

Calendar No. 147

114TH CONGRESS
1ST SESSION**H. R. 5**

IN THE SENATE OF THE UNITED STATES

JULY 13, 2015

Received; read twice and placed on the calendar

AN ACT

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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- Sec. 2. Table of contents.
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- Sec. 201. Teacher preparation and effectiveness.
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TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

- Sec. 301. Parental engagement and local flexibility.

TITLE IV—IMPACT AID

- Sec. 401. Purpose.
- Sec. 402. Payments relating to Federal acquisition of real property.
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- Sec. 406. Construction.
- Sec. 407. Facilities.
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- Sec. 412. Authorization of appropriations.
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TITLE V—THE FEDERAL GOVERNMENT’S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION

- Sec. 501. The Federal Government’s Trust Responsibility to American Indian, Alaska Native, and Native Hawaiian Education.

TITLE VI—GENERAL PROVISIONS FOR THE ACT

- Sec. 601. General provisions for the Act.
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Sec. 907. Data collection and evaluation.

Sec. 908. Definitions.

1 **SEC. 3. REFERENCES.**

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

8 **SEC. 4. TRANSITION.**

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

17 **SEC. 5. EFFECTIVE DATES.**

18 (a) IN GENERAL.—Except as otherwise provided in
19 this Act, this Act, and the amendments made by this Act,
20 shall be effective upon the date of the enactment of this
21 Act.

22 (b) NONCOMPETITIVE PROGRAMS.—With respect to
23 noncompetitive programs under which any funds are allot-
24 ted by the Secretary of Education to recipients on the

1 basis of a formula, this Act, and the amendments made
2 by this Act, shall take effect on October 1, 2015.

3 (c) COMPETITIVE PROGRAMS.—With respect to pro-
4 grams that are conducted by the Secretary on a competi-
5 tive basis, this Act, and the amendments made by this Act,
6 shall take effect with respect to appropriations for use
7 under those programs for fiscal year 2016.

8 (d) IMPACT AID.—With respect to title IV of the Act
9 (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the
10 amendments made by this Act, shall take effect with re-
11 spect to appropriations for use under that title for fiscal
12 year 2016.

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

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

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

17 “(a) TITLE I.—

18 “(1) PART A.—There are authorized to be ap-
19 propriated to carry out part A of title I
20 \$16,245,163,000 for each of fiscal years 2016
21 through 2019.

22 “(2) PART B.—There are authorized to be ap-
23 propriated to carry out part B of title I \$710,000
24 for each of fiscal years 2016 through 2019.

1 “(b) TITLE II.—There are authorized to be appro-
2 priated to carry out title II \$2,788,356,000 for each of
3 fiscal years 2016 through 2021.

4 “(c) TITLE III.—

5 “(1) PART A.—

6 “(A) SUBPART 1.—There are authorized to
7 be appropriated to carry out subpart 1 of part
8 A of title III \$300,000,000 for each of fiscal
9 years 2016 through 2019.

10 “(B) SUBPART 2.—There are authorized to
11 be appropriated to carry out subpart 2 of part
12 A of title III \$91,647,000 for each of fiscal
13 years 2016 through 2019.

14 “(C) SUBPART 3.—There are authorized to
15 be appropriated to carry out subpart 3 of part
16 A of title III \$25,000,000 for each of fiscal
17 years 2016 through 2019.

18 “(2) PART B.—There are authorized to be ap-
19 propriated to carry out part B of title III
20 \$2,302,287,000 for each of fiscal years 2016
21 through 2019.

22 “(d) TITLE IV.—

23 “(1) PAYMENTS FOR FEDERAL ACQUISITION OF
24 REAL PROPERTY.—For the purpose of making pay-
25 ments under section 4002, there are authorized to

1 be appropriated \$66,813,000 for each of fiscal years
2 2016 through 2019.

3 “(2) BASIC PAYMENTS; PAYMENTS FOR HEAV-
4 ILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—
5 For the purpose of making payments under section
6 4003(b), there are authorized to be appropriated
7 \$1,151,233,000 for each of fiscal years 2016
8 through 2019.

9 “(3) PAYMENTS FOR CHILDREN WITH DISABIL-
10 ITIES.—For the purpose of making payments under
11 section 4003(d), there are authorized to be appro-
12 priated \$48,316,000 for each of fiscal years 2016
13 through 2019.

14 “(4) CONSTRUCTION.—For the purpose of car-
15 rying out section 4007, there are authorized to be
16 appropriated \$17,406,000 for each of fiscal years
17 2016 through 2019.

18 “(5) FACILITIES MAINTENANCE.—For the pur-
19 pose of carrying out section 4008, there are author-
20 ized to be appropriated \$4,835,000 for each of fiscal
21 years 2016 through 2019.”.

22 **SEC. 7. SENSE OF THE CONGRESS.**

23 (a) FINDINGS.—The Congress finds as follows:

24 (1) The Elementary and Secondary Education
25 Act prohibits the Federal Government from man-

1 dating, directing, or controlling a State, local edu-
2 cational agency, or school's curriculum, program of
3 instruction, or allocation of State and local re-
4 sources, and from mandating a State or any subdivi-
5 sion thereof to spend any funds or incur any costs
6 not paid for under such Act.

7 (2) The Elementary and Secondary Education
8 Act prohibits the Federal Government from funding
9 the development, pilot testing, field testing, imple-
10 mentation, administration, or distribution of any
11 federally sponsored national test in reading, mathe-
12 matics, or any other subject, unless specifically and
13 explicitly authorized by law.

14 (3) The Secretary of Education, through 3 sep-
15 arate initiatives, has created a system of waivers and
16 grants that influence, incentivize, and coerce State
17 educational agencies into implementing common na-
18 tional elementary and secondary standards and as-
19 sessments endorsed by the Secretary.

20 (4) The Race to the Top Fund encouraged and
21 incentivized States to adopt Common Core State
22 Standards developed by the National Governor's As-
23 sociation Center for Best Practices and the Council
24 of Chief State School Officers.

1 (5) The Race to the Top Assessment grants
2 awarded to the Partnership for the Assessment of
3 Readiness for College and Careers (PARCC) and
4 SMARTER Balanced Assessment Consortium
5 (SMARTER Balance) initiated the development of
6 Common Core State Standards aligned assessments
7 that will, in turn, inform and ultimately influence
8 kindergarten through 12th-grade curriculum and in-
9 structional materials.

10 (6) The conditional Elementary and Secondary
11 Education Act flexibility waiver authority employed
12 by the Department of Education coerced States into
13 accepting Common Core State Standards and
14 aligned assessments.

15 (b) SENSE OF THE CONGRESS.—It is the sense of
16 the Congress that States and local educational agencies
17 retain the rights and responsibilities of determining edu-
18 cational curriculum, programs of instruction, and assess-
19 ments for elementary and secondary education.

20 **TITLE I—AID TO LOCAL**
21 **EDUCATIONAL AGENCIES**

22 **Subtitle A—In General**

23 **SEC. 101. TITLE HEADING.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(A) Section 1003.

16 “(B) Section 1004.

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

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

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

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

25 “(3) APPLICABLE FUNDING DEFINED.—

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

6 “(i) Section 1003.

7 “(ii) Section 1004.

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

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

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

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

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

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

21 “(iii) to use for technical assistance or
22 monitoring.

23 “(4) DISBURSEMENT.—The Secretary shall dis-
24 burse the applicable funding to State educational
25 agencies for alternative uses under paragraph (1) for

1 a fiscal year at the same time as the Secretary dis-
2 burses the applicable funding to State educational
3 agencies that do not intend to use the applicable
4 funding for such alternative uses for the fiscal year.

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

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

13 “(A) Section 1003.

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

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

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

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

18 “(2) NOTIFICATION.—A local educational agen-
19 cy shall notify the State educational agency of the
20 local educational agency’s intention to use the appli-
21 cable funding for any of the alternative uses under
22 paragraph (1) by a date that is established by the
23 State educational agency for the notification.

24 “(3) APPLICABLE FUNDING DEFINED.—

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

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

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

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

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

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

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

18 “(iii) to use for technical assistance or
19 monitoring.

20 “(4) DISBURSEMENT.—Each State educational
21 agency that receives applicable funding for a fiscal
22 year shall disburse the applicable funding to local
23 educational agencies for alternative uses under para-
24 graph (1) for the fiscal year at the same time as the
25 State educational agency disburses the applicable

1 funding to local educational agencies that do not in-
2 tend to use the applicable funding for such alter-
3 native uses for the fiscal year.

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

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

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

19 “(2) comparability of services;

20 “(3) equitable participation of private school
21 students and teachers;

22 “(4) applicable civil rights requirements;

23 “(5) section 1113; or

24 “(6) section 1111.”.

1 **SEC. 104. SCHOOL IMPROVEMENT.**

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

3 (1) in subsection (a)—

4 (A) by striking “2 percent” and inserting
5 “7 percent”; and

6 (B) by striking “subpart 2 of part A” and
7 all that follows through “sections 1116 and
8 1117,” and inserting “chapter B of subpart 1
9 of part A for each fiscal year to carry out sub-
10 section (b),”;

11 (2) in subsection (b)—

12 (A) in paragraph (1), by striking “for
13 schools identified for school improvement, cor-
14 rective action, and restructuring, for activities
15 under section 1116(b)” and inserting “to carry
16 out the State’s system of school improvement
17 under section 1111(b)(3)(B)(iii)”;

18 (B) in paragraph (2), by striking “or edu-
19 cational service agencies” and inserting “, edu-
20 cational service agencies, or non-profit or for-
21 profit external providers with expertise in using
22 evidence-based or other effective strategies to
23 improve student achievement”;

24 (3) in subsection (c)—

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

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

4 (C) by striking paragraph (3);

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

8 (5) in subsection (e)—

9 (A) by striking “in any fiscal year” and in-
10 sserting “in fiscal year 2016 and each subse-
11 quent fiscal year”;

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

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

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

19 (7) by striking subsection (g).

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

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

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

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

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

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

10 “(c) AWARDS.—The State educational agency shall
11 award grants to geographically diverse local educational
12 agencies including suburban, rural, and urban local edu-
13 cational agencies. If there are not enough funds to award
14 all applicants in a sufficient size and scope to run an effec-
15 tive direct student services program, the State shall
16 prioritize awards to local educational agencies with the
17 greatest number of students with disabilities, neglected,
18 delinquent, migrant students, English learners, at-risk
19 students, and Native Americans, to increase academic
20 achievement of such students.

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

23 “(1) shall use up to 1 percent of each award for
24 outreach and communication to parents about their

1 options and to register students for direct student
2 services;

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

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

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

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

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

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

1 “(4) determine the requirements or criteria for
2 student eligibility for direct student services;

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

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

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

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

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

1 “(3) shall ensure that each local educational
2 agency receiving an award will provide an adequate
3 number of high-quality academic tutoring options to
4 ensure parents have a meaningful choice of serv-
5 ices.”.

6 **SEC. 106. STATE ADMINISTRATION.**

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

9 **“SEC. 1004. STATE ADMINISTRATION.**

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

14 “(1) 1 percent of the amounts received under
15 such subparts; or

16 “(2) \$400,000 (\$50,000 in the case of each
17 outlying area).

18 “(b) EXCEPTION.—If the sum of the amounts re-
19 served under subparts 1, 2, and 3 of part A of this title
20 is equal to or greater than \$14,000,000,000, then the res-
21 ervation described in subsection (a)(1) shall not exceed 1
22 percent of the amount the State would receive if
23 \$14,000,000,000 were allocated among the States for sub-
24 parts 1, 2, and 3 of part A of this title.”.

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

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

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

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

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

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

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

20 **“CHAPTER B—ALLOCATIONS”.**

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

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

24 **“SEC. 1111. STATE PLANS.**

25 **“(a) FILING FOR GRANTS.—**

1 “(1) IN GENERAL.—For any State desiring to
2 receive a grant under this subpart, the State edu-
3 cational agency file with the Secretary a plan, devel-
4 oped by the State educational agency, in consulta-
5 tion with local educational agencies, teachers, school
6 leaders, public charter school representatives, spe-
7 cialized instructional support personnel, other appro-
8 priate school personnel, parents, private sector em-
9 ployers, entrepreneurs, and representatives of Indian
10 tribes located in the State, that satisfies the require-
11 ments of this section and that is coordinated with
12 other programs under this Act, the Individuals with
13 Disabilities Education Act, the Carl D. Perkins Ca-
14 reer and Technical Education Act of 2006, the Head
15 Start Act, the Adult Education and Family Literacy
16 Act, and the McKinney-Vento Homeless Assistance
17 Act.

18 “(2) CONSOLIDATED PLAN.—A State plan sub-
19 mitted under paragraph (1) may be submitted as
20 part of a consolidated plan under section 6302.

21 “(b) ACADEMIC STANDARDS, ACADEMIC ASSESS-
22 MENTS, AND STATE ACCOUNTABILITY.—

23 “(1) ACADEMIC STANDARDS.—

24 “(A) IN GENERAL.—Each State plan shall
25 demonstrate that the State has adopted aca-

1 demographic content standards and academic achieve-
2 ment standards aligned with such content
3 standards that comply with the requirements of
4 this paragraph.

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

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

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

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

19 “(D) ALTERNATE ACADEMIC ACHIEVE-
20 MENT STANDARDS.—Notwithstanding any other
21 provision of this paragraph, a State retains the
22 right, through a documented and validated
23 standards-setting process, to adopt alternate
24 academic achievement standards for students

1 with the most significant cognitive disabilities,
2 if—

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

7 “(ii) such standards—

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

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

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

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

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

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

4 “(2) ACADEMIC ASSESSMENTS.—

5 “(A) IN GENERAL.—Each State plan shall
6 demonstrate that the State educational agency,
7 in consultation with local educational agencies,
8 has implemented a set of high-quality student
9 academic assessments in mathematics, reading
10 or language arts, and science. The State retains
11 the right to implement such assessments in any
12 other subject chosen by the State.

13 “(B) REQUIREMENTS.—Such assessments
14 shall—

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

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

1 “(iii) be aligned with the State’s aca-
2 demic standards and provide coherent and
3 timely information about student attain-
4 ment of such standards;

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

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

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

17 “(aa) grades 3 through 5;

18 “(bb) grades 6 through 9; and

19 “(cc) grades 10 through 12; and

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

23 “(vi) measure individual student aca-
24 demic proficiency and, at the State’s dis-
25 cretion, growth;

1 “(vii) at the State’s discretion—

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

5 “(II) be administered through
6 multiple assessments during the
7 course of the academic year that re-
8 sult in a single summative score that
9 provides valid, reliable, and trans-
10 parent information on student
11 achievement;

12 “(viii) include measures that assess
13 higher-order thinking skills and under-
14 standing;

15 “(ix) provide for—

16 “(I) the participation in such as-
17 sessments of all students;

18 “(II) the reasonable adaptations
19 and accommodations for students with
20 disabilities necessary to measure the
21 academic achievement of such stu-
22 dents relative to the State’s academic
23 standards; and

24 “(III) the inclusion of English
25 learners, who shall be assessed in a

1 valid and reliable manner and pro-
2 vided reasonable accommodations, in-
3 cluding, to the extent practicable, as-
4 sessments in the language and form
5 most likely to yield accurate and reli-
6 able information on what such stu-
7 dents know and can do in academic
8 content areas, until such students
9 have achieved English language pro-
10 ficiency, as assessed by the State
11 under subparagraph (D);

12 “(x) notwithstanding clause (ix)(III),
13 provide for the assessment of reading or
14 language arts in English for English learn-
15 ers who have attended school in the United
16 States (not including Puerto Rico) for 3 or
17 more consecutive school years, except that
18 a local educational agency may, on a case-
19 by-case basis, provide for the assessment of
20 reading or language arts for each such stu-
21 dent in a language other than English for
22 a period not to exceed 2 additional con-
23 secutive years if the assessment would be
24 more likely to yield accurate and reliable
25 information on what such student knows

1 and can do, provided that such student has
2 not yet reached a level of English language
3 proficiency sufficient to yield valid and reli-
4 able information on what such student
5 knows and can do on reading or language
6 arts assessments written in English;

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

19 “(xii) enable results to be
20 disaggregated within each State, local edu-
21 cational agency, and school by gender, by
22 each major racial and ethnic group, by
23 English language proficiency status, by mi-
24 grant status, by status as a student with
25 a disability, by status as a student with a

1 parent who is an active duty member of
2 the Armed Forces (as defined in section
3 101(a)(4) of title 10, United States Code),
4 by status as a student in foster care, and
5 by economically disadvantaged status, ex-
6 cept that, in the case of a local educational
7 agency or a school, such disaggregation
8 shall not be required in a case in which the
9 number of students in a category is insuffi-
10 cient to yield statistically reliable informa-
11 tion or the results would reveal personally
12 identifiable information about an individual
13 student;

14 “(xiii) be administered to not less
15 than 95 percent of all students, and not
16 less than 95 percent of each subgroup of
17 students described in paragraph
18 (3)(B)(ii)(II), except that States shall
19 allow the parent of a student to opt such
20 student out of the assessments required
21 under this paragraph for any reason and
22 shall not include such students in calcu-
23 lating the participation rate under this
24 clause; and

1 “(xiv) where practicable, be developed
2 using the principles of universal design for
3 learning as defined in section 103(24) of
4 the Higher Education Act of 1965 (20
5 U.S.C. 1003(24)).

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

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

22 “(ii) ensures that the parents of such
23 students are clearly informed, as part of
24 the process for developing the Individual-
25 ized Education Program (as defined in sec-

1 tion 614(d)(1)(A) of the Individuals with
2 Disabilities Education Act (20 U.S.C.
3 1414(d)(1)(A)), that—

4 “(I) their child’s academic
5 achievement will be measured against
6 such alternate standards; and

7 “(II) whether participation in
8 such assessments precludes the stu-
9 dent from completing the require-
10 ments for a regular high school di-
11 ploma as defined in section
12 6101(36)(A);

13 “(iii) ensures that students with the
14 most significant cognitive disabilities who
15 take an alternate assessment based on al-
16 ternate academic achievement standards
17 are not precluded from attempting to com-
18 plete the requirements for a regular sec-
19 ondary school diploma, as determined by
20 the State;

21 “(iv) demonstrates that such students
22 are, to the extent practicable, included in
23 the general curriculum and that such alter-
24 nate assessments are aligned with such
25 curriculum;

1 “(v) develops, disseminates informa-
2 tion about, and promotes the use of appro-
3 priate accommodations to increase the
4 number of students with disabilities who
5 are tested against academic achievement
6 standards for the grade in which a student
7 is enrolled; and

8 “(vi) ensures that regular and special
9 education teachers and other appropriate
10 staff know how to administer the alternate
11 assessments, including making appropriate
12 use of accommodations for students with
13 disabilities.

14 “(D) ASSESSMENTS OF ENGLISH LAN-
15 GUAGE PROFICIENCY.—

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

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

1 “(E) LANGUAGE ASSESSMENTS.—Each
2 State plan shall identify the languages other
3 than English that are present in the partici-
4 pating student population and indicate the lan-
5 guages for which yearly student academic as-
6 sessments are not available and are needed.
7 The State shall make every effort to develop
8 such assessments and may request assistance
9 from the Secretary if linguistically accessible
10 academic assessment measures are needed.
11 Upon request, the Secretary shall assist with
12 the identification of appropriate academic as-
13 sessment measures in the needed languages, but
14 shall not mandate a specific academic assess-
15 ment or mode of instruction.

16 “(F) ADAPTIVE ASSESSMENTS.—A State
17 retains the right to develop and administer
18 computer adaptive assessments as the assess-
19 ments required under subparagraph (A). If a
20 State develops and administers a computer
21 adaptive assessment for such purposes, the as-
22 sessment shall meet the requirements of this
23 paragraph, except as follows:

24 “(i) Notwithstanding subparagraph
25 (B)(iii), the assessment—

1 “(I) shall measure, at a min-
2 imum, each student’s academic pro-
3 ficiency against the State’s academic
4 standards for the student’s grade level
5 and growth toward such standards;
6 and

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

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

19 “(G) **LOCALLY DESIGNED ASSESSMENT**
20 **SYSTEM.**—Nothing in this paragraph shall be
21 construed to prohibit a local educational agency
22 from administering its own assessments in lieu
23 of the State-designed academic assessment sys-
24 tem under this paragraph, if—

1 “(i) the local educational agency ob-
2 tains approval from the State to admin-
3 ister a locally designed academic assess-
4 ment system;

5 “(ii) such assessments provide data
6 that is comparable among all local edu-
7 cational agencies within the State; and

8 “(iii) the locally designed academic as-
9 sessment system meets the requirements
10 for the assessments under subparagraph
11 (B), except the requirement under clause
12 (ii) of such subparagraph.

13 “(3) STATE ACCOUNTABILITY SYSTEMS.—

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

21 “(B) ELEMENTS.—Each State account-
22 ability system described in subparagraph (A)
23 shall at a minimum—

24 “(i) annually measure the academic
25 achievement of all public school students in

1 the State against the State’s mathematics
2 and reading or language arts academic
3 standards adopted under paragraph (1),
4 which may include measures of student
5 growth toward such standards, using the
6 mathematics and reading or language arts
7 assessments described in paragraph (2)(B)
8 and other valid and reliable academic indi-
9 cators related to student achievement as
10 identified by the State;

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

14 “(I) student academic achieve-
15 ment as measured in accordance with
16 clause (i);

17 “(II) the overall performance,
18 and achievement gaps as compared to
19 all students in the school, for eco-
20 nomically disadvantaged students, stu-
21 dents from major racial and ethnic
22 groups, students with disabilities, and
23 English learners, except that
24 disaggregation of data under this sub-
25 clause shall not be required in a case

1 in which the number of students in a
2 category is insufficient to yield statis-
3 tically reliable information or the re-
4 sults would reveal personally identifi-
5 able information about an individual
6 student; and

7 “(III) other measures of school
8 success; and

9 “(iii) include a system for school im-
10 provement for low-performing public
11 schools receiving funds under this subpart
12 that—

13 “(I) implements interventions in
14 such schools that are designed to ad-
15 dress such schools’ weaknesses; and

16 “(II) is implemented by local
17 educational agencies serving such
18 schools.

19 “(C) PROHIBITION.—Nothing in this sec-
20 tion shall be construed to permit the Secretary
21 to establish any criteria that specifies, defines,
22 or prescribes any aspect of a State’s account-
23 ability system developed and implemented in ac-
24 cordance with this paragraph.

1 “(D) ACCOUNTABILITY FOR CHARTER
2 SCHOOLS.—The accountability provisions under
3 this Act shall be overseen for charter schools in
4 accordance with State charter school law.

5 “(E) RECENTLY ARRIVED ENGLISH
6 LEARNERS.—A State may delay inclusion of the
7 academic achievement of English learners for
8 purposes of the evaluation and identification de-
9 scribed in subparagraph (B)(ii) if such students
10 have attended schools in the 50 states or the
11 District of Columbia for less than two years (in
12 the case of mathematics) and less than three
13 years (in the case of reading or language arts),
14 except that if the State uses growth calculations
15 as described in clause (i) of such subparagraph
16 in such evaluation and identification, the State
17 shall include such students in such calculations.

18 “(4) REQUIREMENTS.—Each State plan shall
19 describe—

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

1 work with local educational agencies to provide
2 technical assistance; and

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

16 “(5) TIMELINE FOR IMPLEMENTATION.—Each
17 State plan shall describe the process by which the
18 State will adopt and implement the State academic
19 standards, assessments, and accountability system
20 required under this section within 2 years of enact-
21 ment of the Student Success Act.

22 “(6) EXISTING STANDARDS.—Nothing in this
23 subpart shall prohibit a State from revising, con-
24 sistent with this section, any standard adopted

1 under this section before or after the date of the en-
2 actment of the Student Success Act.

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

10 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
11 AND LEARNING.—Each State plan shall contain assur-
12 ances that—

13 “(1) the State will notify local educational
14 agencies, schools, teachers, parents, and the public
15 of the academic standards, academic assessments,
16 and State accountability system developed and im-
17 plemented under this section;

18 “(2) the State will participate in biennial State
19 academic assessments of 4th and 8th grade reading
20 and mathematics under the National Assessment of
21 Educational Progress carried out under section
22 303(b)(2) of the National Assessment of Edu-
23 cational Progress Authorization Act if the Secretary
24 pays the costs of administering such assessments;

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

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

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

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

17 “(7) the State educational agency will inform
18 local educational agencies in the State of the local
19 educational agency’s authority to transfer funds
20 under section 1002 and to obtain waivers under sec-
21 tion 6401.

22 “(d) PARENTAL INVOLVEMENT.—Each State plan
23 shall describe how the State educational agency will sup-
24 port the collection and dissemination to local educational

1 agencies and schools of effective parental involvement
2 practices. Such practices shall—

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

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

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

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

13 “(1) ESTABLISHMENT.—Notwithstanding sec-
14 tion 6543, the Secretary shall—

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

17 “(B) appoint individuals to the peer-review
18 process who are representative of parents,
19 teachers, State educational agencies, local edu-
20 cational agencies, and private sector employers
21 (including representatives of entrepreneurial
22 ventures), and who are familiar with edu-
23 cational standards, assessments, accountability,
24 the needs of low-performing schools, and other
25 educational needs of students, and ensure that

1 65 percent of such appointees are practitioners
2 and 10 percent are representatives of private
3 sector employers.

4 “(2) APPROVAL.—The Secretary shall—

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

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

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

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

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

20 “(iii) providing a hearing; and

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

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

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

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

13 “(A) peer review guidance;

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

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

18 “(D) peer review notes;

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

24 “(F) hearings.

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

8 “(6) RULE OF CONSTRUCTION.—A State plan
9 shall be presumed approved upon submission unless
10 the Secretary finds that the plan does not meet one
11 of the required elements, but in no case shall a defi-
12 ciency be found due to the content of the material
13 submitted.

14 “(f) DURATION OF THE PLAN.—

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

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

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

23 “(2) ADDITIONAL INFORMATION.—If a State
24 makes significant changes to its State plan, such as
25 the adoption of new State academic standards or

1 new academic assessments, or adopts a new State
2 accountability system, such information shall be sub-
3 mitted to the Secretary under subsection (e)(2) for
4 approval.

5 “(g) FAILURE TO MEET REQUIREMENTS.—If a
6 State fails to meet any of the requirements of this section
7 then the Secretary shall withhold funds for State adminis-
8 tration under this subpart until the Secretary determines
9 that the State has fulfilled those requirements.

10 “(h) REPORTS.—

11 “(1) ANNUAL STATE REPORT CARD.—

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

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

20 “(i) concise; and

21 “(ii) presented in an understandable
22 and uniform format that is developed in
23 consultation with parents and, to the ex-
24 tent practicable, provided in a language
25 that parents can understand.

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

4 “(i) the performance of students, in
5 the aggregate and disaggregated by the
6 categories of students described in sub-
7 section (b)(2)(B)(xii) (except that such
8 disaggregation shall not be required in a
9 case in which the number of students in a
10 category is insufficient to yield statistically
11 reliable information or the results would
12 reveal personally identifiable information
13 about an individual student), on the State
14 academic assessments described in sub-
15 section (b)(2);

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

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

1 “(iv) the number, percentage, and dis-
2 ability category of students with significant
3 cognitive disabilities participating in the al-
4 ternate assessments described in sub-
5 section (b)(2)(C) (except that such report-
6 ing shall not be required in a case in which
7 the results would reveal personally identifi-
8 able information about an individual stu-
9 dent);

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

13 “(I) the four-year adjusted co-
14 hort graduation rate, and

15 “(II) if applicable, the extended-
16 year adjusted cohort graduation rate,
17 reported separately for students grad-
18 uating in 5 years or less, students
19 graduating in 6 years or less, and stu-
20 dents graduating in 7 or more years;

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

24 “(vii) the acquisition of English pro-
25 ficiency by English learners;

1 “(viii) if appropriate, as determined
2 by the State, the number and percentage
3 of teachers in each category established
4 under section 2123(1), except that such in-
5 formation shall not reveal personally iden-
6 tifiable information about an individual
7 teacher; and

8 “(ix) the results of the assessments
9 described in subsection (c)(2).

10 “(D) OPTIONAL INFORMATION.—The State
11 may include in its annual State report card
12 such other information as the State believes will
13 best provide parents, students, and other mem-
14 bers of the public with information regarding
15 the progress of each of the State’s public ele-
16 mentary schools and public secondary schools,
17 such as the number of students enrolled in each
18 public secondary school in the State attaining
19 career and technical proficiencies, as defined in
20 section 113(b)(2)(A) of the Carl D. Perkins Ca-
21 reer and Technical Education Act of 2006, and
22 reported by the State in a manner consistent
23 with section 113(c) of such Act.

24 “(E) DATA.—All personal, private student
25 data shall be prohibited from use beyond as-

1 sessing student performance as provided for in
2 subparagraph (C). The State’s annual report
3 shall only use such data as sufficient to yield
4 statistically reliable information, and does not
5 reveal personally identifiable information about
6 individual students.

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

9 “(A) IN GENERAL.—A local educational
10 agency that receives assistance under this sub-
11 part shall prepare and disseminate an annual
12 local educational agency report card.

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

21 “(i) in the case of a local educational
22 agency, information that shows how stu-
23 dents served by the local educational agen-
24 cy achieved on the statewide academic as-
25 sessment and other academic indicators

1 adopted in accordance with subsection
2 (b)(3)(B)(i) compared to students in the
3 State as a whole; and

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

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

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

20 “(E) PUBLIC DISSEMINATION.—The local
21 educational agency shall publicly disseminate
22 the information described in this paragraph to
23 all schools served by the local educational agen-
24 cy and to all parents of students attending
25 those schools in an understandable and uniform

1 format, and, to the extent practicable, in a lan-
2 guage that parents can understand, and make
3 the information widely available through public
4 means, such as posting on the Internet, dis-
5 tribution to the media, and distribution through
6 public agencies, except that if a local edu-
7 cational agency issues a report card for all stu-
8 dents, the local educational agency may include
9 the information under this section as part of
10 such report.

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

21 “(4) PARENTS RIGHT-TO-KNOW.—

22 “(A) ACHIEVEMENT INFORMATION.—At
23 the beginning of each school year, a school that
24 receives funds under this subpart shall provide
25 to each individual parent information on the

1 level of achievement of the parent’s child in
2 each of the State academic assessments and
3 other academic indicators adopted in accord-
4 ance with this subpart.

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

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

14 “(j) VOLUNTARY PARTNERSHIPS.—A State retains
15 the right to enter into a voluntary partnership with an-
16 other State to develop and implement the academic stand-
17 ards and assessments required under this section, except
18 that the Secretary shall not, either directly or indirectly,
19 attempt to influence, incentivize, or coerce State—

20 “(1) adoption of the Common Core State
21 Standards developed under the Common Core State
22 Standards Initiative, any other academic standards
23 common to a significant number of States, or assess-
24 ments tied to such standards; or

25 “(2) participation in any such partnerships.

1 “(k) CONSTRUCTION.—Nothing in this part shall be
2 construed to prescribe the use of the academic assess-
3 ments described in this part for student promotion or
4 graduation purposes.

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

10 “(1) Each such school that is accredited by the
11 State in which it is operating shall use the assess-
12 ments and other academic indicators the State has
13 developed and implemented to meet the require-
14 ments of this section, or such other appropriate as-
15 sessment and academic indicators as approved by
16 the Secretary of the Interior.

17 “(2) Each such school that is accredited by a
18 regional accrediting organization shall adopt an ap-
19 propriate assessment and other academic indicators,
20 in consultation with and with the approval of, the
21 Secretary of the Interior and consistent with assess-
22 ments and academic indicators adopted by other
23 schools in the same State or region, that meet the
24 requirements of this section.

1 “(3) Each such school that is accredited by a
2 tribal accrediting agency or tribal division of edu-
3 cation shall use an assessment and other academic
4 indicators developed by such agency or division, ex-
5 cept that the Secretary of the Interior shall ensure
6 that such assessment and academic indicators meet
7 the requirements of this section.”.

8 **SEC. 1113. LOCAL EDUCATIONAL AGENCY PLANS.**

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

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

12 “(a) PLANS REQUIRED.—

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

23 “(2) CONSOLIDATED APPLICATION.—The plan
24 may be submitted as part of a consolidated applica-
25 tion under section 6305.

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

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

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

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

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

19 “(5) how the local educational agency will co-
20 ordinate programs under this subpart with other
21 programs under this Act and other Acts, as appro-
22 priate;

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

1 “(7) how teachers, in consultation with parents,
2 administrators, and specialized instructional support
3 personnel, in targeted assistance schools under sec-
4 tion 1115, will identify the eligible children most in
5 need of services under this subpart;

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

14 “(9) how the local educational agency will en-
15 sure that migratory children who are eligible to re-
16 ceive services under this subpart are selected to re-
17 ceive such services on the same basis as other chil-
18 dren who are selected to receive services under this
19 subpart;

20 “(10) the services the local educational agency
21 will provide homeless children, including services
22 provided with funds reserved under section
23 1113(e)(3)(A);

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

4 “(12) if appropriate, how the local educational
5 agency will use funds under this subpart to support
6 preschool programs for children, particularly chil-
7 dren participating in a Head Start program, which
8 services may be provided directly by the local edu-
9 cational agency or through a subcontract with the
10 local Head Start agency designated by the Secretary
11 of Health and Human Services under section 641 of
12 the Head Start Act, or another comparable early
13 childhood development program;

14 “(13) how the local educational agency, through
15 incentives for voluntary transfers, the provision of
16 professional development, recruitment programs, in-
17 centive pay, performance pay, or other effective
18 strategies, will address disparities in the rates of
19 low-income and minority students and other stu-
20 dents being taught by ineffective teachers;

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

24 “(A) career and technical education
25 aligned with State technical standards that pro-

1 mote skills attainment important to in-demand
2 occupations or industries in the State and the
3 State’s academic standards under section
4 1111(b)(1); and

5 “(B) work-based learning opportunities
6 that provide students in-depth interaction with
7 industry professionals for the purposes of gain-
8 ing experience and, if appropriate, academic
9 credit;

10 “(15) if appropriate, how the local educational
11 agency will use funds under this subpart to support
12 dual enrollment programs, early college high schools,
13 and Advanced Placement or International Baccalaureate
14 programs;

15 “(16) if appropriate, how the local educational
16 agency will use funds under this subpart to train
17 school counselors to effectively provide students relevant
18 information regarding their individual career
19 and postsecondary education goals; and

20 “(17) if appropriate, how the local educational
21 agency will use funds under this subpart to support
22 activities that coordinate and integrate before-school
23 and after-school programs, and summer school programs.
24

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

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

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

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

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

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

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

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

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

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

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

21 “(2) disseminate to local educational agencies
22 the education performance standards in effect under
23 section 641A(a) of the Head Start Act, and such
24 agencies affected by such subsection shall plan for
25 the implementation of such subsection (taking into

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

3 “(e) PLAN DEVELOPMENT AND DURATION.—

4 “(1) CONSULTATION.—Each local educational
5 agency plan shall be developed in consultation with
6 teachers, school leaders, public charter school rep-
7 resentatives, administrators, and other appropriate
8 school personnel, and with parents of children in
9 schools served under this subpart.

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

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

18 “(f) STATE APPROVAL.—

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

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

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

5 “(B) meets the requirements of this sec-
6 tion.

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

11 “(g) PARENTAL NOTIFICATION.—

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

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

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

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

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

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

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

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

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

3 “(i) detailing—

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

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

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

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

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

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

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

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

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

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

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

5 (2) in subsection (c)(4)—

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

8 (B) by striking “school improvement, cor-
9 rective action, and restructuring under section
10 1116(b)” and inserting “school improvement
11 under section 1111(b)(3)(B)(iii)”.

12 **SEC. 115. SCHOOLWIDE PROGRAMS.**

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

14 (1) in subsection (a)—

15 (A) in paragraph (1)—

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

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

20 (B) in paragraph (2)—

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

23 (ii) in subparagraph (B)—

24 (I) by striking “children with
25 limited English proficiency” and in-
26 serting “English learners”; and

1 (II) by striking “part” and in-
2 serting “subpart”;

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

6 (D) by striking paragraph (4);

7 (2) in subsection (b)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (A)—

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

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

17 (ii) in subparagraph (B)—

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

23 (II) in clause (ii), in the matter
24 preceding subclause (I), by striking
25 “based on scientifically based re-

1 search” and inserting “evidence-
2 based”;

3 (III) in clause (iii)—

4 (aa) in subclause (I)—

5 (AA) by striking “stu-
6 dent academic achievement
7 standards” and inserting
8 “academic standards”; and

9 (BB) by striking
10 “schoolwide program,” and
11 all that follows through
12 “technical education pro-
13 grams; and” and inserting
14 “schoolwide programs; and”;
15 and

16 (bb) in subclause (II), by
17 striking “and”;

18 (IV) in clause (iv)—

19 (aa) by striking “the State
20 and local improvement plans”
21 and inserting “school improve-
22 ment strategies”; and

23 (bb) by striking the period
24 and inserting “; and”; and

1 (V) by adding at the end the fol-
2 lowing new clause:

3 “(v) may be delivered by nonprofit or
4 for-profit external providers with expertise
5 in using evidence-based or other effective
6 strategies to improve student achieve-
7 ment.”;

8 (iii) in subparagraph (C), by striking
9 “highly qualified” and inserting “effec-
10 tive”;

11 (iv) in subparagraph (D)—

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

16 (II) by striking “pupil services”
17 and inserting “specialized instruc-
18 tional support services”; and

19 (III) by striking “student aca-
20 demic achievement” and inserting
21 “academic”;

22 (v) in subparagraph (E), by striking
23 “high-quality highly qualified” and insert-
24 ing “effective”;

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

5 (vii) in subparagraph (H), by striking
6 “section 1111(b)(3)” and inserting “sec-
7 tion 1111(b)(2)”;

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

12 (ix) in subparagraph (J), by striking
13 “vocational” and inserting “career”; and
14 (B) in paragraph (2)—

15 (i) in subparagraph (A)—

16 (I) in the matter preceding clause

17 (i)—

18 (aa) by striking “first de-
19 velop” and all that follows
20 through “2001)” and inserting
21 “have in place”; and

22 (bb) by striking “and its
23 school support team or other
24 technical assistance provider
25 under section 1117”;

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

3 (III) in clause (iv), by striking
4 “section 1111(b)(3)” and inserting
5 “section 1111(b)(2)”; and

6 (ii) in subparagraph (B)—

7 (I) in clause (i)—

8 (aa) in subclause (I), by
9 striking “, after considering the
10 recommendation of the technical
11 assistance providers under sec-
12 tion 1117,”; and

13 (bb) in subclause (II), by
14 striking “No Child Left Behind
15 Act of 2001” and inserting “Stu-
16 dent Success Act”;

17 (II) in clause (ii)—

18 (aa) by striking “(including
19 administrators of programs de-
20 scribed in other parts of this
21 title)”; and

22 (bb) by striking “pupil serv-
23 ices” and inserting “specialized
24 instructional support services”;

- 1 (III) in clause (iii), by striking
2 “part” and inserting “subpart”; and
3 (IV) in clause (v), by striking
4 “Reading First, Early Reading First,
5 Even Start,”; and
6 (3) in subsection (c)—
7 (A) by striking “part” and inserting “sub-
8 part”; and
9 (B) by striking “6,” and all that follows
10 through the period at the end and inserting
11 “6.”.

12 **SEC. 116. TARGETED ASSISTANCE SCHOOLS.**

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

- 14 (1) in subsection (a)—
15 (A) by striking “are ineligible for a
16 schoolwide program under section 1114, or
17 that”;
18 (B) by striking “operate such” and insert-
19 ing “operate”; and
20 (C) by striking “part” and inserting “sub-
21 part”;
22 (2) in subsection (b)—
23 (A) in paragraph (1)(B), by striking “chal-
24 lenging student academic achievement” and in-
25 serting “academic”;

- 1 (B) in paragraph (2)—
- 2 (i) in subparagraph (A)—
- 3 (I) by striking “limited English
- 4 proficient children” and inserting
- 5 “English learners”; and
- 6 (II) by striking “part” each place
- 7 it appears and inserting “subpart”;
- 8 (ii) in subparagraph (B)—
- 9 (I) in the heading, by striking “,
- 10 EVEN START, OR EARLY READING
- 11 FIRST”;
- 12 (II) by striking “, Even Start, or
- 13 Early Reading First”; and
- 14 (III) by striking “part” and in-
- 15 serting “subpart”;
- 16 (iii) in subparagraph (C)—
- 17 (I) by amending the heading to
- 18 read as follows: “SUBPART 3 CHIL-
- 19 DREN.—”;
- 20 (II) by striking “part C” and in-
- 21 serting “subpart 3”; and
- 22 (III) by striking “part” and in-
- 23 serting “subpart”; and

- 1 (iv) in subparagraphs (D) and (E), by
2 striking “part” each place it appears and
3 inserting “subpart”; and
4 (C) in paragraph (3), by striking “part”
5 and inserting “subpart”;
6 (3) in subsection (c)—
7 (A) in paragraph (1)—
8 (i) in the matter preceding subpara-
9 graph (A)—
10 (I) by striking “part” and insert-
11 ing “subpart”; and
12 (II) by striking “challenging stu-
13 dent academic achievement” and in-
14 serting “academic”;
15 (ii) in subparagraph (A)—
16 (I) by striking “part” and insert-
17 ing “subpart”; and
18 (II) by striking “challenging stu-
19 dent academic achievement” and in-
20 serting “academic”;
21 (iii) in subparagraph (B), by striking
22 “part” and inserting “subpart”;
23 (iv) in subparagraph (C)—
24 (I) in the matter preceding clause
25 (i), by striking “based on scientifically

1 based research” and inserting “evi-
2 dence-based”; and

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

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

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

12 (vii) in subparagraph (F)—

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

16 (II) by striking “part” and in-
17 serting “subpart”; and

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

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

23 (B) in paragraph (2)—

24 (i) in the matter preceding subpara-
25 graph (A), by striking “proficient and ad-

1 vanced levels of achievement” and insert-
2 ing “academic standards”;

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

5 (iii) in subparagraph (B), by striking
6 “challenging student academic achieve-
7 ment” and inserting “academic”;

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

11 (5) in subsection (e)—

12 (A) in paragraph (2)(B)—

13 (i) in the matter preceding clause (i),
14 by striking “part” and inserting “sub-
15 part”; and

16 (ii) in clause (iii), by striking “pupil
17 services” and inserting “specialized in-
18 structional support services”; and

19 (B) by striking paragraph (3); and

20 (6) by adding at the end the following new sub-
21 section:

22 “(f) DELIVERY OF SERVICES.—The elements of a
23 targeted assistance program under this section may be de-
24 livered by nonprofit or for-profit external providers with

1 expertise in using evidence-based or other effective strate-
2 gies to improve student achievement.”.

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

6 The Act is amended by repealing sections 1116 and
7 1117 (20 U.S.C. 6316; 6317).

8 **SEC. 118. PARENTAL INVOLVEMENT.**

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

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

12 (2) in subsection (a)—

13 (A) in paragraph (2)—

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

16 and

17 (ii) in subparagraph (D), by striking
18 “, such as” and all that follows through

19 “preschool programs”; and

20 (B) in paragraph (3)(A), by striking “sub-
21 part 2 of this part” each place it appears and

22 inserting “chapter B of this subpart”;

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

1 “(B) a description and explanation of the
2 curriculum in use at the school and the forms
3 of academic assessment used to measure stu-
4 dent progress; and”;

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

7 (5) in subsection (e)—

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

12 (B) in paragraph (3)—

13 (i) by striking “pupil services per-
14 sonnel,” and inserting “specialized instruc-
15 tional support personnel,”; and

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

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

24 (6) by amending subsection (g) to read as fol-
25 lows:

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

7 **SEC. 119. QUALIFICATIONS FOR PARAPROFESSIONALS.**

8 Section 1119 of the Elementary and Secondary Edu-
9 cation Act of 1965 (20 U.S.C. 6319) is amended—

10 (1) by striking subsections (a), (b), (d), (i), (j),
11 (k), and (l);

12 (2) by redesignating subsection (c) as sub-
13 section (a);

14 (3) by redesignating subsections (e) through (h)
15 as subsections (b) through (e), respectively;

16 (4) in subsection (a), as redesignated by para-
17 graph (2), by striking “hired after the date of enact-
18 ment of the No Child Left Behind Act of 2001
19 and”;

20 (5) in subsection (b), as redesignated by para-
21 graph (3), by striking “Subsections (c) and (d)” and
22 inserting “Subsection (a)”;

23 (6) in the section heading, by striking “**TEACH-**
24 **ERS AND**”.

1 **SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
2 **VATE SCHOOLS.**

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

5 **“SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN**
6 **PRIVATE SCHOOLS.**

7 **“(a) GENERAL REQUIREMENT.—**

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

14 **“(A)** after timely and meaningful consulta-
15 tion with appropriate private school officials or
16 representatives, provide such service, on an eq-
17 uitable basis and individually or in combination,
18 as requested by the officials or representatives
19 to best meet the needs of such children, special
20 educational services, instructional services (in-
21 cluding evaluations to determine students’
22 progress in their academic needs), counseling,
23 mentoring, one-on-one tutoring, or other bene-
24 fits under this subpart (such as dual enroll-
25 ment, educational radio and television, com-
26 puter equipment and materials, other tech-

1 nology, and mobile educational services and
2 equipment) that address their needs; and

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

7 “(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—
8 Such educational services or other benefits, including
9 materials and equipment, shall be secular, neutral,
10 and nonideological.

11 “(3) EQUITY.—

12 “(A) IN GENERAL.—Educational services
13 and other benefits for such private school chil-
14 dren shall be equitable in comparison to serv-
15 ices and other benefits for public school chil-
16 dren participating under this subpart, and shall
17 be provided in a timely manner.

18 “(B) OMBUDSMAN.—To help ensure such
19 equity for such private school children, teach-
20 ers, and other educational personnel, the State
21 educational agency involved shall designate an
22 ombudsman to monitor and enforce the require-
23 ments of this subpart.

24 “(4) EXPENDITURES.—

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

11 “(B) OBLIGATION OF FUNDS.—Funds allo-
12 cated to a local educational agency for edu-
13 cational services and other benefits to eligible
14 private school children shall—

15 “(i) be obligated in the fiscal year for
16 which the funds are received by the agen-
17 cy; and

18 “(ii) with respect to any such funds
19 that cannot be so obligated, be used to
20 serve such children in the following fiscal
21 year.

22 “(C) NOTICE OF ALLOCATION.—Each
23 State educational agency shall—

24 “(i) determine, in a timely manner,
25 the proportion of funds to be allocated to

1 each local educational agency in the State
2 for educational services and other benefits
3 under this subpart to eligible private school
4 children; and

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

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

16 “(b) CONSULTATION.—

17 “(1) IN GENERAL.—To ensure timely and
18 meaningful consultation, a local educational agency
19 shall consult with appropriate private school officials
20 or representatives during the design and develop-
21 ment of such agency’s programs under this subpart
22 in order to reach an agreement between the agency
23 and the officials or representatives about equitable
24 and effective programs for eligible private school
25 children, the results of which shall be transmitted to

1 the designated ombudsmen under section
2 1120(a)(3)(B). Such process shall include consulta-
3 tion on issues such as—

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

6 “(B) what services will be offered;

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

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

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

20 “(F) the method or sources of data that
21 are used under subsection (c) and section
22 1113(c)(1) to determine the number of children
23 from low-income families in participating school
24 attendance areas who attend private schools;

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

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

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

20 “(J) whether to provide equitable services
21 to eligible private school children—

22 “(i) by creating a pool or pools of
23 funds with all of the funds allocated under
24 subsection (a)(4) based on all the children
25 from low-income families who attend pri-

1 vate schools in a participating school at-
2 tendance area of the agency from which
3 the local educational agency will provide
4 such services to all such children; or

5 “(ii) by providing such services to eli-
6 gible children in each private school in the
7 agency’s participating school attendance
8 area with the proportion of funds allocated
9 under subsection (a)(4) based on the num-
10 ber of children from low-income families
11 who attend such school;

12 “(K) at what time and where services will
13 be provided; and

14 “(L) whether to consolidate and use funds
15 under this subpart to provide schoolwide pro-
16 grams for a private school.

17 “(2) DISAGREEMENT.—If a local educational
18 agency disagrees with the views of private school of-
19 ficials or representatives with respect to an issue de-
20 scribed in paragraph (1), the local educational agen-
21 cy shall provide in writing to such private school of-
22 ficials an analysis of the reasons why the local edu-
23 cational agency has chosen not to adopt the course
24 of action requested by such officials.

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

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

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

1 vide such affirmation within a reasonable period of
2 time, the local educational agency shall forward the
3 documentation that such consultation has, or at-
4 tempts at such consultation have, taken place to the
5 State educational agency.

6 “(6) COMPLIANCE.—

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

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

24 “(C) STATE EDUCATIONAL AGENCIES.—A
25 State educational agency shall provide services

1 under this section directly or through contracts
2 with public or private agencies, organizations,
3 and institutions, if—

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

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

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

13 “(ii) in a case in which—

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

22 “(II) 90 percent of the eligible
23 private school students in a partici-
24 pating school attendance area of the

1 agency are not being served by the
2 agency’s program under this section.

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

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

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

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

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

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

1 “(2) COMPLAINT PROCESS.—Any dispute re-
2 garding low-income data for private school students
3 shall be subject to the complaint process authorized
4 in section 6503.

5 “(d) PUBLIC CONTROL OF FUNDS.—

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

12 “(2) PROVISION OF SERVICES.—

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

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

16 or

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

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

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

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

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

13 “(2) arrange for the provision of services to
14 such children through arrangements that shall be
15 subject to the requirements of this section and sec-
16 tions 6503 and 6504; and

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

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

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

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

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

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

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

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

8 (2) in subsection (a)—

9 (A) by striking “such as the Early Reading
10 First program”; and

11 (B) by adding at the end the following new
12 sentence: “Each local educational agency shall
13 develop agreements with such Head Start agen-
14 cies and other entities to carry out such activi-
15 ties.”; and

16 (3) in subsection (b)—

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

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

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

1 (D) in paragraph (5), by striking “and en-
2 tities carrying out Early Reading First pro-
3 grams”.

4 **SEC. 123. GRANTS FOR THE OUTLYING AREAS AND THE**
5 **SECRETARY OF THE INTERIOR.**

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

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

11 (2) in subsection (b)—

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

15 (B) in paragraph (3)—

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

19 (ii) in subparagraph (C)(ii), by strik-
20 ing “challenging State academic content
21 standards” and inserting “State academic
22 standards”; and

23 (iii) by striking subparagraph (D);
24 and

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

3 **SEC. 124. ALLOCATIONS TO STATES.**

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

5 (1) by amending subsection (a) to read as fol-
6 lows:

7 “(a) RESERVATION.—

8 “(1) IN GENERAL.—From the amounts appro-
9 priated under section 3(a)(1), the Secretary shall re-
10 serve 91.44 percent of such amounts to carry out
11 this chapter.

12 “(2) ALLOCATION FORMULA.—Of the amount
13 reserved under paragraph (1) for each of fiscal years
14 2016 to 2019 (referred to in this subsection as the
15 current fiscal year)—

16 “(A) an amount equal to the amount made
17 available to carry out section 1124 for fiscal
18 year 2001 shall be used to carry out section
19 1124;

20 “(B) an amount equal to the amount made
21 available to carry out section 1124A for fiscal
22 year 2001 shall be used to carry out section
23 1124A; and

24 “(C) an amount equal to 100 percent of
25 the amount, if any, by which the total amount

1 made available to carry out this chapter for the
2 fiscal year for which the determination is made
3 exceeds the total amount available to carry out
4 sections 1124 and 1124A for fiscal year 2001
5 shall be used to carry out sections 1125 and
6 1125A and such amount shall be divided equal-
7 ly between sections 1125 and 1125A.”;

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

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

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

14 **SEC. 125. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
15 **CIES.**

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

17 (1) in subsection (a)—

18 (A) in paragraph (3)—

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

21 (ii) in subparagraph (C)(i), by strik-
22 ing “subpart” and inserting “chapter”;
23 and

1 (B) in paragraph (4)(C), by striking “sub-
2 part” each place it appears and inserting
3 “chapter”; and

4 (2) in subsection (c)—

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

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

10 **SEC. 126. TARGETED GRANTS TO LOCAL EDUCATIONAL**
11 **AGENCIES.**

12 Section 1125 (20 U.S.C. 6335) is amended—

13 (1) in subsection (c)(2)—

14 (A) in subparagraph (B)—

15 (i) in clause (i), by striking “15.58”
16 and inserting “15.59”;

17 (ii) in clause (ii)—

18 (I) by striking “15.58” and in-
19 serting “15.59”; and

20 (II) by striking “22.11” and in-
21 serting “22.12”;

22 (iii) in clause (iii)—

23 (I) by striking “22.11” and in-
24 serting “22.12”; and

1 (II) by striking “30.16” and in-
2 serting “30.17”;

3 (iv) in clause (iv)—

4 (I) by striking “30.16” and in-
5 serting “30.17”; and

6 (II) by striking “38.24” and in-
7 serting “38.25”; and

8 (v) in clause (v), by striking “38.24”
9 and inserting “38.25”;

10 (B) in subparagraph (C)—

11 (i) in clause (i), by striking “691”
12 and inserting “692”;

13 (ii) in clause (ii)—

14 (I) by striking “692” and insert-
15 ing “693”; and

16 (II) by striking “2,262” and in-
17 serting “2,263”;

18 (iii) in clause (iii)—

19 (I) by striking “2,263” and in-
20 serting “2,264”; and

21 (II) by striking “7,851” and in-
22 serting “7,852”;

23 (iv) in clause (iv)—

24 (I) by striking “7,852” and in-
25 serting “7,853”; and

1 (II) by striking “35,514” and in-
2 sserting “35,515”; and

3 (v) in clause (v), by striking “35,514”
4 and inserting “35,515”; and

5 (2) by adding at the end the following:

6 “(f) APPLICATION.—

7 “(1) IN GENERAL.—The percentage and num-
8 ber ranges described in subparagraphs (B) and (C)
9 of subsection (c)(2) shall be applied with respect to
10 fiscal years 2016, 2017, 2018, 2019, 2020, and
11 2021 as such percentages and numbers were in ef-
12 fect on the day before the date of the enactment of
13 the Student Success Act.

14 “(2) SECRETARY’S CERTIFICATION.—For fiscal
15 year 2022 and each subsequent fiscal year, the per-
16 centage and number ranges described in subpara-
17 graphs (B) and (C) of subsection (c)(2) shall be ap-
18 plied as such percentages and numbers were in ef-
19 fect on the day before the date of the enactment of
20 the Student Success Act unless the Secretary cer-
21 tifies that amendments made to such percentages
22 and numbers by the Student Success Act will not re-
23 sult in harm to any school district.”.

1 **SEC. 127. ADEQUACY OF FUNDING TO LOCAL EDUCATIONAL**
2 **AGENCIES IN FISCAL YEARS AFTER FISCAL**
3 **YEAR 2001.**

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

6 **“SEC. 1125AA. ADEQUACY OF FUNDING TO LOCAL EDU-**
7 **CATIONAL AGENCIES IN FISCAL YEARS**
8 **AFTER FISCAL YEAR 2001.**

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

17 “(b) **FINDINGS.**—Congress makes the following find-
18 ings:

19 “(1) The formulas for distributing Targeted
20 and Education Finance Incentive grants use two
21 weighting systems, one based on the percentage of
22 the aged 5-17 population in a local educational agen-
23 cy that is eligible to receive funds under this title
24 (percentage weighting), and another based on the
25 absolute number of such students (number
26 weighting). Whichever of these weighting systems re-

1 sults in the highest total weighted formula student
2 count for a local educational agency is the weighting
3 system used for that agency in the final allocation
4 of Targeted and Education Finance Incentive Grant
5 funds.

6 “(2) The Congressional Research Service has
7 said the number weighting alternative is generally
8 more favorable to large local educational agencies
9 with much larger counts of eligible children, but not
10 necessarily higher concentrations, weighted at the
11 highest point in the scale than smaller local edu-
12 cational agencies with smaller counts, but higher
13 concentrations, of eligible children.

14 “(3) The current percentage and number
15 weighting scales are based on the most current data
16 available in 2001 on the distribution of eligible chil-
17 dren across local educational agencies.

18 “(4) Prior to the date of the enactment of the
19 Student Success Act, Congress expects updated data
20 to be available, which will provide Congress an op-
21 portunity to update these scales based on such data.

22 “(5) When these scales are updated, Congress
23 has a further obligation to evaluate the use of per-
24 centage and number weighting to ensure the most
25 equitable distribution of Targeted and Education Fi-

1 nance Incentive Grant funds to local educational
2 agencies.”.

3 **SEC. 128. EDUCATION FINANCE INCENTIVE GRANT PRO-**
4 **GRAM.**

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

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

8 (2) in subsection (b)(1)—

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

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

17 (3) by striking subsections (a), (e), and (f) and
18 redesignating subsections (b), (c), (d), and (g) as
19 subsections (a), (b), (c), and (d), respectively;

20 (4) in subsection (b), as so redesignated, by re-
21 designating subparagraphs (A) and (B) as para-
22 graphs (1) and (2), respectively;

23 (5) in subsection (c), as so redesignated—

24 (A) in paragraph (1)(B)—

25 (i) in clause (ii)—

- 1 (I) in subclause (I), by striking
2 “15.58” and inserting “15.59”;
- 3 (II) in subclause (II)—
4 (aa) by striking “15.58” and
5 inserting “15.59”; and
6 (bb) by striking “22.11”
7 and inserting “22.12”;
- 8 (III) in subclause (III)—
9 (aa) by striking “22.11” and
10 inserting “22.12”; and
11 (bb) by striking “30.16”
12 and inserting “30.17”;
- 13 (IV) in subclause (IV)—
14 (aa) by striking “30.16” and
15 inserting “30.17”; and
16 (bb) by striking “38.24”
17 and inserting “38.25”; and
- 18 (V) in subclause (V), by striking
19 “38.24” and inserting “38.25”; and
- 20 (ii) in clause (iii)—
21 (I) in subclause (I), by striking
22 “691” and inserting “692”;
- 23 (II) in subclause (II)—
24 (aa) by striking “692” and
25 inserting “693”; and

- 1 (bb) by striking “2,262”
2 and inserting “2,263”;
3 (III) in subclause (III)—
4 (aa) by striking “2,263” and
5 inserting “2,264”; and
6 (bb) by striking “7,851”
7 and inserting “7,852”;
8 (IV) in subclause (IV)—
9 (aa) by striking “7,852” and
10 inserting “7,853”; and
11 (bb) by striking “35,514”
12 and inserting “35,515”; and
13 (V) in subclause (V), by striking
14 “35,514” and inserting “35,515”;
15 (B) in paragraph (2)(B)—
16 (i) in clause (ii)—
17 (I) in subclause (I), by striking
18 “15.58” and inserting “15.59”;
19 (II) in subclause (II)—
20 (aa) by striking “15.58” and
21 inserting “15.59”; and
22 (bb) by striking “22.11”
23 and inserting “22.12”;
24 (III) in subclause (III)—

- 1 (aa) by striking “22.11” and
2 inserting “22.12”; and
- 3 (bb) by striking “30.16”
4 and inserting “30.17”;
- 5 (IV) in subclause (IV)—
- 6 (aa) by striking “30.16” and
7 inserting “30.17”; and
- 8 (bb) by striking “38.24”
9 and inserting “38.25”; and
- 10 (V) in subclause (V), by striking
11 “38.24” and inserting “38.25”; and
- 12 (ii) in clause (iii)—
- 13 (I) in subclause (I), by striking
14 “691” and inserting “692”;
- 15 (II) in subclause (II)—
- 16 (aa) by striking “692” and
17 inserting “693”; and
- 18 (bb) by striking “2,262”
19 and inserting “2,263”;
- 20 (III) in subclause (III)—
- 21 (aa) by striking “2,263” and
22 inserting “2,264”; and
- 23 (bb) by striking “7,851”
24 and inserting “7,852”;
- 25 (IV) in subclause (IV)—

1 (aa) by striking “7,852” and
2 inserting “7,853”; and

3 (bb) by striking “35,514”
4 and inserting “35,515”; and

5 (V) in subclause (V), by striking
6 “35,514” and inserting “35,515”; and

7 (C) in paragraph (3)(B)—

8 (i) in clause (ii)—

9 (I) in subclause (I), by striking
10 “15.58” and inserting “15.59”;

11 (II) in subclause (II)—

12 (aa) by striking “15.58” and
13 inserting “15.59”; and

14 (bb) by striking “22.11”
15 and inserting “22.12”;

16 (III) in subclause (III)—

17 (aa) by striking “22.11” and
18 inserting “22.12”; and

19 (bb) by striking “30.16”
20 and inserting “30.17”;

21 (IV) in subclause (IV)—

22 (aa) by striking “30.16” and
23 inserting “30.17”; and

24 (bb) by striking “38.24”
25 and inserting “38.25”; and

1 (V) in subclause (V), by striking
2 “38.24” and inserting “38.25”; and
3 (ii) in clause (iii)—

4 (I) in subclause (I), by striking
5 “691” and inserting “692”;

6 (II) in subclause (II)—

7 (aa) by striking “692” and
8 inserting “693”; and

9 (bb) by striking “2,262”
10 and inserting “2,263”;

11 (III) in subclause (III)—

12 (aa) by striking “2,263” and
13 inserting “2,264”; and

14 (bb) by striking “7,851”
15 and inserting “7,852”;

16 (IV) in subclause (IV)—

17 (aa) by striking “7,852” and
18 inserting “7,853”; and

19 (bb) by striking “35,514”
20 and inserting “35,515”; and

21 (V) in subclause (V), by striking
22 “35,514” and inserting “35,515”; and

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

25 “(e) APPLICATION.—

1 “(1) IN GENERAL.—The percentage and num-
2 ber ranges described in clauses (ii) and (iii) of para-
3 graph (1)(B), clauses (ii) and (iii) of paragraph
4 (2)(B), and clauses (ii) and (iii) of paragraph (3)(B)
5 shall be applied with respect to fiscal years 2016,
6 2017, 2018, 2019, 2020, and 2021 as such percent-
7 ages and numbers were in effect on the day before
8 the date of the enactment of the Student Success
9 Act.

10 “(2) SECRETARY’S CERTIFICATION.—For fiscal
11 year 2022 and each subsequent fiscal year, the per-
12 centage and number ranges described in clauses (ii)
13 and (iii) of paragraph (1)(B), clauses (ii) and (iii)
14 of paragraph (2)(B), and clauses (ii) and (iii) of
15 paragraph (3)(B) shall be applied as such percent-
16 ages and numbers were in effect on the day before
17 the date of the enactment of the Student Success
18 Act unless the Secretary certifies that amendments
19 made to such percentages and numbers by the Stu-
20 dent Success Act will not result in harm to any
21 school district.”.

22 **SEC. 129. CARRYOVER AND WAIVER.**

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

1 **SEC. 130. TITLE I PORTABILITY.**

2 Chapter B of subpart 1 of part A of title I (20 U.S.C.
3 6331 et seq.) is amended by adding at the end the fol-
4 lowing new section:

5 **“SEC. 1128. TITLE I FUNDS FOLLOW THE LOW-INCOME**
6 **CHILD STATE OPTION.**

7 “(a) IN GENERAL.—Notwithstanding any other pro-
8 vision of law and to the extent permitted under State law,
9 a State educational agency may allocate grant funds under
10 this chapter among the local educational agencies in the
11 State based on the number of eligible children enrolled in
12 the public schools served by each local educational agency.

13 “(b) ELIGIBLE CHILD.—

14 “(1) DEFINITION.—In this section, the term
15 ‘eligible child’ means a child aged 5 to 17, inclusive,
16 from a family with an income below the poverty level
17 on the basis of the most recent satisfactory data
18 published by the Department of Commerce.

19 “(2) CRITERIA OF POVERTY.—In determining
20 the families with incomes below the poverty level for
21 the purposes of this section, a State educational
22 agency shall use the criteria of poverty used by the
23 Census Bureau in compiling the most recent decen-
24 nial census, as the criteria have been updated by in-
25 creases in the Consumer Price Index for All Urban

1 Consumers, published by the Bureau of Labor Sta-
2 tistics.

3 “(c) STUDENT ENROLLMENT IN PUBLIC SCHOOLS.—

4 “(1) IDENTIFICATION OF ELIGIBLE CHIL-
5 DREN.—On an annual basis, on a date to be deter-
6 mined by the State educational agency, each local
7 educational agency that receives grant funding in ac-
8 cordance with subsection (a) shall inform the State
9 educational agency of the number of eligible children
10 enrolled in public schools served by the local edu-
11 cational agency.

