted; and

“(B) prioritize students who have been underrepresented in gifted education programs, including students who are economically dis-
advantaged, of minority backgrounds, English
learners, students with disabilities, and students
in rural communities.

“(10) Promoting gender equity in education by
supporting educational agencies and institutions in
meeting the requirements of title IX of the Edu-
cation Amendments of 1972 (20 U.S.C. 1681 et
seq.).

“(11) Other high-quality, nationally significant
programs that meet the purposes of this Act.”;

(6) in section 4902(e), as redesignated under
paragraph (4), by striking “and in recognizing
States, local educational agencies, and schools under
section 5411(b)(3), only if funds are used for such
recognition programs”;

(7) in section 4903, as redesignated under
paragraph (4)—

(A) in subsection (a)(1), by striking
“5412” and inserting “4902”; and

(B) by striking subsection (d); and

(8) in each of sections 4901, 4902, and 4903,
as redesignated under paragraph (4), by striking
“subpart” each place the term appears and inserting
“part”.

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TITLE V—PROMOTING INNOVATION

SEC. 5001. PROMOTING INNOVATION.

Title V (20 U.S.C. 7201 et seq.) is amended by striking the title heading and inserting the following:

“TITLE V—PROMOTING INNOVATION”.

PART A—RACE TO THE TOP

SEC. 5101. RACE TO THE TOP.

Part A of title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

“PART A—RACE TO THE TOP

SEC. 5101. PURPOSES.

The purposes of this part are to provide incentives for States and high-need local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to—

“(1) significant improvements in outcomes for all students, including improvements in student readiness, student academic achievement, high school graduation rates, and rates of student enrollment, persistence, and completion in institutions of higher education; and
“(2) significant reductions in achievement gaps between the groups of students described in section 1111(a)(2)(B)(ix).

“SEC. 5102. RESERVATION OF FUNDS.

“(2) significant reductions in achievement gaps between the groups of students described in section 1111(a)(2)(B)(ix).

“SEC. 5103. RACE TO THE TOP PROGRAM.

“(a) Program Authorized.—

“(1) In general.—For each fiscal year for which funds are appropriated under this part and from such funds that are not reserved under section 5102, the Secretary shall, in accordance with paragraph (2), determine the goals that are the greatest priority for the United States and award grants, through a grant competition, to eligible entities to enable such eligible entities to carry out comprehensive reforms and innovative strategies in furtherance of such goals.

“(2) Selection of goals and categories of entities.—

“(A) In general.—The Secretary shall determine the priorities for grants awarded
through a grant competition under this part by
selecting in advance of the application period—

“(i) 1 or more categories of entities
described in paragraph (3) that may apply
for and receive the grants through such
grant competition; and

“(ii) 1 or more goals described in
paragraph (4) to be supported under the
grants.

“(B) ANNOUNCEMENT.—The Secretary
shall ensure that information regarding the se-
lections of goals and categories of entities for
the grants under this part for an upcoming
grant competition is made widely available to el-
igible entities and that the eligible entities will
have sufficient time to prepare a grant applica-
tion based on the Secretary’s decisions for the
upcoming grant competition.

“(3) ELIGIBLE ENTITIES.—The categories of
entities that may be selected for grants under this
part are the following:

“(A) A State.

“(B) A high-need local educational agency.

“(C) A consortium of States.
“(D) A consortium of high-need local educational agencies.

“(4) EDUCATIONAL GOALS.—The goals that the Secretary shall select to support through grants under this part are 1 or more of the following:

“(A) Increasing the access of children from low-income families to highly rated teachers and school leaders, including by—

“(i) developing and implementing a teacher and principal evaluation system consistent with section 2301(b)(4);

“(ii) improving the effectiveness of teachers (including early childhood education and care educators) and school leaders, including through high-quality preparation, recruitment, professional development, evaluation, and other personnel policies; and

“(iii) ensuring that all teachers are prepared to effectively serve the needs of students who are children with disabilities or English learners, particularly through the general education curriculum.

“(B) Strengthening the availability and use of high-quality and timely data to improve
instructional practices, policies, and student outcomes.

“(C) Implementing—

“(i) elementary and secondary school academic standards that prepare students to be college and career ready, in accordance with section 1111(a)(1)(A)(ii); and

“(ii) strategies that translate such standards into classroom practice, including in the areas of assessment, instructional materials, and professional development.

“(D) Turning around the schools served by the eligible entity that are identified through a State’s accountability and improvement system under subsection (b) or (e)(2) of section 1116.

“(E) Creating successful conditions for the creation, expansion, and replication of high-performing public charter schools and the creation of new, innovative, and highly autonomous public schools that will enroll a large percentage of students from low-income families.

“(F) Providing more equitable State and local resources to high-poverty schools.

“(G) Improving school readiness by—
“(i) increasing the number and percentage of children from low-income families, in each age group of infants, toddlers, and preschoolers, who are enrolled in high-quality early childhood education and care programs; and

“(ii) designing and implementing an integrated system of high-quality early childhood education and care programs and services that strengthens the coordination and collaboration among Federal, State, and local early childhood education and care programs.

“(b) Duration of Grants.—

“(1) In general.—Each grant awarded under this part shall be for a period of not more than 4 years.

“(2) Requirements for additional funding.—Before receiving funding under any grant under this part for the second or any subsequent year of the grant, the eligible entity receiving the grant shall demonstrate to the Secretary that the eligible entity is—

“(A) making progress in implementing the plan under section 5104(a)(3) at a rate that the
Secretary determines will result in full implementa-
tion of the plan during the remainder of the grant period; and

“(B) making progress, as measured by the annual performance measures and targets es-
tablished by the eligible entity under section 5105, at a rate that the Secretary determines will result in reaching the targets and achieving the objectives of the grant, during the remain-
der of the grant period.

“(c) INTERAGENCY AGREEMENT.—The Secretary shall establish an interagency agreement with the Sec-
etary of Health and Human Services to jointly administer any grant competition for the goal of improving early childhood education and care, as described in subsection (a)(4)(G), and any grants issued under such grant com-
petition.

“SEC. 5104. APPLICATION PROCESS.

“(a) IN GENERAL.—Each eligible entity that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reason-
ably require. At a minimum, each such application shall include the following:
“(1) Documentation of the eligible entity’s record, as applicable, in the areas to be measured by
the performance measures identified by the Secretary under section 5105(2).

“(2) Evidence of conditions of innovation and reform that the eligible entity has established and
the eligible entity’s plan for implementing additional conditions for innovation and reform, including—

“(A) a description of how the eligible entity has identified and eliminated ineffective
practices in the past, and its plan for doing so in the future;

“(B) a description of how the eligible entity has identified and promoted effective prac-
tices in the past, and its plan for doing so in the future; and

“(C) steps the eligible entity has taken and will take to eliminate statutory, regulatory, pro-
cedural, or other barriers to facilitate the full implementation of its proposed plan under
paragraph (3).

“(3) A comprehensive and coherent plan for using funds under this part, and other Federal,
State, and local funds, to improve the eligible entity’s performance on the performance measures iden-
tified under section 5105(2), including how the applicant will implement reforms and innovative strategies to achieve the goals selected by the Secretary under section 5103(a)(2).

“(4) In the case of an eligible entity that is described in subparagraph (A) or (C) of section 5103(a)(3), evidence of collaboration among the eligible entity, local educational agencies in the State (including the local educational agencies participating in carrying out the plan under paragraph (3)), schools that are expected to benefit from the activities under the plan, parents, teachers, and other stakeholders, in developing and implementing the plan, including evidence of the commitment and capacity to implement such plan.

“(5) In the case of an eligible entity described in subparagraph (B) or (D) of section 5103(a)(3), evidence of the eligible entity’s collaboration with its school leaders, teachers, parents, and other stakeholders in developing the plan under paragraph (3), including evidence of the commitment and capacity to implement that plan.

“(6) The eligible entity’s annual performance measures and targets, in accordance with the requirements of section 5105.
“(b) CRITERIA FOR EVALUATING APPLICATIONS.—

“(1) IN GENERAL.—The Secretary shall award grants under this part on a competitive basis, based on the quality of the applications submitted by eligible entities.

“(2) PUBLICATION OF EXPLANATION.—The Secretary shall publish an explanation of how the application review process will ensure an equitable, transparent, and objective evaluation.

“(c) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to—

“(1) any eligible entity described in subparagraph (B) or (D) of section 5103(a)(3) that serves a school designated with a school locale code of 33, 41, 42, or 43, as determined by the Secretary; and

“(2) for any grant competition under this part for the goal of improving early childhood education and care, as described in section 5103(a)(4)(G), any eligible entity that provides a full-day kindergarten program to all kindergarten students, or to all kindergarten students from low-income families, served by the eligible entity.

“SEC. 5105. PERFORMANCE MEASURES.

“Each eligible entity receiving a grant under this part shall establish, subject to approval by the Secretary, an-
nual performance measures and targets for the programs and activities carried out under this part. Such performance measures and targets shall, at a minimum, track the eligible entity’s progress in—

“(1) implementing the plan described in section 5104(a)(3); and

“(2) making progress on any other performance measure identified by the Secretary.

“SEC. 5106. USES OF FUNDS.

“(a) Use of State Grant Funds.—

“(1) In general.—Each eligible entity described in subparagraph (A) or (C) of section 5103(a)(3) that receives a grant under this part shall—

“(A) except as provided in paragraph (3), use not less than 50 percent of the grant funds to award subgrants under paragraph (2) to the local educational agencies that will participate in the plan for any purpose included in the eligible entity’s plan described in section 5104(a)(3); and

“(B) use any amount of the grant not distributed under subparagraph (A) for any purpose included in the eligible entity’s plan.
“(2) Amount of Subgrants.—For a fiscal year, the amount of a subgrant under paragraph (1)(A) for a local educational agency that has been selected to participate in the eligible entity’s plan shall bear the same relation to the amount available for all such subgrants by the eligible entity for such year, as the amount made available to the local educational agency under part A of title I for the most recent year for which such data is available bears to the total amount made available for such year to all local educational agencies selected to participate in the eligible entity’s plan.

“(3) Exception.—An eligible entity described in subparagraph (A) or (C) of section 5103(a)(3) that receives a grant under this part for the goal of improving early childhood education and care, as described in section 5103(a)(4)(G)—

“(A) shall not be subject to the requirements of paragraph (1)(A); and

“(B) may use grant funds to award subgrants to public or private nonprofit agencies and organizations for activities consistent with any purpose included in the eligible entity’s plan described in section 5104(a)(3).
“(b) Use of subgrant funds.—Each local educational agency or public or private nonprofit agency or organization that receives a subgrant under paragraph (1)(A) or (3)(B) of subsection (a) from an eligible entity shall use subgrant funds for any purpose included in the eligible entity’s plan described in section 5104(a)(3), subject to any requirements of the eligible entity.

“(c) Use of high-need local educational agency grant funds.—Each eligible entity described in subparagraph (B) or (D) of section 5103(a)(3) that receives a grant under this part shall use such funds for any purpose included in the eligible entity’s plan described in section 5104(a)(3).

“(d) Special rule.—

“(1) Limitation on use of funds.—Notwithstanding any other provision of this section, grant or subgrant funds under this part shall only be used to fund a program or activity that is an allowable use of funds under another section of this Act (excluding this part and section 8007, as amended by section 8004 of the Elementary and Secondary Education Reauthorization Act of 2011), the Individuals with Disabilities Education Act, the Adult Education and Family Literacy Act, or the Carl D. Perkins Career and Technical Education Act of 2006, except that
grant or subgrant funds for the goal of improving early childhood education and care, as described in section 5103(a)(4)(G), may also be used to fund a program or activity that is an allowable use of funds under the Head Start Act, or the Child Care and Development Block Grant Act of 1990.

“(2) LIMITATION OF USE OF FUNDS FOR EARLY CHILDHOOD EDUCATION AND CARE PROGRAMS.— Grant or subgrant funds under this part that are used to improve early childhood education and care programs shall not be used to carry out any of the following activities:

“(A) Assessments that provide rewards or sanctions for individual children or teachers.

“(B) A single assessment that is used as the primary or sole method for assessing program effectiveness.

“(C) Evaluating children, other than for the purposes of improving instruction, classroom environment, professional development, or parent and family engagement, or program improvement.

“SEC. 5107. REPORTING.

“(a) ANNUAL REPORT.—An eligible entity that receives a grant under this part shall submit to the Sec-
retary, at such time and in such manner as the Secretary may require, an annual report including, at a minimum—

“(1) data on the eligible entity’s progress in achieving the targets for the annual performance measures and targets established under section 5105; and

“(2) a description of the challenges the eligible entity has faced in implementing its program under this part, and how the eligible entity has addressed, or plans to address, such challenges.

“(b) LOCAL REPORT.—Each local educational agency and each public or private nonprofit agency or organization that receives a subgrant from an eligible entity under section 5106(a) shall submit to the eligible entity such information as the eligible entity may require to complete the annual report required by subsection (a).”.

PART B—INVESTING IN INNOVATION

SEC. 5201. INVESTING IN INNOVATION.

Part B of title V (20 U.S.C. 7221 et seq.) is amended to read as follows:

“PART B—INVESTING IN INNOVATION

“SEC. 5201. PURPOSES.

“The purposes of this part are to—

“(1) fund the identification, development, evaluation, and expansion of innovative, research- and
evidence-based practices, programs, and strategies in order to significantly—

“(A) increase student academic achievement and close achievement gaps;

“(B) increase high school graduation rates;

“(C) increase college enrollment rates and rates of college persistence;

“(D) improve teacher and school leader effectiveness; and

“(E) improve school readiness and strengthen collaboration and coordination among elementary schools and early childhood care and education; and

“(2) support the rapid development, expansion, adoption, and implementation of tools and resources that improve the efficiency, effectiveness, or pace of adoption of such educational practices, programs, and strategies.

“SEC. 5202. RESERVATIONS.

“(a) ARPA-ED.—The Secretary may reserve not more than 30 percent of the funds appropriated under section 3(s) for each fiscal year to carry out the activities of the Advanced Research Projects Agency-Education established under section 221 of the Department of Edu-
cation Organization Act, except that the amount so re-
served for any fiscal year shall not exceed $100,000,000.

“(b) NATIONAL ACTIVITIES.—From the amount re-
maining after a reservation made under subsection (a), the
Secretary may reserve not more than 5 percent of the
funds appropriated under section 3(s) for any fiscal year
to carry out activities of national significance. Such activi-
ties may include—

“(1) capacity-building;

“(2) technical assistance;

“(3) dissemination of best practices developed
with grant funds provided under this part; and

“(4) carrying out prize awards consistent with
section 24 of the Stevenson-Wydler Technology In-

“(c) AVAILABILITY OF FUNDS.—Funds for the activi-
ties described in subsection (a), and for prize awards
under subsection (b)(4), shall be available until expended.

“SEC. 5203. PROGRAM AUTHORIZED; LENGTH OF GRANTS;
PRIORITIES.

“(a) PROGRAM AUTHORIZATION.—

“(1) IN GENERAL.—The Secretary shall use
funds made available to carry out this part for a fis-
cal year to award grants, on a competitive basis, to
eligible entities.
“(2) ELIGIBLE ENTITY.—In this part, the term ‘eligible entity’ means—

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

“(B) a partnership between a nonprofit organization or an educational service agency and—

“(i) 1 or more local educational agencies; or

“(ii) a consortium of public schools.

“(b) DURATION OF GRANTS.—The Secretary—

“(1) shall award grants under this part for a period of not more than 3 years; and

“(2) may extend such grants for an additional 2-year period if the grantee demonstrates to the Secretary that it is making significant progress on the program performance measures identified in section 5206.

“(c) RURAL SET-ASIDE.—The Secretary shall ensure that not less than 22 percent of the funds awarded under subsection (a) for any fiscal year are for projects that meet both of the following requirements, except that the Secretary shall not be required to make such awards unless a sufficient number of otherwise eligible high quality applications are received:
“(1) The eligible entity includes—

“(A) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

“(B) a consortium of such local educational agencies; or

“(C) if the applicant is a partnership, an educational service agency or a nonprofit organization with demonstrated expertise in serving students from rural areas.

“(2) A majority of the schools to be served by the project are designated with a school locale code of 41, 42, or 43, or a combination of such codes, as determined by the Secretary, and—

“(A) are served by a local educational agency in which 20 percent or more of the children ages 5 through 17 years old are from families with incomes below the poverty line;

“(B) are served by a local educational agency in which the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

“(C) are served by a local educational agency located in a county that has a total pop-
ulation density of fewer than 10 persons per square mile.

“(d) Priorities.—In awarding grants under this part, the Secretary shall give priority to an eligible entity that includes, in its application under section 5204, a plan to—

“(1) address the needs of high-need local educational agencies;

“(2) improve school readiness; or

“(3) address the unique learning needs of students who are children with disabilities or English learners.

“(e) Standards of Evidence.—The Secretary shall set standards for the quality of evidence that an applicant shall provide in order to demonstrate that the activities it proposes to carry out with funds under this part are likely to succeed in improving student outcomes, including academic achievement and graduation rates. These standards shall include the following:

“(1) Strong evidence that the activities proposed by the applicant will have a statistically significant effect on student outcomes.

“(2) Moderate evidence that the activities proposed by the applicant will improve outcomes.
“(3) A rationale based on research findings or a reasonable hypothesis that the activities proposed by the applicant will improve student outcomes.

“(f) SUPPORT FOR NEW PRACTICES, STRATEGIES, OR PROGRAMS.—

“(1) IN GENERAL.—The Secretary shall ensure that not less than one-half of the funds awarded under subsection (a) for any fiscal year are for projects that—

“(A) meet an evidence standard described in paragraph (2) or (3) of subsection (e); and

“(B) do not meet the evidence standard described in paragraph (1) of subsection (e).

“(2) EXCEPTION.—The Secretary shall not be required to make the awards described in paragraph (1) unless a sufficient number of otherwise eligible high-quality applications are received.

“SEC. 5204. APPLICATIONS.

“Each eligible entity that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each application shall—

“(1) describe the project for which the applicant is seeking a grant and how the evidence su-
porting that project meets the standards of evidence established by the Secretary under section 5203(e);

“(2) describe how the applicant will address at least 1 of the areas described in section 5205(a)(1);

“(3) provide an estimate of the number of children that the applicant plans to serve under the proposed project, including the percentage of those children who are from low-income families;

“(4) demonstrate that the applicant has established 1 or more partnerships with public or private organizations and that the partner or partners will provide matching funds, except that the Secretary may waive the matching funds requirement on a case-by-case basis, upon a showing of exceptional circumstances;

“(5) describe the applicant’s plan for continuing the proposed project after funding under this part ends;

“(6) if the applicant is a local educational agency—

“(A) document the local educational agency’s record during the previous 3 years in—

“(i) increasing student achievement, including achievement for each subgroup of
students described in section 1111(a)(2)(B)(ix); and

“(ii) closing achievement gaps; and

“(B) demonstrate how the local educational agency has made significant improvements in other outcomes, as applicable, on the performance measures described in section 5206;

“(7) if the applicant is a partnership that includes a nonprofit organization, provide evidence that the nonprofit organization has helped at least 1 school or local educational agency, during the previous 3 years, significantly—

“(A) increase student achievement, including achievement for each subgroup of students described in section 1111(a)(2)(B)(ix); and

“(B) close achievement gaps;

“(8) provide a description of the applicant’s plan for independently evaluating the effectiveness of activities carried out with funds under this part;

“(9) provide an assurance that the applicant will—

“(A) cooperate with evaluations, as requested by the Secretary;
“(B) make data available to third parties for validation and further study; and

“(C) participate in communities of practice; and

“(10) if the applicant is a partnership that includes a nonprofit organization that intends to make subgrants, consistent with section 5205(b), provide an assurance that the applicant will apply paragraphs (1) through (9), as appropriate, in its selection of subgrantees and in its oversight of those subgrants.

“SEC. 5205. USES OF FUNDS.

“(a) USES OF FUNDS.—

“(1) MANDATORY USES.—Each eligible entity that receives a grant under this part shall carry out the following:

“(A) Use the grant funds to carry out, at a minimum, 1 of the following activities:

“(i) Improving the effectiveness of teachers and school leaders and increasing equity in the distribution of effective teachers and school leaders.

“(ii) Strengthening the use of data to improve teaching and learning.
“(iii) Providing high-quality instruction based on college and career ready standards and measuring students' mastery of standards using high-quality assessments aligned with those standards.

“(iv) Turning around the lowest-performing schools.

“(v) Improving school readiness for students who are low-income, English learners, and children with disabilities.

“(vi) Other areas relating to school improvement consistent with the purposes of this part, as determined by the Secretary.

“(B) Use the grant funds to develop or expand strategies to improve the performance of high-need students on the performance measures described in section 5206.

“(2) Permissive use of funds.—Each eligible entity that receives a grant under this part may use the grant funds for an independent evaluation, as required under section 5204(a)(8), of the innovative practice carried out with the grant.

“(b) Authority to subgrant.—
“(1) IN GENERAL.—If an eligible entity that receives a grant under this part includes a nonprofit organization, such nonprofit organization may use the grant funds to award subgrants to other entities to provide support to 1 or more schools or local educational agencies.

“(2) COMPLIANCE WITH REQUIREMENTS OF GRANTEES.—Each entity awarded a subgrant under paragraph (1) shall comply with the requirements of this part relating to grantees, as appropriate.

“SEC. 5206. PERFORMANCE MEASURES.

“The Secretary shall establish performance measures for the programs and activities carried out under this part. These measures, at a minimum, shall track the grantee’s progress in improving outcomes for each subgroup of students described in section 1111(a)(2)(B)(ix) that is served by the grantee, including, as applicable, by—

“(1) increasing student achievement and decreasing achievement gaps;

“(2) increasing high school graduation rates;

“(3) increasing college enrollment rates and rates of college persistence;

“(4) improving teacher and school leader effectiveness;

“(5) improving school readiness; and
“(6) any other indicator as the Secretary or
grantee may determine.

“SEC. 5207. REPORTING.

“An eligible entity that receives a grant under this
part shall submit to the Secretary, at such time and in
such manner as the Secretary may require, an annual re-
port that includes, among other things, information on the
entity’s progress on the performance measures established
under section 5206, and the data supporting that
progress.”

PART C—MAGNET SCHOOLS ASSISTANCE

SEC. 5301. FINDINGS AND PURPOSE.

Section 5301 (20 U.S.C. 7231) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2) and insert-
ing the following:

“(2) The use of magnet schools has increased
dramatically since the inception of the magnet
schools assistance program under this Act, with
more than 1,500,000 students nationwide attending
such schools.”; and

(B) in paragraph (4), by striking subpara-
graph (B) and inserting the following:

“(B) to ensure that all students have equi-
table access to a high-quality public education
that will prepare them to succeed in a highly competitive economy comprised of people from many different racial and ethnic backgrounds; and”; and

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting “, particularly whole-school programs,” after “magnet school programs”; and

(ii) by striking “challenging State academic content standards and student academic achievement standards” and inserting “college and career ready State academic content standards and student academic achievement standards under section 1111(a)”;

(B) by striking paragraphs (3) and (4) and inserting the following:

“(3) the development and design of evidence-based educational methods and practices that promote diversity and increase high-quality public educational options;

“(4) courses of instruction within magnet schools that will substantially increase the college
and career readiness of students attending such schools;”.

SEC. 5302. PROGRAM AUTHORIZED.

Section 5303 (20 U.S.C. 7231b) is amended, in the matter preceding paragraph (1), by inserting “competitive” after “to award”.

SEC. 5303. APPLICATIONS AND REQUIREMENTS.

Section 5305 (20 U.S.C. 7231d) is amended—

(1) by striking subsection (b) and inserting the following:

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

“(1) a description of—

“(A) how a grant awarded under this part will be used to—

“(i) improve student academic achievement for all students and subgroups of students described in section 1111(a)(2)(B)(ix) attending the magnet school program; and

“(ii) promote desegregation, including how the proposed magnet school program will increase interaction among students of different social, economic, ethnic, and racial backgrounds, including the policies,
programs, and activities aimed at increasing interaction among such students;

“(B)(i) a description of the evidence that the magnet school program that the applicant proposes to implement would improve student academic achievement and reduce minority group isolation; or

“(ii) if such evidence is not available, a rationale, based on current research findings, for how the program would improve student academic achievement and reduce minority group isolation;

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

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

“(i) to improve student academic achievement for all students attending the magnet school programs; and
“(ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate;

“(E) the student application process, and selection criteria, if any, to be used by the proposed magnet school program;

“(F) how the applicant will conduct outreach and disseminate information about the proposed magnet school program, including the application and selection process, in a timely, clear, and accessible manner to all students and their parents and families and, to the extent practicable, in a language they can understand; and

“(G) how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student academic achievement and integration; and

“(2) assurances that the applicant will—

“(A) use grant funds under this part for the purpose specified in section 5301(b);

“(B) employ highly rated school leaders and teachers in the courses of instruction assisted under this part;
“(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

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

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

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

“(D) carry out a high-quality education program that will result in greater parent and family decisionmaking and engagement; and

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

(2) in subsection (c), by striking “will be met” and inserting “are being met”.
SEC. 5304. PRIORITY.

Section 5306 (20 U.S.C. 7231e) is amended by striking paragraphs (1), (2), and (3), and inserting the following:

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

“(2) propose to carry out new magnet school programs, significantly revise existing magnet school programs, or significantly expand magnet school programs, in a manner that—

“(A) is aligned with other programs that have demonstrated a record of success in increasing student academic achievement and reducing minority group isolation; or

“(B) has a strong research basis for improving student academic achievement and reducing minority group isolation;

“(3) select, or propose to select, students to attend magnet school programs solely or primarily by lottery, rather than through academic examination or other selective enrollment methods; and

“(4) propose to serve the entire student population of a school.”.
SEC. 5305. USE OF FUNDS.

Section 5307 (20 U.S.C. 7231f) is amended—

(1) in subsection (a), by striking paragraphs (1) through (7) and inserting the following:

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

“(2) for the acquisition of books, educational technology, materials, and equipment necessary to conduct programs in magnet schools;

“(3) for—

“(A) the compensation, or subsidization of the compensation, of elementary school and secondary school teachers, leaders, and other instructional staff who are highly rated; and

“(B) high-quality professional development and staff capacity-building activities, including those designed to recruit, prepare, support, and retain highly rated school teachers, leaders, and other instructional staff;

“(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that are designed to make available the special curriculum that is offered by the magnet school program to students who
are enrolled in the school but who are not enrolled
in the magnet school program;

“(5) for activities, which may include the for-
formation of partnerships with public or nonprofit or-
ganizations to help enhance the program or promote
parent and family decisionmaking and engagement
that will build the recipient’s capacity to operate
magnet school programs once the grant period has
ended;

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

“(7) for other operational costs that cannot be
met with other State or local sources.”; and

(2) in subsection (b), by striking “based on the
State’s challenging academic content standards and
student academic achievement standards or directly
related to improving student reading skills or knowl-
edge of mathematics, science, history, geography,
English, foreign languages, art, or music, or to im-
proving vocational, technological, and professional
skills” and inserting “and growth and leading to
students being on track to college and career readi-
ness”.

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SEC. 5306. LIMITATIONS.

Section 5309 (20 U.S.C. 7231h) is amended—

(1) in subsection (a), by striking “a period that shall not exceed 3 fiscal years” and inserting “an initial period of not more than 3 fiscal years, and may be renewed for not more than an additional 2 years if the Secretary finds that the grantee is achieving the intended outcomes of the grant and shows improvement in increasing student academic achievement and reducing minority-group isolation, and other indicators of success established by the Secretary”; and

(2) in subsection (b)—

(A) by striking “50” and inserting “40”; and

(B) by striking “15” and inserting “10”.

SEC. 5307. EVALUATIONS.

Section 5310 (20 U.S.C. 7231i) is amended to read as follows:

“(a) IMPACT OF ACTIVITIES.—From the amount reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate
the implementation and impact of the activities supported under this part, consistent with section 9601, including—

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

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

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

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

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

SEC. 5308. AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.

Section 5311 (20 U.S.C. 7231j) is amended to read as follows:
"SEC. 5311. AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.

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

PART D—PUBLIC CHARTER SCHOOLS

SEC. 5401. PURPOSE.

“The purpose of this part is to support the creation, expansion, and replication of high-performing charter schools that serve the needs and increase the academic achievement of all students.

SEC. 5402. DISTRIBUTION OF FUNDS.

“From the funds appropriated to carry out this part for a fiscal year—

“(1) 85 percent shall be available to carry out subpart 1; and

“(2) 15 percent shall be available to carry out subpart 2."
“Subpart 1—Successful Charter Schools Program

“SEC. 5411. DEFINITIONS.

