H. R. 5

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

IN THE HOUSE OF REPRESENTATIVES

June 6, 2013

Mr. Kline (for himself, Mr. Rokita, Mr. Petri, Ms. Foxx, Mr. Roe of Tennessee, Mr. Thompson of Pennsylvania, Mr. Guthrie, Mr. Bucshon, Mrs. Roby, Mr. Heck of Nevada, Mrs. Brooks of Indiana, and Mr. Messer) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

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

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 “Student Success Act”.

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SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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SEC. 3. REFERENCES.

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

SEC. 4. TRANSITION.

Unless otherwise provided in this Act, any person or
agency that was awarded a grant under the Elementary
and Secondary Education Act of 1965 (20 U.S.C. 6301
et seq.) prior to the date of the enactment of this Act shall
continue to receive funds in accordance with the terms of
such award, except that funds for such award may not
continue more than one year after the date of the enact-
ment 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 October 1, 2013.

(c) Competitive Programs.—With respect to pro-
grams that are conducted by the Secretary on a competi-
tive 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 2014.
(d) **IMPACT AID.**—With respect to title IV of the Act (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the amendments made by this Act, shall take effect with respect to appropriations for use under that title for fiscal year 2014.

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

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

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“SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) **TITLE I.**—

“(1) **PART A.**—There are authorized to be appropriated to carry out part A of title I $16,651,767,000 for each of fiscal years 2014 through 2019.

“(2) **PART B.**—There are authorized to be appropriated to carry out part B of title I $3,028,000 for each of fiscal years 2014 through 2019.

“(b) **TITLE II.**—There are authorized to be appropriated to carry out title II $2,441,549,000 for each of fiscal years 2014 through 2019.

“(c) **TITLE III.**—

“(1) **PART A.**—

“(A) **SUBPART 1.**—There are authorized to be appropriated to carry out subpart 1 of part
A of title III $300,000,000 for each of fiscal years 2014 through 2019.

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

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

“(2) PART B.—There are authorized to be appropriated to carry out part B of title III $2,055,709,000 for each of fiscal years 2014 through 2019.

“(d) TITLE IV.—

“(1) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 4002, there are authorized to be appropriated $63,445,000 for each of fiscal years 2014 through 2019.

“(2) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under section 4003(b), there are authorized to be appropriated
$1,093,203,000 for each of fiscal years 2014 through 2019.

“(3) Payments for children with disabilities.—For the purpose of making payments under section 4003(d), there are authorized to be appropriated $45,881,000 for each of fiscal years 2014 through 2019.

“(4) Construction.—For the purpose of carrying out section 4007, there are authorized to be appropriated $16,529,000 for each of fiscal years 2014 through 2019.

“(5) Facilities maintenance.—For the purpose of carrying out section 4008, there are authorized to be appropriated $4,591,000 for each of fiscal years 2014 through 2019.”.

TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES

Subtitle A—In General

SEC. 101. TITLE HEADING.

The title heading for title I (20 U.S.C. 6301 et seq.) is amended to read as follows:
“TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES”.

SEC. 102. STATEMENT OF PURPOSE.

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

“SEC. 1001. STATEMENT OF PURPOSE.

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

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

“(2) closing the achievement gap between high- and low-performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers;

“(3) affording parents substantial and meaningful opportunities to participate in the education of their children; and

“(4) challenging States and local educational agencies to embrace meaningful, evidence-based edu-
cation reform, while encouraging state and local in-
ovation.”.

SEC. 103. FLEXIBILITY TO USE FEDERAL FUNDS.

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

“SEC. 1002. FLEXIBILITY TO USE FEDERAL FUNDS.

“(a) Alternative Uses of Federal Funds for State Educational Agencies.—

“(1) In general.—Subject to subsections (c) and (d) and notwithstanding any other provision of law, a State educational agency may use the applicable funding that the agency receives for a fiscal year to carry out any State activity authorized or re-
quired under one or more of the following provisions:

“(A) Section 1003.
“(B) Section 1004.
“(C) Subpart 2 of part A of title I.
“(D) Subpart 3 of part A of title I.
“(E) Subpart 4 of part A of title I.
“(F) Chapter B of subpart 6 of part A of title I.

“(2) Notification.—Not later than June 1 of each year, a State educational agency shall notify the Secretary of the State educational agency’s in-
tention to use the applicable funding for any of the alternative uses under paragraph (1).

“(3) APPLICABLE FUNDING DEFINED.—

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

“(i) Section 1003.

“(ii) Section 1004.

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

“(iv) Subpart 3 of part A of title I.

“(v) Subpart 4 of part A of title I.

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

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

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

“(iii) to use for technical assistance or monitoring.
“(4) DISBURSEMENT.—The Secretary shall disburse the applicable funding to State educational agencies for alternative uses under paragraph (1) for a fiscal year at the same time as the Secretary disburse the applicable funding to State educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

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

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

“(A) Section 1003.

“(B) Subpart 1 of part A of title I.

“(C) Subpart 2 of part A of title I.

“(D) Subpart 3 of part A of title I.

“(E) Subpart 4 of part A of title I.

“(F) Subpart 6 of part A of title I.

“(2) NOTIFICATION.—A local educational agency shall notify the State educational agency of the local educational agency’s intention to use the applicable funding for any of the alternative uses under
paragraph (1) by a date that is established by the State educational agency for the notification.

“(3) APPLICABLE FUNDING DEFINED.—

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

“(i) Subpart 2 of part A of title I.

“(ii) Subpart 3 of part A of title I.

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

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

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

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

“(ii) to allocate, allot, or award to entities eligible to receive such funds; or

“(iii) to use for technical assistance or monitoring.
“(4) DISBURSEMENT.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under paragraph (1) for the fiscal year at the same time as the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

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

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to relieve a State educational agency or local educational agency of any requirements relating to—

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

“(2) comparability of services;
“(3) equitable participation of private school students and teachers;
“(4) applicable civil rights requirements;
“(5) section 1113; or
“(6) section 1111.”.

SEC. 104. SCHOOL IMPROVEMENT.

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

(1) in subsection (a)—

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

(B) by striking “subpart 2 of part A” and all that follows through “sections 1116 and 1117,” and inserting “chapter B of subpart 1 of part A for each fiscal year to carry out subsection (b),”;

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

(3) in subsection (c)—

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

(C) by striking paragraph (3);

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

(5) in subsection (e)—

(A) by striking “in any fiscal year” and inserting “in fiscal year 2015 and each subsequent fiscal year”;

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

(C) by striking “such subpart” and inserting “such chapter”;

(6) in subsection (f), by striking “and the percentage of students from each school from families with incomes below the poverty line”; and

(7) by striking subsection (g).

SEC. 105. DIRECT STUDENT SERVICES.

The Act (20 U.S.C. 6301 et seq.) is amended by inserting after section 1003 the following:

"SEC. 1003A. DIRECT STUDENT SERVICES.

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

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

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

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

“(1) shall use up to 1 percent of each award for outreach and communication to parents about their options and to register students for direct student services;
“(2) may use not more than 2 percent of each award for administrative costs related to direct student services; and

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

“(e) Application.—A local educational agency desiring to receive an award under subsection (b) shall submit an application describing how the local educational agency will—

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

“(2) ensure parents have adequate time and information to make a meaningful choice prior to enrolling their child in a direct student service;

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

“(4) determine the requirements or criteria for student eligibility for direct student services;
“(5) select a variety of providers of high-quality academic tutoring from the State-approved list required under subsection (f)(2) and ensure fair negotiations in selecting such providers of high-quality academic tutoring, including online, on campus, and other models of tutoring which provide meaningful choices to parents to find the best service for their child; and

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

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

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

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

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

SEC. 106. STATE ADMINISTRATION.

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

‘‘SEC. 1004. STATE ADMINISTRATION.

‘‘(a) IN GENERAL.—Except as provided in subsection (b), to carry out administrative duties assigned under subparts 1, 2, and 3 of part A of this title, each State may reserve the greater of—

‘‘(1) 1 percent of the amounts received under such subparts; or

‘‘(2) $400,000 ($50,000 in the case of each outlying area).

‘‘(b) EXCEPTION.—If the sum of the amounts reserved under subparts 1, 2, and 3 of part A of this title is equal to or greater than $14,000,000,000, then the reservation described in subsection (a)(1) shall not exceed 1 percent of the amount the State would receive if $14,000,000,000 were allocated among the States for subparts 1, 2, and 3 of part A of this title.’’.
Subtitle B—Improving the Academic Achievement of the Disadvantaged

SEC. 111. PART A HEADINGS.
(a) PART HEADING.—The part heading for part A of title I (20 U.S.C. 6311 et seq.) is amended to read as follows:

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

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

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

“CHAPTER A—BASIC PROGRAM REQUIREMENTS”.

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

“CHAPTER B—ALLOCATIONS”.

SEC. 112. STATE PLANS.
Section 1111 (20 U.S.C. 6311) is amended to read as follows:

“SEC. 1111. STATE PLANS.

“(a) PLANS REQUIRED.—
“(1) IN GENERAL.—For any State desiring to receive a grant under this subpart, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, school leaders, specialized instructional support personnel, other appropriate school personnel, and parents, that satisfies the requirements of this section and 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 Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.

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

“(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND STATE ACCOUNTABILITY.—

“(1) ACADEMIC STANDARDS.—

“(A) IN GENERAL.—Each State plan shall demonstrate that the State has adopted academic content standards and academic achievement standards aligned with such content
standards that comply with the requirements of this paragraph.

“(B) SUBJECTS.—The State shall have such academic standards for mathematics, reading or language arts, and science, and may have such standards for any other subject determined by the State.

“(C) REQUIREMENTS.—The standards described in subparagraph (A) shall—

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

“(ii) with respect to academic achievement standards, include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

“(D) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.—Notwithstanding any other provision of this paragraph, a State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards 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; and

“(ii) such standards—

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

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

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

“(E) English language proficiency
standards.—Each State plan shall describe
how the State educational agency will establish
English language proficiency standards that
are—

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

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

“(2) Academic assessments.—

“(A) In general.—Each State plan shall
demonstrate that the State educational agency,
in consultation with local educational agencies, has implemented a set of high-quality student academic assessments in mathematics, reading or language arts, and science. At the State’s discretion, the State plan may also demonstrate that the State has implemented such assessments in any other subject chosen by the State.

“(B) REQUIREMENTS.—Such assessments shall—

“(i) in the case of mathematics and reading or language arts, be used in determining the performance of each local educational agency and public school in the State in accordance with the State’s accountability system under paragraph (3);

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

“(iii) be aligned with the State’s academic standards and provide coherent and timely information about student attainment of such standards;

“(iv) be used for purposes for which such assessments are valid and reliable, be
of adequate technical quality for each purpose required under this Act, and be consistent with relevant, nationally recognized professional and technical standards;

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

“(II) in the case of science, be administered not less than one time during—

“(aa) grades 3 through 5;

“(bb) grades 6 through 9; and

“(cc) grades 10 through 12; and

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

“(vi) measure individual student academic proficiency and growth;

“(vii) at the State’s discretion—

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

“(II) be administered through multiple assessments during the course of the academic year that re-
result in a single summative score that provides valid, reliable, and transparent information on student achievement;

“(viii) include measures that assess higher-order thinking skills and understanding;

“(ix) provide for——

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

“(II) the reasonable adaptations and accommodations for students with disabilities necessary to measure the academic achievement of such students relative to the State’s academic standards; and

“(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided reasonable accommodations, including, to the extent practicable, assessments in the language and form most likely to yield accurate and reliable information on what such students know and can do in academic
content areas, until such students have achieved English language proficiency, as assessed by the State under subparagraph (D);

“(x) notwithstanding clause (ix)(III), provide for the assessment of reading or language arts in English for English learners who have attended school in the United States (not including Puerto Rico) for 3 or more consecutive school years, except that a local educational agency may, on a case-by-case basis, provide for the assessment of reading or language arts for each such student in a language other than English for a period not to exceed 2 additional consecutive years if the assessment would be more likely to yield accurate and reliable information on what such student knows and can do, provided that 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 reading or language arts assessments written in English;
“(xi) produce individual student interpretive, descriptive, and diagnostic reports regarding achievement on such assessments that allow parents, teachers, and school leaders to understand and address the specific academic needs of students, and that are provided to parents, teachers, and school leaders, as soon as is practicable after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand;

“(xii) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English language proficiency status, by migrant status, by status as a student with a disability, and by economically disadvantaged 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 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; and
“(xiii) be administered to not less
than 95 percent of all students, and not
less than 95 percent of each subgroup of
students described in paragraph
(3)(B)(ii)(II).
“(C) ALTERNATE ASSESSMENTS.—A State
may provide for alternate assessments aligned
with the alternate academic standards adopted
in accordance with paragraph (1)(D), for stu-
dents with the most significant cognitive dis-
abilities, if the State—
“(i) establishes and monitors imple-
mentation of clear and appropriate guide-
lines for individualized education program
teams (as defined in section 614(d)(1)(B)
of the Individuals with Disabilities Edu-
cation Act) to apply when determining
when a child’s significant cognitive dis-
ability justifies assessment based on alter-
nate achievement standards;
“(ii) ensures that the parents of such
students are informed that—
“(I) their child’s academic achievement will be measured against such alternate standards; and

“(II) whether participation in such assessments precludes the student from completing the requirements for a regular high school diploma;

“(iii) demonstrates that such students are, to the extent practicable, included in the general curriculum and that such alternate assessments are aligned with such curriculum;

“(iv) develops, disseminates information about, and promotes the use of appropriate accommodations to increase the number of students with disabilities who are tested against academic achievement standards for the grade in which a student is enrolled; and

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

“(D) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—

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

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

“(E) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student academic assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with
the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.

“(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 (B)(iii), the assessment—

“(I) shall measure, at a minimum, each student’s academic proficiency against the State’s academic standards for the student’s grade level and growth toward such standards; and

“(II) if the State chooses, may be used to measure the student’s level of academic proficiency and growth using assessment items above or below the student’s grade level, including for
use as part of a State’s accountability system under paragraph (3).

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

“(3) State accountability systems.—

“(A) In general.—Each State plan shall demonstrate that the State has developed and is implementing a single, statewide accountability system to ensure that all public school students graduate from high school prepared for postsecondary education or the workforce without the need for remediation.

“(B) Elements.—Each State accountability system described in subparagraph (A) shall at a minimum—

“(i) annually measure the academic achievement of all public school students in the State against the State’s mathematics and reading or language arts academic standards adopted under paragraph (1), which may include measures of student growth toward such standards, using the
mathematics and reading or language arts assessments described in paragraph (2)(B) and other valid and reliable academic indicators related to student achievement as identified by the State;

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

“(I) student academic achievement as measured in accordance with clause (i); and

“(II) the overall performance, and achievement gaps as compared to all students in the school, for economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and English learners, except that disaggregation of data under this subclause 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 identifi-
able information about an individual
student; and
“(iii) include a system for school im-
provement for low-performing public
schools receiving funds under this subpart
that—
“(I) implements interventions in
such schools that are designed to ad-
dress such schools’ weaknesses; and
“(II) is implemented by local
educational agencies serving such
schools.
“(C) PROHIBITION.—Nothing in this sec-
tion shall be construed to permit the Secretary
to establish any criteria that specifies, defines,
or prescribes any aspect of a State’s account-
ability system developed and implemented in ac-
cordance with this paragraph.
“(D) ACCOUNTABILITY FOR CHARTER
SCHOOLS.—The accountability provisions under
this Act shall be overseen for charter schools in
accordance with State charter school law.
“(4) REQUIREMENTS.—Each State plan shall
describe—
“(A) how the State educational agency will assist each local educational agency and each public school affected by the State plan to comply with the requirements of this subpart, including how the State educational agency will work with local educational agencies to provide technical assistance; and

“(B) how the State educational agency will ensure that the results of the State assessments described in paragraph (2), the other indicators selected by the State under paragraph (3)(B)(i), and the school evaluations described in paragraph (3)(B)(ii), will be promptly provided to local educational agencies, schools, teachers, and parents in a manner that is clear and easy to understand, but not later than before the beginning of the school year following the school year in which such assessments, other indicators, or evaluations are taken or completed.

“(5) TIMELINE FOR IMPLEMENTATION.—Each State plan shall describe the process by which the State will adopt and implement the State academic standards, assessments, and accountability system
required under this section within 2 years of enactment of the Student Success Act.

“(6) EXISTING STANDARDS.—Nothing in this subpart shall prohibit a State from revising, consistent with this section, any standard adopted under this section before or after the date of enactment of the Student Success Act.

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

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

“(1) the State will notify local educational agencies, schools, teachers, parents, and the public of the academic standards, academic assessments, and State accountability system developed and implemented under this section;

“(2) the State will participate in biennial State academic assessments of 4th and 8th grade 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;

“(3) the State educational agency will notify local educational agencies and the public of the authority to operate schoolwide programs;

“(4) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this subpart;

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

“(6) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114; and

“(7) the State educational agency will inform local educational agencies in the State of the local educational agency’s authority to transfer funds under section 1002 and to obtain waivers under section 5401.
“(d) PARENTAL INVOLVEMENT.—Each State plan shall describe how the State educational agency will support the collection and dissemination to local educational agencies and schools of effective parental involvement practices. Such practices shall—

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

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

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

“(e) PEER REVIEW AND SECRETARIAL APPROVAL.—

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

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

“(B) appoint individuals to the peer-review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and
other educational needs of students, and ensure
that 75 percent of such appointees are practi-
tioners.

“(2) APPROVAL.—The Secretary shall—

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

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

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

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

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

“(iii) providing a hearing; and

“(D) have the authority to disapprove a
State plan for not meeting the requirements of
this subpart, but shall not have the authority to
require a State, as a condition of approval of
the State plan, to include in, or delete from,
such plan one or more specific elements of the State’s academic standards or State accountability system, or to use specific academic assessments or other indicators.

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

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

“(A) peer review guidance;

“(B) the names of the peer reviewers;

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

“(D) peer review notes;

“(E) State plan determinations by the Secretary, including approvals or disapprovals, and any deviations from the peer reviewers’ recommendations with an explanation of the deviation; and

“(F) hearings.
“(5) **PROHIBITION.**—The Secretary, and the Secretary’s staff, may not attempt to participate in, or influence, the peer review process. No Federal employee may participate in, or attempt to influence the peer review process, except to respond to questions of a technical nature, which shall be publicly reported.

“(f) **DURATION OF THE PLAN.**—

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

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

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

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

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

“(h) REPORTS.—

“(1) ANNUAL STATE REPORT CARD.—

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

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

“(i) concise; and

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

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

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

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section (b)(2)(B)(xii) (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), on the State
academic assessments described in sub-
section (b)(2);

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

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

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

“(I) the four-year adjusted co-
hort graduation rate, and
“(II) at the State’s discretion, the extended-year adjusted cohort graduation rate, calculated and reported separately for students graduating in 5 years or less, students graduating in 6 years or less, and students graduating in 7 or more years;

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

“(vi) the acquisition of English proficiency by English learners;

“(vii) the number and percentage of teachers in each category established under clause (iii) of section 2123(1)(A), except that such information shall not reveal personally identifiable information about an individual teacher; and

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

“(D) OPTIONAL INFORMATION.—The State may include in its annual State 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 schools and public secondary schools.

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

“(A) IN GENERAL.—A local educational agency that receives assistance under this subpart shall prepare and disseminate an annual local educational agency report card.

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

“(i) in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the statewide academic assessment and other academic indicators adopted in accordance with subsection (b)(3)(B)(i) compared to students in the State as a whole; and
“(ii) in the case of a school, the school’s evaluation under subsection (b)(3)(B)(ii).

“(C) OTHER INFORMATION.—A local educational agency may include in its annual local educational agency report card any other appropriate information, whether or not such information is included in the annual State report card.

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

“(E) PUBLIC DISSEMINATION.—The local educational agency shall publicly disseminate the information described in this paragraph to all schools served by the local educational agency and to all parents of students attending those schools in an understandable and uniform format, and, to the extent practicable, in a language that parents can understand, and make the information widely available through public
means, such as posting on the Internet, distribution to the media, and distribution through public agencies, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.

“(3) Preexisting report cards.—A State educational agency or local educational agency may use public report cards on the performance of students, schools, local educational agencies, or the State, that were in effect prior to the enactment of the Student Success Act for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection.

“(4) Parents right-to-know.—

“(A) Achievement information.—At the beginning of each school year, a school that receives funds under this subpart shall provide to each individual parent information on the level of achievement of the parent’s child in each of the State academic assessments and other academic indicators adopted in accordance with this subpart.
“(B) FORMAT.—The notice and information provided to parents under this paragraph shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

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

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

“(k) 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.

“(l) 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 receiving funds under this subpart, the following shall apply:
“(1) Each such school that is accredited by the State in which it is operating shall use the assessments and other academic indicators the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment and academic indicators as approved by the Secretary of the Interior.

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

“(3) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment and other academic indicators developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment and academic indicators meet the requirements of this section.”.

SEC. 113. 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 subpart 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 5305.

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

“(1) how the local educational agency will monitor, in addition to the State assessments described in section 1111(b)(2), students’ progress in meeting the State’s academic standards;

“(2) how the local educational agency will identify quickly and effectively those students who may be at risk of failing to meet the State’s academic standards;
“(3) how the local educational agency will provide additional educational assistance to individual students in need of additional help in meeting the State’s academic standards;

“(4) how the local educational agency will implement the school improvement system described in section 1111(b)(3)(B)(iii) for any of the agency’s schools identified under such section;

“(5) how the local educational agency will coordinate programs under this subpart with other programs under this Act and other Acts, as appropriate;

“(6) the poverty criteria that will be used to select school attendance areas under section 1113;

“(7) how teachers, in consultation with parents, 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 subpart;

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

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

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

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

“(12) if appropriate, how the local educational agency will use funds under this subpart to support preschool programs for children, particularly children participating in a Head Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or another comparable early childhood development program;
“(13) how the local educational agency, through incentives for voluntary transfers, the provision of professional development, recruitment programs, incentive pay, performance pay, or other effective strategies, will address disparities in the rates of low-income and minority students and other students being taught by ineffective teachers; and

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

“(A) career and technical education aligned with State technical standards that promote skills attainment important to in-demand occupations or industries in the State and the State’s academic standards under section 1111(b)(1); and

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

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

“(1) participate, if selected, in biennial State academic assessments of 4th and 8th grade 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;

“(2) inform schools of schoolwide program authority and the ability to consolidate funds from Federal, State, and local sources;

“(3) provide technical assistance to schoolwide programs;

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

“(5) in the case of a local educational agency that chooses to use funds under this subpart to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act;

“(6) inform eligible schools of the local educational agency’s authority to request waivers on the school’s behalf under Title V; and

“(7) ensure that the results of the academic assessments required under section 1111(b)(2) will be
provided to parents and teachers as soon as is practicably possible after the test is taken, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

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

“(1) consult with the Secretary of Health and Human Services and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph; and

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

“(e) PLAN DEVELOPMENT AND DURATION.—

“(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, school leaders, administrators, and other
appropriate school personnel, and with parents of children in schools served under this subpart.

“(2) Duration.—Each such plan shall be submitted for the first year for which this part is in effect following the date of enactment of this Act and shall remain in effect for the duration of the agency’s participation under this subpart.

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

“(f) State Approval.—

“(1) In general.—Each local educational agency plan shall be filed according to a schedule established 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 subpart to substantially help children served under this subpart to meet the State’s academic standards described in section 1111(b)(1); and

“(B) meets the requirements of this section.

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

“(g) PARENTAL NOTIFICATION.—

“(1) IN GENERAL.—Each local educational agency using funds under this subpart and subpart 4 to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform 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 lan-
guage in instruction;

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

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

“(F) the specific exit requirements for the
program, including the expected rate of transi-
tion from such program into classrooms that
are not tailored for English learners, and the
expected rate of graduation from high school
for such program if funds under this subpart
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 one program or method is offered by the eligible entity.

“(2) NOTICE.—The notice and information provided in paragraph (1) to parents of a child identified for participation in a language instruction 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 the local educational agency shall notify parents 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 sub-
part shall implement an effective means of outreach
to parents of English learners to inform the parents
regarding how the parents can be involved in the
education of their children, and be active partici-
pants in assisting their children to attain English
proficiency, achieve at high levels in core academic
subjects, and meet the State’s academic standards
expected of all students, including holding, and send-
ing notice of opportunities for, regular meetings for
the purpose of formulating and responding to rec-
ommendations from parents of students assisted
under this subpart.

“(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. 114. ELIGIBLE SCHOOL ATTENDANCE AREAS.

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

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

(2) in subsection (c)(4)—
(A) by striking “subpart 2” and inserting “chapter B”; and

(B) by striking “school improvement, corrective action, and restructuring under section 1116(b)” and inserting “school improvement under section 1111(b)(3)(B)(iii)”.

SEC. 115. SCHOOLWIDE PROGRAMS.

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

(1) in subsection (a)—

(A) in paragraph (1)—

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

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

(B) in paragraph (2)—

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

(ii) in subparagraph (B)—

(I) by striking “children with limited English proficiency” and inserting “English learners”; and

(II) by striking “part” and inserting “subpart”;
(C) in paragraph (3)(B), by striking “maintenance of effort,” after “private school children,”; and

(D) by striking paragraph (4);

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

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

(II) by striking “content standards and the State student academic achievement standards” and inserting “standards”;  

(ii) in subparagraph (B)—

(I) in clause (i), by striking “proficient” and all that follows through “section 1111(b)(1)(D)” and inserting “academic standards described in section 1111(b)(1)”;

(II) in clause (ii), in the matter preceding subclause (I), by striking “based on scientifically based research” and inserting “evidence-based”;
(III) in clause (iii)(I)—

(aa) by striking “student academic achievement standards” and inserting “academic standards”; and

(bb) by striking “schoolwide program,” and all that follows through “technical education programs; and” and inserting “schoolwide programs; and”; and

(IV) in clause (iv), by striking “the State and local improvement plans” and inserting “school improvement strategies”;

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

(iv) in subparagraph (D)—

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

(II) by striking “pupil services” and inserting “specialized instructional support services”; and
(III) by striking “student academic achievement” and inserting “academic”;

(v) in subparagraph (E), by striking “high-quality highly qualified” and inserting “effective”;

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

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

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

(ix) in subparagraph (J), by striking “vocational” and inserting “career”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking “first develop” and all that follows
through “2001)” and inserting “have in place”; and

(bb) by striking “and its school support team or other technical assistance provider under section 1117”; (II) in clause (ii), by striking “part” and inserting “subpart”; and (III) in clause (iv), by striking “section 1111(b)(3)” and inserting “section 1111(b)(2)”;

(ii) in subparagraph (B)— (I) in clause (i)— (aa) in subclause (I), by striking “, after considering the recommendation of the technical assistance providers under section 1117,”; and (bb) in subclause (II), by striking “the No Child Left Behind Act of 2001” and inserting “Student Success Act”; (II) in clause (ii)— (aa) by striking “(including administrators of programs de-
scribed in other parts of this title); and

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

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

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

(3) in subsection (c)—

(A) by striking “part” and inserting “subpart”; and

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

SEC. 116. TARGETED ASSISTANCE SCHOOLS.

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

(1) in subsection (a)—

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

(B) by striking “operate such” and inserting “operate”; and
(C) by striking “part” and inserting “sub-
part”;

(2) in subsection (b)—

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

(B) in paragraph (2)—

(i) in subparagraph (A)—

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

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

(ii) in subparagraph (B)—

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

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

(iii) in subparagraph (C)—

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

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

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

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

(3) in subsection (c)—

(A) in paragraph (1)—

   (i) in the matter preceding subparagraph (A)—

      (I) by striking “part” and inserting “subpart”; and

      (II) by striking “challenging student academic achievement” and inserting “academic”;

   (ii) in subparagraph (A)—

      (I) by striking “part” and inserting “subpart”; and

      (II) by striking “challenging student academic achievement” and inserting “academic”;

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

   (iv) in subparagraph (C)—
(I) in the matter preceding clause (i), by striking “based on scientifically based research” and inserting “evidence-based”; and

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

(v) in subparagraph (D), by striking “such as Head Start, Even Start, Early Reading First or State-run preschool programs”;

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

(vii) in subparagraph (F)—

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

(II) by striking “part” and inserting “subpart”; and

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

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

(B) in paragraph (2)—
(i) in the matter preceding subparagraph (A), by striking “proficient and advanced levels of achievement” and inserting “academic standards”;

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

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

(4) in subsection (d), in the matter preceding paragraph (1), by striking “part” each place it appears and inserting “subpart”; and

(5) in subsection (c)—

(A) in paragraph (2)(B)—

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

(ii) in clause (iii), by striking “pupil services” and inserting “specialized instructional support services”; and

(B) by striking paragraph (3).
SEC. 117. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT; SCHOOL SUPPORT AND RECOGNITION.

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

SEC. 118. PARENTAL INVOLVEMENT.