12 “(2) ALLOCATION TO LOCAL EDUCATIONAL
13 AGENCIES.—Based on the identification of eligible
14 children in paragraph (1), the State educational
15 agency shall provide to a local educational agency an
16 amount equal to the sum of the amount available for
17 each eligible child in the State multiplied by the
18 number of eligible children identified by the local
19 educational agency under paragraph (1).

20 “(3) DISTRIBUTION TO SCHOOLS.—Each local
21 educational agency that receives funds under para-
22 graph (2) shall distribute such funds to the public
23 schools served by the local educational agency—

24 “(A) based on the number of eligible chil-
25 dren enrolled in such schools; and

1 “(B) in a manner that would, in the ab-
2 sence of such Federal funds, supplement the
3 funds made available from non-Federal re-
4 sources for the education of pupils participating
5 in programs under this subpart, and not to sup-
6 plant such funds.”.

7 **Subtitle C—Additional Aid to**
8 **States and School Districts**

9 **SEC. 131. ADDITIONAL AID.**

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

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

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

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

18 **“SEC. 1131. PROGRAM PURPOSES.**

19 “The purposes of this subpart are as follows:

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

1 “(2) To ensure that migratory children who
2 move among the States, not be penalized in any
3 manner by disparities among the States in cur-
4 riculum, graduation requirements, and State aca-
5 demic standards.

6 “(3) To help such children succeed in school,
7 meet the State academic standards that all children
8 are expected to meet, and graduate from high school
9 prepared for postsecondary education and the work-
10 force without the need for remediation.

11 “(4) To help such children overcome edu-
12 cational disruption, cultural and language barriers,
13 social isolation, various health-related problems, and
14 other factors that inhibit the ability of such children
15 to succeed in school.

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

18 **“SEC. 1132. PROGRAM AUTHORIZED.**

19 “(a) IN GENERAL.—From the amounts appropriated
20 under section 3(a)(1), the Secretary shall reserve 2.45 per-
21 cent to carry out this subpart.

22 “(b) GRANTS AWARDED.—From the amounts re-
23 served under subsection (a) and not reserved under section
24 1138(c), the Secretary shall make allotments for the fiscal
25 year to State educational agencies, or consortia of such

1 agencies, to establish or improve, directly or through local
2 operating agencies, programs of education for migratory
3 children in accordance with this subpart.

4 **“SEC. 1133. STATE ALLOCATIONS.**

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

9 “(1) the sum of—

10 “(A) the average number of identified eligi-
11 ble full-time equivalent migratory children aged
12 3 through 21 residing in the State, based on
13 data for the preceding 3 years; and

14 “(B) the number of identified eligible mi-
15 gratory children, aged 3 through 21, who re-
16 ceived services under this subpart in summer or
17 intersession programs provided by the State
18 during the previous year; multiplied by

19 “(2) 40 percent of the average per-pupil ex-
20 penditure in the State, except that the amount de-
21 termined under this paragraph shall not be less than
22 32 percent, nor more than 48 percent, of the aver-
23 age per-pupil expenditure in the United States.

24 “(b) HOLD HARMLESS.—Notwithstanding subsection
25 (a), for each of fiscal years 2016 through 2018, no State

1 shall receive less than 90 percent of the State's allocation
2 under this section for the previous year.

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

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

16 “(2) 32 percent of the average per-pupil ex-
17 penditure in the United States.

18 “(d) RATABLE REDUCTIONS; REALLOCATIONS.—

19 “(1) IN GENERAL.—

20 “(A) RATABLE REDUCTIONS.—If, after the
21 Secretary reserves funds under section 1138(e),
22 the amount appropriated to carry out this sub-
23 part for any fiscal year is insufficient to pay in
24 full the amounts for which all States are eligi-

1 ble, the Secretary shall ratably reduce each
2 such amount.

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

9 “(2) SPECIAL RULE.—

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

19 “(B) REALLOCATION.—The Secretary shall
20 reallocate such excess funds to other States
21 whose grants under this subpart would other-
22 wise be insufficient to provide an appropriate
23 level of services to migratory children, in such
24 amounts as the Secretary determines are appro-
25 priate.

1 “(e) CONSORTIUM ARRANGEMENTS.—

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

9 “(2) PROPOSALS.—Any State, regardless of the
10 amount of such State’s allocation, may submit a
11 consortium arrangement to the Secretary for ap-
12 proval.

13 “(3) APPROVAL.—The Secretary shall approve
14 a consortium arrangement under paragraph (1) or
15 (2) if the proposal demonstrates that the arrange-
16 ment will—

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

19 “(B) make more funds available for direct
20 services to add substantially to the educational
21 achievement of children to be served under this
22 subpart.

23 “(f) DETERMINING NUMBERS OF ELIGIBLE CHIL-
24 DREN.—In order to determine the identified number of

1 migratory children residing in each State for purposes of
2 this section, the Secretary shall—

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

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

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

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

14 “(A) the unique needs of those children
15 participating in evidence-based or other effec-
16 tive special programs provided under this sub-
17 part that operate during the summer and inter-
18 session periods; and

19 “(B) the additional costs of operating such
20 programs; and

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

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

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

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

17 “(b) PROGRAM INFORMATION.—Each such applica-
18 tion shall include—

19 “(1) a description of how, in planning, imple-
20 menting, and evaluating programs and projects as-
21 sisted under this subpart, the State and its local op-
22 erating agencies will ensure that the unique edu-
23 cational needs of migratory children, including pre-
24 school migratory children, are identified and ad-
25 dressed through—

1 “(A) the full range of services that are
2 available for migratory children from appro-
3 priate local, State, and Federal educational pro-
4 grams;

5 “(B) joint planning among local, State,
6 and Federal educational programs serving mi-
7 gratory children, including language instruction
8 educational programs under chapter A of sub-
9 part 4; and

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

13 “(2) a description of the steps the State is tak-
14 ing to provide all migratory students with the oppor-
15 tunity to meet the same State academic standards
16 that all children are expected to meet;

17 “(3) a description of how the State will use
18 funds received under this subpart to promote inter-
19 state and intrastate coordination of services for mi-
20 gratory children, including how the State will pro-
21 vide for educational continuity through the timely
22 transfer of pertinent school records, including infor-
23 mation on health, when children move from one
24 school to another, whether or not such a move oc-
25 curs during the regular school year;

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

5 “(5) a description of how the State will deter-
6 mine the amount of any subgrants the State will
7 award to local operating agencies, taking into ac-
8 count the numbers and needs of migratory children,
9 the requirements of subsection (d), and the avail-
10 ability of funds from other Federal, State, and local
11 programs; and

12 “(6) a description of how the State will encour-
13 age programs and projects assisted under this sub-
14 part to offer family literacy services if the programs
15 and projects serve a substantial number of migra-
16 tory children whose parents do not have a regular
17 high school diploma or its recognized equivalent or
18 who have low levels of literacy.

19 “(c) ASSURANCES.—Each such application shall also
20 include assurances that—

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

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

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

6 “(2) such programs and projects will be carried
7 out in a manner consistent with the objectives of
8 section 1114, subsections (b) and (d) of section
9 1115, subsections (b) and (c) of section 1120A, and
10 part C;

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

17 “(A) in a manner that provides for the
18 same parental involvement as is required for
19 programs and projects under section 1118, un-
20 less extraordinary circumstances make such
21 provision impractical; and

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

24 “(4) in planning and carrying out such pro-
25 grams and projects, there has been, and will be, ade-

1 quate provision for addressing the unmet education
2 needs of preschool migratory children;

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

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

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

16 “(B) professional development programs,
17 including mentoring, for teachers and other
18 program personnel;

19 “(C) high-quality, evidence-based family
20 literacy programs;

21 “(D) the integration of information tech-
22 nology into educational and related programs;
23 and

24 “(E) programs to facilitate the transition
25 of secondary school students to postsecondary

1 education or employment without the need for
2 remediation; and

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

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

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

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

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

20 “(3) secondary school students who were eligi-
21 ble for services in secondary school may continue to
22 be served through credit accrual programs until
23 graduation.

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

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

5 **“SEC. 1136. COMPREHENSIVE NEEDS ASSESSMENT AND**
6 **SERVICE-DELIVERY PLAN; AUTHORIZED AC-**
7 **TIVITIES.**

8 “(a) COMPREHENSIVE PLAN.—

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

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

17 “(B) may be submitted as a part of a con-
18 solidated application under section 6302, if—

19 “(i) the unique needs of migratory
20 children are specifically addressed in the
21 comprehensive State plan;

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

25 “(iii) the comprehensive State plan is
26 not used to supplant State efforts regard-

1 ing, or administrative funding for, this
2 subpart;

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

7 “(D) specifies measurable program goals
8 and outcomes;

9 “(E) encompasses the full range of services
10 that are available for migratory children from
11 appropriate local, State, and Federal edu-
12 cational programs;

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

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

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

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

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

8 “(b) AUTHORIZED ACTIVITIES.—

9 “(1) FLEXIBILITY.—In implementing the com-
10 prehensive plan described in subsection (a), each
11 State educational agency, where applicable through
12 its local educational agencies, retains the flexibility
13 to determine the activities to be provided with funds
14 made available under this subpart, except that such
15 funds first shall be used to meet the identified needs
16 of migratory children that result from their migra-
17 tory lifestyle, and to permit these children to partici-
18 pate effectively in school.

19 “(2) UNADDRESSED NEEDS.—Funds provided
20 under this subpart shall be used to address the
21 needs of migratory children that are not addressed
22 by services available from other Federal or non-Fed-
23 eral programs, except that migratory children who
24 are eligible to receive services under subpart 1 may
25 receive those services through funds provided under

1 that subpart, or through funds under this subpart
2 that remain after the agency addresses the needs de-
3 scribed in paragraph (1).

4 “(3) CONSTRUCTION.—Nothing in this subpart
5 shall be construed to prohibit a local educational
6 agency from serving migratory children simulta-
7 neously with students with similar educational needs
8 in the same educational settings, where appropriate.

9 **“SEC. 1137. BYPASS.**

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

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

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

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

22 **“SEC. 1138. COORDINATION OF MIGRATORY EDUCATION**
23 **ACTIVITIES.**

24 “(a) IMPROVEMENT OF COORDINATION.—

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

11 “(2) DURATION.—Grants or contracts under
12 this subsection may be awarded for not more than
13 5 years.

14 “(b) STUDENT RECORDS.—

15 “(1) ASSISTANCE.—The Secretary shall assist
16 States in developing and maintaining an effective
17 system for the electronic transfer of student records
18 and in determining the number of migratory chil-
19 dren in each State.

20 “(2) INFORMATION SYSTEM.—

21 “(A) IN GENERAL.—The Secretary, in con-
22 sultation with the States, shall ensure the link-
23 age of migratory student record systems for the
24 purpose of electronically exchanging, among the
25 States, health and educational information re-

1 garding all migratory students. The Secretary
2 shall ensure such linkage occurs in a cost-effec-
3 tive manner, utilizing systems used by the
4 States prior to, or developed after, the date of
5 the enactment of this Act. The Secretary shall
6 determine the minimum data elements that
7 each State receiving funds under this subpart
8 shall collect and maintain. Such minimum data
9 elements may include—

10 “(i) immunization records and other
11 health information;

12 “(ii) elementary and secondary aca-
13 demic history (including partial credit),
14 credit accrual, and results from State as-
15 sessments required under section
16 1111(b)(2);

17 “(iii) other academic information es-
18 sential to ensuring that migratory children
19 achieve to the States’s academic standards;
20 and

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

24 “(B) The Secretary shall consult with
25 States before updating the data elements that

1 each State receiving funds under this subpart
2 shall be required to collect for purposes of elec-
3 tronic transfer of migratory student information
4 and the requirements that States shall meet for
5 immediate electronic access to such information.

6 “(3) NO COST FOR CERTAIN TRANSFERS.—A
7 State educational agency or local educational agency
8 receiving assistance under this subpart shall make
9 student records available to another State edu-
10 cational agency or local educational agency that re-
11 quests the records at no cost to the requesting agen-
12 cy, if the request is made in order to meet the needs
13 of a migratory child.

14 “(4) REPORT TO CONGRESS.—

15 “(A) IN GENERAL.—Not later than April
16 30, 2016, the Secretary shall report to the
17 Committee on Health, Education, Labor, and
18 Pensions of the Senate and the Committee on
19 Education and the Workforce of the House of
20 Representatives the Secretary’s findings and
21 recommendations regarding the maintenance
22 and transfer of health and educational informa-
23 tion for migratory students by the States.

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

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

4 “(ii) recommendations for maintaining
5 such systems; and

6 “(iii) recommendations for improving
7 the continuity of services provided for mi-
8 gratory students.

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

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

16 **“SEC. 1139. DEFINITIONS.**

17 “As used in this subpart:

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

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

23 “(B) a public or private agency with which
24 a State educational agency or the Secretary

1 makes an arrangement to carry out a project
2 under this subpart; or

3 “(C) a State educational agency, if the
4 State educational agency operates the State’s
5 migratory education program or projects di-
6 rectly.

7 “(2) MIGRATORY CHILD.—The term ‘migratory
8 child’ means a child who is, or whose parent or
9 spouse is, a migratory agricultural worker, including
10 a migratory dairy worker, or a migratory fisher, and
11 who, in the preceding 36 months, in order to obtain,
12 or accompany such parent or spouse, in order to ob-
13 tain, temporary or seasonal employment in agricul-
14 tural or fishing work—

15 “(A) has moved from one school district to
16 another;

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

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

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

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

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

6 “(1) to improve educational services for chil-
7 dren and youth in local and State institutions for
8 neglected or delinquent children and youth so that
9 such children and youth have the opportunity to
10 meet the same State academic standards that all
11 children in the State are expected to meet;

12 “(2) to provide such children and youth with
13 the services needed to make a successful transition
14 from institutionalization to further schooling or em-
15 ployment; and

16 “(3) to prevent at-risk youth from dropping out
17 of school, and to provide dropouts, and children and
18 youth returning from correctional facilities or insti-
19 tutions for neglected or delinquent children and
20 youth, with a support system to ensure their contin-
21 ued education.

22 “(b) PROGRAM AUTHORIZED.—From amounts ap-
23 propriated under section 3(a)(1), the Secretary shall re-
24 serve 0.31 of one percent to carry out this subpart.

25 “(c) GRANTS AWARDED.—From the amounts re-
26 served under subsection (b) and not reserved under section

1 1004 and section 1159, the Secretary shall make grants
2 to State educational agencies that have plans submitted
3 under section 1154 approved to enable such agencies to
4 award subgrants to State agencies and local educational
5 agencies to establish or improve programs of education for
6 neglected, delinquent, or at-risk children and youth.

7 **“SEC. 1142. PAYMENTS FOR PROGRAMS UNDER THIS SUB-**
8 **PART.**

9 “(a) AGENCY SUBGRANTS.—Based on the allocation
10 amount computed under section 1152, the Secretary shall
11 allocate to each State educational agency an amount nec-
12 essary to make subgrants to State agencies under chapter
13 A.

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

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

21 **“SEC. 1151. ELIGIBILITY.**

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

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

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

5 “(3) in adult correctional institutions.

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

7 “(a) SUBGRANTS TO STATE AGENCIES.—

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

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

16 “(i) are enrolled for at least 15 hours
17 per week in education programs in adult
18 correctional institutions; and

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

21 “(I) in education programs in in-
22 stitutions for neglected or delinquent
23 children and youth; or

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

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

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

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

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

21 “(b) SUBGRANTS TO STATE AGENCIES IN PUERTO
22 RICO.—

23 “(1) IN GENERAL.—For each fiscal year, the
24 amount of the subgrant which a State agency in the
25 Commonwealth of Puerto Rico shall be eligible to re-

1 ceive under this chapter shall be the amount deter-
2 mined by multiplying the number of children count-
3 ed under subsection (a)(1)(A) for the Common-
4 wealth of Puerto Rico by the product of—

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

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

11 “(2) MINIMUM PERCENTAGE.—The percentage
12 in paragraph (1)(A) shall not be less than 85 per-
13 cent.

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

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

21 “If a State educational agency determines that a
22 State agency does not need the full amount of the
23 subgrant for which such State agency is eligible under this
24 chapter for any fiscal year, the State educational agency
25 may reallocate the amount that will not be needed to other

1 eligible State agencies that need additional funds to carry
2 out the purpose of this chapter, in such amounts as the
3 State educational agency shall determine.

4 **“SEC. 1154. STATE PLAN AND STATE AGENCY APPLICA-**
5 **TIONS.**

6 “(a) STATE PLAN.—

7 “(1) IN GENERAL.—Each State educational
8 agency that desires to receive a grant under this
9 chapter shall submit, for approval by the Secretary,
10 a plan—

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

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

17 “(C) that is integrated with other pro-
18 grams under this Act or other Acts, as appro-
19 priate.

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

21 “(A) describe how the State will assess the
22 effectiveness of the program in improving the
23 academic, career, and technical skills of chil-
24 dren in the program;

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

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

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

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

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

17 “(iii) ensure that the State agencies
18 receiving subgrants under this chapter
19 comply with all applicable statutory and
20 regulatory requirements.

21 “(3) DURATION OF THE PLAN.—Each such
22 State plan shall—

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

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

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

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

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

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

16 “(1) describes the procedures to be used, con-
17 sistent with the State plan under section 1111, to
18 assess the educational needs of the children to be
19 served under this chapter;

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

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

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

6 “(5) describes how the State agency will consult
7 with experts and provide the necessary training for
8 appropriate staff, to ensure that the planning and
9 operation of institution-wide projects under section
10 1156 are of high quality;

11 “(6) describes how the programs will be coordi-
12 nated with other appropriate State and Federal pro-
13 grams, such as programs under title I of Public Law
14 105–220, career and technical education programs,
15 State and local dropout prevention programs, and
16 special education programs;

17 “(7) describes how the State agency will en-
18 courage correctional facilities receiving funds under
19 this chapter to coordinate with local educational
20 agencies or alternative education programs attended
21 by incarcerated children and youth prior to and after
22 their incarceration to ensure that student assess-
23 ments and appropriate academic records are shared
24 jointly between the correctional facility and the local
25 educational agency or alternative education program;

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

4 “(9) designates an individual in each affected
5 correctional facility or institution for neglected or
6 delinquent children and youth to be responsible for
7 issues relating to the transition of such children and
8 youth from such facility or institution to locally op-
9 erated programs;

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

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

19 “(12) provides assurances that the State agency
20 will work with parents to secure parents’ assistance
21 in improving the educational achievement of their
22 children and youth, and preventing their children’s
23 and youth’s further involvement in delinquent activi-
24 ties;

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

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

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

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

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

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

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

15 **“SEC. 1155. USE OF FUNDS.**

16 “(a) USES.—

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

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

22 “(B) concentrate on providing participants
23 with the knowledge and skills needed to make
24 a successful transition to secondary school com-
25 pletion, career and technical education, further

1 education, or employment without the need for
2 remediation.

3 “(2) PROGRAMS AND PROJECTS.—Such pro-
4 grams and projects—

5 “(A) may include the acquisition of equip-
6 ment;

7 “(B) shall be designed to support edu-
8 cational services that—

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

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

19 “(iii) afford such children and youth
20 an opportunity to meet State academic
21 standards; and

22 “(C) shall be carried out in a manner con-
23 sistent with section 1120A and part C (as ap-
24 plied to programs and projects under this chap-
25 ter).

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

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

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

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

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

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

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

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

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

20 “(7) describes how the agency has planned, and
21 will implement and evaluate, the institution-wide or
22 program-wide project in consultation with personnel
23 providing direct instructional services and support
24 services in institutions or community day programs
25 for neglected or delinquent children and youth, and

1 with personnel from the State educational agency;
2 and

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

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

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

15 **“SEC. 1158. TRANSITION SERVICES.**

16 “(a) **TRANSITION SERVICES.**—Each State agency
17 shall reserve not less than 15 percent and not more than
18 30 percent of the amount such agency receives under this
19 chapter for any fiscal year to support—

20 “(1) projects that facilitate the transition of
21 children and youth from State-operated institutions
22 to schools served by local educational agencies; or

23 “(2) the successful re-entry of youth offenders,
24 who are age 20 or younger and have received a reg-
25 ular high school diploma or its recognized equiva-

1 lent, into postsecondary education, or career and
2 technical training programs, through strategies de-
3 signed to expose the youth to, and prepare the youth
4 for, postsecondary education, or career and technical
5 training programs, such as—

6 “(A) preplacement programs that allow ad-
7 judicated or incarcerated youth to audit or at-
8 tend courses on college, university, or commu-
9 nity college campuses, or through programs
10 provided in institutional settings;

11 “(B) worksite schools, in which institutions
12 of higher education and private or public em-
13 ployers partner to create programs to help stu-
14 dents make a successful transition to postsec-
15 ondary education and employment; and

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

18 “(i) personal, career and technical,
19 and academic counseling;

20 “(ii) placement services designed to
21 place the youth in a university, college, or
22 junior college program;

23 “(iii) information concerning, and as-
24 sistance in obtaining, available student fi-
25 nancial aid;

1 “(iv) counseling services; and

2 “(v) job placement services.

3 “(b) CONDUCT OF PROJECTS.—A project supported
4 under this section may be conducted directly by the State
5 agency, or through a contract or other arrangement with
6 one or more local educational agencies, other public agen-
7 cies, or private organizations.

8 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion shall be construed to prohibit a school that receives
10 funds under subsection (a) from serving neglected and de-
11 linquent children and youth simultaneously with students
12 with similar educational needs, in the same educational
13 settings where appropriate.

14 **“SEC. 1159. TECHNICAL ASSISTANCE.**

15 “The Secretary shall reserve not more than 1 percent
16 of the amount reserved under section 1141 to provide
17 technical assistance to and support State agency programs
18 assisted under this chapter.

19 **“CHAPTER B—LOCAL AGENCY PROGRAMS**

20 **“SEC. 1161. PURPOSE.**

21 “The purpose of this chapter is to support the oper-
22 ation of local educational agency programs that involve
23 collaboration with locally operated correctional facilities—

24 “(1) to carry out high quality education pro-
25 grams to prepare children and youth for secondary

1 school completion, training, employment, or further
2 education;

3 “(2) to provide activities to facilitate the transi-
4 tion of such children and youth from the correctional
5 program to further education or employment; and

6 “(3) to operate programs in local schools for
7 children and youth returning from correctional facili-
8 ties, and programs which may serve at-risk children
9 and youth.

10 **“SEC. 1162. PROGRAMS OPERATED BY LOCAL EDU-
11 CATIONAL AGENCIES.**

12 “(a) LOCAL SUBGRANTS.—With funds made avail-
13 able under section 1142(b), the State educational agency
14 shall award subgrants to local educational agencies with
15 high numbers or percentages of children and youth resid-
16 ing in locally operated (including county operated) correc-
17 tional facilities for children and youth (including facilities
18 involved in community day programs).

19 “(b) SPECIAL RULE.—A local educational agency
20 that serves a school operated by a correctional facility is
21 not required to operate a program of support for children
22 and youth returning from such school to a school that is
23 not operated by a correctional agency but served by such
24 local educational agency, if more than 30 percent of the
25 children and youth attending the school operated by the

1 correctional facility will reside outside the boundaries
2 served by the local educational agency after leaving such
3 facility.

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

8 “(d) TRANSITIONAL AND ACADEMIC SERVICES.—
9 Transitional and supportive programs operated in local
10 educational agencies under this chapter shall be designed
11 primarily to meet the transitional and academic needs of
12 students returning to local educational agencies or alter-
13 native education programs from correctional facilities.
14 Services to students at-risk of dropping out of school shall
15 not have a negative impact on meeting the transitional and
16 academic needs of the students returning from correc-
17 tional facilities.

18 **“SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

19 “Each local educational agency desiring assistance
20 under this chapter shall submit an application to the State
21 educational agency that contains such information as the
22 State educational agency may require. Each such applica-
23 tion shall include—

24 “(1) a description of the program to be as-
25 sisted;

1 “(2) a description of formal agreements, re-
2 garding the program to be assisted, between—

3 “(A) the local educational agency; and

4 “(B) correctional facilities and alternative
5 school programs serving children and youth in-
6 volved with the juvenile justice system;

7 “(3) as appropriate, a description of how par-
8 ticipating schools will coordinate with facilities work-
9 ing with delinquent children and youth to ensure
10 that such children and youth are participating in an
11 education program comparable to one operating in
12 the local school such youth would attend;

13 “(4) a description of the program operated by
14 participating schools for children and youth return-
15 ing from correctional facilities and, as appropriate,
16 the types of services that such schools will provide
17 such children and youth and other at-risk children
18 and youth;

19 “(5) a description of the characteristics (includ-
20 ing learning difficulties, substance abuse problems,
21 and other needs) of the children and youth who will
22 be returning from correctional facilities and, as ap-
23 propriate, other at-risk children and youth expected
24 to be served by the program, and a description of
25 how the school will coordinate existing educational

1 programs to meet the unique educational needs of
2 such children and youth;

3 “(6) as appropriate, a description of how
4 schools will coordinate with existing social, health,
5 and other services to meet the needs of students re-
6 turning from correctional facilities and at-risk chil-
7 dren or youth, including prenatal health care and
8 nutrition services related to the health of the parent
9 and the child or youth, parenting and child develop-
10 ment classes, child care, targeted reentry and out-
11 reach programs, referrals to community resources,
12 and scheduling flexibility;

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

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

22 “(9) a description of how the program under
23 this chapter will be coordinated with other Federal,
24 State, and local programs, such as programs under
25 title I of Public Law 105–220 and career and tech-

1 nical education programs serving at-risk children
2 and youth;

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

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

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

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

21 **“SEC. 1164. USES OF FUNDS.**

22 “(a) IN GENERAL.—Funds provided to local edu-
23 cational agencies under this chapter may be used, as ap-
24 propriate, for—

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

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

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

14 “(4) special programs to meet the unique aca-
15 demic needs of participating children and youth, in-
16 cluding career and technical education, special edu-
17 cation, career counseling, curriculum-based youth
18 entrepreneurship education, and assistance in secur-
19 ing student loans or grants for postsecondary edu-
20 cation; and

21 “(5) programs providing mentoring and peer
22 mediation.

23 “(b) CONTRACTS AND GRANTS.—A local educational
24 agency may use a grant received under this chapter to
25 carry out the activities described under paragraphs (1)

1 through (5) of subsection (a) directly or through grants,
2 contracts, or cooperative agreements.

3 **“SEC. 1165. PROGRAM REQUIREMENTS FOR CORREC-**
4 **TIONAL FACILITIES RECEIVING FUNDS**
5 **UNDER THIS SECTION.**

6 “Each correctional facility entering into an agree-
7 ment with a local educational agency under section
8 1163(2) to provide services to children and youth under
9 this chapter shall—

10 “(1) where feasible, ensure that educational
11 programs in the correctional facility are coordinated
12 with the student’s home school, particularly with re-
13 spect to a student with an individualized education
14 program under part B of the Individuals with Dis-
15 abilities Education Act;

16 “(2) if the child or youth is identified as in
17 need of special education services while in the cor-
18 rectional facility, notify the local school of the child
19 or youth of such need;

20 “(3) where feasible, provide transition assist-
21 ance to help the child or youth stay in school, in-
22 cluding coordination of services for the family, coun-
23 seling, assistance in accessing drug and alcohol
24 abuse prevention programs, tutoring, and family
25 counseling;

1 “(4) provide support programs that encourage
2 children and youth who have dropped out of school
3 to re-enter school and obtain a regular high school
4 diploma once their term at the correctional facility
5 has been completed, or provide such children and
6 youth with the skills necessary to gain employment
7 or seek a regular high school diploma or its recog-
8 nized equivalent;

9 “(5) work to ensure that the correctional facil-
10 ity is staffed with effective teachers and other quali-
11 fied staff who are trained to work with children and
12 youth with disabilities taking into consideration the
13 unique needs of such children and youth;

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

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

20 “(8) where feasible, involve parents in efforts to
21 improve the educational achievement of their chil-
22 dren and prevent the further involvement of such
23 children in delinquent activities;

24 “(9) coordinate funds received under this chap-
25 ter with other local, State, and Federal funds avail-

1 able to provide services to participating children and
2 youth, such as funds made available under title I of
3 Public Law 105–220, and career and technical edu-
4 cation funds;

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

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

13 “(12) consult with the local educational agency
14 for a period jointly determined necessary by the cor-
15 rectional facility and local educational agency upon
16 discharge from that facility to coordinate educational
17 services so as to minimize disruption to the child’s
18 or youth’s achievement.

19 **“SEC. 1166. ACCOUNTABILITY.**

20 “The State educational agency—

21 “(1) may require correctional facilities or insti-
22 tutions for neglected or delinquent children and
23 youth to demonstrate, after receiving assistance
24 under this chapter for 3 years, that there has been
25 an increase in the number of children and youth re-

1 turning to school, obtaining a regular high school di-
2 ploma or its recognized equivalent, or obtaining em-
3 ployment after such children and youth are released;
4 and

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

10 **“CHAPTER C—GENERAL PROVISIONS**

11 **“SEC. 1171. PROGRAM EVALUATIONS.**

12 “(a) SCOPE OF EVALUATION.—Each State agency or
13 local educational agency that conducts a program under
14 chapter A or B shall evaluate the program, disaggregating
15 data on participation by gender, race, ethnicity, and age,
16 while protecting individual student privacy, not less than
17 once every 3 years, to determine the program’s impact on
18 the ability of participants—

19 “(1) to maintain and improve educational
20 achievement;

21 “(2) to accrue school credits that meet State re-
22 quirements for grade promotion and high school
23 graduation;

1 “(3) to make the transition to a regular pro-
2 gram or other education program operated by a local
3 educational agency;

4 “(4) to complete high school (or high school
5 equivalency requirements) and obtain employment
6 after leaving the correctional facility or institution
7 for neglected or delinquent children and youth; and

8 “(5) as appropriate, to participate in postsec-
9 ondary education and job training programs.

10 “(b) EXCEPTION.—The disaggregation required
11 under subsection (a) shall not be required in a case in
12 which the number of students in a category is insufficient
13 to yield statistically reliable information or the results
14 would reveal personally identifiable information about an
15 individual student.

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

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

22 “(1) submit evaluation results to the State edu-
23 cational agency and the Secretary; and

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

4 **“SEC. 1172. DEFINITIONS.**

5 “In this subpart:

6 “(1) ADULT CORRECTIONAL INSTITUTION.—
7 The term ‘adult correctional institution’ means a fa-
8 cility in which persons (including persons under 21
9 years of age) are confined as a result of a conviction
10 for a criminal offense.

11 “(2) AT-RISK.—The term ‘at-risk’, when used
12 with respect to a child, youth, or student, means a
13 school-aged individual who—

14 “(A) is at-risk of academic failure; and

15 “(B) has a drug or alcohol problem, is
16 pregnant or is a parent, has come into contact
17 with the juvenile justice system in the past, is
18 at least 1 year behind the expected grade level
19 for the age of the individual, is an English
20 learner, is a gang member, has dropped out of
21 school in the past, or has a high absenteeism
22 rate at school.

23 “(3) COMMUNITY DAY PROGRAM.—The term
24 ‘community day program’ means a regular program
25 of instruction provided by a State agency at a com-

1 munity day school operated specifically for neglected
2 or delinquent children and youth.

3 “(4) INSTITUTION FOR NEGLECTED OR DELIN-
4 QUENT CHILDREN AND YOUTH.—The term ‘institu-
5 tion for neglected or delinquent children and youth’
6 means—

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

14 “(B) a public or private residential facility
15 for the care of children who have been adju-
16 dicated to be delinquent or in need of super-
17 vision.

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

20 **“SEC. 1181. PURPOSES.**

21 “The purposes of this subpart are—

22 “(1) to help ensure that English learners, in-
23 cluding immigrant children and youth, attain
24 English proficiency and develop high levels of aca-
25 demic achievement in English;

1 “(2) to assist all English learners, including im-
2 migrant children and youth, to achieve at high levels
3 so that those children can meet the same State aca-
4 demic standards that all children are expected to
5 meet, consistent with section 1111(b)(1);

6 “(3) to assist State educational agencies, local
7 educational agencies, and schools in establishing, im-
8 plementing, and sustaining high-quality, flexible, evi-
9 dence-based language instruction educational pro-
10 grams designed to assist in teaching English learn-
11 ers, including immigrant children and youth;

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

18 “(5) to promote parental and community par-
19 ticipation in language instruction educational pro-
20 grams for the parents and communities of English
21 learners.

1 **“CHAPTER A—GRANTS AND SUBGRANTS**
2 **FOR ENGLISH LANGUAGE ACQUI-**
3 **SION AND LANGUAGE ENHANCEMENT**

4 **“SEC. 1191. FORMULA GRANTS TO STATES.**

5 “(a) IN GENERAL.—In the case of each State edu-
6 cational agency having a plan approved by the Secretary
7 for a fiscal year under section 1192, the Secretary shall
8 reserve 4.6 percent of funds appropriated under section
9 3(a)(1) to make a grant for the year to the agency for
10 the purposes specified in subsection (b). The grant shall
11 consist of the allotment determined for the State edu-
12 cational agency under subsection (c).

13 “(b) USE OF FUNDS.—

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

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

24 “(B) to award subgrants under section
25 1193(d)(1) to eligible entities that are described

1 in that section to carry out the activities de-
2 scribed in section 1194(e).

3 “(2) STATE ACTIVITIES.—Subject to paragraph
4 (3), each State educational agency receiving a grant
5 under subsection (a) may reserve not more than 5
6 percent of the agency’s allotment under subsection
7 (c) to carry out the following activities:

8 “(A) Professional development activities,
9 and other activities, which may include assisting
10 personnel in—

11 “(i) meeting State and local certifi-
12 cation and licensing requirements for
13 teaching English learners; and

14 “(ii) improving teacher skills in meet-
15 ing the diverse needs of English learners,
16 including in how to implement evidence-
17 based programs and curricula on teaching
18 English learners.

19 “(B) Planning, evaluation, administration,
20 and interagency coordination related to the sub-
21 grants referred to in paragraph (1).

22 “(C) Providing technical assistance and
23 other forms of assistance to eligible entities that
24 are receiving subgrants from a State edu-

1 cational agency under this chapter, including
2 assistance in—

3 “(i) identifying and implementing evi-
4 dence-based language instruction edu-
5 cational programs and curricula for teach-
6 ing English learners;

7 “(ii) helping English learners meet
8 the same State academic standards that all
9 children are expected to meet;

10 “(iii) identifying or developing, and
11 implementing, measures of English pro-
12 ficiency; and

13 “(iv) strengthening and increasing
14 parent, family, and community engage-
15 ment.

16 “(D) Providing recognition, which may in-
17 clude providing financial awards, to subgrantees
18 that have significantly improved the achieve-
19 ment and progress of English learners in—

20 “(i) reaching English language pro-
21 ficiency, based on the State’s English lan-
22 guage proficiency assessment under section
23 1111(b)(2)(D); and

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

1 “(3) ADMINISTRATIVE EXPENSES.—From the
2 amount reserved under paragraph (2), a State edu-
3 cational agency may use not more than 40 percent
4 of such amount or \$175,000, whichever is greater,
5 for the planning and administrative costs of carrying
6 out paragraphs (1) and (2).

7 “(c) RESERVATIONS AND ALLOTMENTS.—

8 “(1) RESERVATIONS.—From the amount re-
9 served under section 1191(a) for each fiscal year,
10 the Secretary shall reserve—

11 “(A) 0.5 percent of such amount for pay-
12 ments to outlying areas, to be allotted in ac-
13 cordance with their respective needs for assist-
14 ance under this chapter, as determined by the
15 Secretary, for activities, approved by the Sec-
16 retary, consistent with this chapter; and

17 “(B) 6.5 percent of such amount for na-
18 tional activities under sections 1211 and 1222,
19 except that not more than \$2,000,000 of such
20 amount may be reserved for the National Clear-
21 ingshouse for English Language Acquisition and
22 Language Instruction Educational Programs
23 described in section 1222.

24 “(2) STATE ALLOTMENTS.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), from the amount reserved
3 under section 1191(a) for each fiscal year that
4 remains after making the reservations under
5 paragraph (1), the Secretary shall allot to each
6 State educational agency having a plan ap-
7 proved under section 1192(c)—

8 “(i) an amount that bears the same
9 relationship to 80 percent of the remainder
10 as the number of English learners in the
11 State bears to the number of such children
12 in all States, as determined by data avail-
13 able from the American Community Survey
14 conducted by the Department of Commerce
15 or State-reported data; and

16 “(ii) an amount that bears the same
17 relationship to 20 percent of the remainder
18 as the number of immigrant children and
19 youth in the State bears to the number of
20 such children and youth in all States, as
21 determined based only on data available
22 from the American Community Survey
23 conducted by the Department of Com-
24 merce.

1 “(B) MINIMUM ALLOTMENTS.—No State
2 educational agency shall receive an allotment
3 under this paragraph that is less than
4 \$500,000.

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

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

21 “(3) USE OF DATA FOR DETERMINATIONS.—In
22 making State allotments under paragraph (2) for
23 each fiscal year, the Secretary shall determine the
24 number of English learners in a State and in all

1 States, using the most accurate, up-to-date data,
2 which shall be—

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

6 “(B) the number of students being as-
7 sessed for English language proficiency, based
8 on the State’s English language proficiency as-
9 sessment under section 1111(b)(2)(D), which
10 may be multiyear estimates; or

11 “(C) a combination of data available under
12 subparagraphs (A) and (B).

13 **“SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.**

14 “(a) **FILING FOR SUBGRANTS.**—Each State edu-
15 cational agency desiring a grant under this chapter shall
16 submit a plan to the Secretary at such time and in such
17 manner as the Secretary may require.

18 “(b) **CONTENTS.**—Each plan submitted under sub-
19 section (a) shall—

20 “(1) describe the process that the agency will
21 use in awarding subgrants to eligible entities under
22 section 1193(d)(1);

23 “(2) provide an assurance that—

24 “(A) the agency will ensure that eligible
25 entities receiving a subgrant under this chapter

1 comply with the requirement in section
2 1111(b)(2)(B)(x) to annually assess in English
3 learners who have been in the United States for
4 3 or more consecutive years;

5 “(B) the agency will ensure that eligible
6 entities receiving a subgrant under this chapter
7 annually assess the English proficiency of all
8 English learners participating in a program
9 funded under this chapter, consistent with sec-
10 tion 1111(b)(2)(D);

11 “(C) in awarding subgrants under section
12 1193, the agency will address the needs of
13 school systems of all sizes and in all geographic
14 areas, including school systems with rural and
15 urban schools;

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

21 “(E) the agency will require an eligible en-
22 tity receiving a subgrant under this chapter to
23 use the subgrant in ways that will build such
24 recipient’s capacity to continue to offer high-
25 quality evidence-based language instruction edu-

1 cational programs that assist English learners
2 in meeting State academic standards;

3 “(F) the agency will monitor the eligible
4 entity receiving a subgrant under this chapter
5 for compliance with applicable Federal fiscal re-
6 quirements; and

7 “(G) the plan has been developed in con-
8 sultation with local educational agencies, teach-
9 ers, administrators of programs implemented
10 under this chapter, parents, and other relevant
11 stakeholders;

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

16 “(4) describe how eligible entities in the State
17 will be given the flexibility to teach English learn-
18 ers—

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

22 “(B) in the manner the eligible entities de-
23 termine to be the most effective; and

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

4 “(c) APPROVAL.—The Secretary, after using a peer
5 review process, shall approve a plan submitted under sub-
6 section (a) if the plan meets the requirements of this sec-
7 tion.

8 “(d) DURATION OF PLAN.—

9 “(1) IN GENERAL.—Each plan submitted by a
10 State educational agency and approved under sub-
11 section (c) shall—

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

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

19 “(2) ADDITIONAL INFORMATION.—

20 “(A) AMENDMENTS.—If the State edu-
21 cational agency amends the plan, the agency
22 shall submit such amendment to the Secretary.

23 “(B) APPROVAL.—The Secretary shall ap-
24 prove such amendment to an approved plan,
25 unless the Secretary determines that the

1 amendment will result in the agency not meet-
2 ing the requirements, or fulfilling the purposes,
3 of this subpart.

4 “(e) CONSOLIDATED PLAN.—A plan submitted under
5 subsection (a) may be submitted as part of a consolidated
6 plan under section 6302.

7 “(f) SECRETARY ASSISTANCE.—The Secretary shall
8 provide technical assistance, if requested by the State, in
9 the development of English proficiency standards and as-
10 sessments.

11 **“SEC. 1193. WITHIN-STATE ALLOCATIONS.**

12 “(a) IN GENERAL.—After making the reservation re-
13 quired under subsection (d)(1), each State educational
14 agency receiving a grant under section 1191(c)(2) shall
15 award subgrants for a fiscal year by allocating in a timely
16 manner to each eligible entity in the State having a plan
17 approved under section 1195 an amount that bears the
18 same relationship to the amount received under the grant
19 and remaining after making such reservation as the popu-
20 lation of English learners in schools served by the eligible
21 entity bears to the population of English learners in
22 schools served by all eligible entities in the State.

23 “(b) LIMITATION.—A State educational agency shall
24 not award a subgrant from an allocation made under sub-

1 section (a) if the amount of such subgrant would be less
2 than \$10,000.

3 “(c) REALLOCATION.—Whenever a State educational
4 agency determines that an amount from an allocation
5 made to an eligible entity under subsection (a) for a fiscal
6 year will not be used by the entity for the purpose for
7 which the allocation was made, the agency shall, in accord-
8 ance with such rules as it determines to be appropriate,
9 reallocate such amount, consistent with such subsection,
10 to other eligible entities in the State that the agency deter-
11 mines will use the amount to carry out that purpose.

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

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

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

3 “(A) shall equally consider eligible entities
4 that satisfy the requirement of such paragraph
5 but have limited or no experience in serving im-
6 migrant children and youth; and

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

11 **“SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.**

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

22 “(1) Developing and implementing new lan-
23 guage instruction educational programs and aca-
24 demic content instruction programs for English
25 learners and immigrant children and youth, includ-

1 ing programs of early childhood education, elemen-
2 tary school programs, and secondary school pro-
3 grams.

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

10 “(3) Implementing, within an individual school,
11 schoolwide programs for restructuring, reforming,
12 and upgrading all relevant programs, activities, and
13 operations relating to language instruction edu-
14 cational programs and academic content instruction
15 for English learners and immigrant children and
16 youth.

17 “(4) Implementing, within the entire jurisdic-
18 tion of a local educational agency, agencywide pro-
19 grams for restructuring, reforming, and upgrading
20 all relevant programs, activities, and operations re-
21 lating to language instruction educational programs
22 and academic content instruction for English learn-
23 ers and immigrant children and youth.

24 “(b) ADMINISTRATIVE EXPENSES.—Each eligible en-
25 tity receiving funds under section 1193(a) for a fiscal year

1 shall use not more than 2 percent of such funds for the
2 cost of administering this chapter.

3 “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-
4 ble entity receiving funds under section 1193(a) shall use
5 the funds—

6 “(1) to increase the English language pro-
7 ficiency of English learners by providing high-qual-
8 ity, evidence-based language instruction educational
9 programs that meet the needs of English learners
10 and have demonstrated success in increasing—

11 “(A) English language proficiency; and

12 “(B) student academic achievement;

13 “(2) to provide high-quality, evidence-based
14 professional development to classroom teachers (in-
15 cluding teachers in classroom settings that are not
16 the settings of language instruction educational pro-
17 grams), school leaders, administrators, and other
18 school or community-based organization personnel,
19 that is—

20 “(A) designed to improve the instruction
21 and assessment of English learners;

22 “(B) designed to enhance the ability of
23 teachers and school leaders to understand and
24 implement curricula, assessment practices and

1 measures, and instruction strategies for English
2 learners;

3 “(C) evidence-based in increasing chil-
4 dren’s English language proficiency or substan-
5 tially increasing the subject matter knowledge,
6 teaching knowledge, and teaching skills of
7 teachers; and

8 “(D) of sufficient intensity and duration
9 (which shall not include activities such as one-
10 day or short-term workshops and conferences)
11 to have a positive and lasting impact on the
12 teachers’ performance in the classroom, except
13 that this subparagraph shall not apply to an ac-
14 tivity that is one component of a long-term,
15 comprehensive professional development plan
16 established by a teacher and the teacher’s su-
17 pervisor based on an assessment of the needs of
18 the teacher, the supervisor, the students of the
19 teacher, and any local educational agency em-
20 ploying the teacher, as appropriate; and

21 “(3) to provide and implement other evidence-
22 based activities and strategies that enhance or sup-
23 plement language instruction educational programs
24 for English learners, including parental and commu-

1 nity engagement activities and strategies that serve
2 to coordinate and align related programs.

3 “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sub-
4 ject to subsection (c), an eligible entity receiving funds
5 under section 1193(a) may use the funds to achieve one
6 of the purposes described in subsection (a) by undertaking
7 one or more of the following activities:

8 “(1) Upgrading program objectives and effec-
9 tive instruction strategies.

10 “(2) Improving the instruction program for
11 English learners by identifying, acquiring, and up-
12 grading curricula, instruction materials, educational
13 software, and assessment procedures.

14 “(3) Providing to English learners—

15 “(A) tutorials and academic or career edu-
16 cation for English learners; and

17 “(B) intensified instruction.

18 “(4) Developing and implementing elementary
19 school or secondary school language instruction edu-
20 cational programs that are coordinated with other
21 relevant programs and services.

22 “(5) Improving the English language pro-
23 ficiency and academic achievement of English learn-
24 ers.

1 “(6) Providing community participation pro-
2 grams, family literacy services, and parent outreach
3 and training activities to English learners and their
4 families—

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

7 “(B) to assist parents in helping their chil-
8 dren to improve their academic achievement
9 and becoming active participants in the edu-
10 cation of their children.

11 “(7) Improving the instruction of English learn-
12 ers by providing for—

13 “(A) the acquisition or development of
14 educational technology or instructional mate-
15 rials;

16 “(B) access to, and participation in, elec-
17 tronic networks for materials, training, and
18 communication; and

19 “(C) incorporation of the resources de-
20 scribed in subparagraphs (A) and (B) into cur-
21 ricula and programs, such as those funded
22 under this chapter.

23 “(8) Carrying out other activities that are con-
24 sistent with the purposes of this section.

1 “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-
2 STANTIAL INCREASES IN IMMIGRANT CHILDREN AND
3 YOUTH.—

4 “(1) IN GENERAL.—An eligible entity receiving
5 funds under section 1193(d)(1) shall use the funds
6 to pay for activities that provide enhanced instruc-
7 tional opportunities for immigrant children and
8 youth, which may include—

9 “(A) family literacy, parent outreach, and
10 training activities designed to assist parents to
11 become active participants in the education of
12 their children;

13 “(B) support for personnel, including para-
14 professionals who have been specifically trained,
15 or are being trained, to provide services to im-
16 migrant children and youth;

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

20 “(D) identification, development, and ac-
21 quisition of curricular materials, educational
22 software, and technologies to be used in the
23 program carried out with awarded funds;

24 “(E) basic instruction services that are di-
25 rectly attributable to the presence in the local

1 educational agency involved of immigrant chil-
2 dren and youth, including the payment of costs
3 of providing additional classroom supplies, costs
4 of transportation, or such other costs as are di-
5 rectly attributable to such additional basic in-
6 struction services;

7 “(F) other instruction services that are de-
8 signed to assist immigrant children and youth
9 to achieve in elementary schools and secondary
10 schools in the United States, such as programs
11 of introduction to the educational system and
12 civics education; and

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

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

24 “(f) SELECTION OF METHOD OF INSTRUCTION.—

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

8 “(2) CONSISTENCY.—Such selection shall be
9 consistent with sections 1204 through 1206.

10 “(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds
11 made available under this chapter shall be used so as to
12 supplement the level of Federal, State, and local public
13 funds that, in the absence of such availability, would have
14 been expended for programs for English learners and im-
15 migrant children and youth and in no case to supplant
16 such Federal, State, and local public funds.

17 **“SEC. 1195. LOCAL PLANS.**

18 “(a) FILING FOR SUBGRANTS.—Each eligible entity
19 desiring a subgrant from the State educational agency
20 under section 1193 shall submit a plan to the State edu-
21 cational agency at such time, in such manner, and con-
22 taining such information as the State educational agency
23 may require.

24 “(b) CONTENTS.—Each plan submitted under sub-
25 section (a) shall—

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

6 “(2) describe how the eligible entity will hold el-
7 ementary schools and secondary schools receiving
8 funds under this chapter accountable for annually
9 assessing the English language proficiency of all
10 children participating under this subpart, consistent
11 with section 1111(b);

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

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

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

25 “(6) contain assurances that—

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

5 “(B) the eligible entity is not in violation
6 of any State law, including State constitutional
7 law, regarding the education of English learn-
8 ers, consistent with sections 1205 and 1206.

9 “(c) **TEACHER ENGLISH FLUENCY.**—Each eligible
10 entity receiving a subgrant under section 1193 shall in-
11 clude in its plan a certification that all teachers in any
12 language instruction educational program for English
13 learners that is, or will be, funded under this subpart are
14 fluent in English and any other language used for instruc-
15 tion, including having written and oral communications
16 skills.

17 **“CHAPTER B—ADMINISTRATION**

18 **“SEC. 1201. REPORTING.**

19 “(a) **IN GENERAL.**—Each eligible entity that receives
20 a subgrant from a State educational agency under chapter
21 A shall provide such agency, at the conclusion of every
22 second fiscal year during which the subgrant is received,
23 with a report, in a form prescribed by the agency, on the
24 activities conducted and students served under this sub-
25 part that includes—

1 “(1) a description of the programs and activi-
2 ties conducted by the entity with funds received
3 under chapter A during the two immediately pre-
4 ceding fiscal years, including how such programs
5 and activities supplemented programs funded pri-
6 marily with State or local funds;

7 “(2) a description of the progress made by
8 English learners in learning the English language
9 and in meeting State academic standards;

10 “(3) the number and percentage of English
11 learners in the programs and activities attaining
12 English language proficiency based on the State
13 English language proficiency standards established
14 under section 1111(b)(1)(E) by the end of each
15 school year, as determined by the State’s English
16 language proficiency assessment under section
17 1111(b)(2)(D);

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

23 “(5) a description of the progress made by
24 English learners in meeting the State academic

1 standards for each of the 2 years after such children
2 are no longer receiving services under this subpart;

3 “(6) the number and percentage of English
4 learners who have not attained English language
5 proficiency within five years of initial classification
6 as an English learner and first enrollment in the
7 local educational agency; and

8 “(7) any such other information as the State
9 educational agency may require.

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

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

16 “(A) to attain English language pro-
17 ficiency; and

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

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

1 **“SEC. 1202. ANNUAL REPORT.**

2 “(a) STATES.—Based upon the reports provided to
3 a State educational agency under section 1201, each such
4 agency that receives a grant under this subpart shall pre-
5 pare and submit annually to the Secretary a report on pro-
6 grams and activities carried out by the State educational
7 agency under this subpart and the effectiveness of such
8 programs and activities in improving the education pro-
9 vided to English learners.

10 “(b) SECRETARY.—Annually, the Secretary shall pre-
11 pare and submit to the Committee on Education and the
12 Workforce of the House of Representatives and the Com-
13 mittee on Health, Education, Labor, and Pensions of the
14 Senate a report—

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

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

24 “(3) containing a critical synthesis of data re-
25 ported by eligible entities to States under section
26 1201(a);

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

4 “(5) containing an estimate of the number of
5 effective teachers working in language instruction
6 educational programs and educating English learn-
7 ers, and an estimate of the number of such teachers
8 that will be needed for the succeeding 5 fiscal years;

9 “(6) containing the number of programs or ac-
10 tivities, if any, that were terminated because the en-
11 tities carrying out the programs or activities were
12 not able to reach program goals;

13 “(7) containing the number of English learners
14 served by eligible entities receiving funding under
15 this subpart who were transitioned out of language
16 instruction educational programs funded under this
17 subpart into classrooms where instruction is not tai-
18 lored for English learners; and

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

22 **“SEC. 1203. COORDINATION WITH RELATED PROGRAMS.**

23 “In order to maximize Federal efforts aimed at serv-
24 ing the educational needs of English learners, the Sec-
25 retary shall coordinate and ensure close cooperation with

1 other entities carrying out programs serving language-mi-
2 nority and English learners that are administered by the
3 Department and other agencies. The Secretary shall re-
4 port to the Congress on parallel Federal programs in other
5 agencies and departments.

6 **“SEC. 1204. RULES OF CONSTRUCTION.**

7 “Nothing in this subpart shall be construed—

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

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

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

18 **“SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.**

19 “Nothing in this subpart shall be construed to negate
20 or supersede State law, or the legal authority under State
21 law of any State agency, State entity, or State public offi-
22 cial, over programs that are under the jurisdiction of the
23 State agency, entity, or official.

1 **“SEC. 1206. CIVIL RIGHTS.**

2 “Nothing in this subpart shall be construed in a man-
3 ner inconsistent with any Federal law guaranteeing a civil
4 right.

5 **“SEC. 1207. PROHIBITION.**

6 “In carrying out this subpart, the Secretary shall nei-
7 ther mandate nor preclude the use of a particular cur-
8 ricular or pedagogical approach to educating English
9 learners.

10 **“SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND**
11 **PUERTO RICO.**

12 “Notwithstanding any other provision of this subpart,
13 programs authorized under this subpart that serve Native
14 American (including Native American Pacific Islander)
15 children and children in the Commonwealth of Puerto Rico
16 may include programs of instruction, teacher training,
17 curriculum development, evaluation, and assessment de-
18 signed for Native American children learning and studying
19 Native American languages and children of limited Span-
20 ish proficiency, except that an outcome of programs serv-
21 ing such children shall be increased English proficiency
22 among such children.

1 **“CHAPTER C—NATIONAL ACTIVITIES**

2 **“SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT**
3 **PROJECT.**

4 “The Secretary shall use funds made available under
5 section 1191(e)(1)(B) to award grants on a competitive
6 basis, for a period of not more than 5 years, to institutions
7 of higher education or public or private organizations with
8 relevant experience and capacity (in consortia with State
9 educational agencies or local educational agencies) to pro-
10 vide for professional development activities that will im-
11 prove classroom instruction for English learners and assist
12 educational personnel working with such children to meet
13 high professional standards, including standards for cer-
14 tification and licensure as teachers who work in language
15 instruction educational programs or serve English learn-
16 ers. Grants awarded under this subsection may be used—

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

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

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

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

7 **“CHAPTER D—GENERAL PROVISIONS**

8 **“SEC. 1221. DEFINITIONS.**

9 “Except as otherwise provided, in this subpart:

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

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

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

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

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

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

8 “(A) are age 3 through 21;

9 “(B) were not born in any State; and

10 “(C) have not been attending one or more
11 schools in any one or more States for more
12 than 3 full academic years.

13 “(5) INDIAN TRIBE.—The term ‘Indian tribe’
14 means any Indian tribe, band, nation, or other orga-
15 nized group or community, including any Native vil-
16 lage or Regional Corporation or Village Corporation
17 as defined in or established pursuant to the Alaska
18 Native Claims Settlement Act, that is recognized as
19 eligible for the special programs and services pro-
20 vided by the United States to Indians because of
21 their status as Indians.

22 “(6) LANGUAGE INSTRUCTION EDUCATIONAL
23 PROGRAM.—The term ‘language instruction edu-
24 cational program’ means an instruction course—

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

6 “(B) that may make instructional use of
7 both English and a child’s native language to
8 enable the child to develop and attain English
9 language proficiency, and may include the par-
10 ticipation of English language proficient chil-
11 dren if such course is designed to enable all
12 participating children to become proficient in
13 English and a second language.

14 “(7) NATIVE LANGUAGE.—The term ‘native
15 language’, when used with reference to English
16 learner, means—

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

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

22 “(8) PARAPROFESSIONAL.—The term ‘para-
23 professional’ means an individual who is employed in
24 a preschool, elementary school, or secondary school
25 under the supervision of a certified or licensed teach-

1 er, including individuals employed in language in-
2 struction educational programs, special education,
3 and migratory education.

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

7 **“SEC. 1222. NATIONAL CLEARINGHOUSE.**

8 “(a) IN GENERAL.—The Secretary shall establish
9 and support the operation of a National Clearinghouse for
10 English Language Acquisition and Language Instruction
11 Educational Programs, which shall collect, analyze, syn-
12 thesize, and disseminate information about language in-
13 struction educational programs for English learners, and
14 related programs. The National Clearinghouse shall—

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

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

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

25 “(4) collect and disseminate information on—

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

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

10 “(5) publish, on an annual basis, a list of grant
11 recipients under this subpart.

12 “(b) CONSTRUCTION.—Nothing in this section shall
13 authorize the Secretary to hire new personnel to execute
14 subsection (a).

15 **“SEC. 1223. REGULATIONS.**

16 “‘In developing regulations under this subpart, the
17 Secretary shall consult with State educational agencies
18 and local educational agencies, organizations representing
19 English learners, and organizations representing teachers
20 and other personnel involved in the education of English
21 learners.

22 **“Subpart 5—Rural Education Achievement Program**

23 **“SEC. 1230. PURPOSE.**

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

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

4 “(2) receive formula grant allocations in
5 amounts too small to be effective in meeting their in-
6 tended purposes.

7 **“CHAPTER A—SMALL, RURAL SCHOOL**
8 **ACHIEVEMENT PROGRAM**

9 **“SEC. 1231. GRANT PROGRAM AUTHORIZED.**

10 “(a) IN GENERAL.—From amounts appropriated
11 under section 3(a)(1) for a fiscal year, the Secretary shall
12 reserve 0.6 of one percent to award grants to eligible local
13 educational agencies to enable the local educational agen-
14 cies to carry out activities authorized under any of the
15 following provisions:

16 “(1) Part A of title I.

17 “(2) Title II.

18 “(3) Title III.

19 “(b) ALLOCATION.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (3), the Secretary shall award a grant under
22 subsection (a) to a local educational agency eligible
23 under subsection (d) for a fiscal year in an amount
24 equal to the initial amount determined under para-
25 graph (2) for the fiscal year minus the total amount

1 received by the agency in subpart 2 of part A of title
2 II for the preceding fiscal year.

3 “(2) DETERMINATION OF INITIAL AMOUNT.—

4 The initial amount referred to in paragraph (1) is
5 equal to \$100 multiplied by the total number of stu-
6 dents in excess of 50 students, in average daily at-
7 tendance at the schools served by the local edu-
8 cational agency, plus \$20,000, except that the initial
9 amount may not exceed \$60,000.

10 “(3) RATABLE ADJUSTMENT.—

11 “(A) IN GENERAL.—If the amount made
12 available to carry out this section for any fiscal
13 year is not sufficient to pay in full the amounts
14 that local educational agencies are eligible to re-
15 ceive under paragraph (1) for such year, the
16 Secretary shall ratably reduce such amounts for
17 such year.

18 “(B) ADDITIONAL AMOUNTS.—If addi-
19 tional funds become available for making pay-
20 ments under paragraph (1) for such fiscal year,
21 payments that were reduced under subpara-
22 graph (A) shall be increased on the same basis
23 as such payments were reduced.

24 “(c) DISBURSEMENT.—The Secretary shall disburse
25 the funds awarded to a local educational agency under this

1 section for a fiscal year not later than July 1 of that fiscal
2 year.

3 “(d) ELIGIBILITY.—

4 “(1) IN GENERAL.—A local educational agency
5 shall be eligible to use the applicable funding in ac-
6 cordance with subsection (a) if—

7 “(A)(i)(I) the total number of students in
8 average daily attendance at all of the schools
9 served by the local educational agency is fewer
10 than 600; or

11 “(II) each county in which a school served
12 by the local educational agency is located has a
13 total population density of fewer than 10 per-
14 sons per square mile; and

15 “(ii) all of the schools served by the local
16 educational agency are designated with a school
17 locale code of 41, 42, or 43, as determined by
18 the Secretary; or

19 “(B) the agency meets the criteria estab-
20 lished in subparagraph (A)(i) and the Sec-
21 retary, in accordance with paragraph (2),
22 grants the local educational agency’s request to
23 waive the criteria described in subparagraph
24 (A)(ii).

1 “(2) CERTIFICATION.—The Secretary shall de-
2 termine whether to waive the criteria described in
3 paragraph (1)(A)(ii) based on a demonstration by
4 the local educational agency, and concurrence by the
5 State educational agency, that the local educational
6 agency is located in an area defined as rural by a
7 governmental agency of the State.

8 “(3) HOLD HARMLESS.—For a local edu-
9 cational agency that is not eligible under this chap-
10 ter but met the eligibility requirements under this
11 subsection as it was in effect prior to the date of the
12 enactment of the Student Success Act, the agency
13 shall receive—

14 “(A) for fiscal year 2016, 75 percent of
15 the amount such agency received for fiscal year
16 2013;

17 “(B) for fiscal year 2017, 50 percent of
18 the amount such agency received for fiscal year
19 2013; and

20 “(C) for fiscal year 2018, 25 percent of
21 the amount such agency received for fiscal year
22 2013.

23 “(e) SPECIAL ELIGIBILITY RULE.—A local edu-
24 cational agency that receives a grant under this chapter

1 for a fiscal year is not eligible to receive funds for such
2 fiscal year under chapter B.

3 **“CHAPTER B—RURAL AND LOW-INCOME**
4 **SCHOOL PROGRAM**

5 **“SEC. 1235. PROGRAM AUTHORIZED.**

6 “(a) GRANTS TO STATES.—

7 “(1) IN GENERAL.—From amounts appro-
8 priated under section 3(a)(1) for a fiscal year, the
9 Secretary shall reserve 0.6 of one percent for this
10 chapter for a fiscal year that are not reserved under
11 subsection (c) to award grants (from allotments
12 made under paragraph (2)) for the fiscal year to
13 State educational agencies that have applications
14 submitted under section 1237 approved to enable the
15 State educational agencies to award grants to eligi-
16 ble local educational agencies for local authorized ac-
17 tivities described in section 1236(a).

18 “(2) ALLOTMENT.—From amounts described in
19 paragraph (1) for a fiscal year, the Secretary shall
20 allot to each State educational agency for that fiscal
21 year an amount that bears the same ratio to those
22 amounts as the number of students in average daily
23 attendance served by eligible local educational agen-
24 cies in the State for that fiscal year bears to the
25 number of all such students served by eligible local

1 educational agencies in all States for that fiscal
2 year.

3 “(3) SPECIALLY QUALIFIED AGENCIES.—

4 “(A) ELIGIBILITY AND APPLICATION.—If a
5 State educational agency elects not to partici-
6 pate in the program under this subpart or does
7 not have an application submitted under section
8 1237 approved, a specially qualified agency in
9 such State desiring a grant under this subpart
10 may submit an application under such section
11 directly to the Secretary to receive an award
12 under this subpart.

13 “(B) DIRECT AWARDS.—The Secretary
14 may award, on a competitive basis or by for-
15 mula, the amount the State educational agency
16 is eligible to receive under paragraph (2) di-
17 rectly to a specially qualified agency in the
18 State that has submitted an application in ac-
19 cordance with subparagraph (A) and obtained
20 approval of the application.

21 “(C) SPECIALLY QUALIFIED AGENCY DE-
22 FINED.—In this subpart, the term ‘specially
23 qualified agency’ means an eligible local edu-
24 cational agency served by a State educational
25 agency that does not participate in a program

1 under this subpart in a fiscal year, that may
2 apply directly to the Secretary for a grant in
3 such year under this subsection.

4 “(b) LOCAL AWARDS.—

5 “(1) ELIGIBILITY.—A local educational agency
6 shall be eligible to receive a grant under this subpart
7 if—

8 “(A) 20 percent or more of the children
9 ages 5 through 17 years served by the local
10 educational agency are from families with in-
11 comes below the poverty line; and

12 “(B) all of the schools served by the agen-
13 cy are designated with a school locale code of
14 32, 33, 41, 42, 43, as determined by the Sec-
15 retary.