“In this subpart:

“(1) CHARTER SCHOOL.—The term ‘charter school’ means a public school that—

“(A) is governed by a separate and independent board that exercises authority over 1 or more schools, including authority in the areas of governance, personnel, budget, schedule, and instructional program;

“(B) has ongoing, significant autonomy in the areas of—

“(i) the hiring, replacement, and salaries of the school staff;

“(ii) the school budget;

“(iii) scheduling formats for the school day and school year;

“(iv) the instructional programs of the school, including instructional models and curricula; and

“(v) the management and daily operation of the school;

“(C) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation
and management of public schools, but not from any rules relating to the other requirements of this paragraph;

“(D) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

“(E) operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the charter school authorizer;

“(F) provides 1 or more programs of elementary education, secondary education, or both, and may also provide early childhood education and care or adult education, in accordance with State law;

“(G) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

“(H) does not charge tuition;

“(I) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of
1973, title II of the Americans with Disabilities
Act of 1990, and part B of the Individuals with
Disabilities Education Act;

“(J) is a school to which parents choose to
send their children, and that admits students
on the basis of a lottery if more students apply
for admission than can be accommodated, ex-
cept as modified by the Secretary by regulation
in accordance with clause (v) or (vi) of section
1116(c)(6)(B);

“(K) complies with the same Federal and
State audit requirements as do other elemen-
tary schools, secondary schools, and early child-
hood education and care and adult education
programs, as applicable, in the State, unless
such requirements are specifically waived for
the purpose of this program;

“(L) meets all applicable Federal, State,
and local health and safety requirements;

“(M) operates in accordance with State
law; and

“(N) has a written performance contract
with a charter school authorizer that includes—
“(i) a description of how student performance will be measured on the basis of—

“(I) State assessments that are required of other public schools; and

“(II) any other assessments that are mutually agreeable to the charter school authorizer and the charter school;

“(ii) a requirement that student academic achievement and growth, consistent with section 1111, for the students enrolled at the school as a whole and for each subgroup described in section 1116(b)(1)(B) will be used as a primary factor in decisions about the renewal or revocation of the charter, in addition to other criteria, as appropriate;

“(iii) the student academic achievement, growth (consistent with section 1111), and student retention goals, and, in the case of a high school, graduation rate goals for the students enrolled at the school as a whole and for each subgroup described in section 1116(b)(1)(B), and
any other goals to be achieved by the end
of the contract period;

“(iv) the obligations and responsibil-
ities of the charter school and the charter
school authorizer; and

“(v) a description of the autonomy
that will be granted to the charter school
in each area described under subparagraph
(B).

“(2) Charter school authorizer.—The
term ‘charter school authorizer’ means any public or
nonprofit entity that has the authority under State
law, and is approved by the Secretary, to authorize
or approve a public charter school.

“(3) Developer.—The term ‘developer’ means
any individual, group of individuals, or public non-
profit organization that—

“(A) has applied for, or been granted, a
charter for a charter school; or

“(B) has received authorization to start a
charter school.

“(4) Eligible entity.—The term ‘eligible en-
tity’ means—

“(A) a State educational agency;
“(B) a local educational agency, except a charter school that is considered a local educational agency under State law;

“(C) a charter school authorizer; or

“(D) a charter management organization.

“(5) EXPAND.—The term ‘expand’ means to increase the student enrollment of an existing high-performing charter school by more than 50 percent or through the addition of not less than 2 grades to such existing charter school over the course of a grant or subgrant under this part.

“(6) HIGH-PERFORMING CHARTER SCHOOL.—The term ‘high-performing charter school’ means—

“(A) in the case of a charter school that was not open or did not enroll students in the preceding school year, a charter school that has a written performance contract with a charter school authorizer that includes, for the students enrolled at the school as a whole and for each subgroup described in section 1116(b)(1)(B) for the most recent year for which such data are available—

“(i) student academic achievement and growth goals (as measured, in the case of a charter school that is an elementary
school or secondary school, by performance on the statewide academic assessments required under section 1111(a)(2) and individual academic growth, consistent with section 1111) that are higher than the average student academic achievement and growth results, consistent with section 1111, in demographically similar schools in the State;

“(ii) student retention goals that are similar to, or greater than, the average student retention rates in demographically similar schools in the State; and

“(iii) if the charter school is a high school, goals for graduation rates, rates of student enrollment at institutions of higher education, and rates of student persistence at institutions of higher education that are higher than such average rates in demographically similar schools in the State; or

“(B) in the case of a charter school that was open and enrolled students for the preceding school year, a charter school that has, for the students enrolled at the school as a whole and for each subgroup described in sec-
tion 1116(b)(1)(B) for the most recent year for which such data are available—

“(i) student academic achievement and growth results (as measured, in the case of a charter school that is an elementary school or secondary school, by performance on the statewide academic assessments required under section 1111(a)(2) and individual academic growth, consistent with section 1111) that are significantly higher than the average student academic achievement and growth results, consistent with section 1111, in demographically similar schools in the State;

“(ii) student retention rates that are similar to or higher than the average student retention rates in demographically similar schools in the State; and

“(iii) if the school is a high school, higher graduation rates, rates of student enrollment at institutions of higher education, and rates of student persistence at institutions of higher education than such average rates in demographically similar schools in the State.
“(7) Replicate.—The term ‘replicate’ means that an existing high-performing charter school will open 1 or more new campuses under a new or existing charter, or both, over the course of a grant or subgrant under this part.

“SEC. 5412. PROGRAM AUTHORIZED.

“(a) In General.—From the amount available to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such eligible entities to award subgrants to developers to create, expand, or replicate 1 or more high-performing charter schools, including through conversion of an existing school into a charter school.

“(b) Allocations.—The Secretary shall use not less than 65 percent of funds to award grants to eligible entities described in 5411(4)(A).

“(c) Considerations.—In awarding grants under this subpart, the Secretary shall consider—

“(1) the geographic diversity of the eligible entities, including the distribution of grants among urban, suburban, and rural areas; and

“(2) the number of eligible entities in a State that are receiving grants under this subpart in any fiscal year.

“(d) Grant Amount.—
“(1) In determining the amount of each grant to be awarded under subsection (a), the Secretary shall consider—

“(A) the number of operating charter schools under the jurisdiction or in the service area of the eligible entity;

“(B) to the extent practicable, the number of students, including students on charter school waiting lists, that will be served by high-performing charter schools that receive funds under this subpart; and

“(C) the amount of funds that is needed to implement the activities described in the approved application.

“(e) DURATION.—

“(1) IN GENERAL.—Each grant awarded under this subpart shall be for an initial period of not more than 3 years.

“(2) RENEWAL.—The Secretary may renew a grant awarded under this subpart for an additional period of not more than 2 years, if the eligible entity is achieving the objectives of the grant and has shown improvement on the performance measures and targets described in section 5417(a).

“(f) LIMITATIONS.—
“(1) GRANTS.—An eligible entity described under subparagraph (A) of section 5411(4) may not receive more than 1 grant at a time under this section.

“(2) SUBGRANTS.—A developer may not receive more than 1 grant or subgrant at a time under this section.

“(g) RESERVATIONS.—

“(1) ADMINISTRATIVE EXPENSES.—An eligible entity that receives a grant under this subpart may use not more than a total of 5 percent of grant funds for administrative expenses associated with the grant, including for improvement of the eligible entity’s oversight or management of charter schools.

“(2) IMPROVING AUTHORIZER QUALITY.—An eligible entity described in subparagraph (A), (B), or (C) of section 5411(4), shall use 5 percent of grant funds for improving authorizer quality, including charter school oversight and monitoring systems and procedures for revoking or not renewing charters.

“(h) WAIVER.—The Secretary may waive a statutory or regulatory requirement over which the Secretary exercises administrative authority, except a requirement described in section 5411(1), if—
“(1) the waiver is requested in an approved application under this subpart; and

“(2) the Secretary determines that granting the waiver will promote the purpose of this subpart.

SEC. 5413. APPLICATIONS.

“(a) In General.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

“(b) Contents.—

“(1) Eligible Entities.—At a minimum, the application described in subsection (a) shall include a description of —

“(A) how the eligible entity will use grant funds to create, expand, or replicate 1 or more high-performing charter schools;

“(B) the need for the high-performing charter schools that the eligible entity seeks to support, including information that demonstrates the interest of parents and communities in increasing charter school enrollment capacity, such as the number of students who are on waiting lists for charter schools under the jurisdiction of the eligible entity;
“(C) the performance measures the eligible entity will use to measure outcomes;

“(D) how the eligible entity will provide information and support to parents, families, and students regarding the available charter school options in a simple, clear, and easily accessible format and, to the extent practicable, in a language that such parents, families, and students can understand;

“(E) how the eligible entity will coordinate the grant funds received under this subpart with other Federal, State, and local funds;

“(F) how the eligible entity will ensure that each charter school within such eligible entity’s jurisdiction or service area—

“(i) meets the requirements of section 5411(1); and

“(ii) provides equitable access and effectively serves the needs of all students, including children with disabilities and English learners, and implements outreach and recruitment practices that include families of such students;

“(G) how the eligible entity will award subgrants to developers, on a competitive basis and
through a high-quality review process, including
a description of the subgrant application;

“(H) how the eligible entity will target
subgrants to high-performing charter schools
that plan to serve students who attend schools
that have been identified through the State ac-
countability and improvement system described
in section 1116;

“(I) the eligible entity’s record, if applica-
ble, of success in creating, expanding, repli-
cating, managing, and overseeing high-per-
forming charter schools, and closing unsuccess-
ful schools;

“(J) how the eligible entity will hold char-
ter schools within such eligible entity’s jurisdic-
tion accountable if such schools do not meet the
objectives specified in the performance contract
described in section 5411(1)(N), including by
closing unsuccessful schools; and

“(K) how charter school authorizers are
approved, monitored, held accountable for es-
ablishing rigorous standards, periodically re-
viewed, and re-approved in the State in which
the eligible entity operates, based on the per-
formance of the charter schools that such char-
(2) **State educational agencies.**—Each eligible entity described in section 5411(4)(A) shall include in the application described in paragraph (1) (in addition to the requirements of such paragraph), the following:

"(A) A description of the State’s laws, policies, or procedures, if applicable, that address—

"(i) how decisions are made to close unsuccessful charter schools, and how student academic achievement and growth, consistent with section 1111, for all students and for each subgroup of students described in section 1116(b)(1)(B), is a primary factor in such decisions;

"(ii) how charter schools are monitored and held accountable for—

"(I) meeting the requirements described in section 5411(1); and

"(II) providing equitable access and effectively serving the needs of all..."
students, including students with dis-
abilities and English learners; and

“(iii) how a charter school that is con-
sidered a local educational agency under
State law, or a local educational agency in
which a charter school is located, will com-
ply with subsections (a)(5) and (e)(1)(B)
of section 613 of the Individuals with Dis-
abilities Education Act.

“(B) Information about the eligible entity’s
record of funding charter schools, including
funding charter school facilities.

“(C) Information about the number of
charter schools in the State that—

“(i) have been closed or have had
charters revoked or not renewed in the pre-
ceding 5-year period, and the reasons for
such closures, revocations, or nonrenewals;

“(ii) have been identified through the
State accountability and improvement sys-
tem described in section 1116 in the pre-
ceding 5-year period;

“(iii) have met objectives specified in
the performance contract described in sec-
tion 5411(1)(N); and
“(iv) the charter school authorizer has authorized that are high-performing charter schools, and the percentage of such charter schools as compared to the total number of charter schools that the charter school authorizer has authorized.

“(3) LOCAL EDUCATIONAL AGENCIES.—Each eligible entity described in section 5411(4)(B) shall include in the application described in paragraph (1) (in addition to the requirements described in such paragraph), a description of the eligible entity’s policies and procedures for—

“(A) ensuring that charter schools under the jurisdiction of such eligible entity have equitable access to school facilities;

“(B) complying with subsections (a)(5) and (c)(1)(B) of section 613 of the Individuals with Disabilities Education Act; and

“(C) supporting public school choice.

“(4) CHARTER SCHOOL AUTHORIZERS.—Each eligible entity described in section 5411(4)(C) shall include in the application described in paragraph (1) (in addition to the requirements of such paragraph), the following:
“(A) A demonstration that the eligible entity has explicit and clear policies and procedures in place for the approval, monitoring, renewal, and closure of charter schools, and an assurance that such policies and procedures make student academic achievement and growth, consistent with section 1111, for all students and for each subgroup of students described in section 1116(b)(1)(B), a primary factor in such decisions.

“(B) A description of how the eligible entity will make publicly available (in a clear and uniform format, a timely manner, and a form that is easily accessible, and, to the extent practicable, in a language that families and students can understand)—

“(i) information about the criteria and procedures for granting, denying, revoking, and renewing charters for charter schools; and

“(ii) the results of decisions relating to the granting, denial, revocation, and renewal of charters for charter schools, including performance data and other rel-
evant information on which each decision
is based.

“(C) Information about the number of
charter schools that—

“(i) the charter school authorizer has
authorized that have been closed or have
had charters revoked or not renewed by
the eligible entity in the preceding 5-year
period, and the reasons for such closures,
revocations, or nonrenewals;

“(ii) have been identified through the
State accountability and improvement sys-
tem described in section 1116;

“(iii) have met objectives specified in
the performance contract described in sec-
tion 5411(1)(N); and

“(iv) the charter school authorizer has
authorized that are high-performing char-
ter schools, and the percentage of such
charter schools as compared to the total
number of charter schools that the charter
school authorizer has authorized.

“(5) CHARTER MANAGEMENT ORGANIZA-
TIONS.—Each eligible entity described in section
5411(4)(D) shall include in the application described
in paragraph (1) (in addition to the requirements of such paragraph), a description of—

“(A) the qualifications of such eligible entity’s management team; and

“(B) a multi-year financial and operating model for each of the high-performing charter schools that such eligible entity will create, expand, or replicate under the grant.

“(6) SPECIAL RULE.—In the case of a developer that plans to open a charter school in a jurisdiction or service area where no eligible entity will be awarding subgrants under this subpart for the fiscal year for which the developer applies, the Secretary may award a grant to such developer if such developer has an approved application that includes the requirements described in subparagraphs (A) through (F) of paragraph (1) and paragraph (5).

The requirements of subsections (b) and (e) of section 5416 and section 5417(c) shall apply to a developer receiving a grant under this paragraph in the same manner as such sections apply to a developer receiving a subgrant under section 5416, except that the developer shall submit the data under section 5417(c) directly to the Secretary.
“SEC. 5414. SELECTION CRITERIA; PRIORITY.

“(a) SELECTION CRITERIA.—

“(1) IN GENERAL.—In awarding grants to eligi-
ble entities under this subpart, the Secretary shall
consider—

“(A) the quality of the eligible entity’s ap-
lication;

“(B) the eligible entity’s record, if applica-
ble, of success in creating, expanding, repli-
cating, managing, and overseeing high-per-
forming charter schools;

“(C) the eligible entity’s record of dis-
continuing funding or closing low-performing
charter schools, including, as applicable, by re-
voking or not renewing the charters of such
charter schools, and the eligible entity’s com-
mitment to discontinuing funding or closing
low-performing charter schools in the future;

“(D) the extent to which the eligible entity
demonstrates that such eligible entity will
award subgrants targeted to serving students
who attend schools that have been identified
through the State accountability and improve-
ment system described in section 1116;

“(E) the quality of the eligible entity’s
plan for supporting subgrant recipients,
through such activities as technical assistance,
directly or through grants, contracts, or coopera-
tive agreements, in order to—

“(i) improve student academic
achievement and growth, consistent with
section 1111, for all students and for each
subgroup of students described in section
1116(b)(1)(B); and

“(ii) promote effective outreach to,
and recruitment of, students who are chil-
dren with disabilities and students who are
English learners, and the parents and fam-
ilies of such students; and

“(F) the extent to which the State in
which the eligible entity operates provides for
and enforces high-quality standards for charter
school authorizers, including by establishing
standards for rigorous and periodic reviews.

“(2) STATE EDUCATIONAL AGENCIES.—In the
case of an applicant that is an eligible entity de-
scribed in section 5411(4)(A), in addition to the ele-
ments described in paragraph (1), the Secretary
shall also consider, the extent to which such eligible
entity—
“(A) ensures that charter schools receive equitable funding compared to other public schools in the State, and a commensurate share of Federal, State, and local revenues compared to public schools in the State, including equitable State funding to support early childhood education and care programs operated by charter schools in the State, in accordance with State law; and

“(B) provides charter schools with equitable access to funds for facilities (which may include funds for leasing or purchasing facilities or for making tenant improvements), assistance for facilities acquisition, access to public facilities, the ability to share in the proceeds of bonds and levies, or other support related to facilities.

“(3) Local educational agencies.—In the case of an applicant that is an eligible entity described in section 5411(4)(B) (except for a charter school that is considered a local educational agency under State law) in addition to the elements described in paragraph (1), the Secretary shall also consider—
“(A) if charter schools are operating within the area served by such eligible entity, the extent to which the eligible entity has policies and procedures in place to ensure that—

“(i) charter schools have equitable access to school facilities; or

“(ii) charter schools are not denied access to available public school facilities; and

“(B) the extent to which the eligible entity demonstrates support for public school choice.

“(4) CHARTER SCHOOL AUTHORIZERS.—In the case of an applicant that is an eligible entity described in section 5411(4)(C), in addition to the elements described in paragraph (1), the Secretary shall also consider the eligible entity’s record of success in authorizing and supporting high-performing charter schools.

“(5) CHARTER MANAGEMENT ORGANIZATIONS.—In the case of an applicant that is an eligible entity described in section 5411(4)(D), in addition to the elements described in paragraph (1), as applicable, the Secretary shall also consider—

“(A) the quality of the eligible entity’s management team; and
“(B) the quality and sustainability of the eligible entity’s multi-year financial and operating model.

“(b) PRIORITY.—

“(1) STUDENTS FROM LOW-INCOME FAMILIES.—In awarding grants under this subpart, the Secretary shall give priority to eligible entities that propose to create, expand, or replicate high-performing charter schools that plan to enroll a large percentage of students from low-income families.

“(2) DIVERSITY.—In awarding grants under this subpart, the Secretary may give priority to eligible entities that propose to create, expand, or replicate a high-performing charter school that will have a diverse student population.

“(3) STATE EDUCATIONAL AGENCIES.—In the case of an applicant that is an eligible entity described in section 5411(4)(A), the Secretary shall give priority to such eligible entities—

“(A) from States that do not have a law that prohibits, or effectively inhibits, increasing the number of high-performing charter schools in the State;

“(B) from States that—
“(i) provide for, and adequately sup-
port, 2 or more charter school authorizers,
of which not less than 1 is a statewide
charter school authorizer; or

“(ii) in the case of a State in which
local educational agencies are the only
charter school authorizers—

“(I) allow for an appeals process
through which developers have an op-
portunity to appeal a denial to an-
other authorizer that will issue a final
determination regarding whether or
not to grant the developer a charter;
and

“(II) require charter school au-
thorizers to indicate an affirmative in-
terest in serving as charter school au-
thorizers; and

“(C) that have a policy or procedure in
place that ensures that charter schools are re-
authorized or have their charter renewed not
less than once every 5 years.

“SEC. 5415. USES OF FUNDS.

“(a) REQUIRED USES OF FUNDS.—Each eligible en-
tity receiving a grant under section 5412(a) shall—
“(1) use not less than 95 percent of the remaining grant funds, after the reservations made under section 5412(g), to award subgrants to 1 or more developers, as described under section 5416, to enable such developers to create, expand, or replicate 1 or more high-performing charter schools (which may include opening new schools or converting existing schools into charter schools) in the area served by the eligible entity or under the jurisdiction of the eligible entity;

“(2) in awarding subgrants, give priority to developers that propose to create, expand, or replicate a high-performing charter school in which a large percentage of the students enrolled are from low-income families;

“(3) provide developers who are receiving a subgrant with support and technical assistance in—

“(A) improving student academic achievement and growth, consistent with section 1111;

“(B) effectively serving the needs of all students, including students who are children with disabilities and students who are English learners; and

“(C) implementing outreach and recruitment practices that includes families of stu-
dents who are children with disabilities and

English learners;

“(4) directly, or through a partnership with a
nonprofit organization (such as a community-based
organization), develop and implement parent, family,
and student information, outreach, and recruitment
programs to provide information and support to par-
ants, families, and students about the public school
choice options available to them, including students
who are children with disabilities and students who
are English learners, in a simple, clear, and easily
accessible format and, to the extent practicable, in
a language that such parents, families, and students
can understand.

“(b) PERMISSIBLE USE OF FUNDS.—Each eligible
entity receiving a grant under section 5412(a) may use
not more than 1 percent of grant funds to disseminate
information to public schools in the eligible entity’s juris-
diction or service area about lessons learned through the
grant activities, in order to—

“(1) successfully address the education needs of
all students, including students who are children
with disabilities and students who are English learn-
ers; and
“(2) replicate high-performing charter school models.

“SEC. 5416. SUBGRANTS.

“(a) APPLICATIONS.—Each developer that desires to receive a subgrant under this subpart shall submit an application to the appropriate eligible entity at such time, in such form, and including such information and assurances as the eligible entity may reasonably require, which shall include the information required under subparagraphs (A) through (F) of paragraph (1) and paragraph (5) of section 5413(b).

“(b) USE OF FUNDS.—A developer that receives a subgrant under this subpart shall use such subgrant funds to create, expand, or replicate 1 or more high-performing charter schools, which may include carrying out the following activities:

“(1) If necessary, carrying out not more than 12 months of planning and program design, unless such developer demonstrates the need for an additional planning period of not more than 3 months.

“(2) Recruiting and providing preparation, induction, and professional development for teachers, school leaders, and other staff who will work in a charter school that is supported by the developer.
“(3) Acquiring necessary equipment, supplies, and educational materials, including curricula, assessments, and instructional materials.

“(4) Professional development and implementation of systems for the delivery of appropriate services for students who are children with disabilities and students who are English learners, including through centralizing, purchasing, or sharing the provision of such services with other organizations.

“(5) Providing transportation to students to and from the school.

“(6) Paying operational costs for a charter school that cannot be met through State or local funding sources.

“(7) Directly, or through a partnership with a nonprofit organization (including a community-based organization), developing and implementing parent, family, and student information and outreach programs to provide information and support to parents, families, and students about each charter school, in a simple, clear, and easily accessible format and, to the extent practicable, in a language that the parents, families, and students can understand.
“(8) Developing and implementing effective outreach and recruitment strategies to inform families of students who are children with disabilities and students who are English learners about the charter school, the charter school admissions process, and the charter school’s plan to effectively provide appropriate educational and related services to such students.

“(9) Evaluating and disseminating information, including through technical assistance, about the effectiveness of the activities supported by the subgrant.

“(c) LIMITATIONS.—Not more than 1 percent of subgrant funds may be used to carry out the activities described in subsection (b)(9).

“SEC. 5417. PERFORMANCE MEASURES; REPORTS.

“(a) Performance Measures and Targets.—Each eligible entity receiving a grant under this subpart shall establish performance measures and annual targets, approved by the Secretary, for the charter schools that are created, expanded, or replicated with funds provided through a grant or subgrant under this subpart. Such measures and targets shall include, at a minimum, in the aggregate and disaggregated by each subgroup of students described in section 1116(b)(1)(B)—
“(1) the number of students enrolled in each charter school;

“(2) the number of students enrolled in each high-performing charter school;

“(3) the number of students enrolled in each high-performing charter school who were formerly attending a school that has been identified through the State accountability and improvement system described in section 1116;

“(4) student academic achievement and growth, consistent with section 1111, including, if applicable, performance on the State academic assessments required under section 1111(a)(2), and student growth consistent with section 1111;

“(5) student retention rates;

“(6) in the case of a public charter school that is a secondary school, student graduation rates, and student rates of enrollment and persistence in institutions of higher education; and

“(7) other measures required by the Secretary.

“(b) REPORTS.—Each eligible entity receiving a grant under this subpart shall annually prepare and submit a report to the Secretary containing the information described under subsection (a).
“(c) Developers.—Each developer receiving a subgrant under this subpart from an eligible entity shall provide the eligible entity with the data necessary to comply with the requirements of this section.

“SEC. 5418. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

“(a) In General.—For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

“(b) Adjustment and Late Openings.—
“(1) IN GENERAL.—The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

“(2) RULE.—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools’ first year of operation.

“SEC. 5419. RECORDS TRANSFER.

“State educational agencies and local educational agencies receiving funds under part A of title I or any other Federal funds from the Secretary, shall, in the most timely manner possible and to the extent practicable, ensure that a student’s records and, if applicable, a student’s individualized education program as defined in section 602(11) of the Individuals with Disabilities Education
Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

“SEC. 5420. NATIONAL ACTIVITIES.

“From funds made available under this subpart for each fiscal year, the Secretary may reserve not more than 2.5 percent for national activities to carry out (directly or through grants, contracts that use a competitive bidding process, or cooperative agreements) research, development, data collection, technical assistance, outreach, and dissemination activities, including—

“(1) research, technical assistance, and other activities to assist eligible entities receiving a grant under this subpart, and other eligible entities in improving the entity’s capacity to—

“(A) create, expand, replicate, operate, or support high-performing charter schools that meet the needs of, and improve the outcomes for, all students, including students who are children with disabilities and students who are English learners;

“(B) support charter school authorizers to improve quality through the adoption of re-
search-based policies and procedures and increased capacity; and

“(C) work to turn around schools that have been identified through the State accountability and improvement system described in section 1116;

“(2) providing for the research and dissemination of information about specific charter school models and program characteristics for which there is strong evidence of a significant impact on improving student academic achievement and growth, consistent with section 1111, for all students, including students who are children with disabilities and English learners;

“(3) developing and implementing activities that help parents, families, students, and the community identify and access high-performing charter schools;

“(4) providing for the collection of information regarding the financial resources available to charter schools (including access to private capital) and widely disseminating to charter schools any such relevant information and model descriptions of successful programs; and

“(5) carrying out other related activities.
“Subpart 2—Charter School Facility Acquisition, Construction, and Renovation

“SEC. 5431. PURPOSE.

“The purpose of this subpart is to provide grants to eligible entities to improve access to facilities and facilities financing for high-performing charter schools and assist such schools to address the cost of acquiring, constructing, and renovating facilities.

“SEC. 5432. DEFINITIONS.

“In this subpart:

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

“(A) a State educational agency;

“(B) a local educational agency, except a charter school that is considered a local educational agency under State law;

“(C) a nonprofit entity;

“(D) a State financing authority; or

“(E) a consortium of entities described in any of subparagraphs (A) through (D).

“(2) HIGH-PERFORMING CHARTER SCHOOL.—The term ‘high-performing charter school’ has the meaning given such term in section 5411(6).

“(3) PER-PUPIL FACILITIES AID PROGRAM.—The term ‘per-pupil facilities aid program’ means a program—
“(A) that is specified in State law;

“(B) that provides annual financing, on a per-pupil basis, for charter school facilities; and

“(C) in which a State makes payments, on a per-pupil basis, to charter schools to provide such schools with financing—

“(i) that is dedicated solely for funding charter school facilities; or

“(ii) a portion of which is dedicated for funding charter school facilities.

“SEC. 5433. GRANTS TO ELIGIBLE ENTITIES.

“(a) CREDIT ENHANCEMENT GRANTS.—The Secretary shall use not less than 65 percent of the amount available to carry out this subpart to award grants on a competitive basis to eligible entities to enable such eligible entities to demonstrate innovative credit enhancement methods of assisting high-performing charter schools to access private sector capital to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

“(b) OTHER FACILITIES GRANTS.—The Secretary shall use the remainder of the amount available to carry out this subpart to award grants on a competitive basis to eligible entities to—
“(1) improve access to facilities and facilities financing for high-performing charter schools, through methods that may include—

“(A) leveraging State and local facilities funds, including the cost of implementing school bond programs that include high-performing charter schools;

“(B) implementing open-facilities-access programs or making available renovated or adapted space for high-performing charter schools; and

“(C) assisting with constructing or improving, at low cost, facilities for high-performing charter schools through innovative methods; and

“(2) support an eligible entity described in section 5432(1)(A) in the establishment, enhancement, and administration of a per-pupil facilities aid program through Federal payments that shall be not more than—

“(A) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

“(B) 80 percent in the second such year;

“(C) 60 percent in the third such year;
“(D) 40 percent in the fourth such year;

and

“(E) 20 percent in the fifth such year.

“(c) State Share of Per-Pupil Facilities Aid Program.—A State receiving a grant under subsection (b)(2) may partner with 1 or more organizations to provide not more than 50 percent of the State share of the cost of establishing, enhancing, or administering the per-pupil facilities aid program.

“(d) Grant Amount.—In determining the amount of each grant to be awarded under this subpart, the Secretary shall consider—

“(1) the quality of the application submitted under section 5435;

“(2) the number of students that are served or may be served by high-performing charter schools that would receive assistance under the grant program; and

“(3) the amount of funds that is needed to implement the activities described in the approved application.

“(e) Supplement Not Supplant.—Funds made available under this section shall be used to supplement, and not supplant, State and local public funds expended to provide programs for charter schools.
“SEC. 5434. CHARTER SCHOOL OBJECTIVES.

An eligible entity receiving a grant under this subpart shall use the funds to assist 1 or more high-performing charter schools to accomplish 1 or both of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

“(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

“SEC. 5435. APPLICATIONS; SELECTION CRITERIA.