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

(1) by striking “part” each place such term appears and inserting “subpart”;

(2) in subsection (a)—

(A) in paragraph (2)—

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

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

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

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

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

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

(5) in subsection (e)—

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

(B) in paragraph (3)—

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

(ii) by striking “principals,” and inserting “school leaders,”; and

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

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

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

SEC. 119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

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

SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

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

“SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

“(a) GENERAL REQUIREMENT.—

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

“(A) after timely and meaningful consultation with appropriate private school officials or representatives, provide such service, on an equitable basis and individually or in combination, as requested by the officials or representatives to best meet the needs of such children, special
educational services, instructional services, counseling, mentoring, one-on-one tutoring, or other benefits under this subpart (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs; and

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

“(2) Secular, Neutral, Nonideological.—
Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.

“(3) Equity.—

“(A) In General.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this subpart, and shall be provided in a timely manner.

“(B) Ombudsman.—To help ensure such equity for such private school children, teachers, and other educational personnel, the State
educational agency involved shall designate an
ombudsman to monitor and enforce the require-
ments of this subpart.
“(4) EXPENDITURES.—
“(A) IN GENERAL.—Expenditures for edu-
cational services and other benefits to eligible
private school children shall be equal to the ex-
penditures for participating public school chil-
dren, taking into account the number, and edu-
cational needs, of the children to be served. The
share of funds shall be determined based on the
total allocation received by the local educational
agency prior to any allowable expenditures au-
thorized under this title.
“(B) OBLIGATION OF FUNDS.—Funds allo-
cated to a local educational agency for edu-
cational services and other benefits to eligible
private school children shall—
“(i) be obligated in the fiscal year for
which the funds are received by the agen-
cy; and
“(ii) with respect to any such funds
that cannot be so obligated, be used to
serve such children in the following fiscal
year.
“(C) NOTICE OF ALLOCATION.—Each State educational agency shall—

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

“(ii) provide notice, simultaneously, to each such local educational agency and the appropriate private school officials or their representatives in the State of such allocation of funds.

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

“(b) CONSULTATION.—

“(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials or representatives during the design and development of such agency’s programs under this subpart
in order to reach an agreement between the agency and the officials or representatives about equitable and effective programs for eligible private school children, the results of which shall be transmitted to the designated ombudsmen under section 1120(a)(3)(B). Such process shall include consultation on issues such as—

“(A) how the children’s needs will be identified;

“(B) what services will be offered;

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

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

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

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

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

“(H) how, if the agency disagrees with the views of the private school officials or representatives on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor;

“(I) whether the agency will provide services under this section directly or through contracts with public and private agencies, organizations, and institutions;

“(J) whether to provide equitable services to eligible private school children—
“(i) by creating a pool or pools of funds with all of the funds allocated under paragraph (4) based on all the children from low-income families who attend private schools in a participating school attendance area of the agency from which the local educational agency will provide such services to all such children; or

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

“(K) whether to consolidate and use funds under this subpart to provide schoolwide programs for a private school.

“(2) DISAGREEMENT.—If a local educational agency disagrees with the views of private school officials or representatives with respect to an issue described in paragraph (1), the local educational agency shall provide in writing to such private school officials an analysis of the reasons why the local edu-
cational agency has chosen not to adopt the course of action requested by such officials.

“(3) TIMING.—Such consultation shall include meetings of agency and private school officials or representatives and shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this subpart. Such meetings shall continue throughout implementation and assessment of services provided under this section.

“(4) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

“(5) DOCUMENTATION.—Each local educational agency shall maintain in the agency’s records and provide to the State educational agency involved a written affirmation signed by officials or representatives of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials or representatives to indicate that timely and meaningful consultation has not occurred or that the program design is not
equitable with respect to eligible private school children. If such officials or representatives do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

“(6) Compliance.—

“(A) In general.—A private school official shall have the right to file a complaint with the State educational agency that the local educational agency did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school official, or did not treat the private school or its students equitably as required by this section.

“(B) Procedure.—If the private school official wishes to file a complaint, the official shall provide the basis of the noncompliance with this section by the local educational agency to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.
“(C) State educational agencies.—A State educational agency shall provide services under this section directly or through contracts with public or private agencies, organizations, and institutions, if—

“(i) the appropriate private school officials or their representatives have—

“(I) requested that the State educational agency provide such services directly; and

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

“(ii) in a case in which—

“(I) a local educational agency has more than 10,000 children from low-income families who attend private elementary schools or secondary schools in a participating school attendance area of the agency that are not being served by the agency’s program under this section; or

“(II) 90 percent of the eligible private school students in a partici-
participating school attendance area of the agency are not being served by the agency’s program under this section.

“(c) Allocation for Equitable Service to Private School Students.—

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

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

“(B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable;

“(C) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area; or

“(D) using an equated measure of low income correlated with the measure of low income used to count public school children.
“(2) Complaint process.—Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 5503.

“(d) Public Control of Funds.—

“(1) In general.—The control of funds provided under this subpart, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

“(2) Provision of services.—

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

“(i) by employees of a public agency;

or

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

“(B) Requirement.—In the provision of such services, such employee, individual, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or
contract shall be under the control and supervision of such public agency.

“(e) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation in programs on an equitable basis of eligible children enrolled in private elementary schools and secondary schools, or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

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

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

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

SEC. 121. FISCAL REQUIREMENTS.

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

(1) by striking “part” each place it appears and inserting “subpart”; and
(2) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

SEC. 122. COORDINATION REQUIREMENTS.

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

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

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

(3) in subsection (b)—

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

(B) in paragraphs (1) through (3), by striking “such as the Early Reading First program” each place it appears;

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

(D) in paragraph (5), by striking “and entities carrying out Early Reading First programs”.

SEC. 123. 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 “appropriated for payments to States for any fiscal year under section 1002(a) and 1125A(f)” and inserting “reserved for this chapter under section 1122(a)”;

(2) in subsection (b)—

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

(B) in paragraph (3)—

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

(ii) in subparagraph (C)(ii), by striking “challenging State academic content standards” and inserting “State academic standards”; and

(iii) by striking subparagraph (D);

and

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

SEC. 124. ALLOCATIONS TO STATES.

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

(1) by amending subsection (a) to read as follows:

“(a) Reservation.—
“(1) IN GENERAL.—From the amounts appropriated under section 3(a)(1), the Secretary shall reserve 91.055 percent of such amounts to carry out this chapter.

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

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

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

“(C) an amount equal to 100 percent of the amount, if any, by which the total amount made available to carry out this chapter for the fiscal year for which the determination is made exceeds the total amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be used to carry out section 1125 and 1125A and such amount shall be divided equally between section 1125 and section 1125A.”;
(2) in subsection (b)(1), by striking “subpart” and inserting “chapter”;

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

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

SEC. 125. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

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

(1) in subsection (a)—

(A) in paragraph (3)—

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

(ii) in subparagraph (C)(i), by striking “subpart” and inserting “chapter”; and

(B) in paragraph (4)(C), by striking “subpart” each place it appears and inserting “chapter”; and

(2) in subsection (c)—

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

(B) in paragraph (2), by striking “part” and inserting “subpart”.
SEC. 126. ADEQUACY OF FUNDING OF TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES IN FISCAL YEARS AFTER FISCAL YEAR 2001.

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


“Pursuant to section 1122, the total amount allocated in any fiscal year after fiscal year 2001 for programs and activities under this subpart shall not exceed the amount allocated in fiscal year 2001 for such programs and activities unless the amount available for targeted grants to local educational agencies under section 1125 in the applicable fiscal year meets the requirements of section 1122(a).”.

SEC. 127. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

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

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

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking “appropriated pursuant to subsection (f)” and inserting “made available for any fiscal year to carry out this section”; and
(B) in subparagraph (B)(i), by striking “total appropriations” and inserting “the total amount reserved under section 1122(a) to carry out this section”; and

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

SEC. 128. CARRYOVER AND WAIVER.

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

Subtitle C—Additional Aid to States and School Districts

SEC. 131. ADDITIONAL AID.

(a) In General.—Title I (20 U.S.C. 6301 et seq.), as amended by the preceding provisions of this Act, is further amended—

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

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

“Subpart 2—Education of Migratory Children

SEC. 1131. PROGRAM PURPOSES.

“The purposes of this subpart are as follows:
“(1) To assist States in supporting high-quality and comprehensive educational programs and services during the school year, and as applicable, during summer or intercession periods, that address the unique educational needs of migratory children.

“(2) To ensure that migratory children who move among the States, not be penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic standards.

“(3) To help such children succeed in school, meet the State academic standards that all children are expected to meet, and graduate from high school prepared for postsecondary education and the workforce without the need for remediation.

“(4) To help such children 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.

“(5) To help such children benefit from State and local systemic reforms.
“SEC. 1132. PROGRAM AUTHORIZED.

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

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

“SEC. 1133. STATE ALLOCATIONS.

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

“(1) the sum of—

“(A) the average number of identified eligible full-time equivalent 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 subpart in summer or intersession programs provided by the State during the previous year; multiplied by

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

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

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

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

“(2) 32 percent of the average per-pupil expenditure in the United States.

“(d) RATABLE REDUCTIONS; REALLOCATIONS.—
“(1) IN GENERAL.—

“(A) RATABLE REDUCTIONS.—If, after the Secretary reserves funds under section 1138(c), the amount appropriated to carry out this subpart for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

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

“(2) SPECIAL RULE.—

“(A) FURTHER REDUCTIONS.—The Secretary shall further reduce the amount of any grant to a State under this subpart for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount required under section 1134.
“(B) REALLOCATION.—The Secretary shall reallocate such excess funds to other States whose grants under this subpart would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

“(e) CONSORTIUM ARRANGEMENTS.—

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

“(2) PROPOSALS.—Any State, regardless of the amount of such State’s allocation, may submit a consortium arrangement to the Secretary for approval.

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

“(A) reduce administrative costs or program function costs for State programs; and
“(B) make more funds available for direct services to add substantially to the educational achievement of children to be served under this subpart.

“(f) Determining Numbers of Eligible Children.—In order to determine the identified number of migratory children residing in each State for purposes of this section, the Secretary shall—

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

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

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

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

“(A) the unique needs of those children participating in evidence-based or other effective special programs provided under this subpart that operate during the summer and intersession periods; and
“(B) the additional costs of operating such programs; and
“(5) conduct an analysis of the options for adjusting the formula so as to better direct services to migratory children, including the most at-risk migratory children.
“(g) NONPARTICIPATING STATES.—In the case of a State desiring to receive an allocation under this subpart 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. 1134. STATE APPLICATIONS; SERVICES.
“(a) Application Required.—Any State desiring to receive a grant under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.
“(b) Program Information.—Each such application shall include—
“(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this subpart, the State and its local operating agencies will ensure that the unique educational needs of migratory children, including preschool migratory children, are identified and addressed through—

“(A) the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

“(B) joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under chapter A of subpart 4; and

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

“(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same State academic standards that all children are expected to meet;

“(3) a description of how the State will use funds received under this subpart to promote inter-
state and intrastate coordination of services for migratory children, including how the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such a move occurs during the regular school year;

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

“(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies, taking into account the numbers and needs of migratory children, the requirements of subsection (d), and the availability of funds from other Federal, State, and local programs; and

“(6) a description of how the State will encourage programs and projects assisted under this subpart to offer family literacy services if the programs and projects serve a substantial number of migratory children whose parents do not have a regular high school diploma or its recognized equivalent or who have low levels of literacy.
“(c) ASSURANCES.—Each such application shall also include assurances that—

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

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

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

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

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

“(A) in a manner that provides for the same parental involvement as is required for
programs and projects under section 1118, unless extraordinary circumstances make such provision impractical; and

“(B) in a format and language understandable to the parents;

“(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;

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

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

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

“(B) professional development programs, including mentoring, for teachers and other program personnel;
“(C) high-quality, evidence-based family literacy programs;

“(D) the integration of information technology into educational and related programs; and

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

“(7) the State will assist the Secretary in determining the number of migratory children under paragraph (1) of section 1133(a).

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

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

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

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

“(3) secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

“SEC. 1135. SECRETARIAL APPROVAL; PEER REVIEW.

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

“SEC. 1136. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

“(a) COMPREHENSIVE PLAN.—

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

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

“(B) may be submitted as a part of a consolidated application under section 5302, if—
“(i) the unique needs of migratory children are specifically addressed in the comprehensive State plan;

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

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

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

“(D) specifies measurable program goals and outcomes;

“(E) encompasses the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

“(F) is the product of joint planning among such local, State, and Federal programs, including programs under subpart 1, early childhood programs, and language instruction
educational programs under chapter A of sub-
part 4; and

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

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

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

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

“(b) AUTHORIZED ACTIVITIES.—

“(1) FLEXIBILITY.—In implementing the com-
prehensive plan described in subsection (a), each
State educational agency, where applicable through
its local educational agencies, shall have the flexi-
bility to determine the activities to be provided with
funds made available under this subpart, except that
such funds first shall be used to meet the identified
needs of migratory children that result from their
migratory lifestyle, and to permit these children to
participate effectively in school.
“(2) UNADDRESSED NEEDS.—Funds provided under this subpart shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under subpart 1 may receive those services through funds provided under that subpart, or through funds under this subpart that remain after the agency addresses the needs described in paragraph (1).

“(3) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

“SEC. 1137. BYPASS.

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

“(1) the State is unable or unwilling to conduct educational programs for migratory children;
“(2) such arrangements would result in more efficient and economic administration of such programs; or

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

“SEC. 1138. COORDINATION OF MIGRATORY EDUCATION ACTIVITIES.

“(a) IMPROVEMENT OF COORDINATION.—

“(1) IN GENERAL.—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 entities to improve the interstate and intrastate coordination among such agencies’ educational programs, including through the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

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

“(b) STUDENT RECORDS.—

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

“(2) INFORMATION SYSTEM.—

“(A) IN GENERAL.—The Secretary, in consultation with the States, shall ensure the linkage of migratory student record systems for the purpose of electronically exchanging, among the States, health and educational information regarding all migratory students. The Secretary shall ensure such linkage occurs in a cost-effective manner, utilizing systems used by the States prior to, or developed after, the date of enactment of this Act. The Secretary shall determine the minimum data elements that each State receiving funds under this subpart shall collect and maintain. Such minimum data elements may include—

“(i) immunization records and other health information;

“(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments required under section 1111(b)(2);
“(iii) other academic information essential to ensuring that migratory children achieve to the States’s academic standards; and

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

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

“(3) NO COST FOR CERTAIN TRANSFERS.—A State educational agency or local educational agency receiving assistance under this subpart shall make student records available to another State educational agency or local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.

“(4) REPORT TO CONGRESS.—

“(A) IN GENERAL.—Not later than April 30, 2014, the Secretary shall report to the
Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives the Secretary’s findings and recommendations regarding the maintenance and transfer of health and educational information for migratory students by the States.

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

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

“(ii) recommendations for maintaining such systems; and

“(iii) recommendations for improving the continuity of services provided for migratory students.

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

“(d) DATA COLLECTION.—The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.
“SEC. 1139. DEFINITIONS.

“As used in this subpart:

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

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

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

“(C) a State educational agency, if the State educational agency operates the State’s migratory education program or projects directly.

“(2) MIGRATORY CHILD.—The term ‘migratory child’ means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work—

“(A) has moved from one school district to another;
“(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or
“(C) 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 a fishing activity.

“Subpart 3—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

“SEC. 1141. PURPOSE AND PROGRAM AUTHORIZATION.
“(a) PURPOSE.—It is the purpose of this subpart—
“(1) to improve educational services for children and youth in local and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same State academic standards that all children in the State are expected to meet;
“(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and
“(3) to prevent at-risk youth from dropping out of school, and to provide dropouts, and children and youth returning from correctional facilities or insti-
tutions for neglected or delinquent children and youth, with a support system to ensure their con-

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

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

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

PART.

“(a) AGENCY SUBGRANTS.—Based on the allocation
amount computed under section 1152, the Secretary shall
allocate to each State educational agency an amount nec-

essary to make subgrants to State agencies under chapter

A.

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

“CHAPTER A—STATE AGENCY PROGRAMS

“SEC. 1151. ELIGIBILITY.

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

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

“(2) attending community day programs for neglected or delinquent children and youth; or

“(3) in adult correctional institutions.

“SEC. 1152. ALLOCATION OF FUNDS.

“(a) SUBGRANTS TO STATE AGENCIES.—

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

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

“(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and
“(ii) are enrolled for at least 20 hours per week—

“(I) in education programs in institutions for neglected or delinquent children and youth; or

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

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

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

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

“(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency’s annual programs.
“(b) Subgrants to State Agencies in Puerto Rico.—

“(1) In general.—For each fiscal year, the amount of the subgrant which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this chapter shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

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

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

“(2) Minimum percentage.—The percentage in paragraph (1)(A) shall not be less than 85 percent.

“(c) Ratable Reductions in Case of Insufficient Appropriations.—If the amount reserved for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.
“SEC. 1153. STATE REALLOCATION OF FUNDS.

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

“SEC. 1154. STATE PLAN AND STATE AGENCY APPLICATIONS.

“(a) State Plan.—

“(1) In general.—Each State educational agency that desires to receive a grant under this chapter shall submit, for approval by the Secretary, a plan—

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

“(B) for assisting in the transition of children and youth from correctional facilities to locally operated programs; and

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

“(2) Contents.—Each such State plan shall—
“(A) describe how the State will assess the effectiveness of the program in improving the academic, career, and technical skills of children in the program;

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

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

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

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

“(ii) carry out the evaluation requirements of section 1171; and

“(iii) ensure that the State agencies receiving subgrants under this chapter comply with all applicable statutory and regulatory requirements.
“(3) Duration of the plan.—Each such State plan shall—

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

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

“(b) Secretarial Approval and Peer Review.—

“(1) Secretarial approval.—The Secretary shall approve each State plan that meets the requirements of this chapter.

“(2) Peer review.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

“(c) State Agency Applications.—Any State agency that desires to receive funds to carry out a program under this chapter shall submit an application to the State educational agency that—

“(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served under this chapter;
“(2) provide an assurance that in making services available to children and youth in adult correctional institutions, priority will be given to such children and youth who are likely to complete incarceration within a 2-year period;

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

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

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

“(6) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of Public Law 105–220, career and technical education programs, State and local dropout prevention programs, and special education programs;

“(7) describes how the State agency will encourage correctional facilities receiving funds under this chapter to coordinate with local educational agencies or alternative education programs attended
by incarcerated children and youth prior to and after
their incarceration to ensure that student assess-
ments and appropriate academic records are shared
jointly between the correctional facility and the local
educational agency or alternative education program;
“(8) describes how appropriate professional de-
velopment will be provided to teachers and other
staff;
“(9) designates an individual in each affected
correctional facility or institution for neglected or
delinquent children and youth to be responsible for
issues relating to the transition of such children and
youth from such facility or institution to locally op-
erated programs;
“(10) describes how the State agency will en-
deavor to coordinate with businesses for training and
mentoring for participating children and youth;
“(11) provides an assurance that the State
agency will assist in locating alternative programs
through which students can continue their education
if the students are not returning to school after leav-
ing the correctional facility or institution for ne-
glected or delinquent children and youth;
“(12) provides assurances that the State agency
will work with parents to secure parents’ assistance
in improving the educational achievement of their
children and youth, and preventing their children’s
and youth’s further involvement in delinquent activi-
ties;

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

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

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

“(14) provides an assurance that the State
agency will work with children and youth who
dropped out of school before entering the correc-
tional facility or institution for neglected or delin-
quently children and youth to encourage the children
and youth to reenter school and obtain a regular
high school diploma once the term of the incarcer-
ation is completed, or provide the child or youth with
the skills necessary to gain employment, continue
the education of the child or youth, or obtain a reg-
ular high school diploma or its recognized equivalent if the child or youth does not intend to return to school;

“(15) provides an assurance that effective teachers and other qualified staff are trained to work with children and youth with disabilities and other students with special needs taking into consideration the unique needs of such students;

“(16) describes any additional services to be provided to children and youth, such as career counseling, distance education, and assistance in securing student loans and grants; and

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

“SEC. 1155. USE OF FUNDS.

“(a) USES.—

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

“(A) are consistent with the State plan under section 1154(a); and
“(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, career and technical education, further education, or employment without the need for remediation.

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

“(A) may include the acquisition of equipment;

“(B) shall be designed to support educational services that—

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

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

“(iii) afford such children and youth an opportunity to meet State academic standards; and
“(C) shall be carried out in a manner consistent with section 1120A and part C (as applied to programs and projects under this chapter).

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

“SEC. 1156. INSTITUTION-WIDE PROJECTS.

“A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community day program for such children and youth may use funds received under this chapter to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

“(1) provides for a comprehensive assessment of the educational needs of all children and youth in the institution or program serving juveniles;
“(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period;

“(3) describes the steps the State agency has taken, or will take, to provide all children and youth under age 21 with the opportunity to meet State academic standards in order to improve the likelihood that the children and youth will complete secondary school, obtain a regular high school diploma or its recognized equivalent, or find employment after leaving the institution;

“(4) describes the instructional program, specialized instructional support services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for the children and youth described in paragraph (1);

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

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

“(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or
program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community day programs for neglected or delinquent children and youth, and with personnel from the State educational agency; and

“(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

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

“If a State agency operates a program or project under this chapter in which individual children or youth are likely to participate for more than one year, the State educational agency may approve the State agency’s application for a subgrant under this chapter for a period of not more than 3 years.

“SEC. 1158. TRANSITION SERVICES.

“(a) Transition Services.—Each State agency shall reserve not less than 15 percent and not more than 30 percent of the amount such agency receives under this chapter for any fiscal year to support—
“(1) projects that facilitate the transition of children and youth from State-operated institutions to schools served by local educational agencies; or

“(2) the successful re-entry of youth offenders, who are age 20 or younger and have received a regular high school diploma or its recognized equivalent, into postsecondary education, or career and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or career and technical training programs, such as—

“(A) preplacement programs that allow adjudicated or incarcerated youth to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;

“(B) worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to postsecondary education and employment; and

“(C) essential support services to ensure the success of the youth, such as—

“(i) personal, career and technical, and academic counseling;
“(ii) placement services designed to place the youth in a university, college, or junior college program;
“(iii) information concerning, and assistance in obtaining, available student financial aid;
“(iv) counseling services; and
“(v) job placement services.
“(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private organizations.
“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

“SEC. 1159. TECHNICAL ASSISTANCE.
“The Secretary shall reserve not more than 1 percent of the amount reserved under section 1141 to provide technical assistance to and support State agency programs assisted under this chapter.
“CHAPTER B—LOCAL AGENCY PROGRAMS

“SEC. 1161. PURPOSE.

“The purpose of this chapter is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities—

“(1) to carry out high quality education programs to prepare children and youth for secondary school completion, training, employment, or further education;

“(2) to provide activities to facilitate the transition of such children and youth from the correctional program to further education or employment; and

“(3) to operate programs in local schools for children and youth returning from correctional facilities, and programs which may serve at-risk children and youth.

“SEC. 1162. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

“(a) LOCAL SUBGRANTS.—With funds made available under section 1142(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of children and youth residing in locally operated (including county operated) correctional facilities for children and youth (including facilities involved in community day programs).
“(b) Special Rule.—A local educational agency that serves a school operated by a correctional facility is not required to operate a program of support for children and youth returning from such school to a school that is not operated by a correctional agency but served by such local educational agency, if more than 30 percent of the children and youth attending the school operated by the correctional facility will reside outside the boundaries served by the local educational agency after leaving such facility.

“(c) Notification.—A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this chapter.

“(d) Transitional and Academic Services.—Transitional and supportive programs operated in local educational agencies under this chapter shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at-risk of dropping out of school shall not have a negative impact on meeting the transitional and academic needs of the students returning from correctional facilities.
“SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

“Each local educational agency desiring assistance under this chapter shall submit an application to the State educational agency that contains such information as the State educational agency may require. Each such application shall include—

“(1) a description of the program to be assisted;

“(2) a description of formal agreements, regarding the program to be assisted, between—

“(A) the local educational agency; and

“(B) correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system;

“(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent children and youth to ensure that such children and youth are participating in an education program comparable to one operating in the local school such youth would attend;

“(4) a description of the program operated by participating schools for children and youth returning from correctional facilities and, as appropriate, the types of services that such schools will provide such children and youth and other at-risk children and youth;
“(5) a description of the characteristics (including learning difficulties, substance abuse problems, and other needs) of the children and youth who will be returning from correctional facilities and, as appropriate, other at-risk children and youth expected to be served by the program, and a description of how the school will coordinate existing educational programs to meet the unique educational needs of such children and youth;

“(6) as appropriate, a description of how schools will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities and at-risk children or youth, including prenatal health care and nutrition services related to the health of the parent and the child or youth, parenting and child development classes, child care, targeted reentry and outreach programs, referrals to community resources, and scheduling flexibility;

“(7) as appropriate, a description of any partnerships with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring services for participating students;

“(8) as appropriate, a description of how the program will involve parents in efforts to improve
the educational achievement of their children, assist
in dropout prevention activities, and prevent the in-
volvement of their children in delinquent activities;

“(9) a description of how the program under
this chapter will be coordinated with other Federal,
State, and local programs, such as programs under
title I of Public Law 105–220 and career and tech-
nical education programs serving at-risk children
and youth;

“(10) a description of how the program will be
coordinated with programs operated under the Juve-
nile Justice and Delinquency Prevention Act of 1974
and other comparable programs, if applicable;

“(11) as appropriate, a description of how
schools will work with probation officers to assist in
meeting the needs of children and youth returning
from correctional facilities;

“(12) a description of the efforts participating
schools will make to ensure correctional facilities
working with children and youth are aware of a
child’s or youth’s existing individualized education
program; and

“(13) as appropriate, a description of the steps
participating schools will take to find alternative
placements for children and youth interested in con-
continuing their education but unable to participate in
a traditional public school program.

“SEC. 1164. USES OF FUNDS.

“Funds provided to local educational agencies under
this chapter may be used, as appropriate, for—

“(1) programs that serve children and youth re-
turning to local schools from correctional facilities,
to assist in the transition of such children and youth
to the school environment and help them remain in
school in order to complete their education;

“(2) dropout prevention programs which serve
at-risk children and youth;

“(3) the coordination of health and social serv-
ices for such individuals if there is a likelihood that
the provision of such services, including day care,
drug and alcohol counseling, and mental health serv-
ices, will improve the likelihood such individuals will
complete their education;

“(4) special programs to meet the unique aca-
demic needs of participating children and youth, in-
cluding career and technical education, special edu-
cation, career counseling, curriculum-based youth
entrepreneurship education, and assistance in secur-
ing student loans or grants for postsecondary edu-
cation; and
“(5) programs providing mentoring and peer mediation.

“SEC. 1165. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

“Each correctional facility entering into an agreement with a local educational agency under section 1163(2) to provide services to children and youth under this chapter shall—

“(1) where feasible, ensure that educational programs in the correctional facility are coordinated with the student’s home school, particularly with respect to a student with an individualized education program under part B of the Individuals with Disabilities Education Act;

“(2) if the child or youth is identified as in need of special education services while in the correctional facility, notify the local school of the child or youth of such need;

“(3) where feasible, provide transition assistance to help the child or youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;
“(4) provide support programs that encourage children and youth who have dropped out of school to re-enter school and obtain a regular high school diploma once their term at the correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment or seek a regular high school diploma or its recognized equivalent;

“(5) work to ensure that the correctional facility is staffed with effective teachers and other qualified staff who are trained to work with children and youth with disabilities taking into consideration the unique needs of such children and youth;

“(6) ensure that educational programs in the correctional facility are related to assisting students to meet the States’s academic standards;

“(7) to the extent possible, use technology to assist in coordinating educational programs between the correctional facility and the community school;

“(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

“(9) coordinate funds received under this chapter with other local, State, and Federal funds avail-
able to provide services to participating children and youth, such as funds made available under title I of Public Law 105–220, and career and technical education funds;

“(10) coordinate programs operated under this chapter with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

“(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth; and

“(12) consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility to coordinate educational services so as to minimize disruption to the child’s or youth’s achievement.

“SEC. 1166. ACCOUNTABILITY.

“The State educational agency—

“(1) may require correctional facilities or institutions for neglected or delinquent children and youth to demonstrate, after receiving assistance under this chapter for 3 years, that there has been an increase in the number of children and youth re-
turning to school, obtaining a regular high school diploma or its recognized equivalent, or obtaining employment after such children and youth are released; and

“(2) may reduce or terminate funding for projects under this chapter if a local educational agency does not show progress in the number of children and youth obtaining a regular high school diploma or its recognized equivalent.

“CHAPTER C—GENERAL PROVISIONS

“SEC. 1171. PROGRAM EVALUATIONS.

“(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under chapters A or B shall evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age, not less than once every 3 years, to determine the program’s impact on the ability of participants—

“(1) to maintain and improve educational achievement;

“(2) to accrue school credits that meet State requirements for grade promotion and high school graduation;

“(3) to make the transition to a regular program or other education program operated by a local educational agency;
“(4) to complete high school (or high school equivalency requirements) and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth; and

“(5) as appropriate, to participate in postsecondary education and job training programs.