16 “(2) AWARD BASIS.—A State educational agen-
17 cy shall award grants to eligible local educational
18 agencies—

19 “(A) on a competitive basis;

20 “(B) according to a formula based on the
21 number of students in average daily attendance
22 served by the eligible local educational agencies
23 or schools in the State; or

24 “(C) according to an alternative formula,
25 if, prior to awarding the grants, the State edu-

1 cational agency demonstrates, to the satisfac-
2 tion of the Secretary, that the alternative for-
3 mula enables the State educational agency to
4 allot the grant funds in a manner that serves
5 equal or greater concentrations of children from
6 families with incomes below the poverty line,
7 relative to the concentrations that would be
8 served if the State educational agency used the
9 formula described in subparagraph (B).

10 “(c) RESERVATIONS.—From amounts reserved under
11 section 1235(a)(1) for this chapter for a fiscal year, the
12 Secretary shall reserve—

13 “(1) one-half of 1 percent to make awards to el-
14 ementary schools or secondary schools operated or
15 supported by the Bureau of Indian Education, to
16 carry out the activities authorized under this chap-
17 ter; and

18 “(2) one-half of 1 percent to make awards to
19 the outlying areas in accordance with their respec-
20 tive needs, to carry out the activities authorized
21 under this chapter.

22 **“SEC. 1236. USES OF FUNDS.**

23 “(a) LOCAL AWARDS.—Grant funds awarded to local
24 educational agencies under this chapter shall be used for
25 activities authorized under any of the following:

1 “(1) Part A of title I.

2 “(2) Title II.

3 “(3) Title III.

4 “(b) ADMINISTRATIVE COSTS.—A State educational
5 agency receiving a grant under this chapter may not use
6 more than 5 percent of the amount of the grant for State
7 administrative costs and to provide technical assistance to
8 eligible local educational agencies.

9 **“SEC. 1237. APPLICATIONS.**

10 “(a) IN GENERAL.—Each State educational agency
11 or specially qualified agency desiring to receive a grant
12 under this chapter shall submit an application to the Sec-
13 retary at such time and in such manner as the Secretary
14 may require.

15 “(b) CONTENTS.—Each application submitted under
16 subsection (a) shall include—

17 “(1) a description of how the State educational
18 agency or specially qualified agency will ensure eligi-
19 ble local educational agencies receiving a grant
20 under this chapter will use such funds to help stu-
21 dents meet the State academic standards under sec-
22 tion 1111(b)(1);

23 “(2) if the State educational agency or specially
24 qualified agency will competitively award grants to
25 eligible local educational agencies, as described in

1 section 1235(b)(2)(A), the application under the sec-
2 tion shall include—

3 “(A) the methods and criteria the State
4 educational agency or specially qualified agency
5 will use for reviewing applications and awarding
6 funds to local educational agencies on a com-
7 petitive basis; and

8 “(B) how the State educational agency or
9 specially qualified agency will notify eligible
10 local educational agencies of the grant competi-
11 tion; and

12 “(3) a description of how the State educational
13 agency or specially qualified agency will provide
14 technical assistance to eligible local educational
15 agencies to help such agencies implement the activi-
16 ties described in section 1236(a).

17 **“SEC. 1238. ACCOUNTABILITY.**

18 “Each State educational agency or specially qualified
19 agency that receives a grant under this chapter shall pre-
20 pare and submit an annual report to the Secretary. The
21 report shall describe—

22 “(1) the methods and criteria the State edu-
23 cational agency or specially qualified agency used to
24 award grants to eligible local educational agencies,

1 and to provide assistance to schools, under this
2 chapter;

3 “(2) how local educational agencies and schools
4 used funds provided under this chapter; and

5 “(3) the degree to which progress has been
6 made toward having all students meet the State aca-
7 demic standards under section 1111(b)(1).

8 **“SEC. 1239. CHOICE OF PARTICIPATION.**

9 “(a) IN GENERAL.—If a local educational agency is
10 eligible for funding under chapters A and B of this sub-
11 part, such local educational agency may receive funds
12 under either chapter A or chapter B for a fiscal year, but
13 may not receive funds under both chapters.

14 “(b) NOTIFICATION.—A local educational agency eli-
15 gible for both chapters A and B of this subpart shall notify
16 the Secretary and the State educational agency under
17 which of such chapters such local educational agency in-
18 tends to receive funds for a fiscal year by a date that is
19 established by the Secretary for the notification.

20 **“CHAPTER C—GENERAL PROVISIONS**

21 **“SEC. 1241. ANNUAL AVERAGE DAILY ATTENDANCE DETER-**
22 **MINATION.**

23 “(a) CENSUS DETERMINATION.—Each local edu-
24 cational agency desiring a grant under section 1231 and

1 each local educational agency or specially qualified agency
2 desiring a grant under chapter B shall—

3 “(1) not later than December 1 of each year,
4 conduct a census to determine the number of stu-
5 dents in average daily attendance in kindergarten
6 through grade 12 at the schools served by the agen-
7 cy; and

8 “(2) not later than March 1 of each year, sub-
9 mit the number described in paragraph (1) to the
10 Secretary (and to the State educational agency, in
11 the case of a local educational agency seeking a
12 grant under subpart 2).

13 “(b) PENALTY.—If the Secretary determines that a
14 local educational agency or specially qualified agency has
15 knowingly submitted false information under subsection
16 (a) for the purpose of gaining additional funds under sec-
17 tion 1231 or chapter B, then the agency shall be fined
18 an amount equal to twice the difference between the
19 amount the agency received under this section and the cor-
20 rect amount the agency would have received under section
21 1231 or chapter B if the agency had submitted accurate
22 information under subsection (a).

1 **“SEC. 1242. SUPPLEMENT, NOT SUPPLANT.**

2 “Funds made available under chapter A or chapter
3 B shall be used to supplement, and not supplant, any
4 other Federal, State, or local education funds.

5 **“SEC. 1243. RULE OF CONSTRUCTION.**

6 “Nothing in this subpart shall be construed to pro-
7 hibit a local educational agency that enters into coopera-
8 tive arrangements with other local educational agencies for
9 the provision of special, compensatory, or other education
10 services, pursuant to State law or a written agreement,
11 from entering into similar arrangements for the use, or
12 the coordination of the use, of the funds made available
13 under this subpart.”.

14 (b) STRIKE.—The Act is amended by striking title
15 VII (20 U.S.C. 7401 et seq.).

16 **Subtitle D—National Assessment**

17 **SEC. 141. NATIONAL ASSESSMENT OF TITLE I.**

18 (a) IN GENERAL.—Part E of title I (20 U.S.C. 6491
19 et seq.) is redesignated as part B of title I.

20 (b) REPEALS.—Sections 1502 and 1504 (20 U.S.C.
21 6492; 6494) are repealed.

22 (c) REDESIGNATIONS.—Sections 1501 and 1503 (20
23 U.S.C. 6491; 6493) are redesignated as sections 1301 and
24 1302, respectively.

25 (d) AMENDMENTS TO SECTION 1301.—Section 1301
26 (20 U.S.C. 6491), as so redesignated, is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1), by inserting “, act-
3 ing through the Director of the Institute of
4 Education Sciences (in this section and section
5 1302 referred to as the ‘Director’),” after “The
6 Secretary”;

7 (B) in paragraph (2)—

8 (i) by striking “Secretary” and insert-
9 ing “Director”;

10 (ii) in subparagraph (A), by striking
11 “reaching the proficient level” and all that
12 follows and inserting “graduating high
13 school prepared for postsecondary edu-
14 cation or the workforce.”;

15 (iii) in subparagraph (B), by striking
16 “reach the proficient” and all that follows
17 and inserting “meet State academic stand-
18 ards.”;

19 (iv) by striking subparagraphs (D)
20 and (G) and redesignating subparagraphs
21 (E), (F), and (H) through (O) as subpara-
22 graphs (D) through (M), respectively;

23 (v) in subparagraph (D)(v) (as so re-
24 designated), by striking “help schools in
25 which” and all that follows and inserting

1 “address disparities in the percentages of
2 effective teachers teaching in low-income
3 schools.”;

4 (vi) in subparagraph (G) (as so reded-
5 igned)—

6 (I) by striking “section 1116”
7 and inserting “section
8 1111(b)(3)(B)(iii)”;

9 (II) by striking “, including the
10 following” and all that follows and in-
11 serting a period;

12 (vii) in subparagraph (I) (as so reded-
13 igned), by striking “qualifications” and
14 inserting “effectiveness”;

15 (viii) in subparagraph (J) (as so re-
16 designating), by striking “, including funds
17 under section 1002,”;

18 (ix) in subparagraph (L) (as so reded-
19 igned), by striking “section
20 1111(b)(2)(C)(v)(II)” and inserting “sec-
21 tion 1111(b)(3)(B)(ii)(II)”;

22 (x) in subparagraph (M) (as so reded-
23 igned), by striking “Secretary” and in-
24 serting “Director”;

1 (C) in paragraph (3), by striking “Sec-
2 retary” and inserting “Director”;

3 (D) in paragraph (4), by striking “Sec-
4 retary” and inserting “Director”;

5 (E) in paragraph (5), by striking “Sec-
6 retary” and inserting “Director”; and

7 (F) in paragraph (6)—

8 (i) by striking “No Child Left Behind
9 Act of 2001” each place it appears and in-
10 sserting “Student Success Act”; and

11 (ii) by striking “Secretary” each place
12 it appears and inserting “Director”;

13 (2) in subsection (b), by striking “Secretary”
14 each place it appears and inserting “Director”;

15 (3) in subsection (c)—

16 (A) in paragraph (1)—

17 (i) by striking “Secretary” and insert-
18 ing “Director”; and

19 (ii) by striking “part A” and inserting
20 “subpart 1 of part A”;

21 (B) in paragraph (2)—

22 (i) by striking “Secretary” and insert-
23 ing “Director”;

24 (ii) in subparagraph (B), by striking
25 “challenging academic achievement stand-

1 ards” and inserting “State academic
2 standards”;

3 (iii) in subparagraph (E), by striking
4 “effects of the availability” and all that
5 follows and inserting “extent to which ac-
6 tions authorized under section
7 1111(b)(3)(B)(iii) improve the academic
8 achievement of disadvantaged students and
9 low-performing schools.”; and

10 (iv) in subparagraph (F), by striking
11 “Secretary” and inserting “Director”; and
12 (C) in paragraph (3)—

13 (i) by striking “Secretary” and insert-
14 ing “Director”; and

15 (ii) by striking subparagraph (C) and
16 inserting the following:

17 “(C) analyzes varying models or strategies
18 for delivering school services, including
19 schoolwide and targeted services.”; and

20 (4) in subsection (d), by striking “Secretary”
21 each place it appears and inserting “Director”.

22 (e) AMENDMENTS TO SECTION 1302.—Section 1302
23 (20 U.S.C. 6493), as so redesignated, is amended—

24 (1) in subsection (a)—

1 (A) by striking “Secretary” and inserting
2 “Director”; and

3 (B) by striking “and for making decisions
4 about the promotion and graduation of stu-
5 dents”;

6 (2) in subsection (b)—

7 (A) by striking “Secretary” the first place
8 it appears and inserting “Director”;

9 (B) by striking “process,” and inserting
10 “process consistent with section 1111(e)(1),”;
11 and

12 (C) by striking “Assistant Secretary of
13 Educational Research and Improvement” and
14 inserting “Director”;

15 (3) in subsection (d)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (A), by striking
18 “to the State-defined level of proficiency”
19 and inserting “toward meeting the State
20 academic standards”; and

21 (ii) in subparagraph (C), by striking
22 “pupil-services” and inserting “specialized
23 instructional support services”;

24 (B) in paragraph (3), by striking “limited
25 and nonlimited English proficient students”

1 and inserting “English learners and non-
2 English learners”; and

3 (C) in paragraph (6), by striking “Sec-
4 retary” and inserting “Director”; and
5 (4) in subsection (f)—

6 (A) by striking “Secretary” and inserting
7 “Director”; and

8 (B) by striking “authorized to be appro-
9 priated for this part” and inserting “appro-
10 priated under section 3(a)(2)”.

11 **Subtitle E—Title I General** 12 **Provisions**

13 **SEC. 151. GENERAL PROVISIONS FOR TITLE I.**

14 Part I of title I (20 U.S.C. 6571 et seq.)—

15 (1) is transferred to appear after part B (as re-
16 designated); and

17 (2) is amended to read as follows:

18 **“PART C—GENERAL PROVISIONS**

19 **“SEC. 1401. FEDERAL REGULATIONS.**

20 “(a) IN GENERAL.—The Secretary may, in accord-
21 ance with subsections (b) through (d), issue such regula-
22 tions as are necessary to reasonably ensure there is com-
23 pliance with this title.

24 “(b) NEGOTIATED RULEMAKING PROCESS.—

1 “(1) IN GENERAL.—Before publishing in the
2 Federal Register proposed regulations to carry out
3 this title, the Secretary shall obtain the advice and
4 recommendations of representatives of Federal,
5 State, and local administrators, parents, teachers,
6 and members of local school boards and other orga-
7 nizations involved with the implementation and oper-
8 ation of programs under this title, including those
9 representatives and members nominated by local and
10 national stakeholder representatives.

11 “(2) MEETINGS AND ELECTRONIC EX-
12 CHANGE.—Such advice and recommendations may
13 be obtained through such mechanisms as regional
14 meetings and electronic exchanges of information.
15 Such regional meetings and electronic exchanges of
16 information shall be public and notice of such meet-
17 ings and exchanges shall be provided to interested
18 stakeholders.

19 “(3) PROPOSED REGULATIONS.—After obtain-
20 ing such advice and recommendations, and before
21 publishing proposed regulations, the Secretary
22 shall—

23 “(A) establish a negotiated rulemaking
24 process;

1 “(B) select individuals to participate in
2 such process from among individuals or groups
3 that provided advice and recommendations, in-
4 cluding representation from all geographic re-
5 gions of the United States, in such numbers as
6 will provide an equitable balance between rep-
7 resentatives of parents and students and rep-
8 resentatives of educators and education offi-
9 cials; and

10 “(C) prepare a draft of proposed policy op-
11 tions that shall be provided to the individuals
12 selected by the Secretary under subparagraph
13 (B) not less than 15 days before the first meet-
14 ing under such process.

15 “(c) PROPOSED RULEMAKING.—If the Secretary de-
16 termines that a negotiated rulemaking process is unneces-
17 sary or the individuals selected to participate in the pro-
18 cess under paragraph (3)(B) fail to reach unanimous agree-
19 ment, the Secretary may propose regulations under the
20 following procedure:

21 “(1) Not less than 30 days prior to beginning
22 a rulemaking process, the Secretary shall provide to
23 Congress, including the Committee on Education
24 and the Workforce of the House of Representatives
25 and the Committee on Health, Education, Labor,

1 and Pensions of the Senate, notice that shall in-
2 clude—

3 “(A) a copy of the proposed regulations;

4 “(B) the need to issue regulations;

5 “(C) the anticipated burden, including the
6 time, cost, and paperwork burden, the regula-
7 tions will have on State educational agencies,
8 local educational agencies, schools, and other
9 entities that may be impacted by the regula-
10 tions; and

11 “(D) any regulations that will be repealed
12 when the new regulations are issued.

13 “(2) 30 days after giving notice of the proposed
14 rule to Congress, the Secretary may proceed with
15 the rulemaking process after all comments received
16 from the Congress have been addressed and pub-
17 lishing how such comments are addressed with the
18 proposed rule.

19 “(3) The comment and review period for any
20 proposed regulation shall be 90 days unless an emer-
21 gency requires a shorter period, in which case such
22 period shall be not less than 45 days and the Sec-
23 retary shall—

24 “(A) designate the proposed regulation as
25 an emergency with an explanation of the emer-

1 agency in the notice and report to Congress
2 under paragraph (1); and

3 “(B) publish the length of the comment
4 and review period in such notice and in the
5 Federal Register.

6 “(4) No regulation shall be made final after the
7 comment and review period until the Secretary has
8 published in the Federal Register an independent as-
9 sessment (which shall include a representative sam-
10 pling of local educational agencies based on local
11 educational agency enrollment, urban, suburban, or
12 rural character, and other factors impacted by the
13 proposed regulation) of—

14 “(A) the burden, including the time, cost,
15 and paperwork burden, the regulation will im-
16 pose on State educational agencies, local edu-
17 cational agencies, schools and other entities
18 that may be impacted by the regulation;

19 “(B) an explanation of how the entities de-
20 scribed in subparagraph (A) may cover the cost
21 of the burden assessed under subparagraph (A);
22 and

23 “(C) the proposed regulation, which thor-
24 oughly addresses, based on the comments re-
25 ceived during the comment and review period

1 under paragraph (3), whether the rule is finan-
2 cially, operationally, and educationally viable at
3 the local level.

4 “(d) LIMITATION.—Regulations to carry out this title
5 may not require local programs to follow a particular in-
6 structional model, such as the provision of services outside
7 the regular classroom or school program.

8 **“SEC. 1402. AGREEMENTS AND RECORDS.**

9 “(a) AGREEMENTS.—In the case in which a nego-
10 tiated rule making process is established under subsection
11 (b) of section 1401, all published proposed regulations
12 shall conform to agreements that result from the rule-
13 making described in section 1401 unless the Secretary re-
14 opens the negotiated rulemaking process.

15 “(b) RECORDS.—The Secretary shall ensure that an
16 accurate and reliable record of agreements reached during
17 the negotiations process is maintained.

18 **“SEC. 1403. STATE ADMINISTRATION.**

19 “(a) RULEMAKING.—

20 “(1) IN GENERAL.—Each State that receives
21 funds under this title shall—

22 “(A) ensure that any State rules, regula-
23 tions, and policies relating to this title conform
24 to the purposes of this title and provide any
25 such proposed rules, regulations, and policies to

1 the committee of practitioners created under
2 subsection (b) for review and comment;

3 “(B) minimize such rules, regulations, and
4 policies to which the State’s local educational
5 agencies and schools are subject;

6 “(C) eliminate or modify State and local
7 fiscal accounting requirements in order to facili-
8 tate the ability of schools to consolidate funds
9 under schoolwide programs;

10 “(D) identify any such rule, regulation, or
11 policy as a State-imposed requirement; and

12 “(E)(i) identify any duplicative or con-
13 trasting requirements between the State and
14 Federal rules or regulations;

15 “(ii) eliminate the rules and regulations
16 that are duplicative of Federal requirements;
17 and

18 “(iii) report any conflicting requirements
19 to the Secretary and determine which Federal
20 or State rule or regulation shall be followed.

21 “(2) SUPPORT AND FACILITATION.—State
22 rules, regulations, and policies under this title shall
23 support and facilitate local educational agency and
24 school-level systemic reform designed to enable all
25 children to meet the State academic standards.

1 “(b) COMMITTEE OF PRACTITIONERS.—

2 “(1) IN GENERAL.—Each State educational
3 agency that receives funds under this title shall cre-
4 ate a State committee of practitioners to advise the
5 State in carrying out its responsibilities under this
6 title.

7 “(2) MEMBERSHIP.—Each such committee
8 shall include—

9 “(A) as a majority of its members, rep-
10 resentatives from local educational agencies;

11 “(B) administrators, including the admin-
12 istrators of programs described in other parts
13 of this title;

14 “(C) teachers from public charter schools,
15 traditional public schools, and career and tech-
16 nical educators;

17 “(D) parents;

18 “(E) members of local school boards;

19 “(F) representatives of public charter
20 school authorizers;

21 “(G) public charter school leaders;

22 “(H) representatives of private school chil-
23 dren; and

24 “(I) specialized instructional support per-
25 sonnel.

1 “(3) DUTIES.—The duties of such committee
2 shall include a review, before publication, of any pro-
3 posed or final State rule or regulation pursuant to
4 this title. In an emergency situation where such rule
5 or regulation must be issued within a very limited
6 time to assist local educational agencies with the op-
7 eration of the program under this title, the State
8 educational agency may issue a regulation without
9 prior consultation, but shall immediately thereafter
10 convene the State committee of practitioners to re-
11 view the emergency regulation before issuance in
12 final form.

13 **“SEC. 1404. RULE OF CONSTRUCTION ON EQUALIZED**
14 **SPENDING.**

15 “Nothing in this title shall be construed to mandate
16 or prohibit equalized spending per pupil for a State, local
17 educational agency, or school.

18 **“SEC. 1405. RULE OF CONSTRUCTION FOR COLLECTIVE**
19 **BARGAINING.**

20 “Nothing in this title shall be construed to alter or
21 otherwise affect the rights, remedies, and procedures af-
22 forded to school or local educational agency employees
23 under Federal, State, or local laws (including applicable
24 regulations or court orders) or under the terms of collec-
25 tive bargaining agreements, memoranda of understanding,

1 or other agreements between such employers and their em-
 2 ployees.”.

3 **TITLE II—TEACHER PREPARA-**
 4 **TION AND EFFECTIVENESS**

5 **SEC. 201. TEACHER PREPARATION AND EFFECTIVENESS.**

6 (a) **HEADING.**—The title heading for title II (20
 7 U.S.C. 6601 et seq.) is amended to read as follows:

8 **“TITLE II—TEACHER PREPARA-**
 9 **TION AND EFFECTIVENESS”.**

10 (b) **PART A.**—Part A of title II (20 U.S.C. 6601 et
 11 seq.) is amended to read as follows:

12 **“PART A—SUPPORTING EFFECTIVE**
 13 **INSTRUCTION**

14 **“SEC. 2101. PURPOSE.**

15 “The purpose of this part is to provide grants to
 16 State educational agencies and subgrants to local edu-
 17 cational agencies to—

18 “(1) increase student achievement consistent
 19 with State academic standards under section
 20 1111(b)(1);

21 “(2) improve teacher and school leader effec-
 22 tiveness in classrooms and schools, respectively;

23 “(3) provide evidence-based, job-embedded, con-
 24 tinuous professional development; and

1 “(4) if a State educational agency or local edu-
2 cational agency so chooses, develop and implement
3 teacher evaluation systems that use, in part, student
4 achievement data to determine teacher effectiveness.

5 **“Subpart 1—Grants to States**

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

7 “(a) IN GENERAL.—Of the amounts appropriated
8 under section 3(b), the Secretary shall reserve 75 percent
9 to make grants to States with applications approved under
10 section 2112 to pay for the Federal share of the cost of
11 carrying out the activities specified in section 2113. Each
12 grant shall consist of the allotment determined for a State
13 under subsection (b).

14 “(b) DETERMINATION OF ALLOTMENTS.—

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

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

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

24 “(C) one-half of 1 percent for the Sec-
25 retary of the Interior for programs under this

1 part in schools operated or funded by the Bu-
2 reau of Indian Education.

3 “(2) STATE ALLOTMENTS.—

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

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

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

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

6 “(C) APPLICABILITY.—

7 “(i) IN GENERAL.—Subparagraph (A)
8 shall not apply with respect to a fiscal year
9 unless the Secretary certifies in writing to
10 Congress for that fiscal year that the
11 amount of funds allotted under subpara-
12 graph (A) to local educational agencies
13 that serve a high percentage of students
14 from families with incomes below the pov-
15 erty line is not less than the amount allot-
16 ted to such local educational agencies for
17 fiscal year 2015.

18 “(ii) SPECIAL RULE.—For a fiscal
19 year for which subparagraph (A) does not
20 apply, the Secretary shall allocate to each
21 State the funds described in subparagraph
22 (A) according to the formula set forth in
23 subsection (b)(2)(B)(i) of this section as in
24 effect on the day before the date of the en-
25 actment of the Student Success Act.

1 “(c) REALLOTMENT.—If a State does not apply for
2 an allotment under this section for any fiscal year or only
3 a portion of the State’s allotment is allotted under sub-
4 section (b)(2), the Secretary shall reallocate the State’s entire
5 allotment or the remaining portion of its allotment, as the
6 case may be, to the remaining States in accordance with
7 subsection (b).

8 **“SEC. 2112. STATE APPLICATION.**

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

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

16 “(2) A description of how the State educational
17 agency will use a grant received under section 2111,
18 including the grant funds the State will reserve for
19 State-level activities under section 2113(a)(2).

20 “(3) A description of how the State educational
21 agency will facilitate the sharing of evidence-based
22 and other effective strategies among local edu-
23 cational agencies.

24 “(4) A description of how, and under what
25 timeline, the State educational agency will allocate

1 subgrants under subpart 2 to local educational agen-
2 cies.

3 “(5) If applicable, a description of how the
4 State educational agency will work with local edu-
5 cational agencies in the State to develop or imple-
6 ment a teacher or school leader evaluation system.

7 “(6) An assurance that the State educational
8 agency will comply with section 6501 (regarding par-
9 ticipation by private school children and teachers).

10 “(7) A description of how the State will estab-
11 lish, implement, or improve policies and procedures
12 on background checks for school employees and con-
13 tractors who have direct unsupervised access to stu-
14 dents, which may be conducted and administered by
15 the State or local educational agencies, including
16 by—

17 “(A) expanding the registries or reposi-
18 tories searched when conducting background
19 checks, including—

20 “(i) the State criminal registry or re-
21 pository of the State in which the school
22 employee resides;

23 “(ii) the State-based child abuse and
24 neglect registries and databases of the
25 State in which the school employee resides;

1 “(iii) the Federal Bureau of Investiga-
2 tion fingerprint check using the Integrated
3 Automated Fingerprint Identification Sys-
4 tem;

5 “(iv) the National Sex Offender Reg-
6 istry established under the Adam Walsh
7 Child Protection and Safety Act of 2006
8 (42 U.S.C. 16901 et seq.); and

9 “(v) the National Crime Information
10 Center;

11 “(B) establishing, implementing, or im-
12 proving policies and procedures that prohibit
13 employing as a school employee an individual
14 who—

15 “(i) refuses to consent to a back-
16 ground check;

17 “(ii) makes false statements in con-
18 nection with a background check;

19 “(iii) has been convicted of a felony,
20 consisting of—

21 “(I) homicide;

22 “(II) child abuse or neglect;

23 “(III) a crime against children,
24 including child pornography;

25 “(IV) domestic violence;

1 “(V) a crime involving rape or
2 sexual assault;

3 “(VI) kidnaping;

4 “(VII) arson; or

5 “(VIII) physical assault, battery,
6 or a drug-related offense, committed
7 on or after the date that is 5 years
8 before the date of the individual’s
9 criminal background check;

10 “(iv) has been convicted of any other
11 crimes, as determined by the State; or

12 “(v) is registered or required to be
13 registered on a State sex offender registry
14 or the National Sex Offender Registry es-
15 tablished under the Adam Walsh Child
16 Protection and Safety Act of 2006 (42
17 U.S.C. 16901 et seq.);

18 “(C) establishing, implementing, or im-
19 proving policies and procedures for States, local
20 educational agencies, or schools to provide the
21 results of background checks to—

22 “(i) individuals subject to the back-
23 ground checks in a statement that indi-
24 cates whether the individual is ineligible
25 for such employment due to the back-

1 ground check and includes information re-
2 lated to each disqualifying crime;

3 “(ii) the employer in a statement that
4 indicates whether a school employee is eli-
5 gible or ineligible for employment, without
6 revealing any disqualifying crime or other
7 related information regarding the indi-
8 vidual;

9 “(iii) another employer in the same
10 State or another State, as permitted under
11 State law, without revealing any disquali-
12 fying crime or other related information re-
13 garding the individual; and

14 “(iv) another local educational agency
15 in the same State or another State that is
16 considering such school employee for em-
17 ployment, as permitted under State law,
18 without revealing any disqualifying crime
19 or other related information regarding the
20 individual; and

21 “(D) developing, implementing, or improv-
22 ing mechanisms to assist local educational
23 agencies and schools in effectively recognizing
24 and quickly responding to incidents of child
25 abuse by school employees.

1 “(8) A description of any subjects the State has
2 identified as being workforce critical subjects pursu-
3 ant to section 2234(6).

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

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

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

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

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

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

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

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

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

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

16 “(f) FAILURE TO RESPOND.—If a State educational
17 agency does not respond to a notification from the Sec-
18 retary under subsection (d)(2) during the 45-day period
19 beginning on the date on which the agency received the
20 notification, such application shall be deemed to be dis-
21 approved.

22 **“SEC. 2113. STATE USE OF FUNDS.**

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

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

4 “(2) use the remainder of the funds, after re-
5 serving funds under paragraph (1), for the State ac-
6 tivities described in subsection (b), except that the
7 State may reserve not more than 1 percent of the
8 grant funds for planning and administration related
9 to carrying out activities described in subsection (b).

10 “(b) STATE-LEVEL ACTIVITIES.—A State edu-
11 cational agency that receives a grant under section 2111—

12 “(1) shall use the amount described in sub-
13 section (a)(2) to fulfill the State educational agen-
14 cy’s responsibilities with respect to the proper and
15 efficient administration of the subgrant program
16 carried out under this part; and

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

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

21 “(i) in the case of a State educational
22 agency not implementing a statewide
23 teacher evaluation system—

1 “(I) the development and imple-
2 mentation of a teacher evaluation sys-
3 tem; and

4 “(II) training school leaders in
5 using such evaluation system; or

6 “(ii) in the case of a State educational
7 agency implementing a statewide teacher
8 evaluation system, implementing such eval-
9 uation system;

10 “(B) disseminate and share evidence-based
11 and other effective practices, including practices
12 consistent with the principles of effectiveness
13 described in section 2222(b), related to teacher
14 and school leader effectiveness and professional
15 development;

16 “(C) provide professional development for
17 teachers, school leaders, and if appropriate, spe-
18 cialized instructional support personnel in the
19 State consistent with section 2123(6);

20 “(D) provide training and technical assist-
21 ance to local educational agencies on—

22 “(i) in the case of a State educational
23 agency not implementing a statewide
24 school leader evaluation system, the devel-

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

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

20 **“SEC. 2122. LOCAL APPLICATIONS.**

21 “To be eligible to receive a subgrant under this sub-
22 part, a local educational agency shall submit an applica-
23 tion to the State educational agency involved at such time,
24 in such a manner, and containing such information as the

1 State educational agency may reasonably require that, at
2 a minimum, shall include the following:

3 “(1) A description of—

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

6 “(B) how the activities to be carried out by
7 the local educational agency under this subpart
8 will be evidence-based, improve student aca-
9 demic achievement, and improve teacher and
10 school leader effectiveness; and

11 “(C) if applicable, how, the local edu-
12 cational agency will work with parents, teach-
13 ers, school leaders, and other staff of the
14 schools served by the local educational agency
15 in developing and implementing a teacher eval-
16 uation system.

17 “(2) If applicable, a description of how the local
18 educational agency will develop and implement a
19 teacher or school leader evaluation system.

20 “(3) An assurance that the local educational
21 agency will comply with section 6501 (regarding par-
22 ticipation by private school children and teachers).

23 **“SEC. 2123. LOCAL USE OF FUNDS.**

24 “A local educational agency receiving a subgrant
25 under this subpart may use such funds for—

1 “(1) the development and implementation of a
2 teacher evaluation system, administered through
3 school leaders based on input from stakeholders list-
4 ed in subparagraph (E), that may—

5 “(A) use student achievement data derived
6 from a variety of sources as a significant factor
7 in determining a teacher’s evaluation, with the
8 weight given to such data defined by the local
9 educational agency;

10 “(B) use multiple measures of evaluation
11 for evaluating teachers;

12 “(C) have more than 2 categories for rat-
13 ing the performance of teachers;

14 “(D) be used to make personnel decisions,
15 as determined by the local educational agency;
16 and

17 “(E) be based on input from parents,
18 school leaders, teachers, and other staff of
19 schools served by the local educational agency;

20 “(2) in the case of a local educational agency
21 located in a State implementing a statewide teacher
22 evaluation system, implementing such evaluation
23 system;

24 “(3) the training of school leaders or other indi-
25 viduals for the purpose of evaluating teachers or

1 school leaders under a teacher or school leader eval-
2 uation system, as appropriate;

3 “(4) in the case of a local educational agency
4 located in a State implementing a statewide school
5 leader evaluation system, to implement such evalua-
6 tion system;

7 “(5) in the case of a local educational agency
8 located in a State not implementing a statewide
9 school leader evaluation system, the development
10 and implementation of a school leader evaluation
11 system;

12 “(6) professional development for teachers,
13 school leaders, and if appropriate, specialized in-
14 structional support personnel that is evidence-based,
15 job-embedded, and continuous, such as—

16 “(A) subject-based professional develop-
17 ment for teachers, including for teachers of
18 civic education, arts education, and computer
19 science and other science, technology, engineer-
20 ing, and mathematics subjects;

21 “(B) professional development aligned with
22 the State’s academic standards;

23 “(C) professional development to assist
24 teachers in meeting the needs of students with
25 different learning styles, particularly students

1 with disabilities, English learners, and gifted
2 and talented students;

3 “(D) professional development for teachers
4 or school leaders identified as in need of addi-
5 tional support through data provided by a
6 teacher or school leader evaluation system, as
7 appropriate;

8 “(E) professional development based on
9 the current science of learning, which includes
10 research on positive brain change and cognitive
11 skill development;

12 “(F) professional development for school
13 leaders, including evidence-based mentorship
14 programs for such leaders;

15 “(G) professional development on inte-
16 grated, interdisciplinary, and project-based
17 teaching strategies, including for career and
18 technical education teachers and teachers of
19 computer science and other science, technology
20 (including education about the harms of copy-
21 right piracy), engineering, and mathematics
22 subjects;

23 “(H) professional development on teaching
24 dual credit, dual enrollment, Advanced Place-
25 ment, or International Baccalaureate postsec-

1 ondary-level courses to secondary school stu-
2 dents;

3 “(I) professional development for teachers,
4 principals and other school administrators in
5 early elementary grades that includes special-
6 ized knowledge about child development and
7 learning, developmentally-appropriate curricula
8 and teaching practices, meaningful family en-
9 gagement and collaboration with early care and
10 education programs;

11 “(J) professional development, including
12 through joint professional development opportu-
13 nities, for early childhood educators, teachers,
14 principals, specialized instructional support per-
15 sonnel, and other school leaders;

16 “(K) training on child development, im-
17 proving instruction, and closing achievement
18 gaps; or

19 “(L) professional development on restora-
20 tive justice and conflict resolution;

21 “(7) partnering with a public or private organi-
22 zation or a consortium of such organizations to de-
23 velop and implement a teacher evaluation system de-
24 scribed in subparagraph (A) or (B) of paragraph

1 (1), or to administer professional development, as
2 appropriate;

3 “(8) any activities authorized under section
4 2222(a);

5 “(9) class size reduction, except that the local
6 educational agency may use not more than 10 per-
7 cent of such funds for this purpose; or

8 “(10) carrying out activities related to pay for
9 success initiatives that meet the purposes of this
10 part.

11 **“Subpart 3—General Provisions**

12 **“SEC. 2131. REPORTING REQUIREMENTS.**

13 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
14 educational agency receiving a subgrant under subpart 2
15 shall submit to the State educational agency involved, on
16 an annual basis until the last year in which the local edu-
17 cational agency receives such subgrant funds, a report
18 on—

19 “(1) how the local educational agency is meet-
20 ing the purposes of this part described in section
21 2101;

22 “(2) how the local educational agency is using
23 such subgrant funds;

24 “(3) in the case of a local educational agency
25 implementing a teacher or school leader evaluation

1 system, the results of such evaluation system, except
2 that such report shall not reveal personally identifi-
3 able information about an individual teacher or
4 school leader; and

5 “(4) any such other information as the State
6 educational agency may require, as long as student
7 and teacher privacy is maintained.

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

13 “(1) how the State educational agency is meet-
14 ing the purposes of this part described in section
15 2101; and

16 “(2) how the State educational agency is using
17 such grant funds.

18 **“SEC. 2132. NATIONAL ACTIVITIES.**

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

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

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

5 **“SEC. 2133. STATE DEFINED.**

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

9 **“SEC. 2134. EMPLOYEE TRANSFERS.**

10 “A local educational agency or State educational
11 agency shall be ineligible for funds under this Act if such
12 agency knowingly facilitates the transfer of any employee
13 if the agency knows, or has probable cause to believe, that
14 the employee engaged in sexual misconduct with a stu-
15 dent.”.

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

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

19 **FLEXIBLE GRANT**

20 **“SEC. 2201. PURPOSE.**

21 “The purpose of this part is to improve student aca-
22 demic achievement by—

23 “(1) supporting all State educational agencies,
24 local educational agencies, schools, teachers, and
25 school leaders to pursue innovative and evidence-

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

3 “(2) increasing the number of teachers and
4 school leaders who are effective in increasing student
5 academic achievement.

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

7 **“SEC. 2211. STATE ALLOTMENTS.**

8 “(a) RESERVATIONS.—From the amount appro-
9 priated under section 3(b) for any fiscal year, the Sec-
10 retary—

11 “(1) shall reserve 25 percent to award grants to
12 States under this subpart; and

13 “(2) of the amount reserved under paragraph
14 (1), shall reserve—

15 “(A) not more than 1 percent for national
16 activities described in section 2233;

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

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

25 “(b) STATE ALLOTMENTS.—

1 “(1) IN GENERAL.—From the total amount re-
2 served under subsection (a)(1) for each fiscal year
3 and not reserved under subparagraphs (A) through
4 (C) of subsection (a)(2), the Secretary shall allot,
5 and make available in accordance with this section,
6 to each State an amount that bears the same ratio
7 to such sums as the school-age population of the
8 State bears to the school-age population of all
9 States.

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

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

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

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

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

7 “(3) describe the procedures and criteria the
8 State educational agency will use for reviewing appli-
9 cations and awarding subgrants in a timely manner
10 to eligible entities under section 2221 on a competi-
11 tive basis;

12 “(4) describe how the State educational agency
13 will ensure that subgrants made under section 2221
14 are of sufficient size and scope to support effective
15 programs that will help increase academic achieve-
16 ment in the classroom and are consistent with the
17 purposes of this part;

18 “(5) describe the steps the State educational
19 agency will take to ensure that eligible entities use
20 subgrants received under section 2221 to carry out
21 programs that implement effective strategies, includ-
22 ing by providing ongoing technical assistance and
23 training, and disseminating evidence-based and other
24 effective strategies to such eligible entities;

1 “(6) describe how programs under this part will
2 be coordinated with other programs under this Act;
3 and

4 “(7) include an assurance that, other than pro-
5 viding technical and advisory assistance and moni-
6 toring compliance with this part, the State edu-
7 cational agency has not exercised, and will not exer-
8 cise, any influence in the decisionmaking processes
9 of eligible entities as to the expenditure of funds
10 made pursuant to an application submitted under
11 section 2221(b).

12 “(d) STATE USE OF FUNDS.—

13 “(1) IN GENERAL.—Each State that receives an
14 allotment under this section shall reserve not less
15 than 92 percent of the amount allotted to such State
16 under subsection (b), for each fiscal year, for sub-
17 grants to eligible entities under subpart 2.

18 “(2) STATE ADMINISTRATION.—A State edu-
19 cational agency may reserve not more than 1 percent
20 of the amount made available to the State under
21 subsection (b) for the administrative costs of car-
22 rying out such State educational agency’s respon-
23 sibilities under this subpart.

24 “(3) STATE-LEVEL ACTIVITIES.—

1 “(A) INNOVATIVE TEACHER AND SCHOOL
2 LEADER ACTIVITIES.—A State educational
3 agency shall reserve not more than 4 percent of
4 the amount made available to the State under
5 subsection (b) to carry out, solely, or in part-
6 nership with State agencies of higher education,
7 1 or more of the following activities:

8 “(i) Reforming teacher and school
9 leader certification, recertification, licens-
10 ing, and tenure systems to ensure that
11 such systems are rigorous and that—

12 “(I) each teacher has the subject
13 matter knowledge and teaching skills
14 necessary to help students meet the
15 State’s academic standards; and

16 “(II) school leaders have the in-
17 structional leadership skills to help
18 teachers instruct and students learn.

19 “(ii) Improving the quality of teacher
20 preparation programs within the State, in-
21 cluding through the use of appropriate stu-
22 dent achievement data and other factors to
23 evaluate the quality of teacher preparation
24 programs within the State.

1 “(iii) Carrying out programs that es-
2 tablish, expand, or improve alternative
3 routes for State certification or licensure of
4 teachers and school leaders, including such
5 programs for—

6 “(I) mid-career professionals
7 from other occupations, including
8 computer science and other science,
9 technology, engineering, and math
10 fields;

11 “(II) former military personnel;
12 and

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

18 “(iv) Developing, or assisting eligible
19 entities in developing—

20 “(I) performance-based pay sys-
21 tems for teachers and school leaders;

22 “(II) strategies that provide dif-
23 ferential, incentive, or bonus pay for
24 teachers and school leaders; or

1 “(III) teacher and school leader
2 advancement initiatives that promote
3 professional growth and emphasize
4 multiple career paths and pay dif-
5 ferentiation.

6 “(v) Developing, or assisting eligible
7 entities in developing, new, evidence-based
8 teacher and school leader induction and
9 mentoring programs that are designed
10 to—

11 “(I) improve instruction and stu-
12 dent academic achievement; and

13 “(II) increase the retention of ef-
14 fective teachers and school leaders.

15 “(vi) Providing professional develop-
16 ment for teachers and school leaders that
17 is focused on improving teaching and stu-
18 dent academic achievement, including for
19 students with different learning styles, par-
20 ticularly students with disabilities, English
21 learners, gifted and talented students, and
22 other special populations.

23 “(vii) Providing training and technical
24 assistance to eligible entities that receive a
25 subgrant under section 2221.

1 “(viii) Other activities identified by
2 the State educational agency that meet the
3 purposes of this part, including those ac-
4 tivities authorized under subparagraph
5 (B).

6 “(ix) Supporting State or local pay for
7 success initiatives that meet the purposes
8 of this part.

9 “(B) TEACHER OR SCHOOL LEADER PREP-
10 ARATION ACADEMIES.—

11 “(i) IN GENERAL.—In the case of a
12 State in which teacher or school leader
13 preparation academies are allowable under
14 State law, a State educational agency may
15 reserve not more than 3 percent of the
16 amount made available to the State under
17 subsection (b) to support the establishment
18 or expansion of one or more teacher or
19 school leader preparation academies and,
20 subject to the limitation under clause (iii),
21 to support State authorizers for such acad-
22 emies.

23 “(ii) MATCHING REQUIREMENT.—A
24 State educational agency shall not provide
25 funds under this subparagraph to support

1 the establishment or expansion of a teach-
2 er or school leader preparation academy
3 unless the academy agrees to provide, ei-
4 ther directly or through private contribu-
5 tions, non-Federal matching funds equal to
6 not less than 10 percent of the amount of
7 the funds the academy will receive under
8 this subparagraph.

9 “(iii) FUNDING FOR STATE AUTHOR-
10 IZERS.—Not more than 5 percent of funds
11 provided to a teacher or school leader prep-
12 aration academy under this subparagraph
13 may be used to support activities of State
14 authorizers for such academy.

15 **“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLI-**
16 **CATIONS.**

17 “(a) DEEMED APPROVAL.—An application submitted
18 by a State pursuant to section 2211(c) shall be deemed
19 to be approved by the Secretary unless the Secretary
20 makes a written determination, prior to the expiration of
21 the 120-day period beginning on the date on which the
22 Secretary received the application, that the application is
23 not in compliance with section 2211(c).

24 “(b) DISAPPROVAL PROCESS.—

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

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

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

11 “(B) notify the State educational agency of
12 the finding of noncompliance and, in such noti-
13 fication, shall—

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

16 “(ii) request additional information,
17 only as to the noncompliant provisions,
18 needed to make the application compliant.

19 “(3) RESPONSE.—If a State educational agency
20 responds to a notification from the Secretary under
21 paragraph (2)(B) during the 45-day period begin-
22 ning on the date on which the State educational
23 agency received the notification, and resubmits the
24 application with the requested information described

1 in paragraph (2)(B)(ii), the Secretary shall approve
2 or disapprove such application prior to the later of—

3 “(A) the expiration of the 45-day period
4 beginning on the date on which the application
5 is resubmitted; or

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

8 “(4) FAILURE TO RESPOND.—If the State edu-
9 cational agency does not respond to a notification
10 from the Secretary under paragraph (2)(B) during
11 the 45-day period beginning on the date on which
12 the State educational agency received the notifica-
13 tion, such application shall be deemed to be dis-
14 approved.

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

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

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

23 “(b) APPLICATION.—

24 “(1) IN GENERAL.—To be eligible to receive a
25 subgrant under this section, an eligible entity shall

1 submit an application to the State educational agen-
2 cy at such time, in such manner, and including such
3 information as the State educational agency may
4 reasonably require.

5 “(2) CONTENTS.—Each application submitted
6 under paragraph (1) shall include—

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

10 “(B) an assurance that the eligible entity
11 will comply with section 6501 (regarding par-
12 ticipation by private school children and teach-
13 ers).

14 “(c) PEER REVIEW.—In reviewing applications under
15 this section, a State educational agency shall use a peer
16 review process or other methods of assuring the quality
17 of such applications but the review shall only judge the
18 likelihood of the activity to increase student academic
19 achievement. The reviewers shall not make a determina-
20 tion based on the policy of the proposed activity.

21 “(d) GEOGRAPHIC DIVERSITY.—A State educational
22 agency shall distribute funds under this section equitably
23 among geographic areas within the State, including rural,
24 suburban, and urban communities.

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

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

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

10 “(a) IN GENERAL.—Each eligible entity receiving a
11 subgrant under section 2221 shall use such subgrant
12 funds to develop, implement, and evaluate comprehensive
13 programs and activities, that are in accordance with the
14 purpose of this part and—

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

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

19 “(A) developing and implementing initia-
20 tives to assist in recruiting, hiring, and retain-
21 ing highly effective teachers and school leaders,
22 including initiatives that provide—

23 “(i) differential, incentive, or bonus
24 pay for teachers and school leaders;

1 “(ii) performance-based pay systems
2 for teachers and school leaders;

3 “(iii) teacher and school leader ad-
4 vancement initiatives that promote profes-
5 sional growth and emphasize multiple ca-
6 reer paths and pay differentiation;

7 “(iv) new teacher and school leader
8 induction and mentoring programs that
9 are designed to improve instruction, stu-
10 dent academic achievement, and to in-
11 crease teacher and school leader retention;
12 and

13 “(v) teacher residency programs, and
14 school leader residency programs, designed
15 to develop and support new teachers or
16 new school leaders, respectively;

17 “(B) supporting the establishment or ex-
18 pansion of teacher or school leader preparation
19 academies under section 2211(d)(3)(B);

20 “(C) recruiting qualified individuals from
21 other fields, including individuals from com-
22 puter science and other science, technology, en-
23 gineering, and math fields, mid-career profes-
24 sionals from other occupations, and former mili-
25 tary personnel;

1 “(D) establishing, improving, or expanding
2 model instructional programs to ensure that all
3 children meet the State’s academic standards;

4 “(E) providing evidence-based, job embed-
5 ded, continuous professional development for
6 teachers and school leaders focused on improv-
7 ing teaching and student academic achievement;

8 “(F) implementing programs based on the
9 current science of learning, which includes re-
10 search on positive brain change and cognitive
11 skill development;

12 “(G) recruiting and training teachers to
13 teach dual credit, dual enrollment, Advanced
14 Placement, or International Baccalaureate post-
15 secondary-level courses to secondary school stu-
16 dents;

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

20 “(I) carrying out activities related to pay
21 for success initiatives that meet the purposes of
22 this part.

23 “(b) PRINCIPLES OF EFFECTIVENESS.—For a pro-
24 gram or activity developed pursuant to this section to meet

1 the principles of effectiveness, such program or activity
2 shall—

3 “(1) be based upon an assessment of objective
4 data regarding the need for programs and activities
5 in the elementary schools and secondary schools
6 served to increase the number of teachers and school
7 leaders who are effective in improving student aca-
8 demic achievement;

9 “(2) reflect evidence-based research, or in the
10 absence of a strong research base, reflect effective
11 strategies in the field, that provide evidence that the
12 program or activity will improve student academic
13 achievement; and

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

18 **“Subpart 3—General Provisions**

19 **“SEC. 2231. PERIODIC EVALUATION.**

20 “(a) IN GENERAL.—Each eligible entity and each
21 teacher or school leader preparation academy that receives
22 funds under this part shall undergo a periodic evaluation
23 by the State educational agency involved to assess such
24 entity’s or such academy’s progress toward achieving the
25 purposes of this part.

1 “(b) USE OF RESULTS.—The results of an evaluation
2 described in subsection (a) of an eligible entity or academy
3 shall be—

4 “(1) used to refine, improve, and strengthen
5 such eligible entity or such academy, respectively;
6 and

7 “(2) made available to the public upon request,
8 with public notice of such availability provided.

9 **“SEC. 2232. REPORTING REQUIREMENTS.**

10 “(a) ELIGIBLE ENTITIES AND ACADEMIES.—Each
11 eligible entity and each teacher or school leader prepara-
12 tion academy that receives funds from a State educational
13 agency under this part shall prepare and submit annually
14 to such State educational agency a report that includes—

15 “(1) a description of the progress of the eligible
16 entity or teacher or school leader preparation acad-
17 emy, respectively, in meeting the purposes of this
18 part;

19 “(2) a description of the programs and activi-
20 ties conducted by the eligible entity or teacher or
21 school leader preparation academy, respectively, with
22 funds received under this part;

23 “(3) how the eligible entity or teacher or school
24 leader preparation academy, respectively, is using
25 such funds; and

1 “(4) any such other information as the State
2 educational agency may reasonably require.

3 “(b) STATE EDUCATIONAL AGENCIES.—Each State
4 educational agency that receives a grant under this part
5 shall prepare and submit, annually, to the Secretary a re-
6 port that includes—

7 “(1) a description of the programs and activi-
8 ties conducted by the State educational agency with
9 grant funds received under this part;

10 “(2) a description of the progress of the State
11 educational agency in meeting the purposes of this
12 part described in section 2201;

13 “(3) how the State educational agency is using
14 grant funds received under this part;

15 “(4) the methods and criteria the State edu-
16 cational agency used to award subgrants in a timely
17 manner to eligible entities under section 2221 and,
18 if applicable, funds in a timely manner to teacher or
19 school leader academies under section
20 2211(d)(3)(B); and

21 “(5) the results of the periodic evaluations con-
22 ducted under section 2231.

1 **“SEC. 2233. NATIONAL ACTIVITIES.**

2 “From the funds reserved by the Secretary under sec-
3 tion 2211(a)(2)(A), the Secretary shall, directly or
4 through grants and contracts—

5 “(1) provide technical assistance to States and
6 eligible entities in carrying out activities under this
7 part; and

8 “(2) acting through the Institute of Education
9 Sciences, conduct national evaluations of activities
10 carried out by States and eligible entities under this
11 part.

12 **“SEC. 2234. DEFINITIONS.**

13 “In this part:

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

16 “(A) a local educational agency or consor-
17 tium of local educational agencies;

18 “(B) an institution of higher education or
19 consortium of such institutions in partnership
20 with a local educational agency or consortium
21 of local educational agencies;

22 “(C) a for-profit organization, a nonprofit
23 organization, or a consortium of for-profit or
24 nonprofit organizations in partnership with a
25 local educational agency or consortium of local
26 educational agencies; or

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

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

6 “(3) STATE AUTHORIZER.—The term ‘State au-
7 thorizer’ means an entity designated by the Gov-
8 ernor of a State to authorize teacher or school leader
9 preparation academies within the State that—

10 “(A) enters into an agreement with a
11 teacher or school leader preparation academy
12 that—

13 “(i) specifies the goals expected of the
14 academy, which, at a minimum, include the
15 goals described in paragraph (4); and

16 “(ii) does not reauthorize the academy
17 if such goals are not met;

18 “(B) may be a nonprofit organization, a
19 State educational agency, or other public entity,
20 or consortium of such entities (including a con-
21 sortium of State educational agencies); and

22 “(C) has a timely and efficient approval
23 process to approve or disapprove a teacher or
24 school leader preparation academy.

1 “(4) TEACHER OR SCHOOL LEADER PREPARA-
2 TION ACADEMY.—The term ‘teacher or school leader
3 preparation academy’ means a public or private enti-
4 ty, or a nonprofit or for-profit organization, which
5 may be an institution of higher education or an or-
6 ganization affiliated with an institution of higher
7 education, that will prepare teachers or school lead-
8 ers to serve in schools, and that—

9 “(A) enters into an agreement with a State
10 authorizer that specifies the goals expected of
11 the academy, including—

12 “(i) a requirement that prospective
13 teachers or school leaders who are enrolled
14 in a teacher or school leader preparation
15 academy receive a significant part of their
16 training through clinical preparation that
17 partners the prospective candidate with an
18 effective teacher or school leader, respec-
19 tively, with a demonstrated record of in-
20 creasing or producing high student
21 achievement, while also receiving concu-
22 rent instruction from the academy in the
23 content area (or areas) in which the pro-
24 spective teacher or school leader will be-
25 come certified or licensed;

1 “(ii) the number of effective teachers
2 or school leaders, respectively, who will
3 demonstrate success in increasing or pro-
4 ducing high student achievement that the
5 academy will produce; and

6 “(iii) a requirement that a teacher or
7 school leader preparation academy will only
8 award a certificate of completion after the
9 graduate demonstrates that the graduate is
10 an effective teacher or school leader, re-
11 spectively, with a demonstrated record of
12 increasing or producing high student
13 achievement, except that an academy may
14 award a provisional certificate for the pe-
15 riod necessary to allow the graduate to
16 demonstrate such effectiveness;

17 “(B) does not have restrictions on the
18 methods the academy will use to train prospec-
19 tive teacher or school leader candidates, includ-
20 ing—

21 “(i) obligating (or prohibiting) the
22 academy’s faculty to hold advanced degrees
23 or conduct academic research;

24 “(ii) restrictions related to the acad-
25 emy’s physical infrastructure;

1 “(iii) restrictions related to the num-
2 ber of course credits required as part of
3 the program of study;

4 “(iv) restrictions related to the under-
5 graduate coursework completed by teachers
6 teaching or working on alternative certifi-
7 cates, licenses, or credentials, as long as
8 such teachers have successfully passed all
9 relevant State-approved content area ex-
10 aminations; or

11 “(v) restrictions related to obtaining
12 accreditation from an accrediting body for
13 purposes of becoming an academy;

14 “(C) limits admission to its program to
15 prospective teacher or school leader candidates
16 who demonstrate strong potential to improve
17 student achievement, based on a rigorous selec-
18 tion process that reviews a candidate’s prior
19 academic achievement or record of professional
20 accomplishment; and

21 “(D) results in a certificate of completion
22 that the State may recognize as at least the
23 equivalent of a master’s degree in education for
24 the purposes of hiring, retention, compensation,
25 and promotion in the State.

1 “(5) TEACHER RESIDENCY PROGRAM.—The
2 term ‘teacher residency program’ means a school-
3 based teacher preparation program in which a pro-
4 spective teacher—

5 “(A) for one academic year, teaches along-
6 side an effective teacher, as determined by a
7 teacher evaluation system implemented under
8 part A, who is the teacher of record;

9 “(B) receives concurrent instruction during
10 the year described in subparagraph (A) from
11 the partner institution (as defined in section
12 200 of the Higher Education Act of 1965 (20
13 U.S.C. 1021)), which courses may be taught by
14 local educational agency personnel or residency
15 program faculty, in the teaching of the content
16 area in which the teacher will become certified
17 or licensed; and

18 “(C) acquires effective teaching skills.

19 “(6) WORKFORCE CRITICAL SUBJECT.—The
20 term ‘workforce critical subject’ means an academic
21 subject of urgent importance to the current and fu-
22 ture workforce needs of the State, including science,
23 technology, engineering, math, and any other subject
24 that has been identified by the State, in consultation

1 with employer, workforce, community, educator, par-
2 ent and professional stakeholders.”.

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

5 (1) by striking subparts 1 through 4;

6 (2) by striking the heading relating to subpart
7 5;

8 (3) by striking sections 2361 and 2368;

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

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

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

15 (7) by redesignating section 2362 as section
16 2361;

17 (8) by redesignating sections 2364 through
18 2367 as sections 2362 through 2365, respectively;
19 and

20 (9) by redesignating section 2363 as section
21 2366 and transferring such section to appear after
22 section 2365 (as so redesignated).

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

1 **“PART D—GENERAL PROVISIONS**

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

3 “In this title, the term ‘local educational agency’ in-
4 cludes a charter school (as defined in section 6101) that,
5 in the absence of this section, would not have received
6 funds under this title.

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

8 “At the beginning of each school year, a local edu-
9 cational agency that receives funds under this title shall
10 notify the parents of each student attending any school
11 receiving funds under this title that the parents may re-
12 quest, and the agency will provide the parents on request
13 (and in a timely manner), information regarding the pro-
14 fessional qualifications of the student’s classroom teachers
15 any assessments mandated by the State educational agen-
16 cy or local educational agency for the student for that
17 school year, and any local educational agency policy re-
18 garding student participation in such assessments.

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

20 “Funds received under this title shall be used to sup-
21 plement, and not supplant, non-Federal funds that would
22 otherwise be used for activities authorized under this
23 title.”.

1 **SEC. 202. CONFORMING REPEALS.**

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

5 (b) EFFECTIVE DATE.—The repeals made by sub-
6 section (a) shall take effect October 1, 2015.

7 **TITLE III—PARENTAL ENGAGE-**
8 **MENT AND LOCAL FLEXI-**
9 **BILITY**

10 **SEC. 301. PARENTAL ENGAGEMENT AND LOCAL FLEXI-**
11 **BILITY.**

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

14 **“TITLE III—PARENTAL ENGAGE-**
15 **MENT AND LOCAL FLEXI-**
16 **BILITY**

17 **“PART A—PARENTAL ENGAGEMENT**

18 **“Subpart 1—Charter School Program**

19 **“SEC. 3101. SENSE OF CONGRESS; PURPOSE.**

20 **“(a) SENSE OF CONGRESS.—**

21 **“(1) FINDINGS.—**The Congress finds the fol-
22 **lowing:**

23 **“(A)** The number of public charter schools
24 has dramatically increased in recent years. Be-
25 tween the 2008–2009 school year and the
26 2013–2014 school year, there was a 77 percent

1 increase in the number of students attending
2 public charter schools and a 39 percent increase
3 in the number of schools.

4 “(B) Charter schools serve a very diverse
5 population of students. Nationally, 57 percent
6 of students enrolled in charter schools are mi-
7 nority students, while only 39 percent of stu-
8 dents in non-charter public schools are minority
9 students.

10 “(C) For the 2014–2015 school year, there
11 are more than 6700 public charter schools serv-
12 ing about 2.9 million students. This represents
13 a 4 percent growth in the number of open char-
14 ter schools, and a 14 percent increase in stu-
15 dent enrollment from the 2013–2014 school
16 year.

17 “(D) There are more than one million stu-
18 dent names on charter school waiting lists.

19 “(E) Charter schools are open in areas
20 where students need better education options,
21 including areas that serve economically dis-
22 advantaged kids. Almost 50 percent of the stu-
23 dents attending charter schools qualify for free
24 or reduced priced lunch, a slightly larger per-
25 centage than non-charter public schools.

1 “(F) Charter schools serve students in all
2 areas, from urban cities to rural towns through
3 traditional brick and mortar schools, blended
4 learning models, and online programs, giving
5 parents across the Nation options to find the
6 best learning environment for their children.

7 “(G) Charter schools give parents the op-
8 portunity to find the right place for their child
9 to learn. Whether they are looking for digital
10 learning, Montessori, or a more structured envi-
11 ronment, charter schools provide a variety of
12 education options for families.

13 “(H) Charter schools have strong account-
14 ability to parents and the community because
15 they have to meet the same State academic ac-
16 countability requirements as all other public
17 schools, satisfy the terms of their charter with
18 their authorizing authority, and satisfy parents
19 who have selected the school for their children.

20 “(2) SENSE OF CONGRESS.—It is the sense of
21 the Congress that charter schools are a critical part
22 of our education system in this Nation and the Con-
23 gress believes we must support opening more quality
24 charter schools to help students succeed in their fu-
25 ture.

1 “(b) PURPOSE.—It is the purpose of this subpart
2 to—

3 “(1) improve the United States education sys-
4 tem and education opportunities for all Americans
5 by supporting innovation in public education in pub-
6 lic school settings that prepare students to compete
7 and contribute to the global economy and a stronger
8 America;

9 “(2) provide financial assistance for the plan-
10 ning, program design, and initial implementation of
11 charter schools;

12 “(3) expand the number of high-quality charter
13 schools available to students across the Nation;

14 “(4) evaluate the impact of such schools on stu-
15 dent achievement, families, and communities, and
16 share best practices between charter schools and
17 other public schools;

18 “(5) encourage States to provide support to
19 charter schools for facilities financing in an amount
20 more nearly commensurate to the amount the States
21 have typically provided for traditional public schools;

22 “(6) improve student services to increase oppor-
23 tunities for students with disabilities, English learn-
24 ers, and other traditionally underserved students to

1 attend charter schools and meet challenging State
2 academic achievement standards;

3 “(7) support efforts to strengthen the charter
4 school authorizing process to improve performance
5 management, including transparency, oversight,
6 monitoring, and evaluation of such schools; and

7 “(8) support quality accountability and trans-
8 parency in the operational performance of all au-
9 thorized public chartering agencies, which include
10 State educational agencies, local educational agen-
11 cies, and other authorizing entities.

12 **“SEC. 3102. PROGRAM AUTHORIZED.**

13 “(a) IN GENERAL.—This subpart authorizes the Sec-
14 retary to carry out a charter school program that supports
15 charter schools that serve elementary school and sec-
16 ondary school students by—

17 “(1) supporting the startup of charter schools,
18 and the replication and expansion of high-quality
19 charter schools;

20 “(2) assisting charter schools in accessing cred-
21 it to acquire and renovate facilities for school use;
22 and

23 “(3) carrying out national activities to sup-
24 port—

25 “(A) charter school development;

1 “(B) the dissemination of best practices of
2 charter schools for all schools;

3 “(C) the evaluation of the impact of the
4 program on schools participating in the pro-
5 gram; and

6 “(D) stronger charter school authorizing.

7 “(b) FUNDING ALLOTMENT.—From the amount
8 made available under section 3(c)(1)(A) for a fiscal year,
9 the Secretary shall—

10 “(1) reserve 12.5 percent to support charter
11 school facilities assistance under section 3104;

12 “(2) reserve not more than 10 percent to carry
13 out national activities under section 3105; and

14 “(3) use the remaining amount after the Sec-
15 retary reserves funds under paragraphs (1) and (2)
16 to carry out section 3103.

17 “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-
18 ent of a grant or subgrant under this subpart or subpart
19 2, as such subpart was in effect on the day before the
20 date of the enactment of the Student Success Act, shall
21 continue to receive funds in accordance with the terms and
22 conditions of such grant or subgrant.

23 “(d) GAO REPORT.—Not later than 3 years after the
24 date of the enactment of the Student Success Act, the

1 Comptroller General of the United States shall submit a
2 report to the Secretary and Congress that—

3 “(1) examines whether the funds authorized to
4 be reserved by State entities for administrative costs
5 under section 3103(b)(1)(C) is appropriate; and

6 “(2) if such reservation of funds is determined
7 not to be appropriate, makes recommendations on
8 the appropriate reservation of funding for such ad-
9 ministrative costs.

10 **“SEC. 3103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
11 **SCHOOLS.**

12 “(a) IN GENERAL.—From the amount reserved
13 under section 3102(b)(3), the Secretary shall award
14 grants to State entities having applications approved pur-
15 suant to subsection (f) to enable such entities to—

16 “(1) award subgrants to eligible applicants for
17 opening and preparing to operate—

18 “(A) new charter schools;

19 “(B) replicated, high-quality charter school
20 models; or

21 “(C) expanded, high-quality charter
22 schools; and

23 “(2) provide technical assistance to eligible ap-
24 plicants and authorized public chartering agencies in
25 carrying out the activities described in paragraph (1)

1 and work with authorized public chartering agencies
2 in the State to improve authorizing quality.

3 “(b) STATE USES OF FUNDS.—

4 “(1) IN GENERAL.—A State entity receiving a
5 grant under this section shall—

6 “(A) use not less than 90 percent of the
7 grant funds to award subgrants to eligible ap-
8 plicants, in accordance with the quality charter
9 school program described in the State entity’s
10 application approved pursuant to subsection (f),
11 for the purposes described in subparagraphs
12 (A) through (C) of subsection (a)(1);

13 “(B) reserve not less than 7 percent of
14 such funds to carry out the activities described
15 in subsection (a)(2); and

16 “(C) reserve not more than 3 percent of
17 such funds for administrative costs which may
18 include technical assistance.