“(a) In General.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

“(b) Contents.—An application submitted under subsection (a) shall include—

“(1) a description of the activities that the eligible entity proposes to carry out using funds received under this subpart;
“(2) a demonstration that the eligible entity will consider the quality of a charter school when determining—

“(A) which charter schools will receive assistance under this subpart;

“(B) how much grant assistance will be provided to each charter school; and

“(C) the type of assistance that each charter school will receive;

“(3) a description of the eligible entity’s record of successfully carrying out the activities that such eligible entity proposes to carry out;

“(4) if applicable, the eligible entity’s record of leveraging private-sector funding and a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding;

“(5) an explanation of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school for which facilities financing is sought;

“(6) in the case of an application submitted by an eligible entity that includes 1 or more State or local educational agencies, a description of the agency’s policies and procedures for ensuring that char-
ter schools have equitable access to school facilities;
and
“(7) such other information as the Secretary
may reasonably require.
“(c) SELECTION CRITERIA.—In awarding grants
under this subpart, the Secretary shall consider—
“(1) the quality of the eligible entity’s applica-
tion;
“(2) the extent to which the eligible entity pro-
poses to support high-performing charter schools
that plan to enroll a large percentage of students
from low-income families;
“(3) the geographic diversity of the eligible en-
tities, including the distribution of grants between
urban and rural areas; and
“(4) the number of eligible entities in a State
that are receiving grants under this subpart in any
fiscal year.

“SEC. 5436. RESERVE ACCOUNT.
“(a) USE OF FUNDS.—To assist charter schools with
addressing the cost of acquiring, constructing, and ren-
ovating facilities and accessing facilities and facilities fi-
nancing, an eligible entity receiving a grant under section
5433(a) shall, in accordance with State and local law, di-
rectly or indirectly, alone or in collaboration with others,
deposit the funds received under this subpart (other than funds used for administrative costs in accordance with section 5437) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for 1 or more of the following purposes:

“(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 5434.

“(2) Guaranteeing and insuring leases of personal and real property for an objective described in section 5434.

“(3) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

“(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).
“(b) INVESTMENT.—Funds received under this subpart and deposited in the reserve account established under subsection (a) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(c) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this subpart shall be deposited in the reserve account established under subsection (a) and used in accordance with such subsection.

“SEC. 5437. LIMITATION ON ADMINISTRATIVE COSTS.

“An eligible entity may use not more than 2.5 percent of the funds received under this subpart for the administrative costs of carrying out its responsibilities under this subpart.

“SEC. 5438. AUDITS AND REPORTS.

“(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this subpart shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

“(b) REPORTS.—

“(1) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under this subpart annu-
ally shall submit to the Secretary a report of its op-
erations and activities under this subpart.

“(2) CONTENTS.—Each annual report sub-
mitted under paragraph (1) shall include—

“(A) a copy of the most recent financial
statements, and any accompanying opinion on
such statements, prepared by the independent
public accountant reviewing the financial
records of the eligible entity;

“(B) a copy of any report made on an
audit of the financial records of the eligible en-
tity that was conducted under subsection (a)
during the reporting period;

“(C) if applicable, an evaluation by the eli-
gible entity of the effectiveness of its use of the
Federal funds provided under this subpart in
leveraging private funds;

“(D) a listing and description of the char-
ter schools served during the reporting period
and the performance of such charter schools in
increasing student achievement and growth,
consistent with section 1111;

“(E) a description of the activities carried
out by the eligible entity to assist charter
schools in meeting the objectives set forth in section 5434; and

“(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this subpart during the reporting period, if applicable.

“(3) Secretarial report.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to Congress on the activities conducted under this subpart.

“SEC. 5439. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

“No financial obligation of an eligible entity entered into pursuant to this subpart (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this subpart.
“SEC. 5440. RECOVERY OF FUNDS.

“(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(1) all of the funds in a reserve account established by an eligible entity under section 5436(a) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this subpart, that the eligible entity has failed to make substantial progress in carrying out the purposes described in section 5436(a); or

“(2) all or a portion of the funds in a reserve account established by an eligible entity under section 5436(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5436(a).

“(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve 1 or more of the purposes described in section 5436(a).

“(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subsection (a).
“(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.”

PART E—VOLUNTARY PUBLIC SCHOOL CHOICE

SEC. 5501. VOLUNTARY PUBLIC SCHOOL CHOICE.

Title V (20 U.S.C. 7221 et seq.) is amended by adding at the end the following:

“PART E—VOLUNTARY PUBLIC SCHOOL CHOICE

PROGRAMS

“SEC. 5501. GRANTS.

“(a) AUTHORIZATION.—From funds made available to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the entities to establish or expand a program of public school choice (referred to in this subpart as a ‘program’) in accordance with this subpart.

“(b) DURATION.—Grants awarded under subsection (a) may be awarded for a period of 3 years and may be renewed for not more than an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.

“SEC. 5502. USES OF FUNDS.

“(a) REQUIRED USE OF FUNDS.—An eligible entity that receives a grant under this subpart shall use the
grant funds to establish or expand inter- or intra-district public school choice programs for students attending the lowest-performing schools to attend high-quality public elementary schools and secondary schools, including charter schools.

“(b) **PERMISSIBLE USES OF FUNDS.**—An eligible entity that receives a grant under this subpart may use the grant funds for—

“(1) planning or designing a program (for not more than 1 year);

“(2) transportation services to and from high-quality schools for participating students;

“(3) improving public school finance systems to allow school funding to follow students, including tuition transfer payments to high-quality public elementary schools or secondary schools to which students transfer under the program;

“(4) capacity-enhancing activities that enable high-quality public elementary schools or secondary schools to accommodate transfer requests under the program;

“(5) public education and recruitment campaigns to inform students attending the lowest-performing schools and their parents about the program and to facilitate their participation; and
“(6) other costs reasonably necessary to implement the program, such as the development of lottery systems.

“(c) Nonpermissible Uses of Funds.—An eligible entity that receives a grant under this subpart may not use the grant funds for school construction.

“(d) Administrative Expenses.—The eligible entity may use not more than 5 percent of the funds made available through the grant for any fiscal year for administrative expenses.

“SEC. 5503. APPLICATIONS.

“(a) Submission.—An eligible entity that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) Contents.—An application submitted under subsection (a) shall include a comprehensive plan that describes—

“(1) the activities to be carried out;

“(2) how the activities—

“(A) will increase access to high-quality schools for students attending the lowest-performing schools;

“(B) will increase the student academic achievement and student growth of students
participating in the grant activities, including
English learners and students with disabilities;
and
“(C) if applicable, will increase diversity;
“(3) how students will be selected to participate
in grant activities, including the design and imple-
mentation of a lottery system if the program is over-
subscribed, and how students and parents will be in-
formed of their opportunity to participate;
“(4) how the program will be coordinated with
and leverage other related Federal and non-Federal
funding and programs;
“(5) how the applicant will continue to imple-
ment the plan after the period of the grant has ex-
pired;
“(6) if the activities required under section
5505(a)(2) are to be carried out in partnership with
a public or other nonprofit organization, a descrip-
tion of the organization’s experience, capacity, re-
sponsibilities, and how the eligible entity will mon-
itor the public or other nonprofit organization’s ef-
fectiveness in carrying our such activities; and
“(7) such other information as the Secretary
may require.
“(c) Selection Criteria.—In selecting grantees under this part, the Secretary shall consider—

“(1) the quality of the applicant’s comprehensive plan;

“(2) the extent to which the applicant can demonstrate that its grant activities will increase student academic achievement and student growth for students participating in the grant activities, including English learners and students with disabilities; and

“(3) the extent to which the applicant can demonstrate that its grant activities will ensure that parents and students are informed of the program, in a clear and uniform format and, to the extent practicable, in a language that the parents and students can understand, to increase the likelihood that parents will have their children participate in the grantee’s program.

“SEC. 5504. Priorities.

“In awarding grants under this subpart, the Secretary shall give priority to an eligible entity that proposes to—

“(1) establish or expand an inter-district choice program that serves a large percentage of students from low-income families; and
“(2) establish or expand a program that will increase diversity.

“SEC. 5505. REQUIREMENTS AND VOLUNTARY PARTICIPATION.

“(a) PARENT AND COMMUNITY INVOLVEMENT AND NOTICE.—In carrying out a program under this subpart, an eligible entity shall carry out the following:

“(1) Develop the program with—

“(A) the involvement of parents and other education stakeholders in the community to be served; and

“(B) individuals who will carry out the program, including administrators, teachers, principals, and other staff.

“(2) Develop and carry out the following activities, alone or in partnership with a public or other nonprofit organization that has a record of success in implementing such activities:

“(A) Disseminating timely and accurate information about the program to parents of students attending the lowest-performing schools, in a clear and uniform format and, to the extent practicable, in a language that they can understand, including through the use of a variety of effective and innovative outreach ap-
proaches, such as by sending customized letters to each family about available programs.

“(B) Providing education and training to parents of students attending the lowest-performing schools to enable the parents to use the information provided under subparagraph (A) in their decisions about their children’s education.

“(b) SELECTION OF STUDENTS.—An eligible entity that receives a grant under this subpart shall select students to participate in a program on the basis of a lottery, if more students apply for admission to the program than can be accommodated.

“(c) VOLUNTARY PARTICIPATION.—Student participation in a program funded under this subpart shall be voluntary.

“(d) PERFORMANCE MEASURES.—

“(1) IN GENERAL.—Each eligible entity awarded a grant under this part shall establish performance measures and targets that—

“(A) are approved by the Secretary;

“(B) are implemented for each program established or expanded with funds provided under this part; and

“(C) at a minimum, track—
“(i) the number of students participating;

“(ii) the participating students’ academic achievement and student growth;

“(iii) in the case of participating high school students, their graduation rates;

and

“(iv) any other measure required by the Secretary.

“(2) REPORTS.—Each eligible entity awarded a grant under this part shall annually report to the Secretary on its performance on the measures and targets established under paragraph (1), and shall provide that information both in the aggregate and disaggregated for each subgroup of students described in section 1111(a)(2)(B)(ix).

“SEC. 5506. EVALUATIONS.

“From the amount reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this part, consistent with section 9601, including—
“(1) how, and the extent to which, the programs promote educational equity and excellence;

“(2) the characteristics of the students participating in the programs; and

“(3) the effect of the programs on the academic achievement and student growth of students participating in the programs both in the aggregate and disaggregated for each subgroup of students described in section 1111(a)(2)(B)(ix).

“SEC. 5507. DEFINITIONS.

“In this subpart:

“(1) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given such term in section 5411.

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

“(A) 1 or more high-need local educational agencies applying with 1 or more other local educational agencies; or

“(B) a State educational agency applying with 1 or more high-need local educational agencies.

“(3) LOWEST-PERFORMING SCHOOL.—The term ‘lowest-performing school’ means a public elementary school or secondary school that has been identi-
Title VI—Promoting Flexibility; Rural Education

Section 6101. Promoting Flexibility.

Title VI (20 U.S.C. 7301 et seq.) is amended—

(1) by striking the title heading and inserting the following: “Promoting Flexibility; Rural Education”; and

(2) by striking part A and inserting the following:

“Part A—Transferability

SEC. 6101. Transferability of Funds.

“(a) Transfers by States.—

“(1) Authority to transfer.—Except as provided in paragraph (2), in accordance with this part, a State may transfer up to 100 percent of the State funds allotted to the State for a fiscal year for use for State-level activities described in this Act that are carried out as part of a grant program in which funds for the grant are distributed by a formula to 1 or more other State formula grant programs under this Act for such fiscal year.
“(2) Prohibition against transferring funds out certain titles.—A State may not transfer, pursuant to paragraph (1), any funds that originate in title I, III, VII, or VIII out of such respective title.

“(b) Transfers by Local Educational Agencies.—

“(1) Authority to transfer.—Except as provided in paragraph (2), in accordance with this part, a local educational agency may transfer 100 percent of the funds allocated to it for a fiscal year for use for local-level activities described in this Act that are carried out as part of a grant program in which funds for the grant are distributed by a formula to 1 or more other local educational agency formula grant programs under this Act for such fiscal year.

“(2) Prohibition against transferring funds out of certain titles.—A local educational agency may not transfer, pursuant to paragraph (1), any funds that originate in title I, III, VII, or VIII out of such respective title.

“(3) Special rule with respect to rural districts.—Except as provided in paragraph (2), a local educational agency that is eligible to receive as-
istance under part B may transfer 100 percent of
the funds allocated to it for a fiscal year for use for
local-level activities described in this Act that are
carried out as part of a grant program in which
funds for the grant are distributed by a formula to
1 or more other local educational agency formula
grant programs under this Act for such fiscal year
or to carry out activities under a grant program in
which funds for the grant are distributed by formula
to States.

“(c) Modification of Plans and Applications;

Notification.—

“(1) State transfers.—Each State that
makes a transfer of funds under this section shall—

“(A) modify, to account for such transfer,
each State plan, or application submitted by the
State, to which such funds relate;

“(B) not later than 30 days after the date
of such transfer, submit a copy of such modi-
fied plan or application to the Secretary; and

“(C) not later than 30 days before the ef-
fective date of such transfer, notify the Sec-
retary of such transfer.
“(2) LOCAL TRANSFERS.—Each local educational agency that makes a transfer of funds under this section shall—

“(A) modify, to account for such transfer, each local plan, or application submitted by the agency, to which such funds relate;

“(B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the State; and

“(C) not later than 30 days before the effective date of such transfer, notify the State of such transfer.

“(d) APPLICABLE RULES.—

“(1) IN GENERAL.—Except as otherwise provided in this part, funds transferred pursuant to this section are subject to each of the rules and requirements applicable to the funds under the provision—

“(A) to which the transferred funds are transferred; and

“(B) from which the transferred funds are transferred.

“(2) CONSULTATION.—Each State educational agency or local educational agency that transfers funds under this section shall conduct consultations in accordance with section 9501, if such transfer...
transfers funds from a program that provides for
the participation of students, teachers, or other edu-
cational personnel, from private schools.”

SEC. 6102. RURAL EDUCATION.

Part B of title VI (20 U.S.C. 7341 et seq.) is amend-
ed—

(1) by striking section 6211;

(2) by redesignating sections 6212 and 6213 as
sections 6211 and 6212, respectively;

(3) in section 6211, as redesignated by para-
graph (2)—

(A) in the section heading, by striking
“GRANT”;

(B) in subsection (a), by striking “activi-
ties authorized” and all that follows through
the period at the end of paragraph (5) and in-
serting “activities consistent with section
6101(b).”;

(C) in subsection (b)—

(i) in paragraph (1)—

(I) by striking “section 6211(b)”

and inserting “subsection (d)”; and

(II) by striking “section 6211(e)”

and inserting “subpart 2 of part A of
title II”; and
(ii) by striking paragraph (2) and inserting the following:

“(2) Determination of initial amount.—

“(A) In general.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.

“(B) Appropriation more than $211,723,832.—Notwithstanding subparagraph (A), if the appropriation for this part is more than $211,723,832, a grant under this part shall not be less than $25,000, and the initial amount may not exceed $80,000.”;

(D) by redesignating subsection (d) as subsection (e);

(E) by inserting after subsection (c) the following:

“(d) Eligibility.—

“(1) In general.—A local educational agency shall be eligible for a grant under this section if—

“(A)(i)(I) the total number of students in average daily attendance at all of the schools
served by the local educational agency is fewer than 600; or

“(II) each county or locale in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and

“(ii) each of the schools served by the local educational agency is designated with a school locale code of 33, 41, 42, or 43, as determined by the Secretary; or

“(B) the agency meets at least 1 of the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the State educational agency’s request to waive the criterion described in subparagraph (A)(ii).

“(2) CERTIFICATION.—The Secretary shall determine whether to waive the criterion described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and with the concurrence of the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.”; and
(F) by striking subsection (e), as redesignated by subparagraph (D), and inserting the following:

“(e) SPECIAL ELIGIBILITY RULE.—

“(1) ELIGIBILITY.—A local educational agency that is eligible to receive a grant under this subpart for a fiscal year shall be eligible to receive funds for such fiscal year under subpart 2.

“(2) LIMITATION ON RECEIPT OF GRANTS.—A local educational agency may receive grant funding under subpart 1 or subpart 2, but may not receive grant funding under both such subparts.”;

(4) by striking section 6212, as redesignated by paragraph (2), and inserting the following:

“SEC. 6212. ACADEMIC ACHIEVEMENT ASSESSMENTS.

“Each local educational agency that uses or receives funds under this subpart for a fiscal year shall administer assessments that are consistent with section 1111(a)(2).”;

(5) in section 6221—

(A) in subsection (a)(1), by striking “under section 6234 for” and inserting “to carry out”;

(B) in subsection (b)(1)(B), by striking “6, 7, or 8” and inserting “33, 41, 42, or 43,”; and

(C) in subsection (e)—
(i) in the matter preceding paragraph (1), by striking “under section 6234 for” and inserting “to carry out”; and

(ii) in paragraph (1), by striking “Bureau of Indian Affairs” and inserting “Bureau of Indian Education”;

(6) in section 6222, by striking subsection (a) and inserting the following:

“(a) LOCAL AWARDS.—Grant funds awarded to local educational agencies under this subpart shall be used to carry out local-level activities consistent with section 6101(b).”;

(7) in section 6224—

(A) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking “the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate” and inserting “the authorizing committees”; and

(ii) by striking “local educational agencies and schools” and inserting the following:
“(2) how local educational agencies and

schools”;  

(B) in subsection (d)—

   (i) in the subsection heading, by strik-

   ing “ASSESSMENT” and inserting “AS-

   SESSMENTS”; and

   (ii) by striking “an assessment that is

   consistent with section 1111(b)(3)” and in-

   serting “assessments that are consistent

   with section 1111(a)(2)”; and

(C) by striking subsection (e);

(8) by striking section 6234;

(9) by redesignating sections 6231 through

6233 as sections 6232 through 6234, respectively;

(10) by inserting before section 6232, as redes-

   ignated by paragraph (9), the following:

“SEC. 6231. CHOICE OF PARTICIPATION.

“If a local educational agency is eligible for funding

under subpart 1 and subpart 2 of this part, such local

educational agency may choose to participate in either

subpart 1 or subpart 2.”;

(11) in section 6232, as redesignated by para-

   graph (9)—

   (A) in subsection (a), by striking “6212”

   and inserting “6211”; and
(B) in subsection (b)—

(i) by striking “under section 6212 or subpart 2” each place the term appears and inserting “under this part”; and

(ii) by striking “under this section” and inserting “under this part”; and

(12) in section 6233, as redesignated by paragraph (9), by striking “subpart 1 or subpart 2” and inserting “this part”.

SEC. 6103. GENERAL PROVISIONS.

Title VI (20 U.S.C. 7301 et seq.) is amended by striking part C.

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

PART A—INDIAN EDUCATION

SEC. 7101. PURPOSE.

Section 7102 (20 U.S.C. 7402) is amended to read as follows:

“SEC. 7102. PURPOSE.

“It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

“(1) to ensure the academic achievement of Indian and Alaska Native students by meeting their
unique cultural, language, and educational needs, consistent with section 1111(a);

“(2) to ensure that Indian and Alaska Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

“(3) to ensure that principals, teachers, and other staff who serve Indian and Alaska Native students have the ability to provide culturally appropriate and effective instruction to such students.”.

Subpart 1—Formula Grants to Local Educational Agencies

SEC. 7111. FORMULA GRANT PURPOSE.

Section 7111 (20 U.S.C. 7421) is amended to read as follows:

“SEC. 7111. PURPOSE.

“It is the purpose of this subpart to support local educational agencies in developing elementary school and secondary school programs that are designed to—

“(1) meet the unique cultural, language, and educational needs of Indian students; and

“(2) ensure that all students meet the college and career ready student academic achievement standards adopted under section 1111(a)(1).”.
SEC. 7112. GRANTS TO LOCAL EDUCATIONAL AGENCIES, TRIBES, AND TRIBAL ORGANIZATIONS.

Section 7112 (20 U.S.C. 7422) is amended—

(1) in subsection (a), by striking “and Indian tribes” and inserting “Indian tribes, and tribal organizations”; 

(2) in subsection (b)(2), by striking “a reservation” and inserting “an Indian reservation”; and 

(3) by striking subsection (c) and inserting the following:

“(c) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

“(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(5) for such grant, an Indian tribe, a tribal organization (as defined for purposes of this title by section 4 of the Indian Self Determination and Education Act (25 U.S.C. 450b)), or a consortium of such entities that represents not less than one-third of the eligible Indian children who are served by such local educational agency may apply for such grant.

“(2) SPECIAL RULE.—

“(A) IN GENERAL.—The Secretary shall treat each Indian tribe, tribal organization, or consortium of such entities applying for a grant
pursuant to paragraph (1) as if such entity were a local educational agency for purposes of this subpart.

“(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, tribal organization, or consortium shall not be subject to the requirements of subsections (b)(9) or (c)(5) of section 7114 or section 7118(c).

“(3) ELIGIBILITY.—If more than 1 Indian tribe, tribal organization, or consortium of such entities qualify to apply for a grant under paragraph (1), the entity that represents the most eligible Indian children who are served by the local educational agency shall be eligible to receive the grant.

“(4) UNAFFILIATED INDIAN TRIBES.—An Indian tribe that operates a school and is not affiliated with either the local educational agency or the Bureau of Indian Education, shall be eligible to apply for a grant under this subpart.

“(5) ASSURANCE TO SERVE ALL INDIAN CHILDREN.—An Indian tribe, tribal organization, or consortium of such entities that qualifies to apply for a grant under paragraph (1) shall provide in the application an assurance that the entity will use the
grant funds to provide services to all Indian students
served by the local educational agency.”.

SEC. 7113. AMOUNT OF GRANTS.

Section 7113 (20 U.S.C. 7423) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “Bureau
of Indian Affairs” and inserting “Bureau of In-
dian Education”; and

(B) in paragraph (2)—

(i) by inserting “with other local edu-
cational agencies, Indian tribes, or tribal
organizations” after “consortium”; and

(ii) by inserting “and operating pro-
grams” after “grants”; 

(2) in subsection (d)—

(A) in the heading, by striking “BUREAU
OF INDIAN AFFAIRS” and inserting “BUREAU
OF INDIAN EDUCATION”;

(B) in paragraph (1)(A)(i), by striking
“the Bureau of Indian Affairs” and inserting
“the Bureau of Indian Education”; and

(C) in paragraph (2), by striking “section
7114(c)(4)” and inserting “section 7114(c)(5)”; and
(3) in subsection (c), by striking “under section 7152(a)” and inserting “to carry out this subpart”.

**SEC. 7114. APPLICATIONS.**

(a) **IN GENERAL.**—Section 7114 (20 U.S.C. 7424) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “is consistent with” and inserting “supports”; and

(II) by inserting “, tribal,” after “State”; and

(ii) in subparagraph (B), by striking “such goals” and all that follows through the semicolon at the end and inserting “such goals, to ensure such students meet the same college and career ready State academic achievement standards under section 1111(a)(1) for all children;”;

(B) by striking paragraph (3) and inserting the following:

“(3) explains how the local educational agency will use the funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of such students;”;}
(C) in paragraph (5)(B), by striking “and” after the semicolon;

(D) in paragraph (6)—

(i) in subparagraph (B)—

(I) in clause (i), by striking “subsection (c)(4)” and inserting “subsection (c)(5)”; and

(II) by striking clause (ii) and inserting the following:

“(ii) the Indian tribes whose children are served by the local educational agency; and”;

(ii) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(7) provides an assurance that the local educational agency will coordinate activities under this title with other Federal programs supporting educational and related services administered by such agency;

“(8) provides an assurance that the local educational agency conducted outreach to parents and family members to meet the requirements under subsection (c)(5); and
“(9) describes—

“(A) the formal process the local educational agency used to collaborate with Indian tribes located in the community in the development of the comprehensive programs; and

“(B) the actions taken as a result of the collaboration.”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “the education of Indian children, and not to supplant such funds” and inserting “services and activities consistent with those described in this subpart, and not to supplant such funds”;

(B) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

“(2) the local educational agency will use funds received under this subpart only for activities described and authorized under this subpart;”;

(D) in paragraph (3)(B), as redesignated by subparagraph (B), by inserting “, as measured by the State academic assessments required under section 1111(a)(2), high school
graduation rates, and other academic outcomes as appropriate,” after “effective”; (E) in paragraph (4)(C), as redesignated by subparagraph (B), by striking “and” after the semicolon; (F) in paragraph (5), as redesignated by subparagraph (B)— (i) by inserting “and family members” after “parents” each place the term appears; (ii) in subparagraph (D)(ii), by striking “and” after the semicolon; (iii) in subparagraph (E), by striking the period at the end and inserting a semicolon; and (iv) by adding at the end the following: “(F) that shall determine the extent to which the activities of the local educational agency will address the unique cultural, language, and education needs of Indian students; and “(G) that shall determine the extent to which grant funds will directly enhance the edu-
cational experiences of American Indian stu-
dents.”.

SEC. 7115. AUTHORIZED SERVICES AND ACTIVITIES.

Section 7115 (20 U.S.C. 7425) is amended—

(1) in subsection (a)—

(A) by adjusting the margin of paragraph
(1) to align with paragraphs (2) and (3); and

(B) in paragraph (1), by inserting “solely
for the services and activities described in such
application” after “section 7114(a)”;

(2) in subsection (b)—

(A) by redesignating paragraphs (1)
through (11) as paragraphs (2) through (12),
respectively;

(B) by inserting before paragraph (2), as
redesignated by subparagraph (A), the fol-
lowing:

“(1) activities that support Native American
language immersion programs and Native American
language restoration programs, which may be taught
by traditional leaders;”;

(C) in paragraph (3), as redesignated by
subparagraph (A), by striking “early childhood”
and inserting “high-quality early care and edu-
cation”;
(D) in paragraph (4), as redesignated by subparagraph (A), by striking “challenging State academic content and student academic achievement standards” and inserting “college and career ready State academic content and student academic achievement standards under section 1111(a)”;

(E) by striking paragraph (5), as redesignated by subparagraph (A), and inserting the following:

“(5) programs that promote parent, family, and tribal engagement to meet the unique needs of Indian and Alaska Native children;”;

(F) by striking paragraph (7), as redesignated by subparagraph (A), and inserting the following:

“(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;”; 

(G) by striking paragraph (10), as redesignated by subparagraph (A), and inserting the following:

“(10) activities that incorporate culturally and linguistically relevant curriculum content into classroom instruction that is responsive to the unique learning styles of Indian and Alaska Native children
to ensure that such children are better able to meet the student academic achievement standards, consistent with section 1111(a);”;

(II) by striking paragraph (11), as redesignated by subparagraph (A) and inserting the following:

“(11) family literacy activities;”;

(I) in paragraph (12), as redesignated by subparagraph (A), by striking “qualified tribal elders and seniors.” and inserting “traditional leaders; and”;

(J) by adding at the end the following:

“(13) dropout prevention strategies, and strategies—

“(A) to meet the educational needs of at-risk Indian students in correctional facilities; and

“(B) to support Indian students who are transitioning from such facilities to schools served by local educational agencies.”;

(3) in subsection (c)(1), by striking “section 7114(c)(4)” and inserting “section 7114(c)(5)”;

(4) by adding at the end the following:

“(e) LIMITATION ON USE OF FUNDS.—Funds provided to a grantee under this subpart may not be used
for long-distance travel expenses for training activities
available locally or regionally.”.

SECTION 7116. INTEGRATION OF SERVICES AUTHORIZED.

Section 7116 (20 U.S.C. 7426) is amended—

(1) in subsection (d)(9), by striking “section 7114(c)(4)” and inserting “section 7114(c)(5)”;

(2) in subsection (g), in the matter preceding paragraph (1)—

(A) by striking “the No Child Left Behind Act of 2001” and inserting “the Elementary and Secondary Education Reauthorization Act of 2011”;

(B) by inserting “the Secretary of Health and Human Services,” after “the Secretary of the Interior,”; and

(C) by inserting “and coordination” after “providing for the implementation”;

(3) by striking subsection (o) and inserting the following:

“(o) REPORT ON STATUTORY OBSTACLES TO, AND BEST PRACTICES FOR, PROGRAM INTEGRATION.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, the Secretary of Education shall submit a report to
the authorizing committees, the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the implementation of the demonstration projects authorized under this section.

“(2) CONTENTS.—Such report shall identify—

“(A) statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section; and

“(B) the best practices for program integration that result in increased student proficiency, graduation rates, and other relevant academic outcomes for Indian and Alaska Native students.”.

SEC. 7117. STUDENT ELIGIBILITY FORMS.

Section 7117 (20 U.S.C. 7427) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A)(ii), by inserting “or membership” after “enrollment”; and

(B) in subparagraph (B), by inserting “or membership” after “enrollment”;

(2) by striking subsection (d) and inserting the following:
“(d) FORMS AND STANDARDS OF PROOF.—

“(1) TYPES OF PROOF.—For purposes of deter-
mining whether a child is eligible to be counted for
the purpose of computing the amount of a grant
award under section 7113, the membership of the
child, or any parent or grandparent of the child, in
a tribe or tribal organization may be established by
proof other than an enrollment number, notwith-
standing the availability of an enrollment number
for a member of such tribe or tribal organization.