“(b) EXCEPTION.—The disaggregation required under subsection (a) 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.

“(c) EVALUATION MEASURES.—In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

“(d) EVALUATION RESULTS.—Each State agency and local educational agency shall—

“(1) submit evaluation results to the State educational agency and the Secretary; and

“(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

“SEC. 1172. DEFINITIONS.

“In this subpart:
“(1) Adult correctional institution.— The term ‘adult correctional institution’ means a facility in which persons (including persons under 21 years of age) are confined as a result of a conviction for a criminal offense.

“(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 in the past, is at least 1 year behind the expected grade level for the age of the individual, is an English learner, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school.

“(3) Community day program.— The term ‘community day program’ means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.

“(4) Institution for neglected or delinquent children and youth.— The term ‘institu-
tion for neglected or delinquent children and youth’ means—

“(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

“(B) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

“Subpart 4—English Language Acquisition, Language Enhancement, and Academic Achievement

“SEC. 1181. PURPOSES.

“The purposes of this subpart are—

“(1) to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;

“(2) to assist all English learners, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same State academic standards that all
children are expected to meet, consistent with section 1111(b)(1);

“(3) to assist State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining high-quality, flexible, evidence-based language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;

“(4) to assist State educational agencies and local educational agencies to develop and enhance their capacity to provide high-quality, evidence-based instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instruction settings; and

“(5) to promote parental and community participation in language instruction educational programs for the parents and communities of English learners.

“CHAPTER A—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION AND LANGUAGE ENHANCEMENT

“SEC. 1191. FORMULA GRANTS TO STATES.

“(a) In General.—In the case of each State educational agency having a plan approved by the Secretary for a fiscal year under section 1192, the Secretary shall
reserve 4.4 percent of funds appropriated under section 3(a)(1) to make a grant for the year to the agency for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State educational agency under subsection (c).

“(b) USE OF FUNDS.—

“(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The Secretary may make a grant under subsection (a) only if the State educational agency involved agrees to expend at least 95 percent of the State educational agency’s allotment under subsection (c) for a fiscal year—

“(A) to award subgrants, from allocations under section 1193, to eligible entities to carry out the activities described in section 1194 (other than subsection (e)); and

“(B) to award subgrants under section 1193(d)(1) to eligible entities that are described in that section to carry out the activities described in section 1194(e).

“(2) STATE ACTIVITIES.—Subject to paragraph (3), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency’s allotment under subsection (c) to carry out the following activities:
“(A) Professional development activities, and other activities, which may include assisting personnel in—

“(i) meeting State and local certification and licensing requirements for teaching English learners; and

“(ii) improving teacher skills in meeting the diverse needs of English learners, including in how to implement evidence-based programs and curricula on teaching English learners.

“(B) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

“(C) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this chapter, including assistance in—

“(i) identifying and implementing evidence-based language instruction educational programs and curricula for teaching English learners;
“(ii) helping English learners meet the same State academic standards that all children are expected to meet;

“(iii) identifying or developing, and implementing, measures of English proficiency; and

“(iv) strengthening and increasing parent, family, and community engagement.

“(D) Providing recognition, which may include providing financial awards, to subgrantees that have significantly improved the achievement and progress of English learners in—

“(i) reaching English language proficiency, based on the State’s English language proficiency assessment under section 1111(b)(2)(D); and

“(ii) meeting the State academic standards under section 1111(b)(1).

“(3) Administrative Expenses.—From the amount reserved under paragraph (2), a State educational agency may use not more than 40 percent of such amount or $175,000, whichever is greater, for the planning and administrative costs of carrying out paragraphs (1) and (2).
“(c) Reservations and Allotments.—

“(1) Reservations.—From the amount reserved under section 1191(a) for each fiscal year, the Secretary shall reserve—

“(A) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this chapter, as determined by the Secretary, for activities, approved by the Secretary, consistent with this chapter; and

“(B) 6.5 percent of such amount for national activities under sections 1211 and 1222, except that 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 1222.

“(2) State allotments.—

“(A) In general.—Except as provided in subparagraph (B), from the amount reserved under section 1191(a) for each fiscal year that remains after making the reservations under paragraph (1), the Secretary shall allot to each State educational agency having a plan approved under section 1192(c)—
“(i) an amount that bears the same relationship to 80 percent of the remainder as the number of English learners in the State bears to the number of such children in all States, as determined by data available from the American Community Survey conducted by the Department of Commerce or State-reported data; and

“(ii) an amount that bears the same relationship to 20 percent of the remainder as the number of immigrant children and youth in the State bears to the number of such children and youth in all States, as determined based only on data available from the American Community Survey conducted by the Department of Commerce.

“(B) MINIMUM ALLOTMENTS.—No State educational agency shall receive an allotment under this paragraph that is less than $500,000.

“(C) REALLOTMENT.—If any State educational agency described in subparagraph (A) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any amend-
ment to a plan) that the Secretary, after rea-
sonable notice and opportunity for a hearing,
determines does not satisfy the requirements of
this chapter, the Secretary shall reallocate any por-
tion of such allotment to the remaining State
educational agencies in accordance with sub-
paragraph (A).

“(D) SPECIAL RULE FOR PUERTO RICO.—
The total amount allotted to Puerto Rico for
any fiscal year under subparagraph (A) shall
not exceed 0.5 percent of the total amount al-
lotted to all States for that fiscal year.

“(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, using the most accurate, up-to-date data,
which shall be—

“(A) data from the American Community
Survey conducted by the Department of Com-
merce, which may be multiyear estimates;

“(B) the number of students being as-
sessed for English language proficiency, based
on the State’s English language proficiency as-
assessment under section 1111(b)(2)(D), which
may be multiyear estimates; or
“(C) a combination of data available under
subparagraphs (A) and (B).

“SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.
“(a) PLAN REQUIRED.—Each State educational
agency desiring a grant under this chapter shall submit
a plan to the Secretary at such time and in such manner
as the Secretary may require.
“(b) CONTENTS.—Each plan submitted under sub-
section (a) shall—
“(1) describe the process that the agency will
use in awarding subgrants to eligible entities under
section 1193(d)(1);
“(2) provide an assurance that—
“(A) the agency will ensure that eligible
entities receiving a subgrant under this chapter
comply with the requirement in section
1111(b)(2)(B)(x) to annually assess in English
learners who have been in the United States for
3 or more consecutive years;
“(B) the agency will ensure that eligible
entities receiving a subgrant under this chapter
annually assess the English proficiency of all
English learners participating in a program
funded under this chapter, consistent with section 1111(b)(2)(D);

“(C) in awarding subgrants under section 1193, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;

“(D) subgrants to eligible entities under section 1193(d)(1) will be of sufficient size and scope to allow such entities to carry out high-quality, evidence-based language instruction educational programs for English learners;

“(E) the agency will require an eligible entity receiving a subgrant under this chapter to use the subgrant in ways that will build such recipient’s capacity to continue to offer high-quality evidence-based language instruction educational programs that assist English learners in meeting State academic standards;

“(F) the agency will monitor the eligible entity receiving a subgrant under this chapter for compliance with applicable Federal fiscal requirements; and

“(G) the plan has been developed in consultation with local educational agencies, teach-
ers, administrators of programs implemented under this chapter, parents, and other relevant stakeholders;

“(3) describe how the agency will coordinate its programs and activities under this chapter with other programs and activities under this Act and other Acts, as appropriate;

“(4) describe how eligible entities in the State will be given the flexibility to teach English learners—

“(A) using a high-quality, evidence-based language instruction curriculum for teaching English learners; and

“(B) in the manner the eligible entities determine to be the most effective; and

“(5) describe how the agency will assist eligible entities in increasing the number of English learners who acquire English proficiency.

“(c) APPROVAL.—The Secretary, after using a peer review process, shall approve a plan submitted under subsection (a) if the plan meets the requirements of this section.

“(d) DURATION OF PLAN.—
“(1) IN GENERAL.—Each plan submitted by a State educational agency and approved under subsection (c) shall—

“(A) remain in effect for the duration of the agency’s participation under this chapter; and

“(B) be periodically reviewed and revised by the agency, as necessary, to reflect changes to the agency’s strategies and programs carried out under this subpart.

“(2) ADDITIONAL INFORMATION.—

“(A) AMENDMENTS.—If the State educational agency amends the plan, the agency shall submit such amendment to the Secretary.

“(B) APPROVAL.—The Secretary shall approve such amendment to an approved plan, unless the Secretary determines that the amendment will result in the agency not meeting the requirements, or fulfilling the purposes, of this subpart.

“(e) CONSOLIDATED PLAN.—A plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 5302.
“(f) Secretary Assistance.—The Secretary shall provide technical assistance, if requested, in the development of English proficiency standards and assessments.

“SEC. 1193. WITHIN-STATE ALLOCATIONS.

“(a) In General.—After making the reservation required under subsection (d)(1), each State educational agency receiving a grant under section 1191(c)(2) shall award subgrants for a fiscal year by allocating in a timely manner to each eligible entity in the State having a plan approved under section 1195 an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of English learners in schools served by the eligible entity bears to the population of English learners in schools served by all eligible entities in the State.

“(b) Limitation.—A State educational agency shall not award a subgrant from an allocation made under subsection (a) if the amount of such subgrant would be less than $10,000.

“(c) Reallocation.—Whenever a State educational agency determines that an amount from an allocation made to an eligible entity under subsection (a) for a fiscal year will not be used by the entity for the purpose for which the allocation was made, the agency shall, in accordance with such rules as it determines to be appropriate,
reallocate such amount, consistent with such subsection, to other eligible entities in the State that the agency determines will use the amount to carry out that purpose.

“(d) REQUIRED RESERVATION.—A State educational agency receiving a grant under this chapter for a fiscal year—

“(1) shall reserve not more than 15 percent of the agency’s allotment under section 1191(c)(2) to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year preceding the fiscal year for which the subgrant is made, in public and nonpublic elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities; and

“(2) in awarding subgrants under paragraph (1)—

“(A) shall equally consider eligible entities that satisfy the requirement of such paragraph but have limited or no experience in serving immigrant children and youth; and

“(B) shall consider the quality of each local plan under section 1195 and ensure that
each subgrant is of sufficient size and scope to
meet the purposes of this subpart.

“SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.

“(a) PURPOSES OF SUBGRANTS.—A State edu-
cational agency may make a subgrant to an eligible entity
from funds received by the agency under this chapter only
if the entity agrees to expend the funds to improve the
education of English learners, by assisting the children to
learn English and meet State academic standards. In car-
rying out activities with such funds, the eligible entity
shall use evidence-based approaches and methodologies for
teaching English learners and immigrant children and
youth for the following purposes:

“(1) Developing and implementing new lan-
guage instruction educational programs and aca-
demic content instruction programs for English
learners and immigrant children and youth, includ-
ing programs of early childhood education, elemen-
tary school programs, and secondary school pro-
grams.

“(2) Carrying out highly focused, innovative, lo-
cally designed, evidence-based activities to expand or
enhance existing language instruction educational
programs and academic content instruction pro-
grams for English learners and immigrant children and youth.

“(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant 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 English learners and immigrant children and youth.

“(b) ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 1193(a) for a fiscal year shall use not more than 2 percent of such funds for the cost of administering this chapter.

“(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 1193(a) shall use the funds—

“(1) to increase the English language proficiency of English learners by providing high-qual-
ity, evidence-based language instruction educational
programs that meet the needs of English learners
and have demonstrated success in increasing—
“(A) English language proficiency; and
“(B) student academic achievement in the
core academic subjects;
“(2) to provide high-quality, evidence-based
professional development to classroom teachers (in-
cluding teachers in classroom settings that are not
the settings of language instruction educational pro-
grams), school leaders, 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
implement curricula, assessment practices and
measures, and instruction strategies for English
learners;
“(C) evidence-based in increasing chil-
dren’s English language proficiency or substan-
tially increasing the subject matter knowledge,
teaching knowledge, and teaching skills of
teachers; and
“(D) of sufficient intensity and duration (which shall not include activities such as one-
day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher’s supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and
“(3) to provide and implement other evidence-based activities and strategies that enhance or supplement language instruction educational programs for English learners, including parental and community engagement activities and strategies that serve to coordinate and align related programs.
“(d) Authorized Subgrantee Activities.—Subject to subsection (c), an eligible entity receiving funds under section 1193(a) may use the funds to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities:
“(1) Upgrading program objectives and effective instruction strategies.

“(2) Improving the instruction program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

“(3) Providing to English learners—

“(A) tutorials and academic or career education for English learners; and

“(B) intensified instruction.

“(4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

“(5) Improving the English language proficiency and academic achievement of English learners.

“(6) Providing community participation programs, family literacy services, and parent outreach and training activities to English learners and their families—

“(A) to improve the English language skills of English learners; and

“(B) to assist parents in helping their children to improve their academic achievement
and becoming active participants in the education of their children.

“(7) Improving the instruction of English learners by providing for—

“(A) the acquisition or development of educational technology or instructional materials;

“(B) access to, and participation in, electronic networks for materials, training, and communication; and

“(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this chapter.

“(8) Carrying out other activities that are consistent with the purposes of this section.

“(e) Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth.—

“(1) In General.—An eligible entity receiving funds under section 1193(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—
“(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

“(B) support for personnel, including para-professionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

“(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

“(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds;

“(E) basic instruction 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, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

“(F) other instruction services that are designed to assist immigrant children and youth
to achieve in elementary schools and secondary
schools in the United States, such as programs
of introduction to the educational system and
civics education; and?

“(G) activities, coordinated with commu-
nity-based organizations, institutions of higher
education, private sector entities, or other enti-
ties with expertise in working with immigrants,
to assist parents of immigrant children and
youth by offering comprehensive community
services.

“(2) DURATION OF SUBGRANTS.—The duration
of a subgrant made by a State educational agency
under section 1193(d)(1) shall be determined by the
agency in its discretion.

“(f) SELECTION OF METHOD OF INSTRUCTION.—

“(1) IN GENERAL.—To receive a subgrant from
a State educational agency under this chapter, an el-
igible entity shall select one or more methods or
forms of instruction to be used in the programs and
activities undertaken by the entity to assist English
learners to attain English language proficiency and
meet State academic standards.

“(2) CONSISTENCY.—Such selection shall be
consistent with sections 1204 through 1206.
“(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this chapter 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.

“SEC. 1195. LOCAL PLANS.

“(a) PLAN REQUIRED.—Each eligible entity desiring a subgrant from the State educational agency under section 1193 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

“(b) CONTENTS.—Each plan submitted under subsection (a) shall—

“(1) describe the evidence-based programs and activities proposed to be developed, implemented, and administered under the subgrant that will help English learners increase their English language proficiency and meet the State academic standards;

“(2) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this chapter accountable for annually assessing the English language proficiency of all
children participating under this subpart, consistent
with section 1111(b);

“(3) describe how the eligible entity will pro-
mote parent and community engagement in the edu-
cation of English learners;

“(4) contain an assurance that the eligible enti-
ty consulted with teachers, researchers, school ad-
ministrators, parents and community members, pub-
lic or private organizations, and institutions of high-
er education, in developing and implementing such
plan;

“(5) describe how language instruction edu-
cational programs carried out under the subgrant
will ensure that English learners being served by the
programs develop English language proficiency; and

“(6) contain assurances that—

“(A) each local educational agency that is
included in the eligible entity is complying with
section 1112(g) prior to, and throughout, each
school year; and

“(B) the eligible entity is not in violation
of any State law, including State constitutional
law, regarding the education of English learn-
ers, consistent with sections 1205 and 1206.
“(c) Teacher English Fluency.—Each eligible entity receiving a subgrant under section 1193 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 subpart are fluent in English and any other language used for instruction, including having written and oral communications skills.

“CHAPTER B—ADMINISTRATION

“SEC. 1201. REPORTING.

“(a) In General.—Each eligible entity that receives a subgrant from a State educational agency under chapter A shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form prescribed by the agency, on the activities conducted and students served under this subpart that includes—

“(1) a description of the programs and activities conducted by the entity with funds received under chapter A during the two 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 learning the English language and in meeting State academic standards;

“(3) the number and percentage of English learners in the programs and activities attaining English language proficiency based on the State English language proficiency standards established under section 1111(b)(1)(E) by the end of each school year, as determined by the State’s English language proficiency assessment under section 1111(b)(2)(D);

“(4) the number of English learners who exit the language instruction educational programs based on their attainment of English language proficiency and transitioned to classrooms not tailored for English learners;

“(5) a description of the progress made by English learners in meeting the State academic standards for each of the 2 years after such children are no longer receiving services under this subpart;

“(6) the number and percentage of English learners who have not attained English language proficiency within five years of initial classification as an English learner and first enrollment in the local educational agency; and
“(7) any such other information as the State 
educational agency may require.

“(b) USE OF REPORT.—A report provided by an eli-
gible entity under subsection (a) shall be used by the enti-
ty and the State educational agency—

“(1) to determine the effectiveness of programs 
and activities in assisting children who are English 
learners—

“(A) to attain English language pro-

ficiency; and

“(B) to make progress in meeting State 
academic standards under section 1111(b)(1); 
and

“(2) upon determining the effectiveness of pro-
grams and activities based on the criteria in para-
graph (1), to decide how to improve programs.

“SEC. 1202. ANNUAL REPORT.

“(a) STATES.—Based upon the reports provided to 
a State educational agency under section 1201, each such 
agency that receives a grant under this subpart shall pre-
pare and submit annually to the Secretary a report on pro-
grams and activities carried out by the State educational 
agency under this subpart and the effectiveness of such 
programs and activities in improving the education pro-
vided to English learners.
“(b) SECRETARY.—Annually, the Secretary shall pre-
pare and submit to the Committee on Education and the
Workforce of the House of Representatives and the Com-
mittee on Health, Education, Labor, and Pensions of the
Senate a report—

“(1) on programs and activities carried out to
serve English learners under this subpart, and the
effectiveness of such programs and activities in im-
proving the academic achievement and English lan-
guage proficiency of English learners;

“(2) on the types of language instruction edu-
cational programs used by local educational agencies
or eligible entities receiving funding under this sub-
part to teach English learners;

“(3) containing a critical synthesis of data re-
ported by eligible entities to States under section
1201(a);

“(4) containing a description of technical assist-
ance and other assistance provided by State edu-
cational agencies under section 1191(b)(2)(C);

“(5) containing an estimate of the number of
effective teachers working in language instruction
educational programs and educating English learn-
ers, and an estimate of the number of such teachers
that will be needed for the succeeding 5 fiscal years;
“(6) containing the number of programs or activities, if any, that were terminated because the entities carrying out the programs or activities were not able to reach program goals;

“(7) containing the number of English learners served by eligible entities receiving funding under this subpart who were transitioned out of language instruction educational programs funded under this subpart into classrooms where instruction is not tailored for English learners; and

“(8) containing other information gathered from other reports submitted to the Secretary under this subpart when applicable.

“SEC. 1203. COORDINATION WITH RELATED PROGRAMS.

“In order to maximize Federal efforts aimed at serving the educational needs of English learners, the Secretary shall coordinate and ensure close cooperation with other entities carrying out programs serving language-minority and English learners that are administered by the Department and other agencies.

“SEC. 1204. RULES OF CONSTRUCTION.

“Nothing in this subpart shall be construed—

“(1) to prohibit a local educational agency from serving English learners simultaneously with chil-
children with similar educational needs, in the same educational settings where appropriate;

“(2) to require a State or a local educational agency to establish, continue, or eliminate any par-
ticular type of instructional program for English learners; or

“(3) to limit the preservation or use of Native American languages.

“SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.

“Nothing in this subpart shall be construed to negate or supersede State law, or the legal authority under State law of any State agency, State entity, or State public official, over programs that are under the jurisdiction of the State agency, entity, or official.

“SEC. 1206. CIVIL RIGHTS.

“Nothing in this subpart shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

“SEC. 1207. PROHIBITION.

“In carrying out this subpart, the Secretary shall nei-
ther mandate nor preclude the use of a particular cur-
cicular or pedagogical approach to educating English learners.
“SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

“Notwithstanding any other provision of this subpart, programs authorized under this subpart that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that an outcome of programs serving such children shall be increased English proficiency among such children.

“CHAPTER C—NATIONAL ACTIVITIES

“SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.

“The Secretary shall use funds made available under section 1191(c)(1)(B) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or public or private organizations with relevant experience 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 cer-
tification and licensure as teachers who work in language
instruction educational programs or serve English learn-
ers. Grants awarded under this subsection may be used—

“(1) for preservice, evidence-based professional
development programs that will assist local schools
and institutions of higher education to upgrade the
qualifications and skills of educational personnel who
are not certified or licensed, especially educational
paraprofessionals;

“(2) for the development of curricula or other
instructional strategies appropriate to the needs of
the consortia participants involved;

“(3) to support strategies that strengthen and
increase parent and community member engagement
in the education of English learners; and

“(4) to share and disseminate evidence-based
practices in the instruction of English learners and
in increasing their student achievement.

“CHAPTER D—GENERAL PROVISIONS

“SEC. 1221. DEFINITIONS.

“Except as otherwise provided, in this subpart:

“(1) CHILD.—The term ‘child’ means any indi-
vidual aged 3 through 21.

“(2) COMMUNITY-BASED ORGANIZATION.—The
term ‘community-based organization’ means a pri-
vate nonprofit organization of demonstrated effec-
tiveness, Indian tribe, or tribally sanctioned edu-
cational authority, that is representative of a com-
munity or significant segments of a community and
that provides educational or related services to indi-
viduals in the community. Such term includes a Na-
tive Hawaiian or Native American Pacific Islander
native language educational organization.

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

“(A) one or more local educational agen-
cies; or

“(B) one or more local educational agen-
cies, in consortia (or collaboration) with an in-
stitution of higher education, community-based
organization, or State educational ageney.

“(4) IMMIGRANT CHILDREN AND YOUTH.—The
term ‘immigrant children and youth’ means individ-
uals who—

“(A) are age 3 through 21;

“(B) were not born in any State; and

“(C) have not been attending one or more
schools in any one or more States for more
than 3 full academic years.
“(5) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(6) LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.—The term ‘language instruction educational program’ means an instruction course—

“(A) in which an English learner is placed for the purpose of developing and attaining English language proficiency, while meeting State academic standards, as required by section 1111(b)(1); and

“(B) that may make instructional use of both English and a child’s native language to enable the child to develop and attain English language proficiency, and may include the participation of English language proficient children if such course is designed to enable all participating children to become proficient in English and a second language.
“(7) NATIVE LANGUAGE.—The term ‘native language’, when used with reference to English learner, means—

“(A) the language normally used by such individual; or

“(B) in the case of a child or youth, the language normally used by the parents of the child or youth.

“(8) PARAPROFESSIONAL.—The term ‘paraprofessional’ means an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certified or licensed teacher, including individuals employed in language instruction educational programs, special education, and migratory education.

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

“SEC. 1222. NATIONAL CLEARINGHOUSE.

“The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction edu-
cational programs for English learners, and related pro-
grams. The National Clearinghouse shall—

“(1) be administered as an adjunct clearing-
house of the Educational Resources Information
Center Clearinghouses system supported by the In-
stitute of Education Sciences;

“(2) coordinate activities with Federal data and
information clearinghouses and entities operating
Federal dissemination networks and systems;

“(3) develop a system for improving the oper-
ation and effectiveness of federally funded language
instruction educational programs;

“(4) collect and disseminate information on—

“(A) educational research and processes
related to the education of English learners;

and

“(B) accountability systems that monitor
the academic progress of English learners in
language instruction educational programs, in-
cluding information on academic content and
English language proficiency assessments for
language instruction educational programs; and

“(5) publish, on an annual basis, a list of grant
recipients under this subpart.
``SEC. 1223. REGULATIONS.

In developing regulations under this subpart, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing English learners, and organizations representing teachers and other personnel involved in the education of English learners.

``Subpart 5—Rural Education Achievement Program

``SEC. 1230. PURPOSE.

It is the purpose of this subpart to address the unique needs of rural school districts that frequently—

(1) lack the personnel and resources needed to compete effectively for Federal competitive grants; and

(2) receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

``CHAPTER A—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

``SEC. 1231. GRANT PROGRAM AUTHORIZED.

(a) IN GENERAL.—From amounts appropriated under section 3(a)(1) for a fiscal year, the Secretary shall reserve 0.54 of one percent to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities authorized under any of the following provisions:
“(1) Part A of title I.

“(2) Title II.

“(3) Title III.

“(b) Allocation.—

“(1) In general.—Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under subsection (d) for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency in subpart 2 of part A of title II for the preceding fiscal year.

“(2) Determination of initial amount.—

The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.

“(3) Ratable adjustment.—

“(A) In general.—If the amount made available to carry out this section for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the
Secretary shall ratably reduce such amounts for such year.

“(B) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

“(c) DISBURSEMENT.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that fiscal year.

“(d) ELIGIBILITY.—

“(1) IN GENERAL.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

“(A)(i)(I) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

“(II) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and
“(ii) all of the schools served by the local educational agency are designated with a school locale code of 41, 42, or 43, as determined by the Secretary; or

“(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency’s request to waive the criteria described in subparagraph (A)(ii).

“(2) CERTIFICATION.—The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

“(3) HOLD HARMLESS.—For a local educational agency that is not eligible under this chapter but met the eligibility requirements under this subsection as it was in effect prior to the date of the enactment of the Student Success Act, the agency shall receive—
“(A) for fiscal year 2014, 75 percent of
the amount such agency received for fiscal year
2013;

“(B) for fiscal year 2015, 50 percent of
the amount such agency received for fiscal year
2013; and

“(C) for fiscal year 2016, 25 percent of
the amount such agency received for fiscal year
2013.

“(e) Special Eligibility Rule.—A local edu-
cational agency that receives a grant under this chapter
for a fiscal year is not eligible to receive funds for such
fiscal year under chapter B.

“CHAPTER B—RURAL AND LOW-INCOME
SCHOOL PROGRAM

“SEC. 1235. PROGRAM AUTHORIZED.

“(a) Grants to States.—

“(1) In general.—From amounts appro-
priated under section 3(a)(1) for a fiscal year, the
Secretary shall reserve 0.54 of one percent for this
chapter for a fiscal year that are not reserved under
subsection (c) to award grants (from allotments
made under paragraph (2)) for the fiscal year to
State educational agencies that have applications
submitted under section 1237 approved to enable the
State educational agencies to award grants to eligible local educational agencies for local authorized activities described in section 1236(a).

“(2) ALLOTMENT.—From amounts described in paragraph (1) for a fiscal year, the Secretary shall allot to each State educational agency for that fiscal year an amount that bears the same ratio to those amounts as the number of students in average daily attendance served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

“(3) SPECIALLY QUALIFIED AGENCIES.—

“(A) ELIGIBILITY AND APPLICATION.—If a State educational agency elects not to participate in the program under this subpart or does not have an application submitted under section 1237 approved, a specially qualified agency in such State desiring a grant under this subpart may submit an application under such section directly to the Secretary to receive an award under this subpart.

“(B) DIRECT AWARDS.—The Secretary may award, on a competitive basis or by for-
mula, the amount the State educational agency
is eligible to receive under paragraph (2) di-
rectly to a specially qualified agency in the
State that has submitted an application in ac-
cordance with subparagraph (A) and obtained
approval of the application.

“(C) Specially qualified agency de-

15 fined.—In this subpart, the term ‘specially
16 qualified agency’ means an eligible local edu-
17 cational agency served by a State educational
18 agency that does not participate in a program
19 under this subpart in a fiscal year, that may
20 apply directly to the Secretary for a grant in
21 such year under this subsection.

“(b) Local Awards.—

“(1) Eligibility.—A local educational agency
shall be eligible to receive a grant under this subpart
if—

“(A) 20 percent or more of the children
ages 5 through 17 years served by the local
educational agency are from families with in-
comes below the poverty line; and

“(B) all of the schools served by the agen-
cy are designated with a school locale code of
32, 33, 41, 42, 43, as determined by the Secretary.

“(2) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies—

“(A) on a competitive basis;

“(B) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools in the State; or

“(C) according to an alternative formula, if, prior to awarding the grants, the State educational agency demonstrates, to the satisfaction of the Secretary, that the alternative formula enables the State educational agency to allot the grant funds in a manner that serves equal or greater concentrations of children from families with incomes below the poverty line, relative to the concentrations that would be served if the State educational agency used the formula described in subparagraph (B).

“(c) RESERVATIONS.—From amounts reserved under section 1235(a)(1) for this chapter for a fiscal year, the Secretary shall reserve—
“(1) one-half of 1 percent to make awards to elementary schools or secondary schools operated or supported by the Bureau of Indian Education, to carry out the activities authorized under this chapter; and

“(2) one-half of 1 percent to make awards to the outlying areas in accordance with their respective needs, to carry out the activities authorized under this chapter.

“SEC. 1236. USES OF FUNDS.