19 “(2) CONTRACTS AND GRANTS.—A State entity
20 may use a grant received under this section to carry
21 out the activities described in subparagraphs (A)
22 and (B) of paragraph (1) directly or through grants,
23 contracts, or cooperative agreements.

24 “(3) RULE OF CONSTRUCTION.—Nothing in
25 this Act shall prohibit the Secretary from awarding

1 grants to States that use a weighted lottery to give
2 slightly better chances for admission to all, or a sub-
3 set of, educationally disadvantaged students if—

4 “(A) the use of weighted lotteries in favor
5 of such students is not prohibited by State law,
6 and such State law is consistent with laws de-
7 scribed in section 6101(3)(G); and

8 “(B) such weighted lotteries are not used
9 for the purpose of creating schools exclusively
10 to serve a particular subset of students.

11 “(c) PROGRAM PERIODS; PEER REVIEW; GRANT
12 NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIV-
13 ERS.—

14 “(1) PROGRAM PERIODS.—

15 “(A) GRANTS.—A grant awarded by the
16 Secretary to a State entity under this section
17 shall be for a period of not more than 5 years.

18 “(B) SUBGRANTS.—A subgrant awarded
19 by a State entity under this section shall be for
20 a period of not more than 5 years, of which an
21 eligible applicant may use not more than 18
22 months for planning and program design.

23 “(2) PEER REVIEW.—The Secretary, and each
24 State entity receiving a grant under this section,

1 shall use a peer review process to review applications
2 for assistance under this section.

3 “(3) GRANT AWARDS.—The Secretary shall—

4 “(A) for each fiscal year for which funds
5 are appropriated under section 3(c)(1)(A)—

6 “(i) award not less than 3 grants
7 under this section;

8 “(ii) wholly fund each grant awarded
9 under this section, without making con-
10 tinuation awards; and

11 “(iii) fully obligate the funds appro-
12 priated for the purpose of awarding grants
13 under this section in the fiscal year for
14 which such grants are awarded; and

15 “(B) prior to the start of the final year of
16 the grant period of each grant awarded under
17 this section to a State entity, review whether
18 the State entity is using the grant funds for the
19 agreed upon uses of funds and whether the full
20 amount of the grant will be needed for the re-
21 mainder of the grant period and may, as deter-
22 mined necessary based on that review, termi-
23 nate or reduce the amount of the grant and re-
24 allocate the remaining grant funds to other

1 State entities during the succeeding grant com-
2 petition under this section.

3 “(4) DIVERSITY OF PROJECTS.—Each State en-
4 tity receiving a grant under this section shall award
5 subgrants under this section in a manner that, to
6 the extent possible, ensures that such subgrants—

7 “(A) are distributed throughout different
8 areas, including urban, suburban, and rural
9 areas; and

10 “(B) will assist charter schools rep-
11 resenting a variety of educational approaches.

12 “(5) WAIVERS.—The Secretary may waive any
13 statutory or regulatory requirement over which the
14 Secretary exercises administrative authority, except
15 for any such requirement relating to the elements of
16 a charter school described in section 6101(3), if—

17 “(A) the waiver is requested in an ap-
18 proved application under this section; and

19 “(B) the Secretary determines that grant-
20 ing such a waiver will promote the purposes of
21 this subpart.

22 “(d) LIMITATIONS.—

23 “(1) GRANTS.—The Secretary shall not award
24 a grant to a State entity under this section in a case
25 in which such award would result in more than 1

1 grant awarded under this section being carried out
2 in a State at the same time.

3 “(2) SUBGRANTS.—An eligible applicant may
4 not receive more than 1 subgrant under this section
5 per individual charter school for a 5-year period, un-
6 less the eligible applicant demonstrates to the State
7 entity not less than 3 years of improved educational
8 results in the areas described in subparagraphs (A)
9 and (D) of section 3110(7) for students enrolled in
10 such charter school.

11 “(e) APPLICATIONS.—A State entity desiring to re-
12 ceive a grant under this section shall submit an application
13 to the Secretary at such time and in such manner as the
14 Secretary may require. The application shall include the
15 following:

16 “(1) DESCRIPTION OF PROGRAM.—A descrip-
17 tion of the State entity’s objectives under this sec-
18 tion and how the objectives of the State entity’s
19 quality charter school program will be carried out,
20 including a description—

21 “(A) of how the State entity—

22 “(i) will support the opening of new
23 charter schools, replicated, high-quality
24 charter school models, or expanded, high-
25 quality charter schools, and a description

1 of the proposed number of each type of
2 charter school or model, if applicable, to be
3 opened under the State entity’s program;

4 “(ii) will inform eligible charter
5 schools, developers, and authorized public
6 chartering agencies of the availability of
7 funds under the program;

8 “(iii) will work with eligible applicants
9 to ensure that the eligible applicants access
10 all Federal funds that they are eligible to
11 receive, and help the charter schools sup-
12 ported by the applicants and the students
13 attending the charter schools—

14 “(I) participate in the Federal
15 programs in which the schools and
16 students are eligible to participate;

17 “(II) receive the commensurate
18 share of Federal funds the schools
19 and students are eligible to receive
20 under such programs; and

21 “(III) meet the needs of students
22 served under such programs, including
23 students with disabilities and English
24 learners;

1 “(iv) will have clear plans and proce-
2 dures to assist students enrolled in a char-
3 ter school that closes or loses its charter to
4 attend other high-quality schools;

5 “(v) in the case in which the State en-
6 tity is not a State educational agency—

7 “(I) will work with the State edu-
8 cational agency and the charter
9 schools in the State to maximize char-
10 ter school participation in Federal and
11 State programs for charter schools;
12 and

13 “(II) will work with the State
14 educational agency to adequately op-
15 erate the State entity’s program
16 under this section, where applicable;

17 “(vi) will ensure each eligible appli-
18 cant that receives a subgrant under the
19 State entity’s program to open and prepare
20 to operate a new charter school, a rep-
21 licated, high-quality charter school model,
22 or an expanded, high-quality charter
23 school—

1 “(I) will ensure such school or
2 model meets the requirements under
3 section 6101(3); and

4 “(II) is prepared to continue to
5 operate such school or model, in a
6 manner consistent with the eligible
7 applicant’s application, after the
8 subgrant funds have expired;

9 “(vii) will support charter schools in
10 local educational agencies with large num-
11 bers of schools identified by the State for
12 improvement, including supporting the use
13 of charter schools to improve, or in turning
14 around, struggling schools;

15 “(viii) will work with charter schools
16 to promote inclusion of all students, in-
17 cluding eliminating any barriers to enroll-
18 ment for foster youth or unaccompanied
19 homeless youth, and support all students
20 once they are enrolled to promote retention
21 including through the use of fair discipli-
22 nary practice;

23 “(ix) will work with charter schools on
24 recruitment practices, including efforts to
25 engage groups that may otherwise have

1 limited opportunities to participate in char-
2 ter schools, and to ensure such schools do
3 not have in effect policies or procedures
4 that may create barriers to enrollment of
5 students, including educationally disadvan-
6 taged students, and are in compliance with
7 all Federal and State laws on enrollment
8 practices;

9 “(x) will share best and promising
10 practices between charter schools and
11 other public schools, including, where ap-
12 propriate, instruction and professional de-
13 velopment in science, technology, engineer-
14 ing, and math education, including com-
15 puter science, and other subjects;

16 “(xi) will ensure the charter schools
17 receiving funds under the State entity’s
18 program meet the educational needs of
19 their students, including students with dis-
20 abilities and English learners;

21 “(xii) will support efforts to increase
22 quality initiatives, including meeting the
23 quality authorizing elements described in
24 paragraph (2)(E);

1 “(xiii) in the case of a State entity
2 not described in clause (xiv), will provide
3 oversight of authorizing activity, including
4 how the State will help ensure better au-
5 thorizing, such as by establishing author-
6 izing standards that may include approv-
7 ing, actively monitoring, and re-approving
8 or revoking the authority of an authorized
9 public chartering agency based on the per-
10 formance of the charter schools authorized
11 by such agency in the areas of student
12 achievement, student safety, financial and
13 operational management, and compliance
14 with all applicable statutes and regula-
15 tions;

16 “(xiv) in the case of a State entity de-
17 fined in subsection (i)(4), will work with
18 the State to support the State’s system of
19 assistance and oversight of authorized pub-
20 lic chartering agencies for authorizing ac-
21 tivity described in clause (xiii); and

22 “(xv) will work with eligible applicants
23 receiving a subgrant under the State enti-
24 ty’s program to support the opening of
25 charter schools or charter school models

1 described in clause (i) that are secondary
2 schools;

3 “(B) of the extent to which the State enti-
4 ty—

5 “(i) is able to meet and carry out the
6 priorities listed in subsection (f)(2);

7 “(ii) is working to develop or
8 strengthen a cohesive statewide system to
9 support the opening of new charter
10 schools, replicated, high-quality charter
11 school models, or expanded, high-quality
12 charter schools; and

13 “(iii) is working to develop or
14 strengthen a cohesive strategy to encour-
15 age collaboration between charter schools
16 and local educational agencies on the shar-
17 ing of best practices;

18 “(C) of how the State entity will carry out
19 the subgrant competition, including—

20 “(i) a description of the application
21 each eligible applicant desiring to receive a
22 subgrant will submit, including—

23 “(I) a description of the roles
24 and responsibilities of the eligible ap-
25 plicant, partner organizations, and

1 management organizations, including
2 the administrative and contractual
3 roles and responsibilities;

4 “(II) a description of the quality
5 controls agreed to between the eligible
6 applicant and the authorized public
7 chartering agency involved, such as a
8 contract or performance agreement,
9 how a school’s performance in the
10 State’s academic accountability sys-
11 tem will be one of the most important
12 factors for renewal or revocation of
13 the school’s charter, and how the
14 State entity and the authorized public
15 chartering agency involved will reserve
16 the right to revoke or not renew a
17 school’s charter based on financial,
18 structural, or operational factors in-
19 volving the management of the school;

20 “(III) a description of how the el-
21 igible applicant will solicit and con-
22 sider input from parents and other
23 members of the community on the im-
24 plementation and operation of each

1 charter school that will receive funds
2 under the State entity’s program; and
3 “(IV) a description of the
4 planned activities and expenditures
5 for the subgrant funds for purposes of
6 opening and preparing to operate a
7 new charter school, a replicated, high-
8 quality charter school model, or an ex-
9 panded, high-quality charter school,
10 and how the school or model will
11 maintain financial sustainability after
12 the end of the subgrant period; and
13 “(ii) a description of how the State
14 entity will review applications;
15 “(D) in the case of a State entity that
16 partners with an outside organization to carry
17 out the State entity’s quality charter school
18 program, in whole or in part, of the roles and
19 responsibilities of this partner;
20 “(E) of how the State entity will help the
21 charter schools receiving funds under the State
22 entity’s program consider the transportation
23 needs of the schools’ students; and

1 “(F) of how the State entity will support
2 diverse charter school models, including models
3 that serve rural communities.

4 “(2) ASSURANCES.—Assurances, including a
5 description of how the assurances will be met,
6 that—

7 “(A) each charter school receiving funds
8 under the State entity’s program will have a
9 high degree of autonomy over budget and oper-
10 ations;

11 “(B) the State entity will support charter
12 schools in meeting the educational needs of
13 their students as described in paragraph
14 (1)(A)(xi);

15 “(C) the State entity will ensure that the
16 authorized public chartering agency of any
17 charter school that receives funds under the
18 State entity’s program—

19 “(i) adequately monitors each such
20 charter school in recruiting, enrolling, and
21 meeting the needs of all students, includ-
22 ing students with disabilities and English
23 learners; and

24 “(ii) ensures that each such charter
25 school solicits and considers input from

1 parents and other members of the commu-
2 nity on the implementation and operation
3 of the school;

4 “(D) the State entity will provide adequate
5 technical assistance to eligible applicants to—

6 “(i) meet the objectives described in
7 clauses (viii) and (ix) of paragraph (1)(A)
8 and subparagraph (B) of this paragraph;
9 and

10 “(ii) recruit, enroll, and retain tradi-
11 tionally underserved students, including
12 students with disabilities and English
13 learners, at rates similar to traditional
14 public schools;

15 “(E) the State entity will promote quality
16 authorizing, such as through providing technical
17 assistance and supporting all authorized public
18 chartering agencies in the State to improve the
19 oversight of their charter schools, including
20 by—

21 “(i) assessing annual performance
22 data of the schools, including, as appro-
23 priate, graduation rates, student academic
24 growth, and rates of student attrition;

1 “(ii) reviewing the schools’ inde-
2 pendent, annual audits of financial state-
3 ments conducted in accordance with gen-
4 erally accepted accounting principles, and
5 ensuring any such audits are publically re-
6 ported; and

7 “(iii) holding charter schools account-
8 able to the academic, financial, and oper-
9 ational quality controls agreed to between
10 the charter school and the authorized pub-
11 lic chartering agency involved, such as
12 through renewal, non-renewal, or revoca-
13 tion of the school’s charter;

14 “(F) the State entity will work to ensure
15 that charter schools are included with the tradi-
16 tional public schools in decisionmaking about
17 the public school system in the State; and

18 “(G) The State entity will ensure that each
19 charter school receiving funds under the State
20 entity’s program makes publicly available, con-
21 sistent with the dissemination requirements of
22 the annual State report card, information to
23 help parents make informed decisions about the
24 education options available to their children, in-
25 cluding information for each school on—

1 “(i) the educational program;

2 “(ii) student support services;

3 “(iii) annual performance and enroll-

4 ment data, disaggregated by the groups of

5 students described in section

6 1111(b)(3)(B)(ii)(II), except that such

7 disaggregation shall not be required in a

8 case in which the number of students in a

9 group is insufficient to yield statistically

10 reliable information or the results would

11 reveal personally identifiable information

12 about an individual student; and

13 “(iv) any other information the State

14 requires all other public schools to report

15 for purposes of section 1111(h)(1)(D).

16 “(3) REQUESTS FOR WAIVERS.—A request and

17 justification for waivers of any Federal statutory or

18 regulatory provisions that the State entity believes

19 are necessary for the successful operation of the

20 charter schools that will receive funds under the

21 State entity’s program under this section or, in the

22 case of a State entity defined in subsection (i)(4), a

23 description of how the State entity will work with

24 the State to request such necessary waivers, where

25 applicable, and a description of any State or local

1 rules, generally applicable to public schools, that will
2 be waived, or otherwise not apply to such schools.

3 “(f) SELECTION CRITERIA; PRIORITY.—

4 “(1) SELECTION CRITERIA.—The Secretary
5 shall award grants to State entities under this sec-
6 tion on the basis of the quality of the applications
7 submitted under subsection (e), after taking into
8 consideration—

9 “(A) the degree of flexibility afforded by
10 the State’s public charter school law and how
11 the State entity will work to maximize the flexi-
12 bility provided to charter schools under the law;

13 “(B) the ambitiousness of the State enti-
14 ty’s objectives for the quality charter school
15 program carried out under this section;

16 “(C) the quality of the strategy for assess-
17 ing achievement of those objectives;

18 “(D) the likelihood that the eligible appli-
19 cants receiving subgrants under the program
20 will meet those objectives and improve edu-
21 cational results for students;

22 “(E) the State entity’s plan to—

23 “(i) adequately monitor the eligible
24 applicants receiving subgrants under the
25 State entity’s program;

1 “(ii) work with the authorized public
2 chartering agencies involved to avoid dupli-
3 cation of work for the charter schools and
4 authorized public chartering agencies; and

5 “(iii) provide adequate technical as-
6 sistance and support for—

7 “(I) the charter schools receiving
8 funds under the State entity’s pro-
9 gram; and

10 “(II) quality authorizing efforts
11 in the State; and

12 “(F) the State entity’s plan to solicit and
13 consider input from parents and other members
14 of the community on the implementation and
15 operation of the charter schools in the State.

16 “(2) PRIORITY.—In awarding grants under this
17 section, the Secretary shall give priority to State en-
18 tities to the extent that they meet the following cri-
19 teria:

20 “(A) The State entity is located in a
21 State—

22 “(i) that allows at least one entity
23 that is not a local educational agency to be
24 an authorized public chartering agency for

1 developers seeking to open a charter school
2 in the State; or

3 “(ii) in which local educational agen-
4 cies are the only authorized public char-
5 tering agencies and that has an appeals
6 process for the denial of an application for
7 a charter school;

8 “(B) The State entity is located in a State
9 that does not impose any limitation on the
10 number or percentage of charter schools that
11 may exist or the number or percentage of stu-
12 dents that may attend charter schools in the
13 State.

14 “(C) The State entity is located in a State
15 that ensures equitable financing, as compared
16 to traditional public schools, for charter schools
17 and students in a prompt manner.

18 “(D) The State entity is located in a State
19 that uses best practices from charter schools to
20 help improve struggling schools and local edu-
21 cational agencies.

22 “(E) The State entity partners with an or-
23 ganization that has a demonstrated record of
24 success in developing management organiza-

1 tions to support the development of charter
2 schools in the State.

3 “(F) The State entity supports charter
4 schools that support at-risk students through
5 activities such as dropout prevention, dropout
6 recovery, or comprehensive career counseling
7 practices.

8 “(G) The State entity authorizes all char-
9 ter schools in the State to serve as school food
10 authorities.

11 “(H) The State entity has taken steps to
12 ensure that all authorizing public chartering
13 agencies implement best practices for charter
14 school authorizing.

15 “(I) The State entity is able to dem-
16 onstrate that its State provides charter schools
17 one or more of the following:

18 “(i) Funding for facilities.

19 “(ii) Assistance with the acquisition of
20 facilities.

21 “(iii) Access to public facilities.

22 “(iv) The right of first refusal to pur-
23 chase public school buildings.

24 “(v) Low or no cost leasing privileges.

1 “(g) LOCAL USES OF FUNDS.—An eligible applicant
2 receiving a subgrant under this section shall use such
3 funds to carry out activities related to opening and pre-
4 paring to operate a new charter school, a replicated, high-
5 quality charter school model, or an expanded, high-quality
6 charter school, such as—

7 “(1) preparing teachers and school leaders, in-
8 cluding through professional development;

9 “(2) acquiring equipment, educational mate-
10 rials, and supplies; and

11 “(3) carrying out necessary renovations and
12 minor facilities repairs (excluding construction).

13 “(h) REPORTING REQUIREMENTS.—Each State enti-
14 ty receiving a grant under this section shall submit to the
15 Secretary, at the end of the third year of the 5-year grant
16 period and at the end of such grant period, a report on—

17 “(1) the number of students served by each
18 subgrant awarded under this section and, if applica-
19 ble, how many new students were served during each
20 year of the subgrant period;

21 “(2) the progress the State entity made toward
22 meeting the priorities described in subsection (f)(2),
23 as applicable;

24 “(3) how the State entity met the objectives of
25 the quality charter school program described in the

1 State entity’s application under subsection (e), in-
2 cluding how the State entity met the objective of
3 sharing best and promising practices described in
4 subsection (e)(1)(A)(x) in areas such as instruction,
5 professional development, curricula development, and
6 operations between charter schools and other public
7 schools, and the extent to which, if known, such
8 practices were adopted and implemented by such
9 other public schools;

10 “(4) how the State entity complied with, and
11 ensured that eligible applicants complied with, the
12 assurances described in the State entity’s applica-
13 tion;

14 “(5) how the State entity worked with author-
15 ized public chartering agencies, including how the
16 agencies worked with the management company or
17 leadership of the schools that received subgrants
18 under this section;

19 “(6) the number of subgrants awarded under
20 this section to carry out each of the following:

21 “(A) the opening of new charter schools;

22 “(B) the opening of replicated, high-quality
23 charter school models; and

24 “(C) the opening of expanded, high-quality
25 charter schools; and

1 “(7) how the State entity has worked with char-
2 ter schools receiving funds under the State entity’s
3 program to foster community involvement in the
4 planning for and opening of such schools.

5 “(i) STATE ENTITY DEFINED.—For purposes of this
6 section, the term ‘State entity’ means—

7 “(1) a State educational agency;

8 “(2) a State charter school board;

9 “(3) a Governor of a State; or

10 “(4) a charter school support organization.

11 **“SEC. 3104. FACILITIES FINANCING ASSISTANCE.**

12 “(a) GRANTS TO ELIGIBLE ENTITIES.—

13 “(1) IN GENERAL.—From the amount reserved
14 under section 3102(b)(1), the Secretary shall not
15 use less than 50 percent to award grants to eligible
16 entities that have the highest-quality applications
17 approved under subsection (d), after considering the
18 diversity of such applications, to demonstrate inno-
19 vative methods of assisting charter schools to ad-
20 dress the cost of acquiring, constructing, and ren-
21 ovating facilities by enhancing the availability of
22 loans or bond financing.

23 “(2) ELIGIBLE ENTITY DEFINED.—For pur-
24 poses of this section, the term ‘eligible entity’
25 means—

1 “(A) a public entity, such as a State or
2 local governmental entity;

3 “(B) a private nonprofit entity; or

4 “(C) a consortium of entities described in
5 subparagraphs (A) and (B).

6 “(b) GRANTEE SELECTION.—The Secretary shall
7 evaluate each application submitted under subsection (d),
8 and shall determine whether the application is sufficient
9 to merit approval.

10 “(c) GRANT CHARACTERISTICS.—Grants under sub-
11 section (a) shall be of a sufficient size, scope, and quality
12 so as to ensure an effective demonstration of an innovative
13 means of enhancing credit for the financing of charter
14 school acquisition, construction, or renovation.

15 “(d) APPLICATIONS.—

16 “(1) IN GENERAL.—To receive a grant under
17 subsection (a), an eligible entity shall submit to the
18 Secretary an application in such form as the Sec-
19 retary may reasonably require.

20 “(2) CONTENTS.—An application submitted
21 under paragraph (1) shall contain—

22 “(A) a statement identifying the activities
23 proposed to be undertaken with funds received
24 under subsection (a), including how the eligible
25 entity will determine which charter schools will

1 receive assistance, and how much and what
2 types of assistance charter schools will receive;

3 “(B) a description of the involvement of
4 charter schools in the application’s development
5 and the design of the proposed activities;

6 “(C) a description of the eligible entity’s
7 expertise in capital market financing;

8 “(D) a description of how the proposed ac-
9 tivities will leverage the maximum amount of
10 private-sector financing capital relative to the
11 amount of public funding used and otherwise
12 enhance credit available to charter schools, in-
13 cluding how the eligible entity will offer a com-
14 bination of rates and terms more favorable than
15 the rates and terms that a charter school could
16 receive without assistance from the eligible enti-
17 ty under subsection (a);

18 “(E) a description of how the eligible enti-
19 ty possesses sufficient expertise in education to
20 evaluate the likelihood of success of a charter
21 school program for which facilities financing is
22 sought; and

23 “(F) in the case of an application sub-
24 mitted by a State governmental entity, a de-
25 scription of the actions that the entity has

1 taken, or will take, to ensure that charter
2 schools within the State receive the funding the
3 charter schools need to have adequate facilities.

4 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible
5 entity receiving a grant under subsection (a) shall use the
6 funds deposited in the reserve account established under
7 subsection (f) to assist one or more charter schools to ac-
8 cess private sector capital to accomplish one or more of
9 the following objectives:

10 “(1) The acquisition (by purchase, lease, dona-
11 tion, or otherwise) of an interest (including an inter-
12 est held by a third party for the benefit of a charter
13 school) in improved or unimproved real property
14 that is necessary to commence or continue the oper-
15 ation of a charter school.

16 “(2) The construction of new facilities, or the
17 renovation, repair, or alteration of existing facilities,
18 necessary to commence or continue the operation of
19 a charter school.

20 “(3) The predevelopment costs required to as-
21 sess sites for purposes of paragraph (1) or (2) and
22 which are necessary to commence or continue the
23 operation of a charter school.

24 “(f) RESERVE ACCOUNT.—

1 “(1) USE OF FUNDS.—To assist charter schools
2 to accomplish the objectives described in subsection
3 (e), an eligible entity receiving a grant under sub-
4 section (a) shall, in accordance with State and local
5 law, directly or indirectly, alone or in collaboration
6 with others, deposit the funds received under sub-
7 section (a) (other than funds used for administrative
8 costs in accordance with subsection (g)) in a reserve
9 account established and maintained by the eligible
10 entity for this purpose. Amounts deposited in such
11 account shall be used by the eligible entity for one
12 or more of the following purposes:

13 “(A) Guaranteeing, insuring, and rein-
14 suring bonds, notes, evidences of debt, loans,
15 and interests therein, the proceeds of which are
16 used for an objective described in subsection
17 (e).

18 “(B) Guaranteeing and insuring leases of
19 personal and real property for an objective de-
20 scribed in subsection (e).

21 “(C) Facilitating financing by identifying
22 potential lending sources, encouraging private
23 lending, and other similar activities that di-
24 rectly promote lending to, or for the benefit of,
25 charter schools.

1 “(D) Facilitating the issuance of bonds by
2 charter schools, or by other public entities for
3 the benefit of charter schools, by providing
4 technical, administrative, and other appropriate
5 assistance (including the recruitment of bond
6 counsel, underwriters, and potential investors
7 and the consolidation of multiple charter school
8 projects within a single bond issue).

9 “(2) INVESTMENT.—Funds received under sub-
10 section (a) and deposited in the reserve account es-
11 tablished under paragraph (1) shall be invested in
12 obligations issued or guaranteed by the United
13 States or a State, or in other similarly low-risk secu-
14 rities.

15 “(3) REINVESTMENT OF EARNINGS.—Any earn-
16 ings on funds received under subsection (a) shall be
17 deposited in the reserve account established under
18 paragraph (1) and used in accordance with such
19 paragraph.

20 “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An
21 eligible entity may use not more than 2.5 percent of the
22 funds received under subsection (a) for the administrative
23 costs of carrying out its responsibilities under this section
24 (excluding subsection (k)).

25 “(h) AUDITS AND REPORTS.—

1 “(1) FINANCIAL RECORD MAINTENANCE AND
2 AUDIT.—The financial records of each eligible entity
3 receiving a grant under subsection (a) shall be main-
4 tained in accordance with generally accepted ac-
5 counting principles and shall be subject to an annual
6 audit by an independent public accountant.

7 “(2) REPORTS.—

8 “(A) GRANTEE ANNUAL REPORTS.—Each
9 eligible entity receiving a grant under sub-
10 section (a) annually shall submit to the Sec-
11 retary a report of its operations and activities
12 under this section (excluding subsection (k)).

13 “(B) CONTENTS.—Each annual report
14 submitted under subparagraph (A) shall in-
15 clude—

16 “(i) a copy of the most recent finan-
17 cial statements, and any accompanying
18 opinion on such statements, prepared by
19 the independent public accountant review-
20 ing the financial records of the eligible en-
21 tity;

22 “(ii) a copy of any report made on an
23 audit of the financial records of the eligible
24 entity that was conducted under paragraph
25 (1) during the reporting period;

1 “(iii) an evaluation by the eligible en-
2 tity of the effectiveness of its use of the
3 Federal funds provided under subsection
4 (a) in leveraging private funds;

5 “(iv) a listing and description of the
6 charter schools served during the reporting
7 period, including the amount of funds used
8 by each school, the type of project facili-
9 tated by the grant, and the type of assist-
10 ance provided to the charter schools;

11 “(v) a description of the activities car-
12 ried out by the eligible entity to assist
13 charter schools in meeting the objectives
14 set forth in subsection (e); and

15 “(vi) a description of the characteris-
16 tics of lenders and other financial institu-
17 tions participating in the activities under-
18 taken by the eligible entity under this sec-
19 tion (excluding subsection (k)) during the
20 reporting period.

21 “(C) SECRETARIAL REPORT.—The Sec-
22 retary shall review the reports submitted under
23 subparagraph (A) and shall provide a com-
24 prehensive annual report to Congress on the ac-

1 tivities conducted under this section (excluding
2 subsection (k)).

3 “(i) NO FULL FAITH AND CREDIT FOR GRANTEE
4 OBLIGATION.—No financial obligation of an eligible entity
5 entered into pursuant to this section (such as an obliga-
6 tion under a guarantee, bond, note, evidence of debt, or
7 loan) shall be an obligation of, or guaranteed in any re-
8 spect by, the United States. The full faith and credit of
9 the United States is not pledged to the payment of funds
10 which may be required to be paid under any obligation
11 made by an eligible entity pursuant to any provision of
12 this section.

13 “(j) RECOVERY OF FUNDS.—

14 “(1) IN GENERAL.—The Secretary, in accord-
15 ance with chapter 37 of title 31, United States
16 Code, shall collect—

17 “(A) all of the funds in a reserve account
18 established by an eligible entity under sub-
19 section (f)(1) if the Secretary determines, not
20 earlier than 2 years after the date on which the
21 eligible entity first received funds under sub-
22 section (a), that the eligible entity has failed to
23 make substantial progress in carrying out the
24 purposes described in subsection (f)(1); or

1 “(B) all or a portion of the funds in a re-
2 serve account established by an eligible entity
3 under subsection (f)(1) if the Secretary deter-
4 mines that the eligible entity has permanently
5 ceased to use all or a portion of the funds in
6 such account to accomplish any purpose de-
7 scribed in subsection (f)(1).

8 “(2) EXERCISE OF AUTHORITY.—The Secretary
9 shall not exercise the authority provided in para-
10 graph (1) to collect from any eligible entity any
11 funds that are being properly used to achieve one or
12 more of the purposes described in subsection (f)(1).

13 “(3) PROCEDURES.—The provisions of sections
14 451, 452, and 458 of the General Education Provi-
15 sions Act (20 U.S.C. 124, 1234a, 1234g) shall apply
16 to the recovery of funds under paragraph (1).

17 “(4) CONSTRUCTION.—This subsection shall
18 not be construed to impair or affect the authority of
19 the Secretary to recover funds under part D of the
20 General Education Provisions Act (20 U.S.C. 1234
21 et seq.).

22 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

23 “(1) DEFINITION OF PER-PUPIL FACILITIES AID
24 PROGRAM.—In this subsection, the term ‘per-pupil
25 facilities aid program’ means a program in which a

1 State makes payments, on a per-pupil basis, to char-
2 ter schools to provide the schools with financing—

3 “(A) that is dedicated solely for funding
4 charter school facilities; or

5 “(B) a portion of which is dedicated for
6 funding charter school facilities.

7 “(2) GRANTS.—

8 “(A) IN GENERAL.—From the amount
9 under section 3102(b)(1) remaining after the
10 Secretary makes grants under subsection (a),
11 the Secretary shall make grants, on a competi-
12 tive basis, to States to pay for the Federal
13 share of the cost of establishing or enhancing,
14 and administering per-pupil facilities aid pro-
15 grams.

16 “(B) PERIOD.—The Secretary shall award
17 grants under this subsection for periods of not
18 more than 5 years.

19 “(C) FEDERAL SHARE.—The Federal
20 share of the cost described in subparagraph (A)
21 for a per-pupil facilities aid program shall be
22 not more than—

23 “(i) 90 percent of the cost, for the
24 first fiscal year for which the program re-
25 ceives assistance under this subsection;

1 “(ii) 80 percent in the second such
2 year;

3 “(iii) 60 percent in the third such
4 year;

5 “(iv) 40 percent in the fourth such
6 year; and

7 “(v) 20 percent in the fifth such year.

8 “(D) STATE SHARE.—A State receiving a
9 grant under this subsection may partner with 1
10 or more organizations to provide up to 50 per-
11 cent of the State share of the cost of estab-
12 lishing or enhancing, and administering the per-
13 pupil facilities aid program.

14 “(E) MULTIPLE GRANTS.—A State may
15 receive more than 1 grant under this sub-
16 section, so long as the amount of such funds
17 provided to charter schools increases with each
18 successive grant.

19 “(3) USE OF FUNDS.—

20 “(A) IN GENERAL.—A State that receives
21 a grant under this subsection shall use the
22 funds made available through the grant to es-
23 tablish or enhance, and administer, a per-pupil
24 facilities aid program for charter schools in the
25 State of the applicant.

1 “(B) EVALUATIONS; TECHNICAL ASSIST-
2 ANCE; DISSEMINATION.—From the amount
3 made available to a State through a grant
4 under this subsection for a fiscal year, the State
5 may reserve not more than 5 percent to carry
6 out evaluations, to provide technical assistance,
7 and to disseminate information.

8 “(C) SUPPLEMENT, NOT SUPPLANT.—
9 Funds made available under this subsection
10 shall be used to supplement, and not supplant,
11 State and local public funds expended to pro-
12 vide per pupil facilities aid programs, oper-
13 ations financing programs, or other programs,
14 for charter schools.

15 “(4) REQUIREMENTS.—

16 “(A) VOLUNTARY PARTICIPATION.—No
17 State may be required to participate in a pro-
18 gram carried out under this subsection.

19 “(B) STATE LAW.—

20 “(i) IN GENERAL.—Except as pro-
21 vided in clause (ii), to be eligible to receive
22 a grant under this subsection, a State shall
23 establish or enhance, and administer, a
24 per-pupil facilities aid program for charter
25 schools in the State, that—

1 “(I) is specified in State law; and

2 “(II) provides annual financing,
3 on a per-pupil basis, for charter
4 school facilities.

5 “(ii) SPECIAL RULE.—Notwith-
6 standing clause (i), a State that is required
7 under State law to provide its charter
8 schools with access to adequate facility
9 space, but which does not have a per-pupil
10 facilities aid program for charter schools
11 specified in State law, may be eligible to
12 receive a grant under this subsection if the
13 State agrees to use the funds to develop a
14 per-pupil facilities aid program consistent
15 with the requirements of this subsection.

16 “(5) APPLICATIONS.—To be eligible to receive a
17 grant under this subsection, a State shall submit an
18 application to the Secretary at such time, in such
19 manner, and containing such information as the Sec-
20 retary may require.

21 **“SEC. 3105. NATIONAL ACTIVITIES.**

22 “(a) IN GENERAL.—Of the amount reserved under
23 section 3102(b)(2), the Secretary shall—

1 “(1) use not less than 75 percent of such
2 amount to award grants in accordance with sub-
3 section (b); and

4 “(2) use not more than 25 percent of such
5 amount to—

6 “(A) provide technical assistance to State
7 entities in awarding subgrants under section
8 3103, and eligible entities and States receiving
9 grants under section 3104;

10 “(B) disseminate best practices; and

11 “(C) evaluate the impact of the charter
12 school program, including the impact on stu-
13 dent achievement, carried out under this sub-
14 part.

15 “(b) GRANTS.—

16 “(1) IN GENERAL.—The Secretary shall make
17 grants, on a competitive basis, to eligible applicants
18 for the purpose of carrying out the activities de-
19 scribed in section 3102(a)(1), subparagraphs (A)
20 through (C) of section 3103(a)(1), and section
21 3103(g).

22 “(2) TERMS AND CONDITIONS.—Except as oth-
23 erwise provided in this subsection, grants awarded
24 under this subsection shall have the same terms and

1 conditions as grants awarded to State entities under
2 section 3103.

3 “(3) CHARTER MANAGEMENT ORGANIZA-
4 TIONS.—The Secretary shall—

5 “(A) of the amount described in subsection
6 (a)(1), use not less than 75 percent to make
7 grants, on a competitive basis, to eligible appli-
8 cants described in paragraph (4)(B); and

9 “(B) notwithstanding paragraphs (1)(A)
10 and (2) of section 3103(f)—

11 “(i) award grants to eligible appli-
12 cants on the basis of the quality of the ap-
13 plications submitted under this subsection;
14 and

15 “(ii) in awarding grants to eligible ap-
16 plicants described in paragraph (4)(B) of
17 this subsection, take into consideration
18 whether such an eligible applicant—

19 “(I) demonstrates a high propor-
20 tion of high-quality charter schools
21 within the network of the eligible ap-
22 plicant;

23 “(II) demonstrates success in
24 serving students who are educationally
25 disadvantaged;

1 “(III) does not have a significant
2 proportion of charter schools that
3 have been closed, had their charter re-
4 voked for compliance issues, or had
5 their affiliation with such eligible ap-
6 plicant revoked;

7 “(IV) has sufficient procedures in
8 effect to ensure timely closure of low-
9 performing or financially mismanaged
10 charter schools and clear plans and
11 procedures in effect for the students
12 in such schools to attend other high-
13 quality schools; and

14 “(V) demonstrates success in
15 working with schools identified for im-
16 provement by the State.

17 “(4) ELIGIBLE APPLICANT DEFINED.—For pur-
18 poses of this subsection, the term ‘eligible applicant’
19 means an eligible applicant (as defined in section
20 3110) that—

21 “(A) desires to open a charter school in—

22 “(i) a State that did not apply for a
23 grant under section 3103; or

24 “(ii) a State that did not receive a
25 grant under section 3103; or

1 “(B) is a charter management organiza-
2 tion.

3 “(c) **CONTRACTS AND GRANTS.**—The Secretary may
4 carry out any of the activities described in this section di-
5 rectly or through grants, contracts, or cooperative agree-
6 ments.

7 **“SEC. 3106. FEDERAL FORMULA ALLOCATION DURING**
8 **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**
9 **MENT EXPANSIONS.**

10 “(a) **IN GENERAL.**—For purposes of the allocation
11 to schools by the States or their agencies of funds under
12 part A of title I, and any other Federal funds which the
13 Secretary allocates to States on a formula basis, the Sec-
14 retary and each State educational agency shall take such
15 measures as are necessary to ensure that every charter
16 school receives the Federal funding for which the charter
17 school is eligible not later than 5 months after the charter
18 school first opens, notwithstanding the fact that the iden-
19 tity and characteristics of the students enrolling in that
20 charter school are not fully and completely determined
21 until that charter school actually opens. The measures
22 similarly shall ensure that every charter school expanding
23 its enrollment in any subsequent year of operation receives
24 the Federal funding for which the charter school is eligible
25 not later than 5 months after such expansion.

1 “(b) ADJUSTMENT AND LATE OPENINGS.—

2 “(1) IN GENERAL.—The measures described in
3 subsection (a) shall include provision for appropriate
4 adjustments, through recovery of funds or reduction
5 of payments for the succeeding year, in cases where
6 payments made to a charter school on the basis of
7 estimated or projected enrollment data exceed the
8 amounts that the school is eligible to receive on the
9 basis of actual or final enrollment data.

10 “(2) RULE.—For charter schools that first
11 open after November 1 of any academic year, the
12 State, in accordance with guidance provided by the
13 Secretary and applicable Federal statutes and regu-
14 lations, shall ensure that such charter schools that
15 are eligible for the funds described in subsection (a)
16 for such academic year have a full and fair oppor-
17 tunity to receive those funds during the charter
18 schools’ first year of operation.

19 **“SEC. 3107. SOLICITATION OF INPUT FROM CHARTER**
20 **SCHOOL OPERATORS.**

21 “To the extent practicable, the Secretary shall ensure
22 that administrators, teachers, and other individuals di-
23 rectly involved in the operation of charter schools are con-
24 sulted in the development of any rules or regulations re-
25 quired to implement this subpart, as well as in the devel-

1 opment of any rules or regulations relevant to charter
2 schools that are required to implement part A of title I,
3 the Individuals with Disabilities Education Act, or any
4 other program administered by the Secretary that provides
5 education funds to charter schools or regulates the activi-
6 ties of charter schools.

7 **“SEC. 3108. RECORDS TRANSFER.**

8 “State educational agencies and local educational
9 agencies, as quickly as possible and to the extent prac-
10 ticable, shall ensure that a student’s records and, if appli-
11 cable, a student’s individualized education program as de-
12 fined in section 602(14) of the Individuals with Disabil-
13 ities Education Act, are transferred to a charter school
14 upon the transfer of the student to the charter school, and
15 to another public school upon the transfer of the student
16 from a charter school to another public school, in accord-
17 ance with applicable State law.

18 **“SEC. 3109. PAPERWORK REDUCTION.**

19 “To the extent practicable, the Secretary and each
20 authorized public chartering agency shall ensure that im-
21 plementation of this subpart results in a minimum of pa-
22 perwork for any eligible applicant or charter school.

23 **“SEC. 3110. DEFINITIONS.**

24 “In this subpart:

1 “(1) CHARTER MANAGEMENT ORGANIZATION.—

2 The term ‘charter management organization’ means
3 a nonprofit organization that manages a network of
4 charter schools linked by centralized support, oper-
5 ations, and oversight.

6 “(2) CHARTER SCHOOL SUPPORT ORGANIZA-

7 TION.—The term ‘charter school support organiza-
8 tion’ means a nonprofit, nongovernmental entity that
9 is not an authorized public chartering agency, which
10 provides on a statewide basis—

11 “(A) assistance to developers during the
12 planning, program design, and initial implemen-
13 tation of a charter school; and

14 “(B) technical assistance to charter schools
15 to operate such schools.

16 “(3) DEVELOPER.—The term ‘developer’ means

17 an individual or group of individuals (including a
18 public or private nonprofit organization), which may
19 include teachers, administrators and other school
20 staff, parents, or other members of the local commu-
21 nity in which a charter school project will be carried
22 out.

23 “(4) ELIGIBLE APPLICANT.—The term ‘eligible

24 applicant’ means a developer that has—

1 “(A) applied to an authorized public char-
2 tering authority to operate a charter school;
3 and

4 “(B) provided adequate and timely notice
5 to that authority.

6 “(5) AUTHORIZED PUBLIC CHARTERING AGEN-
7 CY.—The term ‘authorized public chartering agency’
8 means a State educational agency, local educational
9 agency, or other public entity that has the authority
10 pursuant to State law and approved by the Sec-
11 retary to authorize or approve a charter school.

12 “(6) EXPANDED, HIGH-QUALITY CHARTER
13 SCHOOL.—The term ‘expanded, high-quality charter
14 school’ means a high-quality charter school that has
15 either significantly increased its enrollment or added
16 one or more grades to its school.

17 “(7) HIGH-QUALITY CHARTER SCHOOL.—The
18 term ‘high-quality charter school’ means a charter
19 school that—

20 “(A) shows evidence of strong academic re-
21 sults, which may include strong academic
22 growth as determined by a State;

23 “(B) has no significant issues in the areas
24 of student safety, operational and financial

1 management, or statutory or regulatory compli-
2 ance;

3 “(C) has demonstrated success in signifi-
4 cantly increasing student academic achieve-
5 ment, including graduation rates where applica-
6 ble, consistent with the requirements under title
7 I, for all students served by the charter school;
8 and

9 “(D) has demonstrated success in increas-
10 ing student academic achievement, including
11 graduation rates where applicable, for the
12 groups of students described in section
13 1111(b)(3)(B)(ii)(II), except that such dem-
14 onstration is not required in a case in which the
15 number of students in a group is insufficient to
16 yield statistically reliable information or the re-
17 sults would reveal personally identifiable infor-
18 mation about an individual student.

19 “(8) REPLICATED, HIGH-QUALITY CHARTER
20 SCHOOL MODEL.—The term ‘replicated, high-quality
21 charter school model’ means a high-quality charter
22 school that has opened a new campus under an ex-
23 isting charter or an additional charter if required or
24 permitted by State law.

1 **“Subpart 2—Magnet School Assistance**

2 **“SEC. 3121. PURPOSE.**

3 “The purpose of this subpart is to assist in the deseg-
4 regation of schools served by local educational agencies by
5 providing financial assistance to eligible local educational
6 agencies for—

7 “(1) the elimination, reduction, or prevention of
8 minority group isolation in elementary schools and
9 secondary schools with substantial proportions of mi-
10 nority students, which shall include assisting in the
11 efforts of the United States to achieve voluntary de-
12 segregation in public schools;

13 “(2) the development and implementation of
14 magnet school programs that will assist local edu-
15 cational agencies in achieving systemic reforms and
16 providing all students the opportunity to meet State
17 academic standards;

18 “(3) the development and design of innovative
19 educational methods and practices that promote di-
20 versity and increase choices in public elementary
21 schools and public secondary schools and public edu-
22 cational programs;

23 “(4) courses of instruction within magnet
24 schools that will substantially strengthen the knowl-
25 edge of academic subjects and the attainment of tan-

1 gible and marketable career, technical, and profes-
2 sional skills of students attending such schools;

3 “(5) improving the ability of local educational
4 agencies, including through professional develop-
5 ment, to continue operating magnet schools at a
6 high performance level after Federal funding for the
7 magnet schools is terminated; and

8 “(6) ensuring that students enrolled in the
9 magnet school programs have equitable access to a
10 quality education that will enable the students to
11 succeed academically and continue with postsec-
12 ondary education or employment.

13 **“SEC. 3122. DEFINITION.**

14 “For the purpose of this subpart, the term ‘magnet
15 school’ means a public elementary school, public secondary
16 school, public elementary education center, or public sec-
17 ondary education center that offers a special curriculum
18 capable of attracting substantial numbers of students of
19 different racial backgrounds.

20 **“SEC. 3123. PROGRAM AUTHORIZED.**

21 “From the amount appropriated under section
22 3(c)(1)(B), the Secretary, in accordance with this subpart,
23 is authorized to award grants to eligible local educational
24 agencies, and consortia of such agencies where appro-

1 piate, to carry out the purpose of this subpart for magnet
2 schools that are—

3 “(1) part of an approved desegregation plan;
4 and

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

8 **“SEC. 3124. ELIGIBILITY.**

9 “A local educational agency, or consortium of such
10 agencies where appropriate, is eligible to receive a grant
11 under this subpart to carry out the purpose of this subpart
12 if such agency or consortium—

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

20 “(2) without having been required to do so, has
21 adopted and is implementing, or will, if a grant is
22 awarded to such local educational agency, or consor-
23 tium of such agencies, under this subpart, adopt and
24 implement a plan that has been approved by the
25 Secretary as adequate under title VI of the Civil

1 Rights Act of 1964 for the desegregation of minor-
2 ity-group-segregated children or faculty in such
3 schools.

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

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

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

12 “(1) a description of—

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

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

23 “(C) how the applicant will continue the
24 magnet school program after assistance under
25 this subpart is no longer available, and, if appli-

1 cable, an explanation of why magnet schools es-
2 tablished or supported by the applicant with
3 grant funds under this subpart cannot be con-
4 tinued without the use of grant funds under
5 this subpart;

6 “(D) how grant funds under this subpart
7 will be used—

8 “(i) to improve student academic
9 achievement for all students attending the
10 magnet school programs; and

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

15 “(E) the criteria to be used in selecting
16 students to attend the proposed magnet school
17 program; and

18 “(2) assurances that the applicant will—

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

21 “(B) employ effective teachers in the
22 courses of instruction assisted under this sub-
23 part;

1 “(C) not engage in discrimination based on
2 race, religion, color, national origin, sex, or dis-
3 ability in—

4 “(i) the hiring, promotion, or assign-
5 ment of employees of the applicant or
6 other personnel for whom the applicant has
7 any administrative responsibility;

8 “(ii) the assignment of students to
9 schools, or to courses of instruction within
10 the schools, of such applicant, except to
11 carry out the approved plan; and

12 “(iii) designing or operating extra-
13 curricular activities for students;

14 “(D) carry out a quality education pro-
15 gram that will encourage greater parental deci-
16 sionmaking and involvement; and

17 “(E) give students residing in the local at-
18 tendance area of the proposed magnet school
19 program equitable consideration for placement
20 in the program, consistent with desegregation
21 guidelines and the capacity of the applicant to
22 accommodate the students.

23 “(c) SPECIAL RULE.—No grant shall be awarded
24 under this subpart unless the Assistant Secretary of Edu-

1 cation for Civil Rights determines that the assurances de-
2 scribed in subsection (b)(2)(C) will be met.

3 **“SEC. 3126. PRIORITY.**

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

6 “(1) demonstrate the greatest need for assist-
7 ance, based on the expense or difficulty of effectively
8 carrying out approved desegregation plans and the
9 magnet school program for which the grant is
10 sought;

11 “(2) propose to carry out new magnet school
12 programs, or significantly revise existing magnet
13 school programs;

14 “(3) propose to select students to attend mag-
15 net school programs by methods such as lottery,
16 rather than through academic examination; and

17 “(4) propose to serve the entire student popu-
18 lation of a school.

19 **“SEC. 3127. USE OF FUNDS.**

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

23 “(1) for planning and promotional activities di-
24 rectly related to the development, expansion, con-

1 continuation, or enhancement of academic programs
2 and services offered at magnet schools;

3 “(2) for the acquisition of books, materials, and
4 equipment, including computers and the mainte-
5 nance and operation of materials, equipment, and
6 computers, necessary to conduct programs in mag-
7 net schools;

8 “(3) for the compensation, or subsidization of
9 the compensation, of elementary school and sec-
10 ondary school teachers, and instructional staff where
11 applicable, who are necessary to conduct programs
12 in magnet schools;

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

16 “(A) are designed to make available the
17 special curriculum that is offered by the magnet
18 school program to students who are enrolled in
19 the school but who are not enrolled in the mag-
20 net school program; and

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

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

1 “(6) to enable the local educational agency, or
2 consortium of such agencies, to have more flexibility
3 in the administration of a magnet school program in
4 order to serve students attending a school who are
5 not enrolled in a magnet school program; and

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

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

18 **“SEC. 3128. LIMITATIONS.**

19 “(a) DURATION OF AWARDS.—A grant under this
20 subpart shall be awarded for a period that shall not exceed
21 3 fiscal years.

22 “(b) LIMITATION ON PLANNING FUNDS.—A local
23 educational agency, or consortium of such agencies, may
24 expend for planning (professional development shall not
25 be considered to be planning for purposes of this sub-

1 section) not more than 50 percent of the grant funds re-
2 ceived under this subpart for the first year of the program
3 and not more than 15 percent of such funds for each of
4 the second and third such years.

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

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

12 **“SEC. 3129. EVALUATIONS.**

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

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

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

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

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

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

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

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

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

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

4 **“SEC. 3142. GRANTS AUTHORIZED.**

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

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

21 **“SEC. 3143. APPLICATIONS.**

22 “(a) SUBMISSIONS.—Each statewide organization, or
23 a consortium of such organizations, that desires a grant
24 under this subpart shall submit an application to the Sec-

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

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

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

7 “(2) A description of the support that the
8 Statewide Family Engagement Center that will be
9 operated by the applicant will have from the State
10 educational agency and any partner organization
11 outlining the commitment to work with the center.

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

15 “(A) management and governance;

16 “(B) statewide leadership; or

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

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

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

6 “(5) A description of the steps the applicant
7 will take to target services to low-income students
8 and parents.

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

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

12 “(i) parents, who shall constitute a
13 majority of the members of the special ad-
14 visory committee;

15 “(ii) representatives of education pro-
16 fessionals with expertise in improving serv-
17 ices for disadvantaged children;

18 “(iii) representatives of local elemen-
19 tary schools and secondary schools, includ-
20 ing students;

21 “(iv) representatives of the business
22 community; and

23 “(v) representatives of State edu-
24 cational agencies and local educational
25 agencies;

1 “(B) use not less than 65 percent of the
2 funds received under this subpart in each fiscal
3 year to serve local educational agencies, schools,
4 and community-based organizations that serve
5 high concentrations of disadvantaged students,
6 including English learners, minorities, parents
7 of students with disabilities, parents of home-
8 less students, foster parents and students, and
9 parents of migratory students;

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

16 “(D) ensure that the Center will retain
17 staff with the requisite training and experience
18 to serve parents in the State;

19 “(E) serve urban, suburban, and rural
20 local educational agencies and schools;

21 “(F) work with—

22 “(i) other Statewide Family Engage-
23 ment Centers assisted under this subpart;
24 and

1 “(ii) parent training and information
2 centers and community parent resource
3 centers assisted under sections 671 and
4 672 of the Individuals with Disabilities
5 Education Act;

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

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

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

20 “(J) conduct sufficient outreach to assist
21 parents, including parents who the applicant
22 may have a difficult time engaging with a
23 school or local educational agency; and

24 “(K) conduct outreach to low-income stu-
25 dents and parents, including low-income stu-

1 dents and parents who are not proficient in
2 English.

3 “(7) An assurance that the applicant will con-
4 duct training programs in the community to improve
5 adult literacy, including financial literacy.

6 **“SEC. 3144. USES OF FUNDS.**

7 “(a) IN GENERAL.—Grantees shall use grant funds
8 received under this subpart, based on the needs deter-
9 mined under section 3143(b)(6)(I), to provide training
10 and technical assistance to State educational agencies,
11 local educational agencies, and organizations that support
12 family-school partnerships, and activities, services, and
13 training for local educational agencies, school leaders, edu-
14 cators, and parents—

15 “(1) to assist parents in participating effectively
16 in their children’s education and to help their chil-
17 dren meet State standards, such as assisting par-
18 ents—

19 “(A) to engage in activities that will im-
20 prove student academic achievement, including
21 understanding how they can support learning in
22 the classroom with activities at home and in
23 afterschool and extracurricular programs;

1 “(B) to communicate effectively with their
2 children, teachers, school leaders, counselors,
3 administrators, and other school personnel;

4 “(C) to become active participants in the
5 development, implementation, and review of
6 school-parent compacts, family engagement in
7 education policies, and school planning and im-
8 provement;

9 “(D) to participate in the design and pro-
10 vision of assistance to students who are not
11 making academic progress;

12 “(E) to participate in State and local deci-
13 sionmaking;

14 “(F) to train other parents; and

15 “(G) to help the parents learn and use
16 technology (including education about the
17 harms of copyright piracy), applied in their
18 children’s education;

19 “(2) to develop and implement, in partnership
20 with the State educational agency, statewide family
21 engagement in education policy and systemic initia-
22 tives that will provide for a continuum of services to
23 remove barriers for family engagement in education
24 and support school reform efforts; and

1 “(3) to develop and implement parental involve-
2 ment policies under this Act.

3 “(b) MATCHING FUNDS FOR GRANT RENEWAL.—
4 For each fiscal year after the first fiscal year for which
5 an organization or consortium receives assistance under
6 this section, the organization or consortium shall dem-
7 onstrate in the application that a portion of the services
8 provided by the organization or consortium is supported
9 through non-Federal contributions, which may be in cash
10 or in-kind.

11 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
12 reserve not more than 2 percent of the funds appropriated
13 under section 3(c)(1)(C) to carry out this subpart to pro-
14 vide technical assistance, by competitive grant or contract,
15 for the establishment, development, and coordination of
16 Statewide Family Engagement Centers.

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

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

22 “(2) working with another agency that serves
23 children.

24 “(e) PARENTAL RIGHTS.—Notwithstanding any
25 other provision of this section—

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

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

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

11 “The Secretary of the Interior, in consultation with
12 the Secretary of Education, shall establish, or enter into
13 contracts and cooperative agreements with local Indian
14 nonprofit parent organizations to establish and operate
15 Family Engagement Centers.

16 **“PART B—LOCAL ACADEMIC FLEXIBLE GRANT**

17 **“SEC. 3201. PURPOSE.**

18 “The purpose of this part is to—

19 “(1) provide local educational agencies with the
20 opportunity to access funds to support the initiatives
21 important to their schools and students to improve
22 academic achievement and student engagement, in-
23 cluding protecting student safety; and

24 “(2) provide nonprofit and for-profit entities
25 the opportunity to work with students to improve

1 academic achievement and student engagement, in-
2 cluding student safety.

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

4 “(a) RESERVATIONS.—From the funds appropriated
5 under section 3(c)(2) for any fiscal year, the Secretary
6 shall reserve—

7 “(1) not more than one-half of 1 percent for
8 national activities to provide technical assistance to
9 eligible entities in carrying out programs under this
10 part; and

11 “(2) not more than one-half of 1 percent for
12 payments to the outlying areas and the Bureau of
13 Indian Education, to be allotted in accordance with
14 their respective needs for assistance under this part,
15 as determined by the Secretary, to enable the out-
16 lying areas and the Bureau to carry out the purpose
17 of this part.

18 “(b) STATE ALLOTMENTS.—

19 “(1) DETERMINATION.—From the funds appro-
20 priated under section 3(c)(2) for any fiscal year and
21 remaining after the Secretary makes reservations
22 under subsection (a), the Secretary shall allot to
23 each State for the fiscal year an amount that bears
24 the same relationship to the remainder as the
25 amount the State received under chapter B of sub-

1 part 1 of part A of title I for the preceding fiscal
2 year bears to the amount all States received under
3 that chapter for the preceding fiscal year, except
4 that no State shall receive less than an amount
5 equal to one-half of 1 percent of the total amount
6 made available to all States under this subsection.

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

12 “(c) STATE USE OF FUNDS.—

13 “(1) IN GENERAL.—Each State that receives an
14 allotment under this part shall reserve not less than
15 75 percent of the amount allotted to the State under
16 subsection (b) for each fiscal year for awards to eli-
17 gible entities under section 3204.

18 “(2) AWARDS TO NONGOVERNMENTAL ENTI-
19 TIES TO IMPROVE STUDENT ACADEMIC ACHIEVE-
20 MENT.—Each State that receives an allotment under
21 subsection (b) for each fiscal year shall reserve not
22 less than 8 percent of the amount allotted to the
23 State for awards to nongovernmental entities under
24 section 3205.

1 “(3) STATE ACTIVITIES AND STATE ADMINIS-
2 TRATION.—A State educational agency may reserve
3 not more than 17 percent of the amount allotted to
4 the State under subsection (b) for each fiscal year
5 for the following:

6 “(A) Not more than 5 percent of such
7 amount for each fiscal year for—

8 “(i) the administrative costs of car-
9 rying out its responsibilities under this
10 part;

11 “(ii) monitoring and evaluation of
12 programs and activities assisted under this
13 part;

14 “(iii) providing training and technical
15 assistance under this part;

16 “(iv) statewide academic focused pro-
17 grams; or

18 “(v) sharing evidence-based and other
19 effective strategies with eligible entities.

20 “(B) To do one or more of the following:

21 “(i) To pay the costs of developing the
22 State assessments and standards required
23 under section 1111(b), which may include
24 the costs of working, at the sole discretion
25 of the State, in voluntary partnerships

1 with other States to develop such assess-
2 ments and standards.

3 “(ii) If the State has developed the
4 assessments and standards required under
5 section 1111(b), to administer those as-
6 sessments or carry out other activities re-
7 lated to ensuring that the State’s schools
8 and local educational agencies are helping
9 students meet the State’s academic stand-
10 ards under such section.

11 “(iii) To conduct an audit of State as-
12 sessments and report, in a publicly avail-
13 able format, the findings of such audit,
14 which may include assessment purposes,
15 costs, schedule of administration and dis-
16 semination of results, description of align-
17 ment with the State’s academic standards,
18 and description of policies for inclusion of
19 all students.

20 “(iv) To develop and implement a
21 plan to improve the State assessment sys-
22 tem, which may include efforts, if appro-
23 priate as determined by the State—

24 “(I) to reduce the number of as-
25 sessments administered;

1 “(II) to provide professional de-
2 velopment on assessment and data lit-
3 eracy;

4 “(III) to ensure the quality, va-
5 lidity, and reliability of assessments;
6 or

7 “(IV) to improve the use of as-
8 sessments by decreasing the time be-
9 tween administering assessments and
10 releasing assessment data.

11 “(C) Not more than 5 percent of such
12 amount for each fiscal year for awarding blend-
13 ed learning projects under paragraph (4).

14 “(D) Awarding grants for the creation and
15 distribution of open access textbooks and open
16 educational resources.

17 “(4) BLENDED LEARNING PROJECTS.—

18 “(A) IN GENERAL.—From the amount of
19 funds a State educational agency reserves under
20 subsection (c)(3) for each fiscal year to carry
21 out this paragraph, the State educational agen-
22 cy shall award grants on a competitive basis to
23 eligible entities in the State to carry out blend-
24 ed learning projects described in this para-
25 graph.

1 “(B) GEOGRAPHIC DIVERSITY.—In award-
2 ing grants under this paragraph, a State edu-
3 cational agency shall distribute funds equitably
4 among geographic areas of the State, including
5 rural and urban communities.

6 “(C) APPLICATION.—An eligible entity de-
7 siring to receive a grant under this paragraph
8 shall submit an application to the State edu-
9 cational agency at such time and in such man-
10 ner as the agency may require, and which de-
11 scribes—

12 “(i) the blended learning project to be
13 carried out by the eligible entity, including
14 the design of the instructional model to be
15 carried out by the eligible entity and how
16 such eligible entity will use funds provided
17 under this paragraph to carry out the
18 project;

19 “(ii) in the case of an eligible entity
20 described in subclause (I), (II), or (IV) of
21 subparagraph (F)(ii), the schools that will
22 participate in the project;

23 “(iii) the expected impact on student
24 academic achievement;

1 “(iv) how the eligible entity will en-
2 sure sufficient information technology is
3 available to carry out the project;

4 “(v) how the eligible entity will ensure
5 sufficient digital instructional resources are
6 available to students participating in the
7 project;

8 “(vi) the ongoing professional develop-
9 ment to be provided for teachers, school
10 leaders, and other personnel carrying out
11 the project;

12 “(vii) the State policies and proce-
13 dures for which the eligible entity requests
14 waivers from the State to carry out the
15 project, which may include requests for the
16 waivers described in section
17 3203(a)(11)(B);

18 “(viii) as appropriate, how the eligible
19 entity will use the blended learning project
20 to improve instruction and access to the
21 curriculum for diverse groups of students,
22 including students with disabilities and
23 students who are limited English pro-
24 ficient;

1 “(ix) how the eligible entity will evalu-
2 ate the project in terms of student aca-
3 demic achievement and publicly report the
4 results of such evaluation; and

5 “(x) how the eligible entity will sus-
6 tain the project beyond the grant period.

7 “(D) USES OF FUNDS.—An eligible entity
8 receiving a grant under this paragraph shall use
9 such grant to carry out a blended learning
10 project, which shall include at least 1 of the fol-
11 lowing activities:

12 “(i) Planning activities, which may in-
13 clude development of new instructional
14 models (including blended learning tech-
15 nology software and platforms), the pur-
16 chase of digital instructional resources, ini-
17 tial professional development activities, and
18 one-time information technology purchases,
19 except that such expenditures may not in-
20 clude expenditures related to significant
21 construction or renovation of facilities.

22 “(ii) Ongoing professional develop-
23 ment for teachers, school leaders, or other
24 personnel involved in the project that is de-

1 signed to support the implementation and
2 academic success of the project.

3 “(E) NON-FEDERAL MATCH.—A State
4 educational agency that carries out a grant pro-
5 gram under this paragraph shall provide non-
6 Federal matching funds equal to not less than
7 10 percent of the grant funds awarded by the
8 State educational agency to eligible entities
9 under this paragraph.

10 “(F) DEFINITIONS.—In this paragraph:

11 “(i) BLENDED LEARNING PROJECT.—
12 The term ‘blended learning project’ means
13 a formal education program—

14 “(I) that includes an element of
15 online learning, and instructional time
16 in a supervised location away from
17 home;

18 “(II) that includes an element of
19 student control over time, path, or
20 pace; and

21 “(III) in which the elements are
22 connected to provide an integrated
23 learning experience.

24 “(ii) ELIGIBLE ENTITY.—The term
25 ‘eligible entity’ means a—

- 1 “(I) local educational agency;
2 “(II) educational service agency;
3 “(III) charter school; or
4 “(IV) consortium of the entities
5 described in subclause (I), (II), or
6 (III), which may be in partnership
7 with a for-profit or nonprofit entity.