“(2) PREVIOUSLY FILED FORMS.—An Indian
student eligibility form that was on file as required
by this section on the day before the date of enact-
ment of the Elementary and Secondary Education
Reauthorization Act of 2011 and that met the re-
quirements of this section, as this section was in ef-
fekt on the day before the date of enactment of such
Act, shall remain valid for such Indian student.”;

(3) by striking subsection (e);

(4) by redesignating subsection (f) as sub-
section (e);

(5) by inserting after subsection (e), as redesig-
nated by paragraph (4), the following:

“(f) TECHNICAL ASSISTANCE.—The Secretary shall
either directly or through a contract provide technical as-
istance to a local educational agency upon request, in ad-
dition to any technical assistance available under section
1116 or available through the Institute of Education
Sciences, to support the services and activities described
under this section, including for the—

“(1) development of applications under this sec-
tion;

“(2) improvement in the quality of implementa-
tion, content of activities, and evaluation of activities
supported under this subpart;

“(3) integration of activities under this title
with other educational activities established by the
local educational agency; and

“(4) coordination of activities under this title
with programs administered by each Federal agency
providing grants for the provision of educational and
related services.”; and

(6) in subsection (g), by striking “the Bureau
of Indian Affairs” and inserting “the Bureau of In-
dian Education”.

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Subpart 2—Special Programs and Projects to Improve Educational Opportunities for Indian Children and Youth

SEC. 7121 SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.

Subpart 2 of part A of title VII is amended by inserting “and Youth” after “children” in the subpart heading.

SEC. 7122. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.

Section 7121 (20 U.S.C. 7441) is amended—

(1) in the heading, by adding “AND YOUTH” after “CHILDREN”;

(2) in subsection (a), by inserting “and youth” after “children” both places the term appears;

(3) in subsection (c)—

(A) by inserting “and youth” after “children” each place the term appears; and

(B) in paragraph (1)—

(i) in subparagraph (D), by inserting “emotional,” after “social,”;

(ii) by striking subparagraph (G) and inserting the following:

“(G) high-quality early childhood education and care programs that are effective in pre-
paring young children to be on track for college and career readiness by the end of grade 3, including kindergarten and prekindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth with disabilities;”;

(iii) in subparagraph (K), by striking “family literacy services” and inserting “family literacy activities”;

(iv) in subparagraph (L), by striking “qualified tribal elders and seniors; or” and inserting “traditional leaders;”;

(v) in subparagraph (M), by striking the period at the end and inserting “; or”;

and

(vi) by adding at the end the following:

“(N) other services that meet the purpose described in this section.”;

(C) in paragraph (2), by striking “Professional development of” and inserting “High-quality professional development of”;

(4) in subsection (d)—
(A) in paragraph (1)(C), by striking “make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines” and inserting “award grants for an initial period of not more than 3 years and may renew such grants for not more than an additional 2 years if the Secretary determines”; and

(B) in paragraph (3)(B)—

(i) in clause (i), by striking “parents of Indian children and representatives of Indian tribes” and inserting “family members of Indian children and youth and official representatives designated by the Indian tribes”; and

(ii) in clause (iii)—

(I) by striking “information” and inserting “evidence”; and

(II) by striking “scientifically based” and inserting “evidence-based”; and

(5) by adding at the end the following:

“(f) CONTINUATION.—Notwithstanding any other provision of this section, a grantee that is carrying out
activities pursuant to a grant awarded under this section prior to the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011 may continue to carry out such activities under such grant in accordance with the terms of that grant award.”.

SEC. 7123. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

Section 7122 (20 U.S.C. 7442) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

“(1) to increase the number of qualified Indian teachers and administrators serving Indian students;

“(2) to recruit and provide training and support to qualified Indian individuals to enable such individuals to become highly rated teachers or administrators; and”;

(2) in subsection (d), by adding at the end the following:

“(3) CONTINUATION.—Notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011 may continue to carry out such
activities under such grant in accordance with the
terms of that award.”;

(3) by striking subsection (e) and inserting the
following:

“(e) APPLICATION.—Each eligible entity desiring a
grant under this section shall submit an application to the
Secretary at such time, in such manner, and accompanied
by such information, as the Secretary may reasonably re-
quire. At a minimum, an application under this section
shall describe how the eligible entity will—

“(1) recruit qualified Indian individuals, such
as students who may not be of traditional college
age, to become teachers or principals;

“(2) use funds made available under the grant
to support the recruitment, preparation, and profes-
sional development of Indian teachers or principals
in local educational agencies that serve a high pro-
portion of Indian students; and

“(3) assist participants in meeting the require-
ments under subsection (h).”; and

(4) by striking subsection (g) and inserting the
following:

“(g) GRANT PERIOD.—The Secretary shall award
grants under this section for an initial period of not more
than 3 years, and may renew such grants for not more
than an additional 2 years if the Secretary finds that the
grantee is achieving the objectives of the grant.”; and

(5) in subsection (h)(1)(A), by striking clause
(ii) and inserting the following:
“(ii) in a local educational agency that
serves a high proportion of Indian stu-
dents; or”.

Subpart 3—National Activities

SEC. 7131. NATIONAL ACTIVITIES.

Subpart 3 of part A of title VII (20 U.S.C. 7451 et
seq.) is amended—

(1) in section 7131—

(A) in subsection (a)—

(i) in the matter preceding paragraph
(1) by striking “under section 7152(b)”
and inserting “to carry out this subpart”; 
(ii) in paragraph (1), by striking “the
education” and inserting “improving the
academic achievement and development”; 
(iii) by striking paragraph (2);
(iv) by redesignating paragraph (3) as
paragraph (2);
(v) in paragraph (2), as redesignated
by clause (iii), by striking “Indians; and”
and inserting “Indian students;”; and
(vi) by inserting after paragraph (2), as redesignated by clause (iii), the following:

“(3) provide technical assistance and logistical support to grantees under this subpart; and”;

(B) by striking subsection (c) and inserting the following:

“(c) COORDINATION.—Research activities supported under this section—

“(1) shall be coordinated with appropriate offices within the Department; and

“(2) may include collaborative research activities that are jointly funded and carried out by the Bureau of Indian Education and the Institute of Education Sciences.”;

(2) by striking sections 7132, 7133, 7134, 7135, and 7136; and

(3) by inserting at the end the following:

“SEC. 7132. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.

“(a) PURPOSE.—It is the purpose of this section to improve educational opportunities and academic achievement of Indian and Alaska Native students through Na-
tive American language programs and to foster the acquisi-
tion of Native American language.

“(b) ELIGIBLE ENTITIES.—In this section, the term
‘eligible entity’ means a State educational agency, local
educational agency, Indian tribe, Indian organization, fed-
erally supported elementary school or secondary school for
Indian students, Indian institution (including an Indian
institution of higher education), or a consortium of such
entities.

“(c) GRANTS AUTHORIZED.—The Secretary shall
award grants to eligible entities to enable such entities to
carry out the following activities:

“(1) Native American language programs
that—

“(A) provide instruction through the use of
a Native American language for not less than
10 children for an average of not less than 500
hours per year per student;

“(B) provide for the involvement of par-
ents, caregivers, and families of students en-
rolled in the program;

“(C) utilize, and may include the develop-
ment of instructional courses and materials for
learning Native American languages and for in-
struction through the use of Native American languages;

“(D) provide support for professional development activities; and

“(E) include a goal of all students achieving—

“(i) fluency in a Native American language; and

“(ii) academic proficiency in mathematics, English, reading or language arts, and science.

“(2) Native American language restoration programs that—

“(A) provide instruction in not less than 1 Native language;

“(B) provide support for professional development activities for teachers of Native American languages;

“(C) develop instructional materials for the programs; and

“(D) include the goal of increasing proficiency and fluency in not less than 1 Native American language.

“(d) APPLICATION.—
“(1) IN GENERAL.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(2) CERTIFICATION.—An eligible entity that submits an application for a grant to carry out the activity specified in subsection (c)(1), shall include in such application a certification that assures that such entity has experience and a demonstrated record of effectiveness in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

“(e) GRANT DURATION.—The Secretary shall make grants under this section only on a multi-year basis for a period not to exceed 5 years.

“(f) DEFINITION.—In this section, the term ‘average’ means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a Native language program during a school year divided by the total number of students enrolled in the program.

“(g) ADMINISTRATIVE COSTS.—
“(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

“(2) EXCEPTION.—An elementary school or secondary school for Indian students that receives funds from a recipient of a grant under subsection (c) for any fiscal year may use not more than 10 percent of the funds for administrative purposes.

“SEC. 7133. IMPROVING STATE AND TRIBAL EDUCATIONAL AGENCY COLLABORATION.

“The Secretary, in consultation with the Director of the Bureau of Indian Education, shall conduct a study of the relationship among State educational agencies, local educational agencies, and other relevant State and local agencies, and tribes or tribal representatives to—

“(1) identify examples of best practices in collaboration among those entities that result in the provision of better services to Indian students; and

“(2) provide recommendations on—

“(A) State educational agency functions that tribal educational agencies could perform;

“(B) areas and agency functions in which greater State educational agency and tribal educational agency collaboration is needed; and
“(C) other steps to reducing barriers to serving Indian students, especially such students who are at risk of academic failure.”.

Subpart 4—Federal Administration

SEC. 7141. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

Section 7141(b)(1) (20 U.S.C. 7471(b)(1)) is amended by inserting “and the Secretary of the Interior” after “advise the Secretary”.

Subpart 5—Definitions; Authorization of Appropriations

SEC. 7151. DEFINITIONS; AUTHORIZATION OF APPROPRIATIONS.

Subpart 5 of part A of title VII is amended—

(1) in the subpart heading, by striking “; Authorizations of Appropriations”;

(2) by striking section 7152; and

(3) in section 7151 (20 U.S.C. 7491)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) by adding at the end the following:

“(3) TRADITIONAL LEADERS.—The term ‘traditional leaders’ has the meaning given the term in the
PART B—NATIVE HAWAIIAN EDUCATION; ALASKA NATIVE EDUCATION

SEC. 7201. NATIVE HAWAIIAN EDUCATION AND ALASKA NATIVE EDUCATION.

Title VII (20 U.S.C. 7401 et seq.) is amended—

(1) in part B, by striking the heading and inserting the following: “NATIVE HAWAIIAN EDUCATION; ALASKA NATIVE EDUCATION’’;

(2) by inserting before section 7201 the following: “Subpart 1—Native Hawaiian Education’’;

(3) in section 7201, by striking “part” and inserting “subpart”;

(4) by redesignating part C as subpart 2; and

(5) in subpart 2, as redesignated by paragraph (4), by striking the heading and inserting “Alaska Native Education”.

Subpart 1—Native Hawaiian Education

SEC. 7202. FINDINGS.

Section 7202 (20 U.S.C. 7512) is amended to read as follows:

“SEC. 7202. FINDINGS.

“Congress finds the following:
“(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

“(2) The United States has recognized and reaffirmed that—

“(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

“(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

“(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;
“(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

“(E) the aboriginal, indigenous people of the United States have—

“(i) a continuing right to autonomy in their internal affairs; and

“(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

“(3) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

“(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

“(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

“(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

“(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);
“(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

“(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

“(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

“(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

“(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

“(4) In 1993, 2005, and 2009 the Kamehameha Schools Bishop Estate released an updated findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

“(A) Native Hawaiian students continue to begin their school experience lagging behind
other students in terms of readiness factors
such as vocabulary test scores;

“(B) Native Hawaiian students continue to
score below national norms on standardized
education achievement tests at all grade levels;

“(C) both public and private schools con-
tinue to show a pattern of lower percentages of
Native Hawaiian students in the uppermost
achievement levels and in gifted and talented
programs;

“(D) Native Hawaiian students continue to
be overrepresented among students qualifying
for special education programs provided to stu-
dents with learning disabilities, mild mental re-
tardation, emotional impairment, and other
such disabilities;

“(E) Native Hawaiians continue to be
underrepresented in institutions of higher edu-
cation and among adults who have completed 4
or more years of college; and

“(F) Native Hawaiians continue to be dis-
proportionately represented in many negative
social and physical statistics indicative of spe-
cial educational needs.
“(5) Native Hawaiian students served by the State of Hawaii Department of Education has risen from 20 percent in 1980 to 26 percent in 2008, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

“(6) Despite the consequences of more than 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

“(7) The State of Hawaii, in the constitution and statutes of the State of Hawaii—

“(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

“(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii, which may be used as the language of instruction for all subjects and grades in the public school system; and
“(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.”

SEC. 7203. PURPOSES.

Section 7203 (20 U.S.C. 7513) is amended to read as follows:

“SEC. 7203. PURPOSES.

“The purposes of this subpart are to—

“(1) develop, implement, assess, expand, and evaluate innovative educational programs, Native Hawaiian language medium programs, Native Hawaiian culture-based education programs, and other education programs to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs to help such students meet college and career ready State academic content and student academic achievement standards adopted under section 1111(a)(1);

“(2) provide guidance to appropriate Federal, State, and local agencies to more effectively and efficiently focus resources, including resources made available under this subpart, on the development and implementation of—
“(A) innovative educational programs for Native Hawaiian students;

“(B) rigorous and substantive Native Hawaiian language programs; and

“(C) Native Hawaiian culture-based educational programs; and

“(3) create a system by which information from programs funded under this subpart will be collected, analyzed, evaluated, reported, and used in decision making activities with respect to the types of grants awarded under this subpart.”.

SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.

Section 7204 (20 U.S.C. 7514) is amended to read as follows:

“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.

“(a) Establishment of Native Hawaiian Education Council.—In order to better effectuate the purposes of this subpart through the coordination of educational and related services and programs available to Native Hawaiian students, including those programs receiving funding under this subpart, the Secretary shall establish a Native Hawaiian Education Council (referred to in this subpart as the ‘Education Council’).

“(b) Composition.—
“(1) IN GENERAL.—The Education Council shall consist of 15 members of whom—

“(A) 1 shall be the President of the University of Hawaii (or a designee);

“(B) 1 shall be the Governor of the State of Hawaii (or a designee);

“(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

“(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

“(E) 1 shall be the executive director of the Hawaii Charter School Network (or a designee);

“(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

“(G) 1 shall be the chairperson of the Queen Liliuokalani Trust (or a designee);

“(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grant making entity (or a designee);

“(I) 1 shall be the mayor of the County of Hawaii (or a designee);
“(J) I shall be the Mayor of Maui County (or a designee from the Island of Maui);

“(K) I shall be the Mayor of the County of Kauai (or a designee);

“(L) I shall be appointed by the Mayor of Maui County from the Island of either Molokai or Lanai;

“(M) I shall be the Mayor of the City and County of Honolulu (or a designee);

“(N) I shall be the Chairperson of the Hawaiian Homes Commission (or a designee); and

“(O) I shall be the Chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

“(2) LIMITATION.—A member of the Education Council, including a designee, may not receive, as an individual, grant funds awarded under this subpart while serving on the Education Council.

“(c) CHAIR, VICE CHAIR.—

“(1) SELECTION.—The Education Council shall select a Chair and Vice Chair from among the members of the Education Council.

“(2) SERVICE.—The Chair and Vice Chair selected under paragraph (1) shall each serve for one 2-year term.
“(d) NATIVE HAWAIIAN EDUCATION COUNCIL

GRANT.—The Secretary shall make a grant to the Edu-
cation Council to carry out the following activities:

“(1) Coordinate the educational and related
services and programs available to Native Hawaiian
students, including the programs assisted under this
subpart.

“(2) Assess the extent to which such services
and programs meet the needs of Native Hawaiians,
and collect data on the status of Native Hawaiian
education.

“(3) Provide direction and guidance, through
the issuance of reports and recommendations, to ap-
propriate Federal, State, and local agencies in order
to focus and improve the use of resources, including
resources made available under this subpart, relating
to Native Hawaiian student education, and serve,
where appropriate, in an advisory capacity.

“(4) Make direct grants and subgrants, if such
grants and subgrants would enable the Education
Council to carry out the duties of the Education
Council, as described in paragraphs (1) through (3).

“(5) Hire an executive director who shall,
through the Education Council, execute the duties
and powers of the Education Council as described in subsection (e).

“(e) DUTIES AND POWERS OF THE EDUCATION COUNCIL.—The Education Council shall—

“(1) obtain from the Secretary information regarding grants awarded under this subpart;

“(2) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this subpart;

“(3) assess and define the educational needs of Native Hawaiian students;

“(4) assess the programs and services currently available to address the educational needs of Native Hawaiian students;

“(5) assess and evaluate the individual and aggregate impact achieved by grantees in improving Native Hawaiian educational performance and meeting the goals of this subpart;

“(6) prepare and submit to the Secretary, before the end of each calendar year, annual reports that contain—

“(A) a description of the activities of the Education Council during the preceding calendar year;
“(B) recommendations of the Education Council, if any, regarding priorities established under section 7205(b);

“(C) significant barriers to achieving the goals under this part;

“(D) a summary of each community consultation session, as described in subsection (f);

“(E) recommendations to establish funding priorities based on an assessment of—

“(i) the educational needs of Native Hawaiians;

“(ii) programs and services currently available to address such needs, including the effectiveness of such programs in improving educational performance of Native Hawaiians; and

“(iii) priorities for funding in specific geographic communities; and

“(7) hold annual community consultations as described in subsection (f).

“(f) COMMUNITY CONSULTATIONS.—

“(1) IN GENERAL.—The Education Council shall hold not less than 1 community consultation each year on each of the Islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai—
“(A) which not less than 3 members of the
Education Council shall attend;

“(B) at which the Education Council shall
gather community input regarding—

“(i) entities that are, at the time of
the community consultation, receiving a
grant under this subpart;

“(ii) priorities and needs;

“(iii) other Native Hawaiian edu-
cational issues; and

“(C) at which the Education Council shall
report to the community on the outcomes of the
grants awarded under this subpart.

“(2) SUPPORT FOR COMMUNITY CONSULTA-
tions.—The Education Council may, from funds
made available under section 7205(h)(1), provide
such financial support to the community consulta-
tions described in paragraph (1) as the Education
Council determines to be appropriate.

“(g) ADMINISTRATIVE PROVISIONS RELATING TO
EDUCATION COUNCIL.—The Education Council shall
meet at the call of the Chair of the Council, or upon re-
quest by a majority of the members of the Education
Council, but in any event not less often than every 120
days.
“(h) FUNDING.—

“(1) IN GENERAL.—For each fiscal year, the Secretary shall provide to the Education Council (including through grants and contracts) the amount described in section 7205(h)(1), to remain available until expended.

“(2) NO COMPENSATION.—Each member of the Education Council, and each member of a community consultation or other working group established by the Education Council, shall serve without compensation.

“(i) REPORT.—Not later than 2 years after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, the Secretary shall prepare and submit to the Committee on Indian Affairs and the authorizing committees a report that—

“(1) summarizes the annual reports of the Education Council;

“(2) describes the allocation and use of funds under this subpart and the information gathered since the first annual report submitted by the Education Council to the Secretary under this section; and
“(3) contains recommendations for changes in Federal, State, and local policy to advance the purposes of this subpart.

“(j) Federal Advisory Committee Act Applicability.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Education Council, except that section 14 of such Act shall not apply.

“(k) Termination.—The Education Council shall terminate on the date that is the expiration of the 10-year period following the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011.”.

SEC. 7205. PROGRAM AUTHORIZED.

Section 7205 (20 U.S.C. 7515) is amended to read as follows:

“SEC. 7205. PROGRAM AUTHORIZED.

“(a) Grants and Contracts.—In order to carry out programs that meet the purposes of this subpart, the Secretary is authorized to award grants to, or enter into contracts with—

“(1) Native Hawaiian educational organizations;

“(2) Native Hawaiian community-based organizations;
“(3) public and private nonprofit organizations, agencies, and institutions with experience in successfully developing or operating Native Hawaiian education and workforce development programs or programs of instruction in the Native Hawaiian language;

“(4) charter schools; and

“(5) consortia of the organizations, agencies, and institutions described in paragraphs (1) through (4).

“(b) PRIORITY.—In providing grants and entering into contracts under this subpart, the Secretary shall give priority to—

“(1) programs that meet the educational priorities established by the Education Council under section 7204(e)(6);

“(2) programs designed to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet college and career ready State academic content and student academic achievement standards adopted under section 1111(a)(1), including activities relating to—
“(A) achieving competence in reading, literacy, mathematics, and science for students in preschool through grade 3;

“(B) the educational needs of at-risk children and youth;

“(C) professional development for teachers and administrators;

“(D) the use of Native Hawaiian language and preservation or reclamation of Native Hawaiian culture-based educational practices;

“(E) preparation for employment in fields in which Native Hawaiians are underemployed or underrepresented; and

“(F) other programs relating to the activities described in this subpart; and

“(3) programs in which a State educational agency, local educational agency, institution of higher education, or a State educational agency or local educational agency in partnership with an institution of higher education apply for a grant or contract under this subpart as part of a partnership or consortium involving—

“(A) a Native Hawaiian community-based organization;
“(B) a Native Hawaiian education organization;

“(C) a Native Hawaiian focused public charter school; or

“(D) a Native Hawaiian organization.

“(c) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this subpart may include—

“(1) the development and maintenance of a statewide Native Hawaiian early childhood education and care system to provide a continuum of high-quality services for Native Hawaiian children from the prenatal period through the age of kindergarten entry;

“(2) the operation of family-based education centers that provide such services as—

“(A) programs for Native Hawaiian parents and their infants from the prenatal period of infancy through age 3;

“(B) preschool programs for Native Hawaiian children; and

“(C) research on, and development and assessment of, family-based early care and education and preschool programs for Native Hawaiians;
“(3) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through grade 3 and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers grades 5 and 6;

“(4) activities to meet the special needs of Native Hawaiian students with disabilities, including—

“(A) the identification of such students and their needs;

“(B) the provision of support services to the families of those students; and

“(C) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

“(5) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

“(A) educational, psychological, social, emotional, and developmental activities designed to assist in the educational progress of such students; and
“(B) activities that involve the parents of such students in a manner designed to assist in the students’ educational progress;

“(6) the development of academic and vocational curricula to address the needs of Native Hawaiian children, youth, and adults, including curricula materials in the Hawaiian language, mathematics, science, engineering, and technology curricula that incorporate Native Hawaiian tradition and culture;

“(7) professional development activities for educators, including—

“(A) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

“(B) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students’ unique needs; and

“(C) the recruitment and preparation of Native Hawaiian individuals, and other individuals who live in communities with a high con-
centration of Native Hawaiians, to become teachers or leaders;

“(8) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

“(A) early care and education programs, including preschool programs;

“(B) before- and after-school programs and Saturday academies;

“(C) career and technical and adult education programs; and

“(D) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children and youth and incorporate appropriately qualified Native Hawaiian elders and seniors;

“(9) activities, including program co-location, to enable Native Hawaiian individuals to enter and complete programs of postsecondary education, including—

“(A) the provision of full or partial scholar-
academic promise and financial need, with a
priority, at the graduate level, given to Native
Hawaiian students entering professions in
which Native Hawaiians are underrepresented;

“(B) family literacy activities;

“(C) counseling and support services for
students receiving scholarship assistance;

“(D) counseling and guidance for Native
Hawaiian secondary school students who have
the potential to receive scholarships;

“(E) assistance with completing the college
admissions and financial aid application proc-
ess; and

“(F) faculty development activities de-
digned to promote the matriculation of Native
Hawaiian students;

“(10) activities that recognize and support the
unique needs of Native Hawaiian youth regarding
the completion of quality workforce preparation and
training programs and activities, including appren-
ticeship programs;

“(11) research and data collection activities to
determine the educational status and needs of Na-
tive Hawaiian children and youth;
“(12) other research and evaluation activities related to programs carried out under this subpart; and

“(13) other activities, consistent with the purposes of this subpart, to meet the educational needs of Native Hawaiian children and youth.

“(d) ADDITIONAL ACTIVITIES.—From funds made available to carry out this section, the Secretary shall support the following:

“(1) The development of a body of Native Hawaiian law.

“(2) The repair and renovation of public schools that serve high concentrations of Native Hawaiian students.

“(3) Informal education programs that present traditional Hawaiian knowledge, science, astronomy, and the environment through State museums or learning centers.

“(e) SPECIAL RULE AND CONDITIONS.—

“(1) INSTITUTIONS OUTSIDE HAWAII.—The Secretary may not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawaii
from receiving a scholarship pursuant to subsection (e)(9)(A).

“(2) SCHOLARSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a scholarship awarded under subsection (c)(9)(A). The conditions shall require that an individual seeking such a scholarship enter into a contract to provide professional services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

“(f) TREATMENT OF FUNDS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under this subpart shall be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this subpart.

“(2) EXCEPTION.—Paragraph (1) shall not apply to any nonprofit entity or Native Hawaiian community-based organization that receives a grant or other funds under this subpart.

“(g) ADMINISTRATIVE COSTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of funds provided to a recipient of a grant or contract under
subsection (a) for any fiscal year may be used for administrative purposes.

“(2) Exception.—Not more than 10 percent of funds provided under subsection (a) for any fiscal year to a nonprofit entity serving the Native Hawaiian community may be used for administrative purposes.

“(h) Reservation; Availability of Funds.—

“(1) Reservation.—From the funds made available to carry out this subpart, the Secretary shall reserve, for each of fiscal years 2012 through 2017 not less than $500,000 for the Education Council.

“(2) Availability.—Funds made available to carry out this subpart and funds reserved under this subsection shall remain available until expended.”.

SEC. 7206. ADMINISTRATIVE PROVISIONS.

Section 7206 (20 U.S.C. 7516) is amended to read as follows:

“SEC. 7206. ADMINISTRATIVE PROVISIONS.

“(a) Application Required.—

“(1) In general.—No grant may be made under this subpart, and no contract may be entered into under this subpart, unless the entity seeking the grant or contract submits an application to the Sec-
retary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this subpart.

“(2) ACADEMIC PROJECTS.—Applications submitted under this subpart to carry out projects and activities that are academic in nature shall describe—

“(A) the criteria that will be used to ensure that such projects and activities use evidence-based strategies and methods; and

“(B) the process through which the applicant will monitor and report such activities, including the achievement of identified objectives.

“(b) APPLICATIONS TO EDUCATION COUNCIL.—The Secretary shall provide to the Education Council a copy of each grant or contract application submitted under this subpart.

“(c) ANNUAL REPORT.—

“(1) IN GENERAL.—Each entity that receives a grant under this subpart shall submit to the Secretary an annual report, in such form and containing such information as the Secretary may require that determines the extent to which activities carried out with funds provided under this subpart
are effective in improving the educational achievement of Native Hawaiian students served by such funds.

“(2) CONTENT.—As a part of the information reported under paragraph (1), each entity that receives a grant under this subpart shall provide data, using information from the most recent year for which data are available, on—

“(A) the academic achievement of the Native Hawaiian students the entity serves, as measured by the State assessments required under section 1111(a) and the high school graduation and college attendance rates of those students; and

“(B) such other measures as the Secretary may prescribe.”.

SEC. 7207. DEFINITIONS.

Section 7207 (20 U.S.C. 7517) is amended—

(1) in the matter preceding paragraph (1), by striking “part” and inserting “subpart”;

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(3) by inserting before paragraph (2), as redesignated by paragraph (1), the following:
“(1) COMMUNITY CONSULTATION.—The term ‘community consultation’ means a public gathering—

“(A) to discuss Native Hawaiian education concerns; and

“(B) about which the public has been given not less than 30 days notice.”.

Subpart 2—Alaska Native Education

SEC. 7301. ALASKA NATIVE EDUCATION.

Title VII (20 U.S.C. 7401 et seq.) is amended by striking sections 7301 through 7306 and inserting the following:

“SEC. 7301. SHORT TITLE.

“This subpart may be cited as the ‘Alaska Native Educational Equity, Support, and Assistance Act’.

“SEC. 7302. FINDINGS.

“Congress finds the following:

“(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture and languages of Alaska Natives.

“(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs and to support
efforts developed by and undertaken within the Alas-
ka Native community to improve educational oppor-
tunity for all students.

“(3) Alaska Native children enter and exit school with serious educational handicaps.

“(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, Natives are signifi-
cantly underrepresented among holders of baccalaureate degrees in the State of Alaska, and Alaska Natives are more likely than other Alaskans to be without access to employment. As a result, Native students are being denied their opportunity to be-
come full participants in society and an entire gen-
eration is being condemned to an underclass status and a life of limited choices.

“(5) The programs and activities authorized in this subpart are essential if educational handicaps are to be overcome.

“(6) The sheer magnitude of the geographic and other barriers to be overcome in delivering edu-
cational services in rural Alaska and Alaska villages should be addressed through the development and
implementation of innovative, model programs in a variety of areas.

“(7) Alaska Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

“(8) In 1983, pursuant to Public Law 98–63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs.

**SEC. 7303. PURPOSES.**

“The purposes of this subpart are as follows:

“(1) To address the critical need to meet the unique educational needs of Alaska Natives.

“(2) To authorize the development and expansion of effective supplemental educational programs to benefit Alaska Natives.

“(3) To supplement existing programs and authorities in the area of education to further the purposes of this subpart.

“(4) To provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under
this subpart, on meeting the educational needs of Alaska Natives.

“(5) To ensure the maximum participation by Alaska Natives in the planning and management of programs designed to serve Alaska Natives.

“SEC. 7304. PROGRAM AUTHORIZED.