“(a) LOCAL AWARDS.—Grant funds awarded to local educational agencies under this chapter shall be used for activities authorized under any of the following:

“(1) Part A of title I.

“(2) Title II.

“(3) Title III.

“(b) ADMINISTRATIVE COSTS.—A State educational agency receiving a grant under this chapter may not use more than 5 percent of the amount of the grant for State administrative costs and to provide technical assistance to eligible local educational agencies.

“SEC. 1237. APPLICATIONS.

“(a) IN GENERAL.—Each State educational agency or specially qualified agency desiring to receive a grant under this chapter shall submit an application to the Sec-
retary at such time and in such manner as the Secretary may require.

“(b) CONTENTS.—Each application submitted under subsection (a) shall include—

“(1) a description of how the State educational agency or specially qualified agency will ensure eligible local educational agencies receiving a grant under this chapter will use such funds to help students meet the State academic standards under section 1111(b)(1);

“(2) if the State educational agency or specially qualified agency will competitively award grants to eligible local educational agencies, as described in section 1235(b)(2)(A), the application under the section shall include—

“(A) the methods and criteria the State educational agency or specially qualified agency will use for reviewing applications and awarding funds to local educational agencies on a competitive basis; and

“(B) how the State educational agency or specially qualified agency will notify eligible local educational agencies of the grant competition; and
“(3) a description of how the State educational agency or specially qualified agency will provide technical assistance to eligible local educational agencies to help such agencies implement the activities described in section 1236(a).

“SEC. 1238. ACCOUNTABILITY.

“Each State educational agency or specially qualified agency that receives a grant under this chapter shall prepare and submit an annual report to the Secretary. The report shall describe—

“(1) the methods and criteria the State educational agency or specially qualified agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this chapter;

“(2) how local educational agencies and schools used funds provided under this chapter; and

“(3) the degree to which progress has been made toward having all students meet the State academic standards under section 1111(b)(1).

“SEC. 1239. CHOICE OF PARTICIPATION.

“(a) IN GENERAL.—If a local educational agency is eligible for funding under chapters A and B of this subpart, such local educational agency may receive funds
under either chapter A or chapter B for a fiscal year, but may not receive funds under both chapters.

“(b) NOTIFICATION.—A local educational agency eligible for both chapters A and B of this subpart shall notify the Secretary and the State educational agency under which of such chapters such local educational agency intends to receive funds for a fiscal year by a date that is established by the Secretary for the notification.

“CHAPTER C—GENERAL PROVISIONS

“SEC. 1241. ANNUAL AVERAGE DAILY ATTENDANCE DETERMINATION.

“(a) CENSUS DETERMINATION.—Each local educational agency desiring a grant under section 1231 and each local educational agency or specially qualified agency desiring a grant under chapter B shall—

“(1) not later than December 1 of each year, conduct a census to determine the number of students in average daily attendance in kindergarten through grade 12 at the schools served by the agency; and

“(2) not later than March 1 of each year, submit the number described in paragraph (1) to the Secretary (and to the State educational agency, in the case of a local educational agency seeking a grant under subpart 2).
“(b) PENALTY.—If the Secretary determines that a local educational agency or specially qualified agency has knowingly submitted false information under subsection (a) for the purpose of gaining additional funds under section 1231 or chapter B, then the agency shall be fined an amount equal to twice the difference between the amount the agency received under this section and the correct amount the agency would have received under section 1231 or chapter B if the agency had submitted accurate information under subsection (a).

“SEC. 1242. SUPPLEMENT, NOT SUPPLANT.

“Funds made available under chapter A or chapter B shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

“SEC. 1243. RULE OF CONSTRUCTION.

“Nothing in this subpart shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services, pursuant to State law or a written agreement, from entering into similar arrangements for the use, or the coordination of the use, of the funds made available under this subpart.
“Subpart 6—Indian Education

“SEC. 1251. STATEMENT OF POLICY.

“It is the policy of the United States to fulfill the Federal Government’s unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

“SEC. 1252. PURPOSE.

“It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

“(1) to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the State academic standards that all students are expected to meet; and

“(2) to ensure that school leaders, teachers, and other staff who serve Indian and Alaska Native students have the ability and training to provide appro-
appropriate instruction to meet the unique academic needs of such students.

“CHAPTER A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

“SEC. 1261. PURPOSE.

“It is the purpose of this chapter to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs are designed to—

“(1) meet the unique educational needs of such students; and

“(2) ensure that such students have the opportunity to meet the State academic standards.

“SEC. 1262. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.

“(a) IN GENERAL.—From amounts appropriated under section 3(a)(1), the Secretary shall reserve 0.59 of one percent to local educational agencies and Indian tribes in accordance with this section and section 1263.

“(b) LOCAL EDUCATIONAL AGENCIES.—

“(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this chapter for any fiscal year if the number of Indian children eligible under section 1267 who were
enrolled in the schools of the agency, and to whom
the agency provided free public education, during
the preceding fiscal year—

“(A) was at least 10; or

“(B) constituted not less than 25 percent
of the total number of individuals enrolled in
the schools of such agency.

“(2) EXCLUSION.—The requirement of para-
graph (1) shall not apply in Alaska, California, or
Oklahoma, or with respect to any local educational
agency located on, or in proximity to, an Indian res-
ervation.

“(c) INDIAN TRIBES.—

“(1) IN GENERAL.—If a local educational agen-
cy that is otherwise eligible for a grant under this
chapter does not establish a committee under section
1264(c)(4) for such grant, an Indian tribe or a con-
sortium of such entities that represents not less than
⅓ of the eligible Indian children who are served by
such local educational agency may apply for such
grant.

“(2) SPECIAL RULE.—The Secretary shall treat
each Indian tribe or consortium of such entities ap-
plying for a grant pursuant to paragraph (1) as if
such Indian tribe were a local educational agency for
purposes of this chapter, except that any such tribe is not subject to section 1264(e)(4) or section 1269.

“(3) ELIGIBILITY.—If more than 1 Indian tribe qualifies 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 or the tribes may choose to apply in consortium.

“SEC. 1263. AMOUNT OF GRANTS.

“(a) AMOUNT OF GRANT AWARDS.—

“(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency that has an approved application under this chapter an amount equal to the product of—

“(A) the number of Indian children who are eligible under section 1267 and served by such agency; and

“(B) the greater of—

“(i) the average per pupil expenditure of the State in which such agency is located; or

“(ii) 80 percent of the average per pupil expenditure of all the States.
“(2) REDUCTION.—The Secretary shall reduce the amount of each allocation otherwise determined under this section in accordance with subsection (e).

“(b) MINIMUM GRANT.—

“(1) IN GENERAL.—Notwithstanding subsection (e), an entity that is eligible for a grant under section 1262, and a school that is operated or supported by the Bureau of Indian Education that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this chapter in an amount that is not less than $3,000.

“(2) CONSORTIA.—Local educational agencies may form a consortium with other local educational agencies or Indian tribes for the purpose of obtaining grants under this chapter.

“(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such an increase is necessary to ensure the quality of the programs provided.

“(e) DEFINITION.—For the purpose of this section, the term ‘average per pupil expenditure’, used with respect to a State, means an amount equal to—
“(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

“(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

“(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN EDUCATION.—

“(1) IN GENERAL.—Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

“(A) the total number of Indian children enrolled in schools that are operated by—

“(i) the Bureau of Indian Education;

or

“(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that
tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

“(B) the greater of—

“(i) the average per pupil expenditure of the State in which the school is located; or

“(ii) 80 percent of the average per pupil expenditure of all the States.

“(2) SPECIAL RULE.—Any school described in paragraph (1)(A) that wishes to receive an allocation under this chapter shall submit an application in accordance with section 1264, and shall otherwise be treated as a local educational agency for the purpose of this chapter, except that such school shall not be subject to section 1264(c)(4) or section 1269.

“(e) RATABLE REDUCTIONS.—If the sums reserved for any fiscal year under section 1262(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.
SEC. 1264. APPLICATIONS.

(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this chapter shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

(2)(A) is aligned with and supports the State and local plans submitted under other provisions of this Act; and

(B) includes academic standards for such children that are based on the State academic standards adopted under subpart 1 for all children;

(3) explains how the local educational agency will use the funds made available under this chapter to supplement other Federal, State, and local pro-
grams, especially programs carried out under sub-
part 1, to meet the needs of such students;

“(4) demonstrates how funds made available
under this chapter will be used for activities de-
scribed in section 1265;

“(5) describes the professional development op-
portunities that will be provided, as needed, to en-
sure that—

“(A) teachers, school leaders, and other
school professionals who are new to the Indian
community are prepared to work with Indian
children; and

“(B) all teachers who will be involved in
programs assisted under this chapter have been
properly trained to carry out such programs;

“(6) describes how the local educational agen-
cy—

“(A) will periodically assess the progress of
all Indian children enrolled in the schools of the
local educational agency, including Indian chil-
dren who do not participate in programs as-
isted under this chapter, in meeting the stand-
ards described in paragraph (2);

“(B) will provide the results of each as-
essment referred to in subparagraph (A) to—
“(i) the committee described in subsection (c)(4); and

“(ii) the community, including Indian tribes, whose children are served by the local educational agency; and

“(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A); and

“(7) describes the processes the local educational agency used to collaborate with Indian tribes in the community in the development of the comprehensive programs.

“(e) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

“(1) the local educational agency will use funds received under this chapter only to supplement the funds that, in the absence of the Federal funds made available under this chapter, such agency would make available for the education of Indian children, and not to supplant such funds;

“(2) the local educational agency will prepare and submit to the Secretary such reports in such form as the Secretary may require to—

“(A) carry out the functions of the Secretary under this chapter; and
“(B) determine the extent to which activities carried out with funds provided to the local educational agency under this chapter are effective in improving the educational achievement of Indian students served by such agency;
“(3) the program for which assistance is sought—
“(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;
“(B) will use the best available talents and resources, including individuals from the Indian community; and
“(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and
“(4) the local educational agency developed the program with the participation and written approval of a committee—

“(A) that is composed of, and selected by—

“(i) parents of Indian children in the local educational agency’s schools; 

“(ii) teachers in the schools; and 

“(iii) if appropriate, Indian students attending secondary schools of the agency;

“(B) a majority of whose members are parents of Indian children;

“(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

“(D) with respect to an application describing a schoolwide program in accordance with section 1265(e), that has—

“(i) reviewed in a timely fashion the program; and
“(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaska Native students; and
“(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

“SEC. 1265. AUTHORIZED SERVICES AND ACTIVITIES.
“(a) General Requirements.—Each local educational agency that receives a grant under this chapter shall use the grant funds, in a manner consistent with the purpose specified in section 1261, for services and activities that—
“(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 1264(a);
“(2) are designed with special regard for the language and cultural needs of the Indian students; and
“(3) supplement and enrich the regular school program of such agency.
“(b) Particular Activities.—The services and activities referred to in subsection (a) may include—
“(1) culturally related activities that support the program described in the application submitted by the local educational agency;

“(2) early childhood and family programs that emphasize school readiness;

“(3) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of State academic standards;

“(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

“(5) programs that help engage parents and tribes to meet the unique educational needs of Indian children;

“(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006;

“(7) activities to educate individuals concerning the prevention of substance abuse, violence, and suicide;

“(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 1261;
“(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

“(10) activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State academic standards into the curriculum used by the local educational agency;

“(11) family literacy services; and

“(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.

“(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this chapter to support a schoolwide program under section 1114 if—

“(1) the committee established pursuant to section 1264(c)(4) approves the use of the funds for the schoolwide program; and

“(2) the schoolwide program is consistent with the purpose described in section 1261.

“(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee
under this chapter for any fiscal year may be used for administrative purposes.

“(e) Limitation on Use of Funds.—Funds provided to a grantee under this chapter may not be used for long-distance travel expenses for training activities available locally or regionally.

“SEC. 1266. Integration of Services Authorized.

“(a) Plan.—An entity receiving funds under this chapter may submit a plan to the Secretary for the integration of education and related services provided to Indian students.

“(b) Consolidation of Programs.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the entity, shall authorize the entity to consolidate, in accordance with such plan, the federally funded education and related services programs of the entity and the Federal programs, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

“(c) Programs Affected.—The funds that may be consolidated in a demonstration project under any such
plan referred to in subsection (a) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, under which the entity is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services that would be used to serve Indian students.

“(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

“(1) identify the programs or funding sources to be consolidated;

“(2) be consistent with the objectives of this section concerning authorizing the services to be integrated in a demonstration project;

“(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this chapter;

“(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

“(5) identify the projected expenditures under the plan in a single budget;
“(6) identify the State, tribal, or local agency or agencies to be involved in the delivery of the services integrated under the plan;

“(7) identify any statutory provisions, regulations, policies, or procedures that the entity believes need to be waived in order to implement the plan;

“(8) set forth measures for student academic achievement consistent with State academic standards under section 1111(b)(1); and

“(9) be approved by a committee formed in accordance with section 1264(c)(4), if such a committee exists.

“(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity or department, unless the Secretary of the affected department deter-
mines that such a waiver is inconsistent with the objectives of this chapter or those provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

“(f) PLAN APPROVAL.—Within 90 days after the receipt of an entity’s plan by the Secretary, the Secretary shall inform the entity, in writing, of the Secretary’s approval or disapproval of the plan. If the plan is disapproved, the entity shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

“(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—The Secretary of Education, the Secretary of the Interior, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation and coordination of the demonstration projects authorized under this section. The lead agency head for a demonstration project under this section shall be—

“(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or
“(2) the Secretary of Education, in the case of any other entity.

“(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency shall include—

“(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

“(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;

“(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

“(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

“(i) REPORT REQUIREMENTS.—A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format shall require that reports described in subsection (h), together with records maintained on the consolidated program at
the local level, shall contain such information as will allow
a determination that the eligible entity has complied with
the requirements incorporated in its approved plan, in-
cluding making a demonstration of student academic
achievement, and will provide assurances to each Sec-
retary that the eligible entity has complied with all directly
applicable statutory requirements and with those directly
applicable regulatory requirements that have not been
waived.

“(j) No Reduction in Amounts.—In no case shall
the amount of Federal funds available to an eligible entity
involved in any demonstration project be reduced as a re-
sult of the enactment of this section.

“(k) Interagency Fund Transfers Authorized.—The Secretary is authorized to take such action
as may be necessary to provide for an interagency transfer
of funds otherwise available to an eligible entity in order
to further the objectives of this section.

“(l) Administration of Funds.—
“(1) In General.—Program funds for the con-
solidated programs shall be administered in such a
manner as to allow for a determination that funds
from a specific program are spent on allowable ac-
tivities authorized under such program, except that
the eligible entity shall determine the proportion of
the funds granted that shall be allocated to such
program.

“(2) SEPARATE RECORDS NOT REQUIRED.—
Nothing in this section shall be construed as requir-
ing the eligible entity to maintain separate records
tracing any services or activities conducted under
the approved plan to the individual programs under
which funds were authorized for the services or ac-
tivities, nor shall the eligible entity be required to al-
locate expenditures among such individual programs.

“(m) OVERAGE.—The eligible entity may commingle
all administrative funds from the consolidated programs
and shall be entitled to the full amount of such funds
(under each program’s or agency’s regulations). The over-
age (defined as the difference between the amount of the
commingled funds and the actual administrative cost of
the programs) shall be considered to be properly spent for
Federal audit purposes, if the overage is used for the pur-
poses provided for under this section.

“(n) FISCAL ACCOUNTABILITY.—Nothing in this
subpart shall be construed so as to interfere with the abil-
ity of the Secretary or the lead agency to fulfill the respon-
sibilities for the safeguarding of Federal funds pursuant
to chapter 75 of title 31, United States Code.
“(o) Report on Statutory Obstacles to Program Integration.—

“(1) In general.—The Secretary of Education shall annually submit a report to the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate, and the Committee on Education and the Workforce and the Committee on Natural Resources of the House of Representatives on the status 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 more effectively integrate their education and related services to Indian students in a manner consistent with the objectives of this section; and

“(B) the effective practices for program integration that result in increased student achievement and other relevant outcomes for Indian students.

“(p) Definitions.—For the purposes of this section, the term ‘Secretary’ means—

“(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or
grant school under title XI of the Education Amendments of 1978; or

“(2) the Secretary of Education, in the case of any other entity.

“SEC. 1267. STUDENT ELIGIBILITY FORMS.

“(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this chapter, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this chapter, and that otherwise meets the requirements of subsection (b).

“(b) FORMS.—The form described in subsection (a) shall include—

“(1) either—

“(A)(i) the name of the tribe or band of Indians (as defined in section 1291) with respect to which the child claims membership;

“(ii) the enrollment number establishing the membership of the child (if readily available); and

“(iii) the name and address of the organization that maintains updated and accurate
membership data for such tribe or band of Indians; or

“(B) the name, the enrollment number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership data, of any parent or grandparent of the child from whom the child claims eligibility under this chapter, if the child is not a member of the tribe or band of Indians (as so defined);

“(2) a statement of whether the tribe or band of Indians (as so defined), with respect to which the child, or parent or grandparent of the child, claims membership, is federally recognized;

“(3) the name and address of the parent or legal guardian of the child; and

“(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied.

“(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 1291.

“(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the
1985–1986 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

“(1) to establish eligibility under this chapter; and

“(2) to meet the requirements of subsection (a).

“(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 1263, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

“(f) MONITORING AND EVALUATION REVIEW.—

“(1) IN GENERAL.—

“(A) REVIEW.—For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this chapter, the Secretary shall conduct a monitoring and evaluation review of a sampling of
the recipients of grants under this chapter. The
sampling conducted under this subparagraph
shall take into account the size of and the geo-
graphic location of each local educational agen-
cy.

“(B) EXCEPTION.—A local educational
agency may not be held liable to the United
States or be subject to any penalty, by reason
of the findings of an audit that relates to the
date of completion, or the date of submission,
of any forms used to establish, before April 28,
1988, the eligibility of a child for an entitle-
ment under the Indian Elementary and Sec-
ondary School Assistance Act.

“(2) FALSE INFORMATION.—Any local edu-
cational agency that provides false information in an
application for a grant under this chapter shall—

“(A) be ineligible to apply for any other
grant under this chapter; and

“(B) be liable to the United States for any
funds from the grant that have not been ex-
pended.

“(3) EXCLUDED CHILDREN.—A student who
provides false information for the form required
under subsection (a) shall not be counted for the
purpose of computing the amount of a grant under
section 1263.

“(g) Tribal Grant and Contract Schools.—
Notwithstanding any other provision of this section, in cal-
culating the amount of a grant under this chapter to a
tribal school that receives a grant or contract from the
Bureau of Indian Education, the Secretary shall use only
one of the following, as selected by the school:

“(1) A count of the number of students in the
schools certified by the Bureau.

“(2) A count of the number of students for
whom the school has eligibility forms that comply
with this section.

“(h) Timing of Child Counts.—For purposes of
determining the number of children to be counted in calcu-
lating the amount of a local educational agency’s grant
under this chapter (other than in the case described in
subsection (g)(1)), the local educational agency shall—

“(1) establish a date on, or a period not longer
than 31 consecutive days during, which the agency
counts those children, if that date or period occurs
before the deadline established by the Secretary for
submitting an application under section 1264; and

“(2) determine that each such child was en-
rolled, and receiving a free public education, in a
school of the agency on that date or during that pe-
period, as the case may be.

“SEC. 1268. PAYMENTS.

“(a) IN GENERAL.—Subject to subsections (b) and
(c), the Secretary shall pay to each local educational agen-
cy that submits an application that is approved by the Sec-
retary under this chapter the amount determined under
section 1263. The Secretary shall notify the local edu-
cational agency of the amount of the payment not later
than June 1 of the year for which the Secretary makes
the payment.

“(b) PAYMENTS TAKEN INTO ACCOUNT BY THE
STATE.—The Secretary may not make a grant under this
chapter to a local educational agency for a fiscal year if,
for such fiscal year, the State in which the local edu-
cational agency is located takes into consideration pay-
ments made under this chapter in determining the eligi-
bility of the local educational agency for State aid, or the
amount of the State aid, with respect to the free public
education of children during such fiscal year or the pre-
ceding fiscal year.

“(c) REALLOCATIONS.—The Secretary may reallo-
cate, in a manner that the Secretary determines will best
carry out the purpose of this chapter, any amounts that—
“(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this chapter; or “(2) otherwise become available for reallocation under this chapter.

“SEC. 1269. STATE EDUCATIONAL AGENCY REVIEW.

“Before submitting an application to the Secretary under section 1264, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

“CHAPTER B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

“SEC. 1271. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

“(a) Purpose.—

“(1) In general.—It is the purpose of this section to support projects to develop, test, and dem-
onstrate the effectiveness of services and programs
to improve educational opportunities and achieve-
ment of Indian children.

“(2) COORDINATION.—The Secretary shall take
the necessary actions to achieve the coordination of
activities assisted under this chapter with—

“(A) other programs funded under this
Act; and

“(B) other Federal programs operated for
the benefit of American Indian and Alaska Na-
tive children.

“(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.—

“(1) IN GENERAL.—From amounts appro-
 priated under section 3(a)(1), the Secretary shall re-
serve 0.2 of one percent to award grants to eligible
tentities to enable such entities to carry out activities
under this section and section 1272.
“(2) Uses of Funds.—An eligible entity that receives a grant under this section shall use the funds for one or more activities, including—

“(A) innovative programs related to the educational needs of educationally disadvantaged children;

“(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

“(C) bilingual and bicultural programs and projects;

“(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

“(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children;
“(F) comprehensive guidance, counseling, and testing services;

“(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

“(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary to postsecondary education;

“(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

“(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

“(K) family literacy services;
“(L) activities that recognize and support
the unique cultural and educational needs of In-
dian children, and incorporate appropriately
qualified tribal elders and seniors; or
“(M) other services that meet the purpose
described in this section.
“(3) PROFESSIONAL DEVELOPMENT.—Evidence
based professional development of teaching profes-
sionals and paraprofessionals may be a part of any
program assisted under this section.
“(d) GRANT REQUIREMENTS AND APPLICATIONS.—
“(1) GRANT REQUIREMENTS.—
“(A) IN GENERAL.—The Secretary may
make multiyear grants under subsection (e) for
the planning, development, pilot operation, or
demonstration of any activity described in sub-
section (e) for a period not to exceed 5 years.
“(B) PRIORITY.—In making multiyear
grants described in this paragraph, the Sec-
retary shall give priority to entities submitting
applications that present a plan for combining
two or more of the activities described in sub-
section (e) over a period of more than 1 year.
“(C) PROGRESS.—The Secretary shall
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 that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

“(2) DISSEMINATION GRANTS.—

“(A) IN GENERAL.—In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

“(B) DETERMINATION.—The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

“(i) has been adequately reviewed;

“(ii) has demonstrated educational merit; and

“(iii) can be replicated.

“(3) APPLICATION.—
“(A) IN GENERAL.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

“(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

“(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

“(iii) information demonstrating that the proposed program for the activities is an evidence-based program, which may include a program that has been modified to be culturally appropriate for students who will be served; and
“(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over.

“(e) Administrative Costs.—Not more than 5 percent of the funds provided to a grantee under this chapter for any fiscal year may be used for administrative purposes.

“SEC. 1272. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

“(a) Purposes.—The purposes of this section are—

“(1) to increase the number of qualified Indian teachers, school leaders, or other education professionals serving Indian students, including through recruitment strategies;

“(2) to provide training to qualified Indian individuals to enable such individuals to become effective teachers, school leaders, administrators, teacher aides, social workers, and ancillary educational personnel; and

“(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

“(b) Eligible Entities.—For the purpose of this section, the term ‘eligible entity’ means—
“(1) an institution of higher education, including an Indian institution of higher education;

“(2) a State educational agency or local educational agency, in consortium with an institution of higher education;

“(3) an Indian tribe or organization, in consortium with an institution of higher education; and

“(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

“(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants from funds reserved under section 1271(c)(1) to eligible entities having applications approved under this section to enable those entities to carry out the activities described in subsection (d).

“(d) AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—Grant funds under this section shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section.

“(2) SPECIAL RULES.—

“(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.
“(B) PROGRAM.—For individuals who are being trained to enter any education-related field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

“(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. An application shall include 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 school leaders;

“(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or school leaders in local educational agencies that serve a high proportion of Indian students; and

“(3) assist participants in meeting the requirements under subsection (h).

“(f) SPECIAL RULE.—In awarding grants under this section, the Secretary—

“(1) shall consider the prior performance of the eligible entity; and
“(2) may not limit eligibility to receive a grant under this section on the basis of—

“(A) the number of previous grants the Secretary has awarded such entity; or

“(B) the length of any period during which such entity received such grants.

“(g) GRANT PERIOD.—Each grant under this section shall be awarded for an initial period of not more than three years, and may be renewed for not more than an additional two years if the Secretary finds that the grantee is meeting the grant objectives.

“(h) SERVICE OBLIGATION.—

“(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

“(A) perform work—

“(i) related to the training received under this section; and

“(ii) that benefits Indian people; or

“(B) repay all or a prorated part of the assistance received.

“(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not
later than 12 months after the date of completion of
the training, and periodically thereafter, provide in-
formation concerning compliance with the work re-
quirement under paragraph (1).

“CHAPTER C—FEDERAL ADMINISTRATION

“SEC. 1281. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-
CATION.

“(a) MEMBERSHIP.—There is established a National
Advisory Council on Indian Education (hereafter in this
section referred to as the ‘Council’), which shall—

“(1) consist of 15 Indian members, who shall
be appointed by the President from lists of nominees
furnished, from time to time, by Indian tribes and
organizations; and

“(2) represent different geographic areas of the
United States.

“(b) DUTIES.—The Council shall—

“(1) advise the Secretary concerning the fund-
ing and administration (including the development of
regulations and administrative policies and prac-
tices) of any program, including any program estab-
lished under this subpart—

“(A) with respect to which the Secretary
has jurisdiction; and
“(B)(i) that includes Indian children or adults as participants; or

“(ii) that may benefit Indian children or adults;

“(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

“(3) submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

“(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

“(B) recommendations concerning the funding of any program described in subparagraph (A).

“SEC. 1282. PEER REVIEW.

“The Secretary may use a peer review process to review applications submitted to the Secretary under chapter B.

“SEC. 1283. PREFERENCE FOR INDIAN APPLICANTS.

“In making grants and entering into contracts or cooperative agreements under chapter B, the Secretary shall
give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

“SEC. 1284. MINIMUM GRANT CRITERIA.

“The Secretary may not approve an application for a grant, contract, or cooperative agreement under chapter B unless the application is for a grant, contract, or cooperative agreement that is—

“(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

“(2) based on relevant research findings.

“CHAPTER D—DEFINITIONS

“SEC. 1291. DEFINITIONS.

“For the purposes of this subpart:

“(1) ADULT.—The term ‘adult’ means an individual who—

“(A) has attained the age of 16 years; or

“(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

“(2) 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.

“(3) FREE PUBLIC EDUCATION.—The term ‘free public education’ means education that is—

“(A) provided at public expense, under public supervision and direction, and without tuition charge; and

“(B) provided as elementary or secondary education in the applicable State or to preschool children.

“(4) INDIAN.—The term ‘Indian’ means an individual who is—

“(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

“(i) any tribe or band terminated since 1940; and

“(ii) any tribe or band recognized by the State in which the tribe or band resides;

“(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

“(C) considered by the Secretary of the Interior to be an Indian for any purpose;
“(D) an Eskimo, Aleut, or other Alaska Native; or
“(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the Improving America’s Schools Act of 1994.”.

(b) STRIKE.—The Act is amended by striking title VII (20 U.S.C. 7401 et seq.).

Subtitle D—National Assessment

SEC. 141. NATIONAL ASSESSMENT OF TITLE I.

(a) IN GENERAL.—Part E of title I (20 U.S.C. 6491 et seq.) is redesignated as part B of title I.

(b) REPEALS.—Sections 1502 and 1504 (20 U.S.C. 6492; 6494) are repealed.

(e) REDESIGNATIONS.—Sections 1501 and 1503 (20 U.S.C. 6491; 6493) are redesignated as sections 1301 and 1302, respectively.