8 **“SEC. 3203. STATE APPLICATION.**

9 “(a) IN GENERAL.—In order to receive an allotment
10 under section 3202 for any fiscal year, a State educational
11 agency shall submit to the Secretary, at such time as the
12 Secretary may require, an application that—

13 “(1) describes how the State educational agency
14 will use funds reserved for State-level activities, in-
15 cluding how, if any, of the funds will be used to sup-
16 port student safety;

17 “(2) describes the procedures and criteria the
18 State educational agency will use for reviewing appli-
19 cations and awarding funds to eligible entities on a
20 competitive basis, which shall include reviewing how
21 the proposed project will help increase student aca-
22 demic achievement and student engagement;

23 “(3) describes how the State educational agency
24 will ensure that awards made under this part are—

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

4 “(B) in amounts that are consistent with
5 section 3204(f);

6 “(4) describes the steps the State educational
7 agency will take to ensure that programs implement
8 effective strategies, including providing ongoing
9 technical assistance and training, and dissemination
10 of evidence-based and other effective strategies;

11 “(5) describes how the State educational agency
12 will consider students across all grades when making
13 these awards;

14 “(6) an assurance that, other than providing
15 technical and advisory assistance and monitoring
16 compliance with this part, the State educational
17 agency has not exercised and will not exercise any
18 influence in the decisionmaking process of eligible
19 entities as to the expenditure of funds received by
20 the eligible entities under this part;

21 “(7) describes how programs under this part
22 will be coordinated with programs under this Act,
23 and other programs as appropriate;

24 “(8) contains an assurance that the State edu-
25 cational agency—

1 “(A) will make awards for programs for a
2 period of not more than 5 years; and

3 “(B) will require each eligible entity seek-
4 ing such an award to submit a plan describing
5 how the project to be funded through the award
6 will continue after funding under this part
7 ends, if applicable;

8 “(9) contains an assurance that funds appro-
9 priated to carry out this part will be used to supple-
10 ment, and not supplant, State and local public funds
11 expended to provide programs and activities author-
12 ized under this part and other similar programs;

13 “(10) an assurance that the State will support
14 projects from each of the categories listed in section
15 3204(b)(1)(D) in awarding subgrants to local edu-
16 cational agencies; and

17 “(11) in the case of a State that will carry out
18 a program to award grants under section
19 3202(e)(4), a description of the program, which
20 shall include—

21 “(A) the criteria the State will use to
22 award grants under such section to eligible enti-
23 ties to carry out blended learning projects;

24 “(B) the State policies and procedures to
25 be waived by the State, consistent with Federal

1 law, for such eligible entities to carry out such
2 projects, which may include waivers with re-
3 spect to—

4 “(i) restrictions on class sizes;

5 “(ii) restrictions on licensing or
6 credentialing of personnel supervising stu-
7 dent work in such projects;

8 “(iii) restrictions on the use of State
9 funding for instructional materials for the
10 purchase of digital instructional resources;

11 “(iv) restrictions on advancing stu-
12 dents based on demonstrated mastery of
13 learning outcomes, rather than seat-time
14 requirements; and

15 “(v) restrictions on secondary school
16 students in the State enrolling in online
17 coursework;

18 “(C) how the State will inform eligible en-
19 tities of the availability of the waivers described
20 in subparagraph (B); and

21 “(D) how the State will provide the non-
22 Federal match required under section
23 3202(c)(4)(E).

24 “(b) DEEMED APPROVAL.—An application submitted
25 by a State educational agency pursuant to subsection (a)

1 shall be deemed to be approved by the Secretary unless
2 the Secretary makes a written determination, prior to the
3 expiration of the 120-day period beginning on the date on
4 which the Secretary received the application, that the ap-
5 plication is not in compliance with this part.

6 “(c) DISAPPROVAL.—The Secretary shall not finally
7 disapprove the application, except after giving the State
8 educational agency notice and an opportunity for a hear-
9 ing.

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

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

15 “(2) notify the State educational agency of the
16 finding of noncompliance, and, in such notification,
17 shall—

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

20 “(B) request additional information, only
21 as to the noncompliant provisions, needed to
22 make the application compliant.

23 “(e) RESPONSE.—If the State educational agency re-
24 sponds to the Secretary’s notification described in sub-
25 section (d)(2) during the 45-day period beginning on the

1 date on which the agency received the notification, and
2 resubmits the application with the requested information
3 described in subsection (d)(2)(B), the Secretary shall ap-
4 prove or disapprove such application prior to the later of—

5 “(1) the expiration of the 45-day period begin-
6 ning on the date on which the application is resub-
7 mitted; or

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

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

16 “(g) RULE OF CONSTRUCTION.—An application sub-
17 mitted by a State educational agency pursuant to sub-
18 section (a) shall not be approved or disapproved based
19 upon the activities for which the agency may make funds
20 available to eligible entities under section 3204 if the agen-
21 cy’s use of funds is consistent with section 3204(b).

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

23 “(a) IN GENERAL.—A State that receives funds
24 under this part for a fiscal year shall provide the amount

1 made available under section 3202(c)(1) to eligible entities
2 in accordance with this section.

3 “(b) USE OF FUNDS.—

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

7 “(A) are evidence-based;

8 “(B) will improve student academic
9 achievement and student engagement;

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

11 “(D) focus on one or more projects from
12 the following three categories:

13 “(i) Supplemental student support ac-
14 tivities such as before, after, or summer
15 school activities, tutoring, and expanded
16 learning time, but not including athletics
17 or in-school learning activities.

18 “(ii) Activities designed to support
19 students, such as academic subject specific
20 programs including computer science and
21 other science, technology (including edu-
22 cation about the harms of copyright pi-
23 racy), engineering, and mathematics pro-
24 grams, arts education, civic education, and
25 adjunct teacher, extended-learning-time,

1 and dual enrollment programs, and parent
2 engagement, but not including activities
3 to—

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

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

10 “(iii) Accountability-based programs
11 and activities that are designed to enhance
12 school safety, which may include research-
13 based bullying prevention, cyberbullying
14 prevention, disruption of recruitment activ-
15 ity by groups or individuals involved in vio-
16 lent extremism, and gang prevention pro-
17 grams, as well as intervention programs re-
18 garding bullying.

19 “(2) STREAMLINING ASSESSMENT SYSTEMS.—

20 An eligible entity that receives an award under this
21 part may use such funds—

22 “(A) to conduct an audit of the local as-
23 sessments administered by the local educational
24 agency and report, in a publicly available for-
25 mat, the findings of such audit, which may in-

1 clude such findings as described under section
2 3202(c)(3)(B)(iii); and

3 “(B) to develop and implement a plan, in
4 collaboration with local stakeholders, which may
5 include efforts, if appropriate as determined by
6 the eligible entity, as described under section
7 3202(c)(3)(B)(iv).

8 “(3) PARTICIPATION OF CHILDREN ENROLLED
9 IN PRIVATE SCHOOLS.—An eligible entity that re-
10 ceives an award under this part shall ensure compli-
11 ance with section 6501 (relating to participation of
12 children enrolled in private schools).

13 “(c) APPLICATION.—

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

21 “(2) CONTENTS.—Each application submitted
22 under paragraph (1) shall include—

23 “(A) a description of the activities to be
24 funded and how they are consistent with sub-

1 section (b), including any activities that will in-
2 crease student safety;

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

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

15 “(D) an assurance that students who ben-
16 efit from any activity funded under this part
17 shall continue to maintain enrollment in a pub-
18 lic elementary or secondary school.

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

1 “(e) GEOGRAPHIC DIVERSITY.—A State educational
2 agency shall distribute funds under this part equitably
3 among geographic areas within the State, including rural,
4 suburban, and urban communities.

5 “(f) AWARD.—A grant shall be awarded to all eligible
6 entities that submit an application that meets the require-
7 ments of this section in an amount that is not less than
8 \$10,000, but there shall be only one annual award granted
9 to any one local educational agency, but such award may
10 be for multiple projects or programs with the local edu-
11 cational agency.

12 “(g) DURATION OF AWARDS.—Grants under this
13 part may be awarded for a period of not more than 5
14 years.

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

17 “(1) a local educational agency in partnership
18 with a community-based organization, institution of
19 higher education, business entity, or nongovern-
20 mental entity;

21 “(2) a consortium of local educational agencies
22 working in partnership with a community-based or-
23 ganization, institution of higher education, business
24 entity, or nongovernmental entity;

1 “(3) a community-based organization or institu-
2 tion of higher education in partnership with a local
3 educational agency and, if applicable, a business en-
4 tity or nongovernmental entity; or

5 “(4) a business entity in partnership with a
6 local educational agency and, if applicable, a commu-
7 nity-based organization, institution of higher edu-
8 cation, or nongovernmental entity.

9 **“SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO**
10 **IMPROVE ACADEMIC ACHIEVEMENT.**

11 “(a) IN GENERAL.—From the amount reserved
12 under section 3202(c)(2), a State educational agency shall
13 award grants to nongovernmental entities, including pub-
14 lic or private organizations, community-based or faith-
15 based organizations, institutions of higher education, and
16 business entities for a program or project to increase the
17 academic achievement and student engagement of public
18 school students attending public elementary or secondary
19 schools (or both) in compliance with the requirements in
20 this section. Subject to the availability of funds, the State
21 educational agency shall award a grant to each eligible ap-
22 plicant that meets the requirements in a sufficient size and
23 scope to support the program.

1 “(b) APPLICATION.—The State educational agency
2 shall require an application that includes the following in-
3 formation:

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

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

9 “(3) A description of how the program or
10 project will help increase student academic achieve-
11 ment and student engagement, including the evi-
12 dence to support this claim.

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

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

20 “(6) A description of any partnerships the ap-
21 plicant has entered into with local educational agen-
22 cies or other entities the applicant will work with, if
23 applicable.

24 “(7) A description of how the applicant will
25 work to share evidence-based and other effective

1 strategies from the program or project with local
2 educational agencies and other entities working with
3 students to increase academic achievement.

4 “(8) An assurance that students who benefit
5 from any program or project funded under this sec-
6 tion shall continue to maintain enrollment in a pub-
7 lic elementary or secondary school.

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

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

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

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

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

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

22 “(e) DISTRIBUTION OF FUNDS.—If the application
23 requests exceed the funds available, the State educational
24 agency shall prioritize projects that support students in
25 high-need local educational agencies and ensure geo-

1 graphic diversity, including serving rural, suburban, and
2 urban areas.

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

6 **“SEC. 3206. REPORT.**

7 “Each recipient of a grant under section 3204 or
8 3205 shall report to the State educational agency on—

9 “(1) the success of the program in reaching the
10 goals of the program;

11 “(2) a description of the students served by the
12 program and how the students’ academic achieve-
13 ment improved; and

14 “(3) the results of any evaluation conducted on
15 the success of the program.”.

16 **TITLE IV—IMPACT AID**

17 **SEC. 401. PURPOSE.**

18 Section 8001 (20 U.S.C. 7701) is amended by strik-
19 ing “challenging State standards” and inserting “State
20 academic standards”.

21 **SEC. 402. PAYMENTS RELATING TO FEDERAL ACQUISITION**
22 **OF REAL PROPERTY.**

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

24 (1) in subsection (a)(1)(C), by amending the
25 matter preceding clause (i) to read as follows:

1 “(C) had an assessed value according to
2 original records (including facsimiles or other
3 reproductions of those records) documenting
4 the assessed value of such property (determined
5 as of the time or times when so acquired) pre-
6 pared by the local officials referred to in sub-
7 section (b)(3) or, when such original records
8 are not available due to unintentional destruc-
9 tion (such as natural disaster, fire, flooding,
10 pest infestation, or deterioration due to age),
11 other records, including Federal agency records,
12 local historical records, or other records that
13 the Secretary determines to be appropriate and
14 reliable, aggregating 10 percent or more of the
15 assessed value of—”;

16 (2) in subsection (b)(1)(B), by striking “section
17 8014(a)” and inserting “section 3(d)(1)”;

18 (3) by amending subsection (f) to read as fol-
19 lows:

20 “(f) SPECIAL RULE.—Beginning with fiscal year
21 2014, a local educational agency shall be deemed to meet
22 the requirements of subsection (a)(1)(C) if records to de-
23 termine eligibility under such subsection were destroyed
24 prior to fiscal year 2000 and the agency received funds
25 under subsection (b) in the previous year.”;

1 (4) by amending subsection (g) to read as fol-
2 lows:

3 “(g) FORMER DISTRICTS.—

4 “(1) CONSOLIDATIONS.—For fiscal year 2006
5 and each succeeding fiscal year, if a local edu-
6 cational agency described in subsection (b) is formed
7 at any time after 1938 by the consolidation of 2 or
8 more former school districts, the local educational
9 agency may elect to have the Secretary determine its
10 eligibility for any fiscal year on the basis of 1 or
11 more of those former districts, as designated by the
12 local educational agency.

13 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
14 CIES.—A local educational agency referred to in sub-
15 section (a) is—

16 “(A) any local educational agency that, for
17 fiscal year 1994 or any preceding fiscal year,
18 applied, and was determined to be eligible
19 under, section 2(c) of the Act of September 30,
20 1950 (Public Law 874, 81st Congress) as that
21 section was in effect for that fiscal year; or

22 “(B) a local educational agency formed by
23 the consolidation of 2 or more districts, at least
24 1 of which was eligible for assistance under this

1 section for the fiscal year preceding the year of
2 the consolidation, if—

3 “(i) for fiscal years 2006 through
4 2015 the local educational agency notified
5 the Secretary not later than 30 days after
6 the date of the enactment of this Act; and

7 “(ii) for fiscal year 2016 the local
8 educational agency includes the designa-
9 tion in its application under section 8005
10 or any timely amendment to such applica-
11 tion.

12 “(3) AMOUNT.—A local educational agency eli-
13 gible under subsection (b) shall receive a foundation
14 payment as provided for under subparagraphs (A)
15 and (B) of subsection (h)(1), except that the founda-
16 tion payment shall be calculated based on the most
17 recent payment received by the local educational
18 based on its former common status.”;

19 (5) in subsection (h)—

20 (A) in paragraph (2)—

21 (i) in subparagraph (C)(ii), by strik-
22 ing “section 8014(a)” and inserting “sec-
23 tion 3(d)(1)”;

1 (ii) in subparagraph (D), by striking
2 “section 8014(a)” and inserting “section
3 3(d)(1)”; and
4 (B) in paragraph (4), by striking “Impact
5 Aid Improvement Act of 2012” and inserting
6 “Student Success Act”;
7 (6) by repealing subsections (k) and (m);
8 (7) by redesignating subsection (l) as subsection
9 (j);
10 (8) by amending subsection (j) (as so redesign-
11 nated) by striking “(h)(4)(B)” and inserting
12 “(h)(2)”; and
13 (9) by redesignating subsection (n) as sub-
14 section (k).

15 **SEC. 403. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
16 **NECTED CHILDREN.**

17 (a) COMPUTATION OF PAYMENT.—Section 8003(a)
18 (20 U.S.C. 7703(a)) is amended—

19 (1) in the matter preceding subparagraph (A)
20 of paragraph (1), by inserting after “schools of such
21 agency” the following: “(including those children en-
22 rolled in such agency as a result of the open enroll-
23 ment policy of the State in which the agency is lo-
24 cated, but not including children who are enrolled in
25 a distance education program at such agency and

1 who are not residing within the geographic bound-
2 aries of such agency)”; and

3 (2) in paragraph (5)(A), by striking “1984”
4 and all that follows through “situated” and inserting
5 “1984, or under lease of off-base property under
6 subchapter IV of chapter 169 of title 10, United
7 States Code, to be children described under para-
8 graph (1)(B) if the property described is within the
9 fenced security perimeter of the military facility or
10 attached to and under any type of force protection
11 agreement with the military installation upon which
12 such housing is situated”.

13 (b) BASIC SUPPORT PAYMENTS FOR HEAVILY IM-
14 PACTED LOCAL EDUCATIONAL AGENCIES.—Section
15 8003(b) (20 U.S.C. 7703(b)) is amended—

16 (1) by striking “section 8014(b)” each place it
17 appears and inserting “section 3(d)(2)”;

18 (2) in paragraph (1), by repealing subpara-
19 graph (E);

20 (3) in paragraph (2)—

21 (A) in subparagraph (B)—

22 (i) by striking “CONTINUING” in the
23 heading;

24 (ii) by amending clause (i) to read as
25 follows:

1 “(i) IN GENERAL.—A heavily im-
2 pacted local educational agency is eligible
3 to receive a basic support payment under
4 subparagraph (A) with respect to a num-
5 ber of children determined under sub-
6 section (a)(1) if the agency—

7 “(I) is a local educational agen-
8 cy—

9 “(aa) whose boundaries are
10 the same as a Federal military
11 installation or an island property
12 designated by the Secretary of
13 the Interior to be property that is
14 held in trust by the Federal Gov-
15 ernment; and

16 “(bb) that has no taxing au-
17 thority;

18 “(II) is a local educational agen-
19 cy that—

20 “(aa) has an enrollment of
21 children described in subsection
22 (a)(1) that constitutes a percent-
23 age of the total student enroll-
24 ment of the agency that is not
25 less than 45 percent;

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

3 “(AA) for an agency
4 that has a total student en-
5 rollment of 500 or more stu-
6 dents, 125 percent of the av-
7 erage per-pupil expenditure
8 of the State in which the
9 agency is located; or

10 “(BB) for any agency
11 that has a total student en-
12 rollment less than 500, 150
13 percent of the average per-
14 pupil expenditure of the
15 State in which the agency is
16 located or the average per-
17 pupil expenditure of 3 or
18 more comparable local edu-
19 cational agencies in the
20 State in which the agency is
21 located; and

22 “(cc) is an agency that has
23 a tax rate for general fund pur-
24 poses that is not less than 95
25 percent of the average tax rate

1 for general fund purposes of
2 comparable local educational
3 agencies in the State;

4 “(III) is a local educational agen-
5 cy that—

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

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

1 “(cc) has a tax rate for gen-
2 eral fund purposes which is not
3 less than 125 percent of the aver-
4 age tax rate for general fund
5 purposes for comparable local
6 educational agencies in the State;

7 “(IV) is a local educational agen-
8 cy that has a total student enrollment
9 of not less than 25,000 students, of
10 which—

11 “(aa) not less than 50 per-
12 cent are children described in
13 subsection (a)(1); and

14 “(bb) not less than 5,500 of
15 such children are children de-
16 scribed in subparagraphs (A) and
17 (B) of subsection (a)(1); or

18 “(V) is a local educational agency
19 that—

20 “(aa) has an enrollment of
21 children described in subsection
22 (a)(1) including, for purposes of
23 determining eligibility, those chil-
24 dren described in subparagraphs
25 (F) and (G) of such subsection,

1 that is not less than 35 percent
2 of the total student enrollment of
3 the agency; and

4 “(bb) was eligible to receive
5 assistance under subparagraph
6 (A) for fiscal year 2001.”; and

7 (iii) in clause (ii)—

8 (I) by striking “A heavily” and
9 inserting the following:

10 “(I) IN GENERAL.—Subject to
11 subclause (II), a heavily”; and

12 (II) by adding at the end the fol-
13 lowing:

14 “(II) LOSS OF ELIGIBILITY DUE
15 TO FALLING BELOW 95 PERCENT OF
16 THE AVERAGE TAX RATE FOR GEN-
17 ERAL FUND PURPOSES.—In a case of
18 a heavily impacted local educational
19 agency that is eligible to receive a
20 basic support payment under subpara-
21 graph (A), but that has had, for 2
22 consecutive fiscal years, a tax rate for
23 general fund purposes that falls below
24 95 percent of the average tax rate for
25 general fund purposes of comparable

1 local educational agencies in the
2 State, such agency shall be deter-
3 mined to be ineligible under clause (i)
4 and ineligible to receive a basic sup-
5 port payment under subparagraph (A)
6 for each fiscal year succeeding such 2
7 consecutive fiscal years for which the
8 agency has such a tax rate for general
9 fund purposes, and until the fiscal
10 year for which the agency resumes
11 such eligibility in accordance with
12 clause (iii).”;

13 (B) by striking subparagraph (C);

14 (C) by redesignating subparagraphs (D)
15 through (H) as subparagraphs (C) through (G),
16 respectively;

17 (D) in subparagraph (C) (as so redesi-
18 gnated)—

19 (i) in the heading, by striking “REG-
20 ULAR”;

21 (ii) by striking “Except as provided in
22 subparagraph (E)” and inserting “Except
23 as provided in subparagraph (D)”;

24 (iii) by amending subclause (I) of
25 clause (ii) to read as follows: “ (I)(aa) For

1 a local educational agency with respect to
2 which 35 percent or more of the total stu-
3 dent enrollment of the schools of the agen-
4 cy are children described in subparagraph
5 (D) or (E) (or a combination thereof) of
6 subsection (a)(1), and that has an enroll-
7 ment of children described in subpara-
8 graph (A), (B), or (C) of such subsection
9 equal to at least 10 percent of the agency's
10 total enrollment, the Secretary shall cal-
11 culate the weighted student units of those
12 children described in subparagraph (D) or
13 (E) of such subsection by multiplying the
14 number of such children by a factor of
15 0.55.

16 “(bb) Notwithstanding subitem (aa), a
17 local educational agency that received a
18 payment under this paragraph for fiscal
19 year 2013 shall not be required to have an
20 enrollment of children described in sub-
21 paragraph (A), (B), or (C) of subsection
22 (a)(1) equal to at least 10 percent of the
23 agency's total enrollment.”; and

1 (iv) by amending subclause (III) of
2 clause (ii) by striking “(B)(i)(II)(aa)” and
3 inserting “subparagraph (B)(i)(I)”;

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

7 (F) in subparagraph (E) (as so redesign-
8 nated)—

9 (i) by striking “Secretary” and all
10 that follows through “shall use” and in-
11 sserting “Secretary shall use”;

12 (ii) by striking “; and” and inserting
13 a period; and

14 (iii) by striking clause (ii);

15 (G) in subparagraph (F) (as so redesign-
16 nated), by striking “subparagraph
17 (C)(i)(II)(bb)” and inserting “subparagraph
18 (B)(i)(II)(bb)(BB)”;

19 (H) in subparagraph (G) (as so redesign-
20 nated)—

21 (i) in clause (i)—

22 (I) by striking “subparagraph
23 (B), (C), (D), or (E)” and inserting
24 “subparagraph (B), (C), or (D)”;

1 (II) by striking “by reason of”
2 and inserting “due to”;

3 (III) by inserting after “clause
4 (iii)” the following “, or as the direct
5 result of base realignment and closure
6 or modularization as determined by
7 the Secretary of Defense and force
8 structure change or force relocation”;
9 and

10 (IV) by inserting before the pe-
11 riod, the following: “or during such
12 time as activities associated with base
13 closure and realignment,
14 modularization, force structure
15 change, or force relocation are ongo-
16 ing”; and

17 (ii) in clause (ii), by striking “(D) or
18 (E)” each place it appears and inserting
19 “(C) or (D)”;

20 (4) in paragraph (3)—

21 (A) in subparagraph (B)—

22 (i) by amending clause (iii) to read as
23 follows:

24 “(iii) In the case of a local educational
25 agency providing a free public education to stu-

1 dents enrolled in kindergarten through grade
2 12, but which enrolls students described in sub-
3 paragraphs (A), (B), and (D) of subsection
4 (a)(1) only in grades 9 through 12, and which
5 received a final payment in fiscal year 2009 cal-
6 culated under this paragraph (as this para-
7 graph was in effect on the day before the date
8 of the enactment of the Student Success Act)
9 for students in grades 9 through 12, the Sec-
10 retary shall, in calculating the agency’s pay-
11 ment, consider only that portion of such agen-
12 cy’s total enrollment of students in grades 9
13 through 12 when calculating the percentage
14 under clause (i)(I) and only that portion of the
15 total current expenditures attributed to the op-
16 eration of grades 9 through 12 in such agency
17 when calculating the percentage under clause
18 (i)(II).”;

19 (ii) by adding at the end the fol-
20 lowing:

21 “(v) In the case of a local educational
22 agency that is providing a program of distance
23 education to children not residing within the ge-
24 ographic boundaries of the agency, the Sec-
25 retary shall—

1 “(I) for purposes of the calculation
2 under clause (i)(I), disregard such children
3 from the total number of children in aver-
4 age daily attendance at the schools served
5 by such agency; and

6 “(II) for purposes of the calculation
7 under clause (i)(II), disregard any funds
8 received for such children from the total
9 current expenditures for such agency.”;

10 (B) in subparagraph (C), by striking “sub-
11 paragraph (D) or (E) of paragraph (2), as the
12 case may be” and inserting “paragraph
13 (2)(D)”;

14 (C) by amending subparagraph (D) to read
15 as follows:

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

1 “(i) a percentage, the denominator of
2 which is the difference between the full
3 amount computed under paragraph (1) or
4 (2) (as the case may be) for all local edu-
5 cational agencies and the amount of the
6 threshold payment (as calculated under
7 subparagraphs (B) and (C)) of all local
8 educational agencies, and the numerator of
9 which is the aggregate of the excess sums,
10 by

11 “(ii) the difference between the full
12 amount computed under paragraph (1) or
13 (2) (as the case may be) for the agency
14 and the amount of the threshold payment
15 as calculated under subparagraphs (B) and
16 (C) of the agency.”; and

17 (D) by inserting at the end the following
18 new subparagraphs:

19 “(E) INSUFFICIENT PAYMENTS.—For each
20 fiscal year described in subparagraph (A) for
21 which the sums appropriated under section
22 3(d)(2) are insufficient to pay each local edu-
23 cational agency all of the local educational
24 agency’s threshold payment described in sub-
25 paragraph (D), the Secretary shall ratably re-

1 duce the payment to each local educational
2 agency under this paragraph.

3 “(F) INCREASES.—If the sums appro-
4 priated under section 3(d)(2) are sufficient to
5 increase the threshold payment above the 100
6 percent threshold payment described in sub-
7 paragraph (D), then the Secretary shall in-
8 crease payments on the same basis as such pay-
9 ments were reduced, except no local educational
10 agency may receive a payment amount greater
11 than 100 percent of the maximum payment cal-
12 culated under this subsection.”; and

13 (5) in paragraph (4)—

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

16 (B) in subparagraph (B), by striking “sub-
17 paragraph (D) or (E)” and inserting “subpara-
18 graph (C) or (D)”.

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

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

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

3 “(B) was eligible to receive a payment
4 under this section for the previous fiscal year
5 and has had an overall increase in enrollment
6 (as determined by the Secretary in consultation
7 with the Secretary of Defense, the Secretary of
8 the Interior, or the heads of other Federal
9 agencies)—

10 “(i) of not less than 10 percent, or
11 100 students, of children described in—

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

14 “(II) subparagraphs (F) and (G)
15 of subsection (a)(1), but only to the
16 extent such children are civilian de-
17 pendents of employees of the Depart-
18 ment of Defense or the Department of
19 the Interior; and

20 “(ii) that is the direct result of closure
21 or realignment of military installations
22 under the base closure process or the relo-
23 cation of members of the Armed Forces
24 and civilian employees of the Department
25 of Defense as part of the force structure

1 changes or movements of units or per-
2 sonnel between military installations or be-
3 cause of actions initiated by the Secretary
4 of the Interior or the head of another Fed-
5 eral agency; or

6 “(C) was eligible to receive a payment
7 under this section for the previous fiscal year
8 and has had an increase in enrollment (as de-
9 termined by the Secretary)—

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

13 “(ii) that is the direct result of the
14 closure of a local educational agency that
15 received a payment under subsection (b)(1)
16 or (b)(2) in the previous fiscal year.”.

17 (d) CHILDREN WITH DISABILITIES.—Section
18 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
19 “section 8014(c)” and inserting “section 3(d)(3)”.

20 (e) HOLD HARMLESS.—Section 8003(e) (20 U.S.C.
21 7703(e)) is amended to read as follows:

22 “(e) HOLD HARMLESS.—The maximum amount that
23 a local educational agency is eligible to receive, as cal-
24 culated under paragraph (1)(C), (2)(C), or (2)(D) of sub-
25 section (b), shall not be less than 90 percent of the cal-

1 culated maximum amount that was used to determine the
2 local educational agency’s payment for subsection (b)(1)
3 or (b)(2) in the previous fiscal year for a period not to
4 exceed 3 consecutive fiscal years, if such agency meets the
5 eligibility requirements of paragraph (1)(B) or (2)(B) of
6 subsection (b).”.

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

9 **SEC. 404. POLICIES AND PROCEDURES RELATING TO CHIL-**
10 **DREN RESIDING ON INDIAN LANDS.**

11 Section 8004(e)(9) is amended by striking “Bureau
12 of Indian Affairs” both places such term appears and in-
13 serting “Bureau of Indian Education”.

14 **SEC. 405. APPLICATION FOR PAYMENTS UNDER SECTIONS**
15 **8002 AND 8003.**

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

19 **SEC. 406. CONSTRUCTION.**

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

21 (1) in subsection (a)—

22 (A) in paragraph (1), by striking “section
23 8014(e)” and inserting “section 3(d)(4)”;

24 (B) in paragraph (2), by adding at the end
25 the following:

1 “(C) The agency is eligible under section
2 4003(b)(2) or is receiving basic support pay-
3 ments under circumstances described in section
4 4003(b)(2)(B)(ii).”; and

5 (C) in paragraph (3), by striking “section
6 8014(e)” each place it appears and inserting
7 “section 3(d)(4)”; and
8 (2) in subsection (b)—

9 (A) in paragraph (1), by striking “section
10 8014(e)” and inserting “section 3(d)(4)”;
11 (B) in paragraph (3)—

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

14 “(cc) At least 10 percent of the
15 property in the agency is exempt from
16 State and local taxation under Fed-
17 eral law.”; and

18 (ii) by adding at the end the fol-
19 lowing:

20 “(F) LIMITATIONS ON ELIGIBILITY RE-
21 QUIREMENTS.—The Secretary shall not limit
22 eligibility—

23 “(i) under subparagraph (C)(i)(I)(aa),
24 to those local educational agencies in which
25 the number of children determined under

1 section 4003(a)(1)(C) for each such agency
2 for the preceding school year constituted
3 more than 40 percent of the total student
4 enrollment in the schools of each such
5 agency during the preceding school year;
6 and

7 “(ii) under subparagraph (C)(i)(I)(cc),
8 to those local educational agencies in which
9 more than 10 percent of the property in
10 each such agency is exempt from State and
11 local taxation under Federal law.”; and
12 (C) in paragraph (6)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “in such manner,
15 and accompanied by such information”
16 and inserting “and in such manner”; and

17 (ii) by striking subparagraph (F).

18 **SEC. 407. FACILITIES.**

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

22 **SEC. 408. STATE CONSIDERATION OF PAYMENTS PRO-**
23 **VIDING STATE AID.**

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

1 **SEC. 409. FEDERAL ADMINISTRATION.**

2 Section 8010(d)(2) (20 U.S.C. 7710(d)(2)) is amend-
3 ed, by striking “section 8014” and inserting “section
4 3(d)”.

5 **SEC. 410. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
6 **VIEW.**

7 Section 8011(a) (20 U.S.C. 7711(a)) is amended by
8 striking “or under the Act” and all that follows through
9 “1994)”.

10 **SEC. 411. DEFINITIONS.**

11 Section 8013 (20 U.S.C. 7713) is amended—

12 (1) in paragraph (1), by striking “and Marine
13 Corps” and inserting “Marine Corps, and Coast
14 Guard”;

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

16 (3) in paragraph (5)(A)(iii)—

17 (A) in subclause (II), by striking “Stewart
18 B. McKinney Homeless Assistance Act” and in-
19 serting “McKinney-Vento Homeless Assistance
20 Act (42 U.S.C. 11411)”;

21 (B) in subclause (III), by inserting before
22 the semicolon “(25 U.S.C. 4101 et seq.)”; and

23 (4) in paragraph (8)(A), by striking “and
24 verified by” and inserting “, and verified by,”.

25 **SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

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

1 **SEC. 413. CONFORMING AMENDMENTS.**

2 (a) **IMPACT AID IMPROVEMENT ACT OF 2012.**—Sec-
3 tion 563(c) of National Defense Authorization Act for Fis-
4 cal Year 2013 (Public Law 112–239; 126 Stat. 1748; 20
5 U.S.C. 6301 note) (also known as the “Impact Aid Im-
6 provement Act of 2012”), as amended by section 563 of
7 division A of Public Law 113–291, is amended—

8 (1) by striking paragraphs (1) and (4); and

9 (2) by redesignating paragraphs (2) and (3), as
10 paragraphs (1) and (2), respectively.

11 (b) **REPEALS.**—

12 (1) **TITLE IV.**—Title IV (20 U.S.C. 7101 et
13 seq.), as amended by section 601(b)(2) of this Act,
14 is repealed.

15 (2) **PL 113–76.**—Section 309 of division H of
16 the Consolidated Appropriations Act, 2014 (Public
17 Law 113–76; 20 U.S.C. 7702 note) is repealed.

18 (c) **TRANSFER AND REDESIGNATION.**—Title VIII (20
19 U.S.C. 7701 et seq.), as amended by this title, is redesi-
20 gnated as title IV (20 U.S.C. 7101 et seq.), and transferred
21 and inserted after title III (as amended by this Act).

22 (d) **TITLE VIII REFERENCES.**—The Act (20 U.S.C.
23 6301 et seq.), as amended by this Act, is amended—

24 (1) by redesignating sections 8001 through
25 8005 as sections 4001 through 4005, respectively;

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

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

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

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

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

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

13 (8) by striking “section 8003(a)(1)(C)” each
14 place it appears and inserting “section
15 4003(a)(1)(C)”;

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

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

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

22 (12) in section 4002(b)(1)(C) (as so redesign-
23 ated), by striking “section 8003(b)(1)(C)” and in-
24 serting “section 4003(b)(1)(C)”;

1 (13) in section 4002(k)(1) (as so redesignated),
2 by striking “section 8013(5)(C)(iii)” and inserting
3 “section 4013(5)(C)(iii)”;

4 (14) in section 4005 (as so redesignated)—

5 (A) in the section heading, by striking
6 “**8002 AND 8003**” and inserting “**4002 AND**
7 **4003**”;

8 (B) by striking “or 8003” each place it ap-
9 pears and inserting “or 4003”;

10 (C) in subsection (b)(2), by striking “sec-
11 tion 8004” and inserting “section 4004”; and

12 (D) in subsection (d)(2), by striking “sec-
13 tion 8003(e)” and inserting “section 4003(e)”;

14 (15) in the second subclause (II) of section
15 4007(a)(3)(A)(i) (as so redesignated), by striking
16 “section 8008(a)” and inserting “section 4008(a)”;

17 (16) in section 4007(a)(4) (as so redesignated),
18 by striking “section 8013(3)” and inserting “section
19 4013(3)”;

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

21 (A) in subsection (b)(1)—

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

1 (ii) by striking “section
2 8003(a)(2)(B)” and inserting “section
3 4003(a)(2)(B)”;

4 (iii) by striking “section 8003(b)(2)”
5 each place it appears and inserting “sec-
6 tion 4003(b)(2)”;

7 (B) by striking “section 8011(a)” each
8 place it appears and inserting “section
9 4011(a)”;

10 (18) in section 4010(c)(2)(D) (as so redesign-
11 nated) by striking “section 8009(b)” and inserting
12 “section 4009(b)”.

13 **TITLE V—THE FEDERAL GOV-**
14 **ERNMENT’S TRUST RESPON-**
15 **SIBILITY TO AMERICAN IN-**
16 **DIAN, ALASKA NATIVE, AND**
17 **NATIVE HAWAIIAN EDU-**
18 **CATION**

19 **SEC. 501. THE FEDERAL GOVERNMENT’S TRUST RESPONSI-**
20 **BILITY TO AMERICAN INDIAN, ALASKA NA-**
21 **TIVE, AND NATIVE HAWAIIAN EDUCATION.**

22 Title V of the Act (20 U.S.C. 7201 et seq.) is amend-
23 ed to read as follows:

1 **“TITLE V—THE FEDERAL GOV-**
2 **ERNMENT’S TRUST RESPON-**
3 **SIBILITY TO AMERICAN IN-**
4 **DIAN, ALASKA NATIVE, AND**
5 **NATIVE HAWAIIAN EDU-**
6 **CATION**

7 **“PART A—INDIAN EDUCATION**

8 **“SEC. 5101. STATEMENT OF POLICY.**

9 “It is the policy of the United States to fulfill the
10 Federal Government’s unique and continuing trust rela-
11 tionship with, and responsibility to, the Indian people for
12 the education of Indian children. The Federal Government
13 will continue to work with local educational agencies, In-
14 dian tribes and organizations, postsecondary institutions,
15 and other entities toward the goal of ensuring that pro-
16 grams that serve Indian children are of the highest quality
17 and provide for not only the basic elementary and sec-
18 ondary educational needs, but also the unique educational
19 and culturally related academic needs of these children.
20 It is further the policy of the United States to ensure that
21 Indian children do not attend school in buildings that are
22 dilapidated or deteriorating, which may negatively affect
23 the academic success of such children.

1 **“SEC. 5102. PURPOSE.**

2 “It is the purpose of this part to support the efforts
3 of local educational agencies, Indian tribes and organiza-
4 tions, postsecondary institutions, and other entities—

5 “(1) to meet the unique educational and cul-
6 turally related academic needs of American Indian
7 and Alaska Native students, so that such students
8 can meet State student academic achievement stand-
9 ards;

10 “(2) to ensure that Indian and Alaskan Native
11 students gain knowledge and understanding of Na-
12 tive communities, languages, tribal histories, tradi-
13 tions, and cultures; and

14 “(3) to ensure that school leaders, teachers, and
15 other staff who serve Indian and Alaska Native stu-
16 dents have the ability to provide culturally appro-
17 priate and effective instruction to such students.

18 **“Subpart 1—Formula Grants to Local Educational**
19 **Agencies**

20 **“SEC. 5111. PURPOSE.**

21 “It is the purpose of this subpart to support the ef-
22 forts of local educational agencies, Indian tribes and orga-
23 nizations, and other entities to improve the academic
24 achievement of American Indian and Alaska Native stu-
25 dents by providing for their unique cultural, language, and

1 educational needs and ensuring that they are prepared to
2 meet State academic standards.

3 **“SEC. 5112. GRANTS TO LOCAL EDUCATIONAL AGENCIES**
4 **AND TRIBES.**

5 “(a) IN GENERAL.—In accordance with this section
6 and section 5113, the Secretary may make grants from
7 allocations made under section 5113, to—

8 “(1) local educational agencies;

9 “(2) Indian tribes;

10 “(3) Indian organizations; and

11 “(4) Alaska Native Organizations.

12 “(b) LOCAL EDUCATIONAL AGENCIES.—

13 “(1) ENROLLMENT REQUIREMENTS.—A local
14 educational agency shall be eligible for a grant under
15 this subpart for any fiscal year if the number of In-
16 dian children eligible under section 5117 who were
17 enrolled in the schools of the agency, and to whom
18 the agency provided free public education, during
19 the preceding fiscal year—

20 “(A) was at least 10; or

21 “(B) constituted not less than 25 percent
22 of the total number of individuals enrolled in
23 the schools of such agency.

24 “(2) EXCLUSION.—The requirement of para-
25 graph (1) shall not apply in Alaska, California, or

1 Oklahoma, or with respect to any local educational
2 agency located on, or in proximity to, an Indian res-
3 ervation.

4 “(c) INDIAN TRIBES, INDIAN ORGANIZATIONS, ALAS-
5 KA NATIVE ORGANIZATIONS, AND CONSORTIA.—

6 “(1) IN GENERAL.—If a local educational agen-
7 cy that is otherwise eligible for a grant under this
8 subpart does not establish a committee under section
9 5114(c)(5) for such grant, an Indian tribe, Indian
10 organization, Alaska Native Organization, or consor-
11 tium of such entities that represents not less than
12 one-third of the eligible Indian or Alaska Native
13 children who are served by such local educational
14 agency may apply for such grant.

15 “(2) SPECIAL RULE.—

16 “(A) IN GENERAL.—The Secretary shall
17 treat each Indian tribe, Indian organization,
18 Alaska Native Organization, or consortium of
19 such entities applying for a grant pursuant to
20 paragraph (1) as if such applicant were a local
21 educational agency for purposes of this subpart.

22 “(B) EXCEPTIONS.—Notwithstanding sub-
23 paragraph (A), such Indian tribe, Indian orga-
24 nization, Alaska Native Organization, or con-

1 consortium of such entities shall not be subject to
2 the requirements of section 5114(c)(5) or 5119.

3 “(3) ELIGIBILITY.—If more than 1 applicant
4 qualifies to apply for a grant under paragraph (1),
5 the entity that represents the most eligible Indian
6 and Alaska Native children who are served by the
7 local educational agency shall be eligible to receive
8 the grant or the applicants may apply in consortium
9 and jointly operate a program.

10 “(d) INDIAN AND ALASKA NATIVE COMMUNITY-
11 BASED ORGANIZATIONS.—

12 “(1) IN GENERAL.—If no local educational
13 agency pursuant to subsection (b), and no Indian
14 tribe, tribal organization, Alaska Native Organiza-
15 tion, or consortium pursuant to subsection (c), ap-
16 plies for a grant under this subpart, Indian and
17 Alaska Native community-based organizations serv-
18 ing the community of the local educational agency
19 may apply for the grant.

20 “(2) APPLICABILITY OF SPECIAL RULE.—The
21 Secretary shall apply the special rule in subsection
22 (c)(2) to a community-based organization applying
23 or receiving a grant under paragraph (1) in the
24 same manner as such rule applies to an Indian tribe,

1 Indian organization, Alaska Native Organization, or
2 consortium.

3 “(3) DEFINITION OF INDIAN AND ALASKA NA-
4 TIVE COMMUNITY-BASED ORGANIZATIONS.—In this
5 subsection, the term ‘Indian and Alaska Native com-
6 munity-based organizations’ means any organiza-
7 tions that—

8 “(A) are composed primarily of the family
9 members of Indian or Alaska Native students,
10 Indian or Alaska Native community members,
11 tribal government education officials, and tribal
12 members from a specific community;

13 “(B) assist in the social, cultural, and edu-
14 cational development of Indians or Alaska Na-
15 tives in such community;

16 “(C) meet the unique cultural, language,
17 and academic needs of Indian or Alaska Native
18 students; and

19 “(D) demonstrate organizational and ad-
20 ministrative capacity to effectively manage the
21 grant.

22 **“SEC. 5113. AMOUNT OF GRANTS.**

23 “(a) AMOUNT OF GRANT AWARDS.—

24 “(1) IN GENERAL.—Except as provided in sub-
25 section (b) and paragraph (2), the Secretary shall

1 allocate to each local educational agency that has an
2 approved application under this subpart an amount
3 equal to the product of—

4 “(A) the number of Indian children who
5 are eligible under section 5117 and served by
6 such agency; and

7 “(B) the greater of—

8 “(i) the average per pupil expenditure
9 of the State in which such agency is lo-
10 cated; or

11 “(ii) 80 percent of the average per
12 pupil expenditure of all the States.

13 “(2) REDUCTION.—The Secretary shall reduce
14 the amount of each allocation otherwise determined
15 under this section in accordance with subsection (e).

16 “(b) MINIMUM GRANT.—

17 “(1) IN GENERAL.—Notwithstanding subsection
18 (e), an entity that is eligible for a grant under sec-
19 tion 5112, and a school that is operated or sup-
20 ported by the Bureau of Indian Education that is el-
21 igible for a grant under subsection (d), that submits
22 an application that is approved by the Secretary,
23 shall, subject to appropriations, receive a grant
24 under this subpart in an amount that is not less
25 than \$3,000.

1 “(2) CONSORTIA.—Local educational agencies
2 may form a consortium for the purpose of obtaining
3 grants under this subpart.

4 “(3) INCREASE.—The Secretary may increase
5 the minimum grant under paragraph (1) to not
6 more than \$4,000 for all grantees if the Secretary
7 determines such increase is necessary to ensure the
8 quality of the programs provided.

9 “(c) DEFINITION.—For the purpose of this section,
10 the term ‘average per pupil expenditure’, used with respect
11 to a State, means an amount equal to—

12 “(1) the sum of the aggregate current expendi-
13 tures of all the local educational agencies in the
14 State, plus any direct current expenditures by the
15 State for the operation of such agencies, without re-
16 gard to the sources of funds from which such local
17 or State expenditures were made, during the second
18 fiscal year preceding the fiscal year for which the
19 computation is made; divided by

20 “(2) the aggregate number of children who
21 were included in average daily attendance for whom
22 such agencies provided free public education during
23 such preceding fiscal year.

24 “(d) SCHOOLS OPERATED OR SUPPORTED BY THE
25 BUREAU OF INDIAN EDUCATION.—

1 “(1) IN GENERAL.—Subject to subsection (e),
2 in addition to the grants awarded under subsection
3 (a), the Secretary shall allocate to the Secretary of
4 the Interior an amount equal to the product of—

5 “(A) the total number of Indian children
6 enrolled in schools that are operated by—

7 “(i) the Bureau of Indian Education;

8 or

9 “(ii) an Indian tribe, or an organiza-
10 tion controlled or sanctioned by an Indian
11 tribal government, for the children of that
12 tribe under a contract with, or grant from,
13 the Department of the Interior under the
14 Indian Self-Determination Act or the Trib-
15 ally Controlled Schools Act of 1988; and

16 “(B) the greater of—

17 “(i) the average per pupil expenditure
18 of the State in which the school is located;

19 or

20 “(ii) 80 percent of the average per
21 pupil expenditure of all the States.

22 “(2) SPECIAL RULE.—Any school described in
23 paragraph (1)(A) that wishes to receive an allocation
24 under this subpart shall submit an application in ac-
25 cordance with section 5114, and shall otherwise be

1 treated as a local educational agency for the purpose
2 of this subpart, except that such school shall not be
3 subject to section 5114(c)(5) or section 5119.

4 “(e) RATABLE REDUCTIONS.—If the sums appro-
5 priated for any fiscal year to carry out this subpart are
6 insufficient to pay in full the amounts determined for local
7 educational agencies under subsection (a)(1) and for the
8 Secretary of the Interior under subsection (d), each of
9 those amounts shall be ratably reduced.

10 **“SEC. 5114. APPLICATIONS.**

11 “(a) APPLICATION REQUIRED.—Each local edu-
12 cational agency that desires to receive a grant under this
13 subpart shall submit an application to the Secretary at
14 such time, in such manner, and containing such informa-
15 tion as the Secretary may reasonably require.

16 “(b) COMPREHENSIVE PROGRAM REQUIRED.—Each
17 application submitted under subsection (a) shall include
18 a description of a comprehensive program for meeting the
19 needs of Indian and Alaska Native children served by the
20 local educational agency, including the language and cul-
21 tural needs of the children, that—

22 “(1) describes how the comprehensive program
23 will offer programs and activities to meet the cul-
24 turally related academic needs of American Indian
25 and Alaska Native students;

1 “(2)(A) is consistent with the State, tribal, and
2 local plans submitted under other provisions of this
3 Act; and

4 “(B) includes academic content and student
5 academic achievement goals for such children, and
6 benchmarks for attaining such goals, that are based
7 on State academic content and student academic
8 achievement standards adopted under title I for all
9 children;

10 “(3) explains how the local educational agency
11 will use the funds made available under this subpart
12 to supplement other Federal, State, and local pro-
13 grams that serve such students;

14 “(4) demonstrates how funds made available
15 under this subpart will be used for activities de-
16 scribed in section 5115;

17 “(5) describes the professional development op-
18 portunities that will be provided, as needed, to en-
19 sure that—

20 “(A) teachers and other school profes-
21 sionals who are new to the Indian or Alaska
22 Native community are prepared to work with
23 Indian and Alaska Native children;

24 “(B) all teachers who will be involved in
25 programs assisted under this subpart have been

1 properly trained to carry out such programs;
2 and

3 “(C) those family members of Indian and
4 Alaska Native children and representatives of
5 tribes who are on the committee described in
6 (c)(5) will participate in the planning of profes-
7 sional development materials;

8 “(6) describes how the local educational agen-
9 cy—

10 “(A) will periodically assess the progress of
11 all Indian children enrolled in the schools of the
12 local educational agency, including Indian chil-
13 dren who do not participate in programs as-
14 sisted under this subpart, in meeting the goals
15 described in paragraph (2);

16 “(B) will provide the results of each as-
17 sessment referred to in subparagraph (A) to—

18 “(i) the committee described in sub-
19 section (c)(5);

20 “(ii) the community served by the
21 local educational agency; and

22 “(iii) the tribes whose children are
23 served by the local educational agency; and

1 “(C) is responding to findings of any pre-
2 vious assessments that are similar to the as-
3 sessments described in subparagraph (A); and

4 “(7) explicitly delineates—

5 “(A) a formal, collaborative process that
6 the local educational agency used to directly in-
7 volve tribes, Indian organizations, or Alaska
8 Native Organizations in the development of the
9 comprehensive programs and the results of such
10 process; and

11 “(B) how the local educational agency
12 plans to ensure that tribes, Indian organiza-
13 tions, or Alaska Native Organizations will play
14 an active, meaningful, and ongoing role in the
15 functioning of the comprehensive programs.

16 “(c) ASSURANCES.—Each application submitted
17 under subsection (a) shall include assurances that—

18 “(1) the local educational agency will use funds
19 received under this subpart only to supplement the
20 funds that, in the absence of the Federal funds
21 made available under this subpart, such agency
22 would make available for services described in this
23 subsection, and not to supplant such funds;

1 “(2) the local educational agency will use funds
2 received under this subpart only for activities de-
3 scribed and authorized under this subpart;

4 “(3) the local educational agency will prepare
5 and submit to the Secretary such reports, in such
6 form and containing such information, as the Sec-
7 retary may require to—

8 “(A) carry out the functions of the Sec-
9 retary under this subpart;

10 “(B) determine the extent to which activi-
11 ties carried out with funds provided to the local
12 educational agency under this subpart are effec-
13 tive in improving the educational achievement
14 of Indian and Alaska Native students served by
15 such agency; and

16 “(C) determine the extent to which such
17 activities address the unique cultural, language,
18 and educational needs of Indian students;

19 “(4) the program for which assistance is
20 sought—

21 “(A) is based on a comprehensive local as-
22 sessment and prioritization of the unique edu-
23 cational and culturally related academic needs
24 of the American Indian and Alaska Native stu-

1 dents for whom the local educational agency is
2 providing an education;

3 “(B) will use the best available talents and
4 resources, including individuals from the Indian
5 or Alaska Native community; and

6 “(C) was developed by such agency in open
7 consultation with the families of Indian or Alas-
8 ka Native children, Indian or Alaska Native
9 teachers, Indian or Alaska Native students
10 from secondary schools, and representatives of
11 tribes, Indian organizations, or Alaska Native
12 Organizations in the community including
13 through public hearings held by such agency to
14 provide to the individuals described in this sub-
15 paragraph a full opportunity to understand the
16 program and to offer recommendations regard-
17 ing the program;

18 “(5) the local educational agency developed the
19 program with the participation and written approval
20 of a committee—

21 “(A) that is composed of, and selected
22 by—

23 “(i) family members of Indian and
24 Alaska Native children that are attending
25 the local educational agency’s schools;

1 “(ii) teachers in the schools; and

2 “(iii) Indian and Alaska Native stu-
3 dents attending secondary schools of the
4 agency;

5 “(B) a majority of whose members are
6 family members of Indian and Alaska Native
7 children that are attending the local educational
8 agency’s schools;

9 “(C) that has set forth such policies and
10 procedures, including policies and procedures
11 relating to the hiring of personnel, as will en-
12 sure that the program for which assistance is
13 sought will be operated and evaluated in con-
14 sultation with, and with the involvement of,
15 parents of the children, and representatives of
16 the area, to be served;

17 “(D) with respect to an application de-
18 scribing a schoolwide program in accordance
19 with section 5115(c), that has—

20 “(i) reviewed in a timely fashion the
21 program;

22 “(ii) determined that the program will
23 not diminish the availability of culturally
24 related activities for American Indian and
25 Alaska Native students; and

1 “(iii) will directly enhance the edu-
2 cational experience of American Indian and
3 Alaska Native students; and

4 “(E) that has adopted reasonable bylaws
5 for the conduct of the activities of the com-
6 mittee and abides by such bylaws; and

7 “(6) the local educational agency conducted
8 adequate outreach to family members to meet the
9 requirements under subsection (c)(5).

10 **“SEC. 5115. AUTHORIZED SERVICES AND ACTIVITIES.**

11 “(a) GENERAL REQUIREMENTS.—Each local edu-
12 cational agency that receives a grant under this subpart
13 shall use the grant funds, in a manner consistent with the
14 purpose specified in section 5111, for services and activi-
15 ties that—

16 “(1) are designed to carry out the comprehen-
17 sive program of the local educational agency for In-
18 dian students, and described in the application of
19 the local educational agency submitted to the Sec-
20 retary under section 5114(a) solely for the services
21 and activities described in such application;

22 “(2) are designed with special regard for the
23 language and cultural needs of the Indian students;
24 and

1 “(3) supplement and enrich the regular school
2 program of such agency.

3 “(b) PARTICULAR ACTIVITIES.—The services and ac-
4 tivities referred to in subsection (a) may include—

5 “(1) activities that support Native American
6 language immersion programs and Native American
7 language restoration programs, which may be taught
8 by traditional leaders;

9 “(2) culturally related activities that support
10 the program described in the application submitted
11 by the local educational agency;

12 “(3) early childhood and family programs that
13 emphasize school readiness;

14 “(4) enrichment programs that focus on prob-
15 lem solving and cognitive skills development and di-
16 rectly support the attainment of challenging State
17 academic content and student academic achievement
18 standards;

19 “(5) integrated educational services in combina-
20 tion with other programs including programs that
21 enhance student achievement by promoting increased
22 involvement of parents and families in school activi-
23 ties;

24 “(6) career preparation activities to enable In-
25 dian students to participate in programs such as the

1 programs supported by the Carl D. Perkins Career
2 and Technical Education Improvement Act of 2006,
3 including programs for tech-prep education, men-
4 toring, and apprenticeship;

5 “(7) activities to educate individuals so as to
6 prevent violence, suicide, and substance abuse;

7 “(8) the acquisition of equipment, but only if
8 the acquisition of the equipment is essential to
9 achieve the purpose described in section 5111;

10 “(9) activities that promote the incorporation of
11 culturally responsive teaching and learning strategies
12 into the educational program of the local educational
13 agency;

14 “(10) activities that incorporate culturally and
15 linguistically relevant curriculum content into class-
16 room instruction that is responsive to the unique
17 learning styles of Indian and Alaska Native children
18 and ensures that children are better able to meet
19 State standards;

20 “(11) family literacy services;

21 “(12) activities that recognize and support the
22 unique cultural and educational needs of Indian chil-
23 dren, and incorporate appropriately qualified tribal
24 elders and seniors;

1 “(13) dropout prevention strategies for Indian
2 and Alaska Native students; and

3 “(14) strategies to meet the educational needs
4 of at-risk Indian students in correctional facilities,
5 including such strategies that support Indian and
6 Alaska Native students who are transitioning from
7 such facilities to schools served by local educational
8 agencies.

9 “(c) SCHOOLWIDE PROGRAMS.—Notwithstanding
10 any other provision of law, a local educational agency may
11 use funds made available to such agency under this sub-
12 part to support a schoolwide program under section 1114
13 if—

14 “(1) the committee established pursuant to sec-
15 tion 5114(c)(5) approves the use of the funds for
16 the schoolwide program;

17 “(2) the schoolwide program is consistent with
18 the purpose described in section 5111; and

19 “(3) the local educational agency identifies in
20 its application how the use of such funds in a
21 schoolwide program will produce benefits to the
22 American Indian and Alaska Native students that
23 would not be achieved if the funds were not used in
24 a schoolwide program.

1 “(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not
2 more than 5 percent of the funds provided to a grantee
3 under this subpart for any fiscal year may be used for
4 administrative purposes.

5 “(e) LIMITATION ON THE USE OF FUNDS.—Funds
6 provided to a grantee under this subpart may not be used
7 for long-distance travel expenses for training activities
8 available locally or regionally.

9 **“SEC. 5116. INTEGRATION OF SERVICES AUTHORIZED.**

10 “(a) PLAN.—An entity receiving funds under this
11 subpart may submit a plan to the Secretary for the inte-
12 gration of education and related services provided to In-
13 dian students.

14 “(b) CONSOLIDATION OF PROGRAMS.—Upon the re-
15 ceipt of an acceptable plan under subsection (a), the Sec-
16 retary, in cooperation with each Federal agency providing
17 grants for the provision of education and related services
18 to the entity, shall authorize the entity to consolidate, in
19 accordance with such plan, the federally funded education
20 and related services programs of the entity and the Fed-
21 eral programs, or portions of the programs, serving Indian
22 students in a manner that integrates the program services
23 involved into a single, coordinated, comprehensive pro-
24 gram and reduces administrative costs by consolidating
25 administrative functions.

1 “(c) PROGRAMS AFFECTED.—The funds that may be
2 consolidated in a demonstration project under any such
3 plan referred to in subsection (a) shall include funds for
4 any Federal program exclusively serving Indian children,
5 or the funds reserved under any Federal program to exclu-
6 sively serve Indian children, under which the entity is eligi-
7 ble for receipt of funds under a statutory or administrative
8 formula for the purposes of providing education and re-
9 lated services that would be used to serve Indian students.

10 “(d) PLAN REQUIREMENTS.—For a plan to be ac-
11 ceptable pursuant to subsection (b), the plan shall—

12 “(1) identify the programs or funding sources
13 to be consolidated;

14 “(2) be consistent with the objectives of this
15 section concerning authorizing the services to be in-
16 tegrated in a demonstration project;

17 “(3) describe a comprehensive strategy that
18 identifies the full range of potential educational op-
19 portunities and related services to be provided to as-
20 sist Indian students to achieve the objectives set
21 forth in this subpart;

22 “(4) describe the way in which services are to
23 be integrated and delivered and the results expected
24 from the plan;

1 “(5) identify the projected expenditures under
2 the plan in a single budget;

3 “(6) identify the State, tribal, or local agency
4 or agencies to be involved in the delivery of the serv-
5 ices integrated under the plan;

6 “(7) identify any statutory provisions, regula-
7 tions, policies, or procedures that the entity believes
8 need to be waived in order to implement the plan;

9 “(8) set forth measures for academic content
10 and student academic achievement goals designed to
11 be met within a specific period of time; and

12 “(9) be approved by a committee formed in ac-
13 cordance with section 5114(c)(5), if such a com-
14 mittee exists.

15 “(e) PLAN REVIEW.—Upon receipt of the plan from
16 an eligible entity, the Secretary shall consult with the Sec-
17 retary of each Federal department providing funds to be
18 used to implement the plan, and with the entity submit-
19 ting the plan. The parties so consulting shall identify any
20 waivers of statutory requirements or of Federal depart-
21 mental regulations, policies, or procedures necessary to en-
22 able the entity to implement the plan. Notwithstanding
23 any other provision of law, the Secretary of the affected
24 department shall have the authority to waive any regula-
25 tion, policy, or procedure promulgated by that department

1 that has been so identified by the entity or department,
2 unless the Secretary of the affected department deter-
3 mines that such a waiver is inconsistent with the objectives
4 of this subpart or those provisions of the statute from
5 which the program involved derives authority that are spe-
6 cifically applicable to Indian students.

7 “(f) PLAN APPROVAL.—Within 90 days after the re-
8 ceipt of an entity’s plan by the Secretary, the Secretary
9 shall inform the entity, in writing, of the Secretary’s ap-
10 proval or disapproval of the plan. If the plan is dis-
11 approved, the entity shall be informed, in writing, of the
12 reasons for the disapproval and shall be given an oppor-
13 tunity to amend the plan or to petition the Secretary to
14 reconsider such disapproval.

15 “(g) RESPONSIBILITIES OF DEPARTMENT OF EDU-
16 CATION.—Not later than 180 days after the date of the
17 enactment of the Student Success Act, the Secretary of
18 Education, the Secretary of the Interior, the Secretary of
19 the Department of Health and Human Services, and the
20 head of any other Federal department or agency identified
21 by the Secretary of Education, shall enter into an inter-
22 departmental memorandum of agreement providing for
23 the implementation and coordination of the demonstration
24 projects authorized under this section. The lead agency

1 head for a demonstration project under this section shall
2 be—

3 “(1) the Secretary of the Interior, in the case
4 of an entity meeting the definition of a contract or
5 grant school under title XI of the Education Amend-
6 ments of 1978; or

7 “(2) the Secretary of Education, in the case of
8 any other entity.

9 “(h) RESPONSIBILITIES OF LEAD AGENCY.—The re-
10 sponsibilities of the lead agency shall include—

11 “(1) the use of a single report format related
12 to the plan for the individual project, which shall be
13 used by an eligible entity to report on the activities
14 undertaken under the project;

15 “(2) the use of a single report format related
16 to the projected expenditures for the individual
17 project which shall be used by an eligible entity to
18 report on all project expenditures;

19 “(3) the development of a single system of Fed-
20 eral oversight for the project, which shall be imple-
21 mented by the lead agency; and

22 “(4) the provision of technical assistance to an
23 eligible entity appropriate to the project, except that
24 an eligible entity shall have the authority to accept

1 or reject the plan for providing such technical assist-
2 ance and the technical assistance provider.

3 “(i) REPORT REQUIREMENTS.—A single report for-
4 mat shall be developed by the Secretary, consistent with
5 the requirements of this section. Such report format shall
6 require that reports described in subsection (h), together
7 with records maintained on the consolidated program at
8 the local level, shall contain such information as will allow
9 a determination that the eligible entity has complied with
10 the requirements incorporated in its approved plan, in-
11 cluding making a demonstration of student academic
12 achievement, and will provide assurances to each Sec-
13 retary that the eligible entity has complied with all directly
14 applicable statutory requirements and with those directly
15 applicable regulatory requirements that have not been
16 waived.

17 “(j) NO REDUCTION IN AMOUNTS.—In no case shall
18 the amount of Federal funds available to an eligible entity
19 involved in any demonstration project be reduced as a re-
20 sult of the enactment of this section.

21 “(k) INTERAGENCY FUND TRANSFERS AUTHOR-
22 IZED.—The Secretary is authorized to take such action
23 as may be necessary to provide for an interagency transfer
24 of funds otherwise available to an eligible entity in order
25 to further the objectives of this section.

1 “(l) ADMINISTRATION OF FUNDS.—

2 “(1) IN GENERAL.—Program funds for the con-
3 solidated programs shall be administered in such a
4 manner as to allow for a determination that funds
5 from a specific program are spent on allowable ac-
6 tivities authorized under such program, except that
7 the eligible entity shall determine the proportion of
8 the funds granted that shall be allocated to such
9 program.

10 “(2) SEPARATE RECORDS NOT REQUIRED.—

11 Nothing in this section shall be construed as requir-
12 ing the eligible entity to maintain separate records
13 tracing any services or activities conducted under
14 the approved plan to the individual programs under
15 which funds were authorized for the services or ac-
16 tivities, nor shall the eligible entity be required to al-
17 locate expenditures among such individual programs.

18 “(m) OVERAGE.—The eligible entity may commingle
19 all administrative funds from the consolidated programs
20 and shall be entitled to the full amount of such funds
21 (under each program’s or agency’s regulations). The over-
22 age (defined as the difference between the amount of the
23 commingled funds and the actual administrative cost of
24 the programs) shall be considered to be properly spent for

1 Federal audit purposes, if the overage is used for the pur-
2 poses provided for under this section.

3 “(n) FISCAL ACCOUNTABILITY.—Nothing in this
4 part shall be construed so as to interfere with the ability
5 of the Secretary or the lead agency to fulfill the respon-
6 sibilities for the safeguarding of Federal funds pursuant
7 to chapter 75 of title 31, United States Code.

8 “(o) REPORT ON STATUTORY OBSTACLES TO PRO-
9 GRAM INTEGRATION.—

10 “(1) PRELIMINARY REPORT.—Not later than 2
11 years after the date of the enactment of the Student
12 Success Act, the Secretary of Education shall submit
13 a preliminary report to the Committee on Education
14 and the Workforce and the Committee on Natural
15 Resources of the House of Representatives and the
16 Committee on Health, Education, Labor, and Pen-
17 sions and the Committee on Indian Affairs of the
18 Senate on the status of the implementation of the
19 demonstration projects authorized under this sec-
20 tion.

21 “(2) FINAL REPORT.—Not later than 5 years
22 after the date of the enactment of the Student Suc-
23 cess Act, the Secretary of Education shall submit a
24 report to the Committee on Education and the
25 Workforce and the Committee on Natural Resources

1 of the House of Representatives and the Committee
2 on Health, Education, Labor, and Pensions and the
3 Committee on Indian Affairs of the Senate on the
4 results of the implementation of the demonstration
5 projects authorized under this section. Such report
6 shall identify statutory barriers to the ability of par-
7 ticipants to integrate more effectively their education
8 and related services to Indian students in a manner
9 consistent with the objectives of this section.

10 “(p) DEFINITIONS.—For the purposes of this section,
11 the term ‘Secretary’ means—

12 “(1) the Secretary of the Interior, in the case
13 of an entity meeting the definition of a contract or
14 grant school under title XI of the Education Amend-
15 ments of 1978; or

16 “(2) the Secretary of Education, in the case of
17 any other entity.

18 **“SEC. 5117. STUDENT ELIGIBILITY FORMS.**

19 “(a) IN GENERAL.—The Secretary shall require that,
20 as part of an application for a grant under this subpart,
21 each applicant shall maintain a file, with respect to each
22 Indian child for whom the local educational agency pro-
23 vides a free public education, that contains a form that
24 sets forth information establishing the status of the child
25 as an Indian child eligible for assistance under this sub-

1 part, and that otherwise meets the requirements of sub-
2 section (b).