“(a) General Authority.—

“(1) Grants and Contracts.—The Secretary is authorized to make grants to, or enter into contracts with, the following entities in order to enable such entities to carry out programs that meet the purposes of this subpart:

“(A) Alaska Native organizations.

“(B) Educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages.

“(C) Cultural and community-based organizations with experience in developing or operating programs to benefit the educational needs of Alaska Natives.

“(D) Consortia of organizations and entities described in this paragraph.
“(2) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this subpart may include the following:

“(A) The development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

“(B) The development of curricula and programs that address the educational needs of Alaska Native students, including the following:

“(i) Curricula materials that reflect the cultural diversity, languages, history, or the contributions of Alaska Natives.

“(ii) Instructional programs that make use of Alaska Native languages and cultures.

“(iii) Networks that develop, test, and disseminate best practices and introduce successful programs, materials, and techniques to meet the educational needs of Alaska Native students in urban and rural schools.

“(C) Training and professional development activities for educators, including the following:
“(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for and understanding of Alaska Native cultures, values, and ways of knowing and learning in order to effectively address the cultural diversity and unique needs of Alaska Native students.

“(ii) The recruitment and preparation of teachers who are Alaska Native.

“(iii) Programs that will lead to the certification and licensing of Alaska Native teachers, principals, and superintendents.

“(D) The development and operation of home instruction programs for Alaska Native preschool children, to ensure the active involvement of parents in their children’s education from the earliest ages.

“(E) Family literacy activities.

“(F) The development and operation of student enrichment programs, including such programs in science, technology, engineering, and mathematics that—

“(i) are designed to prepare Alaska Native students to excel in such subjects;
“(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs; and

“(iii) include activities that recognize and support the unique cultural and educational needs of Alaska Native children, and incorporate appropriately qualified Alaska Native elders and other tradition bearers.

“(G) Research and data collection activities to determine the educational status and needs of Alaska Native children and adults.

“(H) Other research and evaluation activities related to programs carried out under this subpart.

“(I) Remedial and enrichment programs to assist Alaska Native students to be college or career ready upon graduation from high school.

“(J) Parenting education for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development), including parenting education provided through in-home visitation of new mothers.
“(K) Culturally based education programs designed and provided by an entity with demonstrated experience in—

“(i) providing programs of study, both on site and in local schools, to share the rich and diverse cultures of Alaska Native peoples among youth, elders, teachers, and the larger community;

“(ii) instructing Alaska Native youth in leadership, communication, Native culture, arts, and languages;

“(iii) increasing the high school graduation rate of the Alaska Native students who are served;

“(iv) providing instruction in Alaska Native history and ways of living to students and teachers in the local school district;

“(v) providing intergenerational learning and internship opportunities to Alaska Native youth and young adults; and

“(vi) providing cultural immersion activities aimed at Alaska Native cultural preservation.
“(L) A statewide on-site exchange program, for both students and teachers, involving schools and culture camps that demonstrates effectiveness in facilitating cultural relationships between urban and rural Alaskans to build mutual respect and understanding, and foster a statewide sense of common identity through host family, school, and community cross-cultural immersion. Such a program should be competitively awarded.

“(M) Activities carried out through Head Start programs carried out under the Head Start Act, including the training of teachers for such programs.

“(N) Other early learning and preschool programs.

“(O) Education programs for at-risk urban Alaska Native students in kindergarten through grade 12 that are operated by tribes or tribal organizations that have demonstrated experience in increasing graduation rates among such students and that—

“(i) include a culturally informed curriculum intended to preserve and promote Alaska Native culture;
“(ii) partner effectively with the local school district by providing a school-within-a school program model;

“(iii) provide high-quality academic instruction, small classroom sizes, and social-emotional support for students from elementary school through high school;

“(iv) work with parents to increase parental involvement in their students’ education;

“(v) have a proven track record of improving academic proficiency and increasing graduation rates;

“(vi) provide college preparation and career planning; and

“(vii) incorporate a strong data collection and continuous evaluation component at all levels of the program.

“(P) A statewide program that has demonstrated effectiveness in providing technical assistance and support to schools and communities in order to engage adults in promoting the academic progress and overall well-being of young people through strengths-based approaches to child and youth development, posi-
positive youth-adult relationships, improved conditions for learning (such as school climate and student connection to school and community), and increased connections between schools and families.

“(Q) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing career and technical preparation, mentoring, training, and apprenticeship activities.

“(R) The provision of operational support and the purchase of equipment to develop regional vocational schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities.

“(S) Other activities, consistent with the purposes of this subpart, to meet the educational needs of Alaska Native children and adults.

“(T) Regional leadership academies that demonstrate effectiveness in building respect
and understanding and fostering a sense of Alaska Native identity to promote Alaska Native students pursuit of, and success in, completing higher education or career training.

“(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include the following:

“(A) Programs for parents and their infants, from the prenatal period of the infant through age 3.

“(B) Preschool programs.

“(C) Training, education, and support for parents in such areas as reading readiness, observation, story telling, and critical thinking.

“(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

“(c) PRIORITIES.—In awarding grants or contracts to carry out activities described in this subpart, the Secretary shall give priority to applications from Alaska Native regional nonprofit organizations, Alaska Native organizations, or consortia that include not less than 1 Alaska Native regional nonprofit organization.
SEC. 7305. ADMINISTRATIVE PROVISIONS.

(a) APPLICATION REQUIRED.—No grant may be made under this subpart, and no contract may be entered into under this subpart, unless the entity seeking the grant or contract submits an application to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this subpart.

(b) APPLICATIONS.—A State educational agency or local educational agency may apply for an award under this subpart only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

(c) CONSULTATION REQUIRED.—Each applicant for an award under this subpart shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each entity that applies for an award under this subpart shall inform each local educational agency that serves students who would participate in the program that such entity plans to carry out under the grant or contract about the application described in subsection (a).

SEC. 7306. DEFINITIONS.

In this subpart:
“(1) ALASKA NATIVE.—The term ‘Alaska Native’ has the same meaning as the term Native has in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

“(2) ALASKA NATIVE ORGANIZATION.—The term ‘Alaska Native organization’ means—

“(A) a federally recognized tribe

“(B) a consortium of tribes;

“(C) a regional nonprofit Native association; or

“(D) another organization that—

“(i) has or commits to acquire expertise in the education of Alaska Natives; and

“(ii) has Alaska Natives in substantive and policymaking positions within the organization.”.

TITLE VIII—IMPACT AID

SEC. 8001. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended, in the matter preceding paragraph (1), by striking “challenging State standards” and inserting “college and career ready State academic content and student academic achievement standards under section 1111(a)(1)”.

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SEC. 8002. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

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

(1) in subsection (b)—

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

(B) in paragraph (2), by striking “aggregate assessed” and inserting “estimated taxable”; and

(C) by striking paragraph (3) and inserting the following:

“(3) Determination of taxable value for eligible federal property.—

“(A) In general.—In determining the total taxable value of such acquired Federal property for fiscal year 2011 and each succeeding fiscal year, the Secretary shall—

“(i) first determine the total taxable value for the purpose of levying property tax for school purposes for current expenditures of real property located within the boundaries of such local educational agency;

“(ii) then determine the per acre value of the eligible Federal property by di-
viding the total taxable value as determined in clause (i) by the difference between the total acres located within the boundaries of the local educational agency and the number of Federal acres eligible under this section; and

“(iii) multiply the per acre value as calculated under clause (ii) by the number of Federal acres eligible under this section.

“(B) SPECIAL RULE.—When 2 or more local educational agencies share Federal property eligible under this section, a local educational agency may ask the Secretary to calculate the per acre value of each local educational agency as provided under subparagraph (A) and apply the average of these per acre values to the acres of the Federal property in that agency.”;

(2) in subsection (f)—

(A) by aligning the margins of paragraphs (2) and (3) with the margins of paragraph (1); and

(B) by striking paragraphs (4) and (5);

(3) by striking subsection (g) and inserting the following:
“(g) Former Districts.—

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

“(2) Eligible Local Educational Agencies.—A local educational agency referred to in paragraph (1) is—

“(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied, and was determined to be eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as the section was in effect for that fiscal year; or

“(B) a local educational agency formed by the consolidation of 2 or more districts, at least 1 of which was eligible for assistance under this
section for the fiscal year proceeding the year
of consolidation, if—

“(i) for fiscal years 2006 through
2011, the local educational agency had no-
tified the Secretary of the designation not
later than 30 days after the date of enact-
ment of the Elementary and Secondary
Education Reauthorization Act of 2011;
and

“(ii) for fiscal year 2012, and any
subsequent fiscal year, the local edu-
cational agency includes the designation in
its application under section 8005 or any
timely amendment to such application.

“(3) AVAILABILITY OF FUNDS.—Notwith-
standing any other provision of law limiting the pe-
riod during which the Secretary may obligate funds
appropriated for any fiscal year after 2005, the Sec-
retary may obligate funds remaining after final pay-
ments have been made from any of such fiscal years
to carry out this subsection.”;

(4) in subsection (h)—

(A) by striking “8014(a)” each place the
term appears and inserting “3(aa)(1)”;

(B) in paragraph (1)—
(i) in the paragraph heading, by striking “FOR PRE-1995 RECIPIENTS”;

(ii) in subparagraph (A), by striking “is eligible” and all that follows through the period at the end and inserting “was eligible to receive a payment under this section for fiscal year 2007.”; and

(iii) in subparagraph (B), by striking “38 percent” and all that follows through the period at the end and inserting “90 percent of the payment the local educational agency received in 2006.”; and

(C) by striking paragraphs (2) through (4) and inserting the following:

“(2) FOUNDATION PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES DETERMINED ELIGIBLE AFTER FISCAL YEAR 2007.—

“(A) FIRST YEAR.—From any amounts remaining after making payments under paragraph (1) for the fiscal year involved, the Secretary shall make a payment, in an amount determined in accordance with subparagraph (C), to each local educational agency that the Secretary determines eligible for a payment under this section for a fiscal year after fiscal year
2007, for the fiscal year for which such agency was determined eligible for such payment.

“(B) SECOND AND SUCCEEDING YEARS.—

For any succeeding fiscal year after the first fiscal year that a local educational agency receives a foundation payment under subparagraph (A), the amount of the local educational agency’s foundation payment under this paragraph for such succeeding fiscal year shall be equal to the local educational agency’s foundation payment under this paragraph for the first fiscal year.

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

“(i) Calculate the local educational agency’s maximum payment under subsection (b).

“(ii) Calculate the percentage that the amount appropriated under section 3(aa)(1) for the most recent fiscal year for which the Secretary has completed making payments under this section is of the total maximum payments for such fiscal year for all local educational agencies eligible for a
payment under subsection (b) and multiply
the agency’s maximum payment by such
percentage.

“(iii) Multiply the amount determined
under clause (ii) by 90 percent.

“(3) REMAINING FUNDS.—From any funds re-
maining after making payments under paragraphs
(1) and (2) for the fiscal year involved, the Sec-
retary shall make a payment to each local edu-
cational agency that received a foundation payment
under paragraph (1) or (2), or subsection (i)(1), for
the fiscal year involved in an amount that bears the
same relation to the remainder as a percentage
share determined for the local educational agency
(by dividing the maximum amount that the agency
is eligible to receive under subsection (b) by the total
of the maximum amounts for all such agencies)
bears to the percentage share determined (in the
same manner) for all local educational agencies eligi-
ble to receive a payment under this section for the
fiscal year involved, except that, for the purpose of
calculating a local educational agency’s maximum
amount under subsection (b), data from the most
current fiscal year shall be used.”;
(5) by striking paragraph (1) of subsection (i) and inserting the following:

“(1) IN GENERAL.—The calculation of the foundation payment under subsection (h)(1)(B) for a local educational agency described in paragraph (2) of this subsection shall be equal to 90 percent of the payment received in fiscal year 2005, for fiscal year 2011 and each succeeding fiscal year.”;

(6) by striking subsections (k) and (m);

(7) by redesignating subsections (l) and (n) as subsections (j) and (k), respectively;

(8) in subsection (j) (as redesignated by paragraph (7)), in the matter preceding paragraph (1), by striking “(h)(4)(B)” and inserting “(h)(3)”;

(9) by adding at the end the following:

“(l) RECORDS.—The Secretary may base a determination of eligibility under subsection (a)(1) on original records (including facsimiles or other reproductions of those records) documenting the assessed value of real property, prepared by a legally authorized official as of the time of the Federal acquisition, or other records that the Secretary determines to be appropriate and reliable, including Federal agency records or local historical records.”.
(b) EFFECTIVE DATE.—Notwithstanding section 5(d), this section, and the amendments made by this section, shall take effect with respect to applications submitted under section 8002 of the Elementary and Secondary Education Act of 1965 for fiscal year 2011.

SEC. 8003. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

Section 8003 (20 U.S.C. 7703) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting after “of such agency” the following: “(including those children enrolled in a State that has a State open enrollment policy but not including children enrolled in a distance learning program who are not residing within the geographic boundaries of the agency)”;

(B) in paragraph (4)—

(i) in subparagraph (A), by inserting “, or was authorized for demolition,” after “rebuilding” each place the term appears;

and

(ii) in subparagraph (B)—

(I) in each of clauses (i)(I) and

(ii) (I) of subparagraph (B), by strik-
ing “3 fiscal years” and inserting “4 fiscal years (which are not required to run consecutively)”;

(II) in clause (i)—

(aa) in subclause (I), by inserting “, or authorized for demolition,” after “rebuilding”; and

(bb) in subclause (II), by inserting “, or authorized for demolition,” before “in accordance”; and

(III) in clause (ii)—

(aa) in subclause (I), by inserting “, or authorized for demolition,” after “rebuilding”; and

(bb) in subclause (II), by inserting “, or authorized for demolition,” before “in accordance”; and

(C) in paragraph (5)(A), by inserting after “1984,” the following: “or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code (10 U.S.C. 2871 et seq.),”;
(A) in each of paragraphs (1)(A) and
(2)(A)(i), by striking “8014(b)” and inserting
“3(aa)(2)”;

(B) in paragraph (2)—
(i) in subparagraph (B)—

(I) in the subparagraph heading,
by striking “CONTINUING”;
(II) by striking clauses (i) and
(ii) and inserting the following:

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

“(I) is a local educational agency
whose boundaries are the same as a
Federal military installation, or whose
boundaries are the same as island
property designated by the Secretary
of the Interior to be property that is
held in trust by the Federal Govern-
ment, and that has no taxing author-
ity;
“(II) is a local educational agency that—

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

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

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

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

“(cc) is an agency that—

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

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

“(dd) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not
less than 30 percent, and has a
tax rate for general fund pur-
poses which is not less than 125
percent of the average tax rate
for general fund purposes for
comparable local educational
agencies in the State; or

“(III) is a local educational agen-
cy that has a total student enrollment
of not less than 25,000 students, of
which not less than 50 percent are
children described in subsection (a)(1)
and not less than 5,500 of such chil-
dren are children described in sub-
paragraphs (A) and (B) of subsection
(a)(1).

“(ii) LOSS OF ELIGIBILITY.—

“(I) IN GENERAL.—Subject to
subclause (II), a heavily impacted
local educational agency that met the
requirements of clause (i) for a fiscal
year shall be ineligible to receive a
basic support payment under subpara-
graph (A) if the agency fails to meet
the requirements of such clause for
the subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

“(II) EXCEPTION.—A local educational agency that is eligible under subparagraph (A) but whose tax rate for general fund purposes falls below 95 percent of the average tax rate for general fund purposes of local educational agencies in the State for two consecutive years shall lose its eligibility and be subject to subclause (I).”; and

(III) by adding at the end the following:

“(iv) SPECIAL RULE.—Notwithstanding clause (i)(II), a local educational agency shall be considered eligible to receive a basic support payment under subparagraph (A) with respect to the number of children determined under subsection (a)(1) if the agency—
“(I) has an enrollment of children described in subsection (a)(1), including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that constitutes a percentage of the total student enrollment of the agency that is not less than 35 percent; and

“(II) was eligible to receive assistance under this paragraph for fiscal year 2001.

“(v) Application.—With respect to the first fiscal year for which a heavily impacted local educational agency described in clause (i) applies for a basic support payment under subparagraph (A), or with respect to the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment under subparagraph (A) after becoming ineligible under clause (i) for 1 or more preceding fiscal years, the agency shall apply for such payment at least 1 year prior to the start of that first fiscal year.”;
(ii) by striking subparagraphs (C) and (D) and inserting the following:

“(C) MAXIMUM AMOUNT FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(i) IN GENERAL.—Except as provided for in subparagraph (D), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

“(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

“(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

“(ii) SPECIAL RULES.—
“(I) Calculations for local educational agencies with large numbers of certain eligible children.—

“(aa) In general.—In the case of a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) of subsection (a)(1), and that has an enrollment of children described in subparagraph (A), (B), or (C) of such subsection equal to at least 10 percent of the agency’s total enrollment, the Secretary shall calculate the weighted student units of the children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

“(bb) Exception.—Notwithstanding subclause (I), any
local educational agency that received a payment under this clause for fiscal year 2006, shall not be required to have an enrollment of children described in subparagraph (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency’s total enrollment for purposes of subclause (I).

“(II) CALCULATIONS FOR LOCAL EDUCATIONAL AGENCIES WITH SMALL NUMBERS OF ELIGIBLE CHILDREN.—For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

“(III) CALCULATIONS FOR CERTAIN OTHER LOCAL EDUCATIONAL AGENCIES.—For a local educational agency that does not qualify under
paragraph (2)(B)(i)(I) and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

“(D) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(i) APPLICABLE FORMULA.—

“(I) IN GENERAL.—Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

“(II) HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—A heavily impacted local educational agency described in this subclause is a local
educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

“(ii) FACTOR.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.”;

(iii) by striking subparagraph (E);

(iv) by redesignating subparagraphs (F) through (H) as subparagraph (E) through (G), respectively;

(v) in subparagraph (E) (as redesignated by clause (iv))—

(I) by striking clause (ii);

(II) by striking “; and” at the end of clause (i) and inserting a period; and
(III) by striking “the Secretary” and all that follows through “shall use” and inserting “the Secretary shall use”;

(vi) in subparagraph (F) (as redesignated by clause (iv)), in the matter preceding clause (i), by striking “(C)(i)(II)(bb)” and inserting “(B)(i)(II)(bb)”;

(vii) in subparagraph (G) (as redesignated by clause (iv))—

(I) in clause (i)—

(aa) by striking “(B), (C), (D), or (E)” and inserting “(B), (C), or (D),”;

(bb) by striking “by reason of” and inserting “due to”; and

(cc) by inserting after “clause (iii)” the following: “or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense, force structure change, or force relocation,”; and
(dd) by inserting before the period at the end the following:

“or during such time as activities associated with base realignment and closure, modularization, force structure change, or force relocation are ongoing”; and

(II) in clause (ii), by striking “(D) or (E)” in both places such term appears and inserting “(C) or (D)”;

and

(viii) by adding at the end the following:

“(H) SPECIAL RULE.—The Secretary shall—

“(i) deem each local educational agency that received a fiscal year 2009 basic support payment for heavily impacted local educational agencies under this paragraph as eligible to receive a basic support payment for heavily impacted local educational agencies under this paragraph for each of fiscal years 2010, 2011, and 2012; and
“(ii) make a payment to such local educational agency under such section for each of fiscal years 2010, 2011, and 2012.

“(I) CONTINUED ELIGIBILITY FOR A HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCY ENTERING INTO AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT WITH A STATE EDUCATIONAL AGENCY.—For any fiscal year, a heavily impacted local educational agency that received a basic support payment under this paragraph for the fiscal year prior to the fiscal year for which such local educational agency entered into an intergovernmental cooperative agreement with a State educational agency shall remain eligible to receive a basic support payment under this paragraph for the duration of the intergovernmental cooperative agreement, but in no case for more than 5 years.”; and

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “8014(b)” and inserting “3(aa)(2)”;

(ii) in subparagraph (B)—

(I) by redesignating clause (iv) as clause (v); and
(II) by inserting after clause (iii) the following:

“(iv) In the case of a local educational agency that is providing a program of distance learning to children not residing within the geographic boundaries of the agency, the Secretary shall disregard such children from such agency’s total enrollment when calculating the percentage under clause (i)(I) and shall disregard any funds received for such children when calculating the total current expenditures attributed to the operation of such agency when calculating the percentage under clause (i)(II).”;

(iii) in subparagraph (C), by striking “subparagraph (D) or (E) of paragraph (2), as the case may be” and inserting “paragraph (2)(D)”; and

(iv) by striking subparagraph (D) and inserting the following:

“(D) Ratable distribution.—

“(i) In general.—For each fiscal year described in subparagraph (A) for which the sums appropriated under section

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3(aa)(2) exceed the amount required to pay each local educational agency 100 percent of the local educational agency’s threshold payment under subparagraph (B), the Secretary shall distribute the excess sums to each eligible local educational agency that has not received the agency’s maximum payment amount computed under paragraph (1) or (2) (as the case may be) by multiplying—

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

“(II) the difference between the maximum payment amount computed under paragraph (1) or (2) (as the case may be) for the agency and the
amount of the threshold payment as

calculated under subparagraphs (B)

and (C) for the agency.

“(ii) INSUFFICIENT PAYMENTS.—For

each fiscal year described in subparagraph

(A) for which the sums appropriated under

section 3(aa)(2) are insufficient to pay

each local educational agency all of the

local educational agency’s threshold pay-

ment described in clause (i), the Secretary

shall ratably reduce the payment to each

local educational agency under this para-

graph.

“(iii) INCREASES.—If the sums appro-

priated under section 3(aa)(2) are suffi-

cient to increase the threshold payment

above the 100 percent threshold payment

described in clause (i), then the Secretary

shall increase payments on the same basis

as such payments were reduced, except no

local educational agency may receive a pay-

ment amount greater than 100 percent of

the maximum payment calculated under

this subsection.”;
(3) in subsection (e), by amending paragraph (2) to read as follows:

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

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

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

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

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

“(II) subparagraph (F) or (G) of subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Defense or the Department of the Interior; and
“(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of Interior or the head of another Federal agency; or

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

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

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

(4) in subsection (d)(1), by striking “8014(c)” and inserting “3(aa)(3)”;
(5) in subsection (e)—

(A) by striking paragraphs (1) and (2) and inserting the following:

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

“(A) for fiscal year 2012, shall not be less than 90 percent of the total amount that the local educational agency received under paragraphs (1) and (2) of subsection (b) for fiscal year 2011;

“(B) for fiscal year 2013, shall not be less than 85 percent of the total amount that the local educational agency received under paragraphs (1) and (2) of subsection (b) for fiscal year 2011; and

“(C) for fiscal year 2014, shall not be less than 80 percent of the total amount that the local educational agency received under paragraphs (1) and (2) of subsection (b) for fiscal year 2011.”; and

(B) by redesignating paragraph (3) as paragraph (2); and

(6) by striking subsection (g).
SEC. 8004. CONSTRUCTION.

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

(1) by striking “8014(e)” each place the term
appears and inserting “3(aa)(4)”; and

(2) in subsection (a)(2), by adding at the end
the following:

“(C) The agency is eligible under section
8003(b)(2) or is receiving a basic support pay-
ment under circumstances described in section
8003(b)(2)(B)(ii).”.

SEC. 8005. FACILITIES.

Section 8008(a) (20 U.S.C. 7708(a)) is amended by
striking “8014(f)” and inserting “3(aa)(5)”.

SEC. 8006. FEDERAL ADMINISTRATION.

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

(1) in subsection (c)—

(A) in paragraph (1), by striking “para-
graph (3) of this subsection” each place the
term appears and inserting “paragraph (2)”;

(B) in paragraph (2)(E), by striking
“under section 8003(b)” and all that follows
through the period at the end and inserting
“under this title.”; and

(2) by adding at the end the following:

“(d) TIMELY PAYMENTS.—
“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall pay a local educational agency the full amount that the agency is eligible to receive under this title for a fiscal year not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

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

SEC. 8007. DEFINITIONS.

Section 8013 (20 U.S.C. 7713) is amended—
(1) in paragraph (1), by striking “and Marine Corps” and inserting “Marine Corps, and Coast Guard”; and

(2) in paragraph (5)(A)(iii)(II), by striking “Stewart B. McKinney Homeless Assistance Act” and inserting “McKinney-Vento Homeless Assistance Act”.

SEC. 8008. CONFORMING AMENDMENT.

Title VIII (20 U.S.C. 7701 et seq.) is amended by striking section 8014.

SEC. 8009. ELIGIBILITY FOR IMPACT AID PAYMENT.

(a) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)), North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in, and for purposes of, title VIII of such Act.

(b) COMPUTATION.—Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a))) who are in
attendance in the North Shore District 112, Township
High School District 113, Glenview Public School District
34, and Glenbrook High School District 225 described in
subsection (a), shall be considered to be in attendance in
the North Chicago Community Unit School District 187
described in subsection (a) for purposes of computing the
amount that the North Chicago Community Unit School
District 187 is eligible to receive under subsection (b) or
(d) of section 8003 of such Act if—

(1) such school districts have entered into an
agreement for such students to be so considered and
for the equitable apportionment among all such
school districts of any amount received by the North
Chicago Community Unit School District 187 under
such section; and

(2) any amount apportioned among all such
school districts pursuant to paragraph (1) is used by
such school districts only for the direct provision of
educational services.

TITLE IX—GENERAL
PROVISIONS

SEC. 9101. DEFINITIONS.

(a) In General.—Section 9101 (20 U.S.C. 7801)
is amended to read as follows:
“SEC. 9101. DEFINITIONS.

“Except as otherwise provided, in this Act:

“(1) ADJUSTED COHORT; ENTERING COHORT; TRANSFERRED INTO; TRANSFERRED OUT.—

“(A) ADJUSTED COHORT.—Subject to clauses (ii) and (iii) of subparagraph (D) and subparagraphs (E) through (G), the term ‘adjusted cohort’ means the difference of—

“(i) the sum of—

“(I) the entering cohort; plus

“(II) any students that transferred into the cohort in any of grades 9 through 12; minus

“(ii) any students that are removed from the cohort as described in subparagraph (E).

“(B) ENTERING COHORT.—The term ‘entering cohort’ when used with respect to a secondary school, means the number of first-time students in grade 9 enrolled in the secondary school 1 month after the start of the secondary school’s academic year.

“(C) TRANSFERRED INTO.—The term ‘transferred into’ when used with respect to a secondary school student, means a student who—
“(i) was a first-time student in grade 9 during the same school year as the entering cohort; and

“(ii) enrolls after the entering cohort is calculated as described in subparagraph (B).

“(D) TRANSFERRED OUT.—

“(i) IN GENERAL.—The term ‘transferred out’ when used with respect to a secondary school student, means a student who the secondary school or local educational agency has confirmed has transferred—

“(I) to another school from which the student is expected to receive a regular secondary school diploma; or

“(II) to another educational program from which the student is expected to receive a regular secondary school diploma.

“(ii) CONFIRMATION REQUIREMENTS.—

“(I) DOCUMENTATION REQUIRED.—The confirmation of a student’s transfer to another school or
educational program described in
clause (i) requires documentation
from the receiving school or program
that the student enrolled in the receiv-
ing school or program.

“(II) LACK OF CONFIRMATION.—
A student who was enrolled, but for
whom there is no confirmation of the
student having transferred out, shall
remain in the cohort as a nongraduate
for reporting and accountability pur-
poses under this Act.

“(iii) PROGRAMS NOT PROVIDING
CREDIT.—A student enrolled in a GED or
other alternative educational program that
does not issue or provide credit toward the
issuance of a regular secondary school di-
ploma shall not be considered transferred
out and shall remain in the adjusted co-
hort.

“(E) COHORT REMOVAL.—To remove a
student from a cohort, a school or local edu-
cational agency shall require documentation to
confirm that the student has transferred out,
emigrated to another country, or is deceased.
“(F) Treatment of Other Departures and Withdrawals.—A student who was retained in a grade, enrolled in a GED program, aged out of a secondary school or secondary school program, or left secondary school for any other reason, including expulsion, shall not be considered transferred out, and shall remain in the adjusted cohort.

“(G) Special Rule.—For those secondary schools that start after grade 9, the entering cohort shall be calculated 1 month after the start of the secondary school’s academic year in the earliest secondary school grade at the secondary school.

“(2) Advanced Placement or International Baccalaureate Course.—The term ‘Advanced Placement or International Baccalaureate course’ means—

“(A) a course of postsecondary-level instruction provided to secondary school students, terminating in Advanced Placement or International Baccalaureate examination; or

“(B) another highly rigorous, evidence-based, postsecondary preparatory program terminating in—
“(i) an examination administered by a nationally recognized educational organization that has a demonstrated record of effectiveness in assessing secondary school students; or

“(ii) another such examination approved by the Secretary.

“(3) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE EXAMINATION.—The term ‘Advanced Placement or International Baccalaureate examination’ means an Advanced Placement examination administered by the College Board, an International Baccalaureate examination administered by the International Baccalaureate Organization, or another such examination approved by the Secretary.