(d) AMENDMENTS TO SECTION 1301.—Section 1301 (20 U.S.C. 6491), as so redesignated, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, acting through the Director of the Institute of Education Sciences (in this section and section

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1302 referred to as the ‘Director’),” after “The Secretary”; 

(B) in paragraph (2)—

(i) by striking “Secretary” and inserting “Director”;

(ii) in subparagraph (A), by striking “reaching the proficient level” and all that follows and inserting “graduating high school prepared for postsecondary education or the workforce.”;

(iii) in subparagraph (B), by striking “reach the proficient” and all that follows and inserting “meet State academic standards.”;

(iv) by striking subparagraphs (D) and (G) and redesignating subparagraphs (E), (F), and (H) through (O) as subparagraphs (D) through (M), respectively;

(v) in subparagraph (D)(v) (as so redesignated), by striking “help schools in which” and all that follows and inserting “address disparities in the percentages of effective teachers teaching in low-income schools.”;
(vi) in subparagraph (G) (as so redesignated)—

(I) by striking “section 1116” and inserting “section 1111(b)(3)(B)(iii)” and

(II) by striking “, including the following” and all that follows and inserting a period;

(vii) in subparagraph (I) (as so redesignated), by striking “qualifications” and inserting “effectiveness”;

(viii) in subparagraph (J) (as so redesignated), by striking “, including funds under section 1002,”;

(ix) in subparagraph (L) (as so redesigned), by striking “section 1111(b)(2)(C)(v)(II)” and inserting “section 1111(b)(3)(B)(ii)(II)” and

(x) in subparagraph (M) (as so redesigned), by striking “Secretary” and inserting “Director”;

(C) in paragraph (3), by striking “Secretary” and inserting “Director”;

(D) in paragraph (4), by striking “Secretary” and inserting “Director”;
(E) in paragraph (5), by striking “Secretary” and inserting “Director”; and

(F) in paragraph (6)—

(i) by striking “No Child Left Behind Act of 2001” each place it appears and inserting “Student Success Act”; and

(ii) by striking “Secretary” each place it appears and inserting “Director”;

(2) in subsection (b), by striking “Secretary” each place it appears and inserting “Director”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “Secretary” and inserting “Director”; and

(ii) by striking “part A” and inserting “subpart 1 of part A”;

(B) in paragraph (2)—

(i) by striking “Secretary” and inserting “Director”;

(ii) in subparagraph (B), by striking “challenging academic achievement standards” and inserting “State academic standards”;

(iii) in subparagraph (E), by striking “effects of the availability” and all that
follows and inserting “extent to which ac-
tions authorized under section
1111(b)(3)(B)(iii) improve the academic
achievement of disadvantaged students and
low-performing schools.”; and

(iv) in subparagraph (F), by striking
“Secretary” and inserting “Director”; and

(C) in paragraph (3)—

(i) by striking “Secretary” and insert-
ing “Director”; and

(ii) by striking subparagraph (C) and
inserting the following:
“(C) analyzes varying models or strategies
for delivering school services, including
schoolwide and targeted services.”; and

(4) in subsection (d), by striking “Secretary”
each place it appears and inserting “Director”.

(e) AMENDMENTS TO SECTION 1302.—Section 1302
(20 U.S.C. 6493), as so redesignated, is amended—

(1) in subsection (a)—

(A) by striking “Secretary” and inserting
“Director”; and

(B) by striking “and for making decisions
about the promotion and graduation of stu-
dents”;}
(2) in subsection (b)—

(A) by striking “Secretary” the first place it appears and inserting “Director”; 

(B) by striking “process,” and inserting “process consistent with section 1206,”; and

(C) by striking “Assistant Secretary of Educational Research and Improvement” and inserting “Director”;

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “to the State-defined level of proficiency” and inserting “toward meeting the State academic standards”; and

(ii) in subparagraph (C), by striking “pupil-services” and inserting “specialized instructional support services”; 

(B) in paragraph (3), by striking “limited and nonlimited English proficient students” and inserting “English learners”; and

(C) in paragraph (6), by striking “Secretary” and inserting “Director”; and

(4) in subsection (f)—

(A) by striking “Secretary” and inserting “Director”; and
(B) by striking “authorized to be appropriated for this part” and inserting “appropriated under section 3(a)(2)”.

Subtitle E—Title I General Provisions

SEC. 151. GENERAL PROVISIONS FOR TITLE I.

Part I of title I (20 U.S.C. 6571 et seq.)—

(1) is transferred to and redesignated as part C of title I of the Act; and

(2) is amended to read as follows:

“PART C—GENERAL PROVISIONS

SEC. 1401. FEDERAL REGULATIONS.

“(a) IN GENERAL.—The Secretary may, in accord-
ance with subsections (b) through (d), issue such regula-
tions as are necessary to reasonably ensure there is com-
pliance with this title.

“(b) NEGOTIATED RULEMAKING PROCESS.—

“(1) IN GENERAL.—Before publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, and members of local school boards and other organ-
izations involved with the implementation and oper-
ation of programs under this title.
“(2) Meetings and electronic exchange.—Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

“(3) Proposed regulations.—After obtaining such advice and recommendations, and before publishing proposed regulations, the Secretary shall—

“(A) establish a negotiated rulemaking process;

“(B) select individuals to participate in such process from among individuals or groups that provided advice and recommendations, including representation from all geographic regions of the United States, in such numbers as will provide an equitable balance between representatives of parents and students and representatives of educators and education officials; and

“(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (B) not less than 15 days before the first meeting under such process.
“(c) PROPOSED RULEMAKING.—If the Secretary determines that a negotiated rulemaking process is unnecessary or the individuals selected to participate in the process under paragraph (3)(B) fail to reach unanimous agreement, the Secretary may propose regulations under the following procedure:

“(1) Not less than 30 days prior to beginning a rulemaking process, the Secretary shall provide to Congress, including the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, notice that shall include—

“(A) a copy of the proposed regulations;
“(B) the need to issue regulations;
“(C) the anticipated burden, including the time, cost, and paperwork burden, the regulations will have on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulations; and
“(D) any regulations that will be repealed when the new regulations are issued.

“(2) 30 days after giving notice of the proposed rule to Congress, the Secretary may proceed with
the rulemaking process after all comments received from the Congress have been addressed and publishing how such comments are addressed with the proposed rule.

“(3) The comment and review period for any proposed regulation shall be 90 days unless an emergency requires a shorter period, in which case such period shall be not less than 45 days and the Secretary shall—

“(A) designate the proposed regulation as an emergency with an explanation of the emergency in the notice and report to Congress under paragraph (1); and

“(B) publish the length of the comment and review period in such notice and in the Federal Register.

“(4) No regulation shall be made final after the comment and review period until the Secretary has published in the Federal Register an independent assessment of—

“(A) the burden, including the time, cost, and paperwork burden, the regulation will impose on State educational agencies, local educational agencies, schools and other entities that may be impacted by the regulation; and
“(B) an explanation of how the entities described in subparagraph (A) may cover the cost of the burden assessed under subparagraph (A).

“(d) LIMITATION.—Regulations to carry out this title may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

“SEC. 1402. AGREEMENTS AND RECORDS.

“(a) AGREEMENTS.—In the case in which a negotiated rule making process is established under subsection (b) of section 1401, all published proposed regulations shall conform to agreements that result from the rulemaking described in section 1401 unless the Secretary reopens the negotiated rulemaking process.

“(b) RECORDS.—The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.

“SEC. 1403. STATE ADMINISTRATION.

“(a) RULEMAKING.—

“(1) IN GENERAL.—Each State that receives funds under this title shall—

“(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such proposed rules, regulations, and policies to
the committee of practitioners created under subsection (b) for review and comment;

“(B) minimize such rules, regulations, and policies to which the State’s local educational agencies and schools are subject;

“(C) eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs;

“(D) identify any such rule, regulation, or policy as a State-imposed requirement; and

“(E)(i) identify any duplicative or contrasting requirements between the State and Federal rules or regulations;

“(ii) eliminate the rules and regulations that are duplicative of Federal requirements; and

“(iii) report any conflicting requirements to the Secretary and determine which Federal or State rule or regulation shall be followed.

“(2) SUPPORT AND FACILITATION.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the State academic standards.
“(b) Committee of Practitioners.—

“(1) In general.—Each State educational agency that receives funds under this title shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

“(2) Membership.—Each such committee shall include—

“(A) as a majority of its members, representatives from local educational agencies;

“(B) administrators, including the administrators of programs described in other parts of this title;

“(C) teachers from public charter schools, traditional public schools, and career and technical educators;

“(D) parents;

“(E) members of local school boards;

“(F) representatives of private school children; and

“(G) specialized instructional support personnel.

“(3) Duties.—The duties of such committee shall include a review, before publication, of any proposed or final State rule or regulation pursuant to
this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation before issuance in final form.

“SEC. 1404. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.

“Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.”

TITLE II—TEACHER PREPARATION AND EFFECTIVENESS

SEC. 201. TEACHER PREPARATION AND EFFECTIVENESS.

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

“TITLE II—TEACHER PREPARATION AND EFFECTIVENESS”.

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

“SEC. 2101. PURPOSE.
“The purpose of this part is to provide grants to
State educational agencies and subgrants to local edu-
cational agencies to—

“(1) increase student achievement consistent
with State academic standards under section 1111;
“(2) improve teacher and school leader effec-
tiveness in classrooms and schools respectively;
“(3) provide evidence-based, job-embedded, con-
tinuous professional development; and
“(4) develop and implement teacher evaluation
systems that use, in part, student achievement data
to determine teacher effectiveness.

“Subpart 1—Grants to States

“SEC. 2111. ALLOTMENTS TO STATES.
“(a) IN GENERAL.—Of the amounts appropriated
under section 3(b), the Secretary shall reserve 75 percent
to make grants to States with applications approved under
section 2112 to pay for the Federal share of the cost of
carrying out the activities specified in section 2113. Each
grant shall consist of the allotment determined for a State
under subsection (b).
“(b) DETERMINATION OF ALLOTMENTS.—
“(1) Reservation of Funds.—Of the amount reserved under subsection (a) for a fiscal year, the Secretary shall reserve—

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

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

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

“(2) State Allotments.—

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

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

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

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

“(c) ALTERNATE DISTRIBUTION OF FUNDS.—

“(1) IN GENERAL.—Subject to paragraphs (2)
through (5), if a State does not apply to the Sec-
retary for an allotment under this section, a local
educational agency located in such State may apply
to the Secretary for a portion of the funds that
would have been allotted to the State had such State
applied for an allotment under this section to carry
out the activities under this part.
“(2) APPLICATION.—In order to receive an allotment under paragraph (1), a local educational agency shall submit to the Secretary an application at such time, in such manner, and containing the information described in section 2122.

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

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

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

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

“(5) AMOUNT OF ALLOTMENT.—An allotment made to a local educational agency under paragraph (1) for a fiscal year shall be equal to the amount of subgrant funds that the local educational agency would have received under subpart 2 had such agency applied for a subgrant under such subpart for such fiscal year.
“(d) REALLOTMENT.—If a State does not apply for an allotment under this section for any fiscal year or only a portion of the State’s allotment is allotted under subsection (e), the Secretary shall reallocate the State’s entire allotment or the remaining portion of its allotment, as the case may be, to the remaining States in accordance with subsection (b).

“SEC. 2112. STATE APPLICATION.

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

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

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

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

“(4) A description of how, and under what timeline, the State educational agency will allocate
subgrants under subpart 2 to local educational agencies.

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

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

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

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

“(7) An assurance that the State educational agency will comply with section 5501 (regarding participation by private school children and teachers).
“(b) Deemed Approval.—An application submitted by a State educational agency under subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

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

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

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

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

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

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

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

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

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

“SEC. 2113. STATE USE OF FUNDS.

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

“(1) reserve 95 percent of the grant funds to make subgrants to local educational agencies under subpart 2; and
“(2) use the remainder of the funds, after reserving funds under paragraph (1), for the State activities described in subsection (b), except that the State may reserve not more than 1 percent of the grant funds for planning and administration related to carrying out activities described in subsection (b).

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

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

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

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

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

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

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

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

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

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

“(B) provide professional development for teachers and school leaders in the State consistent with section 2123(2)(D); and

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

“(i) in the case of a State educational agency not implementing a statewide school leader evaluation system, the development and implementation of a school leader evaluation system; and

“(ii) in the case of a State educational agency implementing a statewide school
leader evaluation system, implementing such evaluation system.

“Subpart 2—Subgrants to Local Educational Agencies

“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

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

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

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

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

“SEC. 2122. LOCAL APPLICATIONS.

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

“(1) A description of—

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

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

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

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

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

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

“(3) An assurance that the local educational agency will comply with section 5501 (regarding participation by private school children and teachers).
SEC. 2123. LOCAL USE OF FUNDS.

A local educational agency receiving a subgrant under this subpart—

“(1) shall use such funds—

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

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

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

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

“(iv) shall be used to make personnel decisions, as determined by the local educational agency; and

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

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

“(2) may use such funds for—

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

“(B) in the case of a local educational agency located in a State implementing a statewide school leader evaluation system, to implement such evaluation system;

“(C) in the case of a local educational agency located in a State not implementing a statewide school leader evaluation system, the development and implementation of a school leader evaluation system;

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

“(i) subject-based professional development for teachers;

“(ii) professional development aligned with the State’s academic standards;
“(iii) professional development to assist teachers in meeting the needs of students with different learning styles, particularly students with disabilities and English learners;

“(iv) professional development for teachers identified as in need of additional support through data provided by a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate;

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

“(vi) professional development for school leaders, including evidence-based mentorship programs for such leaders; or

“(vii) professional development on integrated, interdisciplinary, and project-based teaching strategies, including for career and technical education teachers;

“(E) partnering with a public or private organization or a consortium of such organizations to develop and implement a teacher eval-
uation system described in subparagraph (A) or (B) of paragraph (1), or to administer professional development, as appropriate;

“(F) any activities authorized under section 2222(a); or

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

“Subpart 3—General Provisions

“SEC. 2131. REPORTING REQUIREMENTS.

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

“(1) how the local educational agency is meeting the purposes of this part described in section 2101;

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

“(3) the number and percentage of teachers in each category established under clause (iii) of section 2123(1)(A), except that such report shall not
reveal personally identifiable information about an individual teacher; and

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

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

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

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


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

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

“(2) acting through the Institute of Education Sciences, conduct national evaluations of activities carried out by State educational agencies and local educational agencies under this part.
“SEC. 2133. STATE DEFINED.

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

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

“PART B—TEACHER AND SCHOOL LEADER FLEXIBLE GRANT

“SEC. 2201. PURPOSE.

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

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

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

“Subpart 1—Formula Grants to States

“SEC. 2211. STATE ALLOTMENTS.

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

“(1) shall reserve 25 percent to award grants to States under this subpart; and
“(2) of the amount reserved under paragraph (1), shall reserve—

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

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

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

“(b) STATE ALLOTMENTS.—

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

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

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

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

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

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

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

“(4) describe how the State educational agency will ensure that subgrants made under section 2221

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are of sufficient size and scope to support effective
programs that will help increase academic achieve-
ment in the classroom and are consistent with the
purposes of this part;

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

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

“(7) include an assurance that, other than pro-
viding technical and advisory assistance and moni-
toring compliance with this part, the State edu-
cational agency has not exercised, and will not exer-
cise, any influence in the decisionmaking processes
of eligible entities as to the expenditure of funds
made pursuant to an application submitted under
section 2221(b).

“(d) STATE USE OF FUNDS.—

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

“(2) State Administration.—A State edu-
cational agency may reserve not more than 1 percent
of the amount made available to the State under
subsection (b) for the administrative costs of car-
ying out such State educational agency’s respon-
sibilities under this subpart.

“(3) State-level Activities.—

“(A) Innovative Teacher and School
Leader Activities.—A State educational
agency shall reserve not more than 4 percent of
the amount made available to the State under
subsection (b) to carry out, solely, or in part-
nership with State agencies of higher education,
1 or more of the following activities:

“(i) Reforming teacher and school
leader certification, recertification, licens-
ing, and tenure systems to ensure that
such systems are rigorous and that—

“(I) each teacher has the subject
matter knowledge and teaching skills
necessary to help students meet the
State’s academic standards; and
“(II) school leaders have the instructional leadership skills to help teachers instruct and students learn.

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

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

“(II) former military personnel; and

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

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

“(I) performance-based pay systems for teachers and school leaders;
“(II) strategies that provide differential, incentive, or bonus pay for teachers; or

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

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

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

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

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

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

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

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

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

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

“(i) IN GENERAL.—In the case of a State in which teacher or school leader preparation academies are allowable under State law, a State educational agency may reserve not more than 3 percent of the amount made available to the State under subsection (b) to support the establishment or expansion of one or more teacher or school leader preparation academies and, subject to the limitation under clause (iii), to support State authorizers for such academies.
“(ii) Matching requirement.—A State educational agency shall not provide funds under this subparagraph to support the establishment or expansion of a teacher or school leader preparation academy unless the academy agrees to provide, either directly or through private contributions, non-Federal matching funds equal to not less than 10 percent of the amount of the funds the academy will receive under this subparagraph.

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

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

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

“(b) DISAPPROVAL PROCESS.—

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

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

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

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

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

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

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

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

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

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

“Subpart 2—Local Competitive Grant Program

“SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.

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

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

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

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

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

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

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

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

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

“SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.

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

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

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

“(A) developing and implementing initiatives to assist in recruiting, hiring, and retaining highly effective teachers and school leaders, including initiatives that provide—
“(i) differential, incentive, or bonus pay for teachers;

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

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

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

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

“(B) supporting the establishment or expansion of teacher or school leader preparation academies under section 2211(d)(3)(B);

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

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

“(E) providing evidence-based, job embed-
ded, continuous professional development for
teachers and school leaders focused on improv-
ing teaching and student learning and achieve-
ment in the core academic subjects;

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

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

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

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

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

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

“Subpart 3—General Provisions

“SEC. 2231. PERIODIC EVALUATION.

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

“(b) USE OF RESULTS.—The results of an evaluation described in subsection (a) of an eligible entity or academy shall be—
“(1) used to refine, improve, and strengthen such eligible entity or such academy, respectively; and

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

“SEC. 2232. REPORTING REQUIREMENTS.

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

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

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

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

“(4) any such other information as the State educational agency may require.
“(b) State Educational Agencies.—Each State educational agency that receives a grant under this part shall prepare and submit, annually, to the Secretary a report that includes—

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

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

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

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

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

“SEC. 2233. NATIONAL ACTIVITIES.

“From the funds reserved by the Secretary under section 2211(a)(2)(A), the Secretary shall, directly or through grants and contracts—
“(1) provide technical assistance to States and eligible entities in carrying out activities under this part; and

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

“SEC. 2234. DEFINITIONS.

“In this part:

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

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

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

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

“(D) a consortium of the entities described in subparagraphs (B) and (C).
“(2) State.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

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

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

“(i) specifies the goals expected of the academy, which, at a minimum, include the goals described in paragraph (4); and

“(ii) does not reauthorize the academy if such goals are not met; and

“(B) may be a nonprofit organization, a State educational agency, or other public entity, or consortium of such entities (including a consortium of State educational agencies).

“(4) Teacher or school leader preparation academy.—The term ‘teacher or school leader preparation academy’ means a public or private entity, or a nonprofit or for-profit organization, which may be an institution of higher education or an organization affiliated with an institution of higher
education, that will prepare teachers or school leaders to serve in schools, and that—

“(A) enters into an agreement with a State authorizer that specifies the goals expected of the academy, including—

“(i) a requirement that prospective teachers or school leaders who are enrolled in a teacher or school leader preparation academy receive a significant part of their training through clinical preparation that partners the prospective candidate with an effective teacher or school leader, respectively, with a demonstrated record of increasing student achievement, while also receiving concurrent instruction from the academy in the content area (or areas) in which the prospective teacher or school leader will become certified or licensed;

“(ii) the number of effective teachers or school leaders, respectively, who will demonstrate success in increasing student achievement that the academy will produce; and

“(iii) a requirement that a teacher or school leader preparation academy will only
award a certificate of completion after the graduate demonstrates that the graduate is an effective teacher or school leader, respectively, with a demonstrated record of increasing student achievement, except that an academy may award a provisional certificate for the period necessary to allow the graduate to demonstrate such effectiveness;

“(B) does not have restrictions on the methods the academy will use to train prospective teacher or school leader candidates, including—

“(i) obligating (or prohibiting) the academy’s faculty to hold advanced degrees or conduct academic research;

“(ii) restrictions related to the academy’s physical infrastructure;

“(iii) restrictions related to the number of course credits required as part of the program of study;

“(iv) restrictions related to the undergraduate coursework completed by teachers teaching or working on alternative certificates, licenses, or credentials, as long as
such teachers have successfully passed all relevant State-approved content area examinations; or

“(v) restrictions related to obtaining accreditation from an accrediting body for purposes of becoming an academy;

“(C) limits admission to its program to prospective teacher or school leader candidates who demonstrate strong potential to improve student achievement, based on a rigorous selection process that reviews a candidate’s prior academic achievement or record of professional accomplishment; and

“(D) results in a certificate of completion that the State may recognize as at least the equivalent of a master’s degree in education for the purposes of hiring, retention, compensation, and promotion in the State.

“(5) TEACHER RESIDENCY PROGRAM.—The term ‘teacher residency program’ means a school-based teacher preparation program in which a prospective teacher—

“(A) for one academic year, teaches alongside an effective teacher, as determined by a
teacher evaluation system implemented under part A, who is the teacher of record;

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

“(C) acquires effective teaching skills.”.

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

(1) by striking subparts 1 through 4;

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

(3) by striking sections 2361 and 2368;

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

(5) in section 2363(6)(A), by striking “principal” and inserting “school leader”;  

(6) in section 2366(b), by striking “ate law” and inserting “(3) A State law”;
(7) by redesignating section 2362 as section 2361;

(8) by redesignating sections 2364 through 2367 as sections 2362 through 2365, respectively; and

(9) by redesignating section 2363 as section 2366 and transferring such section to appear after section 2365 (as so redesignated).

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

“PART D—GENERAL PROVISIONS

“SEC. 2401. INCLUSION OF CHARTER SCHOOLS.

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

“SEC. 2402. PARENTS’ RIGHT TO KNOW.

“At the beginning of each school year, a local educational agency that receives funds under this title shall notify the parents of each student attending any school receiving funds under this title that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student’s classroom teachers.
“SEC. 2403. SUPPLEMENT, NOT SUPPLANT.

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

SEC. 202. CONFORMING REPEALS.

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

(b) EFFECTIVE DATE.—The repeals made by sub-section (a) shall take effect October 1, 2013.

TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXI-BILITY

SEC. 301. PARENTAL ENGAGEMENT AND LOCAL FLEXI-BILITY.

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

“TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXI-BILITY

“PART A—PARENTAL ENGAGEMENT

“Subpart 1—Charter School Program

“SEC. 3101. PURPOSE.

“It is the purpose of this subpart to—
“(1) improve the United States education system and educational opportunities for all Americans by supporting innovation in public education in public school settings that prepare students to compete and contribute to the global economy;

“(2) provide financial assistance for the planning, program design, and initial implementation of charter schools;

“(3) expand the number of high-quality charter schools available to students across the Nation;

“(4) evaluate the impact of such schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;

“(5) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools;

“(6) improve student services to increase opportunities for students with disabilities, English learners, and other traditionally underserved students to attend charter schools and meet challenging State academic achievement standards; and

“(7) support efforts to strengthen the charter school authorizing process to improve performance
management, including transparency, monitoring, and evaluation of such schools.

“SEC. 3102. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—From the amounts appropriated under section 3(e)(1)(A), the Secretary shall carry out a charter school program under this subpart that supports charter schools that serve elementary school and secondary school students by—

“(1) supporting the startup, replication, and expansion of charter schools;

“(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

“(3) carrying out national activities to support—

“(A) charter school development;

“(B) the dissemination of best practices of charter schools for all schools; and

“(C) the evaluation of the impact of the program on schools participating in the program.

“(b) FUNDING ALLOTMENT.—From the amount made available under section 3(e)(1)(A) for a fiscal year, the Secretary shall—
“(1) reserve 15 percent to support charter school facilities assistance under section 3104;

“(2) reserve not more than 5 percent to carry out national activities under section 3105; and

“(3) use the remaining amount after the Secretary reserves funds under paragraphs (1) and (2) to carry out section 3103.

“(c) PRIOR GRANTS AND SUBGRANTS.—The recipient of a grant or subgrant under this subpart or subpart 2, as such subpart was in effect on the day before the date of enactment of the Student Success Act, shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

“SEC. 3103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

“(a) IN GENERAL.—From the amount reserved under section 3102(b)(3), the Secretary shall award grants to State entities having applications approved pursuant to subsection (f) to enable such entities to—

“(1) award subgrants to eligible applicants for—

“(A) opening new charter schools;

“(B) opening replicable, high-quality charter school models; or
“(C) expanding high-quality charter schools; and

“(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1) and work with authorized public chartering agencies in the State to improve authorizing quality.

“(b) State Uses of Funds.—

“(1) In general.—A State entity receiving a grant under this section shall—

“(A) use 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the entity’s application approved pursuant to subsection (f), for the purposes described in subparagraphs (A) through (C) of subsection (a)(1); and

“(B) reserve 10 percent of such funds to carry out the activities described in subsection (a)(2), of which not more than 30 percent may be used for administrative costs which may include technical assistance.

“(2) Contracts and grants.—A State entity may use a grant received under this section to carry out the activities described in subparagraphs (A)
and (B) of paragraph (1) directly or through grants, contracts, or cooperative agreements.

“(c) PROGRAM PERIODS; PEER REVIEW; GRANT NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIVERS.—

“(1) PROGRAM PERIODS.—

“(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

“(B) SUBGRANTS.—A subgrant awarded by a State entity under this section shall be for a period of not more than 5 years, of which an eligible applicant may use not more than 18 months for planning and program design.

“(2) PEER REVIEW.—The Secretary, and each State entity receiving a grant under this section, shall use a peer review process to review applications for assistance under this section.

“(3) GRANT NUMBER AND AMOUNT.—The Secretary shall ensure that the number of grants awarded under this section and the award amounts will allow for a sufficient number of new grants to be awarded under this section for each succeeding fiscal year.
“(4) Diversity of Projects.—Each State entity receiving a grant under this section shall award subgrants under this section in a manner that, to the extent possible, ensures that such subgrants—

“(A) are distributed throughout different areas, including urban, suburban, and rural areas; and

“(B) will assist charter schools representing a variety of educational approaches.

“(5) Waivers.—The Secretary may waive any statutory or regulatory requirement without requiring the adoption of any unrelated requirements over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 5101(3), if—

“(A) the waiver is requested in an approved application under this section; and

“(B) the Secretary determines that granting such a waiver will promote the purpose of this subpart.

“(d) Limitations.—

“(1) Grants.—A State entity may not receive more than 1 grant under this section for a 5-year period.
“(2) Subgrants.—An eligible applicant may not receive more than 1 subgrant under this section for an individual charter school for a 5-year period, unless the eligible applicant demonstrates to the State entity not less than 3 years of improved educational results in the areas described in subparagraphs (A) and (D) of section 3110(5) for students enrolled in such charter school.

“(e) Applications.—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

“(1) Description of Program.—A description of the State entity’s objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including a description—

“(A) of how the entity—

“(i) will support both new charter school startup and the expansion and replication of high-quality charter school models;

“(ii) will inform eligible charter schools, developers, and authorized public
chartering agencies of the availability of funds under the program;

“(iii) will work with eligible applicants to ensure that the applicants access all Federal funds that they are eligible to receive, and help the charter schools supported by the applicants and the students attending the charter schools—

“(I) participate in the Federal programs in which the schools and students are eligible to participate;

and

“(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs;

“(iv) in the case in which the entity is not a State educational agency—

“(I) will work with the State educational agency and the charter schools in the State to maximize charter school participation in Federal and State programs for charter schools; and
“(II) will work with the State educational agency to adequately operate the entity’s program under this section, where applicable;

“(v) will ensure eligible applicants that receive a subgrant under the entity’s program are prepared to continue to operate the charter schools receiving the subgrant funds once the funds have expired;

“(vi) will support charter schools in local educational agencies with large numbers of schools implementing requirements under the State’s school improvement system under section 1111(b)(3)(B)(iii);

“(vii) will work with charter schools to promote inclusion of all students and support all students once they are enrolled to promote retention;

“(viii) will work with charter schools on recruitment practices, including efforts to engage groups that may otherwise have limited opportunities to participate in charter schools;
“(ix) will share best and promising practices between charter schools and other public schools, including, where appropriate, instruction and professional development in science, math, technology, and engineering education;

“(x) will ensure the charter schools receiving funds under the entity’s program can meet the educational needs of their students, including students with disabilities and English learners; and

“(xi) will support efforts to increase quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(E);

“(B) of the extent to which the entity—

“(i) is able to meet and carry out the priorities listed in subsection (f)(2); and

“(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools and replicable, high-quality charter school models, and the expansion of high-quality charter schools;
“(C) of how the entity will carry out the
subgrant competition, including—

“(i) a description of the application
each eligible applicant desiring to receive a
subgrant will submit, including—

“(I) a description of the roles
and responsibilities of eligible appli-
cants, partner organizations, and
management organizations, including
the administrative and contractual
roles and responsibilities;

“(II) a description of the quality
controls agreed to between the eligible
applicant and the authorized public
chartering agency involved, such as a
contract or performance agreement,
and how a school’s performance in the
State’s academic accountability sys-
tem will be a primary factor for re-
newal; and

“(III) a description of how the el-
igible applicant will solicit and con-
sider input from parents and other
members of the community on the im-
plementation and operation of each
charter school receiving funds under
the entity’s program; and
“(ii) a description of how the entity
will review applications;
“(D) in the case of an entity that partners
with an outside organization to carry out the
entity’s quality charter school program, in
whole or in part, of the roles and responsibil-
ities of this partner;
“(E) of how the entity will help the charter
schools receiving funds under the entity’s pro-
gram consider the transportation needs of the
schools’ students; and
“(F) of how the entity will support diverse
charter school models, including models that
serve rural communities.
“(2) ASSURANCES.—Assurances, including a
description of how the assurances will be met,
that—
“(A) each charter school receiving funds
under the entity’s program will have a high de-
gree of autonomy over budget and operations;
“(B) the entity will support charter schools
in meeting the educational needs of their stu-
dents as described in paragraph (1)(A)(x);
“(C) the entity will ensure that the authorized public chartering agency of any charter school that receives funds under the entity’s program—

“(i) ensures that each charter school is meeting the obligations under this Act, part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title IX of the Education Amendments of 1972;

“(ii) adequately monitors and helps each charter school in recruiting, enrolling, and meeting the needs of all students, including students with disabilities and English learners; and

“(iii) ensures that each charter school solicits and considers input from parents and other members of the community on the implementation and operation of the school;

“(D) the entity will provide adequate technical assistance to eligible applicants to—
“(i) meet the objectives described in clauses (vii), (viii), and (x) of paragraph (1)(A); and

“(ii) enroll traditionally underserved students, including students with disabilities and English learners, to promote an inclusive education environment;

“(E) the entity will promote quality authorizing, such as through providing technical assistance, to support all authorized public chartering agencies in the State to improve the monitoring of their charter schools, including by—

“(i) assessing annual performance data of the schools, including, as appropriate, graduation rates and student growth; and

“(ii) reviewing the schools’ independent, annual audits of financial statements conducted in accordance with generally accepted accounting principles, and ensuring any such audits are publically reported;

“(F) the entity will work to ensure that charter schools are included with the traditional
public schools in decisionmaking about the public school system in the State; and

“(G) the entity will ensure that each charter school in the State make publicly available, consistent with the dissemination requirements of the annual State report card, the information parents need to make informed decisions about the education options available to their children, including information on the educational program, student support services, and annual performance and enrollment data for the groups of students described in section 1111(b)(3)(B)(ii)(II).