3 “(b) FORMS.—The form described in subsection (a)
4 shall include—

5 “(1) either—

6 “(A)(i) the name of the tribe or band of
7 Indians (as defined in section 5151) with re-
8 spect to which the child claims membership;

9 “(ii) the enrollment or membership number
10 establishing the membership of the child (if
11 readily available); and

12 “(iii) the name and address of the organi-
13 zation that maintains updated and accurate
14 membership data for such tribe or band of Indi-
15 ans; or

16 “(B) the name, the enrollment or member-
17 ship number (if readily available), and the name
18 and address of the organization responsible for
19 maintaining updated and accurate membership
20 data, of any parent or grandparent of the child
21 from whom the child claims eligibility under
22 this subpart, if the child is not a member of the
23 tribe or band of Indians (as so defined);

24 “(2) a statement of whether the tribe or band
25 of Indians (as so defined), with respect to which the

1 child, or parent or grandparent of the child, claims
2 membership, is federally recognized;

3 “(3) the name and address of the parent or
4 legal guardian of the child;

5 “(4) a signature of the parent or legal guardian
6 of the child that verifies the accuracy of the informa-
7 tion supplied;

8 “(5) any other information that the Secretary
9 considers necessary to provide an accurate program
10 profile; and

11 “(6) all individual data collected will be pro-
12 tected by the local educational agencies and only ag-
13 gregated data will be reported to the Secretary.

14 “(c) STATUTORY CONSTRUCTION.—Nothing in this
15 section shall be construed to affect a definition contained
16 in section 5151.

17 “(d) DOCUMENTATION AND TYPES OF PROOF.—

18 “(1) TYPES OF PROOF.—For purposes of deter-
19 mining whether a child is eligible to be counted for
20 the purpose of computing the amount of a grant
21 award under section 5113, the membership of the
22 child, or any parent or grandparent of the child, in
23 a tribe or band of Indians (as so defined) may be
24 established by proof other than an enrollment num-
25 ber, notwithstanding the availability of an enroll-

1 ment number for a member of such tribe or band.
2 Nothing in subsection (b) shall be construed to re-
3 quire the furnishing of an enrollment number.

4 “(2) NO NEW OR DUPLICATIVE DETERMINA-
5 TIONS.—Once a child is determined to be an Indian
6 eligible to be counted for such grant award, the local
7 education agency shall maintain a record of such de-
8 termination and shall not require a new or duplicate
9 determination to be made for such child for a subse-
10 quent application for a grant under this subpart.

11 “(3) PREVIOUSLY FILED FORMS.—An Indian
12 student eligibility form that was on file as required
13 by this section on the day before the date of the en-
14 actment of the Student Success Act and that met
15 the requirements of this section, as this section was
16 in effect on the day before the date of the enactment
17 of such Act, shall remain valid for such Indian stu-
18 dent.

19 “(e) MONITORING AND EVALUATION REVIEW.—

20 “(1) IN GENERAL.—

21 “(A) REVIEW.—For each fiscal year, in
22 order to provide such information as is nec-
23 essary to carry out the responsibility of the Sec-
24 retary to provide technical assistance under this
25 subpart, the Secretary shall conduct a moni-

1 toring and evaluation review of a sampling of
2 the recipients of grants under this subpart. The
3 sampling conducted under this subparagraph
4 shall take into account the size of and the geo-
5 graphic location of each local educational agen-
6 cy.

7 “(B) EXCEPTION.—A local educational
8 agency may not be held liable to the United
9 States or be subject to any penalty, by reason
10 of the findings of an audit that relates to the
11 date of completion, or the date of submission,
12 of any forms used to establish, before April 28,
13 1988, the eligibility of a child for an entitle-
14 ment under the Indian Elementary and Sec-
15 ondary School Assistance Act.

16 “(2) FALSE INFORMATION.—Any local edu-
17 cational agency that provides false information in an
18 application for a grant under this subpart shall—

19 “(A) be ineligible to apply for any other
20 grant under this subpart; and

21 “(B) be liable to the United States for any
22 funds from the grant that have not been ex-
23 pended.

24 “(3) EXCLUDED CHILDREN.—A student who
25 provides false information for the form required

1 under subsection (a) shall not be counted for the
2 purpose of computing the amount of a grant under
3 section 5113.

4 “(f) TRIBAL GRANT AND CONTRACT SCHOOLS.—
5 Notwithstanding any other provision of this section, in cal-
6 culating the amount of a grant under this subpart to a
7 tribal school that receives a grant or contract from the
8 Bureau of Indian Education, the Secretary shall use only
9 one of the following, as selected by the school:

10 “(1) A count of the number of students in the
11 schools certified by the Bureau.

12 “(2) A count of the number of students for
13 whom the school has eligibility forms that comply
14 with this section.

15 “(g) TIMING OF CHILD COUNTS.—For purposes of
16 determining the number of children to be counted in calcu-
17 lating the amount of a local educational agency’s grant
18 under this subpart (other than in the case described in
19 subsection (f)(1)), the local educational agency shall—

20 “(1) establish a date on, or a period not longer
21 than 31 consecutive days during, which the agency
22 counts those children, if that date or period occurs
23 before the deadline established by the Secretary for
24 submitting an application under section 5114; and

1 “(2) determine that each such child was en-
2 rolled, and receiving a free public education, in a
3 school of the agency on that date or during that pe-
4 riod, as the case may be.

5 **“SEC. 5118. PAYMENTS.**

6 “(a) IN GENERAL.—Subject to subsection (b), the
7 Secretary shall pay to each local educational agency that
8 submits an application that is approved by the Secretary
9 under this subpart the amount determined under section
10 5113. The Secretary shall notify the local educational
11 agency of the amount of the payment not later than June
12 1 of the year for which the Secretary makes the payment.

13 “(b) PAYMENTS TAKEN INTO ACCOUNT BY THE
14 STATE.—The Secretary may not make a grant under this
15 subpart to a local educational agency for a fiscal year if,
16 for such fiscal year, the State in which the local edu-
17 cational agency is located takes into consideration pay-
18 ments made under this chapter in determining the eligi-
19 bility of the local educational agency for State aid, or the
20 amount of the State aid, with respect to the free public
21 education of children during such fiscal year or the pre-
22 ceding fiscal year.

23 “(c) REALLOCATIONS.—The Secretary may reallo-
24 cate, in a manner that the Secretary determines will best
25 carry out the purpose of this subpart, any amounts that—

1 “(1) based on estimates made by local edu-
2 cational agencies or other information, the Secretary
3 determines will not be needed by such agencies to
4 carry out approved programs under this subpart; or

5 “(2) otherwise become available for reallocation
6 under this subpart.

7 **“SEC. 5119. STATE EDUCATIONAL AGENCY REVIEW.**

8 “Before submitting an application to the Secretary
9 under section 5114, a local educational agency shall sub-
10 mit the application to the State educational agency, which
11 may comment on such application. If the State educational
12 agency comments on the application, the agency shall com-
13 ment on all applications submitted by local educational
14 agencies in the State and shall provide those comments
15 to the respective local educational agencies, with an oppor-
16 tunity to respond.

17 **“Subpart 2—Special Programs and Projects To Im-
18 prove Educational Opportunities for Indian
19 Children and Youth**

20 **“SEC. 5121. SPECIAL PROGRAMS AND PROJECTS TO IM-
21 PROVE EDUCATIONAL OPPORTUNITIES FOR
22 INDIAN CHILDREN AND YOUTH.**

23 “(a) PURPOSE.—

24 “(1) IN GENERAL.—It is the purpose of this
25 section to support projects to develop, test, and dem-

1 onstrate the effectiveness of services and programs
2 to improve educational opportunities and achieve-
3 ment of Indian children and youth.

4 “(2) COORDINATION.—The Secretary shall take
5 the necessary actions to achieve the coordination of
6 activities assisted under this subpart with—

7 “(A) other programs funded under this
8 Act; and

9 “(B) other Federal programs operated for
10 the benefit of American Indian and Alaska Na-
11 tive children and youth.

12 “(b) ELIGIBLE ENTITIES.—In this section, the term
13 ‘eligible entity’ means a State educational agency, local
14 educational agency, Indian tribe, Indian organization, fed-
15 erally supported elementary school or secondary school for
16 Indian students, Indian institution (including an Indian
17 institution of higher education), Alaska Native Organiza-
18 tion, or a consortium of such entities.

19 “(c) GRANTS AUTHORIZED.—

20 “(1) IN GENERAL.—The Secretary shall award
21 grants to eligible entities to enable such entities to
22 carry out activities that meet the purpose of this
23 section, including—

1 “(A) innovative programs related to the
2 educational needs of educationally disadvan-
3 taged children and youth;

4 “(B) educational services that are not
5 available to such children and youth in suffi-
6 cient quantity or quality, including remedial in-
7 struction, to raise the achievement of Indian
8 and Alaska Native children in one or more of
9 the subjects of English, mathematics, science,
10 foreign languages, art, history, and geography;

11 “(C) bilingual and bicultural programs and
12 projects;

13 “(D) special health and nutrition services,
14 and other related activities, that address the
15 special health, social, emotional, and psycho-
16 logical problems of Indian children;

17 “(E) special compensatory and other pro-
18 grams and projects designed to assist and en-
19 courage Indian children to enter, remain in, or
20 reenter school, and to increase the rate of high
21 school graduation for Indian children;

22 “(F) comprehensive guidance, counseling,
23 and testing services;

24 “(G) high quality early childhood education
25 programs that are effective in preparing young

1 children to make sufficient academic growth by
2 the end of grade 3, including kindergarten and
3 pre-kindergarten programs, family-based pre-
4 school programs that emphasize school readi-
5 ness, screening and referral, and the provision
6 of services to Indian children and youth with
7 disabilities;

8 “(H) partnership projects between local
9 educational agencies and institutions of higher
10 education that allow secondary school students
11 to enroll in courses at the postsecondary level to
12 aid such students in the transition from sec-
13 ondary to postsecondary education;

14 “(I) partnership projects between schools
15 and local businesses for career preparation pro-
16 grams designed to provide Indian youth with
17 the knowledge and skills such youth need to
18 make an effective transition from school to a
19 high-skill, high-wage career;

20 “(J) programs designed to encourage and
21 assist Indian students to work toward, and gain
22 entrance into, an institution of higher edu-
23 cation;

24 “(K) family literacy services;

1 “(L) activities that recognize and support
2 the unique cultural and educational needs of In-
3 dian children, and incorporate appropriately
4 qualified tribal elders and seniors;

5 “(M) high quality professional development
6 of teaching professionals and paraprofessionals;
7 or

8 “(N) other services that meet the purpose
9 described in this section.

10 “(d) GRANT REQUIREMENTS AND APPLICATIONS.—

11 “(1) GRANT REQUIREMENTS.—

12 “(A) IN GENERAL.—The Secretary may
13 make multiyear grants under subsection (c) for
14 the planning, development, pilot operation, or
15 demonstration of any activity described in sub-
16 section (c) for a period not to exceed 5 years.

17 “(B) PRIORITY.—In making multiyear
18 grants described in this paragraph, the Sec-
19 retary shall give priority to entities submitting
20 applications that present a plan for combining
21 two or more of the activities described in sub-
22 section (c) over a period of more than 1 year.

23 “(C) PROGRESS.—The Secretary shall
24 make a grant payment for a grant described in
25 this paragraph to an eligible entity after the

1 initial year of the multiyear grant only if the
2 Secretary determines that the eligible entity has
3 made substantial progress in carrying out the
4 activities assisted under the grant in accordance
5 with the application submitted under paragraph
6 (3) and any subsequent modifications to such
7 application.

8 “(2) DISSEMINATION GRANTS.—

9 “(A) IN GENERAL.—In addition to award-
10 ing the multiyear grants described in paragraph
11 (1), the Secretary may award grants under sub-
12 section (c) to eligible entities for the dissemina-
13 tion of exemplary materials or programs as-
14 sisted under this section.

15 “(B) DETERMINATION.—The Secretary
16 may award a dissemination grant described in
17 this paragraph if, prior to awarding the grant,
18 the Secretary determines that the material or
19 program to be disseminated—

20 “(i) has been adequately reviewed;

21 “(ii) has demonstrated educational
22 merit; and

23 “(iii) can be replicated.

24 “(3) APPLICATION.—

1 “(A) IN GENERAL.—Any eligible entity
2 that desires to receive a grant under this sec-
3 tion shall submit an application to the Sec-
4 retary at such time and in such manner as the
5 Secretary may reasonably require.

6 “(B) CONTENTS.—Each application sub-
7 mitted to the Secretary under subparagraph
8 (A), other than an application for a dissemina-
9 tion grant under paragraph (2), shall contain—

10 “(i) a description of how parents of
11 Indian children and representatives of In-
12 dian tribes have been, and will be, involved
13 in developing and implementing the activi-
14 ties for which assistance is sought;

15 “(ii) assurances that the applicant will
16 participate, at the request of the Secretary,
17 in any national evaluation of activities as-
18 sisted under this section;

19 “(iii) information demonstrating that
20 the proposed program for the activities is
21 a scientifically based research program,
22 where applicable, which may include a pro-
23 gram that has been modified to be cul-
24 turally appropriate for students who will be
25 served;

1 “(iv) a description of how the appli-
2 cant will incorporate the proposed activities
3 into the ongoing school program involved
4 once the grant period is over; and

5 “(v) such other assurances and infor-
6 mation as the Secretary may reasonably
7 require.

8 “(e) ADMINISTRATIVE COSTS.—Not more than 5 per-
9 cent of the funds provided to a grantee under this subpart
10 for any fiscal year may be used for administrative pur-
11 poses.

12 **“SEC. 5122. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
13 **AND EDUCATION PROFESSIONALS.**

14 “(a) PURPOSES.—The purposes of this section are—

15 “(1) to increase the number of qualified Indian
16 and Alaska Native teachers and administrators serv-
17 ing Indian and Alaska Native students;

18 “(2) to provide training to qualified Indian and
19 Alaska Native individuals to become educators and
20 education support service professionals; and

21 “(3) to improve the skills of qualified Indian in-
22 dividuals who serve in the capacities described in
23 paragraph (2).

24 “(b) ELIGIBLE ENTITIES.—For the purpose of this
25 section, the term ‘eligible entity’ means—

1 “(1) an institution of higher education, includ-
2 ing an Indian institution of higher education;

3 “(2) a State educational agency or local edu-
4 cational agency, in consortium with an institution of
5 higher education;

6 “(3) an Indian tribe or organization, in consor-
7 tium with an institution of higher education; and

8 “(4) a Bureau-funded school (as defined in sec-
9 tion 1146 of the Education Amendments of 1978).

10 “(c) PROGRAM AUTHORIZED.—The Secretary is au-
11 thorized to award grants to eligible entities having applica-
12 tions approved under this section to enable those entities
13 to carry out the activities described in subsection (d).

14 “(d) AUTHORIZED ACTIVITIES.—

15 “(1) IN GENERAL.—Grant funds under this sec-
16 tion shall be used for activities to provide support
17 and training for Indian individuals in a manner con-
18 sistent with the purposes of this section. Such activi-
19 ties may include continuing programs, symposia,
20 workshops, conferences, and direct financial support,
21 and may include programs designed to train tribal
22 elders and seniors.

23 “(2) SPECIAL RULES.—

24 “(A) TYPE OF TRAINING.—For education
25 personnel, the training received pursuant to a

1 grant under this section may be inservice or
2 preservice training.

3 “(B) PROGRAM.—For individuals who are
4 being trained to enter any field other than
5 teaching, the training received pursuant to a
6 grant under this section shall be in a program
7 that results in a graduate degree.

8 “(e) APPLICATION.—Each eligible entity desiring a
9 grant under this section shall submit an application to the
10 Secretary at such time, in such manner, and accompanied
11 by such information, as the Secretary may reasonably re-
12 quire.

13 “(f) SPECIAL RULE.—In awarding grants under this
14 section, the Secretary—

15 “(1) shall consider the prior performance of the
16 eligible entity; and

17 “(2) may not limit eligibility to receive a grant
18 under this section on the basis of—

19 “(A) the number of previous grants the
20 Secretary has awarded such entity; or

21 “(B) the length of any period during which
22 such entity received such grants.

23 “(g) GRANT PERIOD.—Each grant under this section
24 shall be awarded for a period of not more than 5 years.

25 “(h) SERVICE OBLIGATION.—

1 “(1) IN GENERAL.—The Secretary shall re-
2 quire, by regulation, that an individual who receives
3 training pursuant to a grant made under this sec-
4 tion—

5 “(A) perform work—

6 “(i) related to the training received
7 under this section; and

8 “(ii) that benefits Indian people; or

9 “(B) repay all or a prorated part of the as-
10 sistance received.

11 “(2) REPORTING.—The Secretary shall estab-
12 lish, by regulation, a reporting procedure under
13 which a grant recipient under this section shall, not
14 later than 12 months after the date of completion of
15 the training, and periodically thereafter, provide in-
16 formation concerning compliance with the work re-
17 quirement under paragraph (1).

18 **“SEC. 5123. TRIBAL EDUCATION AGENCIES COOPERATIVE**
19 **AGREEMENTS.**

20 “(a) PURPOSE.—Tribes may enter into written coop-
21 erative agreements with the State educational agency and
22 the local educational agencies operating a school or schools
23 within Indian lands. For purposes of this section, the term
24 ‘Indian land’ has the meaning given that term in section
25 8013.

1 “(b) COOPERATIVE AGREEMENT.—If requested by
2 the Indian tribe, the State educational agency or the local
3 educational agency may enter into a cooperative agree-
4 ment with the Indian tribe. Such cooperative agreement—

5 “(1) may authorize the tribe or such tribe’s re-
6 spective tribal education agency to plan, conduct,
7 consolidate, and administer programs, services, func-
8 tions, and activities, or portions thereof, adminis-
9 tered by the State educational agency or the local
10 educational agency;

11 “(2) may authorize the tribe or such tribe’s re-
12 spective tribal education agency to reallocate funds
13 for such programs, services, functions, and activities,
14 or portions thereof as necessary; and

15 “(3) shall—

16 “(A) only confer the tribe or such tribe’s
17 respective tribal education agency with respon-
18 sibilities to conduct activities described in para-
19 graph (1) such that the burden assumed by the
20 tribe or the tribal education agency for con-
21 ducting such is commensurate with the benefit
22 that doing so conveys to all parties of the agree-
23 ment; and

24 “(B) be based solely on terms of the writ-
25 ten agreement decided upon by the Indian tribe

1 and the State educational agency or local edu-
2 cation agency.

3 “(c) DISAGREEMENT.—Agreements shall only be
4 valid if the Indian tribe and State educational agency or
5 local educational agency agree fully in writing to all of
6 the terms of the written cooperative agreement.

7 “(d) COMPLIANCE WITH APPLICABLE LAW.—Noth-
8 ing in this section shall be construed to relieve any party
9 to a cooperative agreement from complying with all appli-
10 cable Federal, State, local laws. State and local edu-
11 cational agencies are still the ultimate responsible, liable
12 parties for complying with all laws and funding require-
13 ments for any functions that are conveyed to tribes and
14 tribal education agencies through the cooperative agree-
15 ments.

16 “(e) DEFINITION.—For the purposes of this subpart,
17 the term ‘Indian Tribe’ means any tribe or band that is
18 officially recognized by the Secretary of the Interior.

19 **“Subpart 3—National Activities**

20 **“SEC. 5131. NATIONAL RESEARCH ACTIVITIES.**

21 “(a) AUTHORIZED ACTIVITIES.—The Secretary may
22 use funds made available to carry out this subpart for each
23 fiscal year to—

24 “(1) conduct research related to effective ap-
25 proaches for improving the academic achievement

1 and development of Indian and Alaska Native chil-
2 dren and adults;

3 “(2) collect and analyze data on the educational
4 status and needs of Indian and Alaska Native stu-
5 dents; and

6 “(3) carry out other activities that are con-
7 sistent with the purpose of this part.

8 “(b) ELIGIBILITY.—The Secretary may carry out any
9 of the activities described in subsection (a) directly or
10 through grants to, or contracts or cooperative agreements
11 with, Indian tribes, Indian organizations, State edu-
12 cational agencies, local educational agencies, institutions
13 of higher education, including Indian institutions of higher
14 education, and other public and private agencies and insti-
15 tutions.

16 “(c) COORDINATION.—Research activities supported
17 under this section—

18 “(1) shall be coordinated with appropriate of-
19 fices within the Department; and

20 “(2) may include collaborative research activi-
21 ties that are jointly funded and carried out by the
22 Office of Indian Education Programs, the Office of
23 Educational Research and Improvement, the Bureau
24 of Indian Education, and the Institute of Education
25 Sciences.

1 **“SEC. 5132. IMPROVEMENT OF ACADEMIC SUCCESS FOR**
2 **STUDENTS THROUGH NATIVE AMERICAN**
3 **LANGUAGE.**

4 “(a) **PURPOSE.**—It is the purpose of this section to
5 improve educational opportunities and academic achieve-
6 ment of Indian and Alaska Native students through Na-
7 tive American language programs and to foster the acqui-
8 sition of Native American language.

9 “(b) **DEFINITION OF ELIGIBLE ENTITY.**—In this sec-
10 tion, the term ‘eligible entity’ means a State educational
11 agency, local educational agency, Indian tribe, Indian or-
12 ganization, federally supported elementary school or sec-
13 ondary school for Indian students, Indian institution (in-
14 cluding an Indian institution of higher education), or a
15 consortium of such entities.

16 “(c) **GRANTS AUTHORIZED.**—The Secretary shall
17 award grants to eligible entities to enable such entities to
18 carry out the following activities:

19 “(1) Native American language programs
20 that—

21 “(A) provide instruction through the use of
22 a Native American language for not less than
23 10 children for an average of not less than 500
24 hours per year per student;

1 “(B) provide for the involvement of par-
2 ents, caregivers, and families of students en-
3 rolled in the program;

4 “(C) utilize, and may include the develop-
5 ment of, instructional courses and materials for
6 learning Native American languages and for in-
7 struction through the use of Native American
8 languages;

9 “(D) provide support for professional de-
10 velopment activities; and

11 “(E) include a goal of all students achiev-
12 ing—

13 “(i) fluency in a Native American lan-
14 guage; and

15 “(ii) academic proficiency in mathe-
16 matics, English, reading or language arts,
17 and science.

18 “(2) Native American language restoration pro-
19 grams that—

20 “(A) provide instruction in not less than 1
21 Native American language;

22 “(B) provide support for professional de-
23 velopment activities for teachers of Native
24 American languages;

1 “(C) develop instructional materials for the
2 programs; and

3 “(D) include the goal of increasing pro-
4 ficiency and fluency in not less than 1 Native
5 American language.

6 “(d) APPLICATION.—

7 “(1) IN GENERAL.—An eligible entity that de-
8 sires to receive a grant under this section shall sub-
9 mit an application to the Secretary at such time, in
10 such manner, and accompanied by such information
11 as the Secretary may require.

12 “(2) CERTIFICATION.—An eligible entity that
13 submits an application for a grant to carry out the
14 activity specified in subsection (c)(1), shall include
15 in such application a certification that assures that
16 such entity has experience and a demonstrated
17 record of effectiveness in operating and admin-
18 istering a Native American language program or any
19 other educational program in which instruction is
20 conducted in a Native American language.

21 “(e) GRANT DURATION.—The Secretary shall make
22 grants under this section only on a multi-year basis. Each
23 such grant shall be for a period not to exceed 5 years.

24 “(f) DEFINITION.—In this section, the term ‘average’
25 means the aggregate number of hours of instruction

1 through the use of a Native American language to all stu-
2 dents enrolled in a Native American language program
3 during a school year divided by the total number of stu-
4 dents enrolled in the program.

5 “(g) ADMINISTRATIVE COSTS.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), not more than 5 percent of the funds pro-
8 vided to a grantee under this section for any fiscal
9 year may be used for administrative purposes.

10 “(2) EXCEPTION.—An elementary school or
11 secondary school for Indian students that receives
12 funds from a recipient of a grant under subsection
13 (c) for any fiscal year may use not more than 10
14 percent of the funds for administrative purposes.

15 **“SEC. 5133. GRANTS TO TRIBES FOR EDUCATION ADMINIS-**
16 **TRATIVE PLANNING AND DEVELOPMENT.**

17 “(a) IN GENERAL.—The Secretary may make grants
18 to Indian tribes, and tribal organizations approved by In-
19 dian tribes, to plan and develop a centralized tribal admin-
20 istrative entity to—

21 “(1) coordinate all education programs operated
22 by the tribe or within the territorial jurisdiction of
23 the tribe;

24 “(2) develop education codes for schools within
25 the territorial jurisdiction of the tribe;

1 “(3) provide support services and technical as-
2 sistance to schools serving children of the tribe; and

3 “(4) perform child-find screening services for
4 the preschool-aged children of the tribe to—

5 “(A) ensure placement in appropriate edu-
6 cational facilities; and

7 “(B) coordinate the provision of any need-
8 ed special services for conditions such as dis-
9 abilities and English language skill deficiencies.

10 “(b) PERIOD OF GRANT.—Each grant awarded under
11 this section may be awarded for a period of not more than
12 3 years. Such grant may be renewed upon the termination
13 of the initial period of the grant if the grant recipient dem-
14 onstrates to the satisfaction of the Secretary that renew-
15 ing the grant for an additional 3-year period is necessary
16 to carry out the objectives of the grant described in sub-
17 section (c)(2)(A).

18 “(c) APPLICATION FOR GRANT.—

19 “(1) IN GENERAL.—Each Indian tribe and trib-
20 al organization desiring a grant under this section
21 shall submit an application to the Secretary at such
22 time, in such manner, containing such information,
23 and consistent with such criteria, as the Secretary
24 may prescribe in regulations.

1 “(2) CONTENTS.—Each application described in
2 paragraph (1) shall contain—

3 “(A) a statement describing the activities
4 to be conducted, and the objectives to be
5 achieved, under the grant; and

6 “(B) a description of the method to be
7 used for evaluating the effectiveness of the ac-
8 tivities for which assistance is sought and for
9 determining whether such objectives are
10 achieved.

11 “(3) APPROVAL.—The Secretary may approve
12 an application submitted by a tribe or tribal organi-
13 zation pursuant to this section only if the Secretary
14 is satisfied that such application, including any doc-
15 umentation submitted with the application—

16 “(A) demonstrates that the applicant has
17 consulted with other education entities, if any,
18 within the territorial jurisdiction of the appli-
19 cant who will be affected by the activities to be
20 conducted under the grant;

21 “(B) provides for consultation with such
22 other education entities in the operation and
23 evaluation of the activities conducted under the
24 grant; and

1 “(C) demonstrates that there will be ade-
2 quate resources provided under this section or
3 from other sources to complete the activities for
4 which assistance is sought, except that the
5 availability of such other resources shall not be
6 a basis for disapproval of such application.

7 “(d) RESTRICTION.—A tribe may not receive funds
8 under this section if such tribe receives funds under sec-
9 tion 1144 of the Education Amendments of 1978.

10 **“Subpart 4—Federal Administration**

11 **“SEC. 5141. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-
12 CATION.**

13 “(a) MEMBERSHIP.—There is established a National
14 Advisory Council on Indian Education (hereafter in this
15 section referred to as the ‘Council’), which shall—

16 “(1) consist of 15 Indian members, who shall
17 be appointed by the President from lists of nominees
18 furnished, from time to time, by Indian tribes and
19 organizations; and

20 “(2) represent different geographic areas of the
21 United States.

22 “(b) DUTIES.—The Council shall—

23 “(1) advise the Secretary concerning the fund-
24 ing and administration (including the development of
25 regulations and administrative policies and prac-

1 tices) of any program, including any program estab-
2 lished under this part—

3 “(A) with respect to which the Secretary
4 has jurisdiction; and

5 “(B)(i) that includes Indian children or
6 adults as participants; or

7 “(ii) that may benefit Indian children or
8 adults;

9 “(2) make recommendations to the Secretary
10 for filling the position of Director of Indian Edu-
11 cation whenever a vacancy occurs; and

12 “(3) submit to Congress, not later than June
13 30 of each year, a report on the activities of the
14 Council, including—

15 “(A) any recommendations that the Coun-
16 cil considers appropriate for the improvement of
17 Federal education programs that include Indian
18 children or adults as participants, or that may
19 benefit Indian children or adults; and

20 “(B) recommendations concerning the
21 funding of any program described in subpara-
22 graph (A).

1 **“SEC. 5142. PEER REVIEW.**

2 “The Secretary may use a peer review process to re-
3 view applications submitted to the Secretary under sub-
4 part 2 or subpart 3.

5 **“SEC. 5143. PREFERENCE FOR INDIAN APPLICANTS.**

6 “In making grants and entering into contracts or co-
7 operative agreements under subpart 2 or subpart 3, the
8 Secretary shall give a preference to Indian tribes, organi-
9 zations, and institutions of higher education under any
10 program with respect to which Indian tribes, organiza-
11 tions, and institutions are eligible to apply for grants, con-
12 tracts, or cooperative agreements.

13 **“SEC. 5144. MINIMUM GRANT CRITERIA.**

14 “The Secretary may not approve an application for
15 a grant, contract, or cooperative agreement under subpart
16 2 or subpart 3 unless the application is for a grant, con-
17 tract, or cooperative agreement that is—

18 “(1) of sufficient size, scope, and quality to
19 achieve the purpose or objectives of such grant, con-
20 tract, or cooperative agreement; and

21 “(2) based on relevant research findings.

22 **“Subpart 5—Definitions; Authorizations of**
23 **Appropriations**

24 **“SEC. 5151. DEFINITIONS.**

25 “For the purposes of this part:

1 “(1) ADULT.—The term ‘adult’ means an indi-
2 vidual who—

3 “(A) has attained the age of 16 years; or

4 “(B) has attained an age that is greater
5 than the age of compulsory school attendance
6 under an applicable State law.

7 “(2) FREE PUBLIC EDUCATION.—The term
8 ‘free public education’ means education that is—

9 “(A) provided at public expense, under
10 public supervision and direction, and without
11 tuition charge; and

12 “(B) provided as elementary or secondary
13 education in the applicable State or to preschool
14 children.

15 “(3) INDIAN.—The term ‘Indian’ means an in-
16 dividual who is—

17 “(A) a member of an Indian tribe or band,
18 as membership is defined by the tribe or band,
19 including—

20 “(i) any tribe or band terminated
21 since 1940; and

22 “(ii) any tribe or band recognized by
23 the State in which the tribe or band re-
24 sides;

1 “(B) a descendant, in the first or second
2 degree, of an individual described in subpara-
3 graph (A);

4 “(C) considered by the Secretary of the In-
5 terior to be an Indian for any purpose;

6 “(D) an Alaska Native, as defined in sec-
7 tion 5206(1); or

8 “(E) a member of an organized Indian
9 group that received a grant under the Indian
10 Education Act of 1988 as in effect the day pre-
11 ceding the date of the enactment of the Improv-
12 ing America’s Schools Act of 1994.

13 “(4) ALASKA NATIVE ORGANIZATION.—The
14 term ‘Alaska Native Organization’ has the same
15 meaning as defined in section 5206(2).

16 **“SEC. 5152. AUTHORIZATIONS OF APPROPRIATIONS.**

17 “(a) SUBPART 1.—For the purpose of carrying out
18 subpart 1, there are authorized to be appropriated
19 \$105,921,000 for each of fiscal years 2016 through 2019.

20 “(b) SUBPARTS 2 AND 3.—For the purpose of car-
21 rying out subparts 2 and 3, there are authorized to be
22 appropriated \$24,858,000 for each of fiscal years 2016
23 through 2019.

1 **“PART B—ALASKA NATIVE EDUCATION**

2 **“SEC. 5201. SHORT TITLE.**

3 “‘This part may be cited as the ‘Alaska Native Edu-
4 cational Equity, Support, and Assistance Act’.

5 **“SEC. 5202. FINDINGS.**

6 “Congress finds and declares the following:

7 “(1) It is the policy of the Federal Government
8 to maximize the leadership of and participation by
9 Alaska Natives in the planning and the management
10 of Alaska Native education programs and to support
11 efforts developed by and undertaken within the Alas-
12 ka Native community to improve educational oppor-
13 tunity for all students.

14 “(2) Many Alaska Native children enter and
15 exit school with serious educational disadvantages.

16 “(3) Overcoming the magnitude of the geo-
17 graphic challenges, historical inequities, and other
18 barriers to successfully improving educational out-
19 comes for Alaska Native students in rural, village,
20 and urban settings is challenging. Significant dis-
21 parities between academic achievement of Alaska
22 Native students and non-Native students continues,
23 including lower graduation rates, increased school
24 dropout rates, and lower achievement scores on
25 standardized tests.

1 “(4) The preservation of Alaska Native cultures
2 and languages and the integration of Alaska Native
3 cultures and languages into education, positive iden-
4 tity development for Alaska Native students, and
5 local, place-based, and culture-based programming
6 are critical to the attainment of educational success
7 and the long-term well-being of Alaska Native stu-
8 dents.

9 “(5) Improving educational outcomes for Alaska
10 Native students increases access to employment op-
11 portunities.

12 “(6) The programs and activities authorized
13 under this part give priority to Alaska Native orga-
14 nizations as a means of increasing Alaska Native
15 parents’ and community involvement in the pro-
16 motion of academic success of Alaska Native stu-
17 dents.

18 “(7) The Federal Government should lend sup-
19 port to efforts developed by and undertaken within
20 the Alaska Native community to improve educational
21 opportunity for Alaska Native students. In 1983,
22 pursuant to Public Law 98–63, Alaska ceased to re-
23 ceive educational funding from the Bureau of Indian
24 Affairs. The Bureau of Indian Education does not
25 operate any schools in Alaska, nor operate or fund

1 Alaska Native education programs. The program
2 under this part supports the Federal trust responsi-
3 bility of the United States to Alaska Natives.

4 **“SEC. 5203. PURPOSES.**

5 “The purposes of this part are as follows:

6 “(1) To recognize and address the unique edu-
7 cational needs of Alaska Natives.

8 “(2) To recognize the role of Alaska Native lan-
9 guages and cultures in the educational success and
10 long-term well-being of Alaska Native students.

11 “(3) To integrate Alaska Native cultures and
12 languages into education, develop Alaska Native stu-
13 dents’ positive identity, and support local place-
14 based and culture-based curriculum and program-
15 ming.

16 “(4) To authorize the development, manage-
17 ment, and expansion of effective supplemental edu-
18 cational programs to benefit Alaska Natives.

19 “(5) To provide direction and guidance to ap-
20 propriate Federal, State, and local agencies to focus
21 resources, including resources made available under
22 this part, on meeting the educational needs of Alas-
23 ka Natives.

24 “(6) To ensure the maximum participation by
25 Alaska Native educators and leaders in the planning,

1 development, management, and evaluation of pro-
2 grams designed to serve Alaska Natives students,
3 and to ensure Alaska Native organizations play a
4 meaningful role in supplemental educational services
5 provided to Alaska Native students.

6 **“SEC. 5204. PROGRAM AUTHORIZED.**

7 “(a) GENERAL AUTHORITY.—

8 “(1) GRANTS AND CONTRACTS.—The Secretary
9 is authorized to make grants to, or enter into con-
10 tracts with, Alaska Native organizations, State edu-
11 cational agencies, local educational agencies, edu-
12 cational entities with experience in developing or op-
13 erating Alaska Native educational programs or pro-
14 grams of instruction conducted in Alaska Native lan-
15 guages, cultural and community-based organizations
16 with experience in developing or operating programs
17 to benefit the educational needs of Alaska Natives,
18 and consortia of organizations and entities described
19 in this paragraph, to carry out programs that meet
20 the purposes of this part.

21 “(2) ADDITIONAL REQUIREMENT.—A State
22 educational agency, local educational agency, edu-
23 cational entity with experience in developing or oper-
24 ating Alaska Native educational programs or pro-
25 grams of instruction conducted in Alaska Native lan-

1 guages, cultural and community-based organization
2 with experience in developing or operating programs
3 to benefit the educational needs of Alaska Natives,
4 or consortium of such organizations and entities is
5 eligible for an award under this part only as part of
6 a partnership involving an Alaska Native organiza-
7 tion.

8 “(3) MANDATORY ACTIVITIES.—Activities pro-
9 vided through the programs carried out under this
10 part shall include the following which shall only be
11 provided specifically in the context of elementary
12 and secondary education:

13 “(A) The development and implementation
14 of plans, methods, and strategies to improve the
15 educational outcomes of Alaska Native people.

16 “(B) The collection of data to assist in the
17 evaluation of the programs carried out under
18 this part.

19 “(4) PERMISSIBLE ACTIVITIES.—Activities pro-
20 vided through programs carried out under this part
21 may include the following which shall only be pro-
22 vided specifically in the context of elementary and
23 secondary education:

1 “(A) The development of curricula and
2 programs that address the educational needs of
3 Alaska Native students, including the following:

4 “(i) Curriculum materials that reflect
5 the cultural diversity, languages, history,
6 or the contributions of Alaska Native peo-
7 ple.

8 “(ii) Instructional programs that
9 make use of Alaska Native languages and
10 cultures.

11 “(iii) Networks that develop, test, and
12 disseminate best practices and introduce
13 successful programs, materials, and tech-
14 niques to meet the educational needs of
15 Alaska Native students in urban and rural
16 schools.

17 “(B) Training and professional develop-
18 ment activities for educators, including the fol-
19 lowing:

20 “(i) Pre-service and in-service training
21 and professional development programs to
22 prepare teachers to develop appreciation
23 for, and understanding of, Alaska Native
24 history, cultures, values, ways of knowing
25 and learning in order to effectively address

1 the cultural diversity and unique needs of
2 Alaska Native students.

3 “(ii) Recruitment and preparation of
4 teachers who are Alaska Native.

5 “(iii) Programs that will lead to the
6 certification and licensing of Alaska Native
7 teachers, principals, and superintendents.

8 “(C) The development and operation of
9 student enrichment programs, including those
10 in science, technology, engineering, and mathe-
11 matics that—

12 “(i) are designed to prepare Alaska
13 Native students to excel in such subjects;

14 “(ii) provide appropriate support serv-
15 ices to enable such students to benefit
16 from the programs; and

17 “(iii) include activities that recognize
18 and support the unique cultural and edu-
19 cational needs of Alaska Native children,
20 and incorporate appropriately qualified
21 Alaska Native elders and other tradition
22 bearers.

23 “(D) Research and data collection activi-
24 ties to determine the educational status and
25 needs of Alaska Native children and other re-

1 search and evaluation activities related to pro-
2 grams carried out under this part.

3 “(E) Activities designed to increase the
4 graduation rates of Alaska Native students and
5 prepare Alaska Native students to be college
6 and career ready upon graduation from sec-
7 ondary school, such as—

8 “(i) remedial and enrichment pro-
9 grams; and

10 “(ii) culturally based education pro-
11 grams, such as—

12 “(I) programs of study and other
13 instruction in Alaska Native history
14 and way of living, to share the rich
15 and diverse cultures of Alaska Native
16 peoples among Alaska Native youth
17 and elders, non-Native students,
18 teachers, and the larger community;

19 “(II) instruction in leadership,
20 communication, Native culture, arts,
21 and languages to Alaska Native
22 youth;

23 “(III) instruction in Alaska Na-
24 tive history and ways of living to stu-

1 dents and teachers in the local school
2 district;

3 “(IV) intergenerational learning
4 and internship opportunities to Alaska
5 Native youth and young adults; and

6 “(V) providing cultural immer-
7 sion activities aimed at Alaska Native
8 cultural preservation.

9 “(F) Statewide on-site exchange programs,
10 for both students and teachers, that work to fa-
11 cilitate cultural relationships between urban and
12 rural Alaskans to build mutual respect and un-
13 derstanding, and foster a statewide sense of
14 common identity through host family, school,
15 and community cross-cultural immersion.

16 “(G) Education programs for at-risk urban
17 Alaska Native students in kindergarten through
18 grade 12 that are designed to improve academic
19 proficiency and graduation rates, utilize strate-
20 gies otherwise permissible under this part, and
21 incorporate a strong data collection and contin-
22 uous evaluation component.

23 “(H) Statewide programs that provide
24 technical assistance and support to schools and
25 communities to engage adults in promoting the

1 academic progress and overall well-being of
2 Alaska Native people through child and youth
3 development, positive youth-adult relationships,
4 improved conditions for learning (school cli-
5 mate, student connection to school and commu-
6 nity), and increased connections between
7 schools and families.

8 “(I) Career preparation activities to enable
9 Alaska Native children and adults to prepare
10 for meaningful employment, including programs
11 providing tech-prep, mentoring, training, and
12 apprenticeship activities.

13 “(J) Support for the development and
14 operational activities of regional vocational
15 schools in rural areas of Alaska to provide stu-
16 dents with necessary resources to prepare for
17 skilled employment opportunities.

18 “(K) Regional leadership academies that
19 demonstrate effectiveness in building respect,
20 understanding, and fostering a sense of Alaska
21 Native identity to promote their pursuit of and
22 success in completing higher education or ca-
23 reer training.

1 “(L) Strategies designed to increase the
2 involvement of parents in their children’s edu-
3 cation.

4 “(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not
5 more than 5 percent of funds provided to an award recipi-
6 ent under this part for any fiscal year may be used for
7 administrative purposes.

8 “(c) PRIORITIES.—In awarding grants or contracts
9 to carry out activities described in this subpart, the Sec-
10 retary shall give priority to applications from Alaska Na-
11 tive Organizations. Such priority shall be explicitly delin-
12 eated in the Secretary’s process for evaluating applications
13 and applied consistently and transparently to all applica-
14 tions from Alaska Native Organizations.

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this part
17 \$33,185,000 for each of fiscal years 2016 through 2019.

18 **“SEC. 5205. ADMINISTRATIVE PROVISIONS.**

19 “(a) APPLICATION REQUIRED.—

20 “(1) IN GENERAL.—No grant may be made
21 under this part, and no contract may be entered into
22 under this part, unless the Alaska Native organiza-
23 tion or entity seeking the grant or contract submits
24 an application to the Secretary in such form, in such
25 manner, and containing such information as the Sec-

1 retary may determine necessary to carry out the pro-
2 visions of this part.

3 “(2) REQUIREMENT FOR CERTAIN APPLI-
4 CANTS.—An applicant described in section
5 5204(a)(2) shall, in the application submitted under
6 this paragraph—

7 “(A) demonstrate that an Alaska Native
8 organization was directly involved in the devel-
9 opment of the program for which the applica-
10 tion seeks funds and explicitly delineate the
11 meaningful role that the Alaska Native organi-
12 zation will play in the implementation and eval-
13 uation of the program for which funding is
14 sought; and

15 “(B) provide a copy of the Alaska Native
16 organization’s governing document.

17 “(b) CONSULTATION REQUIRED.—Each applicant for
18 an award under this part shall provide for ongoing advice
19 from and consultation with representatives of the Alaska
20 Native community.

21 “(c) LOCAL EDUCATIONAL AGENCY COORDINA-
22 TION.—Each applicant for an award under this part shall
23 inform each local educational agency serving students who
24 would participate in the program to be carried out under
25 the grant or contract about the application.

1 “(d) CONTINUATION AWARDS.—An applicant de-
2 scribed in section 5204(a)(2) that receives funding under
3 this part shall periodically demonstrate to the Secretary,
4 during the term of the award, that the applicant is con-
5 tinuing to meet the requirements of subsection (a)(2)(A).

6 **“SEC. 5206. DEFINITIONS.**

7 “In this part:

8 “(1) ALASKA NATIVE.—The term ‘Alaska Na-
9 tive’ has the same meaning as the term ‘Native’ has
10 in section 3(b) of the Alaska Native Claims Settle-
11 ment Act and their descendants.

12 “(2) ALASKA NATIVE ORGANIZATION.—The
13 term ‘Alaska Native organization’ means a federally
14 recognized tribe, consortium of tribes, regional non-
15 profit Native association, and an organization,
16 that—

17 “(A) has or commits to acquire expertise
18 in the education of Alaska Natives; and

19 “(B) has Alaska Native people in sub-
20 stantive and policymaking positions within the
21 organization.

22 **“PART C—NATIVE HAWAIIAN EDUCATION**

23 **“SEC. 5301. FINDINGS.**

24 “Congress finds the following:

1 “(1) Native Hawaiians are a distinct and
2 unique indigenous people with a historical continuity
3 to the original inhabitants of the Hawaiian archi-
4 pelago, whose society was organized as a nation and
5 internationally recognized as a nation by the United
6 States, and many other countries.

7 “(2) Native Hawaiians have a cultural, historic,
8 and land-based link to the indigenous people who ex-
9 ercised sovereignty over the Hawaiian Islands.

10 “(3) The political status of Native Hawaiians is
11 comparable to that of American Indians and Alaska
12 Natives.

13 “(4) The political relationship between the
14 United States and the Native Hawaiian people has
15 been recognized and reaffirmed by the United
16 States, as evidenced by the inclusion of Native Ha-
17 waiians in many Federal statutes, including—

18 “(A) the Native American Programs Act of
19 1974 (42 U.S.C. 2991 et seq.);

20 “(B) Public Law 95–341 (commonly
21 known as the ‘American Indian Religious Free-
22 dom Act’ (42 U.S.C. 1996));

23 “(C) the National Museum of the Amer-
24 ican Indian Act (20 U.S.C. 80q et seq.);

1 “(D) the Native American Graves Protec-
2 tion and Repatriation Act (25 U.S.C. 3001 et
3 seq.);

4 “(E) the National Historic Preservation
5 Act (16 U.S.C. 470 et seq.);

6 “(F) the Native American Languages Act
7 (25 U.S.C. 2901 et seq.);

8 “(G) the American Indian, Alaska Native,
9 and Native Hawaiian Culture and Art Develop-
10 ment Act (20 U.S.C. 4401 et seq.);

11 “(H) the Workforce Investment Act of
12 1998 (29 U.S.C. 2801 et seq.); and

13 “(I) the Older Americans Act of 1965 (42
14 U.S.C. 3001 et seq.).

15 “(5) Many Native Hawaiian students lag be-
16 hind other students in terms of—

17 “(A) school readiness factors;

18 “(B) scoring below national norms on edu-
19 cation achievement tests at all grade levels;

20 “(C) underrepresentation in the uppermost
21 achievement levels and in gifted and talented
22 programs;

23 “(D) overrepresentation among students
24 qualifying for special education programs;

1 “(E) underrepresentation in institutions of
2 higher education and among adults who have
3 completed 4 or more years of college.

4 “(6) The percentage of Native Hawaiian stu-
5 dents served by the State of Hawaii Department of
6 Education rose 30 percent from 1980 to 2008, and
7 there are and will continue to be geographically
8 rural, isolated areas with a high Native Hawaiian
9 population density.

10 “(7) The Native Hawaiian people are deter-
11 mined to preserve, develop, and transmit to future
12 generations their ancestral territory and their cul-
13 tural identity in accordance with their own spiritual
14 and traditional beliefs, customs, practices, language,
15 and social institutions.

16 **“SEC. 5302. PURPOSES.**

17 “The purposes of this part are—

18 “(1) to authorize, develop, implement, assess,
19 and evaluate innovative educational programs, Na-
20 tive Hawaiian language medium programs, Native
21 Hawaiian culture-based education programs, and
22 other education programs to improve the academic
23 achievement of Native Hawaiian students by meet-
24 ing their unique cultural and language needs in

1 order to help such students meet challenging State
2 student academic achievement standards;

3 “(2) to provide guidance to appropriate Fed-
4 eral, State, and local agencies to more effectively
5 and efficiently focus resources, including resources
6 made available under this part, on the development
7 and implementation of—

8 “(A) innovative educational programs for
9 Native Hawaiians;

10 “(B) rigorous and substantive Native Ha-
11 waiian language programs; and

12 “(C) Native Hawaiian culture-based edu-
13 cational programs; and

14 “(3) to create a system by which information
15 from programs funded under this part will be col-
16 lected, analyzed, evaluated, reported, and used in de-
17 cisionmaking activities regarding the types of grants
18 awarded under this part.

19 **“SEC. 5303. NATIVE HAWAIIAN EDUCATION COUNCIL**
20 **GRANT.**

21 “(a) GRANT AUTHORIZED.—In order to better effec-
22 tuate the purposes of this part through the coordination
23 of educational and related services and programs available
24 to Native Hawaiians, including those programs that re-
25 ceive funding under this part, the Secretary shall award

1 a grant to an education council, as described under sub-
2 section (b).

3 “(b) EDUCATION COUNCIL.—

4 “(1) ELIGIBILITY.—To be eligible to receive the
5 grant under subsection (a), the council shall be an
6 education council (referred to in this section as the
7 ‘Education Council’) that meets the requirements of
8 this subsection.

9 “(2) COMPOSITION.—The Education Council
10 shall consist of 15 members of whom—

11 “(A) one shall be the President of the Uni-
12 versity of Hawaii (or a designee);

13 “(B) one shall be the Governor of the
14 State of Hawaii (or a designee);

15 “(C) one shall be the Superintendent of
16 the State of Hawaii Department of Education
17 (or a designee);

18 “(D) one shall be the chairperson of the
19 Office of Hawaiian Affairs (or a designee);

20 “(E) one shall be the executive director of
21 Hawaii’s Charter School Network (or a des-
22 ignee);

23 “(F) one shall be the chief executive officer
24 of the Kamehameha Schools (or a designee);

1 “(G) one shall be the Chief Executive Offi-
2 cer of the Queen Liliuokalani Trust (or a des-
3 ignee);

4 “(H) one shall be a member, selected by
5 the other members of the Education Council,
6 who represents a private grant-making entity;

7 “(I) one shall be the Mayor of the County
8 of Hawaii (or a designee);

9 “(J) one shall be the Mayor of Maui Coun-
10 ty (or a designee from the Island of Maui);

11 “(K) one shall be the Mayor of the County
12 of Kauai (or a designee);

13 “(L) one shall be appointed by the Mayor
14 of Maui County from the Island of either
15 Molokai or Lanai;

16 “(M) one shall be the Mayor of the City
17 and County of Honolulu (or a designee);

18 “(N) one shall be the chairperson of the
19 Hawaiian Homes Commission (or a designee);
20 and

21 “(O) one shall be the chairperson of the
22 Hawaii Workforce Development Council (or a
23 designee representing the private sector).

24 “(3) REQUIREMENTS.—Any designee serving on
25 the Education Council shall demonstrate, as deter-

1 mined by the individual who appointed such designee
2 with input from the Native Hawaiian community,
3 not less than 5 years of experience as a consumer
4 or provider of Native Hawaiian education or cultural
5 activities, with traditional cultural experience given
6 due consideration.

7 “(4) LIMITATION.—A member (including a des-
8 ignee), while serving on the Education Council, shall
9 not be a recipient of grant funds that are awarded
10 under this part.

11 “(5) TERM OF MEMBERS.—A member who is a
12 designee shall serve for a term of not more than 4
13 years.

14 “(6) CHAIR, VICE CHAIR.—

15 “(A) SELECTION.—The Education Council
16 shall select a Chair and a Vice Chair from
17 among the members of the Education Council.

18 “(B) TERM LIMITS.—The Chair and Vice
19 Chair shall each serve for a 2-year term.

20 “(7) ADMINISTRATIVE PROVISIONS RELATING
21 TO EDUCATION COUNCIL.—The Education Council
22 shall meet at the call of the Chair of the Council,
23 or upon request by a majority of the members of the
24 Education Council, but in any event not less often
25 than every 120 days.

1 “(8) NO COMPENSATION.—None of the funds
2 made available through the grant may be used to
3 provide compensation to any member of the Edu-
4 cation Council or member of a working group estab-
5 lished by the Education Council, for functions de-
6 scribed in this section.

7 “(c) USE OF FUNDS FOR COORDINATION ACTIVI-
8 TIES.—The Education Council shall use funds made avail-
9 able through the grant to carry out each of the following
10 activities:

11 “(1) Providing advice about the coordination,
12 and serving as a clearinghouse for, the educational
13 and related services and programs available to Na-
14 tive Hawaiians, including the programs assisted
15 under this part.

16 “(2) Assessing the extent to which such services
17 and programs meet the needs of Native Hawaiians,
18 and collecting data on the status of Native Hawaiian
19 education.

20 “(3) Providing direction and guidance, through
21 the issuance of reports and recommendations, to ap-
22 propriate Federal, State, and local agencies in order
23 to focus and improve the use of resources, including
24 resources made available under this part, relating to

1 Native Hawaiian education, and serving, where ap-
2 propriate, in an advisory capacity.

3 “(4) Awarding grants, if such grants enable the
4 Education Council to carry out the activities de-
5 scribed in paragraphs (1) through (3).

6 “(5) Hiring an executive director who shall as-
7 sist in executing the duties and powers of the Edu-
8 cation Council, as described in subsection (d).

9 “(d) USE OF FUNDS FOR TECHNICAL ASSIST-
10 ANCE.—The Education Council shall use funds made
11 available through the grant to—

12 “(1) provide technical assistance to Native Ha-
13 waiian organizations that are grantees or potential
14 grantees under this part;

15 “(2) obtain from such grantees information and
16 data regarding grants awarded under this part, in-
17 cluding information and data about—

18 “(A) the effectiveness of such grantees in
19 meeting the educational priorities established by
20 the Education Council, as described in para-
21 graph (6)(D), using metrics related to these
22 priorities; and

23 “(B) the effectiveness of such grantees in
24 carrying out any of the activities described in
25 section 5304(c) that are related to the specific

1 goals and purposes of each grantee’s grant
2 project, using metrics related to these priorities;

3 “(3) assess and define the educational needs of
4 Native Hawaiians;

5 “(4) assess the programs and services available
6 to address the educational needs of Native Hawai-
7 ians;

8 “(5) assess and evaluate the individual and ag-
9 gregate impact achieved by grantees under this part
10 in improving Native Hawaiian educational perform-
11 ance and meeting the goals of this part, using
12 metrics related to these goals; and

13 “(6) prepare and submit to the Secretary, at
14 the end of each calendar year, an annual report that
15 contains—

16 “(A) a description of the activities of the
17 Education Council during the calendar year;

18 “(B) a description of significant barriers to
19 achieving the goals of this part;

20 “(C) a summary of each community con-
21 sultation session described in subsection (e);
22 and

23 “(D) recommendations to establish prior-
24 ities for funding under this part, based on an
25 assessment of—

1 “(i) the educational needs of Native
2 Hawaiians;

3 “(ii) programs and services available
4 to address such needs;

5 “(iii) the effectiveness of programs in
6 improving the educational performance of
7 Native Hawaiian students to help such stu-
8 dents meet challenging State student aca-
9 demic achievement standards; and

10 “(iv) priorities for funding in specific
11 geographic communities.

12 “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-
13 TIONS.—The Education Council shall use funds made
14 available through the grant under subsection (a) to hold
15 not less than one community consultation each year on
16 each of the islands of Hawaii, Maui, Molokai, Lanai,
17 Oahu, and Kauai, at which—

18 “(1) not less than three members of the Edu-
19 cation Council shall be in attendance;

20 “(2) the Education Council shall gather com-
21 munity input regarding—

22 “(A) current grantees under this part, as
23 of the date of the consultation;

24 “(B) priorities and needs of Native Hawai-
25 ians; and

1 “(C) other Native Hawaiian education
2 issues; and

3 “(3) the Education Council shall report to the
4 community on the outcomes of the activities sup-
5 ported by grants awarded under this part.

6 “(f) FUNDING.—For each fiscal year, the Secretary
7 shall use the amount described in section 5305(d)(2), to
8 make a payment under the grant. Funds made available
9 through the grant shall remain available until expended.

10 “(g) REPORT.—Beginning not later than 2 years
11 after the date of the enactment of the Student Success
12 Act, and for each subsequent year, the Secretary shall pre-
13 pare and submit to the Committee on Education and the
14 Workforce of the House of Representatives, and the Com-
15 mittee on Indian Affairs and the Committee on Health,
16 Education, Labor, and Pensions of the Senate, a report
17 that—

18 “(1) summarizes the annual reports of the Edu-
19 cation Council;

20 “(2) describes the allocation and use of funds
21 under this part and the information gathered since
22 the first annual report submitted by the Education
23 Council to the Secretary under this section; and

1 “(3) contains recommendations for changes in
2 Federal, State, and local policy to advance the pur-
3 poses of this part.

4 **“SEC. 5304. GRANT PROGRAM AUTHORIZED.**

5 “(a) GRANTS AND CONTRACTS.—In order to carry
6 out programs that meet the purposes of this part, the Sec-
7 retary is authorized to award grants to, or enter into con-
8 tracts with—

9 “(1) Native Hawaiian educational organiza-
10 tions;

11 “(2) Native Hawaiian community-based organi-
12 zations;

13 “(3) public and private nonprofit organizations,
14 agencies, and institutions with experience in devel-
15 oping or operating Native Hawaiian education and
16 workforce development programs or programs of in-
17 struction in the Native Hawaiian language;

18 “(4) charter schools; and

19 “(5) consortia of the organizations, agencies,
20 and institutions described in paragraphs (1) through
21 (4).

22 “(b) PRIORITY.—In awarding grants and entering
23 into contracts under this part, the Secretary shall give pri-
24 ority to—

1 “(1) programs that meet the educational pri-
2 ority recommendations of the Education Council, as
3 described under section 5303(d)(6)(D);

4 “(2) the repair and renovation of public schools
5 that serve high concentrations of Native Hawaiian
6 students;

7 “(3) programs designed to improve the aca-
8 demic achievement of Native Hawaiian students by
9 meeting their unique cultural and language needs in
10 order to help such students meet challenging State
11 student academic achievement standards, including
12 activities relating to—

13 “(A) achieving competence in reading, lit-
14 eracy, mathematics, and science for students in
15 preschool through grade 3;

16 “(B) the educational needs of at-risk chil-
17 dren and youth;

18 “(C) professional development for teachers
19 and administrators;

20 “(D) the use of Native Hawaiian language
21 and preservation or reclamation of Native Ha-
22 waiian culture-based educational practices; and

23 “(E) other programs relating to the activi-
24 ties described in this part; and

1 “(4) programs in which a local educational
2 agency, institution of higher education, or a State
3 educational agency in partnership with a nonprofit
4 entity serving underserved communities within the
5 Native Hawaiian population apply for a grant or
6 contract under this part as part of a partnership or
7 consortium.

8 “(c) AUTHORIZED ACTIVITIES.—Activities provided
9 through programs carried out under this part may in-
10 clude—

11 “(1) the development and maintenance of a
12 statewide Native Hawaiian early education and care
13 system to provide a continuum of high-quality early
14 learning services for Native Hawaiian children from
15 the prenatal period through the age of kindergarten
16 entry;

17 “(2) the operation of family-based education
18 centers that provide such services as—

19 “(A) early care and education programs
20 for Native Hawaiians; and

21 “(B) research on, and development and as-
22 sessment of, family-based, early childhood, and
23 preschool programs for Native Hawaiians;

24 “(3) activities that enhance beginning reading
25 and literacy in either the Hawaiian or the English

1 language among Native Hawaiian students in kin-
2 dergarten through grade 3 and assistance in ad-
3 dressing the distinct features of combined English
4 and Hawaiian literacy for Hawaiian speakers in
5 grades 5 and 6;

6 “(4) activities to meet the special needs of Na-
7 tive Hawaiian students with disabilities, including—

8 “(A) the identification of such students
9 and their needs;

10 “(B) the provision of support services to
11 the families of such students; and

12 “(C) other activities consistent with the re-
13 quirements of the Individuals with Disabilities
14 Education Act;

15 “(5) activities that address the special needs of
16 Native Hawaiian students who are gifted and tal-
17 ented, including—

18 “(A) educational, psychological, and devel-
19 opmental activities designed to assist in the
20 educational progress of such students; and

21 “(B) activities that involve the parents of
22 such students in a manner designed to assist in
23 the educational progress of such students;

24 “(6) the development of academic and voca-
25 tional curricula to address the needs of Native Ha-

1 waiian students, including curricula materials in the
2 Hawaiian language and mathematics and science
3 curricula that incorporate Native Hawaiian tradition
4 and culture;

5 “(7) professional development activities for edu-
6 cators, including—

7 “(A) the development of programs to pre-
8 pare prospective teachers to address the unique
9 needs of Native Hawaiian students within the
10 context of Native Hawaiian culture, language,
11 and traditions;

12 “(B) in-service programs to improve the
13 ability of teachers who teach in schools with
14 high concentrations of Native Hawaiian stu-
15 dents to meet the unique needs of such stu-
16 dents; and

17 “(C) the recruitment and preparation of
18 Native Hawaiians, and other individuals who
19 live in communities with a high concentration of
20 Native Hawaiians, to become teachers;

21 “(8) the operation of community-based learning
22 centers that address the needs of Native Hawaiian
23 students, parents, families, and communities
24 through the coordination of public and private pro-
25 grams and services, including—

1 “(A) early education programs;

2 “(B) before, after, and Summer school
3 programs, expanded learning time, or weekend
4 academies;

5 “(C) career and technical education pro-
6 grams; and

7 “(D) programs that recognize and support
8 the unique cultural and educational needs of
9 Native Hawaiian children, and incorporate ap-
10 propriately qualified Native Hawaiian elders
11 and seniors;

12 “(9) activities, including program co-location,
13 that ensure Native Hawaiian students graduate col-
14 lege and career ready including—

15 “(A) family literacy services;

16 “(B) counseling, guidance, and support
17 services for students; and

18 “(C) professional development activities de-
19 signed to help educators improve the college
20 and career readiness of Native Hawaiian stu-
21 dents;

22 “(10) research and data collection activities to
23 determine the educational status and needs of Na-
24 tive Hawaiian children and adults;

1 “(11) other research and evaluation activities
2 related to programs carried out under this part; and

3 “(12) other activities, consistent with the pur-
4 poses of this part, to meet the educational needs of
5 Native Hawaiian children and adults.

6 “(d) ADDITIONAL ACTIVITIES.—Notwithstanding
7 any other provision of this part, funds made available to
8 carry out this section as of the day before the date of the
9 enactment of the Student Success Act shall remain avail-
10 able until expended. The Secretary shall use such funds
11 to support the following:

12 “(1) The repair and renovation of public
13 schools that serve high concentrations of Native Ha-
14 waiian students.

15 “(2) The perpetuation of, and expansion of ac-
16 cess to, Hawaiian culture and history through digital
17 archives.

18 “(3) Informal education programs that connect
19 traditional Hawaiian knowledge, science, astronomy,
20 and the environment through State museums or
21 learning centers.

22 “(4) Public charter schools serving high con-
23 centrations of Native Hawaiian students.

24 “(e) ADMINISTRATIVE COSTS.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), not more than 5 percent of funds pro-
3 vided to a recipient of a grant or contract under this
4 section for any fiscal year may be used for adminis-
5 trative purposes.

6 “(2) EXCEPTION.—The Secretary may waive
7 the requirement of paragraph (1) for a nonprofit en-
8 tity that receives funding under this section and
9 allow not more than 10 percent of funds provided to
10 such nonprofit entity under this section for any fis-
11 cal year to be used for administrative purposes.

12 **“SEC. 5305. ADMINISTRATIVE PROVISIONS.**

13 “(a) APPLICATION REQUIRED.—No grant may be
14 made under this part, and no contract may be entered into
15 under this part, unless the entity seeking the grant or con-
16 tract submits an application to the Secretary at such time,
17 in such manner, and containing such information as the
18 Secretary may determine to be necessary to carry out the
19 provisions of this part.

20 “(b) DIRECT GRANT APPLICATIONS.—The Secretary
21 shall provide a copy of all direct grant applications to the
22 Education Council.

23 “(c) SUPPLEMENT NOT SUPPLANT.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2), funds made available under this part

1 shall be used to supplement, and not supplant, any
 2 State or local funds used to achieve the purposes of
 3 this part.

4 “(2) EXCEPTION.—Paragraph (1) shall not
 5 apply to any nonprofit entity or Native Hawaiian
 6 community-based organization that receives a grant
 7 or other funds under this part.

8 “(d) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—There are authorized to be
 10 appropriated to carry out this part \$34,181,000 for
 11 each of fiscal years 2016 through 2019.

12 “(2) RESERVATION.—Of the funds appro-
 13 priated under this subsection, the Secretary shall re-
 14 serve, for each fiscal year after the date of the en-
 15 actment of the Student Success Act not less than
 16 \$500,000 for the grant to the Education Council
 17 under section 5303.