“(4) AUTHORIZING COMMITTEES.—The term ‘authorizing committees’ means the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

“(5) AVERAGE DAILY ATTENDANCE.—

“(A) IN GENERAL.—Except as provided otherwise by State law or this paragraph, the term ‘average daily attendance’ means—
“(i) the aggregate number of days of attendance of all students during a school year; divided by
“(ii) the number of days school is in session during that year.

“(B) Conversion.—The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership (or other similar data).

“(C) Special Rule.—If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school served by another local educational agency, the Secretary shall, for the purpose of this Act—
“(i) consider the child to be in attendance at a school of the agency making the payment; and
“(ii) not consider the child to be in attendance at a school of the agency receiving the payment.
“(6) AVERAGE PER-PUPIL EXPENDITURE.—The term ‘average per-pupil expenditure’ means, in the case of a State or of the United States—

“(A) without regard to the source of funds—

“(i) the aggregate current expenditures, during the most recent fiscal year for which satisfactory data are available, of all local educational agencies in the State or, in the case of the United States, for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

“(ii) any direct current expenditures by the State for the operation of those agencies; divided by

“(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that year.

“(7) CHARTER MANAGEMENT ORGANIZATION.—The term ‘charter management organization’ means a nonprofit organization that operates, manages, or oversees multiple charter schools by centralizing or
sharing certain functions and resources among such schools.

“(8) CHILD.—The term ‘child’ means any person within the age limits for which the State provides free public education.

“(9) CHILD WITH A DISABILITY.—The term ‘child with a disability’ has the same meaning given that term in section 602 of the Individuals with Disabilities Education Act.

“(10) CONDITIONS FOR LEARNING.—The term ‘conditions for learning’ means conditions that advance student achievement and positive child and youth development by supporting schools that—

“(A) promote physical, mental, and emotional health;

“(B) ensure the safety of students and staff;

“(C) promote social, emotional, and character development; and

“(D) have the following attributes:

“(i) Provide opportunities for physical activity and good nutrition.

“(ii) Are free of violence, harassment, and weapons.
“(iii) Prevent use and abuse of drugs and controlled substances.

“(iv) Help staff and students to model positive social and emotional skills.

“(v) Employ adults who have high expectations for student conduct, character, and academic achievement.

“(vi) Engage parents and family members in meaningful and sustained ways to promote positive student academic achievement and developmental outcomes.

“(11) **CONSOLIDATED LOCAL APPLICATION.**—

The term ‘consolidated local application’ means an application submitted by a local educational agency pursuant to section 9305.

“(12) **CONSOLIDATED LOCAL PLAN.**—The term ‘consolidated local plan’ means a plan submitted by a local educational agency pursuant to section 9305.

“(13) **CONSOLIDATED STATE APPLICATION.**—

The term ‘consolidated State application’ means an application submitted by a State educational agency pursuant to section 9302.

“(14) **CONSOLIDATED STATE PLAN.**—The term ‘consolidated State plan’ means a plan submitted by
a State educational agency pursuant to section 9302.

“(15) CORE ACADEMIC SUBJECTS.—The term ‘core academic subjects’ means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

“(16) COVERED PROGRAM.—The term ‘covered program’ means each of the programs authorized by—

“(A) part A of title I;

“(B) part C of title I;

“(C) part D of title I;

“(D) part A of title II;

“(E) part A of title III;

“(F) part B of title IV; and

“(G) subpart 2 of part B of title VI.

“(17) CURRENT EXPENDITURES.—The term ‘current expenditures’ means expenditures for free public education—

“(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and
net expenditures to cover deficits for food services and student body activities; but

“(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I.

“(18) Department.—The term ‘Department’ means the Department of Education.

“(19) Developmental Delay.—The term ‘developmental delay’ has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

“(20) Distance Learning.—The term ‘distance learning’ means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

“(21) Educational Service Agency.—The term ‘educational service agency’ means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

“(22) Elementary School.—The term ‘elementary school’ means a nonprofit institutional day or residential school, including a public elementary
charter school, that provides elementary education, as determined under State law.

“(23) ENGLISH LEARNER.—The term ‘English learner’ means an individual—

“(A) who is aged 3 through 21;

“(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

“(C)(i) who was not born in the United States or whose native language is a language other than English;

“(ii)(I) who is a Native American or Alaskan Native, or a native resident of the outlying areas; and

“(II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or

“(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

“(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—
“(i) the ability to meet the State’s on-track level of performance on State assessments described in section 1111(a)(2);

“(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

“(iii) the opportunity to participate fully in society.

“(24) EVIDENCE-BASED.—The term ‘evidence-based’, when used with respect to a program, practice, or policy, means—

“(A) based on a comprehensive, unbiased review and weighing of 1 or more evaluation studies that—

“(i) have been carried out consistent with the principles of scientific research;

“(ii) have strong internal and external validity; and

“(iii) support the direct attribution of 1 or more outcomes to the program, practice, or policy; or

“(B) in the absence of any study described in subparagraph (A), based on a comprehensive, unbiased review and weighing of data analysis,
research, or 1 or more evaluation studies of relevant programs, practices, or policies, that—

“(i) were carried out consistent with the principles of scientifically based research; and

“(ii) are accompanied by strategies to generate more robust evidence over time through research, evaluation, and data analysis, including—

“(I) the measurement of performance with reliable process and outcome indicators; and

“(II) the implementation of evaluations with strong internal and external validity where feasible and appropriate.

“(25) EXPANDED LEARNING TIME.—The term ‘expanded learning time’ means using a longer school day, week, or year schedule to significantly increase the total number of school hours, in order to include additional time for—

“(A) instruction in core academic subjects;

“(B) instruction in other subjects and enrichment and other activities that contribute to a well-rounded education, including music and
the arts, physical education, and experiential and work-based learning; and

“(C) instructional and support staff to collaborate, plan, and engage in professional development, including on family and community engagement, within and across grades and subjects.

“(26) FAMILY LITERACY ACTIVITIES.—The term ‘family literacy activities’ means activities that—

“(A) are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable improvements in the literacy rates of a family;

“(B) better enable parents to support their children’s learning needs; and

“(C) integrate all of the following activities:

“(i) Parent adult education and literacy activities that lead to readiness for postsecondary education or training, career advancement, and economic self-sufficiency.

“(ii) Interactive literacy activities between parents and their children.
“(iii) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

“(iv) Age-appropriate education to prepare children for success in school and life experiences.

“(27) FAMILY MEMBER.—The term ‘family member’ means a parent, relative, or other adult who is responsible for the care and well-being of a child.

“(28) FREE PUBLIC EDUCATION.—The term ‘free public education’ means education that is provided—

“(A) at public expense, under public supervision and direction, and without tuition charge; and

“(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

“(i) includes preschool education; and

“(ii) does not include any education provided beyond grade 12.

“(29) GIFTED AND TALENTED.—The term ‘gifted and talented’, when used with respect to stu-
students, children, or youth, means students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.

“(30) GRADUATION RATES.—The term ‘graduation rates’ shall, at a minimum, include both of the following:

“(A) A 4-year adjusted cohort graduation rate for a school year, defined as the percent obtained by calculating the product of—

“(i) the result of—

“(I) the number of students who—

“(aa) formed the adjusted cohort 4 years earlier; and

“(bb) graduate in 4 years or less with a regular secondary school diploma; divided by

“(II) the number of students who formed the adjusted cohort for that year’s graduating class 4 years earlier; multiplied by
“(ii) 100.

“(B) A cumulative graduation rate for a school year, defined as the percent obtained by calculating the product of—

“(i) the result of—

“(I) the sum of—

“(aa) the number of students who—

“(AA) form the adjusted cohort for that year’s graduating class; and

“(BB) graduate in 4 years or less with a regular secondary school diploma; plus

“(bb) the number of additional students from previous cohorts who graduate with a regular secondary school diploma by the end of the school year in—

“(AA) more than 4 years but not more than 6 years; or

“(BB) before exceeding the age for eligibility for a
free appropriate public edu-
cation (as defined in section
602 of the Individuals with
Disabilities Education Act)
under State law; divided by
“(II) the sum of—
“(aa) the number of stu-
dents who form the adjusted co-
hort for that year’s graduating
class; plus
“(bb) the number of addi-
tional student graduates de-
scribed in subclause (I)(bb); mul-
tiplied by
“(ii) 100.
“(31) High school.—The term ‘high school’
means a secondary school that—
“(A) grants a diploma, as defined by the
State; and
“(B) includes, at least, grade 12.
“(32) Highly qualified teacher.—
“(A) In general.—The term ‘highly
qualified teacher’ means—
“(i) with respect to any public elemen-
tary school, middle school, or high school
teacher teaching in a State, a teacher
who—

“(I)(aa) has obtained State cer-
tification as a teacher (including cer-
tification obtained through alternative
routes to certification) or passed the
State teacher licensing examination,
and holds a license to teach in the
State, except that when used with re-
spect to any teacher teaching in a
charter school, the term means that
the teacher meets the requirements
set forth in the State’s charter school
law; or

“(bb) has passed a rigorous State
test for subject matter knowledge and
is making satisfactory progress to-
wards obtaining full certification or li-
censure within 3 years through par-
ticipation in a high-quality, State-ap-
proved alternative certification pro-
gram; and

“(II) has not had certification or
licensure requirements waived on an
emergency, temporary, or provisional basis;

“(ii) with respect to—

“(I) an elementary school teacher who is new to the profession, that the teacher holds at least a bachelor’s degree and—

“(aa) if teaching more than a single subject, has demonstrated, by receiving a passing score on a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or

“(bb) if teaching a single subject, meets either the requirement in item (aa) or (bb) of sub-clause (II); and
“(II) a middle school or high school teacher who is new to the profession, that the teacher holds at least a bachelor’s degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by—

“(aa) receiving a passing score on a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects the teacher teaches); or

“(bb) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and
“(iii) with respect to an elementary school, middle school, or high school teacher who is not new to the profession, that the teacher holds at least a bachelor’s degree and—

“(I) has met the applicable standard in subclause (I) or (II) of clause (ii), which includes an option for a test; or

“(II) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation, which may include multiple subjects, that—

“(aa) is set by the State for both grade-appropriate academic subject-matter knowledge and teaching skills;

“(bb) is aligned with State academic content and student academic achievement standards under section 1111(a)(1) and developed in consultation with core content specialists, teachers,
principals, and school administrators;

“(cc) provides objective, coherent information about the teacher’s attainment of core content knowledge in the academic subjects in which a teacher teaches;

“(dd) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;

“(ee) takes into consideration, but is not based primarily on, the time the teacher has been teaching in the academic subject;

“(ff) is made available to the public on request; and

“(gg) may involve multiple, objective measures of teacher competency.

“(B) SPECIAL RULE.—Notwithstanding the requirements of subparagraph (A), a State may deem a teacher to be a highly qualified
teacher for purposes of this Act, if the teacher is—

“(i) a teacher with a bachelor’s degree who has received and maintained, for the State in which the teacher teaches, a rating in the highest categories of a teacher evaluation system consistent with section 2301(b)(4);

“(ii) a teacher in a rural local educational agency, as described in section 6211(d), who teaches multiple subjects, if the teacher is a highly qualified teacher in 1 of the core academic subjects that the teacher teaches and becomes highly qualified in the additional subjects in not more than 3 years by meeting the requirements of clause (ii) or (iii) of subparagraph (A);

“(iii) a science teacher who holds a broad field science or individual science certification or licensure and whom the State determines is highly qualified for purposes of this paragraph;

“(iv) a teacher who has been determined to be highly qualified by the State as of the day before the date of enactment
of the Elementary and Secondary Education Reauthorization Act of 2011; or

“(v) a teacher who is a participant in an exchange visitor program and whom the State determines is highly qualified for the purposes of this paragraph.

“(C) Special education teachers.—
The definition of the term ‘highly qualified teacher’ shall also include a special education teacher who is highly qualified as determined under section 602(10) of the Individuals with Disabilities Education Act.

“(33) High-need local educational agency.—The term ‘high-need local educational agency’ means a local educational agency—

“(A) that serves not fewer than 10,000 children from families with incomes below the poverty line;

“(B) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; or

“(C) that is in the highest quartile of local educational agencies in the State, based on student poverty.

“(34) High-need school.—
“(A) IN GENERAL.—The term ‘high-need school’ means—

“(i) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families; or

“(ii) a high school in which not less than 40 percent of the enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools.

“(B) LOW-INCOME FAMILY.—For purposes of subparagraph (A), the term ‘low-income family’ means a family—

“(i) in which the children are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

“(ii) receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

“(iii) in which the children are eligible to receive medical assistance under the Medicaid program.
“(35) INSTITUTION OF HIGHER EDUCATION.—
The term ‘institution of higher education’ has the
meaning given that term in section 101(a) of the

“(36) LEADING INDICATORS.—The term ‘lead-
ing indicators’ means areas in which a persistently
low-achieving school is expected to demonstrate im-
provement, such as—

“(A) average student attendance rates;
“(B) teacher attendance rates;
“(C) on-time grade promotion;
“(D) credit accumulation rates;
“(E) expulsion, suspension, violence and
harassment rates;
“(F) teacher retention and turnover rates;
“(G) percentage of students failing a core,
credit-bearing course; and
“(H) entrance and placement examina-
tions, and preparation courses, for postsec-
ondary education.

“(37) LOCAL EDUCATIONAL AGENCY.—
“(A) IN GENERAL.—The term ‘local edu-
cational agency’ means a public board of edu-
cation or other public authority legally con-
stituted within a State for either administrative
control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

“(B) Administrative Control and Direction.—The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

“(C) BIE Schools.—The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of
any State educational agency other than the Bureau of Indian Affairs.

“(D) Educational service agencies.—The term includes educational service agencies and consortia of those agencies.

“(E) State educational agency.—The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

“(38) Magnet school.—The term ‘magnet school’ means a public elementary school, public secondary school, public elementary education center, or public secondary education center, that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

“(39) Mutual consent.—The term ‘mutual consent’ means a process through which—

“(A) the principal or hiring team and the teacher agree to the placement at a school;

“(B) the principal or hiring team selects teachers for the school from an unrestricted pool of internal and external candidates based on an assessment of the qualifications of the individual candidates; and
“(C) the local educational agency ensures that other schools served by the local educational agency are not being forced to accept teachers displaced from persistently low-achieving schools.

“(40) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms ‘Native American’ and ‘Native American language’ have the same meaning given those terms in section 103 of the Native American Languages Act of 1990 (25 U.S.C. 2902).

“(41) ON TRACK TO COLLEGE AND CAREER READINESS.—The term ‘on track to college and career readiness’, when used with respect to a student, means that—

“(A) the student is performing at or above the student’s grade level in a subject so that the student will be college and career ready in such subject by the time of high school graduation, as demonstrated by student performance that meets or exceeds the on-track level of student academic achievement for such subject under section 1111(a)(1)(A)(iv) for the student’s grade, as measured by the State’s assessment system under section 1111(a)(2); or
“(B) in the case of a student in a State that has chosen in accordance with section 1111(b)(1)(B) to measure student growth in addition to student achievement for purposes of determining readiness, the student meets the requirements of subparagraph (A) for a subject or the student is attaining student growth in accordance with clauses (i) and (ii) of such section in the subject.

“(42) OUTLYING AREA.—The term ‘outlying area’—

“(A) means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands;

“(B) means the Republic of Palau, to the extent permitted under section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 117 Stat. 2751) and until an agreement for the extension of United States education assistance under the Compact of Free Association becomes effective for the Republic of Palau; and

“(C) for the purpose of any discretionary grant program under this Act, includes the Republic of the Marshall Islands and the Fed-
erated States of Micronesia, to the extent per-
mitted under section 105(f)(1)(B)(viii) of the
Compact of Free Association Amendments Act

“(43) PARENT.—The term ‘parent’ includes a
dependent guardian or other person standing in loco
parentis (such as a grandparent or stepparent with
whom the child lives, or a person who is legally re-
sponsible for the child’s welfare).

“(44) P OVERTY LINE.—The term ‘poverty line’
means the poverty line (as defined by the Office of
Management and Budget and revised annually in ac-
cordance with section 673(2) of the Community
Services Block Grant Act (42 U.S.C. 9902(2)) appli-
cable to a family of the size involved.

“(45) P ROFESSIONAL DEVELOPMENT.—The
term ‘professional development’ means activities
based on scientifically valid research that are coordi-
nated and aligned to increase the effectiveness of
educators (including teachers, principals, other
school leaders, specialized instructional support per-
sonnel, paraprofessionals, and, as applicable, early
childhood educators) and are regularly assessed to
determine the activities’ effectiveness, and that—
“(A) are designed and implemented to improve student achievement and classroom practice;

“(B) are aligned with—

“(i) State academic content standards and student academic achievement standards developed under section 1111(a)(1);

“(ii) related academic and school improvement goals of the school, local educational agency, and, as appropriate, statewide and local curricula; and

“(iii) rigorous teaching standards;

“(C) increase educators’—

“(i) knowledge and understanding about how students learn;

“(ii) academic content knowledge;

“(iii) ability to analyze student work and achievement data from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis; and

“(iv) ability to instruct students with disabilities and English learners so that they are able to meet the State academic
content standards and student academic achievement standards;

“(D) address areas for improvement based on such educators’ evaluations;

“(E) are job-embedded, ongoing, collaborative, data-driven, and classroom-focused; and

“(F) are, as appropriate—

“(i) designed to provide educators with the knowledge and skills to work more effectively with parents and families; and

“(ii) provided jointly for school staff and other early childhood education and care providers, where applicable, to address the transition to elementary school, including issues related to school readiness across all major domains of early learning.

“(46) REGULAR SECONDARY SCHOOL DIPLOMA.—

“(A) IN GENERAL.—The term ‘regular secondary school diploma’ means the standard secondary school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma. Such term shall not include a GED or other recognized equivalent of a diploma, a cer-
tificate of attendance, or any lesser diploma
award.

“(B) Exception for students with
significant cognitive disabilities.—For a
student who has a significant cognitive dis-
ability and is assessed using an alternate as-
essment aligned to alternate academic achieve-
ment standards under section 1111(a)(1)(D),
receipt of a regular secondary school diploma or
a State-defined alternate diploma aligned with
completion of the student’s right to a free ap-
propriate public education under the Individuals
with Disabilities Education Act shall be counted
as graduating with a regular secondary school
diploma for the purposes of this Act, except
that not more than 1 percent of students served
by a State or a local educational agency, as ap-
propriate, shall be counted as graduates with a
regular secondary school diploma under this
subparagraph.

“(47) Scientifically based research.—
The term ‘scientifically based research’—
“(A) means research that involves the ap-
plication of rigorous, systematic, and objective
procedures to obtain reliable and valid knowl-
edge relevant to education activities and programs; and

“(B) includes research that—

“(i) employs systematic, empirical methods that draw on observation or experiment;

“(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

“(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

“(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that
those designs contain within-condition or
across-condition controls;

“(v) ensures that experimental studies
are presented in sufficient detail and clar-
ity to allow for replication or, at a min-
imum, offer the opportunity to build sys-
tematically on their findings; and

“(vi) has been accepted by a peer-re-
viewed journal or approved by a panel of
independent experts through a comparably
rigorous, objective, and scientific review.

“(48) SCIENTIFICALLY VALID RESEARCH.—The
term ‘scientifically valid research’ includes applied
research, basic research, and field-initiated research
in which the rationale, design, and interpretation are
soundly developed in accordance with principles of
scientific research.

“(49) SECONDARY SCHOOL.—The term ‘sec-
ondary school’ means a nonprofit institutional day or
residential school, including a public secondary char-
ter school, that provides secondary education, as de-
termined under State law, except that the term does
not include any education beyond grade 12.

“(50) SECRETARY.—The term ‘Secretary’
means the Secretary of Education.
“(51) Specialized instructional support personnel; specialized instructional support services.—

“(A) Specialized instructional support personnel.—The term ‘specialized instructional support personnel’ means school counselors, school social workers, school psychologists, school nurses, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

“(B) Specialized instructional support services.—The term ‘specialized instructional support services’ means the services provided by specialized instructional support personnel.

“(52) State.—The term ‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.
“(53) STATE ADVISORY COUNCIL ON EARLY
CHILDHOOD EDUCATION AND CARE.—The term
‘State Advisory Council on Early Childhood Edu-
cation and Care’ means the State Advisory Council
on Early Childhood Education and Care established
under section 642B(b) of the Head Start Act (42
U.S.C. 9837b(b)).

“(54) STATE EDUCATIONAL AGENCY.—The
term ‘State educational agency’ means the agency
primarily responsible for the State supervision of
public elementary schools and secondary schools.

“(55) TEACHER MENTORING.—The term
‘teacher mentoring’ means supporting teachers or
principals to increase the effectiveness and retention
of such teachers or principals through a program
that—

“(A) includes clear criteria for the selec-
tion of mentors that takes into account the
mentor’s—

“(i) effectiveness; and

“(ii) ability to facilitate adult learn-
ing;

“(B) provides high-quality training for
mentors in how to support teachers or prin-
cipals effectively;
“(C) provides regularly scheduled time for collaboration, examination of student work and achievement data, and ongoing opportunities for mentors and mentees to observe each other’s teaching or leading, and identify and address areas for improvement; and

“(D) matches mentees with mentors in the same field, grade, grade span, or subject area.

“(56) TURNAROUND PARTNER.—The term ‘turnaround partner’ means a public or private non-profit organization, institution of higher education, or charter management organization, with a demonstrated record of successful school improvement.

“(57) UNIVERSAL DESIGN FOR LEARNING.—The term ‘universal design for learning’ has the meaning given the term in section 103 of the Higher Education Act of 1965.”.

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) in section 1604(b) (20 U.S.C. 6574(b)), as redesignated by section 1601(a)(3) of this Act, by striking “the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pen-
sions of the Senate” and inserting “the authorizing committees”;

(2) in section 3122(b) (20 U.S.C. 6843(b)), as redesignated by section 3001(3) of this Act, by striking “the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate” and inserting “the authorizing committees”; and

(3) in section 9401(e)(4) (20 U.S.C. 7861(e)(4)), by striking “the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate” and inserting “the authorizing committees”.

SEC. 9102. UNSAFE SCHOOL CHOICE OPTION.

Section 9532(a) (20 U.S.C. 7912(a)) is amended by striking “attending” and all that follows through “victim of” and inserting “who is threatened with, or becomes a victim of,”.

SEC. 9103. EVALUATION AUTHORITY.

Section 9601 (20 U.S.C. 7941) is amended to read as follows:
SEC. 9601. EVALUATION AUTHORITY.

(a) Reservation of Funds.—Except as provided in subsection (b), the Secretary may reserve not more than 3 percent of the amount appropriated to carry out each categorical program and demonstration project authorized under this Act. The reserved amounts shall be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

(1) conduct—

(A) comprehensive, high-quality evaluations of the program or project that—

(i) provide information to inform policy-making and to support continuous program improvement; and

(ii) use methods appropriate for the questions being asked; and

(B) impact evaluations that employ experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences;

(2) provide technical assistance to grant recipients on—

(A) the conduct of the evaluation activities that the grantees carry out under this Act; and
“(B) the collection and reporting of performance data relating to the program or project;

“(3) evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs assisted or authorized under this Act and related Federal preschool, elementary, and secondary programs under any other Federal law;

“(4) increase the usefulness of evaluations of grant recipients in order to ensure the continuous progress of the program or project by improving the quality, timeliness, efficiency, dissemination, and use of information relating to performance under the program or project; and

“(5) identify and disseminate research and best practices related to the programs and projects authorized under this Act.

“(b) Title I.—The Secretary may not reserve under subsection (a) more than 1 percent of the funds appropriated to carry out title I.

“(c) Evaluation Plan.—Beginning not later than 1 year after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, the Secretary shall annually develop and submit to Congress a plan that—
“(1) describes the timeline for evaluation of the programs and projects authorized under this Act;
and

“(2) describes the specific evaluation activities that the Secretary intends to carry out for such programs and projects during the next year.

“(d) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—If, under any other provision of this Act (other than title I), funds are authorized to be reserved or used for evaluation activities with respect to a program or project, the Secretary may not reserve additional funds under this section for the evaluation of that program or project.

“(e) SPECIAL RULE REGARDING ALLOCATION FOR IMPACT EVALUATIONS.—The Secretary shall use not less than 30 percent of the funds reserved under this section for each of the fiscal years 2012 through 2017, in the aggregate for each year, for impact evaluations that meet the requirements of subsection (a)(1).”.

SEC. 9104. CONFORMING AMENDMENTS.

(a) REORGANIZATION.—Title IX (20 U.S.C. 7801 et seq.) is amended by adding at the end the following:

“PART G—MISCELLANEOUS PROVISIONS”.

(b) CONFORMING AMENDMENTS.—Title IX (20 U.S.C. 7801 et seq.) is amended—
(1) in section 9401 (20 U.S.C. 7861)—

(A) in subsection (b)(1)(C), by striking “,

in accordance with section 1111(b),”; and

(B) in subsection (e), by striking “subpart
1 of part B of title V” and inserting “subpart
1 of part D of title V”;

(2) by striking paragraph (1) of section
9501(b) (20 U.S.C. 7881(b)) and inserting the fol-
lowing:

“(1) IN GENERAL.—This section applies to pro-
grams under—

“(A) part C of title I;

“(B) part A of title II, to the extent pro-
vided in paragraph (3);

“(C) part A of title III;

“(D) part A of title IV;

“(E) part B of title IV;

“(F) part D of title IV; and

“(G) part E of title IV.”; and

(3) in section 9534(b) (20 U.S.C. 7914(b)), by
striking “part B of title V” each place the term ap-
ppears and inserting “part D of title V”.
TITLE X—COMMISSION ON EFFECTIVE REGULATION AND ASSESSMENT SYSTEMS FOR PUBLIC SCHOOLS

SEC. 10011. SHORT TITLE.
This title may be cited as the “Commission on Effective Regulation and Assessment Systems for Public Schools Act”.

SEC. 10012. DEFINITIONS.
In this title:

(1) CHAIRPERSON.—The term “Chairperson” means the Chairperson of the Commission.

(2) COMMISSION.—The term “Commission” means the Commission on Effective Regulation and Assessment Systems for Public Schools.

SEC. 10013. ESTABLISHMENT OF COMMISSION ON EFFECTIVE REGULATION AND ASSESSMENT SYSTEMS FOR PUBLIC SCHOOLS.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a commission to be known as the “Commission on Effective Regulation and Assessment Systems for Public Schools”.

(b) PURPOSE.—The Commission shall—
(1) examine Federal, State, and local regulatory requirements on elementary and secondary education;

(2) make recommendations on how to align and improve such Federal, State, and local requirements to improve performance and innovation;

(3) examine the quality and purpose of current Federal, State, and local assessment requirements; and

(4) make recommendations to improve and align assessment systems to provide quality and meaningful information for parents, teachers, and students to improve student achievement, teacher performance, and innovation.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of—

(A) 4 Governors;

(B) 6 State legislators;

(C) 2 Chief State school officers;

(D) 2 State officials responsible for administering Federal education programs;

(E) 4 superintendents;

(F) 2 principals;

(G) 2 teachers;
(H) 2 assessment experts; and

(I) 2 teacher and principal effectiveness experts.

(2) RECOMMENDATIONS.—The Secretary shall solicit input and nominations for appointing members of the Commission from—

(A) Governors;

(B) members of Congress;

(C) State legislators;

(D) superintendents, principals, teachers, and other members of the education community; and

(E) parents, students, and other members of the general public.

(3) DETERMINATION.—The Secretary shall determine the membership of the Commission after considering recommendations submitted under paragraph (2).

(d) CHAIRPERSON.—The Secretary shall designate a Governor as the Chairperson of the Commission.

(e) MEETINGS.—The Commission shall hold, at the call of the Chairperson, not less than 1 meeting every 6 months. All such meetings shall be open to the public. The Commission may hold, at the call of the Chairperson, such
other meetings as the Chairperson sees fit to carry out this title.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) INITIAL MEETING.—The Commission shall hold its first meeting not later than 60 days after the date of enactment of this Act.

SEC. 10014. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission shall hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission determines appropriate to carry out this title.

(2) PARTICIPATION.—In hearings held under this subsection, the Commission shall consider inviting witnesses from, among other groups—

(A) teachers;

(B) parents;

(C) principals;

(D) superintendents;

(E) Federal, State, and local educational agency personnel;

(F) researchers and other experts; and
(G) any other individuals determined appropriate by the Commission.

(b) **Information From Federal Agencies.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chairperson, the head of such department or agency shall furnish such information to the Commission.

**SEC. 10015. Duties of the Commission.**

(a) **Duties.**—

(1) **In General.**—The Commission shall take such actions as it determines necessary to gain a full understanding of the issues of effective regulation and assessment systems for public schools.