“(3) REQUESTS FOR WAIVERS.—A request and justification for waivers of any Federal statutory or regulatory provisions that the entity believes are necessary for the successful operation of the charter schools that will receive funds under the entity’s program under this section, and a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply to such schools.

“(f) SELECTION CRITERIA; PRIORITY.—

“(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this sec-
tion on the basis of the quality of the applications submitted under subsection (e), after taking into consideration—

“(A) the degree of flexibility afforded by the State’s public charter school law and how the entity will work to maximize the flexibility provided to charter schools under the law;

“(B) the ambitiousness of the entity’s objectives for the quality charter school program carried out under this section;

“(C) the quality of the strategy for assessing achievement of those objectives;

“(D) the likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students;

“(E) the proposed number of new charter schools to be opened, and the proposed number of high-quality charter schools to be replicated or expanded under the program;

“(F) the entity’s plan to—

“(i) adequately monitor the eligible applicants receiving subgrants under the entity’s program; and
“(ii) work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies;

“(G) the entity’s plan to provide adequate technical assistance, as described in the entity’s application under subsection (e), for the eligible applicants receiving subgrants under the entity’s program under this section;

“(H) the entity’s plan to support quality authorizing efforts in the State, consistent with the objectives described in subparagraph (B); and

“(I) the entity’s plan to solicit and consider input from parents and other members of the community on the implementation and operation of the charter schools in the State.

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to State entities to the extent that they meet the following criteria:

“(A) In the case of a State entity located in a State that allows an entity other than a local educational agency to be an authorized public chartering agency, the State has a qual-
ity authorized public chartering agency that is
an entity other than a local educational agency.

“(B) The State entity is located in a State
that does not impose any limitation on the
number or percentage of charter schools that
may exist or the number or percentage of stu-
dents that may attend charter schools in the
State.

“(C) The State entity is located in a State
that ensures equitable financing, as compared
to traditional public schools, for charter schools
and students in a prompt manner.

“(D) The State entity is located in a State
that uses charter schools and best practices
from charter schools to help improve struggling
schools and local educational agencies.

“(E) The State entity partners with an or-
organization that has a demonstrated record of
success in developing management organiza-
tions to support the development of charter
schools in the State.

“(F) The State entity demonstrates quality
policies and practices to support and monitor
charter schools through factors including—
“(i) the proportion of high-quality charter schools in the State; and

“(ii) the proportion of charter schools enrolling, at a rate similar to traditional public schools, traditionally underserved students, including students with disabilities and English learners.

“(G) The State entity supports charter schools that support at-risk students through activities such as dropout prevention or dropout recovery.

“(H) The State entity authorizes all charter schools in the State to serve as school food authorities.

“(g) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to open new charter schools, open replicable, high-quality charter school models, or expand existing high-quality charter schools.

“(h) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the 5-year grant period and at the end of such grant period, a report on—

“(1) the number of students served under each subgrant awarded under this section and, if applica-
ble, how many new students were served during each year of the subgrant period;

“(2) the number of subgrants awarded under this section to carry out each of the following—

“(A) the opening of new charter schools;

“(B) the opening of replicable, high-quality charter school models; and

“(C) the expansion of high-quality charter schools;

“(3) the progress the entity made toward meeting the priorities described in subsection (f)(2), as applicable;

“(4) how the entity met the objectives of the quality charter school program described in the entity’s application under subsection (e);

“(5) how the entity complied with, and ensured that eligible applicants complied with, the assurances described in the entity’s application; and

“(6) how the entity worked with authorized public chartering agencies and how such agencies worked with the management company or leadership of the schools that received subgrants under this section.

“(i) State Entity Defined.—For purposes of this section, the term ‘State entity’ means—
“(1) a State educational agency;
“(2) a State charter school board; or
“(3) a Governor of a State.

“SEC. 3104. FACILITIES FINANCING ASSISTANCE.

“(a) GRANTS TO ELIGIBLE ENTITIES.—
“(1) IN GENERAL.—From the amount reserved under section 3102(b)(1), the Secretary shall award grants to eligible entities that have the highest-quality applications approved under subsection (d), after considering the diversity of such applications, to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.
“(2) ELIGIBLE ENTITY DEFINED.—For purposes of this section, the term ‘eligible entity’ means—
“(A) a public entity, such as a State or local governmental entity;
“(B) a private nonprofit entity; or
“(C) a consortium of entities described in subparagraphs (A) and (B).

“(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted under subsection (d),
and shall determine whether the application is sufficient to merit approval.

“(c) Grant Characteristics.—Grants under subsection (a) shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

“(d) Applications.—

“(1) In general.—To receive a grant under subsection (a), an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

“(2) Contents.—An application submitted under paragraph (1) shall contain—

“(A) a statement identifying the activities proposed to be undertaken with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

“(B) a description of the involvement of charter schools in the application’s development and the design of the proposed activities;

“(C) a description of the eligible entity’s expertise in capital market financing;
“(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of Federal, State, or local government funding used and otherwise enhance credit available to charter schools, including how the entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the entity under this section;

“(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

“(F) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the charter schools need to have adequate facilities.

“(e) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to ac-
cess private sector capital to accomplish one 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, including predevelopment costs, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

“(f) Reserve Account.—

“(1) Use of Funds.—To assist charter schools to accomplish the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) 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 one or more of the following purposes:
“(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

“(B) Guaranteeing and insuring leases of personal and real property for an objective described in subsection (e).

“(C) 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.

“(D) 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).

“(2) INVESTMENT.—Funds received under this section and deposited in the reserve account established under paragraph (1) shall be invested in obli-
gations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with such paragraph.

“(g) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

“(h) AUDITS AND REPORTS.—

“(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

“(2) REPORTS.—

“(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) annually shall submit to the Secretary a report of its operations and activities under this section.
“(B) CONTENTS.—Each annual report submitted under subparagraph (A) shall include—

“(i) 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;

“(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

“(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;

“(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

“(v) a description of the activities carried out by the eligible entity to assist
charter schools in meeting the objectives set forth in subsection (e); and

“(vi) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this section (excluding subsection (k)) during the reporting period.

“(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

“(i) NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.—No financial obligation of an eligible entity entered into pursuant to this section (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 section.

“(j) RECOVERY OF FUNDS.—
“(1) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this section (excluding subsection (k)), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

“(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) 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 subsection (f)(1).

“(2) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in subsection (f)(1).
“(3) Procedures.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234, 1234a, 1234g) shall apply to the recovery of funds under paragraph (1).

“(4) Construction.—This subsection 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 (20 U.S.C. 1234 et seq.).

“(k) Per-Pupil Facilities Aid Program.—

“(1) Definition of per-pupil facilities aid program.—In this subsection, the term ‘per-pupil facilities aid program’ means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

“(A) that is dedicated solely for funding charter school facilities; or

“(B) a portion of which is dedicated for funding charter school facilities.

“(2) Grants.—

“(A) In general.—From the amount reserved under section 3102(b)(1) and remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the
Federal share of the cost of establishing or enhancing, and administering per-pupil facilities aid programs.

“(B) **Period.**—The Secretary shall award grants under this subsection for periods of not more than 5 years.

“(C) **Federal Share.**—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

“(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

“(ii) 80 percent in the second such year;

“(iii) 60 percent in the third such year;

“(iv) 40 percent in the fourth such year; and

“(v) 20 percent in the fifth such year.

“(D) **State Share.**—A State receiving a grant under this subsection may partner with 1 or more organizations to provide up to 50 percent of the State share of the cost of estab-
lishing or enhancing, and administering the per-
pupil facilities aid program.

“(E) MULTIPLE GRANTS.—A State may receive more than 1 grant under this sub-
section, so long as the amount of such funds provided to charter schools increases with each successive grant.

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to es-

tablish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

“(B) EVALUATIONS; TECHNICAL ASSIST-

ANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

“(C) SUPPLEMENT, NOT SUPPLANT.—

Funds made available under this subsection shall be used to supplement, and not supplant, State, and local public funds expended to pro-
vide per pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

“(4) REQUIREMENTS.—

“(A) Voluntary Participation.—No State may be required to participate in a program carried out under this subsection.

“(B) State Law.—

“(i) In general.—Except as provided in clause (ii), to be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

“(I) is specified in State law; and

“(II) provides annual financing, on a per-pupil basis, for charter school facilities.

“(ii) Special Rule.—Notwithstanding clause (i), a State that is required under State law to provide its charter schools with access to adequate facility space, but which does not have a per-pupil facilities aid program for charter schools specified in State law, may be eligible to
receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

“(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“SEC. 3105. NATIONAL ACTIVITIES.

“(a) IN GENERAL.—From the amount reserved under section 3102(b)(2), the Secretary shall—

“(1) use not less than 50 percent of such funds to award grants in accordance with subsection (b); and

“(2) use the remainder of such funds to—

“(A) disseminate technical assistance to State entities in awarding subgrants under section 3103, and eligible entities and States receiving grants under section 3104;

“(B) disseminate best practices; and

“(C) evaluate the impact of the charter school program, including the impact on student achievement, carried out under this subpart.
“(b) GRANTS.—

“(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to eligible applicants for the purpose of carrying out the activities described in section 3102(a)(1), subparagraphs (A) through (C) of section 3103(a)(1), and section 3103(g).

“(2) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, grants awarded under this subsection shall have the same terms and conditions as grants awarded to State entities under section 3103.

“(3) ELIGIBLE APPLICANT DEFINED.—For purposes of this subsection, the term ‘eligible applicant’ means an eligible applicant that desires to open a charter school in—

“(A) a State that did not apply for a grant under section 3103;

“(B) a State that did not receive a grant under section 3103; or

“(C) a State that received a grant under section 3103 and is in the 4th or 5th year of the grant period for such grant.

“(c) CONTRACTS AND GRANTS.—The Secretary may carry out any of the activities described in this section di-
rectly or through grants, contracts, or cooperative agree-
ments.

“SEC. 3106. FEDERAL FORMULA ALLOCATION DURING
FIRST YEAR AND FOR SUCCESSIVE ENROLL-
MENT 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 Sec-
retary 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 iden-
tity 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. 3107. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.

“To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this subpart, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act, or any other program administered by the Secretary that provides
education funds to charter schools or regulates the activities of charter schools.

“SEC. 3108. RECORDS TRANSFER.

“State educational agencies and local educational agencies, as quickly as possible and to the extent practicable, shall ensure that a student’s records and, if applicable, a student’s individualized education program as defined in section 602(14) 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. 3109. PAPERWORK REDUCTION.

“To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.

“SEC. 3110. DEFINITIONS.

“In this subpart:

“(1) DEVELOPER.—The term ‘developer’ means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local commu-
community in which a charter school project will be carried out.

“(2) ELIGIBLE APPLICANT.—The term ‘eligible applicant’ means a developer that has—

“(A) applied to an authorized public chartering authority to operate a charter school; and

“(B) provided adequate and timely notice to that authority.

“(3) AUTHORIZED PUBLIC CHARTERING AGENCY.—The term ‘authorized public chartering agency’ means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

“(4) EXPANSION OF A HIGH-QUALITY CHARTER SCHOOL.—The term ‘expansion of a high-quality charter school’ means to significantly increase the enrollment of, or add one or more grades to, a high-quality charter school.

“(5) HIGH-QUALITY CHARTER SCHOOL.—The term ‘high-quality charter school’ means a charter school that—
“(A) shows evidence of strong academic results, which may include strong academic growth as determined by a State;

“(B) has no significant issues in the areas of student safety, financial management, or statutory or regulatory compliance;

“(C) has demonstrated success in significantly increasing student academic achievement and attainment for all students served by the charter school; and

“(D) has demonstrated success in increasing student academic achievement for the groups of students described in section 1111(b)(3)(B)(ii)(II), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

“(6) Replicable, high-quality charter school model.—The term ‘replicable, high-quality charter school model’ means a high-quality charter school that has the capability of opening another such charter school under an existing charter.
“Subpart 2—Magnet School Assistance

“SEC. 3121. PURPOSE.

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

“(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;

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

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

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

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

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

“SEC. 3122. DEFINITION.

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

“SEC. 3123. PROGRAM AUTHORIZED.

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

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

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

“SEC. 3124. ELIGIBILITY.

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

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

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

“SEC. 3125. APPLICATIONS AND REQUIREMENTS.

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

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

“(1) a description of—

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

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

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

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

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

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

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

“(2) assurances that the applicant will—

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

“(B) employ effective teachers in the
courses of instruction assisted under this sub-
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 quality education program that will encourage greater parental decisionmaking and involvement; and

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

“(e) Special Rule.—No grant shall be awarded under this subpart unless the Assistant Secretary of Edu-
cation for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"SEC. 3126. PRIORITY.

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

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

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

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

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

"SEC. 3127. USE OF FUNDS.

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

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

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

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

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

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

“(B) further the purpose of this subpart;

“(5) for activities, which may include professional development, that will build the recipient’s capacity to operate magnet school programs once the grant period has ended;
“(6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

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

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

“SEC. 3128. LIMITATIONS.

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

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

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

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

“SEC. 3129. EVALUATIONS.

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

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

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

“(2) the extent to which magnet school pro-
grams enhance student access to a quality education;
“(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students; and

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

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

“SEC. 3130. REERVATION.

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

“Subpart 3—Family Engagement in Education Programs

“SEC. 3141. PURPOSES.

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

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

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

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

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

“SEC. 3142. GRANTS AUTHORIZED.

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

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

“SEC. 3143. APPLICATIONS.

“(a) Submissions.—Each statewide organization, or a consortium of such organizations, that desires a grant under this subpart shall submit an application to the Sec-
retary at such time, in such manner, and including the
information described in subsection (b).

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

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

“(2) A description of the support that the
Statewide Family Engagement Center that will be
operated by the applicant will have from the State
educational agency and any partner organization
outlining the commitment to work with the center.

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

“(A) management and governance;

“(B) statewide leadership; or

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

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

“(5) An assurance that the applicant will—

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

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

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

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

“(iv) representatives of the business community; and

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

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

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

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

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

“(F) work with—

“(i) other Statewide Family Engagement Centers assisted under this subpart; and

“(ii) parent training and information centers and community parent resource centers assisted under sections 671 and
672 of the Individuals with Disabilities Education Act;

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

“(H) provide assistance to State educational agencies and local educational agencies and community-based organizations that support family members in supporting student academic achievement;

“(I) work with State educational agencies, local educational agencies, schools, educators, and parents to determine parental needs and the best means for delivery of services to address such needs; and

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

“SEC. 3144. USES OF FUNDS.

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

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

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

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

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

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

“(F) to train other parents; and

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

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

“(3) to develop and implement parental involvement policies under this Act.

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

“(c) Technical Assistance.—The Secretary shall reserve not more than 2 percent of the funds appropriated under section 3(c)(1)(C) to carry out this subpart to provide technical assistance, by competitive grant or contract,
for the establishment, development, and coordination of
Statewide Family Engagement Centers.

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

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

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

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

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

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

“SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.

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

“PART B—LOCAL ACADEMIC FLEXIBLE GRANT

“SEC. 3201. PURPOSE.

“The purpose of this part is to—

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

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

“SEC. 3202. ALLOTMENTS TO STATES.

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

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

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

“(b) STATE ALLOTMENTS.—

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

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

“(c) STATE USE OF FUNDS.—

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

“(2) Awards to nongovernmental entities to improve student academic achievement.—Each State that receives an allotment under subsection (b) for each fiscal year shall reserve not less than 10 percent of the amount allotted to the State for awards to nongovernmental entities under section 3205.

“(3) State activities and state administration.—A State educational agency may reserve not more than 15 percent of the amount allotted to the State under subsection (b) for each fiscal year for the following:

“(A) Enabling the State educational agency—

“(i) to pay the costs of developing the State assessments and standards required under section 1111(b), which may include the costs of working, at the sole discretion of the State, in voluntary partnerships with other States to develop such assessments and standards; or
“(ii) if the State has developed the assessments and standards required under section 1111(b), to administer those assessments or carry out other activities related to ensuring that the State’s schools and local educational agencies are helping students meet the State’s academic standards under such section.

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

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

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

“(E) Statewide academic focused programs.

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

“SEC. 3203. STATE APPLICATION.

“(a) In general.—In order to receive an allotment under section 3202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—
“(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

“(2) describes how the State educational agency will use funds reserved for State-level activities, including how, if any, of the funds will be used to support student safety;

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

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

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

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

“(5) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, and dissemination of evidence-based and other effective strategies;
“(6) describes how the State educational agency will consider students across all grades when making these awards;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(g) RULE OF CONSTRUCTION.—An application submitted by a State educational agency pursuant to subsection (a) shall not be approved or disapproved based upon the activities for which the agency may make funds

available to eligible entities under section 3204 if the agency’s use of funds is consistent with section 3204(b).

“SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.

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

“(b) USE OF FUNDS.—

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

“(A) are evidence-based;

“(B) will improve student academic achievement;

“(C) are allowable under State law; and

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

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

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

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

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

“(2) Participation of children enrolled in private schools.—An eligible entity that receives an award under this part shall ensure compliance with section 5501 (relating to participation of children enrolled in private schools).

“(c) Application.—

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

“(2) Contents.—Each application submitted under paragraph (1) shall include—
“(A) a description of the activities to be funded and how they are consistent with subsection (b);

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

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

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

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

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

“(f) Award.—A grant shall be awarded to all eligible entities that submit an application that meets the requirements of this section in an amount that is not less than $10,000, but there shall be only one award granted to any one local educational agency, but such award may be for multiple projects or programs with the local educational agency.

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

“(h) Eligible Entity Defined.—In this section, the term ‘eligible entity’ means—

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

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

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

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

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

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

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

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

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

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

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

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

“(7) A description of how the applicant will work to share evidence-based and other effective strategies from the program or project with local educational agencies and other entities working with students to increase academic achievement.
“(8) An assurance that students who benefit from any program or project funded under this section shall continue to maintain enrollment in a public elementary or secondary school, until graduation or transfer to another school.

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

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

“(1) the applicant is an eligible applicant;

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

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

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

“(e) Distribution of Funds.—If the application requests exceed the funds available, the State educational agency shall prioritize projects that support students in high-need local educational agencies and ensure geographic diversity, including serving rural, suburban, and urban areas.
“(f) Administrative Costs.—Not more than 1 percent of a grant awarded under this section may be used for administrative costs.

“SEC. 3206. REPORT.

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

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

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

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

TITLE IV—IMPACT AID

SEC. 401. PURPOSE.

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

SEC. 402. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

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

(1) in subsection (b)(1)(B), by striking “section 8014(a)” and inserting “section 3(d)(1)”; and

(2) by amending subsection (f) to read as follows:
“(f) Special Rule.—Beginning with fiscal year 2014, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if records to determine eligibility under such subsection were destroyed prior to fiscal year 2000 and the agency received funds under subsection (b) in the previous year.”;

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

“(g) Former Districts.—

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

“(2) Eligible Local Educational Agencies.—A local educational agency described in this paragraph is—

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

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

“(i) for fiscal years 2006 through 2013, the local educational agency notifies the Secretary not later than 30 days after the date of enactment of the Student Success Act of the designation described in paragraph (1); and

“(ii) for fiscal year 2014, and each subsequent fiscal year, the local educational agency includes the designation in its application under section 8005 or any timely amendment to such application.

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

(4) in subsection (h)—

(A) in paragraph (2)—

(i) in subparagraph (C)(ii), by strik-
ing “section 8014(a)” and inserting “sec-
tion 3(d)(1)”;

(ii) in subparagraph (D), by striking “section 8014(a)” and inserting “section 3(d)(1)”;

(B) in paragraph (4), by striking “Impact Aid Improvement Act of 2012” and inserting “Student Success Act”;

(5) by repealing subsection (k);

(6) by redesignating subsection (l) as subsection (k);

(7) by amending subsection (k) (as so redesign-
ated) by striking “(h)(4)(B)” and inserting “(h)(2)”;

(8) by repealing subsection (m); and

(9) by redesignating subsection (n) as sub-
section (j).
SEC. 403. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

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

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

and

(2) in paragraph (5)(A), by striking “1984” and all that follows through “situated” and inserting “1984, or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility or attached to and under any type of force protection agreement with the military installation upon which such housing is situated.”

(b) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—Section 8003(b) (20 U.S.C. 7703(b)) is amended—
(1) by striking “section 8014(b)” each place it appears and inserting “section 3(d)(2)”;

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

(3) in paragraph (2)—

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

“(iii) The Secretary shall—

“(I) deem each local educational agency that received a basic support payment under this paragraph for fiscal year 2009 as eligible to receive a basic support payment under this paragraph for each of fiscal years 2012, 2013, and 2014; and

“(II) make a payment to each such local educational agency under this paragraph for each of fiscal years 2012, 2013, and 2014.”; and

(B) in subparagraph (B)—

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

(ii) by amending clause (i) to read as follows:
“(i) In general.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

“(I) is a local educational agency—

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

“(bb) that has no taxing authority;

“(II) is a local educational agency that—

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

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

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

“(cc) is an agency that—

“(AA) has a tax rate for general fund purposes that is not less than 95 per-
cent 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
2013 and is located in a
State that by State law has
eliminated ad valorem tax as
a revenue for local edu-
cational agencies;

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

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

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

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

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

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

“(bb) not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or
“(V) is a local educational agency that—

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

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

(iii) in clause (ii)—

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

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

(II) by adding at the end the following:

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

(C) by striking subparagraph (C);

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

(E) in subparagraph (C) (as so redesig-
nated)—

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

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

(iii) by amending subclause (I) of
clause (ii) to read as follows:
“(ii)(I)(aa) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), and that has an enrollment of children described in subparagraphs (A), (B), or (C) of such subsection equal to at least 10 percent of the agency’s total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

“(bb) Notwithstanding subitem (aa), a local educational agency that received a payment under this paragraph for fiscal year 2012 shall not be required to have an enrollment of children described in subparagraphs (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency’s total enrollment.”; and

(iv) by amending subclause (III) of clause (ii) by striking “(B)(i)(II)(aa)” and inserting “subparagraph (B)(i)(I)”;}
(F) in subparagraph (D)(i)(II) (as so redesignated), by striking “6,000” and inserting “5,500”;  

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

(i) by striking “Secretary” and all that follows through “shall use” and inserting “Secretary shall use”;  

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

(iii) by striking clause (ii);  

(H) in subparagraph (F) (as so redesignated), by striking “subparagraph (C)(i)(II)(bb)” and inserting “subparagraph (B)(i)(II)(bb)(BB)” and  

(I) in subparagraph (G) (as so redesignated)—  

(i) in clause (i)—  

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

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

(III) by inserting after “clause (iii)” the following “, or as the direct
result of base realignment and closure
or modularization as determined by
the Secretary of Defense and force
structure change or force relocation’’;
and
(IV) by inserting before the pe-
riod, the following: ‘‘or during such
time as activities associated with base
closure and realignment, modularization, force structure
change, or force relocation are ongo-
ing’’; and
(ii) in clause (ii), by striking ‘‘(D) or
(E)’’ each place it appears and inserting
‘‘(C) or (D)’’;
(4) in paragraph (3)—
(A) in subparagraph (B)—
(i) by amending clause (iii) to read as
follows:
“(iii) In the case of a local educational
agency providing a free public education to stu-
dents enrolled in kindergarten through grade
12, but which enrolls students described in sub-
paragraphs (A), (B), and (D) of subsection
(a)(1) only in grades 9 through 12, and which
received a final payment in fiscal year 2009 calculated under this paragraph (as this paragraph was in effect on the day before the date of enactment of the Student Success Act) for students in grades 9 through 12, the Secretary shall, in calculating the agency's payment, consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).”; and

(ii) by adding at the end the following:

“(v) In the case of a local educational agency that is providing a program of distance education to children not residing within the geographic boundaries of the agency, the Secretary shall—

“(I) for purposes of the calculation under clause (i)(I), disregard such children from the total number of children in aver-
age daily attendance at the schools served
by such agency; and

“(II) for purposes of the calculation
under clause (i)(II), disregard any funds
received for such children from the total
current expenditures for such agency.”;

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

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

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

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

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

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

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

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

(5) in paragraph (4)—

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

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

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

“(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
the Interior, or the heads of other Federal
agencies)—

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

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

“(II) subparagraph (F) and (G)
of subsection (a)(1), but only to the
extent such children are civilian de-
pendents of employees of the Depart-
ment 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 relo-
cation of members of the Armed Forces
and civilian employees of the Department
of Defense as part of the force structure
changes or movements of units or per-
sonnel between military installations or be-
because of actions initiated by the Secretary
of the Interior or the head of another Federal agency; or

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

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

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

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

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

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

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

“(A) for fiscal year 2014, shall not be less than 90 percent of the total amount that the
local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013;

“(B) for fiscal year 2015, shall not be less than 85 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013; and

“(C) for fiscal year 2016, shall not be less than 80 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013.”; and

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

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

(f) MAINTENANCE OF EFFORT.—Section 8003 (20 U.S.C. 7703) is amended by striking subsection (g).
SEC. 404. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

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

SEC. 405. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.

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

SEC. 406. CONSTRUCTION.

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

(1) in subsection (a)—

(A) in paragraph (1), by striking "section 8014(e)" and inserting "section 3(d)(4)";

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

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

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

(2) in subsection (b)—
(A) in paragraph (1), by striking “section 8014(e)” and inserting “section 3(d)(4)”; 

(B) in paragraph (3)—

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

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

(ii) by adding at the end the following:

“(F) Limitations on Eligibility Requirements.—The Secretary shall not limit eligibility—

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

“(ii) under subparagraph (C)(i)(I)(cc), to those local educational agencies in which
more than 10 percent of the property in
each such agency is exempt from State and
local taxation under Federal law.”;
(C) in paragraph (6)—
(i) in the matter preceding subpara-
graph (A), by striking “in such manner,
and accompanied by such information”
and inserting “and in such manner”; and
(ii) by striking subparagraph (F); and
(D) by striking paragraph (7).

SEC. 407. FACILITIES.

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

SEC. 408. STATE CONSIDERATION OF PAYMENTS PROVIDING STATE AID.

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

SEC. 409. FEDERAL ADMINISTRATION.

Section 8010(d)(2) (20 U.S.C. 7710(d)(2)) is amend-
ed, by striking “section 8014” and inserting “section 3(d)”.
SEC. 410. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

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

SEC. 411. 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”;

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

(3) in paragraph (5)(A)(iii)—

(A) in subclause (II), by striking “Stewart B. McKinney Homeless Assistance Act” and inserting “McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411)”;

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

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

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

Section 8014 (20 U.S.C. 7801) is repealed.
SEC. 413. CONFORMING AMENDMENTS.

(a) IMPACT AID IMPROVEMENT ACT OF 2012.—Subsection (c) of the Impact Aid Improvement Act of 2012 (20 U.S.C. 6301 note) is amended—

(1) by striking paragraphs (1) and (4); and

(2) by redesignating paragraphs (2) and (3), as paragraphs (1) and (2), respectively.