18 “(3) AVAILABILITY.—Funds appropriated
 19 under this subsection shall remain available until ex-
 20 pended.”.

21 **TITLE VI—GENERAL**
 22 **PROVISIONS FOR THE ACT**

23 **SEC. 601. GENERAL PROVISIONS FOR THE ACT.**

24 (a) AMENDING TITLE VI.—Title VI (20 U.S.C. 7301
 25 et seq.) is amended to read as follows:

1 **“TITLE VI—GENERAL**
2 **PROVISIONS**

3 **“PART A—DEFINITIONS**

4 **“SEC. 6101. DEFINITIONS.**

5 “Except as otherwise provided, in this Act:

6 “(1) AVERAGE DAILY ATTENDANCE.—

7 “(A) IN GENERAL.—Except as provided
8 otherwise by State law or this paragraph, the
9 term ‘average daily attendance’ means—

10 “(i) the aggregate number of days of
11 attendance of all students during a school
12 year; divided by

13 “(ii) the number of days school is in
14 session during that year.

15 “(B) CONVERSION.—The Secretary shall
16 permit the conversion of average daily member-
17 ship (or other similar data) to average daily at-
18 tendance for local educational agencies in
19 States that provide State aid to local edu-
20 cational agencies on the basis of average daily
21 membership (or other similar data).

22 “(C) SPECIAL RULE.—If the local edu-
23 cational agency in which a child resides makes
24 a tuition or other payment for the free public
25 education of the child in a school located in an-

1 other school district, the Secretary shall, for the
2 purpose of this Act—

3 “(i) consider the child to be in attend-
4 ance at a school of the agency making the
5 payment; and

6 “(ii) not consider the child to be in at-
7 tendance at a school of the agency receiv-
8 ing the payment.

9 “(D) CHILDREN WITH DISABILITIES.—If a
10 local educational agency makes a tuition pay-
11 ment to a private school or to a public school
12 of another local educational agency for a child
13 with a disability, as defined in section 602 of
14 the Individuals with Disabilities Education Act,
15 the Secretary shall, for the purpose of this Act,
16 consider the child to be in attendance at a
17 school of the agency making the payment.

18 “(2) AVERAGE PER-PUPIL EXPENDITURE.—The
19 term ‘average per-pupil expenditure’ means, in the
20 case of a State or of the United States—

21 “(A) without regard to the source of
22 funds—

23 “(i) the aggregate current expendi-
24 tures, during the third fiscal year pre-
25 ceding the fiscal year for which the deter-

1 mination is made (or, if satisfactory data
2 for that year are not available, during the
3 most recent preceding fiscal year for which
4 satisfactory data are available) of all local
5 educational agencies in the State or, in the
6 case of the United States, for all States
7 (which, for the purpose of this paragraph,
8 means the 50 States and the District of
9 Columbia); plus

10 “(ii) any direct current expenditures
11 by the State for the operation of those
12 agencies; divided by

13 “(B) the aggregate number of children in
14 average daily attendance to whom those agen-
15 cies provided free public education during that
16 preceding year.

17 “(3) CHARTER SCHOOL.—The term ‘charter
18 school’ means a public school that—

19 “(A) in accordance with a specific State
20 statute authorizing the granting of charters to
21 schools, is exempt from significant State or
22 local rules that inhibit the flexible operation
23 and management of public schools, but not
24 from any rules relating to the other require-
25 ments of this paragraph;

1 “(B) is created by a developer as a public
2 school, or is adapted by a developer from an ex-
3 isting public school, and is operated under pub-
4 lic supervision and direction;

5 “(C) operates in pursuit of a specific set of
6 educational objectives determined by the
7 school’s developer and agreed to by the author-
8 ized public chartering agency;

9 “(D) provides a program of elementary or
10 secondary education, or both;

11 “(E) is nonsectarian in its programs, ad-
12 missions policies, employment practices, and all
13 other operations, and is not affiliated with a
14 sectarian school or religious institution;

15 “(F) does not charge tuition;

16 “(G) complies with the Age Discrimination
17 Act of 1975, title VI of the Civil Rights Act of
18 1964, title IX of the Education Amendments of
19 1972, section 504 of the Rehabilitation Act of
20 1973, part B of the Individuals with Disabil-
21 ities Education Act, the Americans with Dis-
22 abilities Act of 1990 (42 U.S.C. 12101 et seq.),
23 and section 444 of the General Education Pro-
24 visions Act (20 U.S.C. 1232(g)) (commonly

1 known as the ‘Family Education Rights and
2 Privacy Act of 1974’);

3 “(H) is a school to which parents choose to
4 send their children, and admits students on the
5 basis of a lottery if more students apply for ad-
6 mission than can be accommodated, except that
7 in cases in which students who are enrolled in
8 a charter school affiliated (such as by sharing
9 a network) with another charter school, those
10 students may be automatically enrolled in the
11 next grade level at such other charter school, so
12 long as a lottery is used to fill seats created
13 through regular attrition in student enrollment;

14 “(I) agrees to comply with the same Fed-
15 eral and State audit requirements as do other
16 elementary schools and secondary schools in the
17 State, unless such State audit requirements are
18 waived by the State;

19 “(J) meets all applicable Federal, State,
20 and local health and safety requirements;

21 “(K) operates in accordance with State
22 law;

23 “(L) has a written performance contract
24 with the authorized public chartering agency in
25 the State that includes a description of how

1 student performance will be measured in char-
2 ter schools pursuant to State assessments that
3 are required of other schools and pursuant to
4 any other assessments mutually agreeable to
5 the authorized public chartering agency and the
6 charter school; and

7 “(M) may serve prekindergarten or post-
8 secondary students.

9 “(4) CHILD.—The term ‘child’ means any per-
10 son within the age limits for which the State pro-
11 vides free public education.

12 “(5) CHILD WITH A DISABILITY.—The term
13 ‘child with a disability’ has the same meaning given
14 that term in section 602 of the Individuals with Dis-
15 abilities Education Act.

16 “(6) COMMUNITY-BASED ORGANIZATION.—The
17 term ‘community-based organization’ means a public
18 or private nonprofit organization of demonstrated ef-
19 fectiveness that—

20 “(A) is representative of a community or
21 significant segments of a community; and

22 “(B) provides educational or related serv-
23 ices to individuals in the community.

24 “(7) CONSOLIDATED LOCAL APPLICATION.—
25 The term ‘consolidated local application’ means an

1 application submitted by a local educational agency
2 pursuant to section 6305.

3 “(8) CONSOLIDATED LOCAL PLAN.—The term
4 ‘consolidated local plan’ means a plan submitted by
5 a local educational agency pursuant to section 6305.

6 “(9) CONSOLIDATED STATE APPLICATION.—
7 The term ‘consolidated State application’ means an
8 application submitted by a State educational agency
9 pursuant to section 6302.

10 “(10) CONSOLIDATED STATE PLAN.—The term
11 ‘consolidated State plan’ means a plan submitted by
12 a State educational agency pursuant to section
13 6302.

14 “(11) COUNTY.—The term ‘county’ means one
15 of the divisions of a State used by the Secretary of
16 Commerce in compiling and reporting data regard-
17 ing counties.

18 “(12) COVERED PROGRAM.—The term ‘covered
19 program’ means each of the programs authorized
20 by—

21 “(A) part A of title I;

22 “(B) title II; and

23 “(C) part B of title III.

1 “(13) CURRENT EXPENDITURES.—The term
2 ‘current expenditures’ means expenditures for free
3 public education—

4 “(A) including expenditures for adminis-
5 tration, instruction, attendance and health serv-
6 ices, pupil transportation services, operation
7 and maintenance of plant, fixed charges, and
8 net expenditures to cover deficits for food serv-
9 ices and student body activities; but

10 “(B) not including expenditures for com-
11 munity services, capital outlay, and debt serv-
12 ice, or any expenditures made from funds re-
13 ceived under title I.

14 “(14) DEPARTMENT.—The term ‘Department’
15 means the Department of Education.

16 “(15) DIRECT STUDENT SERVICES.—The term
17 ‘direct student services’ means public school choice
18 or high-quality academic tutoring that are designed
19 to help increase academic achievement for students.

20 “(16) DISTANCE EDUCATION.—The term ‘dis-
21 tance education’ means the use of one or more tech-
22 nologies to deliver instruction to students who are
23 separated from the instructor and to support regular
24 and substantive interaction between the students

1 and the instructor synchronously or nonsyn-
2 chronously.

3 “(17) EDUCATIONAL SERVICE AGENCY.—The
4 term ‘educational service agency’ means a regional
5 public multiservice agency authorized by State stat-
6 ute to develop, manage, and provide services or pro-
7 grams to local educational agencies.

8 “(18) ELEMENTARY SCHOOL.—The term ‘ele-
9 mentary school’ means a nonprofit institutional day
10 or residential school, including a public elementary
11 charter school, that provides elementary education,
12 as determined under State law.

13 “(19) ENGLISH LEARNER.—The term ‘English
14 learner’, when used with respect to an individual,
15 means an individual—

16 “(A) who is aged 3 through 21;

17 “(B) who is enrolled or preparing to enroll
18 in an elementary school or secondary school;

19 “(C)(i) who was not born in the United
20 States or whose native language is a language
21 other than English;

22 “(ii)(I) who is a Native American or Alas-
23 ka Native, or a native resident of the outlying
24 areas; and

1 “(II) who comes from an environment
2 where a language other than English has had
3 a significant impact on the individual’s level of
4 English language proficiency; or

5 “(iii) who is migratory, whose native lan-
6 guage is a language other than English, and
7 who comes from an environment where a lan-
8 guage other than English is dominant; and

9 “(D) whose difficulties in speaking, read-
10 ing, writing, or understanding the English lan-
11 guage may be sufficient to deny the indi-
12 vidual—

13 “(i) the ability to meet the State’s
14 academic standards described in section
15 1111;

16 “(ii) the ability to successfully achieve
17 in classrooms where the language of in-
18 struction is English; or

19 “(iii) the opportunity to participate
20 fully in society.

21 “(20) EXTENDED-YEAR ADJUSTED COHORT
22 GRADUATION RATE.—

23 “(A) IN GENERAL.—The term ‘extended-
24 year adjusted cohort graduation rate’ means the
25 ratio where—

1 “(i) the denominator consists of the
2 number of students who form the original
3 cohort of entering first-time 9th grade stu-
4 dents enrolled in the high school no later
5 than the effective date for student mem-
6 bership data submitted annually by State
7 educational agencies to the National Cen-
8 ter for Education Statistics under section
9 153 of the Education Sciences Reform Act,
10 adjusted by—

11 “(I) adding the students who
12 joined that cohort, after the time of
13 the determination of the original co-
14 hort; and

15 “(II) subtracting only those stu-
16 dents who left that cohort, after the
17 time of the determination of the origi-
18 nal cohort, as described in subpara-
19 graph (B); and

20 “(ii) the numerator consists of the
21 number of students in the cohort, as ad-
22 justed under clause (i), who earned a reg-
23 ular high school diploma before, during, or
24 at the conclusion of—

1 “(I) one or more additional years
2 beyond the fourth year of high school;
3 or

4 “(II) a summer session imme-
5 diately following the additional year of
6 high school.

7 “(B) COHORT REMOVAL.—To remove a
8 student from a cohort, a school or local edu-
9 cational agency shall require documentation to
10 confirm that the student has transferred out,
11 emigrated to another country, transferred to a
12 prison or juvenile facility, or is deceased.

13 “(C) TRANSFERRED OUT.—

14 “(i) IN GENERAL.—For purposes of
15 this paragraph, the term ‘transferred out’
16 means a student who the high school or
17 local educational agency has confirmed, ac-
18 cording to clause (ii), has transferred—

19 “(I) to another school from which
20 the student is expected to receive a
21 regular high school diploma; or

22 “(II) to another educational pro-
23 gram from which the student is ex-
24 pected to receive a regular high school
25 diploma.

1 “(ii) CONFIRMATION REQUIRE-
2 MENTS.—

3 “(I) DOCUMENTATION RE-
4 QUIRED.—The confirmation of a stu-
5 dent’s transfer to another school or
6 educational program described in
7 clause (i) requires documentation
8 from the receiving school or program
9 that the student enrolled in the receiv-
10 ing school or program.

11 “(II) LACK OF CONFIRMATION.—
12 A student who was enrolled, but for
13 whom there is no confirmation of the
14 student having transferred out, shall
15 remain in the denominator of the ex-
16 tended-year adjusted cohort.

17 “(iii) PROGRAMS NOT PROVIDING
18 CREDIT.—A student who is retained in
19 grade or who is enrolled in a GED or other
20 alternative educational program that does
21 not issue or provide credit toward the
22 issuance of a regular high school diploma
23 shall not be considered transferred out and
24 shall remain in the extended-year adjusted
25 cohort.

1 “(D) SPECIAL RULE.—For those high
2 schools that start after grade 9, the original co-
3 hort shall be calculated for the earliest high
4 school grade students attend no later than the
5 effective date for student membership data sub-
6 mitted annually by State educational agencies
7 to the National Center for Education Statistics
8 pursuant to section 153 of the Education
9 Sciences Reform Act.

10 “(21) FAMILY LITERACY SERVICES.—The term
11 ‘family literacy services’ means services provided to
12 participants on a voluntary basis that are of suffi-
13 cient intensity in terms of hours, and of sufficient
14 duration, to make sustainable changes in a family,
15 and that integrate all of the following activities:

16 “(A) Interactive literacy activities between
17 parents and their children.

18 “(B) Training for parents regarding how
19 to be the primary teacher for their children and
20 full partners in the education of their children.

21 “(C) Parent literacy training that leads to
22 economic self-sufficiency.

23 “(D) An age-appropriate education to pre-
24 pare children for success in school and life ex-
25 periences.

1 “(22) FOUR-YEAR ADJUSTED COHORT GRADUA-
2 TION RATE.—

3 “(A) IN GENERAL.—The term ‘four-year
4 adjusted cohort graduation rate’ means the
5 ratio where—

6 “(i) the denominator consists of the
7 number of students who form the original
8 cohort of entering first-time 9th grade stu-
9 dents enrolled in the high school no later
10 than the effective date for student mem-
11 bership data submitted annually by State
12 educational agencies to the National Cen-
13 ter for Education Statistics pursuant to
14 section 153 of the Education Sciences Re-
15 form Act, adjusted by—

16 “(I) adding the students who
17 joined that cohort, after the time of
18 the determination of the original co-
19 hort; and

20 “(II) subtracting only those stu-
21 dents who left that cohort, after the
22 time of the determination of the origi-
23 nal cohort, as described in subpara-
24 graph (B); and

1 “(ii) the numerator consists of the
2 number of students in the cohort, as ad-
3 justed under clause (i), who earned a reg-
4 ular high school diploma before, during, or
5 at the conclusion of—

6 “(I) the fourth year of high
7 school; or

8 “(II) a summer session imme-
9 diately following the fourth year of
10 high school.

11 “(B) COHORT REMOVAL.—To remove a
12 student from a cohort, a school or local edu-
13 cational agency shall require documentation to
14 confirm that the student has transferred out,
15 emigrated to another country, transferred to a
16 prison or juvenile facility, or is deceased.

17 “(C) TRANSFERRED OUT.—

18 “(i) IN GENERAL.—For purposes of
19 this paragraph, the term ‘transferred out’
20 means a student who the high school or
21 local educational agency has confirmed, ac-
22 cording to clause (ii), has transferred—

23 “(I) to another school from which
24 the student is expected to receive a
25 regular high school diploma; or

1 “(II) to another educational pro-
2 gram from which the student is ex-
3 pected to receive a regular high school
4 diploma.

5 “(ii) CONFIRMATION REQUIRE-
6 MENTS.—

7 “(I) DOCUMENTATION RE-
8 QUIRED.—The confirmation of a stu-
9 dent’s transfer to another school or
10 educational program described in
11 clause (i) requires documentation
12 from the receiving school or program
13 that the student enrolled in the receiv-
14 ing school or program.

15 “(II) LACK OF CONFIRMATION.—
16 A student who was enrolled, but for
17 whom there is no confirmation of the
18 student having transferred out, shall
19 remain in the adjusted cohort.

20 “(iii) PROGRAMS NOT PROVIDING
21 CREDIT.—A student who is retained in
22 grade or who is enrolled in a GED or other
23 alternative educational program that does
24 not issue or provide credit toward the
25 issuance of a regular high school diploma

1 shall not be considered transferred out and
2 shall remain in the adjusted cohort.

3 “(D) SPECIAL RULE.—For those high
4 schools that start after grade 9, the original co-
5 hort shall be calculated for the earliest high
6 school grade students attend no later than the
7 effective date for student membership data sub-
8 mitted annually by State educational agencies
9 to the National Center for Education Statistics
10 pursuant to section 153 of the Education
11 Sciences Reform Act.

12 “(23) FREE PUBLIC EDUCATION.—The term
13 ‘free public education’ means education that is pro-
14 vided—

15 “(A) at public expense, under public super-
16 vision and direction, and without tuition charge;
17 and

18 “(B) as elementary school or secondary
19 school education as determined under applicable
20 State law, except that the term does not include
21 any education provided beyond grade 12.

22 “(24) GIFTED AND TALENTED.—The term
23 ‘gifted and talented’, when used with respect to stu-
24 dents, children, or youth, means students, children,
25 or youth who give evidence of high achievement ca-

1 pability in areas such as intellectual, creative, artis-
2 tic, or leadership capacity, or in specific academic
3 fields, and who need services or activities not ordi-
4 narily provided by the school in order to fully de-
5 velop those capabilities.

6 “(25) HIGH-QUALITY ACADEMIC TUTORING.—
7 The term ‘high-quality academic tutoring’ means
8 supplemental academic services that—

9 “(A) are in addition to instruction pro-
10 vided during the school day;

11 “(B) are provided by a non-governmental
12 entity or local educational agency that—

13 “(i) is included on a State educational
14 agency approved provider list after dem-
15 onstrating to the State educational agency
16 that its program consistently improves the
17 academic achievement of students; and

18 “(ii) agrees to provide parents of chil-
19 dren receiving high-quality academic tutor-
20 ing, the appropriate local educational agen-
21 cy, and school with information on partici-
22 pating students increases in academic
23 achievement, in a format, and to the extent
24 practicable, a language that such parent
25 can understand, and in a manner that pro-

1 tects the privacy of individuals consistent
2 with section 444 of the General Education
3 Provisions Act (20 U.S.C. 1232g);

4 “(C) are selected by the parents of stu-
5 dents who are identified by the local educational
6 agency as being eligible for such services from
7 among providers on the approved provider list
8 described in subparagraph (B)(i);

9 “(D) meet all applicable Federal, State,
10 and local health, safety, and civil rights laws;
11 and

12 “(E) ensure that all instruction and con-
13 tent are secular, neutral, and non-ideological.

14 “(26) HIGH SCHOOL.—The term ‘high school’
15 means a secondary school that—

16 “(A) grants a diploma, as defined by the
17 State; and

18 “(B) includes, at least, grade 12.

19 “(27) INSTITUTION OF HIGHER EDUCATION.—
20 The term ‘institution of higher education’ has the
21 meaning given that term in section 101(a) of the
22 Higher Education Act of 1965.

23 “(28) LOCAL EDUCATIONAL AGENCY.—

24 “(A) IN GENERAL.—The term ‘local edu-
25 cational agency’ means a public board of edu-

1 cation or other public authority legally con-
2 stituted within a State for either administrative
3 control or direction of, or to perform a service
4 function for, public elementary schools or sec-
5 ondary schools in a city, county, township,
6 school district, or other political subdivision of
7 a State, or of or for a combination of school
8 districts or counties that is recognized in a
9 State as an administrative agency for its public
10 elementary schools or secondary schools.

11 “(B) ADMINISTRATIVE CONTROL AND DI-
12 RECTION.—The term includes any other public
13 institution or agency having administrative con-
14 trol and direction of a public elementary school
15 or secondary school.

16 “(C) BIE SCHOOLS.—The term includes
17 an elementary school or secondary school fund-
18 ed by the Bureau of Indian Education but only
19 to the extent that including the school makes
20 the school eligible for programs for which spe-
21 cific eligibility is not provided to the school in
22 another provision of law and the school does not
23 have a student population that is smaller than
24 the student population of the local educational
25 agency receiving assistance under this Act with

1 the smallest student population, except that the
2 school shall not be subject to the jurisdiction of
3 any State educational agency other than the
4 Bureau of Indian Education.

5 “(D) EDUCATIONAL SERVICE AGENCIES.—
6 The term includes educational service agencies
7 and consortia of those agencies.

8 “(E) STATE EDUCATIONAL AGENCY.—The
9 term includes the State educational agency in a
10 State in which the State educational agency is
11 the sole educational agency for all public
12 schools.

13 “(29) NATIVE AMERICAN AND NATIVE AMER-
14 ICAN LANGUAGE.—The terms ‘Native American’ and
15 ‘Native American language’ have the same meaning
16 given those terms in section 103 of the Native
17 American Languages Act of 1990.

18 “(30) OTHER STAFF.—The term ‘other staff’
19 means specialized instructional support personnel, li-
20 brarians, career guidance and counseling personnel,
21 education aides, and other instructional and admin-
22 istrative personnel.

23 “(31) OUTLYING AREA.—The term ‘outlying
24 area’—

1 “(A) means American Samoa, the Com-
2 monwealth of the Northern Mariana Islands,
3 Guam, and the United States Virgin Islands;

4 “(B) means the Republic of Palau, to the
5 extent permitted under section 105(f)(1)(B)(ix)
6 of the Compact of Free Association Amend-
7 ments Act of 2003 (Public Law 99–658; 117
8 Stat. 2751) and until an agreement for the ex-
9 tension of United States education assistance
10 under the Compact of Free Association becomes
11 effective for the Republic of Palau; and

12 “(C) for the purpose of any discretionary
13 grant program under this Act, includes the Re-
14 public of the Marshall Islands and the Fed-
15 erated States of Micronesia, to the extent per-
16 mitted under section 105(f)(1)(B)(viii) of the
17 Compact of Free Association Amendments Act
18 of 2003 (Public Law 108–188; 117 Stat.
19 2751).

20 “(32) PARENT.—The term ‘parent’ includes a
21 legal guardian or other person standing in loco
22 parentis (such as a grandparent, stepparent, or fos-
23 ter parent with whom the child lives, or a person
24 who is legally responsible for the child’s welfare).

1 “(33) PARENTAL INVOLVEMENT.—The term
2 ‘parental involvement’ means the participation of
3 parents in regular, two-way, and meaningful commu-
4 nication involving student academic learning and
5 other school activities, including ensuring—

6 “(A) that parents play an integral role in
7 assisting in their child’s learning;

8 “(B) that parents are encouraged to be ac-
9 tively involved in their child’s education at
10 school;

11 “(C) that parents are full partners in their
12 child’s education and are included, as appro-
13 priate, in decisionmaking and on advisory com-
14 mittees to assist in the education of their child;
15 and

16 “(D) the carrying out of other activities,
17 such as those described in section 1118.

18 “(34) PAY FOR SUCCESS INITIATIVES.—The
19 term ‘pay for success initiatives’ means initiatives—

20 “(A) that produce a measurable, clearly
21 defined outcome that results in social benefit
22 and direct cost savings to the local, State, or
23 Federal Government;

1 “(B) except as provided in subparagraph
2 (D)(i), that make payments only when agreed-
3 upon outcomes are achieved;

4 “(C) for which a feasibility study is con-
5 ducted on the initiative describing how the pro-
6 posed intervention is based on strong or mod-
7 erate evidence of effectiveness and how the ini-
8 tiative will meet the requirements of subpara-
9 graph (A); and

10 “(D) for which—

11 “(i) an evaluation, which may be paid
12 for out of funding for the pay for success
13 initiative without respect to a successful
14 outcome, is included that uses experi-
15 mental designs using random assignment
16 or other research methodologies that allow
17 for the strongest possible causal inferences
18 when random assignment is not feasible by
19 an independent evaluator to determine
20 whether the initiative has met the out-
21 comes described in subparagraph (A); and

22 “(ii) the State or local educational
23 agency produces an annual, publicly avail-
24 able report on the progress of the initiative

1 in meeting the requirements of subpara-
2 graph (A), as appropriate.

3 “(35) POVERTY LINE.—The term ‘poverty line’
4 means the poverty line (as defined by the Office of
5 Management and Budget and revised annually in ac-
6 cordance with section 673(2) of the Community
7 Services Block Grant Act) applicable to a family of
8 the size involved.

9 “(36) PROFESSIONAL DEVELOPMENT.—The
10 term ‘professional development’—

11 “(A) includes evidence-based, job-embed-
12 ded, continuous activities that—

13 “(i) improve and increase teachers’
14 knowledge of the academic subjects the
15 teachers teach, and enable teachers to be-
16 come effective educators;

17 “(ii) are an integral part of broad
18 schoolwide and districtwide educational im-
19 provement plans;

20 “(iii) give teachers, school leaders,
21 other staff, and administrators the knowl-
22 edge and skills to provide students with
23 the opportunity to meet State academic
24 standards;

1 “(iv) improve classroom management
2 skills;

3 “(v)(I) have a positive and lasting im-
4 pact on classroom instruction and the
5 teacher’s performance in the classroom;
6 and

7 “(II) are not 1-day or short-term
8 workshops or conferences;

9 “(vi) support the recruiting, hiring,
10 and training of effective teachers, including
11 teachers who became certified or licensed
12 through State and local alternative routes
13 to certification;

14 “(vii) advance teacher understanding
15 of effective instructional strategies that are
16 strategies for improving student academic
17 achievement or substantially increasing the
18 knowledge and teaching skills of teachers,
19 including through addressing the social
20 and emotional development needs of stu-
21 dents;

22 “(viii) are aligned with and directly
23 related to—

24 “(I) State academic standards
25 and assessments; and

1 “(II) the curricula and programs
2 tied to the standards described in sub-
3 clause (I);

4 “(ix) are developed with extensive par-
5 ticipation of teachers, school leaders, par-
6 ents, and administrators of schools to be
7 served under this Act;

8 “(x) are designed to give teachers of
9 English learners and other teachers and
10 instructional staff, the knowledge and
11 skills to provide instruction and appro-
12 priate language and academic support
13 services to those children, including the ap-
14 propriate use of curricula and assessments;

15 “(xi) to the extent appropriate, pro-
16 vide training for teachers, other staff, and
17 school leaders in the use of technology (in-
18 cluding education about the harms of copy-
19 right piracy), so that technology and tech-
20 nology applications are effectively used to
21 improve teaching and learning in the cur-
22 ricula and core academic subjects in which
23 the students receive instruction;

24 “(xii) as a whole, are regularly evalu-
25 ated for their impact on increased teacher

1 effectiveness and improved student aca-
2 demic achievement, with the findings of
3 the evaluations used to improve the quality
4 of the professional development;

5 “(xiii) provide instruction in methods
6 of teaching children with special needs;

7 “(xiv) include instruction in the use of
8 data and assessments to inform and in-
9 struct classroom practice; and

10 “(xv) include instruction in ways that
11 teachers, school leaders, specialized in-
12 structional support personnel, other staff,
13 and school administrators may work more
14 effectively with parents; and

15 “(B) may include evidence-based, job-em-
16 bedded, continuous activities that—

17 “(i) involve the forming of partner-
18 ships with institutions of higher education
19 to establish school-based teacher training
20 programs that provide prospective teachers
21 and new teachers with an opportunity to
22 work under the guidance of experienced
23 teachers and college faculty;

24 “(ii) create programs to enable para-
25 professionals (assisting teachers employed

1 by a local educational agency receiving as-
2 sistance under subpart 1 of part A of title
3 I) to obtain the education necessary for
4 those paraprofessionals to become certified
5 and licensed teachers; and

6 “(iii) provide follow-up training to in-
7 dividuals who have participated in activi-
8 ties described in subparagraph (A) or an-
9 other clause of this subparagraph that are
10 designed to ensure that the knowledge and
11 skills learned by the teachers are imple-
12 mented in the classroom.

13 “(37) REGULAR HIGH SCHOOL DIPLOMA.—

14 “(A) IN GENERAL.—The term ‘regular
15 high school diploma’ means the standard high
16 school diploma awarded to the preponderance of
17 students in the State that is fully aligned with
18 State standards, or a higher diploma. Such
19 term shall not include a GED or other recog-
20 nized equivalent of a diploma, a certificate of
21 attendance, or any lesser diploma award.

22 “(B) EXCEPTION FOR STUDENTS WITH
23 SIGNIFICANT COGNITIVE DISABILITIES.—For a
24 student who is assessed using an alternate as-
25 sessment aligned to alternate academic stand-

1 ards under section 1111(b)(1)(D), receipt of a
2 regular high school diploma as defined under
3 subparagraph (A) or a State-defined alternate
4 diploma obtained within the time period for
5 which the State ensures the availability of a
6 free appropriate public education and in accord-
7 ance with section 612(a)(1) of the Individuals
8 with Disabilities Education Act shall be counted
9 as graduating with a regular high school di-
10 ploma for the purposes of this Act.

11 “(38) SCHOOL LEADER.—The term ‘school
12 leader’ means a principal, assistant principal, or
13 other individual who is—

14 “(A) an employee or officer of a school,
15 local educational agency, or other entity oper-
16 ating the school; and

17 “(B) responsible for—

18 “(i) the daily instructional leadership
19 and managerial operations in the school
20 building; and

21 “(ii) creating the optimum conditions
22 for student learning.

23 “(39) SECONDARY SCHOOL.—The term ‘sec-
24 ondary school’ means a nonprofit institutional day or
25 residential school, including a public secondary char-

1 ter school, that provides secondary education, as de-
2 termined under State law, except that the term does
3 not include any education beyond grade 12.

4 “(40) SECRETARY.—The term ‘Secretary’
5 means the Secretary of Education.

6 “(41) SPECIALIZED INSTRUCTIONAL SUPPORT
7 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT
8 SERVICES.—

9 “(A) SPECIALIZED INSTRUCTIONAL SUP-
10 PORT PERSONNEL.—The term ‘specialized in-
11 structional support personnel’ means school
12 counselors, school social workers, school psy-
13 chologists, and other qualified professional per-
14 sonnel involved in providing assessment, diag-
15 nosis, counseling, educational, therapeutic, and
16 other necessary services (including related serv-
17 ices as that term is defined in section 602 of
18 the Individuals with Disabilities Education Act)
19 as part of a comprehensive program to meet
20 student needs.

21 “(B) SPECIALIZED INSTRUCTIONAL SUP-
22 PORT SERVICES.—The term ‘specialized instruc-
23 tional support services’ means the services pro-
24 vided by specialized instructional support per-
25 sonnel.

1 “(2) a school operated under a contract or
2 grant with the Bureau of Indian Education in con-
3 sortium with another contract or grant school or a
4 tribal or community organization; or

5 “(3) a Bureau of Indian Education school in
6 consortium with an institution of higher education,
7 a contract or grant school, or a tribal or community
8 organization,

9 shall be given the same consideration as a local edu-
10 cational agency.

11 **“PART B—FLEXIBILITY IN THE USE OF**
12 **ADMINISTRATIVE AND OTHER FUNDS**

13 **“SEC. 6201. CONSOLIDATION OF STATE ADMINISTRATIVE**
14 **FUNDS FOR ELEMENTARY AND SECONDARY**
15 **EDUCATION PROGRAMS.**

16 “(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

17 “(1) IN GENERAL.—A State educational agency
18 may consolidate the amounts specifically made avail-
19 able to it for State administration under one or
20 more of the programs under paragraph (2).

21 “(2) APPLICABILITY.—This section applies to
22 any program under this Act under which funds are
23 authorized to be used for administration, and such
24 other programs as the Secretary may designate.

25 “(b) USE OF FUNDS.—

1 “(1) IN GENERAL.—A State educational agency
2 shall use the amount available under this section for
3 the administration of the programs included in the
4 consolidation under subsection (a).

5 “(2) ADDITIONAL USES.—A State educational
6 agency may also use funds available under this sec-
7 tion for administrative activities designed to enhance
8 the effective and coordinated use of funds under pro-
9 grams included in the consolidation under subsection
10 (a), such as—

11 “(A) the coordination of those programs
12 with other Federal and non-Federal programs;

13 “(B) the establishment and operation of
14 peer-review mechanisms under this Act;

15 “(C) the administration of this title;

16 “(D) the dissemination of information re-
17 garding model programs and practices;

18 “(E) technical assistance under any pro-
19 gram under this Act;

20 “(F) State-level activities designed to carry
21 out this title;

22 “(G) training personnel engaged in audit
23 and other monitoring activities; and

1 “(H) implementation of the Cooperative
2 Audit Resolution and Oversight Initiative of the
3 Department.

4 “(c) RECORDS.—A State educational agency that
5 consolidates administrative funds under this section shall
6 not be required to keep separate records, by individual
7 program, to account for costs relating to the administra-
8 tion of programs included in the consolidation under sub-
9 section (a).

10 “(d) REVIEW.—To determine the effectiveness of
11 State administration under this section, the Secretary may
12 periodically review the performance of State educational
13 agencies in using consolidated administrative funds under
14 this section and take such steps as the Secretary finds
15 appropriate to ensure the effectiveness of that administra-
16 tion.

17 “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State
18 educational agency does not use all of the funds available
19 to the agency under this section for administration, the
20 agency may use those funds during the applicable period
21 of availability as funds available under one or more pro-
22 grams included in the consolidation under subsection (a).

23 “(f) CONSOLIDATION OF FUNDS FOR STANDARDS
24 AND ASSESSMENT DEVELOPMENT.—In order to develop
25 State academic standards and assessments, a State edu-

1 cational agency may consolidate the amounts described in
2 subsection (a) for those purposes under title I.

3 **“SEC. 6202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

4 “A State educational agency that also serves as a
5 local educational agency shall, in its applications or plans
6 under this Act, describe how the agency will eliminate du-
7 plication in conducting administrative functions.

8 **“SEC. 6203. CONSOLIDATION OF FUNDS FOR LOCAL ADMIN-
9 ISTRATION.**

10 “(a) GENERAL AUTHORITY.—In accordance with
11 regulations of the Secretary and for any fiscal year, a local
12 educational agency, with the approval of its State edu-
13 cational agency, may consolidate and use for the adminis-
14 tration of one or more programs under this Act (or such
15 other programs as the Secretary shall designate) not more
16 than the percentage, established in each program, of the
17 total available for the local educational agency under those
18 programs.

19 “(b) STATE PROCEDURES.—A State educational
20 agency shall, in collaboration with local educational agen-
21 cies in the State, establish procedures for responding to
22 requests from local educational agencies to consolidate ad-
23 ministrative funds under subsection (a) and for estab-
24 lishing limitations on the amount of funds under those

1 programs that may be used for administration on a con-
2 solidated basis.

3 “(c) CONDITIONS.—A local educational agency that
4 consolidates administrative funds under this section for
5 any fiscal year shall not use any other funds under the
6 programs included in the consolidation for administration
7 for that fiscal year.

8 “(d) USES OF ADMINISTRATIVE FUNDS.—A local
9 educational agency that consolidates administrative funds
10 under this section may use the consolidated funds for the
11 administration of the programs and for uses, at the school
12 district and school levels, comparable to those described
13 in section 6201(b)(2).

14 “(e) RECORDS.—A local educational agency that con-
15 solidates administrative funds under this section shall not
16 be required to keep separate records, by individual pro-
17 gram, to account for costs relating to the administration
18 of the programs included in the consolidation.

19 **“SEC. 6204. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**
20 **OF THE INTERIOR FUNDS.**

21 “(a) GENERAL AUTHORITY.—

22 “(1) TRANSFER.—The Secretary shall transfer
23 to the Department of the Interior, as a consolidated
24 amount for covered programs, the Indian education
25 programs under part A of title V, and the education

1 for homeless children and youth program under sub-
2 title B of title VII of the McKinney-Vento Homeless
3 Assistance Act, the amounts allotted to the Depart-
4 ment of the Interior under those programs.

5 “(2) AGREEMENT.—

6 “(A) IN GENERAL.—The Secretary and the
7 Secretary of the Interior shall enter into an
8 agreement, consistent with the requirements of
9 the programs specified in paragraph (1), for the
10 distribution and use of those program funds
11 under terms that the Secretary determines best
12 meet the purposes of those programs.

13 “(B) CONTENTS.—The agreement shall—

14 “(i) set forth the plans of the Sec-
15 retary of the Interior for the use of the
16 amount transferred and the achievement
17 measures to assess program effectiveness;
18 and

19 “(ii) be developed in consultation with
20 Indian tribes.

21 “(b) ADMINISTRATION.—The Department of the In-
22 terior may use not more than 1.5 percent of the funds
23 consolidated under this section for its costs related to the
24 administration of the funds transferred under this section.

1 **“PART C—COORDINATION OF PROGRAMS; CON-**
2 **SOLIDATED STATE AND LOCAL PLANS AND**
3 **APPLICATIONS**

4 **“SEC. 6301. PURPOSES.**

5 “The purposes of this part are—

6 “(1) to improve teaching and learning by en-
7 couraging greater cross-program coordination, plan-
8 ning, and service delivery;

9 “(2) to provide greater flexibility to State and
10 local authorities through consolidated plans, applica-
11 tions, and reporting; and

12 “(3) to enhance the integration of programs
13 under this Act with State and local programs.

14 **“SEC. 6302. OPTIONAL CONSOLIDATED STATE PLANS OR**
15 **APPLICATIONS.**

16 “(a) GENERAL AUTHORITY.—

17 “(1) SIMPLIFICATION.—In order to simplify ap-
18 plication requirements and reduce the burden for
19 State educational agencies under this Act, the Sec-
20 retary, in accordance with subsection (b), shall es-
21 tablish procedures and criteria under which, after
22 consultation with the Governor, a State educational
23 agency may submit a consolidated State plan or a
24 consolidated State application meeting the require-
25 ments of this section for—

1 “(A) each of the covered programs in
2 which the State participates; and

3 “(B) such other programs as the Secretary
4 may designate.

5 “(2) CONSOLIDATED APPLICATIONS AND
6 PLANS.—After consultation with the Governor, a
7 State educational agency that submits a consolidated
8 State plan or a consolidated State application under
9 this section shall not be required to submit separate
10 State plans or applications under any of the pro-
11 grams to which the consolidated State plan or con-
12 solidated State application under this section ap-
13 plies.

14 “(b) COLLABORATION.—

15 “(1) IN GENERAL.—In establishing criteria and
16 procedures under this section, the Secretary shall
17 collaborate with State educational agencies and, as
18 appropriate, with other State agencies, local edu-
19 cational agencies, public and private agencies, orga-
20 nizations, and institutions, private schools, and par-
21 ents, students, and teachers.

22 “(2) CONTENTS.—Through the collaborative
23 process described in paragraph (1), the Secretary
24 shall establish, for each program under this Act to
25 which this section applies, the descriptions, informa-

1 tion, assurances, and other material required to be
2 included in a consolidated State plan or consolidated
3 State application.

4 “(3) NECESSARY MATERIALS.—The Secretary
5 shall require only descriptions, information, assur-
6 ances (including assurances of compliance with ap-
7 plicable provisions regarding participation by private
8 school children and teachers), and other materials
9 that are absolutely necessary for the consideration of
10 the consolidated State plan or consolidated State ap-
11 plication.

12 **“SEC. 6303. CONSOLIDATED REPORTING.**

13 “(a) IN GENERAL.—In order to simplify reporting re-
14 quirements and reduce reporting burdens, the Secretary
15 shall establish procedures and criteria under which a State
16 educational agency, in consultation with the Governor of
17 the State, may submit a consolidated State annual report.

18 “(b) CONTENTS.—The report shall contain informa-
19 tion about the programs included in the report, including
20 the performance of the State under those programs, and
21 other matters as the Secretary determines are necessary,
22 such as monitoring activities.

23 “(c) REPLACEMENT.—The report shall replace sepa-
24 rate individual annual reports for the programs included
25 in the consolidated State annual report.

1 **“SEC. 6304. GENERAL APPLICABILITY OF STATE EDU-**
2 **CATIONAL AGENCY ASSURANCES.**

3 “(a) ASSURANCES.—A State educational agency, in
4 consultation with the Governor of the State, that submits
5 a consolidated State plan or consolidated State application
6 under this Act, whether separately or under section 6302,
7 shall have on file with the Secretary a single set of assur-
8 ances, applicable to each program for which the plan or
9 application is submitted, that provides that—

10 “(1) each such program will be administered in
11 accordance with all applicable statutes, regulations,
12 program plans, and applications;

13 “(2)(A) the control of funds provided under
14 each such program and title to property acquired
15 with program funds will be in a public agency, an
16 eligible private agency, institution, or organization,
17 or an Indian tribe, if the law authorizing the pro-
18 gram provides for assistance to those entities; and

19 “(B) the public agency, eligible private agency,
20 institution, or organization, or Indian tribe will ad-
21 minister those funds and property to the extent re-
22 quired by the authorizing law;

23 “(3) the State will adopt and use proper meth-
24 ods of administering each such program, including—

25 “(A) the enforcement of any obligations
26 imposed by law on agencies, institutions, orga-

1 nizations, and other recipients responsible for
2 carrying out each program;

3 “(B) the correction of deficiencies in pro-
4 gram operations that are identified through au-
5 dits, monitoring, or evaluation; and

6 “(C) the adoption of written procedures for
7 the receipt and resolution of complaints alleging
8 violations of law in the administration of the
9 programs;

10 “(4) the State will cooperate in carrying out
11 any evaluation of each such program conducted by
12 or for the Secretary or other Federal officials;

13 “(5) the State will use such fiscal control and
14 fund accounting procedures that will ensure proper
15 disbursement of, and accounting for, Federal funds
16 paid to the State under each such program;

17 “(6) the State will—

18 “(A) make reports to the Secretary as may
19 be necessary to enable the Secretary to perform
20 the Secretary’s duties under each such pro-
21 gram; and

22 “(B) maintain such records, provide such
23 information to the Secretary, and afford such
24 access to the records as the Secretary may find

1 necessary to carry out the Secretary’s duties;
2 and

3 “(7) before the plan or application was sub-
4 mitted to the Secretary, the State afforded a reason-
5 able opportunity for public comment on the plan or
6 application and considered such comment.

7 “(b) GEPA PROVISION.—Section 441 of the General
8 Education Provisions Act shall not apply to programs
9 under this Act.

10 **“SEC. 6305. CONSOLIDATED LOCAL PLANS OR APPLICA-**
11 **TIONS.**

12 “(a) GENERAL AUTHORITY.—

13 “(1) CONSOLIDATED PLAN.—A local edu-
14 cational agency receiving funds under more than one
15 covered program may submit plans or applications
16 to the State educational agency under those pro-
17 grams on a consolidated basis.

18 “(2) AVAILABILITY TO GOVERNOR.—The State
19 educational agency shall make any consolidated local
20 plans and applications available to the Governor.

21 “(b) REQUIRED CONSOLIDATED PLANS OR APPLICA-
22 TIONS.—A State educational agency that has an approved
23 consolidated State plan or application under section 6302
24 may require local educational agencies in the State receiv-
25 ing funds under more than one program included in the

1 consolidated State plan or consolidated State application
2 to submit consolidated local plans or applications under
3 those programs, but may not require those agencies to
4 submit separate plans.

5 “(c) COLLABORATION.—A State educational agency,
6 in consultation with the Governor, shall collaborate with
7 local educational agencies in the State in establishing pro-
8 cedures for the submission of the consolidated State plans
9 or consolidated State applications under this section.

10 “(d) NECESSARY MATERIALS.—The State edu-
11 cational agency shall require only descriptions, informa-
12 tion, assurances, and other material that are absolutely
13 necessary for the consideration of the local educational
14 agency plan or application.

15 **“SEC. 6306. OTHER GENERAL ASSURANCES.**

16 “(a) ASSURANCES.—Any applicant, other than a
17 State educational agency that submits a plan or applica-
18 tion under this Act, shall have on file with the State edu-
19 cational agency a single set of assurances, applicable to
20 each program for which a plan or application is submitted,
21 that provides that—

22 “(1) each such program will be administered in
23 accordance with all applicable statutes, regulations,
24 program plans, and applications;

1 “(2)(A) the control of funds provided under
2 each such program and title to property acquired
3 with program funds will be in a public agency or in
4 an eligible private agency, institution, organization,
5 or Indian tribe, if the law authorizing the program
6 provides for assistance to those entities; and

7 “(B) the public agency, eligible private agency,
8 institution, or organization, or Indian tribe will ad-
9 minister the funds and property to the extent re-
10 quired by the authorizing statutes;

11 “(3) the applicant will adopt and use proper
12 methods of administering each such program, in-
13 cluding—

14 “(A) the enforcement of any obligations
15 imposed by law on agencies, institutions, orga-
16 nizations, and other recipients responsible for
17 carrying out each program; and

18 “(B) the correction of deficiencies in pro-
19 gram operations that are identified through au-
20 dits, monitoring, or evaluation;

21 “(4) the applicant will cooperate in carrying out
22 any evaluation of each such program conducted by
23 or for the State educational agency, the Secretary,
24 or other Federal officials;

1 “(5) the applicant will use such fiscal control
2 and fund accounting procedures as will ensure prop-
3 er disbursement of, and accounting for, Federal
4 funds paid to the applicant under each such pro-
5 gram;

6 “(6) the applicant will—

7 “(A) submit such reports to the State edu-
8 cational agency (which shall make the reports
9 available to the Governor) and the Secretary as
10 the State educational agency and Secretary may
11 require to enable the State educational agency
12 and the Secretary to perform their duties under
13 each such program; and

14 “(B) maintain such records, provide such
15 information, and afford such access to the
16 records as the State educational agency (after
17 consultation with the Governor) or the Sec-
18 retary may reasonably require to carry out the
19 State educational agency’s or the Secretary’s
20 duties; and

21 “(7) before the application was submitted, the
22 applicant afforded a reasonable opportunity for pub-
23 lic comment on the application and considered such
24 comment.

1 “(b) GEPA PROVISION.—Section 442 of the General
2 Education Provisions Act shall not apply to programs
3 under this Act.

4 **“PART D—WAIVERS**

5 **“SEC. 6401. WAIVERS OF STATUTORY AND REGULATORY RE-**
6 **QUIREMENTS.**

7 “(a) IN GENERAL.—

8 “(1) REQUEST FOR WAIVER.—A State edu-
9 cational agency, local educational agency, or Indian
10 tribe that receives funds under a program authorized
11 under this Act may submit a request to the Sec-
12 retary to waive any statutory or regulatory require-
13 ment of this Act.

14 “(2) RECEIPT OF WAIVER.—Except as provided
15 in subsection (c) and subject to the limits in sub-
16 section (b)(5)(A), the Secretary shall waive any stat-
17 utory or regulatory requirement of this Act for a
18 State educational agency, local educational agency,
19 Indian tribe, or school (through a local educational
20 agency), that submits a waiver request pursuant to
21 this subsection.

22 “(b) PLAN.—

23 “(1) IN GENERAL.—A State educational agen-
24 cy, local educational agency, or Indian tribe that de-
25 sires a waiver under this section shall submit a waiv-

1 er request to the Secretary, which shall include a
2 plan that—

3 “(A) identifies the Federal programs af-
4 fected by the requested waiver;

5 “(B) describes which Federal statutory or
6 regulatory requirements are to be waived;

7 “(C) reasonably demonstrates that the
8 waiver will improve instruction for students and
9 advance student academic achievement;

10 “(D) describes the methods the State edu-
11 cational agency, local educational agency, or In-
12 dian tribe will use to monitor the effectiveness
13 of the implementation of the plan; and

14 “(E) describes how schools will continue to
15 provide assistance to the same populations
16 served by programs for which the waiver is re-
17 quested.

18 “(2) ADDITIONAL INFORMATION.—A waiver re-
19 quest under this section—

20 “(A) may provide for waivers of require-
21 ments applicable to State educational agencies,
22 local educational agencies, Indian tribes, and
23 schools; and

24 “(B) shall be developed and submitted—

1 “(i)(I) by local educational agencies
2 (on behalf of those agencies and schools)
3 to State educational agencies; and

4 “(II) by State educational agencies
5 (on their own behalf, or on behalf of, and
6 based on the requests of, local educational
7 agencies in the State) to the Secretary; or

8 “(ii) by Indian tribes (on behalf of
9 schools operated by the tribes) to the Sec-
10 retary.

11 “(3) GENERAL REQUIREMENTS.—

12 “(A) STATE EDUCATIONAL AGENCIES.—In
13 the case of a waiver request submitted by a
14 State educational agency acting on its own be-
15 half, or on behalf of local educational agencies
16 in the State, the State educational agency
17 shall—

18 “(i) provide the public and local edu-
19 cational agencies in the State with notice
20 and a reasonable opportunity to comment
21 and provide input on the request;

22 “(ii) submit the comments and input
23 to the Secretary, with a description of how
24 the State addressed the comments and
25 input; and

1 “(iii) provide notice and a reasonable
2 time to comment to the public and local
3 educational agencies in the manner in
4 which the applying agency customarily pro-
5 vides similar notice and opportunity to
6 comment to the public.

7 “(B) LOCAL EDUCATIONAL AGENCIES.—In
8 the case of a waiver request submitted by a
9 local educational agency that receives funds
10 under this Act—

11 “(i) the request shall be reviewed by
12 the State educational agency and be ac-
13 companied by the comments, if any, of the
14 State educational agency and the public;
15 and

16 “(ii) notice and a reasonable oppor-
17 tunity to comment regarding the waiver re-
18 quest shall be provided to the State edu-
19 cational agency and the public by the agen-
20 cy requesting the waiver in the manner in
21 which that agency customarily provides
22 similar notice and opportunity to comment
23 to the public.

24 “(4) PEER REVIEW.—

1 “(A) ESTABLISHMENT.—The Secretary
2 shall establish a multi-disciplinary peer review
3 team, which shall meet the requirements of sec-
4 tion 6543, to review waiver requests under this
5 section.

6 “(B) APPLICABILITY.—The Secretary may
7 approve a waiver request under this section
8 without conducting a peer review of the request,
9 but shall use the peer review process under this
10 paragraph before disapproving such a request.

11 “(C) STANDARD AND NATURE OF RE-
12 VIEW.—Peer reviewers shall conduct a good
13 faith review of waiver requests submitted to
14 them under this section. Peer reviewers shall re-
15 view such waiver requests—

16 “(i) in their totality;

17 “(ii) in deference to State and local
18 judgment; and

19 “(iii) with the goal of promoting
20 State- and local-led innovation.

21 “(5) WAIVER DETERMINATION, DEMONSTRA-
22 TION, AND REVISION.—

23 “(A) IN GENERAL.—The Secretary shall
24 approve a waiver request not more than 60
25 days after the date on which such request is

1 submitted, unless the Secretary determines and
2 demonstrates that—

3 “(i) the waiver request does not meet
4 the requirements of this section;

5 “(ii) the waiver is not permitted under
6 subsection (c);

7 “(iii) the plan that is required under
8 paragraph (1)(C), and reviewed with def-
9 erence to State and local judgment, pro-
10 vides no reasonable evidence to determine
11 that a waiver will enhance student aca-
12 demic achievement; or

13 “(iv) the waiver request does not pro-
14 vide for adequate evaluation to ensure re-
15 view and continuous improvement of the
16 plan.

17 “(B) WAIVER DETERMINATION AND REVI-
18 SION.—If the Secretary determines and dem-
19 onstrates that the waiver request does not meet
20 the requirements of this section, the Secretary
21 shall—

22 “(i) immediately—

23 “(I) notify the State educational
24 agency, local educational agency, or

1 Indian tribe of such determination;
2 and

3 “(II) at the request of the State
4 educational agency, local educational
5 agency, or Indian tribe, provide de-
6 tailed reasons for such determination
7 in writing;

8 “(ii) offer the State educational agen-
9 cy, local educational agency, or Indian
10 tribe an opportunity to revise and resubmit
11 the waiver request not more than 60 days
12 after the date of such determination; and

13 “(iii) if the Secretary determines that
14 the resubmission does not meet the re-
15 quirements of this section, at the request
16 of the State educational agency, local edu-
17 cational agency, or Indian tribe, conduct a
18 public hearing not more than 30 days after
19 the date of such resubmission.

20 “(C) WAIVER DISAPPROVAL.—The Sec-
21 retary may disapprove a waiver request if—

22 “(i) the State educational agency,
23 local educational agency, or Indian tribe
24 has been notified and offered an oppor-
25 tunity to revise and resubmit the waiver

1 request, as described under clauses (i) and
2 (ii) of subparagraph (B); and

3 “(ii) the State educational agency,
4 local educational agency, or Indian tribe—

5 “(I) does not revise and resubmit
6 the waiver request; or

7 “(II) revises and resubmits the
8 waiver request, and the Secretary de-
9 termines that such waiver request
10 does not meet the requirements of this
11 section after a hearing conducted
12 under subparagraph (B)(iii), if re-
13 quested.

14 “(D) EXTERNAL CONDITIONS.—The Sec-
15 retary shall not, directly or indirectly, require or
16 impose new or additional requirements in ex-
17 change for receipt of a waiver if such require-
18 ments are not specified in this Act.

19 “(c) RESTRICTIONS.—The Secretary shall not waive
20 under this section any statutory or regulatory require-
21 ments relating to—

22 “(1) the allocation or distribution of funds to
23 States, local educational agencies, Indian tribes, or
24 other recipients of funds under this Act;

25 “(2) comparability of services;

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

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

5 “(5) parental participation and involvement;

6 “(6) applicable civil rights requirements;

7 “(7) the prohibitions—

8 “(A) in subpart 2 of part E;

9 “(B) regarding use of funds for religious
10 worship or instruction in section 6505; and

11 “(C) regarding activities in section 6524;

12 or

13 “(8) the selection of a school attendance area or
14 school under subsections (a) and (b) of section 1113,
15 except that the Secretary may grant a waiver to
16 allow a school attendance area or school to partici-
17 pate in activities under subpart 1 of part A of title
18 I if the percentage of children from low-income fami-
19 lies in the school attendance area or who attend the
20 school is not more than 10 percentage points below
21 the lowest percentage of those children for any
22 school attendance area or school of the local edu-
23 cational agency that meets the requirements of sub-
24 sections (a) and (b) of section 1113.

1 “(d) DURATION AND EXTENSION OF WAIVER; LIM-
2 TATIONS.—

3 “(1) IN GENERAL.—Except as provided in para-
4 graph (2), a waiver approved by the Secretary under
5 this section may be for a period not to exceed 3
6 years.

7 “(2) EXTENSION.—The Secretary may extend
8 the period described in paragraph (1) if the State
9 demonstrates that—

10 “(A) the waiver has been effective in ena-
11 bling the State or affected recipient to carry out
12 the activities for which the waiver was re-
13 quested and the waiver has contributed to im-
14 proved student achievement; and

15 “(B) the extension is in the public interest.

16 “(3) SPECIFIC LIMITATIONS.—The Secretary
17 shall not require a State educational agency, local
18 educational agency, or Indian tribe, as a condition of
19 approval of a waiver request, to—

20 “(A) include in, or delete from, such re-
21 quest, specific academic standards, such as the
22 Common Core State Standards developed under
23 the Common Core State Standards Initiative or
24 any other standards common to a significant
25 number of States;

1 “(B) use specific academic assessment in-
2 struments or items, including assessments
3 aligned to the standards described in subpara-
4 graph (A); or

5 “(C) include in, or delete from, such waiv-
6 er request any criterion that specifies, defines,
7 describes, or prescribes the standards or meas-
8 ures that a State or local educational agency or
9 Indian tribe uses to establish, implement, or im-
10 prove—

11 “(i) State academic standards;

12 “(ii) academic assessments;

13 “(iii) State accountability systems; or

14 “(iv) teacher and school leader evalua-
15 tion systems.

16 “(e) REPORTS.—

17 “(1) WAIVER REPORTS.—A State educational
18 agency, local educational agency, or Indian tribe
19 that receives a waiver under this section shall, at the
20 end of the second year for which a waiver is received
21 under this section and each subsequent year, submit
22 a report to the Secretary that—

23 “(A) describes the uses of the waiver by
24 the agency or by schools;

1 “(B) describes how schools continued to
2 provide assistance to the same populations
3 served by the programs for which waivers were
4 granted; and

5 “(C) evaluates the progress of the agency
6 and schools, or Indian tribe, in improving the
7 quality of instruction or the academic achieve-
8 ment of students.

9 “(2) REPORT TO CONGRESS.—The Secretary
10 shall annually submit to the Committee on Edu-
11 cation and the Workforce of the House of Rep-
12 resentatives and the Committee on Health, Edu-
13 cation, Labor, and Pensions of the Senate a re-
14 port—

15 “(A) summarizing the uses of waivers by
16 State educational agencies, local educational
17 agencies, Indian tribes, and schools; and

18 “(B) describing the status of the waivers
19 in improving academic achievement.

20 “(f) TERMINATION OF WAIVERS.—The Secretary
21 shall terminate a waiver under this section if the Secretary
22 determines, after notice and an opportunity for a hearing,
23 that the performance of the State or other recipient af-
24 fected by the waiver has been inadequate to justify a con-
25 tinuation of the waiver and the recipient of the waiver has

1 failed to make revisions needed to carry out the purpose
2 of the waiver, or if the waiver is no longer necessary to
3 achieve its original purpose.

4 “(g) PUBLICATION.—A notice of the Secretary’s deci-
5 sion to grant each waiver under subsection (a) shall be
6 published in the Federal Register and the Secretary shall
7 provide for the dissemination of the notice to State edu-
8 cational agencies, interested parties, including educators,
9 parents, students, advocacy and civil rights organizations,
10 and the public.

11 **“PART E—UNIFORM PROVISIONS**

12 **“Subpart 1—Private Schools**

13 **“SEC. 6501. PARTICIPATION BY PRIVATE SCHOOL CHIL-**
14 **DREN AND TEACHERS.**

15 “(a) PRIVATE SCHOOL PARTICIPATION.—

16 “(1) IN GENERAL.—Except as otherwise pro-
17 vided in this Act, to the extent consistent with the
18 number of eligible children in areas served by a
19 State educational agency, local educational agency,
20 educational service agency, consortium of those
21 agencies, or another entity receiving financial assist-
22 ance under a program specified in subsection (b),
23 who are enrolled in private elementary schools and
24 secondary schools in areas served by such agency,
25 consortium, or entity, the agency, consortium, or en-

1 tity shall, after timely and meaningful consultation
2 with appropriate private school officials or their rep-
3 resentatives, provide to those children and their
4 teachers or other educational personnel, on an equi-
5 table basis, special educational services or other ben-
6 efits that address their needs under the program.

7 “(2) SECULAR, NEUTRAL, AND NONIDEOLOG-
8 ICAL SERVICES OR BENEFITS.—Educational services
9 or other benefits, including materials and equipment,
10 provided under this section, shall be secular, neutral,
11 and nonideological.

12 “(3) SPECIAL RULE.—

13 “(A) IN GENERAL.—Educational services
14 and other benefits provided under this section
15 for private school children, teachers, and other
16 educational personnel shall be equitable in com-
17 parison to services and other benefits for public
18 school children, teachers, and other educational
19 personnel participating in the program and
20 shall be provided in a timely manner.

21 “(B) OMBUDSMAN.—To help ensure equi-
22 table services are provided to private school
23 children, teachers, and other educational per-
24 sonnel under this section, the State educational
25 agency involved shall designate the ombudsman

1 designated by the agency under section
2 1120(a)(3)(B) to monitor and enforce require-
3 ments of this section.

4 “(4) EXPENDITURES.—

5 “(A) IN GENERAL.—Expenditures for edu-
6 cational services and other benefits to eligible
7 private school children, teachers, and other
8 service personnel shall be equal to the expendi-
9 tures for participating public school children,
10 taking into account the number and educational
11 needs, of the children to be served.

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

16 “(i) be obligated in the fiscal year for
17 which the funds are received by the agen-
18 cy; and

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

23 “(C) NOTICE OF ALLOCATION.—Each
24 State educational agency shall—

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

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

12 “(5) PROVISION OF SERVICES.—An agency,
13 consortium, or entity described in subsection (a)(1)
14 of this section may provide those services directly or
15 through contracts with public and private agencies,
16 organizations, and institutions.

17 “(b) APPLICABILITY.—

18 “(1) IN GENERAL.—This section applies to pro-
19 grams under—

20 “(A) subpart 2 of part A of title I;

21 “(B) subpart 4 of part A of title I;

22 “(C) part A of title II;

23 “(D) part B of title II; and

24 “(E) part B of title III.

1 “(2) DEFINITION.—For the purpose of this sec-
2 tion, the term ‘eligible children’ means children eligi-
3 ble for services under a program described in para-
4 graph (1).

5 “(c) CONSULTATION.—

6 “(1) IN GENERAL.—To ensure timely and
7 meaningful consultation, a State educational agency,
8 local educational agency, educational service agency,
9 consortium of those agencies, or entity shall consult,
10 in order to reach an agreement, with appropriate
11 private school officials or their representatives dur-
12 ing the design and development of the programs
13 under this Act, on issues such as—

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

16 “(B) what services will be offered;

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

19 “(D) how the services will be assessed and
20 how the results of the assessment will be used
21 to improve those services;

22 “(E) the size and scope of the equitable
23 services to be provided to the eligible private
24 school children, teachers, and other educational
25 personnel, the proportion of funds that are allo-

1 cated for such services, how that proportion of
2 funds is determined, and an itemization of the
3 costs of the services to be provided;

4 “(F) how and when the agency, consor-
5 tium, or entity will make decisions about the
6 delivery of services, including a thorough con-
7 sideration and analysis of the views of the pri-
8 vate school officials or their representatives on
9 the provision of services through potential
10 third-party providers or contractors;

11 “(G) how, if the agency disagrees with the
12 views of the private school officials or their rep-
13 resentatives on the provision of services through
14 a contract, the local educational agency will
15 provide in writing to such private school offi-
16 cials or their representatives an analysis of the
17 reasons why the local educational agency has
18 chosen not to use a contractor;

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

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

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

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

16 “(2) DISAGREEMENT.—If the agency, consor-
17 tium, or entity disagrees with the views of the pri-
18 vate school officials or their representatives with re-
19 spect to an issue described in paragraph (1), the
20 agency, consortium, or entity shall provide to the
21 private school officials or their representatives a
22 written explanation of the reasons why the local edu-
23 cational agency has chosen not to adopt the course
24 of action requested by such officials or their rep-
25 resentatives.

1 “(3) TIMING.—The consultation required by
2 paragraph (1) shall occur before the agency, consor-
3 tium, or entity makes any decision that affects the
4 opportunities of eligible private school children,
5 teachers, and other educational personnel to partici-
6 pate in programs under this Act, and shall continue
7 throughout the implementation and assessment of
8 activities under this section.

9 “(4) DISCUSSION REQUIRED.—The consultation
10 required by paragraph (1) shall include a discussion
11 of service delivery mechanisms that the agency, con-
12 sortium, or entity could use to provide equitable
13 services to eligible private school children, teachers,
14 administrators, and other staff.

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

1 vate school children. If such officials or their rep-
2 resentatives do not provide such affirmation within
3 a reasonable period of time, the local educational
4 agency shall forward the documentation that such
5 consultation has, or attempts at such consultation
6 have, taken place to the State educational agency.

7 “(6) COMPLIANCE.—

8 “(A) IN GENERAL.—If the consultation re-
9 quired under this section is with a local edu-
10 cational agency or educational service agency, a
11 private school official or representative shall
12 have the right to file a complaint with the State
13 educational agency that the consultation re-
14 quired under this section was not meaningful
15 and timely, did not give due consideration to
16 the views of the private school official or rep-
17 resentative, or did not treat the private school
18 or its students equitably as required by this sec-
19 tion.

20 “(B) PROCEDURE.—If the private school
21 official or representative wishes to file a com-
22 plaint, the private school official or representa-
23 tive shall provide the basis of the noncompli-
24 ance with this section and all parties shall pro-

1 vide the appropriate documentation to the ap-
2 propriate officials or representatives.

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

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

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

13 “(II) demonstrated that the local
14 educational agency or Education Serv-
15 ice Agency involved has not met the
16 requirements of this section; or

17 “(ii) in a case in which—

18 “(I) a local educational agency
19 has more than 10,000 children from
20 low-income families who attend pri-
21 vate elementary schools or secondary
22 schools in such agency’s school at-
23 tendance areas, as defined in section
24 1113(a)(2)(A), that are not being

1 served by the agency's program under
2 this section; or

3 “(II) 90 percent of the eligible
4 private school students in a school at-
5 tendance area, as defined in section
6 1113(a)(2)(A), are not being served
7 by the agency's program under this
8 section.