(2) **Areas of Emphasis.**—The Commission shall focus—

(A) in examining the over-regulation of public schools, on—

(i) examining Federal, State, and local regulations governing public schools;

(ii) differentiating between financial, programmatic, general education, special education, and civil rights requirements;

(iii) identifying which government entity requires each regulation;
(iv) measuring the cost of compliance in terms of funds spent on compliance and time in hours and personnel;

(v) identifying duplicative, redundant, or unnecessary regulations at each governmental level; and

(vi) investigating how Federal, State, and local interpretations of laws and regulations create an additional or unnecessary burden and are used as a rationale for imposing requirements that are not actually mandated by law; and

(B) in examining the effective testing of public schools, on—

(i) examining Federal, State, and local testing and standardized assessment requirements for public elementary schools, middle schools, and high schools;

(ii) determining the purpose and intent of each such test or assessment, including whether it is intended to measure student achievement and growth, teacher and principal effectiveness, or system accountability;
(iii) determining the frequency, length, and scheduling of such tests and assessments, and measuring, in hours and days, the student and teacher time spent on testing;

(iv) examining standardized assessments required by Federal, State, or local requirements, excluding teacher-created tests and quizzes and formative assessments;

(v) reporting on the quality of standardized assessments;

(vi) examining reporting practices of test results and the degree to which such results are returned in a timely manner with sufficient quality to be useful to parents, teachers and principals, and students to inform and improve their work, including targeting instruction to student needs, grading student work, and evaluating teacher and principal effectiveness;

(vii) analyzing the ability of quality assessments to measure whether a student is prepared to graduate from high school
and pursue college or a career without the need for academic remediation;

(viii) examining what factors most contribute to quality assessments and the extent to which high-quality assessments can advance student learning;

(ix) determining the technology infrastructure required for next generation assessments; and

(x) identifying opportunities to improve assessment practices to better promote parent, teacher and principal, and student understanding of progress toward college and career readiness and public understanding of school performance and educational productivity.

(3) SAMPLES.—In conducting its work under this title, the Commission may rely on samples of States and local educational agencies for examples of regulations and testing requirements.

(b) REPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall provide regular reports in a manner and form of the Commission’s choosing to—

(A) the Secretary; and
(B) the members of the authorizing committees.

(2) ANNUAL REPORT.—Not later than 1 year after the date of the first meeting of the Commission, and annually thereafter, the Commission shall issue a report to—

(A) the Secretary; and

(B) the members of the authorizing committees.

(3) PUBLIC REPORT.—The Commission shall—

(A) prepare a report—

(i) analyzing findings of the Commission; and

(ii) making recommendations for Federal, State, and local policy makers; and

(B) broadly disseminate such report to the general public.

(c) TESTIMONY.—The Chairperson shall annually provide testimony to the authorizing committees.

SEC. 10016. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall serve without compensation in addition to any such compensation received for the member’s service as an officer or employee of the United States, if applicable.
(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **ASSISTANCE.**—

(1) **IN GENERAL.**—The Assistant Secretary of Elementary and Secondary Education shall provide assistance to the Commission, upon request of the Commission, without reimbursement.

(2) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

**TITLE XI—AMENDMENTS TO OTHER LAWS; MISCELLANEOUS PROVISIONS**

**PART A—AMENDMENTS TO OTHER LAWS**

**Subpart 1—McKinney-Vento Homeless Assistance Act**

**SEC. 11011. SHORT TITLE.**

This subpart may be cited as the “McKinney-Vento Homeless Education Reauthorization Act of 2011”.
SEC. 11012. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) is amended to read as follows:

“Subtitle B—Education for Homeless Children and Youth

SEC. 721. STATEMENT OF POLICY.

“The following is the policy of Congress:

“(1) Each State shall ensure that each homeless child and youth has access to the same free appropriate public education, including a public preschool education, as is provided to other children and youth.

“(2) In any State where compulsory residency requirements or other requirements of laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youth, the State shall review and revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free appropriate public education as is provided to other children and youth.
“(3) Homelessness is not a sufficient reason to separate students from the mainstream school environment.

“(4) Homeless children and youth shall have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same college and career ready State student academic achievement standards to which all students are held.

“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

“(a) General Authority.—The Secretary is authorized to make grants to States from allotments made under subsection (c) and in accordance with this section to enable such States to carry out the activities described in subsections (d) through (h).

“(b) Application.—In order for a State to be eligible to receive a grant under this section, the State educational agency, in consultation with other relevant State agencies, shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.
“(c) ALLOCATION AND RESERVATIONS.—

“(1) ALLOCATION.—

“(A) IN GENERAL.—Subject to subparagraph (C), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724 (d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except as provided in subparagraph (B).

“(B) MINIMUM ALLOTMENTS.—No State shall receive for a fiscal year less under this paragraph than the greater of—

“(i) $150,000; or

“(ii) an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724 (d) and (h), as the amount the
State received under this paragraph for the preceding fiscal year bears to the total amount received by all States under this paragraph for the preceding fiscal year.

“(C) Reduction for Insufficient Funds.—If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (B), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

“(2) Reservations.—

“(A) Students in Territories.—The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary. Funds allocated under this subparagraph shall be used for programs that are con-
sistent with the purposes of the programs de-
scribed in this subtitle.

“(B) INDIAN STUDENTS.—

“(i) TRANSFER.—The Secretary shall
transfer 1 percent of the amount appro-
priated for each fiscal year under section
726 to the Department of the Interior for
programs that are for Indian students
served by schools funded by the Secretary
of the Interior, as determined under the
Indian Self-Determination and Education
Assistance Act (25 U.S.C. 450 et seq.),
and that are consistent with the purposes
of the programs described in this subtitle.

“(ii) AGREEMENT.—The Secretary of
Education and the Secretary of the Inter-
ior shall enter into an agreement, con-
sistent with the requirements of this sub-
title, for the distribution and use of the
funds described in clause (i) under terms
that the Secretary of Education determines
best meet the purposes of the programs de-
scribed in this subtitle. Such agreement
shall set forth the plans of the Secretary of
the Interior for the use of the funds trans-
ferred, including appropriate goals, objectives, and milestones for that use.

“(d) STATE ACTIVITIES.—Grant funds from a grant made to a State under this section shall be used for the following:

“(1) To provide activities for and services to improve the identification of homeless children and youth and enable such children and youth to enroll in, attend, and succeed in school.

“(2) To establish or designate an Office of the Coordinator for Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f) that has sufficient knowledge, authority, and time to carry out the duties described in this subtitle.

“(3) To prepare and carry out the duties described in subsection (f) in the State plan described in subsection (g).

“(4) To develop and implement professional development activities for liaisons designated under subsection (g)(1)(J)(ii), other local educational agency and school personnel, and community agencies—

“(A) to improve their identification of homeless children and youth; and
“(B) to improve their awareness of, and
capacity to respond to, specific needs in the
education of homeless children and youth.

“(c) State and Local Subgrants.—

“(1) Minimum disbursements by states.—
From the grant funds made available each year to
a State under subsection (a) to carry out this sub-
title, the State educational agency—

“(A) may use not more that 20 percent of
the State’s allocation under subsection (c)(1) or
$85,000, whichever amount is greater, for
State-level activities; and

“(B) shall use the remainder of the State’s
allocation after using amounts for State-level
activities under subparagraph (A) to award sub-
grants to local educational agencies for the pur-
poses of carrying out section 723.

“(2) Use by State Educational Agency.—
A State educational agency may use funds for State-
level activities made available under paragraph
(1)(A) to conduct activities under subsection (f) di-
rectly or through grants or contracts.

“(3) Prohibition on segregating homeless
students.—
“(A) IN GENERAL.—Except as provided in subparagraph (B), in providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child’s or youth’s status as homeless.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this subtitle relating to the placement of homeless children or youths in schools, a State that has a separate school for homeless children or youths that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this subtitle for programs carried out in such school if—

“(i) the school meets the requirements of subparagraph (C);

“(ii) any local educational agency serving a school that the homeless children and youths enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E); and
“(iii) the State is otherwise eligible to receive funds under this subtitle.

“(C) SCHOOL REQUIREMENTS.—For the State to be eligible under subparagraph (B) to receive funds under this subtitle, the school described in such subparagraph shall—

“(i) provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that—

“(I) shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);

“(II) sets forth the general rights provided under this subtitle;

“(III) specifically states—

“(aa) the choice of schools homeless children and youths are eligible to attend, as provided in subsection (g)(4)(A);

“(bb) that no homeless child or youth is required to attend a
separate school for homeless children or youths;

“(cc) that homeless children and youths shall be provided comparable services described in subsection (g)(5), including transportation services, educational services, and meals through school meals programs; and

“(dd) that homeless children and youths should not be stigmatized by school personnel; and

“(IV) provides contact information for the local liaison for homeless children and youths and the State Coordinator for Education of Homeless Children and Youths;

“(ii)(I) provide assistance to the parent or guardian of each homeless child or youth (or, in the case of an unaccompanied youth, the youth) to exercise the right to attend the parent’s or guardian’s (or youth’s) choice of schools, as provided in subsection (g)(4)(A); and
“(II) coordinate with the local educational agency with jurisdiction for the school selected by the parent or guardian (or youth), to provide transportation and other necessary services;

“(iii) ensure that the parent or guardian (or, in the case of an unaccompanied youth, the youth) shall receive the information required by this subparagraph in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth); and

“(iv) demonstrate in the school’s application for funds under this subtitle that such school—

“(I) is complying with clauses (i) and (ii); and

“(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with sections 1111 and
1116 of the Elementary and Secondary Education Act of 1965 and providing a full range of education and related services, including services applicable to students with disabilities).

“(D) SCHOOL INELIGIBILITY.—A separate school described in subparagraph (B) that fails to meet the standards, regulations, and mandates described in subparagraph (C)(iv)(II) shall not be eligible to receive funds under this subtitle for programs carried out in such school after the first date of such failure.

“(E) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—For the State to be eligible to receive the funds described in subparagraph (B), the local educational agency described in subparagraph (B)(ii) shall—

“(i) implement a coordinated system for ensuring that homeless children and youths—

“(I) are advised of the choice of schools provided in subsection (g)(4)(A);
“(II) are immediately enrolled, in accordance with subsection (g)(4)(C), in the school selected under subsection (g)(4)(A); and

“(III) are promptly provided necessary services described in subsection (g)(5), including transportation, to allow homeless children and youths to exercise their choices of schools under subsection (g)(4)(A);

“(ii) document that written notice has been provided—

“(I) in accordance with subparagraph (C)(i) for each child or youth enrolled in a separate school under subparagraph (B); and

“(II) in accordance with subsection (g)(7)(A)(vi);

“(iii) prohibit schools within the agency’s jurisdiction from referring homeless children or youths to, or requiring homeless children and youths to enroll in or attend, a separate school described in subparagraph (B);
“(iv) identify and remove any barriers that exist in schools within the agency’s jurisdiction that may have contributed to the creation or existence of separate schools described in subparagraph (B); and

“(v) not use funds received under this subtitle to establish—

“(I) new or additional separate schools for homeless children or youths; or

“(II) new or additional sites for separate schools for homeless children or youths, other than the sites occupied by the schools described in subparagraph (B) in fiscal year 2000.

“(F) REPORT.—

“(i) PREPARATION.—The Secretary shall prepare a report on the separate schools and local educational agencies described in subparagraph (B) that receive funds under this subtitle in accordance with this paragraph. The report shall contain, at a minimum, information on—

“(I) compliance with all requirements of this paragraph;
“(II) barriers to school access in the school districts served by the local educational agencies; and

“(III) the progress the separate schools are making in integrating homeless children and youths into the mainstream school environment, including the average length of student enrollment in such schools.

“(ii) Compliance with information requests.—For purposes of enabling the Secretary to prepare the report, the separate schools and local educational agencies shall cooperate with the Secretary and the State Coordinator for Education of Homeless Children and Youths established in the State under subsection (d)(2), and shall comply with any requests for information by the Secretary and State Coordinator for such State.

“(iii) Submission.—The Secretary shall submit the report described in clause (i) to—

“(I) the President;
“(II) the Committee on Education and the Workforce of the House of Representatives; and

“(III) the Committee on Health, Education, Labor, and Pensions of the Senate.

“(G) Definition.—For purposes of this paragraph, the term ‘covered county’ means—

“(i) San Joaquin County, California;

“(ii) Orange County, California;

“(iii) San Diego County, California;

and

“(iv) Maricopa County, Arizona.

“(f) Functions of the Office of the Coordinator.—The Coordinator for Education of Homeless Children and Youth established in each State shall—

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

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

“(B) the difficulties in identifying the special needs and barriers to participation and achievement of such children and youth;
“(C) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

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

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

“(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may require, reports containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and youth within the State, including data requested pursuant to subsection (h) of section 724;

“(4) improve the provision of comprehensive education and related support services to homeless children and youth and their families, and to minimize educational disruption, through coordination of activities, and collaboration with—
“(A) educators, including teachers, administrators, special education personnel, and child development and preschool program personnel;

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

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

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

“(E) community organizations and groups representing homeless children and youth and their families;
“(5) provide professional development and technical assistance to and conduct monitoring of local educational agencies, in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of paragraphs (3) through (7) of subsection (g), and subsection (h); and

“(6) make opportunities available for teachers and local educational agency liaisons designated under subsection (g)(1)(J)(ii) to participate in ongoing and relevant professional development programs and activities.

“(g) STATE PLAN.—

“(1) IN GENERAL.—Each State shall submit to the Secretary and implement a plan to provide for the education of all homeless children and youth within the State. Such plan shall include the following:

“(A) A description of how such children and youth are (or will be) given the opportunity—

“(i) to meet the same college and career ready State student academic achieve-
ment standards as all students are expected to meet; and

“(ii) to become college and career ready.

“(B) A description of the procedures the State educational agency will use, in coordination with local educational agencies, to identify such children and youth in the State and to assess their needs.

“(C) A description of procedures for the prompt resolution of disputes arising under this subtitle, which shall—

“(i) be developed in coordination and collaboration with the liaisons designated under subparagraph (J)(ii);

“(ii) be readily available and provided in a written format and, to the extent practicable, in a manner and form understandable to the parents and guardians of homeless children and youth;

“(iii) take into account the educational best interest of the homeless child or youth, or unaccompanied youth, involved; and
“(iv) ensure that parents and guardians of homeless children and youth, and unaccompanied youth, who have exhausted the procedures available under this paragraph are able to appeal to the State educational agency, and are enrolled in school pursuant to paragraph (4)(C) and receive transportation pursuant to subparagraph (J)(iii) pending final resolution of the dispute.

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

“(E) A description of procedures that ensure that homeless children and youth are able to participate in Federal, State, or local nutrition programs.

“(F) A description of procedures that ensure that—
“(i) homeless children have access to public preschool programs, administered by the State educational agency or local educational agency, including through the policies and practices required under paragraph (3);

“(ii) homeless youth, including youth separated from public schools, are identified and accorded equal access to appropriate and available secondary education and support services, including receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, and for work completed after their enrollment in a new school, consistent with State graduation requirements and accreditation standards; and

“(iii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care, magnet schools, summer schools, career and technical education, advanced placement, online learning opportunities, charter school
programs, and relevant workforce investment programs.

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

“(H) Strategies to address other problems with respect to the education of homeless children and youth, including enrollment problems related to—

“(i) immunization and other required health records and screenings;

“(ii) residency requirements;

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

“(iv) guardianship issues; or

“(v) uniform or dress code requirements.

“(I) A demonstration that the State educational agency, and local educational agencies and schools in the State, have developed and shall regularly review and revise their policies and practices to remove barriers to the identification, enrollment, attendance, retention, and success of homeless children and youth in schools in the State.
“(J) Assurances that the following will be carried out:

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

“(ii) Local educational agencies will designate an appropriate staff person as the local educational agency liaison for homeless children and youth, who shall have sufficient training and time to carry out the duties described in paragraph (7)(A), and who may also be a coordinator for other Federal programs.

“(iii) The State and local educational agencies in the State will adopt policies and practices to ensure that transportation is provided at the request of the parent or guardian involved (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, for as long as the student has the right to attend the school of origin as determined in para-
graph (4)(A), in accordance with the following, as applicable:

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

“(II) If the child’s or youth’s living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing the child’s or youth’s education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency for the area in which the child or youth is living shall agree upon a method to apportion the responsibility and cost for providing transportation to and from the school of origin. If the local edu-
cational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally between the agencies.

“(iv) SCHOOL SUCCESS.—The State educational agency and local educational agencies will adopt policies and practices to promote school success for homeless children and youth, including access to full participation in academic and extracurricular activities that are made available to non-homeless students.

“(2) COMPLIANCE.—

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

“(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).
“(3) School readiness for homeless children.—Each State plan adopted under this subsection shall ensure that entities carrying out preschool programs funded, administered, or overseen by the agency involved—

“(A) shall not be required to enroll a homeless child immediately in an early learning program that is operating at full capacity when the child seeks to enroll;

“(B) identify and prioritize homeless children for enrollment and increase their enrollment and attendance in early learning programs, including through policies such as—

“(i) reserving spaces in preschool programs for homeless children;

“(ii) conducting targeted outreach to homeless children and their families;

“(iii) waiving application deadlines;

“(iv) providing ongoing professional development for staff regarding the needs of homeless children and their families and strategies to serve the children and families; and

“(v) developing the capacity to serve all identified homeless children; and
“(C) review the educational and related needs of homeless children and their families in such agency's service area, in coordination with the liaison designated under paragraph (1)(J)(ii).

“(4) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

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

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

“(I) in any case in which the child or youth becomes a homeless child or youth between academic years or during an academic year; and

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

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

“(B) Best interest in school stability.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

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

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

“(iii) if, after conducting the best interest determination described in clause (ii), the local educational agency determines that it is not in the child’s or youth’s best interest to attend the school of
origin or the school requested by the par-
ent, guardian, or unaccompanied youth,
provide, in coordination with the local edu-
cation agency liaison, the homeless child’s
or youth’s parent or guardian or the unac-
accompanied youth, with a written expla-
nation in a manner or form understandable
to such parent, guardian, or youth, to the
extent practicable, including a statement
regarding the right to appeal under sub-
paragraph (E);

“(iv) in the case of an unaccompanied
youth, ensure that the local educational
agency liaison assists in placement or en-
rollment decisions under this subpara-
graph, gives priority to the views of such
unaccompanied youth, and provides notice
to such youth of the right to appeal under
subparagraph (E); and

“(v) provide transportation pursuant
to paragraphs (1)(J)(iii) and (4).

“(C) ENROLLMENT.—

“(i) ENROLLMENT.—The school se-
lected in accordance with this paragraph
shall immediately enroll the homeless child
or youth, even if the child or youth—

“(I) is unable to produce records
traditionally required for enrollment,
including previous academic records,
health records, proof of residency or
guardianship, or other documentation;

“(II) has unpaid fines or fees
from prior schools or is unable to pay
fees in the school selected; or

“(III) has missed application or
enrollment deadlines during any pe-
riod of homelessness.

“(ii) Contacting school last at-
tended.—The enrolling school shall im-
mmediately contact the school last attended
by the child or youth to obtain relevant
academic and other records.

“(iii) Relevant health records.—
If the child or youth needs to obtain immu-
nizations or other required health records,
the enrolling school shall immediately refer
the parent or guardian of the child or
youth, or the unaccompanied youth, to the
local educational agency liaison designated
under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records in accordance with subparagraph (D).

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

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

““(i) so that the records involved are available when a homeless child or youth enters a new school or school district, even if the child or youth owes fees or fines or did not withdraw from the previous school in conformance with local withdrawal procedures; and

“(E) DISPUTES.—If a dispute arises over eligibility, enrollment, school selection, or service in a public school or public preschool, or any other issue relating to services under this subtitle—

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

“(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school’s decision regarding eligibility for enrollment, school selection, or services, made by the school or the local educational agency, which shall include information about the right to appeal the decision;

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

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

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

“(G) SCHOOL OF ORIGIN DEFINED.—In this paragraph, the term ‘school of origin’ means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

“(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.
“(I) PRIVACY.—Information about a homeless child’s or youth’s living situation shall be treated as a student education record under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and shall not be released to housing providers, employers, law enforcement personnel, or other persons or agencies not authorized to have such information under section 99.31 of title 34, Code of Federal Regulations, paying particular attention to preventing disruption of the living situation of the child or youth and to supporting the safety of such children and youth who are survivors of domestic violence and unaccompanied youth.

“(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this paragraph shall ensure that homeless children and youth have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including implementing the policies and practices required by paragraph (1)(J)(iv).

“(K) SCHOOL READINESS FOR HOMELESS CHILDREN.—Each local educational agency
shall ensure school readiness for homeless children as described in paragraph (3).

“(5) COMPARABLE SERVICES.—In addition to receiving services provided for homeless children and youth under this subtitle or other Federal, State, or local laws, regulations, policies, or practices, each homeless child or youth to be assisted under this subtitle also shall be provided services comparable to services offered to other students in the school selected under paragraph (4), including the following:

“(A) Transportation services.

“(B) Educational services for which the child or youth meets the eligibility criteria, including services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), similar State or local programs, charter schools, magnet schools, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

“(C) Programs in career and technical education.

“(D) Programs for gifted and talented students.

“(E) School nutrition programs.
“(F) Health and counseling services, as appropriate.

“(6) COORDINATION.—

“(A) IN GENERAL.—Each local educational agency shall coordinate—

“(i) the provision of services under this subtitle with the services of local social services agencies and other agencies or entities providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

“(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

“(B) HOUSING ASSISTANCE.—Each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate, if applicable, with State and local housing agencies responsible for developing a comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42
U.S.C. 12705) to minimize education disruption for children and youth who become homeless.

“(C) COORDINATION PURPOSE.—The coordi-
nation required under subparagraphs (A) and (B) shall be designed to—

“(i) ensure that all homeless children and youth are identified within a reason-
able time frame;

“(ii) ensure that homeless children and youth have access to and are in rea-
sonable proximity to available education and related support services; and

“(iii) raise the awareness of school personnel and service providers of the ef-
facts of short-term stays in a shelter and other challenges associated with home-
lessness.

“(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youth who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or sec-
tion 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this
subtitle with the provision of programs for children with disabilities served by such local educational agency and other involved local educational agencies.

“(7) LOCAL EDUCATIONAL AGENCY LIASON.—

“(A) DUTIES.—Each local educational agency liaison for homeless children and youth, designated under paragraph (1)(J)(ii), shall ensure that—

“(i) all homeless children and youth are identified by school personnel and through outreach and coordination activities with other entities and agencies;

“(ii) homeless children and youth are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

“(iii) homeless families, and homeless children and youth, have access to educational services for which such families, children, and youth are eligible, including services through Head Start, Early Head Start, early intervention, and Even Start programs, and preschool programs described in paragraph (3);
“(iv) homeless families, and homeless children and youth receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

“(v) the parents or guardians of homeless children and youth are informed of the educational and related opportunities available to their children, including early learning opportunities, and are provided with meaningful opportunities to participate in the education of their children;

“(vi) public notice of the educational rights of homeless children and youth is incorporated into documents related to residency requirements or enrollment, provided upon school enrollment and withdrawal, posted on the local educational agency’s website, and disseminated in locations frequented by parents or guardians of such children and youth, and unaccompanied youth, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to parents and
guardians of homeless children and youth
and unaccompanied youth;

“(vii) disputes are resolved in accordance with paragraph (4)(E);

“(viii) the parent or guardian of a homeless child or youth, and any unaccomp-
panied youth, is fully informed of all trans-
portation services, including transportation
to the school of origin, as described in
paragraph (1)(J)(iii), and is assisted in ac-
cessing transportation to the school that is
selected under paragraph (4)(A);

“(ix) school personnel are adequately
prepared to implement this subtitle and re-
ceive professional development, resource
materials, technical assistance, and other
support; and

“(x) unaccompanied youth—

“(I) are enrolled in school;

“(II) have opportunities to meet
the same college and career ready
State student academic achievement
standards to which other students are
held, including through implementa-
tion of the policies and practices re-
quired by subparagraphs (F)(ii) and (J)(iv) of paragraph (1); and

“(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv), including through school counselors that have received professional development about unaccompanied youth, and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

“(B) NOTICE.—State Coordinators appointed under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families and homeless children and youth of the contact information and duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons on the State educational agency’s website.

“(C) LOCAL AND STATE COORDINATION.—

The local educational agency liaisons shall, as a
part of their duties, coordinate and collaborate
with the State Coordinators and community
and school personnel responsible for the provi-
sion of education and related support services
to homeless children and youth. Such coordina-
tion shall include collecting and providing to the
State Coordinator the reliable, valid, and com-
prehensive data needed to meet the require-
ments of paragraphs (1) and (3) of subsection
(f).

“(D) PROFESSIONAL DEVELOPMENT.—The
local educational agency liaisons shall partici-
pate, as appropriate, in the professional devel-
opment and other technical assistance activities
provided by the State Coordinator pursuant to
subsection (f)(5).

“(h) SPECIAL RULE FOR EMERGENCY ASSIST-
ANCE.—

“(1) EMERGENCY ASSISTANCE.—

“(A) RESERVATION OF AMOUNTS.—Sub-
ject to paragraph (4) and notwithstanding any
other provision of this title, the Secretary shall
use funds appropriated under section 726 for
fiscal year 2012, for the purposes of providing
emergency assistance through grants.
“(B) General Authority.—The Secretary may use the funds to make grants to State educational agencies under paragraph (2), to enable the agencies to make subgrants to local educational agencies under paragraph (3), to provide activities described in section 723(d) for individuals referred to in subparagraph (C).

“(C) Eligible Individuals.—Funds made available under this subsection shall be used to provide such activities for eligible individuals, consisting of homeless children and youths, and their families, who—

“(i) have become homeless due to home foreclosure, including children and youths, and their families, who became homeless when lenders foreclosed on properties rented by the families; or

“(ii) have become homeless due to a major disaster, including natural disasters such as hurricanes, tornadoes, and floods, or man-made disasters such as acts of terrorism.

“(2) Grants to State Educational Agencies.—
“(A) DISBURSEMENT.—The Secretary shall make grants with funds provided under paragraph (1)(A) to State educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the States involved, as determined by the Secretary.

“(B) ASSURANCE.—To be eligible to receive a grant under this paragraph, a State educational agency shall provide an assurance to the Secretary that the State educational agency, and each local educational agency receiving a subgrant from the State educational agency under this subsection shall ensure that the activities carried out under this subsection are consistent with the activities described in section 723(d).

“(3) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—A State educational agency that receives a grant under paragraph (2) shall use the funds made available through the grant to make subgrants to local educational agencies. The State educational agency shall make the subgrants to local educational agencies based on need, consistent with the number of eligible individuals described in para-
graph (1)(C) in the areas served by the local educational agencies, as determined by the State educational agency.

“(4) RESTRICTION.—The Secretary—

“(A) shall determine the amount (if any) by which the funds appropriated under section 726 for fiscal year 2009 exceed $70,000,000; and

“(B) may only use funds from that amount to carry out this subsection.

“(i) SCHOOL READINESS FOR HOMELESS CHILDREN.—Each State educational agency and local educational agency receiving assistance under this subtitle shall ensure that programs serving public preschool children comply with the requirements of this subtitle.

“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

“(a) GENERAL AUTHORITY.—

“(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 726, make subgrants to local educational agencies for the purpose of facilitating the identifica-
tion, enrollment, attendance, and success in school
of homeless children and youth.

“(2) Services.—

“(A) In general.—Services under para-

graph (1)—

“(i) may be provided through pro-

grams on school grounds or at other facili-
ties; and

“(ii) shall, to the maximum extent

practicable, be provided through existing

programs and mechanisms that integrate

homeless children and youth with non-

homeless children and youth.

“(B) Services on school grounds.—If

services under paragraph (1) are provided to

homeless children and youth on school grounds,

the school involved may use funds under this

subtitle to provide the same services to other

children and youth who are determined by the

local educational agency serving the school to be

at risk of failing in, or dropping out of, school.

“(3) Requirement.—Services provided under

this section shall not replace the regular academic

program and shall be designed to expand upon or
improve services provided as part of the school’s regular academic program.

“(4) **Duration of Grants.**—Subgrants awarded under this section shall be for terms of not to exceed 3 years.

“(b) **Application.**—A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following:

“(1) An assessment of the educational and related needs of homeless children and youth in the area served by the local educational agency (which may be undertaken as part of a needs assessment for another disadvantaged group).

“(2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

“(3) An assurance that the local educational agency’s combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fis-
cal year for which the subgrant determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

“(4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

“(5) A description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

“(6) An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

“(7) An assurance that the local educational agency has removed the policies and practices that have created barriers to the identification, enrollment, attendance, retention, and success in school of all homeless children and youth.

“(c) AWARDS.—

“(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it
under section 722(a), make subgrants on a competitive basis to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

“(2) NEED.—

“(A) IN GENERAL.—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary schools, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youth and the ability of the local educational agency to meet such needs.

“(B) OTHER CONSIDERATIONS.—The State educational agency may also consider the following:

“(i) The extent to which the proposed use of funds will facilitate the identification, enrollment, attendance, retention, and educational success of homeless children and youth.
“(ii) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth.

“(iii) The extent to which the applicant exhibits in the application and in current practice (as of the date of submission of the application) a commitment to education for all homeless children and youth.

“(iv) Such other criteria as the State agency determines to be appropriate.

“(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider each of the following:

“(A) The applicant’s needs assessment under subsection (b)(2) and the likelihood that the program presented in the application will meet such needs.

“(B) The types, intensity, and coordination of the services to be provided under the program.

“(C) The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youth in the education of their children.
“(D) The extent to which homeless children and youth will be integrated into the regular education program involved.