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

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

"TITLE IV—IMPACT AID".

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

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

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

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

(4) by striking “section 8002(b)” each place it appears and inserting “section 4002(b)”;
(5) by striking “section 8003” each place it appears and inserting “section 4003”, respectively;

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

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

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

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

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

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

(12) in section 4002(b)(1)(C), by striking “section 8003(b)(1)(C)” and inserting “section 4003(b)(1)(C)”;

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

(14) in section 4005 (as so redesignated)—

(A) in the section heading, by striking “8002 AND 8003” and inserting “4002 AND 4003”;
(B) by striking “or 8003” each place it appears and inserting “or 4003”;

(C) in subsection (b)(2), by striking “section 8004” and inserting “section 4004”; and

(D) in subsection (d)(2), by striking “section 8003(e)” and inserting “section 4003(e)”;

(15) in section 4007(a)(3)(A)(i) (as so redesignated), by striking “section 8008(a)” and inserting “section 4008(a)”;

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

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

(A) in subsection (b)(1)—

(i) by striking “or 8003(b)” and inserting “or 4003(b)”;

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

and

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

and

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

and
(18) in section 4010(c)(2)(D) (as so redesignated) by striking “section 8009(b)” and inserting “section 4009(b)”.

**TITLE V—GENERAL PROVISIONS FOR THE ACT**

**SEC. 501. GENERAL PROVISIONS FOR THE ACT.**

(a) Amending Title V.—Title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

“TITLE V—GENERAL PROVISIONS

“PART A—DEFINITIONS

“SEC. 5101. DEFINITIONS.

“Except as otherwise provided, in this Act:

“(1) 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 located in another school district, 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.

“(D) Children with disabilities.—If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act, the Secretary shall, for the purpose of this Act, consider the child to be in attendance at a school of the agency making the payment.
“(2) 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 third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding 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 preceding year.
‘(3) CHARTER SCHOOL.—The term ‘charter school’ means a public school that—

‘(A) 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;

‘(B) 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;

‘(C) operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency;

‘(D) provides a program of elementary or secondary education, or both;

‘(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

‘(F) does not charge tuition;

“(H) 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;

“(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

“(J) meets all applicable Federal, State, and local health and safety requirements;

“(K) operates in accordance with State law;

“(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to
any other assessments mutually agreeable to
the authorized public chartering agency and the
charter school; and

“(M) may serve prekindergarten or post
secondary students.

“(4) CHILD.—The term ‘child’ means any per-
son within the age limits for which the State pro-
vides free public education.

“(5) CHILD WITH A DISABILITY.—The term
‘child with a disability’ has the same meaning given
that term in section 602 of the Individuals with Dis-
abilities Education Act.

“(6) COMMUNITY-BASED ORGANIZATION.—The
term ‘community-based organization’ means a public
or private nonprofit organization of demonstrated ef-
ficiency that—

“(A) is representative of a community or
significant segments of a community; and

“(B) provides educational or related serv-
ices to individuals in the community.

“(7) CONSOLIDATED LOCAL APPLICATION.—
The term ‘consolidated local application’ means an
application submitted by a local educational agency
pursuant to section 5305.
“(8) Consolidated Local Plan.—The term ‘consolidated local plan’ means a plan submitted by a local educational agency pursuant to section 5305.

“(9) Consolidated State Application.— The term ‘consolidated State application’ means an application submitted by a State educational agency pursuant to section 5302.

“(10) Consolidated State Plan.— The term ‘consolidated State plan’ means a plan submitted by a State educational agency pursuant to section 5302.

“(11) 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.

“(12) County.—The term ‘county’ means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

“(13) Covered Program.—The term ‘covered program’ means each of the programs authorized by—

“(A) part A of title I;

“(B) title II; and
“(C) title III.

“(14) 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.

“(15) DEPARTMENT.—The term ‘Department’ means the Department of Education.

“(16) DIRECT STUDENT SERVICES.—The term ‘direct student services’ means public school choice or high-quality academic tutoring that are designed to help increase academic achievement for students.

“(17) DISTANCE EDUCATION.—The term ‘distance education’ means the use of one or more technologies to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students
and the instructor synchronously or nonsyn-
chronously.

“(18) Educational service agency.—The
term ‘educational service agency’ means a regional
public multiservice agency authorized by State stat-
ute to develop, manage, and provide services or pro-
gams to local educational agencies.

“(19) Elementary school.—The term ‘ele-
mental school’ means a nonprofit institutional day
or residential school, including a public elementary
charter school, that provides elementary education,
as determined under State law.

“(20) English learner.—The term ‘English
learner’, when used with respect to an individual,
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 Alas-
ka 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 academic standards described in section 1111;

“(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

“(iii) the opportunity to participate fully in society.

“(21) EXTENDED-YEAR ADJUSTED COHORT GRADUATION RATE.—

“(A) IN GENERAL.—The term ‘extended-year adjusted cohort graduation rate’ means the ratio where—
“(i) the denominator consists of the number of students who form the original cohort of students who entered the entry grade together in the entry year of high school, adjusted by—

“(I) adding the students who joined that cohort, after the time of the determination of the original cohort; and

“(II) subtracting only those students who left that cohort, after the time of the determination of the original cohort, as described in subparagraph (B); and

“(ii) the numerator consists of the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

“(I) one or more additional years beyond the fourth year of high school; or

“(II) a summer session immediately following the additional year of high school.
“(B) Cohort removal.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, transferred to a prison or juvenile facility, or is deceased.

“(C) Transferred out.—

“(i) In general.—For purposes of this paragraph, the term ‘transferred out’ means a student who the high school or local educational agency has confirmed, according to clause (ii), has transferred—

“(I) to another school from which the student is expected to receive a regular high school diploma; or

“(II) to another educational program from which the student is expected to receive a regular high 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 receiving 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 extended-year adjusted cohort.

“(iii) PROGRAMS NOT PROVIDING CREDIT.—A student who is retained in grade or who is enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma shall not be considered transferred out and shall remain in the extended-year adjusted cohort.

“(D) SPECIAL RULE.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the effective date for student membership data submitted annually by State educational agencies
to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act.

“(22) FAMILY LITERACY SERVICES.—The term ‘family literacy services’ means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

“(A) Interactive literacy activities between parents and their children.

“(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

“(C) Parent literacy training that leads to economic self-sufficiency.

“(D) An age-appropriate education to prepare children for success in school and life experiences.

“(23) FOUR-YEAR ADJUSTED COHORT GRADUATION RATE.—

“(A) IN GENERAL.—The term ‘four-year adjusted cohort graduation rate’ means the ratio where—
“(i) the denominator consists of the number of students who form the original cohort of entering first-time 9th grade students enrolled in the high school no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act, adjusted by—

“(I) adding the students who joined that cohort, after the time of the determination of the original cohort; and

“(II) subtracting only those students who left that cohort, after the time of the determination of the original cohort, as described in subparagraph (B); and

“(ii) the numerator consists of the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—
“(I) the fourth year of high school; or

“(II) a summer session immediately following the fourth year of high school.

“(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, transferred to a prison or juvenile facility, or is deceased.

“(C) TRANSFERRED OUT.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘transferred out’ means a student who the high school or local educational agency has confirmed, according to clause (ii), has transferred—

“(I) to another school from which the student is expected to receive a regular high school diploma; or

“(II) to another educational program from which the student is expected to receive a regular high 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 receiving 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 adjusted cohort.

“(iii) Programs not providing credit.—A student who is retained in grade or who is enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma shall not be considered transferred out and shall remain in the adjusted cohort.

“(D) Special rule.—For those high schools that start after grade 9, the original co-
hort shall be calculated for the earliest high school grade students attend no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act.

“(24) 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 school or secondary school education as determined under applicable State law, except that the term does not include any education provided beyond grade 12.

“(25) HIGH-QUALITY ACADEMIC TUTORING.—The term ‘high-quality academic tutoring’ means supplemental academic services that—

“(A) are in addition to instruction provided during the school day;

“(B) are provided by a non-governmental entity or local educational agency that—
“(i) is included on a State educational agency approved provider list after demonstrating to the State educational agency that its program consistently improves the academic achievement of students; and

“(ii) agrees to provide parents of children receiving high-quality academic tutoring, the appropriate local educational agency, and school with information on participating students increases in academic achievement, in a format, and to the extent practicable, a language that such parent can understand, and in a manner that protects the privacy of individuals consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g);

“(C) are selected by the parents of students who are identified by the local educational agency as being eligible for such services from among providers on the approved provider list described in subparagraph (B)(i);

“(D) meet all applicable Federal, State, and local health, safety, and civil rights laws; and
“(E) ensure that all instruction and content are secular, neutral, and non-ideological.

“(26) 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.

“(27) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given that term in section 101(a) of the Higher Education Act of 1965.

“(28) LOCAL EDUCATIONAL AGENCY.—

“(A) IN GENERAL.—The term ‘local educational agency’ means a public board of education or other public authority legally constituted 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 Education.

“(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.

“(29) 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.

“(30) OTHER STAFF.—The term ‘other staff’ means specialized instructional support personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

“(31) 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 99–658; 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

``(32) PARENT.—The term ‘parent’ includes a legal guardian or other person standing in loco parentis (such as a grandparent, stepparent, or foster parent with whom the child lives, or a person who is legally responsible for the child’s welfare).

``(33) PARENTAL INVOLVEMENT.—The term ‘parental involvement’ means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

``(A) that parents play an integral role in assisting in their child’s learning;

``(B) that parents are encouraged to be actively involved in their child’s education at school;

``(C) that parents are full partners in their child’s education and are included, as appro-
priate, in decisionmaking and on advisory commit- 
mittees to assist in the education of their child; 
and 
“(D) the carrying out of other activities, 
such as those described in section 1118. 
“(34) POVERTY 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) applicable to a family of
the size involved. 
“(35) PROFESSIONAL DEVELOPMENT.—The
term ‘professional development’—
“(A) includes evidence-based, job-embed-
ded, continuous activities that—
“(i) improve and increase teachers’
knowledge of the academic subjects the
teachers teach, and enable teachers to be-
come effective educators;
“(ii) are an integral part of broad
schoolwide and districtwide educational im-
provement plans;
“(iii) give teachers, school leaders,
other staff, and administrators the knowl-
edge and skills to provide students with
the opportunity to meet State academic standards;

“(iv) improve classroom management skills;

“(v)(I) have a positive and lasting impact on classroom instruction and the teacher’s performance in the classroom; and

“(II) are not 1-day or short-term workshops or conferences;

“(vi) support the recruiting, hiring, and training of effective teachers, including teachers who became certified or licensed through State and local alternative routes to certification;

“(vii) advance teacher understanding of effective instructional strategies that are strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers, including through addressing the social and emotional development needs of students;

“(viii) are aligned with and directly related to—
“(I) State academic standards
and assessments; and

“(II) the curricula and programs
tied to the standards described in sub-
clause (I);

“(ix) are developed with extensive par-
ticipation of teachers, school leaders, par-
ents, and administrators of schools to be
served under this Act;

“(x) are designed to give teachers of
English learners and other teachers and
instructional staff, the knowledge and
skills to provide instruction and appro-
priate language and academic support
services to those children, including the ap-
propriate use of curricula and assessments;

“(xi) to the extent appropriate, pro-
vide training for teachers, other staff, and
school leaders in the use of technology so
that technology and technology applica-
tions are effectively used to improve teach-
ing and learning in the curricula and core
academic subjects in which the students re-
ceive instruction;
“(xii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of the professional development;

“(xiii) provide instruction in methods of teaching children with special needs;

“(xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and

“(xv) include instruction in ways that teachers, school leaders, specialized instructional support personnel, other staff, and school administrators may work more effectively with parents; and

“(B) may include evidence-based, job-embedded, continuous activities that—

“(i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and new teachers with an opportunity to work under the guidance of experienced teachers and college faculty;
“(ii) create programs to enable para-
professionals (assisting teachers employed
by a local educational agency receiving as-
sistance under subpart 1 of part A of title
I) to obtain the education necessary for
those paraprofessionals to become certified
and licensed teachers; and

“(iii) provide follow-up training to in-
dividuals who have participated in activi-
ties described in subparagraph (A) or an-
ter clause of this subparagraph that are
designed to ensure that the knowledge and
skills learned by the teachers are imple-
mented in the classroom.

“(36) REGULAR HIGH SCHOOL DIPLOMA.—

“(A) IN GENERAL.—The term ‘regular
high school diploma’ means the standard high
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 recog-
nized equivalent of a diploma, a certificate of
attendance, or any lesser diploma award.

“(B) EXCEPTION FOR STUDENTS WITH
SIGNIFICANT COGNITIVE DISABILITIES.—For a
student who is assessed using an alternate assessment aligned to alternate academic standards under section 1111(b)(1)(D), receipt of a regular high school diploma as defined under subparagraph (A) or a State-defined alternate diploma obtained within the time period for which the State ensures the availability of a free appropriate public education and in accordance with section 612(a)(1) of the Individuals with Disabilities Education Act shall be counted as graduating with a regular high school diploma for the purposes of this Act.

“(37) SCHOOL LEADER.—The term ‘school leader’ means a principal, assistant principal, or other individual who is—

“(A) an employee or officer of a school, local educational agency, or other entity operating the school; and

“(B) responsible for—

“(i) the daily instructional leadership and managerial operations of the school; and

“(ii) creating the optimum conditions for student learning.
“(38) Secondary school.—The term ‘secondary school’ means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

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

“(40) 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, 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 instruc-
tional support services’ means the services pro-
vided by specialized instructional support per-
sonnel.

“(41) STATE.—The term ‘State’ means each of
the 50 States, the District of Columbia, the Com-
monwealth of Puerto Rico, and each of the outlying
areas.

“(42) STATE EDUCATIONAL AGENCY.—The
term ‘State educational agency’ means the agency
primarily responsible for the State supervision of
public elementary schools and secondary schools.

“(43) TECHNOLOGY.—The term ‘technology’
means modern information, computer and commu-
nication technology products, services, or tools, in-
cluding, but not limited to, the Internet and other
communications networks, computer devices and
other computer and communications hardware, soft-
ware applications, data systems, and other electronic
content and data storage.

“SEC. 5102. APPLICABILITY OF TITLE.

“Parts B, C, D, and E of this title do not apply to
title IV of this Act.
"SEC. 5103. APPLICABILITY TO BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS.

"For the purpose of any competitive program under this Act—

"(1) a consortium of schools operated by the Bureau of Indian Education;

"(2) a school operated under a contract or grant with the Bureau of Indian Education in consortium with another contract or grant school or a tribal or community organization; or

"(3) a Bureau of Indian Education school in consortium with an institution of higher education, a contract or grant school, or a tribal or community organization,

shall be given the same consideration as a local educational agency.

"PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

"SEC. 5201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

"(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

"(1) In general.—A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs under paragraph (2).
“(2) APPLICABILITY.—This section applies to any program under this Act under which funds are authorized to be used for administration, and such other programs as the Secretary may designate.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

“(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under programs included in the consolidation under subsection (a), such as—

“(A) the coordination of those programs with other Federal and non-Federal programs;

“(B) the establishment and operation of peer-review mechanisms under this Act;

“(C) the administration of this title;

“(D) the dissemination of information regarding model programs and practices;

“(E) technical assistance under any program under this Act;
“(F) State-level activities designed to carry out this title;

“(G) training personnel engaged in audit and other monitoring activities; and

“(H) implementation of the Cooperative Audit Resolution and Oversight Initiative of the Department.

“(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

“(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of that administration.

“(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to the agency under this section for administration, the agency may use those funds during the applicable period
of availability as funds available under one or more pro-
grams included in the consolidation under subsection (a).

“(f) Consolidation of Funds for Standards
And Assessment Development.—In order to develop
State academic standards and assessments, a State edu-
cational agency may consolidate the amounts described in
subsection (a) for those purposes under title I.

“SEC. 5202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.
“A State educational agency that also serves as a
local educational agency shall, in its applications or plans
under this Act, describe how the agency will eliminate du-
plication in conducting administrative functions.

“SEC. 5203. CONSOLIDATED SET-ASIDE FOR DEPARTMENT
OF THE INTERIOR FUNDS.
“(a) General Authority.—
“(1) Transfer.—The Secretary shall transfer
to the Department of the Interior, as a consolidated
amount for covered programs, the Indian education
programs under subpart 6 of part A of title I, and
the education for homeless children and youth pro-
gram under subtitle B of title VII of the McKinney-
Vento Homeless Assistance Act, the amounts allot-
ted to the Department of the Interior under those
programs.
“(2) Agreement.—
“(A) IN GENERAL.—The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

“(B) CONTENTS.—The agreement shall—

“(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the achievement measures to assess program effectiveness; and

“(ii) be developed in consultation with Indian tribes.

“(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.

“PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

“SEC. 5301. PURPOSES.

“The purposes of this part are—
“(1) to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery;

“(2) to provide greater flexibility to State and local authorities through consolidated plans, applications, and reporting; and

“(3) to enhance the integration of programs under this Act with State and local programs.

“SEC. 5302. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

“(a) General Authority.—

“(1) Simplification.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which, after consultation with the Governor, a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

“(A) each of the covered programs in which the State participates; and

“(B) such other programs as the Secretary may designate.
“(2) Consolidated applications and plans.—After consultation with the Governor, a State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated State plan or consolidated State application under this section applies.

“(b) Collaboration.—

“(1) In general.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private agencies, organizations, and institutions, private schools, and parents, students, and teachers.

“(2) Contents.—Through the collaborative process described in paragraph (1), the Secretary shall establish, for each program under this Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.
“(3) NECESSARY MATERIALS.—The Secretary shall require only descriptions, information, assurances (including assurances of compliance with applicable provisions regarding participation by private school children and teachers), and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

“SEC. 5303. CONSOLIDATED REPORTING.

“(a) IN GENERAL.—In order to simplify reporting requirements and reduce reporting burdens, the Secretary shall establish procedures and criteria under which a State educational agency, in consultation with the Governor of the State, may submit a consolidated State annual report.

“(b) CONTENTS.—The report shall contain information about the programs included in the report, including the performance of the State under those programs, and other matters as the Secretary determines are necessary, such as monitoring activities.

“(c) REPLACEMENT.—The report shall replace separate individual annual reports for the programs included in the consolidated State annual report.
“SEC. 5304. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

“(a) ASSURANCES.—A State educational agency, in consultation with the Governor of the State, that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 5302, shall have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted, that provides that—

“(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

“(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, an eligible private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and

“(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer those funds and property to the extent required by the authorizing law;

“(3) the State will adopt and use proper methods of administering each such program, including—

“(A) the enforcement of any obligations imposed by law on agencies, institutions, orga-
organizations, and other recipients responsible for carrying out each program;

“(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

“(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs;

“(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

“(5) the State will use such fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

“(6) the State will—

“(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary’s duties under each such program; and

“(B) maintain such records, provide such information to the Secretary, and afford such access to the records as the Secretary may find
necessary to carry out the Secretary’s duties;

and

“(7) before the plan or application was submitted to the Secretary, the State afforded a reasonable opportunity for public comment on the plan or application and considered such comment.

“(b) GEPA Provision.—Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

“SEC. 5305. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

“(a) General Authority.—

“(1) Consolidated Plan.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under those programs on a consolidated basis.

“(2) Availability to Governor.—The State educational agency shall make any consolidated local plans and applications available to the Governor.

“(b) Required Consolidated Plans or Applications.—A State educational agency that has an approved consolidated State plan or application under section 5302 may require local educational agencies in the State receiving funds under more than one program included in the
consolidated State plan or consolidated State application
to submit consolidated local plans or applications under
those programs, but may not require those agencies to
submit separate plans.

“(c) COLLABORATION.—A State educational agency,
in consultation with the Governor, shall collaborate with
local educational agencies in the State in establishing pro-
cedures for the submission of the consolidated State plans
or consolidated State applications under this section.

“(d) NECESSARY MATERIALS.—The State edu-
cational agency shall require only descriptions, informa-
tion, assurances, and other material that are absolutely
necessary for the consideration of the local educational
agency plan or application.

“SEC. 5306. OTHER GENERAL ASSURANCES.

“(a) ASSURANCES.—Any applicant, other than a
State educational agency that submits a plan or applica-
tion under this Act, shall have on file with the State edu-
cational agency a single set of assurances, applicable to
each program for which a plan or application is submitted,
that provides that—

“(1) each such program will be administered in
accordance with all applicable statutes, regulations,
program plans, and applications;
“(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in an eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and

“(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;

“(3) the applicant will adopt and use proper methods of administering each such program, including—

“(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

“(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

“(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials;
“(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program;

“(6) the applicant will—

“(A) submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency and the Secretary to perform their duties under each such program; and

“(B) maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency’s or the Secretary’s duties; and

“(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment.
“(b) GEPA Provision.—Section 442 of the General Education Provisions Act shall not apply to programs under this Act.

“Part D—Waivers

“Sec. 5401. Waivers of Statutory and Regulatory Requirements.

“(a) In General.—

“(1) Request for waiver.—A State educational agency, local educational agency, or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

“(2) Receipt of waiver.—Except as provided in subsection (c) and subject to the limits in subsection (b)(5)(A), the Secretary shall waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school (through a local educational agency), that submits a waiver request pursuant to this subsection.

“(b) Plan.—

“(1) In General.—A State educational agency, local educational agency, or Indian tribe that desires a waiver under this section shall submit a waiv-
er request to the Secretary, which shall include a plan that—

“(A) identifies the Federal programs affected by the requested waiver;

“(B) describes which Federal statutory or regulatory requirements are to be waived;

“(C) reasonably demonstrates that the waiver will improve instruction for students and advance student academic achievement;

“(D) describes the methods the State educational agency, local educational agency, or Indian tribe will use to monitor the effectiveness of the implementation of the plan; and

“(E) describes how schools will continue to provide assistance to the same populations served by programs for which the waiver is requested.

“(2) ADDITIONAL INFORMATION.—A waiver request under this section—

“(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

“(B) shall be developed and submitted—
“(i)(I) by local educational agencies (on behalf of those agencies and schools) to State educational agencies; and

“(II) by State educational agencies (on their own behalf, or on behalf of, and based on the requests of, local educational agencies in the State) to the Secretary; or

“(ii) by Indian tribes (on behalf of schools operated by the tribes) to the Secretary.

“(3) GENERAL REQUIREMENTS.—

“(A) STATE EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a State educational agency acting on its own behalf, or on behalf of local educational agencies in the State, the State educational agency shall—

“(i) provide the public and local educational agencies in the State with notice and a reasonable opportunity to comment and provide input on the request;

“(ii) submit the comments and input to the Secretary, with a description of how the State addressed the comments and input; and
“(iii) provide notice and a reasonable time to comment to the public and local educational agencies in the manner in which the applying agency customarily provides similar notice and opportunity to comment to the public.

“(B) LOCAL EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

“(i) the request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of the State educational agency and the public; and

“(ii) notice and a reasonable opportunity to comment regarding the waiver request shall be provided to the State educational agency and the public by the agency requesting the waiver in the manner in which that agency customarily provides similar notice and opportunity to comment to the public.

“(4) PEER REVIEW.—
“(A) Establishment.—The Secretary shall establish a multi-disciplinary peer review team, which shall meet the requirements of section 5543, to review waiver requests under this section.

“(B) Applicability.—The Secretary may approve a waiver request under this section without conducting a peer review of the request, but shall use the peer review process under this paragraph before disapproving such a request.

“(C) Standard and nature of review.—Peer reviewers shall conduct a good faith review of waiver requests submitted to them under this section. Peer reviewers shall review such waiver requests—

“(i) in their totality;

“(ii) in deference to State and local judgment; and

“(iii) with the goal of promoting State- and local-led innovation.

“(5) Waiver determination, demonstration, and revision.—

“(A) In general.—The Secretary shall approve a waiver request not more than 60 days after the date on which such request is
submitted, unless the Secretary determines and demonstrates that—

“(i) the waiver request does not meet the requirements of this section;

“(ii) the waiver is not permitted under subsection (c);

“(iii) the plan that is required under paragraph (1)(C), and reviewed with deference to State and local judgment, provides no reasonable evidence to determine that a waiver will enhance student academic achievement; or

“(iv) the waiver request does not provide for adequate evaluation to ensure review and continuous improvement of the plan.

“(B) WAIVER DETERMINATION AND REVISION.—If the Secretary determines and demonstrates that the waiver request does not meet the requirements of this section, the Secretary shall—

“(i) immediately—

“(I) notify the State educational agency, local educational agency, or
Indian tribe of such determination; and

“(II) at the request of the State educational agency, local educational agency, or Indian tribe, provide detailed reasons for such determination in writing;

“(ii) offer the State educational agency, local educational agency, or Indian tribe an opportunity to revise and resubmit the waiver request not more than 60 days after the date of such determination; and

“(iii) if the Secretary determines that the resubmission does not meet the requirements of this section, at the request of the State educational agency, local educational agency, or Indian tribe, conduct a public hearing not more than 30 days after the date of such resubmission.

“(C) WAIVER DISAPPROVAL.—The Secretary may disapprove a waiver request if—

“(i) the State educational agency, local educational agency, or Indian tribe has been notified and offered an opportunity to revise and resubmit the waiver
request, as described under clauses (i) and (ii) of subparagraph (B); and

“(ii) the State educational agency, local educational agency, or Indian tribe—

“(I) does not revise and resubmit the waiver request; or

“(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this section after a hearing conducted under subparagraph (B)(iii), if requested.

“(D) EXTERNAL CONDITIONS.—The Secretary shall not, directly or indirectly, require or impose new or additional requirements in exchange for receipt of a waiver if such requirements are not specified in this Act.

“(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

“(1) the allocation or distribution of funds to States, local educational agencies, Indian tribes, or other recipients of funds under this Act;

“(2) comparability of services;
“(3) use of Federal funds to supplement, not supplant, non-Federal funds;

“(4) equitable participation of private school students and teachers;

“(5) parental participation and involvement;

“(6) applicable civil rights requirements;

“(7) the prohibitions—

“(A) in subpart 2 of part E;

“(B) regarding use of funds for religious worship or instruction in section 5505; and

“(C) regarding activities in section 5524;

or

“(8) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under subpart 1 of part A of title I if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the local educational agency that meets the requirements of subsections (a) and (b) of section 1113.
“(d) DURATION AND EXTENSION OF WAIVER; LIMITATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a waiver approved by the Secretary under this section may be for a period not to exceed 3 years.

“(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the State demonstrates that—

“(A) the waiver has been effective in enabling the State or affected recipient to carry out the activities for which the waiver was requested and the waiver has contributed to improved student achievement; and

“(B) the extension is in the public interest.

“(3) SPECIFIC LIMITATIONS.—The Secretary shall not require a State educational agency, local educational agency, or Indian tribe, as a condition of approval of a waiver request, to—

“(A) include in, or delete from, such request, specific academic standards;

“(B) use specific academic assessment instruments or items; or

“(C) include in, or delete from, such waiver request any criterion that specifies, defines,
describes, or prescribes the standards or measures that a State or local educational agency or Indian tribe uses to establish, implement, or improve—

“(i) State academic standards;
“(ii) academic assessments;
“(iii) State accountability systems; or
“(iv) teacher and school leader evaluation systems.

“(e) Reports.—
“(1) Waiver reports.—A State educational agency, local educational agency, or Indian tribe that receives a waiver under this section shall, at the end of the second year for which a waiver is received under this section and each subsequent year, submit a report to the Secretary that—
“(A) describes the uses of the waiver by the agency or by schools;
“(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers were granted; and
“(C) evaluates the progress of the agency and schools, or Indian tribe, in improving the
quality of instruction or the academic achievement of students.

“(2) REPORT TO CONGRESS.—The Secretary shall annually submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

“(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

“(B) describing the status of the waivers in improving academic achievement.

“(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines, after notice and an opportunity for a hearing, that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver and the recipient of the waiver has failed to make revisions needed to carry out the purpose of the waiver, or if the waiver is no longer necessary to achieve its original purpose.

“(g) PUBLICATION.—A notice of the Secretary’s decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall
provide for the dissemination of the notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

"PART E—UNIFORM PROVISIONS
"SUBPART 1—PRIVATE SCHOOLS
"SEC. 5501. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

"(a) Private School Participation.—

"(1) In general.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials or their representatives, provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.
“(2) Secular, neutral, and nonideological services or benefits.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

“(3) Special rule.—Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.

“(4) Expenditures.—

“(A) In general.—Expenditures for educational services and other benefits to eligible private school children, teachers, and other service personnel shall be equal to the expenditures for participating public school children, taking into account the number and educational needs, of the children to be served.

“(B) Obligation of funds.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall—
“(i) be obligated in the fiscal year for which the funds are received by the agency; and

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

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

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

“(ii) provide notice, simultaneously, to each such local educational agency and the appropriate private school officials or their representatives in the State of such allocation of funds.