“(E) The quality of the applicant’s evaluation plan for the program.

“(F) The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youth and their families, including housing and social services and services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and similar State and local programs.

“(G) The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing nonsubgrant funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.

“(H) The local educational agency’s use of funds to serve homeless children and youth under section 1113(c)(3) of the Elementary and
Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).

“(I) The extent to which the applicant’s program meets such other measures as the State educational agency considers to be indicative of a high-quality program, including the extent to which the local educational agency will provide services to unaccompanied youth and preschool-aged children.

“(J) The extent to which the application describes how the applicant will meet the requirements of section 722(g)(4).

“(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

“(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same college and career ready State academic content standards and college and career ready State student academic achievement standards as the State establishes for other children and youth.

“(2) The provision of expedited evaluations of the strengths, needs, and eligibility of homeless chil-
children and youth, including needs and eligibility for
programs and services (including educational pro-
grams for gifted and talented students, children with
disabilities, and students with limited English pro-
ficiency, charter school programs, magnet school
programs, and programs in career and technical
education, and school nutrition programs).

“(3) Professional development and other activi-
ties for educators and specialized instructional sup-
port personnel that are designed to heighten the un-
derstanding and sensitivity of such educators and
personnel to the needs of homeless children and
youth, the rights of such children and youth under
this subtitle, and the specific educational needs of
runaway and homeless youth.

“(4) The provision of referral services to home-
less children and youth for medical, dental, mental,
and other health services.

“(5) The provision of assistance to defray the
cost of transportation under paragraphs (1)(J)(iii)
and (5)(A) of section 722(g), not otherwise provided
through Federal, State, or local funding.

“(6) The provision of developmentally appro-
priate early childhood and care programs, not other-
wise provided through Federal, State, or local funding.

“(7) The provision of services and assistance to attract, engage, and retain homeless children and youth, particularly homeless children and youth who are not enrolled in school, in public school programs and services provided to nonhomeless children and youth.

“(8) The provision for homeless children and youth of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

“(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to facilitate the appropriate placement of homeless children and youth in school, including birth certificates, immunization or other required health records, academic records, guardianship records, and evaluations for special programs or services.

“(10) The provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth, and other activities designed to in-
crease the meaningful involvement of families of homeless children or youth in the education of their children.

“(11) The development of coordination of activities between schools and agencies providing services to homeless children and youth, as described in section 722(g)(6).

“(12) The provision of specialized instructional support services (including counseling) and referrals for such services.

“(13) Activities to address the particular needs of homeless children and youth that may arise from domestic violence and parental mental health or substance abuse problems.

“(14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

“(15) The provision of school supplies, including supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.

“(16) The provision of assistance to defray the cost of the position of liaison designated pursuant to
section 722(g)(1)(J)(ii), not otherwise provided through Federal, State, or local funding.

“(17) The provision of other extraordinary or emergency assistance needed to enable homeless children and youth to enroll, attend, and succeed in school, including in early learning programs.

“SEC. 724. SECRETARIAL RESPONSIBILITIES.

“(a) Review of State Plans.—In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of all homeless children and youth relating to access to education and placement as described in such plan.

“(b) Technical Assistance.—The Secretary—

“(1) shall provide support and technical assistance to State educational agencies to assist such agencies in carrying out their responsibilities under this subtitle; and

“(2) may designate an individual who shall coordinate services and activities for the education of homeless children and youth.

“(c) Notice.—
“(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of enactment of the McKinney-Vento Homeless Education Reauthorization Act of 2011, develop and disseminate a public notice of the educational rights of homeless children and youth. The notice shall include information regarding the definition of homeless children and youth in section 725.

“(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally. The Secretary also shall disseminate such notice to heads of other Department of Education offices, including those responsible for special education programs, higher education, and programs under parts A, B, C, D, G, and H of title I, title III, title IV, and part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391 et seq., 6421 et seq., 6531 et seq., 6551 et seq., 6801 et seq., 7102 et seq., and 7221 et seq.). The Secretary shall also disseminate such notice to heads of other Federal agencies, and grant recipients and other entities carrying out federally funded programs, including Head Start programs, grant recipients under the Health Care for the Homeless program of the Health Resources and Services Adminis-
tration of the Department of Health and Human Services, grant recipients under the Emergency Food and Shelter National Board Program of the Federal Emergency Management Agency, grant recipients under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), grant recipients under the John H. Chafee Foster Care Independence program, grant recipients under homeless assistance programs administered by the Department of Housing and Urban Development, and recipients of Federal funding for programs carried out by the Administration on Children, Youth and Families of the Department of Health and Human Services.

“(d) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation, dissemination, and technical assistance activities for programs that are designed to meet the educational needs of homeless preschool, elementary school, and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

“(e) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under section 722 to be submitted to the Secretary not later than the expiration of the 120-day period beginning on the date that funds are available for purposes of making such
grants and shall make such grants not later than the expiration of the 180-day period beginning on such date.

“(f) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child or youth has access to a free appropriate public education, as described in section 721(1). The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.

“(g) PUBLICATION.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 90 days after the date of enactment of the McKinney-Vento Homeless Education Reauthorization Act of 2011, a summary of the changes enacted by that Act and related strategies, which summary shall include—

“(1) strategies by which a State can assist local educational agencies to implement the provisions amended by the Act;

“(2) strategies by which a State can review and revise State policies and procedures that may present barriers to the identification, enrollment, at-
tendance, and success of homeless children and youth in school; and

“(3) strategies by which entities carrying out preschool programs can implement requirements of section 722(g)(3).

“(h) INFORMATION.—

“(1) IN GENERAL.—From funds appropriated under section 726, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically but not less frequently than every 2 years, collect and disseminate publicly data and information regarding—

“(A) the number of homeless children and youth;

“(B) the education and related support services such children and youth receive;

“(C) the extent to which the needs of homeless children and youth are being met;

“(D) the academic progress being made by homeless children and youth, including the percent or number of homeless children and youth participating in State assessments; and

“(E) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.
“(2) COORDINATION.—The Secretary shall co-
ordinate such collection and dissemination with
other agencies and entities that receive assistance
and administer programs under this subtitle.

“(i) REPORT.—Not later than 4 years after the date
of enactment of the McKinney-Vento Homeless Education
Reauthorization Act of 2011, the Secretary shall prepare
and submit to the President and the Committee on Edu-
cation and the Workforce of the House of Representatives
and the Committee on Health, Education, Labor, and
Pensions of the Senate a report on the status of the provi-
sion of education and related support services to homeless
children and youth, which shall include information on—

“(1) the education of homeless children and
youth; and

“(2) the actions of the Secretary and the effec-
tiveness of the programs supported under this sub-
title.

“SEC. 725. DEFINITIONS.

“In this subtitle:

“(1) ENROLL; ENROLLMENT.—The terms ‘en-
roll’ and ‘enrollment’ include attending classes and
participating fully in school activities.

“(2) HOMELESS CHILDREN AND YOUTH.—The
term ‘homeless children and youth’—
“(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

“(B) includes—

“(i) children and youth who—

“(I) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

“(II) are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

“(III) are living in emergency or transitional shelters; and

“(IV) are abandoned in hospitals;

“(ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

“(iii) children and youth who are living in cars, parks, public spaces, aban-
doned buildings, substandard housing, bus
or train stations, or similar settings; and

“(iv) migratory children (as such term
is defined in section 1312 of the Element-
ary and Secondary Education Act of
1965) who qualify as homeless for the pur-
poses of this subtitle because the children
are living in circumstances described in
clauses (i) through (iii).

“(3) LOCAL EDUCATIONAL AGENCY; STATE
EDUCATIONAL AGENCY.—The terms ‘local edu-
cational agency’ and ‘State educational agency’ have
the meanings given such terms in section 9101 of
the Elementary and Secondary Education Act of

“(4) SECRETARY.—The term ‘Secretary’ means
the Secretary of Education.

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

“(6) UNACCOMPANIED YOUTH.—The term ‘un-
accompanied youth’ means a homeless child or youth
not in the physical custody of a parent or legal
guardian.
“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 6 succeeding fiscal years.”.

Subpart 2—Advanced Research Projects Agency-Education

SEC. 11021. ADVANCED RESEARCH PROJECTS AGENCY-EDUCATION.

The Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended by inserting after section 220 the following new section:

“SEC. 221. ADVANCED RESEARCH PROJECTS AGENCY-EDUCATION.

“(a) ESTABLISHMENT.—There shall be in the Department an Advanced Research Projects Agency-Education (referred to in this section as ‘ARPA-ED’).

“(b) PURPOSES.—ARPA-ED is established under this section for the purposes of pursuing breakthrough research and development in educational technology and providing the effective use of the technology to improve achievement for all students, by—

“(1) identifying and promoting revolutionary advances in fundamental and applied sciences and engineering that could be translated into new learning technologies;
“(2) developing novel learning technologies, and
the enabling processes and contexts for effective use
of those technologies;
“(3) developing, testing, and evaluating the im-
pact and efficacy of those technologies;
“(4) accelerating transformational technological advances in areas in which the private sector, by itself, is not likely to accelerate such advances be-
cause of difficulties in implementation or adoption,
or technical and market uncertainty;
“(5) coordinating activities with nongovern-
mental entities to demonstrate technologies and re-
search applications to facilitate technology transfer;
and
“(6) encouraging educational research using
new technologies and the data produced by the tech-
nologies.
“(c)_AUTHORITIES OF SECRETARY.—The Secretary
is authorized to—
“(1) appoint a Director, who shall be respon-
sible for carrying out the purposes of ARPA-ED, as
described in subsection (b), and such additional
functions as the Secretary may prescribe;
“(2) establish processes for the development and execution of projects and the solicitation of entities to carry out the projects in a manner that is—

“(A) tailored to the purposes of ARPA-ED and not constrained by other Department-wide administrative requirements that could detract from achieving program results; and

“(B) designed to heighten transparency, and public- and private-sector involvement, to ensure that investments are made in the most promising areas;

“(3) award grants, contracts, cooperative agreements, and cash prizes, and enter into other transactions (in accordance with such regulations as the Secretary may establish regarding other transactions);

“(4) make appointments of up to 20 scientific, engineering, professional, and other mission-related employees, for periods of up to 4 years (which appointments may not be renewed) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service;

“(5)(A) prescribe the rates of basic pay for the personnel described in paragraph (4) at rates not in excess of the maximum rate of basic pay authorized
for senior-level positions under section 5376 of title 5, United States Code, notwithstanding any provi-
sion of that title governing the rates of basic pay or
classification of employees in the executive branch,
but those personnel shall not receive any payment
for service (such as an award, premium payment, in-
centive payment or bonus, allowance, or other simi-
lar payment) under any other provision of that title;
and

“(B) pay any employee appointed pursuant to
paragraph (4) payments in addition to that basic
pay, except that the total amount of those payments
for any calendar year shall not exceed the lesser
of—

“(i) $25,000; or

“(ii) the difference between the employee’s
annual rate of basic pay under paragraph (4)
and the annual rate for level I of the Executive
Schedule under section 5312 of title 5, United
States Code, based on the rates in effect at the
end of the applicable calendar year (or, if the
employee separated during that year, on the
date of separation);

“(6) obtain independent, periodic, rigorous eval-
uations, as appropriate, of—
“(A) the effectiveness of the processes ARPA-ED is using to achieve its purposes; and

“(B) the effectiveness of individual projects assisted by ARPA-ED, using evidence standards developed in consultation with the Institute of Education Sciences, and the suitability of ongoing projects assisted by ARPA-ED for further investment or increased scale; and

“(7) disseminate, through the comprehensive centers established under section 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602), the regional educational laboratories system established under section 174 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9564), or such other means as the Secretary determines to be appropriate, information on effective practices and technologies developed with ARPA-ED support.

“(d) EVALUATION FUNDS.—The Secretary may use funds made available for ARPA-ED to pay the cost of the evaluations under subsection (e)(6).

“(e) FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding any other provision of law, any advisory committee convened by the Secretary to provide advice with respect to this section shall be exempt from the require-
ments of the Federal Advisory Committee Act (5 U.S.C. App.) and the definition of ‘employee’ in section 2105 of title 5, United States Code, shall not be considered to include any appointee to such a committee.

“(f) NONDUPlication.—To the maximum extent practicable, the Secretary shall ensure that grants, contracts, cooperative agreements, cash prizes, or other assistance or arrangements awarded or entered into pursuant to this section that are designed to carry out the purposes of ARPA-ED do not duplicate activities under programs carried out under Federal law other than this section by the Department or other Federal agencies.”.

PART B—MISCELLANEOUS PROVISIONS

SEC. 11211. TECHNICAL AND CONFORMING AMENDMENTS.

(a) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended as follows:

(1) Section 103(24)(B) (20 U.S.C. 1003(24)(B)) is amended by striking “students who are limited English proficient” and inserting “English learners”.

(2) Section 200 (20 U.S.C. 1021) is amended—

(A) in paragraph (6)(B)(x) by striking “section 5210” and inserting “section 5411”;

(B) by striking paragraph (8);
(C) by redesignating paragraphs (9) through (23) as paragraphs (8) through (22), respectively;

(D) by striking paragraph (12), as redesignated by subparagraph (C), and inserting the following:

“(12) HIGHLY QUALIFIED TEACHER.—The term ‘highly qualified teacher’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.”;

(E) by striking paragraph (14), as redesignated by subparagraph (C), and inserting the following:

“(14) ENGLISH LEARNER.—The term ‘English learner’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.”;

(F) in paragraph (16)(B)(ii), as redesignated by subparagraph (C), by striking “to become highly qualified” and inserting “to become a highly qualified teacher”;

(G) in paragraph (21)(D)(i), as redesignated by subparagraph (C), by striking “becomes highly qualified” and inserting “becomes a highly qualified teacher”; and
(H) in paragraph (22)(D)(iii), as redesignated by subparagraph (C), by striking “students who are limited English proficient” and inserting “English learners”.

(3) Section 202 (20 U.S.C. 1022a) is amended—

(A) in subsection (b)(6)—

(i) in subparagraph (E)(ii), by striking “student academic achievement standards and academic content standards under section 1111(b)(1)” and inserting “college and career ready State academic content standards and student academic achievement standards under section 1111(a)(1)”;

and

(ii) in subparagraph (G), by striking “students who are limited English proficient” and inserting “English learners”;

and

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)(i)(I)—

(aa) by inserting “teachers” after “highly qualified”; and
(bb) by striking “students who are limited English proficient” and inserting “English learners”; and

(II) in subparagraph (B)—

(aa) in clause (ii)(IV)(aa), by striking “students who are limited English proficient” and inserting “English learners”; and

(bb) in clause (iii), by inserting “teachers” after “highly qualified”; and

(ii) in paragraph (5)(B), by striking “limited English proficient students” and inserting “English learners”.

(4) Section 204(a)(4)(D) (20 U.S.C. 1022c(a)(4)(D)) is amended by striking “limited English proficient students” and inserting “English learners”.

(5) Section 205 (20 U.S.C. 1022d) is amended—

(A) in subsection (a)(1)(G), by striking “students who are limited English proficient” and inserting “English learners”; and

(B) in subsection (b)(1)—
(i) in subparagraph (C), by striking “State’s challenging academic content standards required under section 1111(b)(1)” and inserting “college and career ready State academic content standards required under section 1111(a)(1)”;

and

(ii) in subparagraph (L), by striking “students who are limited English proficient” and inserting “English learners”.

(6) Section 206 (20 U.S.C. 1022e) is amended—

(A) in subsection (a), by striking “limited English proficient students” and inserting “English learners”; and

(B) in subsection (b)(4), by striking “limited English proficient students” and inserting “English learners”. 

(7) Section 208(b) (20 U.S.C. 1022g(b)) is amended—

(A) by inserting “teachers” after “are highly qualified”; and

(B) by striking “is highly qualified” and inserting “is a highly qualified teacher”.
(8) Section 242(b) (20 U.S.C. 1033a(b)) is amended—

(A) in the matter preceding paragraph (1), by inserting “teachers” after “highly qualified”;

and

(B) in paragraph (1), by inserting “teachers” after “highly qualified”.


(10) Section 255(k) (20 U.S.C. 1035(k)) is amended—

(A) in paragraph (1), by striking “section 9101(23)(B)(ii)” and inserting “section 9101(32)(A)(ii)(II)”;

and

(B) in paragraph (3), by striking “section 9101(23)” and inserting “section 9101(32)”.

(11) Section 258(d) (20 U.S.C. 1036(d)) is amended—

(A) in paragraph (1)—

(i) by striking “limited English proficient students” and inserting “English learners”; and

(ii) by inserting “teachers who will be” after “highly qualified”; and
(B) in paragraph (2)(C), by striking “limited English proficient students” and inserting “English learners”.

(12) Section 402B(c)(7) (20 U.S.C. 1070a–12(c)(7)) is amended by striking “students who are limited English proficient” and inserting “English learners”.

(13) Section 402C(d)(7) (20 U.S.C. 1070a–13(d)(7)) is amended by striking “students who are limited English proficient” and inserting “English learners”.

(14) Section 402D (20 U.S.C. 1070a–14) is amended—

(A) in subsection (a)(3), by striking “students who are limited English proficient” and inserting “English learners”; and

(B) in subsection (c)(6), by striking “students who are limited English proficient” and inserting “English learners”.

(15) Section 402F(b)(11) (20 U.S.C. 1070a–16(b)(11)) is amended by striking “students who are limited English proficient” and inserting “English learners”.

(16) Section 404D (20 U.S.C. 1070a–24) is amended—
(A) in subsection (b)(10)(K), by striking “students who are limited English proficient” and inserting “English learners”; and

(B) in subsection (c)(6)(B)(ii), by striking “students who are limited English proficient” and inserting “English learners”.

(17) Section 428J(b)(1)(B) (20 U.S.C. 1078–10(b)(1)(B)) is amended by striking “is highly qualified” and inserting “is a highly qualified teacher”.

(18) Section 428K(b)(5) (20 U.S.C. 1078–11(b)(5)) is amended—

(A) in the heading, by striking “STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT” and inserting “ENGLISH LEARNERS”;

(B) in subparagraph (A), by striking “is highly qualified” and inserting “is a highly qualified teacher”; and

(C) in subparagraph (B)(i), by striking “students who are limited English proficient” and inserting “English learners”.

(19) Section 460(b)(1)(B) (20 U.S.C. 1087j(b)(1)(B)) is amended by striking “is highly qualified” and inserting “is a highly qualified teacher”.

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(20) Section 741(a)(10) (20 U.S.C. 1138(a)(10)) is amended by striking "limited English proficient students" and inserting "English learners" each place the term appears.

(21) Section 806(a)(2) (20 U.S.C. 1161f(a)(2)) is amended to read as follows:

"(2) HIGHLY QUALIFIED TEACHER.—The term ‘highly qualified teacher’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.”.

(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended as follows:

(1) Section 602 (20 U.S.C. 1401) is amended—

(A) in paragraph (10)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “has the meaning given the term in section 9101” and inserting “means that the teacher is a highly qualified teacher in accordance with subparagraphs (A) and (B) of section 9101(32)” ; and

(II) in clause (ii), by striking “requirements of section 9101” and
inserting “requirements for a highly qualified teacher as defined in section 9101(32)(A)”;

(ii) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking “section 1111(b)(1)” and inserting “section 1111(a)(1)”;

(II) clause (i), by striking “requirements of section 9101” and inserting “requirements for a highly qualified teacher, as defined in section 9101”; and

(III) in clause (ii), by striking “subparagraph (B) or (C) of section 9101(23)” and inserting “clause (ii) or (iii) of section 9101(32)(A)”;

(iii) in subparagraph (D)—

(I) in clause (i), by striking “applicable requirements of section 9101” and inserting “applicable requirements to be a highly qualified teacher as defined in section 9101”; and

(II) in each of clauses (ii) and (iii), by striking “section
9101(23)(C)(ii)” and inserting “section 9101(32)(A)(iii)(II)”;
and (iv) in subparagraph (F), by striking “highly qualified for purposes of” and inserting “to be a highly qualified teacher for purposes of”; and
(B) in paragraph (18), by striking “has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “when used in reference to an individual, means an individual who meets the requirements described in subparagraphs (C) and (D) of section 9101(23) of the Elementary and Secondary Education Act of 1965”.

(2) Section 611(e)(2)(C) (20 U.S.C. 1411(e)(2)(C)) is amended—
(A) in clause (x), by striking “sections 1111(b) and 6111” and inserting “sections 1111 and 1131”; and
(B) in clause (xi)—
(i) by striking “, including supplemental educational services as defined in 1116(e) of the Elementary and Secondary Education Act of 1965”; and
(ii) by striking “section 1111(b)(2)(G)” and inserting “section 1111(a)(3)(A)(ii) of”.

(3) Section 612(a) (20 U.S.C. 1412(a))—

(A) in paragraph (15)—

(i) by striking clause (ii) of subparagraph (A);

(ii) by redesignating clauses (iii) and (iv) of subparagraph (A) as clauses (ii) and (iii), respectively;

(iii) in subparagraph (B), by striking “, including measurable annual objectives for progress by children with disabilities under section 1111(b)(2)(C)(v)(II)(cc) of the Elementary and Secondary Education Act of 1965”; and

(iv) in subparagraph (C), by striking “section 1111(h)” and inserting “section 1111(e)”;

(B) in paragraph (16)(C)(ii)(II), by striking “section 1111(b)(1)” and inserting “section 1111(a)”;

standards and with the requirements for professional
development, as defined in section 9101” and insert-
ing “college and career ready State academic
achievement and functional standards and with the
requirements for professional development, as de-
defined in section 9101”.

(5) Section 663(b)(2) (20 U.S.C. 1463(b)(2)) is
amended by striking “for assessing adequate yearly
progress, as described under section 1111(b)(2)(B)”
and inserting “as described under section
1111(a)(2)”.

(c) CARL D. PERKINS CAREER AND TECHNICAL
EDUCATION ACT OF 2006.—The Carl D. Perkins Career
et seq.) is amended as follows:

(1) Section 3(8) (20 U.S.C. 2302(8)) is amend-
ed by striking “section 5210” and inserting “section
5411”.

(2) Section 8(e) (20 U.S.C. 2306a(e)) is
amended by striking “section 1111(b)(1)(D)” and
inserting section “1111(a)(1)”.

(3) Section 113 (20 U.S.C. 2323) is amended—

(A) in subsection (b)—

(i) in paragraph (2)(A)—
(I) in clause (i), by striking “challenging academic content standards and student academic achievement standards, as adopted by a State in accordance with section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the State determined proficient levels on the academic assessments described in section 1111(b)(3) of such Act” and inserting “college and career ready State academic content and student academic achievement standards, as adopted by a State in accordance with section 1111(a)(1) of the Elementary and Secondary Education Act of 1965 and measured by the State-determined proficient levels on the academic assessments described in section 1111(a)(2) of such Act”; and

(II) in clause (iv), by striking “Student graduation rates (as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Edu-
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cation Act of 1965)” and inserting

“Student graduation rates (as de-
scribed under section 9101 of the Ele-
mentary and Secondary Education
Act of 1965)”; and

(ii) in paragraph (4)(C)(ii)(I), by
striking “categories of students described
in section 1111(h)(1)(C)(i)” and inserting
“categories of students described in section
1111(a)(2)(B)(ix)”;

(B) in subsection (c)(2)(A), by striking
“categories of students described in section
1111(h)(1)(C)(i)” and inserting “categories of
students described in section
1111(a)(2)(B)(ix)”.

2324(d)(4)(A)(iii)(I)(aa)) is amended by striking
“academic content standards and student academic
achievement standards, as adopted by States under
section 1111(b)(1)” and inserting “college and ca-
reer ready State academic content and student aca-
demic achievement standards, as adopted by a State
in accordance with section 1111(a)(1)”.

(5) Section 122(c)(1)(I)(i) (20 U.S.C.
2342(c)(1)(I)(i)) is amended by striking “rigorous
and challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1)” and inserting “college and career ready State academic content and student academic achievement standards, as adopted by a State in accordance with section 1111(a)(1)”.

(d) National and Community Service Act of 1990.—The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended as follows:

(1) Section 112(a)(1)(F) (42 U.S.C. 12523(a)(1)(F)) is amended by striking “attention to schools not making adequate yearly progress for two or more consecutive years under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.)” and inserting “attention to schools that are identified as achievement gap schools or persistently low-achieving schools under subsection (b) or (e) of section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)”.

(2) Section 119(a)(2)(A)(ii)(II) (42 U.S.C. 12563(a)(2)(A)(ii)(II)) is amended by striking “the graduation rate (as defined in section 1111(b)(2)(C)(vi)” and inserting “the graduation rate (as defined under section 9101(30)”.
(3) Section 120(a)(2)(C) (42 U.S.C. 12565(a)(2)(C)) is amended by striking “improved graduation rates, as defined in section 1111(b)(2)(C)(vi)” and inserting “improved graduation rates, as defined under section 9101”.

(4) Section 122 (42 U.S.C. 12572) is amended—

(A) in subsection (a)(1)(C)(iii), by striking “secondary school graduation rates as defined in section 1111(b)(2)(C)(vi)” and inserting “secondary school graduation rates as defined under section 9101”; and

(B) in subsection (i)(1), by inserting “college and career ready” after “State”.

(e) TITLE VI OF THE AMERICA COMPETES ACT.— The America COMPETES Act (Public Law 110–69) is amended as follows:

(1) Section 6112 (20 U.S.C. 9812) is amended—

(A) in paragraph (3)(B)(i), by inserting “teachers” after “highly qualified”; and

(B) by striking paragraph (4) and inserting the following:

“(4) HIGHLY QUALIFIED TEACHER.—The term ‘highly qualified teacher’ has the meaning given such
term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).”.


(A) by inserting “teachers of” after “highly qualified”; and

(B) by striking “teachers” after “foreign language”.

(3) Section 6114(b)(3) (20 U.S.C. 9814(b)(3)) is amended—

(A) by inserting “teachers of” after “highly qualified”; and

(B) by striking “teachers” after “foreign language”.

(4) Section 6122 (20 U.S.C. 9832) is amended—

(A) in paragraph (3), by striking “has the meaning given the term ‘low-income individual’ in section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3))” and inserting “means a student who is from a low-income family, as defined in section 9101(34)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(34)(B))”;
(B) in paragraph (4), by striking “has the meaning” and all that follows through the period and inserting “, used with respect to a school, means a school that serves a student population 40 percent or more of whom are low-income students.”; and

(C) in paragraph (5), by striking “means a local educational agency or educational service agency described in 6112(3)(A)” and inserting “means a high-need local educational agency, as defined under section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)”.


(6) Section 6201(e)(2)(D)(ii)(I) (20 U.S.C. 9871(e)(2)(D)(ii)(I)) is amended by striking “assessments under section 1111(b)” and inserting “assessments under section 1111(a)”.

(1) in subparagraph (A)—

(A) in clause (i), by striking “challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b)” and inserting “college and career ready State academic content and student academic achievement standards and assessments of a State, adopted and implemented, as appropriate, pursuant to section 1111(a)”;

(B) in clause (ii), by adding “and” after the semicolon;

(2) by striking subparagraph (B);

(3) by redesignating subparagraph (C) as subparagraph (B); and

(4) in subparagraph (B), as redesignated by paragraph (3), by striking “, and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B)”.

(g) THE EDUCATION SCIENCES REFORM ACT OF 2002.—The Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) is amended as follows:
(1) Section 153(a)(1)(F)(ii) (20 U.S.C. 9543(a)(1)(F)(ii)) is amended by striking “the percentage of teachers who are highly qualified” and inserting “the percentage of teachers who are highly qualified teachers”.

(2) Section 177(a)(5) (20 U.S.C. 9567b(a)(5)) is amended by striking “section 1111(b)” and inserting “section 1111(a)”.


(1) in subsection (a)(2)(B), by striking “schools identified for school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))” and inserting “schools identified as persistently low-achieving schools (as described in section 1116(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(c)(2)))”;

(2) in subsection (c), by striking paragraph (3) and inserting the following:

“(3) schools in the region identified by the State’s accountability system under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).”; and


(1) in subsection (a)(10)(A)(iii)(I), by striking “are considered highly qualified” and inserting “are considered highly qualified teachers”; and

(2) in subsection (b)(3)(A), by striking “or a high-need local educational agency in which at least one school does not make adequate yearly progress, as determined pursuant to part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.)”.


(1) in subsection (b)—

(A) in paragraph (5)(D), by striking “section 1309” and inserting “section 1312”; and
(B) in paragraph (12)(A)(vi), by striking “section 1309” and inserting “section 1312”; and

(2) in subsection (d)(2)(E), by striking “section 1309” and inserting “section 1312”.

(k) AMERICA COMPETES REAUTHORIZATION ACT

OF 2010.—Section 553(d)(6) of the America COMPETES Reauthorization Act of 2010 (20 U.S.C. 9903(d)(6)) is amended by striking “the requirements under section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) for highly qualified teachers” and inserting “the requirements for a highly qualified teacher as defined in section 9101(32)”.


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A BILL

To amend the Elementary and Secondary Education Act of 1965.

S. 3578

112TH CONGRESS

2ND SESSION

SEPTEMBER 20, 2012

Read twice and placed on the calendar