“(5) PROVISION OF SERVICES.—An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations, and institutions.
“(b) Applicability.—

“(1) In general.—This section applies to programs under—

“(A) subpart 2 of part A of title I;
“(B) subpart 4 of part A of title I;
“(C) part A of title II;
“(D) part B of title II; and
“(E) part B of title III.

“(2) Definition.—For the purpose of this section, the term ‘eligible children’ means children eligible for services under a program described in paragraph (1).

“(c) Consultation.—

“(1) In general.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult, in order to reach an agreement, with appropriate private school officials or their representatives during the design and development of the programs under this Act, on issues such as—

“(A) how the children’s needs will be identified;
“(B) what services will be offered;
“(C) how, where, and by whom the services will be provided;

“(D) how the services will be assessed and how the results of the assessment will be used to improve those services;

“(E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel and the amount of funds available for those services;

“(F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials or their representatives on the provision of services through potential third-party providers or contractors; and

“(G) how, if the agency disagrees with the views of the private school officials or their representatives on the provision of services through a contract, the local educational agency will provide in writing to such private school officials or their representatives an analysis of the reasons why the local educational agency has chosen not to use a contractor.
“(2) DISAGREEMENT.—If the agency, consortium, or entity disagrees with the views of the private school officials or their representatives with respect to an issue described in paragraph (1), the agency, consortium, or entity shall provide to the private school officials or their representatives a written explanation of the reasons why the local educational agency has chosen not to adopt the course of action requested by such officials or their representatives.

“(3) TIMING.—The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

“(4) DISCUSSION REQUIRED.—The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.
“(5) DOCUMENTATION.—Each local educational agency shall maintain in the agency’s records and provide to the State educational agency involved a written affirmation signed by officials or their representatives of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials or their representatives to indicate that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials or their representatives do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

“(6) COMPLIANCE.—

“(A) IN GENERAL.—If the consultation required under this section is with a local educational agency or educational service agency, a private school official or representative shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful
and timely, did not give due consideration to the views of the private school official or representative, or did not treat the private school or its students equitably as required by this section.

“(B) Procedure.—If the private school official or representative wishes to file a complaint, the private school official or representative shall provide the basis of the noncompliance with this section and all parties shall provide the appropriate documentation to the appropriate officials or representatives.

“(C) Services.—A State educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if—

“(i) the appropriate private school officials or their representatives have—

“(I) requested that the State educational agency provide such services directly; and

“(II) demonstrated that the local educational agency or Education Serv-
ice Agency involved has not met the
requirements of this section; or

“(ii) in a case in which—

“(I) a local educational agency
has more than 10,000 children from
low-income families who attend pri-

vate elementary schools or secondary

schools in such agency’s school at-
tendance areas, as defined in section

1113(a)(2)(A), that are not being
served by the agency’s program under

this section; or

“(II) 90 percent of the eligible
private school students in a school at-
tendance area, as defined in section

1113(a)(2)(A), are not being served
by the agency’s program under this

section.

“(d) PUBLIC CONTROL OF FUNDS.—

“(1) IN GENERAL.—The control of funds used
to provide services under this section, and title to
materials, equipment, and property purchased with
those funds, shall be in a public agency for the uses
and purposes provided in this Act, and a public
agency shall administer the funds and property.
“(2) Provision of Services.—

“(A) In General.—The provision of services under this section shall be provided—

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

“(ii) through contract by the public agency with an individual, association, agency, organization, or other entity.

“(B) Independence; Public Agency.—

In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency.

“(C) Commingling of Funds Prohibited.—Funds used to provide services under this section shall not be commingled with non-Federal funds.

“SEC. 5502. STANDARDS FOR BY-PASS.

“(a) In General.—If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or other entity is prohibited from providing for the participation in programs of children enrolled in, or teachers or
other educational personnel from, private elementary
schools and secondary schools, on an equitable basis, or
if the Secretary determines that the agency, consortium,
or entity has substantially failed or is unwilling to provide
for that participation, as required by section 5501, the
Secretary shall—

“(1) waive the requirements of that section for
the agency, consortium, or entity; and
“(2) arrange for the provision of equitable serv-
ices to those children, teachers, or other educational
personnel through arrangements that shall be sub-
ject to the requirements of this section and of sec-
tions 5501, 5503, and 5504.

“(b) Determination.—In making the determina-
tion under subsection (a), the Secretary shall consider one
or more factors, including the quality, size, scope, and lo-
cation of the program, and the opportunity of private
school children, teachers, and other educational personnel
to participate in the program.

“SEC. 5503. COMPLAINT PROCESS FOR PARTICIPATION OF
PRIVATE SCHOOL CHILDREN.

“(a) Procedures for Complaints.—The Sec-
reaty shall develop and implement written procedures for
receiving, investigating, and resolving complaints from
parents, teachers, or other individuals and organizations
concerning violations of section 5501 by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency for a written resolution by the State educational agency within 45 days.

“(b) Appeals to Secretary.—The resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within the 45-day time limit. The appeal shall be accompanied by a copy of the State educational agency’s resolution, and, if there is one, a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 90 days after receipt of the appeal.

“Subpart 2—Prohibitions

“Sec. 5521. Prohibition Against Federal Mandates, Direction, or Control.

“(a) In General.—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts, or other cooperative agreements, mandate, direct, or control a State, local educational agency, or school’s specific instructional content, academic standards and assessments, curricula, or program of instruc-
tion, nor shall anything in this Act be construed to author-
ize such officer or employee to do so.

“(b) Financial Support.—No officer or employee
of the Federal Government shall, directly or indirectly,
through grants, contracts, or other cooperative agree-
ments, make financial support available in a manner that
is conditioned upon a State, local educational agency, or
school’s adoption of specific instructional content, aca-
demic standards and assessments, curriculum, or program
of instruction even if such requirements are specified in
an Act other than this Act, nor shall anything in this Act
be construed to authorize such officer or employee to do
so.

“SEC. 5522. PROHIBITIONS ON FEDERAL GOVERNMENT AND
USE OF FEDERAL FUNDS.

“(a) General Prohibition.—Nothing in this Act
shall be construed to authorize an officer or employee of
the Federal Government directly or indirectly, whether
through a grant, contract, or cooperative agreement, to
mandate, direct, or control a State, local educational agen-
cy, or school’s curriculum, program of instruction, or allo-
cation of State or local resources, or mandate a State or
any subdivision thereof to spend any funds or incur any
costs not paid for under this Act.
“(b) Prohibition on Endorsement of Curriculum.—Notwithstanding any other prohibition of Federal law, no funds provided to the Department under this Act may be used by the Department directly or indirectly—whether through a grant, contract, or cooperative agreement—to endorse, approve, develop, require, or sanction any curriculum designed to be used in an elementary school or secondary school.

“(c) Local Control.—Nothing in this Act shall be construed to—

“(1) authorize an officer or employee of the Federal Government directly or indirectly—whether through a grant, contract, or cooperative agreement—to mandate, direct, review, or control a State, local educational agency, or school’s instructional content, curriculum, and related activities;

“(2) limit the application of the General Education Provisions Act;

“(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

“(4) create any legally enforceable right.

“(d) Prohibition on Requiring Federal Approval or Certification of Standards.—Notwith-
standing any other provision of Federal law, no State shall be required to have academic standards approved or certified by the Federal Government, in order to receive assistance under this Act.

“(e) Rule of Construction on Building Standards.—Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.

“SEC. 5523. PROHIBITION ON FEDERALLY SPONSORED TESTING.

“(a) General Prohibition.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test or testing materials in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

“(b) Exceptions.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(5) of the Education Sciences Reform Act of 2002 and administered to only a representative sample of pupils in the United States and in foreign nations.
“SEC. 5524. LIMITATIONS ON NATIONAL TESTING OR CERTIFICATION FOR TEACHERS.

“(a) Mandatory National Testing or Certification of Teachers.—Notwithstanding any other provision of this Act or any other provision of law, no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a mandatory nationwide test or certification of teachers or education paraprofessionals, including any planning, development, implementation, or administration of such test or certification.

“(b) Prohibition on Withholding Funds.—The Secretary is prohibited from withholding funds from any State educational agency or local educational agency if the State educational agency or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.

“SEC. 5525. PROHIBITED USES OF FUNDS.

“No funds under this Act may be used—

“(1) for construction, renovation, or repair of any school facility, except as authorized under title IV or otherwise authorized under this Act;

“(2) for medical services, drug treatment or rehabilitation, except for specialized instructional support services or referral to treatment for students
who are victims of, or witnesses to, crime or who illegally use drugs;

“(3) for transportation unless otherwise authorized under this Act;

“(4) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

“(5) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;

“(6) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or

“(7) to operate a program of contraceptive distribution in schools.

“SEC. 5526. PROHIBITION REGARDING STATE AID.

“A State shall not take into consideration payments under this Act (other than under title IV) in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.
“Subpart 3—Other Provisions

“Sec. 5541. Armed Forces Recruiter Access to Students and Student Recruiting Information.

“(a) Policy.—

“(1) Access to Student Recruiting Information.—Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act, each local educational agency receiving assistance under this Act shall provide, upon a request made by a military recruiter or an institution of higher education, access to the name, address, and telephone listing of each secondary school student served by the local educational agency, unless the parent of such student has submitted the prior consent request under paragraph (2).

“(2) Consent.—

“(A) Opt-Out Process.—A parent of a secondary school student may submit a written request, to the local educational agency, that the student’s name, address, and telephone listing not be released for purposes of paragraph (1) without prior written consent of the parent. Upon receiving such request, the local educational agency may not release the student’s
name, address, and telephone listing for such purposes without the prior written consent of the parent.

“(B) Notification of opt-out process.—Each local educational agency shall notify the parents of the students served by the agency of the option to make a request described in subparagraph (A).

“(3) Same access to students.—Each local educational agency receiving assistance under this Act shall provide military recruiters the same access to secondary school students as is provided generally to institutions of higher education or to prospective employers of those students.

“(4) Rule of construction prohibiting opt-in processes.—Nothing in this subsection shall be construed to allow a local educational agency to withhold access to a student’s name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under paragraph (2)(A).

“(5) Parental consent.—For purposes of this subsection, whenever a student has attained 18
years of age, the permission or consent required of
and the rights accorded to the parents of the stu-
dent shall only be required of and accorded to the
student.

“(b) NOTIFICATION.—The Secretary, in consultation
with the Secretary of Defense, shall, not later than 120
days after the date of enactment of the Student Success
Act, notify school leaders, school administrators, and other
educators about the requirements of this section.

“(c) EXCEPTION.—The requirements of this section
do not apply to a private secondary school that maintains
a religious objection to service in the Armed Forces if the
objection is verifiable through the corporate or other orga-
nizational documents or materials of that school.

“SEC. 5542. RULEMAKING.

“The Secretary shall issue regulations under this Act
as prescribed under section 1401 only to the extent that
such regulations are necessary to ensure that there is com-
pliance with the specific requirements and assurances re-
quired by this Act.

“SEC. 5543. PEER REVIEW.

“(a) IN GENERAL.—If the Secretary uses a peer re-
view panel to evaluate an application for any program re-
quired under this Act, the Secretary shall conduct the
panel in accordance with this section.
“(b) MAKEUP.—The Secretary shall—

“(1) solicit nominations for peers to serve on the panel from States that are—

“(A) practitioners in the subject matter; or

“(B) experts in the subject matter; and

“(2) select the peers from such nominees, except that there shall be at least 75 percent practitioners on each panel and in each group formed from the panel.

“(c) GUIDANCE.—The Secretary shall issue the peer review guidance concurrently with the notice of the grant.

“(d) REPORTING.—The Secretary shall—

“(1) make the names of the peer reviewers available to the public before the final deadline for the application of the grant;

“(2) make the peer review notes publically available once the review has concluded; and

“(3) make any deviations from the peer reviewers’ recommendations available to the public with an explanation of the deviation.

“(e) APPLICANT REVIEWS.—An applicant shall have an opportunity within 30 days to review the peer review notes and appeal the score to the Secretary prior to the Secretary making any final determination.
“(f) PROHIBITION.—The Secretary, and the Secretary's staff, may not attempt to participate in, or influence, the peer review process. No Federal employee may participate in, or attempt to influence the peer review process, except to respond to questions of a technical nature, which shall be publicly reported.

“SEC. 5544. PARENTAL CONSENT.

“Upon receipt of written notification from the parents or legal guardians of a student, the local educational agency shall withdraw such student from any program funded under part B of title III. The local educational agency shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under this Act, other than classroom instruction.

“SEC. 5548. SEVERABILITY.

“If any provision of this Act is held invalid, the remainder of this Act shall be unaffected thereby.

“SEC. 5549. DEPARTMENT STAFF.

“The Secretary shall—

“(1) not later than 60 days after the date of the enactment of the Student Success Act, identify the number of Department employees who worked on or administered each education program and project authorized under this Act, as such program
or project was in effect on the day before such enactment date, and publish such information on the Department’s website;

“(2) not later than 60 days after such enactment date, identify the number of full-time equivalent employees who work on or administer programs or projects authorized under this Act, as in effect on the day before such enactment date, that have been eliminated or consolidated since such date;

“(3) not later than 1 year after such enactment date, reduce the workforce of the Department by the number of full-time equivalent employees the Department calculated under paragraph (2); and

“(4) not later than 1 year after such enactment date, report to the Congress on—

“(A) the number of employees associated with each program or project authorized under this Act administered by the Department;

“(B) the number of full-time equivalent employees who were determined to be associated with eliminated or consolidated programs or projects under paragraph (2); and

“(C) how the Secretary reduced the number of employees at the Department under paragraph (3).
"PART F—EVALUATIONS

"SEC. 5601. EVALUATIONS.

"(a) RESERVATION OF FUNDS.—Except as provided in subsections (c) and (d), the Secretary may reserve not more than 0.5 percent of the amount appropriated to carry out each categorical program authorized under this Act. The reserved amounts shall be used by the Secretary, acting through the Director of the Institute of Education Sciences—

"(1) to conduct—

"(A) comprehensive evaluations of the program or project; and

"(B) studies of the effectiveness of the program or project and its administrative impact on schools and local educational agencies;

"(2) to 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; and

"(3) to 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, and use of information
relating to performance under the program or project.

“(b) REQUIRED PLAN.—The Secretary, acting through the Director of the Institute of Education Sciences, may use the reserved amount under subsection (a) only after completion of a comprehensive, multi-year plan—

“(1) for the periodic evaluation of each of the major categorical programs authorized under this Act, and as resources permit, the smaller categorical programs authorized under this Act;

“(2) that shall be developed and implemented with the involvement of other officials at the Department, as appropriate; and

“(3) that shall not be finalized until—

“(A) the publication of a notice in the Federal Register seeking public comment on such plan and after review by the Secretary of such comments; and

“(B) the plan is submitted for comment to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and after review by the Secretary of such comments.
“(c) Title I Excluded.—The Secretary may not reserve under subsection (a) funds appropriated to carry out any program authorized under title I.

“(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.”.

(b) Technical Amendments.—

(1) Title IX.—

(A) Subpart 1 of Part E of Title V.—

(i) Transfer and redesignation.—Sections 9504 through 9506 (20 U.S.C. 7884; 7885; 7886) are—

(I) transferred to title V, as amended by subsection (a) of this section;

(II) inserted after section 5503 of such title; and

(III) redesignated as sections 5504 through 5506, respectively.

(ii) Amendments.—Section 5504 (as so redesignated) is amended—
(I) in subsection (a)(1)(A), by striking “section 9502” and inserting “section 5502”;

(II) in subsection (b), by striking “section 9501” and inserting “section 5501”; and

(III) in subsection (d), by striking “No Child Left Behind Act of 2001” and inserting “Student Success Act”.

(B) Subpart 2 of part E of title V.—

(i) Transfer and redesignation.—Sections 9531, 9533, and 9534 (20 U.S.C. 7911; 7913; 7914) are—

(I) transferred to title V, as amended by subparagraph (A) of this paragraph;

(II) inserted after section 5525 of such title; and

(III) redesignated as sections 5526 through 5528, respectively.

(ii) Amendments.—Section 5528 (as so redesignated) is amended—
(I) by striking “(a) IN GENERAL.—Nothing” and inserting “Nothing”; and

(II) by striking subsection (b).

(C) SUBPART 3 OF PART E OF TITLE V.—

Sections 9523, 9524, and 9525 (20 U.S.C. 7903; 7904; 7905) are—

(i) transferred to title V, as amended by subparagraph (B) of this paragraph;

(ii) inserted after section 5544 of such title; and

(iii) redesignated as sections 5545 through 5547, respectively.

(2) TITLE IV.—Sections 4141 and 4155 (20 U.S.C. 7151; 7161) are—

(A) transferred to title V, as amended by paragraph (1) of this subsection;

(B) inserted after section 5548 (as so redesignated by paragraph (1)(C)(iii) of this subsection); and

(C) redesignated as sections 5549 and 5550, respectively.

SEC. 502. REPEAL.

Title IX (20 U.S.C. 7801 et seq.), as amended by section 201(b)(1) of this title, is repealed.
SEC. 503. OTHER LAWS.

Beginning on the date of the enactment of this Act, any reference in law to the term “highly qualified” as defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall be treated as a reference to such term under section 9101 of the Elementary and Secondary Education Act of 1965 as in effect on the day before the date of the enactment of this Act.

SEC. 504. AMENDMENT TO IDEA.

Section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401) is amended by striking paragraph (10).

TITLE VI—REPEAL

SEC. 601. REPEAL OF TITLE VI.

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

TITLE VII—HOMELESS EDUCATION

SEC. 701. STATEMENT OF POLICY.

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

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

“(2) In any State where compulsory residency requirements or other requirements, laws, regulations, practices, or policies may act as a barrier to

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the identification, enrollment, attendance, or success
in school of homeless children and youths, the State
and local educational agencies will review and under-
take steps to revise such laws, regulations, practices,
or policies to ensure that homeless children and
youths are afforded the same free, appropriate pub-
lic education as is provided to other children and
youths.”;

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

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

SEC. 702. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR
THE EDUCATION OF HOMELESS CHILDREN
AND YOUTHS.

Section 722 of such Act (42 U.S.C. 11432) is amend-
ed—

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

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1)(A)—

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

(iii) by striking clause (iii); and

(B) by striking paragraph (3);

(4) in subsection (d)—

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

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

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

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

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

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

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

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

(5) in subsection (e)—

(A) in paragraph (1)—

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

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

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

(C) in paragraph (3)—

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

(ii) in subparagraph (F)—

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

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

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

(dd) by adding at the end the following:

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

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

(6) by amending subsection (f) to read as follows:
“(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

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

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

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

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

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

“(E) the success of the programs under this subtitle in identifying homeless children and youths and allowing such children and youths to enroll in, attend, and succeed in, school;
“(2) develop and carry out the State plan described in subsection (g);

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

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

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

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

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

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

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

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

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

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

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

“(g) STATE PLAN.—

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

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

“(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their needs.
“(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

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

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

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

“(i) homeless children have equal access to public preschool programs, administered by the State educational agency or local educational agency, as provided to other children in the State;
“(ii) homeless youths and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services; and

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

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

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

“(i) immunization and other health records requirements;

“(ii) residency requirements;

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

“(iv) guardianship issues; or

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

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

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

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

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

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

“(II) If the child’s or youth’s liv-
ing arrangements in the area served
by the local educational agency of ori-
gin terminate and the child or youth,
though continuing his or her edu-
cation in the school of origin, begins
living in an area served by another
local educational agency, the local
educational agency of origin and the
local educational agency in which the
child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

“(2) COMPLIANCE.—

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

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

“(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

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

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

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

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

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

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

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

“(ii) consider student-centered factors
related to the child’s or youth’s best inter-
est, 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 of
guardian or the unaccompanied youth in-
volved;

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

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

“(C) ENROLLMENT.—

“(i) IN GENERAL.—The school 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
normally required for enrollment, such
as previous academic records, records
of immunization and other required
health records, proof of residency, or
other documentation; or
“(II) has missed application or enrollment deadlines during any period of homelessness.

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

“(iii) Relevant Health Records.—If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or the unaccompanied child or youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records, in accordance with subparagraph (D).

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

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


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

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

“(ii) the parent, guardian, or unaccompanied youth shall be provided with a written explanation of any decisions made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or youth to appeal such decisions;
“(iii) the parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

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

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

“(G) SCHOOL OF ORIGIN DEFINED.—

“(i) In general.—In this paragraph, the term ‘school of origin’ means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled.
“(ii) RECEIVING SCHOOL.—When the child or youth completes the final grade level served by the school of origin, as described in clause (i), the term “school of origin” shall include the designated receiving school at the next grade level for all feeder schools.

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

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

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

“(4) COMPARABLE SERVICES.—Each homeless
child or youth to be assisted under this subtitle shall
be provided services comparable to services offered
to other students in the school selected under para-
graph (3), including the following:

“(A) Transportation services.

“(B) Educational services for which the
child or youth meets the eligibility criteria, such
as services provided under title I of the Element-
tary and Secondary Education Act of 1965 (20
U.S.C. 6301 et seq.) or similar State or local
programs, educational programs for children
with disabilities, and educational programs for
English learners.

“(C) Programs in career and technical
education.

“(D) Programs for gifted and talented stu-
dents.

“(E) School nutrition programs.

“(5) COORDINATION.—

“(A) IN GENERAL.—Each local educational
agency serving homeless children and youths
that receives assistance under this subtitle shall coordinate—

“(i) the provision of services under this subtitle with local social services agencies and other agencies or entities providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

“(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

“(B) HOUSING ASSISTANCE.—If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.
“(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

“(i) ensure that all homeless children and youths are promptly identified;

“(ii) ensure that homeless children and youths have access to, and are in reasonable proximity to, available education and related support services; and

“(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

“(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youth who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by that local edu-
cational agency and other involved local edu-
cational agencies.

“(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

“(A) DUTIES.—Each local educational
agency liaison for homeless children and youths,
designated under paragraph (1)(J)(ii), shall en-
sure that—

“(i) homeless children and youths are
identified by school personnel through out-
reach and coordination activities with other
entities and agencies;

“(ii) homeless children and youths are
enrolled in, and have a full and equal op-
portunity to succeed in, schools of that
local educational agency;

“(iii) homeless families, children, and
youths have access to and receive edu-
cational services for which such families,
children, and youths are eligible, including
services through Head Start, Early Head
Start, early intervention, and preschool
programs administered by the local edu-
cational agency;

“(iv) homeless families, children, and
youths receive referrals to health care serv-
ices, dental services, mental health and substances abuse services, housing services, and other appropriate services;

“(v) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

“(vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;

“(vii) enrollment disputes are mediated in accordance with paragraph (3)(E);

“(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation
to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);

“(ix) school personnel providing services under this subtitle receive professional development and other support; and

“(x) unaccompanied youths—

“(I) are enrolled in school;

“(II) have opportunities to meet the same State academic standards to which other students are held, including through implementation of the policies and practices required by paragraph (1)(F)(ii); and

“(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).
“(B) NOTICE.—State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons on the State educational agency’s website.

“(C) LOCAL AND STATE COORDINATION.—

Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

“(7) REVIEW AND REVISIONS.—

“(A) IN GENERAL.—Each State educational agency and local educational agency
that receives assistance under this subtitle shall
review and revise any policies that may act as
barriers to the enrollment of homeless children
and youths in schools that are selected under
paragraph (3).

“(B) CONSIDERATION.—In reviewing and
revising such policies, consideration shall be
given to issues concerning transportation, im-
munization, residency, birth certificates, school
records and other documentation, and guard-
ianship.

“(C) SPECIAL ATTENTION.—Special atten-
tion shall be given to ensuring the enrollment
and attendance of homeless children and youths
who are not currently attending school.”;

(8) in subsection (h)(1)(A), by striking “fiscal
year 2009,” and inserting “fiscal years 2014
through 2019,”; and

(9) in subsection (h)(4), by striking “fiscal year
2009” and inserting “fiscal years 2014 through
2019”.
SEC. 703. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

Section 723 of such Act (42 U.S.C. 11433) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “facilitating the enrollment,” and inserting “facilitating the identification, enrollment,”;

(B) in paragraph (2)(A)—

(i) by adding “and” at the end of clause (i);

(ii) by striking “; and” and inserting a period at the end of clause (ii); and

(iii) by striking clause (iii); and

(C) by adding at the end the following:

“(4) DURATION OF GRANTS.—Subgrants awarded under this section shall be for terms of not to exceed 3 years.”;

(2) in subsection (b)—

(A) by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(B) by adding at the end the following:

“(5) An assurance that the local educational agency will collect and promptly provide data re-
quested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

“(6) An assurance that the local educational agency has removed barriers to complying with the requirements of section 722(g)(1)(I).”;

(3) in subsection (c)—

(A) in paragraph (1), by striking “726” and inserting “722(a)”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “identification,” before “enrollment”;

(ii) by amending subparagraph (B) to read as follows:

“(B) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youths.”; and

(iii) in subparagraph (C), by inserting “(as of the date of submission of the application)” after “current practice”;

(C) in paragraph (3)—

(i) by amending subparagraph (C) to read as follows:

“(C) The extent to which the applicant will promote meaningful involvement of parents or
guardians of homeless children or youths in the
education of their children.”;

(ii) in subparagraph (D), by striking
“within” and inserting “into”;

(iii) in subparagraph (G)—

(I) by striking “Such” and in-
serting “The extent to which the ap-
plicant’s program meets such”; and

(II) by striking “case manage-
ment or related”;

(iv) by redesignating subparagraph
(G) as subparagraph (I) and inserting
after subparagraph (F) the following:

“(G) The extent to which the local edu-
cational agency will use the subgrant to lever-
age resources, including by maximizing
nonsubgrant funding for the position of the liai-
son described in section 722(g)(1)(J)(ii) and
the provision of transportation.

“(H) How the local educational agency
uses funds to serve homeless children and
youths under section 1113(c)(3) of the Element-
tary and Secondary Education Act of 1965 (20
U.S.C. 6313(c)(3)).”; and

(v) by adding at the end the following:
“(J) An assurance that the applicant will meet the requirements of section 722(g)(3).”; and

(D) by striking paragraph (4); and

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “challenging State academic content standards” and inserting “State academic standards”; and

(ii) by striking “and challenging State student academic achievement standards”;  

(B) in paragraph (2)—

(i) by striking “students with limited English proficiency,” and inserting “English learners,”; and

(ii) by striking “vocational” and inserting “career”;  

(C) in paragraph (3), by striking “pupil services” and inserting “specialized instructional support”;  

(D) in paragraph (7), by striking “, and unaccompanied youths,” and inserting “, particularly homeless children and youths who are not enrolled in school,”;
(E) in paragraph (9) by striking “medical” and inserting “other required health”;

(F) in paragraph (10), by inserting before the period at the end “, and other activities designed to increase the meaningful involvement of parents or guardians of homeless children or youths in the education of their children”;

(G) in paragraph (12), by striking “pupil” and inserting “specialized instructional support”; and

(H) in paragraph (13), by inserting before the period at the end “and parental mental health or substance abuse problems”.

SEC. 704. SECRETARIAL RESPONSIBILITIES.

Section 724 of such Act (42 U.S.C. 11434) is amended—

(1) by amending subsection (c) to read as follows:

“(c) NOTICE.—

“(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of the enactment of the Student Success Act, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) of
the educational rights of homeless children and
youths.

“(2) DISSEMINATION.—The Secretary shall dis-
seminate the notice nationally to all Federal agen-
cies, program grantees, and grant recipients serving
homeless families, children, and youths.”;

(2) in subsection (d), by striking “and dissemi-
nation” and inserting “, dissemination, and technical
assistance”;

(3) in subsection (e)—

(A) by striking “applications for grants
under this subtitle” and inserting “plans for
the use of grant funds under section 722”;

(B) by striking “60-day” and inserting
“120-day”; and

(C) by striking “120-day” and inserting
“180-day”;

(4) in subsection (f), by adding at the end the
following: “The Secretary shall provide support and
technical assistance to State educational agencies in
areas in which barriers to a free appropriate public
education persist.”;

(5) by amending subsection (g) to read as fol-
low:
“(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of the enactment of the Student Success Act, strategies by which a State—

“(1) may assist local educational agencies to implement the provisions amended by the Act; and

“(2) can review and revise State policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youths in school.”;

(6) in subsection (h)(1)(A), by inserting “in all areas served by local educational agencies” before the semicolon at the end; and

(7) in subsection (i), by striking “McKinney-Vento Homeless Education Assistance Improvements Act of 2001” and inserting “Student Success Act”.

SEC. 705. DEFINITIONS.

Section 725 of such Act (42 U.S.C. 11434a) is amended—

(1) in paragraph (2)(B)(iv), by striking “1309” and inserting “1139”; and

(2) in paragraph (3), by striking “9101” and inserting “5101”.

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1 SEC. 706. AUTHORIZATION OF APPROPRIATIONS.

2 Section 726 of such Act (42 U.S.C. 11435) is amend-
3 ed to read as follows:

4 “SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

5 “For the purpose of carrying out this subtitle, there
6 are authorized to be appropriated $61,771,000 for each
7 of fiscal years 2014 through 2019.”.