9 “(d) PUBLIC CONTROL OF FUNDS.—

10 “(1) IN GENERAL.—The control of funds used
11 to provide services under this section, and title to
12 materials, equipment, and property purchased with
13 those funds, shall be in a public agency for the uses
14 and purposes provided in this Act, and a public
15 agency shall administer the funds and property.

16 “(2) PROVISION OF SERVICES.—

17 “(A) IN GENERAL.—The provision of serv-
18 ices under this section shall be provided—

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

20 or

21 “(ii) through contract by the public
22 agency with an individual, association,
23 agency, organization, or other entity.

24 “(B) INDEPENDENCE; PUBLIC AGENCY.—

25 In the provision of those services, the employee,

1 person, association, agency, organization, or
2 other entity shall be independent of the private
3 school and of any religious organization, and
4 the employment or contract shall be under the
5 control and supervision of the public agency.

6 “(C) COMMINGLING OF FUNDS PROHIB-
7 ITED.—Funds used to provide services under
8 this section shall not be commingled with non-
9 Federal funds.

10 **“SEC. 6502. STANDARDS FOR BY-PASS.**

11 “(a) IN GENERAL.—If, by reason of any provision of
12 law, a State educational agency, local educational agency,
13 educational service agency, consortium of those agencies,
14 or other entity is prohibited from providing for the partici-
15 pation in programs of children enrolled in, or teachers or
16 other educational personnel from, private elementary
17 schools and secondary schools, on an equitable basis, or
18 if the Secretary determines that the agency, consortium,
19 or entity has substantially failed or is unwilling to provide
20 for that participation, as required by section 6501, the
21 Secretary shall—

22 “(1) waive the requirements of that section for
23 the agency, consortium, or entity; and

24 “(2) arrange for the provision of equitable serv-
25 ices to those children, teachers, or other educational

1 personnel through arrangements that shall be sub-
2 ject to the requirements of this section and of sec-
3 tions 6501, 6503, and 6504.

4 “(b) DETERMINATION.—In making the determina-
5 tion under subsection (a), the Secretary shall consider one
6 or more factors, including the quality, size, scope, and lo-
7 cation of the program, and the opportunity of private
8 school children, teachers, and other educational personnel
9 to participate in the program.

10 **“SEC. 6503. COMPLAINT PROCESS FOR PARTICIPATION OF**
11 **PRIVATE SCHOOL CHILDREN.**

12 “(a) PROCEDURES FOR COMPLAINTS.—The Sec-
13 retary shall develop and implement written procedures for
14 receiving, investigating, and resolving complaints from
15 parents, teachers, or other individuals and organizations
16 concerning violations of section 6501 by a State edu-
17 cational agency, local educational agency, educational
18 service agency, consortium of those agencies, or entity.
19 The individual or organization shall submit the complaint
20 to the State educational agency for a written resolution
21 by the State educational agency within 45 days.

22 “(b) APPEALS TO SECRETARY.—The resolution may
23 be appealed by an interested party to the Secretary not
24 later than 30 days after the State educational agency re-
25 solves the complaint or fails to resolve the complaint with-

1 in the 45-day time limit. The appeal shall be accompanied
2 by a copy of the State educational agency’s resolution,
3 and, if there is one, a complete statement of the reasons
4 supporting the appeal. The Secretary shall investigate and
5 resolve the appeal not later than 90 days after receipt of
6 the appeal.

7 **“Subpart 2—Prohibitions**

8 **“SEC. 6521. PROHIBITION AGAINST FEDERAL MANDATES,**
9 **DIRECTION, OR CONTROL.**

10 “(a) IN GENERAL.—No officer or employee of the
11 Federal Government shall, directly or indirectly, through
12 grants, contracts, or other cooperative agreements, man-
13 date, direct, incentivize, or control a State, local edu-
14 cational agency, or school’s specific instructional content,
15 academic standards and assessments, curricula, or pro-
16 gram of instruction, (including any requirement, direction,
17 incentive, or mandate to adopt the Common Core State
18 Standards developed under the Common Core State
19 Standards Initiative or any other academic standards com-
20 mon to a significant number of States), nor shall anything
21 in this Act be construed to authorize such officer or em-
22 ployee to do so.

23 “(b) FINANCIAL SUPPORT.—No officer or employee
24 of the Federal Government shall, directly or indirectly,
25 through grants, contracts, or other cooperative agree-

1 ments, make financial support available in a manner that
2 is conditioned upon a State, local educational agency, or
3 school's adoption of specific instructional content, aca-
4 demic standards and assessments, curriculum, or program
5 of instruction, (including any requirement, direction, or
6 mandate to adopt the Common Core State Standards de-
7 veloped under the Common Core State Standards Initia-
8 tive, any other academic standards common to a signifi-
9 cant number of States, or any assessment, instructional
10 content, or curriculum aligned to such standards), even
11 if such requirements are specified in an Act other than
12 this Act, nor shall anything in this Act be construed to
13 authorize such officer or employee to do so.

14 **“SEC. 6522. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
15 **USE OF FEDERAL FUNDS.**

16 “(a) GENERAL PROHIBITION.—Nothing in this Act
17 shall be construed to authorize an officer or employee of
18 the Federal Government directly or indirectly, whether
19 through a grant, contract, or cooperative agreement, to
20 mandate, direct, or control a State, local educational agen-
21 cy, or school's curriculum, program of instruction, or allo-
22 cation of State or local resources, or mandate a State or
23 any subdivision thereof to spend any funds or incur any
24 costs not paid for under this Act.

1 “(b) PROHIBITION ON ENDORSEMENT OF CUR-
2 RICULUM.—Notwithstanding any other prohibition of Fed-
3 eral law, no funds provided to the Department under this
4 Act may be used by the Department directly or indi-
5 rectly—whether through a grant, contract, or cooperative
6 agreement—to endorse, approve, develop, require, or sanc-
7 tion any curriculum, including any curriculum aligned to
8 the Common Core State Standards developed under the
9 Common Core State Standards Initiative or any other aca-
10 demic standards common to a significant number of
11 States, designed to be used in an elementary school or sec-
12 ondary school.

13 “(c) LOCAL CONTROL.—Nothing in this Act shall be
14 construed to—

15 “(1) authorize an officer or employee of the
16 Federal Government directly or indirectly—whether
17 through a grant, contract, or cooperative agree-
18 ment—to mandate, direct, review, or control a State,
19 local educational agency, or school’s instructional
20 content, curriculum, and related activities;

21 “(2) limit the application of the General Edu-
22 cation Provisions Act;

23 “(3) require the distribution of scientifically or
24 medically false or inaccurate materials or to prohibit

1 the distribution of scientifically or medically true or
2 accurate materials; or

3 “(4) create any legally enforceable right.

4 “(d) PROHIBITION ON REQUIRING FEDERAL AP-
5 PROVAL OR CERTIFICATION OF STANDARDS.—Notwith-
6 standing any other provision of Federal law, no State shall
7 be required to have academic standards approved or cer-
8 tified by the Federal Government, in order to receive as-
9 sistance under this Act.

10 “(e) RULE OF CONSTRUCTION ON BUILDING STAND-
11 ARDS.—Nothing in this Act shall be construed to mandate
12 national school building standards for a State, local edu-
13 cational agency, or school.

14 **“SEC. 6523. PROHIBITION ON FEDERALLY SPONSORED**
15 **TESTING.**

16 “(a) GENERAL PROHIBITION.—Notwithstanding any
17 other provision of Federal law and except as provided in
18 subsection (b), no funds provided under this Act to the
19 Secretary or to the recipient of any award may be used
20 to develop, pilot test, field test, implement, administer, or
21 distribute any federally sponsored national test or testing
22 materials in reading, mathematics, or any other subject,
23 unless specifically and explicitly authorized by law.

24 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
25 international comparative assessments developed under

1 the authority of section 153(a)(5) of the Education
2 Sciences Reform Act of 2002 and administered to only a
3 representative sample of pupils in the United States and
4 in foreign nations.

5 **“SEC. 6524. LIMITATIONS ON NATIONAL TESTING OR CER-**
6 **TIFICATION FOR TEACHERS.**

7 “(a) MANDATORY NATIONAL TESTING OR CERTIFI-
8 CATION OF TEACHERS.—Notwithstanding any other pro-
9 vision of this Act or any other provision of law, no funds
10 available to the Department or otherwise available under
11 this Act may be used for any purpose relating to a manda-
12 tory nationwide test or certification of teachers or edu-
13 cation paraprofessionals, including any planning, develop-
14 ment, implementation, or administration of such test or
15 certification.

16 “(b) PROHIBITION ON WITHHOLDING FUNDS.—The
17 Secretary is prohibited from withholding funds from any
18 State educational agency or local educational agency if the
19 State educational agency or local educational agency fails
20 to adopt a specific method of teacher or paraprofessional
21 certification.

22 **“SEC. 6525. PROHIBITED USES OF FUNDS.**

23 “No funds under this Act may be used—

1 “(1) for construction, renovation, or repair of
2 any school facility, except as authorized under title
3 IV or otherwise authorized under this Act;

4 “(2) for medical services, drug treatment or re-
5 habilitation, except for specialized instructional sup-
6 port services or referral to treatment for students
7 who are victims of, or witnesses to, crime or who il-
8 legally use drugs;

9 “(3) for transportation unless otherwise author-
10 ized under this Act;

11 “(4) to develop or distribute materials, or oper-
12 ate programs or courses of instruction directed at
13 youth, that are designed to promote or encourage
14 sexual activity, or normalize teen sexual activity as
15 an expected behavior, implicitly or explicitly, whether
16 homosexual or heterosexual;

17 “(5) to distribute or to aid in the distribution
18 on school grounds by any organization of legally ob-
19 scene materials to minors or any instruction or ma-
20 terials that normalize teen sexual activity as an ex-
21 pected behavior;

22 “(6) to provide sex education or HIV-prevention
23 education in schools unless that instruction is age
24 appropriate and includes the health benefits of absti-
25 nence; or

1 “(3) deny any local educational agency the
2 right to object to any administrative requirement, in-
3 cluding actions that place additional burdens or cost
4 on the local educational agency.

5 **“SEC. 6532. SCHOOLCHILDREN’S PROTECTION FROM ABOR-**
6 **TION PROVIDERS.**

7 “(a) LIMITATION ON FUNDING.—Notwithstanding
8 section 6102, no funds under this Act may be used by
9 any State educational agency or local educational agency
10 that enters into a contract or other agreement with a
11 school-based health center relating to the provision of
12 health services to students served by the agency unless
13 such center certifies that—

14 “(1) the center will not perform an abortion;
15 and

16 “(2) the center will not provide abortion-related
17 materials, referrals, or directions for abortion serv-
18 ices to any such student.

19 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to prevent a school-based health
21 center from providing non-abortion health services to
22 pregnant students.

23 “(c) SCHOOL-BASED HEALTH CENTER.—In this sec-
24 tion, the term ‘school-based health center’ has the mean-

1 ing given such term in section 2110(c)(9) of the Social
2 Security Act (42 U.S.C. 1397jj(c)(9)).

3 **“SEC. 6533. STATE CONTROL OVER STANDARDS.**

4 “(a) IN GENERAL.—Nothing in this Act shall be con-
5 strued to prohibit a State from withdrawing from the
6 Common Core State Standards or any other specific
7 standards.

8 “(b) PROHIBITION.—No officer or employee of the
9 Federal Government shall, directly or indirectly, through
10 grants, contracts or other cooperative agreements, through
11 waiver granted under section 6401 or through any other
12 authority, take any action against a State that exercises
13 its rights under subsection (a).

14 **“Subpart 3—Other Provisions**

15 **“SEC. 6541. ARMED FORCES RECRUITER ACCESS TO STU-**
16 **DENTS AND STUDENT RECRUITING INFORMA-**
17 **TION.**

18 “(a) POLICY.—

19 “(1) ACCESS TO STUDENT RECRUITING INFOR-
20 MATION.—Notwithstanding section 444(a)(5)(B) of
21 the General Education Provisions Act, each local
22 educational agency receiving assistance under this
23 Act shall provide, upon a request made by a military
24 recruiter or an institution of higher education, ac-
25 cess to the name, address, and telephone listing of

1 each secondary school student served by the local
2 educational agency, unless the parent of such stu-
3 dent has submitted the prior consent request under
4 paragraph (2).

5 “(2) CONSENT.—

6 “(A) OPT-OUT PROCESS.—A parent of a
7 secondary school student may submit a written
8 request, to the local educational agency, that
9 the student’s name, address, and telephone list-
10 ing not be released for purposes of paragraph
11 (1) without prior written consent of the parent.
12 Upon receiving such request, the local edu-
13 cational agency may not release the student’s
14 name, address, and telephone listing for such
15 purposes without the prior written consent of
16 the parent.

17 “(B) NOTIFICATION OF OPT-OUT PROC-
18 ESS.—Each local educational agency shall no-
19 tify the parents of the students served by the
20 agency of the option to make a request de-
21 scribed in subparagraph (A).

22 “(3) SAME ACCESS TO STUDENTS.—Each local
23 educational agency receiving assistance under this
24 Act shall provide military recruiters the same access
25 to secondary school students as is provided generally

1 to institutions of higher education or to prospective
2 employers of those students.

3 “(4) RULE OF CONSTRUCTION PROHIBITING
4 OPT-IN PROCESSES.—Nothing in this subsection
5 shall be construed to allow a local educational agen-
6 cy to withhold access to a student’s name, address,
7 and telephone listing from a military recruiter or in-
8 stitution of higher education by implementing an
9 opt-in process or any other process other than the
10 written consent request process under paragraph
11 (2)(A).

12 “(5) PARENTAL CONSENT.—For purposes of
13 this subsection, whenever a student has attained 18
14 years of age, the permission or consent required of
15 and the rights accorded to the parents of the stu-
16 dent shall only be required of and accorded to the
17 student.

18 “(b) NOTIFICATION.—The Secretary, in consultation
19 with the Secretary of Defense, shall, not later than 120
20 days after the date of the enactment of the Student Suc-
21 cess Act, notify school leaders, school administrators, and
22 other educators about the requirements of this section.

23 “(c) EXCEPTION.—The requirements of this section
24 do not apply to a private secondary school that maintains
25 a religious objection to service in the Armed Forces if the

1 objection is verifiable through the corporate or other orga-
2 nizational documents or materials of that school.

3 **“SEC. 6542. RULEMAKING.**

4 “The Secretary shall issue regulations under this Act
5 as prescribed under section 1401 only to the extent that
6 such regulations are necessary to ensure that there is com-
7 pliance with the specific requirements and assurances re-
8 quired by this Act.

9 **“SEC. 6543. PEER REVIEW.**

10 “(a) IN GENERAL.—If the Secretary uses a peer re-
11 view panel to evaluate an application for any program re-
12 quired under this Act, the Secretary shall conduct the
13 panel in accordance with this section.

14 “(b) MAKEUP.—The Secretary shall—

15 “(1) solicit nominations for peers to serve on
16 the panel from States that are—

17 “(A) practitioners in the subject matter; or

18 “(B) experts in the subject matter; and

19 “(2) select the peers from such nominees, ex-
20 cept that there shall be at least 75 percent practi-
21 tioners on each panel and in each group formed
22 from the panel.

23 “(c) GUIDANCE.—The Secretary shall issue the peer
24 review guidance concurrently with the notice of the grant.

25 “(d) REPORTING.—The Secretary shall—

1 “(1) make the names of the peer reviewers
2 available to the public before the final deadline for
3 the application of the grant;

4 “(2) make the peer review notes publically
5 available once the review has concluded; and

6 “(3) make any deviations from the peer review-
7 ers’ recommendations available to the public with an
8 explanation of the deviation.

9 “(e) **APPLICANT REVIEWS.**—An applicant shall have
10 an opportunity within 30 days to review the peer review
11 notes and appeal the score to the Secretary prior to the
12 Secretary making any final determination.

13 “(f) **PROHIBITION.**—The Secretary, and the Sec-
14 retary’s staff, may not attempt to participate in, or influ-
15 ence, the peer review process. No Federal employee may
16 participate in, or attempt to influence the peer review
17 process, except to respond to questions of a technical na-
18 ture, which shall be publicly reported.

19 **“SEC. 6544. PARENTAL CONSENT.**

20 “Upon receipt of written notification from the par-
21 ents or legal guardians of a student, the local educational
22 agency shall withdraw such student from any program
23 funded under part B of title III. The local educational
24 agency shall make reasonable efforts to inform parents or
25 legal guardians of the content of such programs or activi-

1 ties funded under this Act, other than classroom instruc-
2 tion.

3 **“SEC. 6548. SEVERABILITY.**

4 “If any provision of this Act is held invalid, the re-
5 mainder of this Act shall be unaffected thereby.

6 **“SEC. 6549. DEPARTMENT STAFF.**

7 “The Secretary shall—

8 “(1) not later than 60 days after the date of
9 the enactment of the Student Success Act, identify
10 the number of Department employees who worked
11 on or administered each education program and
12 project authorized under this Act, as such program
13 or project was in effect on the day before such en-
14 actment date, and publish such information on the
15 Department’s website;

16 “(2) not later than 60 days after such enact-
17 ment date, identify the number of full-time equiva-
18 lent employees who work on or administer programs
19 or projects authorized under this Act, as in effect on
20 the day before such enactment date, that have been
21 eliminated or consolidated since such date;

22 “(3) not later than 1 year after such enactment
23 date, reduce the workforce of the Department by the
24 number of full-time equivalent employees the De-
25 partment calculated under paragraph (2); and

1 “(4) not later than 1 year after such enactment
2 date, report to the Congress on—

3 “(A) the number of employees associated
4 with each program or project authorized under
5 this Act administered by the Department;

6 “(B) the number of full-time equivalent
7 employees who were determined to be associated
8 with eliminated or consolidated programs or
9 projects under paragraph (2);

10 “(C) how the Secretary reduced the num-
11 ber of employees at the Department under
12 paragraph (3);

13 “(D) the average salary of the employees
14 described in subparagraph (B) whose positions
15 were eliminated; and

16 “(E) the average salary of the full-time
17 equivalent employees who work on or admin-
18 ister a program or project authorized under this
19 Act by the Department, disaggregated by em-
20 ployee function with each such program or
21 project.

22 **“SEC. 6550. REDUCTION IN FEDERAL SPENDING.**

23 “To ensure the reduced Federal role established
24 under this Act is recognized when allocating spending
25 amounts and appropriations for the programs under this

1 Act, the Secretary, through the director of the Institute
2 for Education Sciences, shall—

3 “(1) not later than 60 days after the date of
4 the enactment of the Student Success Act, contract
5 with an economist with an expertise in workforce
6 and government efficiency;

7 “(2) not later than 1 year after the date of the
8 enactment of the Student Success Act and before
9 the Administration’s annual budget request for a fis-
10 cal year is submitted to Congress annually there-
11 after, require the economist to issue a report that—

12 “(A) examines the annual cost savings
13 from the reduced Federal requirements under
14 this Act, as amended by the Student Success
15 Act, as compared to the requirements under
16 this Act as in effect after fiscal year 2002 and
17 prior to the date of the enactment of the Stu-
18 dent Success Act and each year thereafter;

19 “(B) determines the reduced need for Fed-
20 eral funds to meet the Federal requirements
21 under this Act, as amended by the Student
22 Success Act, as compared to the requirements
23 under this Act as in effect after fiscal year
24 2002 and prior to the date of the enactment of
25 the Student Success Act; and

1 “(C) includes the specific reduced Federal
2 funding amounts and reduced number of em-
3 ployees at the Department necessary for compli-
4 ance with the provisions of this Act, as amend-
5 ed by the Student Success Act; and

6 “(3) not later than one week after Administra-
7 tion’s budget request is submitted to Congress for
8 each fiscal year, submit the report to the Commit-
9 tees on Budget and the Committees on Appropria-
10 tions of the House of Representatives and the Sen-
11 ate, and the Committee on Education and the Work-
12 force of the House of Representatives and the Com-
13 mittee on Health, Education, Labor, and Pensions
14 of the Senate.

15 **“SEC. 6551. SENSE OF CONGRESS ON PROTECTING STU-**
16 **DENT PRIVACY.**

17 “(a) FINDINGS.—The Congress finds as follows:

18 “(1) Students’ personally identifiable informa-
19 tion is important to protect.

20 “(2) Students’ information should not be
21 shared with individuals other than school officials in
22 charge of educating those students without clear no-
23 tice to parents.

24 “(3) With the use of more technology, and more
25 research about student learning, the responsibility to

1 protect students' personally identifiable information
2 is more important than ever.

3 “(4) Regulations allowing more access to stu-
4 dents' personal information could allow that infor-
5 mation to be shared or sold by individuals who do
6 not have the best interest of the students in mind.

7 “(5) The Secretary has the responsibility to en-
8 sure every entity that receives funding under this
9 Act holds any personally identifiable information in
10 strict confidence.

11 “(b) SENSE OF CONGRESS.—It is the sense of the
12 Congress that the Secretary should review all regulations
13 addressing issues of student privacy, including those under
14 this Act, and ensure that students' personally identifiable
15 information is protected.

16 **“Subpart 4—Restoration of State Sovereignty Over**
17 **Public Education**

18 **“SEC. 6561. STATES TO RETAIN RIGHTS AND AUTHORITIES**
19 **THEY DO NOT EXPRESSLY WAIVE.**

20 “(a) RETENTION OF RIGHTS AND AUTHORITIES.—
21 In order to ensure local control over the acceptance of
22 Federal funds, no officer, employee, or other authority of
23 the Secretary shall enforce against an authority of a State,
24 nor shall any authority of a State have any obligation to
25 obey, any requirement imposed as a condition of receiving

1 assistance under a grant program established under this
2 Act, nor shall such program operate within a State, unless
3 the legislature of that State shall have by law expressly
4 approved that program and, in doing so, have affirma-
5 tively agreed to abide by the conditions attached to the
6 receipt of such funds.

7 “(b) AMENDMENT OF TERMS OF RECEIPT OF FED-
8 ERAL FINANCIAL ASSISTANCE.—An officer, employee, or
9 other authority of the Secretary may release assistance
10 under a grant program established under this Act to a
11 State only after the legislature of the State has by law
12 expressly approved the program (as described in sub-
13 section (a)). This approval may be accomplished by a vote
14 to affirm a State budget that includes the use of such Fed-
15 eral funds and any such State budget must expressly in-
16 clude any requirement imposed as a condition of receiving
17 assistance under a grant program established under this
18 Act so that by approving the budget, the State legislature
19 is expressly approving the grant program and, in doing
20 so, has affirmatively agreed to abide by the conditions at-
21 tached to the receipt of such funds.

22 “(c) SPECIAL RULE FOR STATES WITH BIENNIAL
23 LEGISLATURES.—In the case of a State with a biennial
24 legislature—

1 “(1) during a year in which the State legisla-
2 ture does not meet, subsections (a) and (b) shall not
3 apply; and

4 “(2) during a year in which the State legisla-
5 ture meets, subsections (a) and (b) shall apply, and,
6 with respect to any grant program established under
7 this Act during the most recent year in which the
8 State legislature did not meet, the State may by law
9 expressly disapprove the grant program, and, if such
10 disapproval occurs, an officer, employee, or other au-
11 thority of the Secretary may not release any addi-
12 tional assistance to the State under that grant pro-
13 gram.

14 “(d) DEFINITION OF STATE AUTHORITY.—As used
15 in this section, the term ‘authority of a State’ includes
16 any administering agency of the State, any officer or em-
17 ployee of the State, and any local government authority
18 of the State.

19 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to allow the Secretary to condition
21 the receipt of any grant funds under this Act on the adop-
22 tion of any specific standards, including the Common Core
23 State Standards, assessments, or curriculum.

24 “(f) EFFECTIVE DATE.—This section applies in each
25 State beginning on the 90th day after the end of the first

1 regular session of the legislature of that State that begins
2 5 years after the date of the enactment of the Student
3 Success Act and shall continue to apply in subsequent
4 years until otherwise provided by law.

5 **“SEC. 6562. DEDICATION OF SAVINGS TO DEFICIT REDUC-**
6 **TION.**

7 “Notwithstanding any formula reallocations stipu-
8 lated under the Student Success Act, any funds under
9 such Act not allocated to a State because a State did not
10 affirmatively agree to the receipt of such funds shall not
11 be reallocated among the States.

12 **“SEC. 6563. DEFINITION OF STATE WITH BIENNIAL LEGIS-**
13 **LATURE.**

14 “In this Act, the term ‘State with a biennial legisla-
15 ture’ means a State the legislature of which meets every
16 other year.

17 **“SEC. 6564. INTENT OF CONGRESS.**

18 “It is the intent of Congress that other than the
19 terms and conditions expressly approved by State law
20 under the terms of this subpart, control over public edu-
21 cation and parental rights to control the education of their
22 children are vested exclusively within the autonomous zone
23 of independent authority reserved to the States and indi-
24 vidual Americans by the United States Constitution, other
25 than the Federal Government’s undiminishable obligation

1 to enforce minimum Federal standards of equal protection
2 and due process.

3 **“SEC. 6565. PRIVACY.**

4 “The Secretary shall ensure each grantee receiving
5 funds under this Act understands the importance of pri-
6 vacy protections for students and is aware of their respon-
7 sibilities under section 444 of the General Education Pro-
8 visions Act (20 U.S.C. 1232g) (commonly known as the
9 ‘Family Education Rights and Privacy Act of 1974’).

10 **“PART F—EVALUATIONS**

11 **“SEC. 6601. EVALUATIONS.**

12 “(a) RESERVATION OF FUNDS.—Except as provided
13 in subsections (c) and (d), the Secretary may reserve not
14 more than 0.5 percent of the amount appropriated to
15 carry out each categorical program authorized under this
16 Act. The reserved amounts shall be used by the Secretary,
17 acting through the Director of the Institute of Education
18 Sciences—

19 “(1) to conduct—

20 “(A) comprehensive evaluations of the pro-
21 gram or project;

22 “(B) studies of the effectiveness of the pro-
23 gram or project and its administrative impact
24 on schools and local educational agencies; and

1 “(C) the wide dissemination of evaluation
2 findings under this section with respect to pro-
3 grams authorized under this Act—

4 “(i) in a timely fashion;

5 “(ii) in forms that are understand-
6 able, easily accessible, and usable or adapt-
7 able for use in the improvement of edu-
8 cational practice;

9 “(iii) through electronic transfer, and
10 other means, such as posting, as available,
11 to the websites of State educational agen-
12 cies, local educational agencies, the Insti-
13 tute of Education Sciences, the Depart-
14 ment, and other relevant places; and

15 “(iv) in a manner that promotes the
16 utilization of such findings.

17 “(2) to evaluate the aggregate short- and long-
18 term effects and cost efficiencies across Federal pro-
19 grams assisted or authorized under this Act and re-
20 lated Federal preschool, elementary, and secondary
21 programs under any other Federal law; and

22 “(3) to increase the usefulness of evaluations of
23 grant recipients in order to ensure the continuous
24 progress of the program or project by improving the
25 quality, timeliness, efficiency, and use of information

1 relating to performance under the program or
2 project.

3 “(b) REQUIRED PLAN.—The Secretary, acting
4 through the Director of the Institute of Education
5 Sciences, may use the reserved amount under subsection
6 (a) only after completion of a comprehensive, multi-year
7 plan—

8 “(1) for the periodic evaluation of each of the
9 major categorical programs authorized under this
10 Act, and as resources permit, the smaller categorical
11 programs authorized under this Act;

12 “(2) that shall be developed and implemented
13 with the involvement of other officials at the Depart-
14 ment, as appropriate; and

15 “(3) that shall not be finalized until—

16 “(A) the publication of a notice in the Fed-
17 eral Register seeking public comment on such
18 plan and after review by the Secretary of such
19 comments; and

20 “(B) the plan is submitted for comment to
21 the Committee on Education and the Workforce
22 of the House of Representatives and the Com-
23 mittee on Health, Education, Labor, and Pen-
24 sions of the Senate and after review by the Sec-
25 retary of such comments.

1 “(c) TITLE I EXCLUDED.—The Secretary may not
2 reserve under subsection (a) funds appropriated to carry
3 out any program authorized under title I.

4 “(d) EVALUATION ACTIVITIES AUTHORIZED ELSE-
5 WHERE.—If, under any other provision of this Act (other
6 than title I), funds are authorized to be reserved or used
7 for evaluation activities with respect to a program or
8 project, the Secretary may not reserve additional funds
9 under this section for the evaluation of that program or
10 project.”.

11 (b) TECHNICAL AMENDMENTS.—

12 (1) TITLE IX.—

13 (A) SUBPART 1 OF PART E OF TITLE VI.—

14 (i) TRANSFER AND REDESIGNA-
15 TION.—Sections 9504 through 9506 (20
16 U.S.C. 7884, 7885, and 7886) are—

17 (I) transferred to title VI, as
18 amended by subsection (a) of this sec-
19 tion;

20 (II) inserted after section 6503
21 of such title; and

22 (III) redesignated as sections
23 6504 through 6506, respectively.

24 (ii) AMENDMENTS.—Section 6504 (as
25 so redesignated) is amended—

1 (I) in subsection (a)(1)(A), by
2 striking “section 9502” and inserting
3 “section 6502”;

4 (II) in subsection (b), by striking
5 “section 9501” and inserting “section
6 6501”; and

7 (III) in subsection (d), by strik-
8 ing “No Child Left Behind Act of
9 2001” and inserting “Student Success
10 Act”.

11 (B) SUBPART 2 OF PART E OF TITLE VI.—

12 (i) TRANSFER AND REDESIGNA-
13 TION.—Sections 9531, 9533, and 9534 (20
14 U.S.C. 7911, 7913, and 7914) are—

15 (I) transferred to title VI, as
16 amended by subparagraph (A) of this
17 paragraph;

18 (II) inserted after section 6525
19 of such title; and

20 (III) redesignated as sections
21 6526 through 6528, respectively.

22 (ii) AMENDMENTS.—Section 6528 (as
23 so redesignated) is amended—

1 (I) by striking “(a) IN GEN-
2 ERAL.—Nothing” and inserting
3 “Nothing”; and

4 (II) by striking subsection (b).

5 (C) SUBPART 3 OF PART E OF TITLE VI.—
6 Sections 9523, 9524, and 9525 (20 U.S.C.
7 7903, 7904, and 7905) are—

8 (i) transferred to title VI, as amended
9 by subparagraph (B) of this paragraph;

10 (ii) inserted after section 6544 of such
11 title; and

12 (iii) redesignated as sections 6545
13 through 6547, respectively.

14 (2) TITLE IV.—Sections 4141 and 4155 (20
15 U.S.C. 7151 and 7161) are—

16 (A) transferred to title VI, as amended by
17 this Act;

18 (B) inserted after section 6551; and

19 (C) redesignated as sections 6552 and
20 6553, respectively.

21 **SEC. 602. REPEAL.**

22 Title IX (20 U.S.C. 7801 et seq.), as amended by
23 section 601(b)(1) of this title, is repealed.

1 **SEC. 603. OTHER LAWS.**

2 Beginning on the date of the enactment of this Act,
3 any reference in law to the term “highly qualified” as de-
4 fined in section 9101 of the Elementary and Secondary
5 Education Act of 1965 shall be treated as a reference to
6 such term under section 9101 of the Elementary and Sec-
7 ondary Education Act of 1965 as in effect on the day be-
8 fore the date of the enactment of this Act.

9 **SEC. 604. AMENDMENT TO IDEA.**

10 Section 602 of the Individuals with Disabilities Edu-
11 cation Act (20 U.S.C. 1401) is amended by striking para-
12 graph (10).

13 **TITLE VII—HOMELESS**
14 **EDUCATION**

15 **SEC. 701. STATEMENT OF POLICY.**

16 Section 721 of the McKinney-Vento Homeless Assist-
17 ance Act (42 U.S.C. 11431) is amended—

18 (1) by amending paragraph (2) to read as fol-
19 lows:

20 “(2) In any State where compulsory residency
21 requirements or other requirements, laws, regula-
22 tions, practices, or policies may act as a barrier to
23 the identification, enrollment, attendance, or success
24 in school of homeless children and youths, the State
25 and local educational agencies will review and under-
26 take steps to revise such laws, regulations, practices,

1 or policies to ensure that homeless children and
2 youths are afforded the same free, appropriate pub-
3 lic education as is provided to other children and
4 youths.”;

5 (2) in paragraph (3), by striking “alone”; and

6 (3) in paragraph (4), by striking “challenging
7 State student academic achievement” and inserting
8 “State academic”.

9 **SEC. 702. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
10 **THE EDUCATION OF HOMELESS CHILDREN**
11 **AND YOUTHS.**

12 Section 722 of such Act (42 U.S.C. 11432) is amend-
13 ed—

14 (1) in subsection (a), by striking “(g).” and in-
15 serting “(h).”;

16 (2) by striking subsection (b);

17 (3) in subsection (c)—

18 (A) in paragraph (1)(A)—

19 (i) in clause (i), by adding “or” at the
20 end;

21 (ii) in clause (ii), by striking “; or” at
22 the end and inserting a period; and

23 (iii) by striking clause (iii); and

24 (B) by striking paragraph (3);

25 (4) in subsection (d)—

1 (A) in the matter preceding paragraph (1),
2 by striking “Grants” and inserting “Grant
3 funds from a grant made to a State”;

4 (B) by amending paragraph (2) to read as
5 follows:

6 “(2) To provide services and activities to im-
7 prove the identification of homeless children (includ-
8 ing preschool-aged homeless children and youths)
9 that enable such children and youths to enroll in, at-
10 tend, and succeed in school, or, if appropriate, in
11 preschool programs.”;

12 (C) in paragraph (3), by inserting before
13 the period at the end the following: “that can
14 sufficiently carry out the duties described in
15 this subtitle”; and

16 (D) by amending paragraph (5) to read as
17 follows:

18 “(5) To develop and implement professional de-
19 velopment programs for liaisons designated under
20 subsection (g)(1)(J)(ii) and other local educational
21 agency personnel—

22 “(A) to improve their identification of
23 homeless children and youths; and

1 “(B) to heighten their awareness of, and
2 capacity to respond to, specific needs in the
3 education of homeless children and youths.”;

4 (5) in subsection (e)—

5 (A) in paragraph (1)—

6 (i) by striking “sums” and inserting
7 “grant funds”; and

8 (ii) by inserting “a State under sub-
9 section (a) to” after “each year to”;

10 (B) in paragraph (2), by striking “funds
11 made available for State use under this sub-
12 title” and inserting “the grant funds remaining
13 after the State educational agency distributes
14 subgrants under paragraph (1)”; and

15 (C) in paragraph (3)—

16 (i) in subparagraph (C)(iv)(II), by
17 striking “sections 1111 and 1116” and in-
18 serting “section 1111”; and

19 (ii) in subparagraph (F)—

20 (I) in clause (i)—

21 (aa) in the matter preceding
22 subclause (I), by striking “a re-
23 port” and inserting “an annual
24 report”;

1 (bb) by striking “and” at
2 the end of subclause (II);

3 (cc) by striking the period at
4 the end of subclause (III) and in-
5 serting “; and”; and

6 (dd) by adding at the end
7 the following:

8 “(IV) the progress the separate
9 schools are making in helping all stu-
10 dents meet the State academic stand-
11 ards.”; and

12 (II) in clause (iii), by striking
13 “Not later than 2 years after the date
14 of enactment of the McKinney-Vento
15 Homeless Education Assistance Im-
16 provements Act of 2001, the” and in-
17 serting “The”;

18 (6) by amending subsection (f) to read as fol-
19 lows:

20 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
21 NATOR.—The Coordinator for Education of Homeless
22 Children and Youths established in each State shall—

23 “(1) gather and make publically available reli-
24 able, valid, and comprehensive information on—

1 “(A) the number of homeless children and
2 youths identified in the State, posted annually
3 on the State educational agency’s website;

4 “(B) the nature and extent of the problems
5 homeless children and youths have in gaining
6 access to public preschool programs and to pub-
7 lic elementary schools and secondary schools;

8 “(C) the difficulties in identifying the spe-
9 cial needs and barriers to the participation and
10 achievement of such children and youths;

11 “(D) any progress made by the State edu-
12 cational agency and local educational agencies
13 in the State in addressing such problems and
14 difficulties; and

15 “(E) the success of the programs under
16 this subtitle in identifying homeless children
17 and youths and allowing such children and
18 youths to enroll in, attend, and succeed in,
19 school;

20 “(2) develop and carry out the State plan de-
21 scribed in subsection (g);

22 “(3) collect data for and transmit to the Sec-
23 retary, at such time and in such manner as the Sec-
24 retary may require, a report containing information
25 necessary to assess the educational needs of home-

1 less children and youths within the State, including
2 data necessary for the Secretary to fulfill the respon-
3 sibilities under section 724(h);

4 “(4) in order to improve the provision of com-
5 prehensive education and related support services to
6 homeless children and youths and their families, co-
7 ordinate and collaborate with—

8 “(A) educators, including teachers, special
9 education personnel, administrators, and child
10 development and preschool program personnel;

11 “(B) providers of services to homeless chil-
12 dren and youths and their families, including
13 services of public and private child welfare and
14 social services agencies, law enforcement agen-
15 cies, juvenile and family courts, agencies pro-
16 viding mental health services, domestic violence
17 agencies, child care providers, runaway and
18 homeless youth centers, and providers of serv-
19 ices and programs funded under the Runaway
20 and Homeless Youth Act (42 U.S.C. 5701 et
21 seq.);

22 “(C) providers of emergency, transitional,
23 and permanent housing to homeless children
24 and youths, and their families, including public
25 housing agencies, shelter operators, operators of

1 transitional housing facilities, and providers of
2 transitional living programs for homeless
3 youths;

4 “(D) local educational agency liaisons des-
5 igned under subsection (g)(1)(J)(ii) for home-
6 less children and youths; and

7 “(E) community organizations and groups
8 representing homeless children and youths and
9 their families;

10 “(5) provide technical assistance to local edu-
11 cational agencies, in coordination with local edu-
12 cational agency liaisons designated under subsection
13 (g)(1)(J)(ii), to ensure that local educational agen-
14 cies comply with the requirements of subsection
15 (e)(3), paragraphs (3) through (7) of subsection (g),
16 and subsection (h);

17 “(6) provide professional development opportu-
18 nities for local educational agency personnel and the
19 homeless liaison designated under subsection
20 (g)(1)(J)(ii) to assist such personnel in meeting the
21 needs of homeless children and youths; and

22 “(7) respond to inquiries from parents and
23 guardians of homeless children and youths and un-
24 accompanied youths to ensure that each child or
25 youth who is the subject of such an inquiry receives

1 the full protections and services provided by this
2 subtitle.”;

3 (7) by amending subsection (g) to read as fol-
4 lows:

5 “(g) STATE PLAN.—

6 “(1) IN GENERAL.—In order to be eligible to
7 receive a grant under this section, each State edu-
8 cational agency shall submit to the Secretary a plan
9 to provide for the education of homeless children
10 and youths within the State that includes the fol-
11 lowing:

12 “(A) A description of how such children
13 and youths are (or will be) given the oppor-
14 tunity to meet the same State academic stand-
15 ards that all students are expected to meet.

16 “(B) A description of the procedures the
17 State educational agency will use to identify
18 such children and youths in the State and to
19 assess their needs.

20 “(C) A description of procedures for the
21 prompt resolution of disputes regarding the
22 educational placement of homeless children and
23 youths.

24 “(D) A description of programs for school
25 personnel (including liaisons, school leaders, at-

1 tendance officers, teachers, enrollment per-
2 sonnel, and specialized instructional support
3 personnel) to heighten the awareness of such
4 personnel of the specific needs of homeless ado-
5 lescents, including runaway and homeless
6 youths.

7 “(E) A description of procedures that en-
8 sure that homeless children and youths who
9 meet the relevant eligibility criteria are able to
10 participate in Federal, State, or local nutrition
11 programs.

12 “(F) A description of procedures that en-
13 sure that—

14 “(i) homeless children have equal ac-
15 cess to public preschool programs, adminis-
16 tered by the State educational agency or
17 local educational agency, as provided to
18 other children in the State;

19 “(ii) homeless youths and youths sep-
20 arated from public schools are identified
21 and accorded equal access to appropriate
22 secondary education and support services;
23 and

24 “(iii) homeless children and youths
25 who meet the relevant eligibility criteria

1 are able to participate in Federal, State, or
2 local education programs.

3 “(G) Strategies to address problems identi-
4 fied in the report provided to the Secretary
5 under subsection (f)(3).

6 “(H) Strategies to address other problems
7 with respect to the education of homeless chil-
8 dren and youths, including problems resulting
9 from enrollment delays that are caused by—

10 “(i) immunization and other health
11 records requirements;

12 “(ii) residency requirements;

13 “(iii) lack of birth certificates, school
14 records, or other documentation;

15 “(iv) guardianship issues; or

16 “(v) uniform or dress code require-
17 ments.

18 “(I) A demonstration that the State edu-
19 cational agency and local educational agencies
20 in the State have developed, and shall review
21 and revise, policies to remove barriers to the
22 identification, enrollment, and retention of
23 homeless children and youths in schools in the
24 State.

1 “(J) Assurances that the following will be
2 carried out:

3 “(i) The State educational agency and
4 local educational agencies in the State will
5 adopt policies and practices to ensure that
6 homeless children and youths are not stig-
7 matized or segregated on the basis of their
8 status as homeless.

9 “(ii) Local educational agencies will
10 designate an appropriate staff person, who
11 may also be a coordinator for other Fed-
12 eral programs, as a local educational agen-
13 cy liaison for homeless children and
14 youths, to carry out the duties described in
15 paragraph (6)(A).

16 “(iii) The State and its local edu-
17 cational agencies will adopt policies and
18 practices to ensure that transportation is
19 provided, at the request of the parent or
20 guardian (or in the case of an unaccom-
21 panied youth, the liaison), to and from the
22 school of origin, as determined in para-
23 graph (3)(A), in accordance with the fol-
24 lowing, as applicable:

1 “(I) If the child or youth con-
2 tinues to live in the area served by the
3 local educational agency in which the
4 school of origin is located, the child’s
5 or youth’s transportation to and from
6 the school of origin shall be provided
7 or arranged by the local educational
8 agency in which the school of origin is
9 located.

10 “(II) If the child’s or youth’s liv-
11 ing arrangements in the area served
12 by the local educational agency of ori-
13 gin terminate and the child or youth,
14 though continuing his or her edu-
15 cation in the school of origin, begins
16 living in an area served by another
17 local educational agency, the local
18 educational agency of origin and the
19 local educational agency in which the
20 child or youth is living shall agree
21 upon a method to apportion the re-
22 sponsibility and costs for providing
23 the child with transportation to and
24 from the school of origin. If the local
25 educational agencies are unable to

1 agree upon such method, the responsi-
2 bility and costs for transportation
3 shall be shared equally.

4 “(K) A description of how such youths will
5 receive assistance from counselors to advise,
6 prepare, and improve the readiness of such
7 youths for college.

8 “(2) COMPLIANCE.—

9 “(A) IN GENERAL.—Each plan adopted
10 under this subsection shall also describe how
11 the State will ensure that local educational
12 agencies in the State will comply with the re-
13 quirements of paragraphs (3) through (7).

14 “(B) COORDINATION.—Such plan shall in-
15 dicate what technical assistance the State will
16 furnish to local educational agencies and how
17 compliance efforts will be coordinated with the
18 local educational agency liaisons designated
19 under paragraph (1)(J)(ii).

20 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
21 MENTS.—

22 “(A) IN GENERAL.—The local educational
23 agency serving each child or youth to be as-
24 sisted under this subtitle shall, according to the
25 child’s or youth’s best interest—

1 “(i) continue the child’s or youth’s
2 education in the school of origin for the
3 duration of homelessness—

4 “(I) in any case in which a fam-
5 ily becomes homeless between aca-
6 demic years or during an academic
7 year; or

8 “(II) for the remainder of the
9 academic year, if the child or youth
10 becomes permanently housed during
11 an academic year; or

12 “(ii) enroll the child or youth in any
13 public school that nonhomeless students
14 who live in the attendance area in which
15 the child or youth is actually living are eli-
16 gible to attend.

17 “(B) SCHOOL STABILITY.—In determining
18 the best interest of the child or youth under
19 subparagraph (A), the local educational agency
20 shall—

21 “(i) presume that keeping the child or
22 youth in the school of origin is in the child
23 or youth’s best interest, except when doing
24 so is contrary to the wishes of the child’s

1 or youth's parent or guardian, or the unac-
2 companied youth;

3 “(ii) consider student-centered factors
4 related to the child's or youth's best inter-
5 est, including factors related to the impact
6 of mobility on achievement, education,
7 health, and safety of homeless children and
8 youth, giving priority to the wishes of the
9 homeless child's or youth's parent or
10 guardian or the unaccompanied youth in-
11 volved;

12 “(iii) if, after conducting the best in-
13 terest determination based on consider-
14 ation of the presumption in clause (i) and
15 the student-centered factors in clause (ii),
16 the local educational agency determines
17 that it is not in the child's or youth's best
18 interest to attend the school of origin or
19 the school requested by the parent, guard-
20 ian, or unaccompanied youth, provide the
21 child's or youth's parent or guardian or
22 the unaccompanied youth with a written
23 explanation of the reasons for its deter-
24 mination, in a manner and form under-
25 standable to such parent, guardian, or un-

1 accompanied youth, including information
2 regarding the right to appeal under sub-
3 paragraph (E); and

4 “(iv) in the case of an unaccompanied
5 youth, ensure that the homeless liaison
6 designated under paragraph (1)(J)(ii) as-
7 sists in placement or enrollment decisions
8 under this subparagraph, gives priority to
9 the views of such unaccompanied youth,
10 and provides notice to such youth of the
11 right to appeal under subparagraph (E).

12 “(C) ENROLLMENT.—

13 “(i) IN GENERAL.—The school se-
14 lected in accordance with this paragraph
15 shall immediately enroll the homeless child
16 or youth, even if the child or youth—

17 “(I) is unable to produce records
18 normally required for enrollment, such
19 as previous academic records, records
20 of immunization and other required
21 health records, proof of residency, or
22 other documentation; or

23 “(II) has missed application or
24 enrollment deadlines during any pe-
25 riod of homelessness.

1 “(ii) RELEVANT ACADEMIC
2 RECORDS.—The enrolling school shall im-
3 mediately contact the school last attended
4 by the child or youth to obtain relevant
5 academic and other records.

6 “(iii) RELEVANT HEALTH RECORDS.—
7 If the child or youth needs to obtain immu-
8 nizations or other required health records,
9 the enrolling school shall immediately refer
10 the parent or guardian of the child or
11 youth, or the unaccompanied child or
12 youth, to the local educational agency liai-
13 son designated under paragraph (1)(J)(ii),
14 who shall assist in obtaining necessary im-
15 munizations or screenings, or immuniza-
16 tion or other required health records, in
17 accordance with subparagraph (D).

18 “(D) RECORDS.—Any record ordinarily
19 kept by the school, including immunization or
20 other required health records, academic records,
21 birth certificates, guardianship records, and
22 evaluations for special services or programs, re-
23 garding each homeless child or youth shall be
24 maintained—

1 “(i) so that the records involved are
2 available, in a timely fashion, when a child
3 or youth enters a new school or school dis-
4 trict; and

5 “(ii) in a manner consistent with sec-
6 tion 444 of the General Education Provi-
7 sions Act (20 U.S.C. 1232g).

8 “(E) ENROLLMENT DISPUTES.—If a dis-
9 pute arises over school selection or enrollment
10 in a school—

11 “(i) the child or youth shall be imme-
12 diately enrolled in the school in which en-
13 rollment is sought, pending final resolution
14 of the dispute, including all available ap-
15 peals;

16 “(ii) the parent, guardian, or unac-
17 companied youth shall be provided with a
18 written explanation of any decisions made
19 by the school, the local educational agency,
20 or the State educational agency involved,
21 including the rights of the parent, guard-
22 ian, or youth to appeal such decisions;

23 “(iii) the parent, guardian, or unac-
24 companied youth shall be referred to the
25 local educational agency liaison designated

1 under paragraph (1)(J)(ii), who shall carry
2 out the dispute resolution process as de-
3 scribed in paragraph (1)(C) as expedi-
4 tiously as possible after receiving notice of
5 the dispute; and

6 “(iv) in the case of an unaccompanied
7 youth, the liaison shall ensure that the
8 youth is immediately enrolled in school in
9 which the youth seeks enrollment pending
10 resolution of such dispute.

11 “(F) PLACEMENT CHOICE.—The choice re-
12 garding placement shall be made regardless of
13 whether the child or youth lives with the home-
14 less parents or has been temporarily placed
15 elsewhere.

16 “(G) SCHOOL OF ORIGIN DEFINED.—

17 “(i) IN GENERAL.—In this paragraph,
18 the term ‘school of origin’ means the
19 school that a child or youth attended when
20 permanently housed or the school in which
21 the child or youth was last enrolled.

22 “(ii) RECEIVING SCHOOL.—When the
23 child or youth completes the final grade
24 level served by the school of origin, as de-
25 scribed in clause (i), the term “school of

1 origin” shall include the designated receiv-
2 ing school at the next grade level for all
3 feeder schools.

4 “(H) CONTACT INFORMATION.—Nothing
5 in this subtitle shall prohibit a local educational
6 agency from requiring a parent or guardian of
7 a homeless child to submit contact information.

8 “(I) PRIVACY.—Information about a home-
9 less child’s or youth’s living situation shall be
10 treated as a student education record under
11 section 444 of the General Education Provi-
12 sions Act (20 U.S.C. 1232g) and shall not be
13 released to housing providers, employers, law
14 enforcement personnel, or other persons or
15 agencies not authorized to have such informa-
16 tion under section 99.31 of title 34, Code of
17 Federal Regulations.

18 “(J) ACADEMIC ACHIEVEMENT.—The
19 school selected in accordance with this para-
20 graph shall ensure that homeless children and
21 youths have opportunities to meet the same
22 State academic standards to which other stu-
23 dents are held.

24 “(4) COMPARABLE SERVICES.—Each homeless
25 child or youth to be assisted under this subtitle shall

1 be provided services comparable to services offered
2 to other students in the school selected under para-
3 graph (3), including the following:

4 “(A) Transportation services.

5 “(B) Educational services for which the
6 child or youth meets the eligibility criteria, such
7 as services provided under title I of the Elemen-
8 tary and Secondary Education Act of 1965 (20
9 U.S.C. 6301 et seq.) or similar State or local
10 programs, educational programs for children
11 with disabilities, and educational programs for
12 English learners.

13 “(C) Programs in career and technical
14 education.

15 “(D) Programs for gifted and talented stu-
16 dents.

17 “(E) School nutrition programs.

18 “(5) COORDINATION.—

19 “(A) IN GENERAL.—Each local educational
20 agency serving homeless children and youths
21 that receives assistance under this subtitle shall
22 coordinate—

23 “(i) the provision of services under
24 this subtitle with local social services agen-
25 cies and other agencies or entities pro-

1 viding services to homeless children and
2 youths and their families, including serv-
3 ices and programs funded under the Run-
4 away and Homeless Youth Act (42 U.S.C.
5 5701 et seq.); and

6 “(ii) transportation, transfer of school
7 records, and other interdistrict activities,
8 with other local educational agencies.

9 “(B) HOUSING ASSISTANCE.—If applica-
10 ble, each State educational agency and local
11 educational agency that receives assistance
12 under this subtitle shall coordinate with State
13 and local housing agencies responsible for devel-
14 oping the comprehensive housing affordability
15 strategy described in section 105 of the Cran-
16 ston-Gonzalez National Affordable Housing Act
17 (42 U.S.C. 12705) to minimize educational dis-
18 ruption for children and youths who become
19 homeless.

20 “(C) COORDINATION PURPOSE.—The co-
21 ordination required under subparagraphs (A)
22 and (B) shall be designed to—

23 “(i) ensure that all homeless children
24 and youths are promptly identified;

1 “(ii) ensure that homeless children
2 and youths have access to, and are in rea-
3 sonable proximity to, available education
4 and related support services; and

5 “(iii) raise the awareness of school
6 personnel and service providers of the ef-
7 fects of short-term stays in a shelter and
8 other challenges associated with homeless-
9 ness.

10 “(D) HOMELESS CHILDREN AND YOUTHS
11 WITH DISABILITIES.—For children and youths
12 who are to be assisted both under this subtitle,
13 and under the Individuals with Disabilities
14 Education Act (20 U.S.C. 1400 et seq.) or sec-
15 tion 504 of the Rehabilitation Act of 1973 (29
16 U.S.C. 794), each local educational agency shall
17 coordinate the provision of services under this
18 subtitle with the provision of programs for chil-
19 dren with disabilities served by that local edu-
20 cational agency and other involved local edu-
21 cational agencies.

22 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

23 “(A) DUTIES.—Each local educational
24 agency liaison for homeless children and youths,

1 designated under paragraph (1)(J)(ii), shall en-
2 sure that—

3 “(i) homeless children and youths are
4 identified by school personnel through out-
5 reach and coordination activities with other
6 entities and agencies;

7 “(ii) homeless children and youths are
8 enrolled in, and have a full and equal op-
9 portunity to succeed in, schools of that
10 local educational agency;

11 “(iii) homeless families, children, and
12 youths have access to and receive edu-
13 cational services for which such families,
14 children, and youths are eligible, including
15 services through Head Start, Early Head
16 Start, early intervention, and preschool
17 programs administered by the local edu-
18 cational agency;

19 “(iv) homeless families, children, and
20 youths receive referrals to health care serv-
21 ices, dental services, mental health and
22 substances abuse services, housing services,
23 and other appropriate services;

24 “(v) the parents or guardians of
25 homeless children and youths are informed

1 of the educational and related opportuni-
2 ties available to their children and are pro-
3 vided with meaningful opportunities to par-
4 ticipate in the education of their children;

5 “(vi) public notice of the educational
6 rights of homeless children and youths is
7 disseminated in locations frequented by
8 parents or guardians of such children and
9 youths, and unaccompanied youths, includ-
10 ing schools, shelters, public libraries, and
11 soup kitchens in a manner and form un-
12 derstandable to the parents and guardians
13 of homeless children and youths, and unac-
14 companied youths;

15 “(vii) enrollment disputes are medi-
16 ated in accordance with paragraph (3)(E);

17 “(viii) the parent or guardian of a
18 homeless child or youth, and any unaccom-
19 panied youth, is fully informed of all trans-
20 portation services, including transportation
21 to the school of origin, as described in
22 paragraph (1)(J)(iii), and is assisted in ac-
23 cessing transportation to the school that is
24 selected under paragraph (3)(A);

1 “(ix) school personnel providing serv-
2 ices under this subtitle receive professional
3 development and other support; and

4 “(x) unaccompanied youths—

5 “(I) are enrolled in school;

6 “(II) have opportunities to meet
7 the same State academic standards to
8 which other students are held, includ-
9 ing through implementation of the
10 policies and practices required by
11 paragraph (1)(F)(ii); and

12 “(III) are informed of their sta-
13 tus as independent students under
14 section 480 of the Higher Education
15 Act of 1965 (20 U.S.C. 1087vv) and
16 receive verification of such status for
17 purposes of the Free Application for
18 Federal Student Aid described in sec-
19 tion 483 of such Act (20 U.S.C.
20 1090).

21 “(B) NOTICE.—State coordinators estab-
22 lished under subsection (d)(3) and local edu-
23 cational agencies shall inform school personnel,
24 service providers, advocates working with home-
25 less families, parents and guardians of homeless

1 children and youths, and homeless children and
2 youths of the duties of the local educational
3 agency liaisons, including publishing an annu-
4 ally updated list of the liaisons on the State
5 educational agency’s website.

6 “(C) LOCAL AND STATE COORDINATION.—

7 Local educational agency liaisons for homeless
8 children and youths shall, as a part of their du-
9 ties, coordinate and collaborate with State coor-
10 dinators and community and school personnel
11 responsible for the provision of education and
12 related services to homeless children and
13 youths. Such coordination shall include col-
14 lecting and providing to the State Coordinator
15 the reliable, valid, and comprehensive data
16 needed to meet the requirements of paragraphs
17 (1) and (3) of subsection (f).

18 “(7) REVIEW AND REVISIONS.—

19 “(A) IN GENERAL.—Each State edu-
20 cational agency and local educational agency
21 that receives assistance under this subtitle shall
22 review and revise any policies that may act as
23 barriers to the enrollment of homeless children
24 and youths in schools that are selected under
25 paragraph (3).

1 “(B) CONSIDERATION.—In reviewing and
2 revising such policies, consideration shall be
3 given to issues concerning transportation, im-
4 munization, residency, birth certificates, school
5 records and other documentation, and guard-
6 ianship.

7 “(C) SPECIAL ATTENTION.—Special atten-
8 tion shall be given to ensuring the enrollment
9 and attendance of homeless children and youths
10 who are not currently attending school.”;

11 (8) in subsection (h)(1)(A), by striking “fiscal
12 year 2009,” and inserting “fiscal years 2014
13 through 2019,”; and

14 (9) in subsection (h)(4), by striking “fiscal year
15 2009” and inserting “fiscal years 2014 through
16 2019”.

17 **SEC. 703. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
18 **THE EDUCATION OF HOMELESS CHILDREN**
19 **AND YOUTHS.**

20 Section 723 of such Act (42 U.S.C. 11433) is amend-
21 ed—

22 (1) in subsection (a)—

23 (A) in paragraph (1), by striking “facili-
24 tating the enrollment,” and inserting “facili-
25 tating the identification, enrollment,”;

1 (B) in paragraph (2)(A)—

2 (i) by adding “and” at the end of
3 clause (i);

4 (ii) by striking “; and” and inserting
5 a period at the end of clause (ii); and

6 (iii) by striking clause (iii); and

7 (C) by adding at the end the following:

8 “(4) DURATION OF GRANTS.—Subgrants
9 awarded under this section shall be for terms of not
10 to exceed 3 years.”;

11 (2) in subsection (b)—

12 (A) by striking paragraph (3) and redesignig-
13 nating paragraphs (4) and (5) as paragraphs
14 (3) and (4), respectively; and

15 (B) by adding at the end the following:

16 “(5) An assurance that the local educational
17 agency will collect and promptly provide data re-
18 quested by the State Coordinator pursuant to para-
19 graphs (1) and (3) of section 722(f).

20 “(6) An assurance that the local educational
21 agency has removed barriers to complying with the
22 requirements of section 722(g)(1)(I).”;

23 (3) in subsection (c)—

24 (A) in paragraph (1), by striking “726”
25 and inserting “722(a)”;

1 (B) in paragraph (2)—

2 (i) in subparagraph (A), by inserting
3 “identification,” before “enrollment”;

4 (ii) by amending subparagraph (B) to
5 read as follows:

6 “(B) The extent to which the application
7 reflects coordination with other local and State
8 agencies that serve homeless children and
9 youths.”; and

10 (iii) in subparagraph (C), by inserting
11 “(as of the date of submission of the appli-
12 cation)” after “current practice”;

13 (C) in paragraph (3)—

14 (i) by amending subparagraph (C) to
15 read as follows:

16 “(C) The extent to which the applicant will
17 promote meaningful involvement of parents or
18 guardians of homeless children or youths in the
19 education of their children.”;

20 (ii) in subparagraph (D), by striking
21 “within” and inserting “into”;

22 (iii) in subparagraph (G)—

23 (I) by striking “Such” and in-
24 serting “The extent to which the ap-
25 plicant’s program meets such”; and

1 (II) by striking “case manage-
2 ment or related”;

3 (iv) by redesignating subparagraph
4 (G) as subparagraph (I) and inserting
5 after subparagraph (F) the following:

6 “(G) The extent to which the local edu-
7 cational agency will use the subgrant to lever-
8 age resources, including by maximizing
9 nonsubgrant funding for the position of the liai-
10 son described in section 722(g)(1)(J)(ii) and
11 the provision of transportation.

12 “(H) How the local educational agency
13 uses funds to serve homeless children and
14 youths under section 1113(c)(3) of the Elemen-
15 tary and Secondary Education Act of 1965 (20
16 U.S.C. 6313(c)(3)).”; and

17 (v) by adding at the end the following:

18 “(J) An assurance that the applicant will
19 meet the requirements of section 722(g)(3).”;
20 and

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

22 (4) in subsection (d)—

23 (A) in paragraph (1)—

1 (i) by striking “challenging State aca-
2 demic content standards” and inserting
3 “State academic standards”; and

4 (ii) by striking “and challenging State
5 student academic achievement standards”;

6 (B) in paragraph (2)—

7 (i) by striking “students with limited
8 English proficiency,” and inserting
9 “English learners,”; and

10 (ii) by striking “vocational” and in-
11 serting “career”;

12 (C) in paragraph (3), by striking “pupil
13 services” and inserting “specialized instruc-
14 tional support”;

15 (D) in paragraph (7), by striking “, and
16 unaccompanied youths,” and inserting “, par-
17 ticularly homeless children and youths who are
18 not enrolled in school,”;

19 (E) in paragraph (9) by striking “medical”
20 and inserting “other required health”;

21 (F) in paragraph (10), by inserting before
22 the period at the end “, and other activities de-
23 signed to increase the meaningful involvement
24 of parents or guardians of homeless children or
25 youths in the education of their children”;

1 (G) in paragraph (12), by striking “pupil”
2 and inserting “specialized instructional sup-
3 port”; and

4 (H) in paragraph (13), by inserting before
5 the period at the end “and parental mental
6 health or substance abuse problems”.

7 **SEC. 704. SECRETARIAL RESPONSIBILITIES.**

8 Section 724 of such Act (42 U.S.C. 11434) is amend-
9 ed—

10 (1) by amending subsection (c) to read as fol-
11 lows:

12 “(c) NOTICE.—

13 “(1) IN GENERAL.—The Secretary shall, before
14 the next school year that begins after the date of the
15 enactment of the Student Success Act, update and
16 disseminate nationwide the public notice described in
17 this subsection (as in effect prior to such date) of
18 the educational rights of homeless children and
19 youths.

20 “(2) DISSEMINATION.—The Secretary shall dis-
21 seminate the notice nationally to all Federal agen-
22 cies, program grantees, and grant recipients serving
23 homeless families, children, and youths.”;

1 (2) in subsection (d), by striking “and dissemi-
2 nation” and inserting “, dissemination, and technical
3 assistance”;

4 (3) in subsection (e)—

5 (A) by striking “applications for grants
6 under this subtitle” and inserting “plans for
7 the use of grant funds under section 722”;

8 (B) by striking “60-day” and inserting
9 “120-day”; and

10 (C) by striking “120-day” and inserting
11 “180-day”;

12 (4) in subsection (f), by adding at the end the
13 following: “The Secretary shall provide support and
14 technical assistance to State educational agencies in
15 areas in which barriers to a free appropriate public
16 education persist.”;

17 (5) by amending subsection (g) to read as fol-
18 lows:

19 “(g) GUIDELINES.—The Secretary shall develop,
20 issue, and publish in the Federal Register, not later than
21 60 days after the date of the enactment of the Student
22 Success Act, strategies by which a State—

23 “(1) may assist local educational agencies to
24 implement the provisions amended by the Act; and

1 “(2) can review and revise State policies and
2 procedures that may present barriers to the identi-
3 fication, enrollment, attendance, and success of
4 homeless children and youths in school.”;

5 (6) in subsection (h)(1)(A), by inserting “in all
6 areas served by local educational agencies” before
7 the semicolon at the end; and

8 (7) in subsection (i), by striking “McKinney-
9 Vento Homeless Education Assistance Improvements
10 Act of 2001” and inserting “Student Success Act”.

11 **SEC. 705. DEFINITIONS.**

12 Section 725 of such Act (42 U.S.C. 11434a) is
13 amended—

14 (1) in paragraph (2)(B)(iv), by striking “1309”
15 and inserting “1139”; and

16 (2) in paragraph (3), by striking “9101” and
17 inserting “6101”.

18 **SEC. 706. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 726 of such Act (42 U.S.C. 11435) is amend-
20 ed to read as follows:

21 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

22 “For the purpose of carrying out this subtitle, there
23 are authorized to be appropriated \$65,042,000 for each
24 of fiscal years 2016 through 2019.”.

1 **TITLE VIII—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 801. FINDINGS; SENSE OF THE CONGRESS.**

4 (a) FINDINGS.—The Congress finds as follows:

5 (1) To avoid negative attention and litigation,
6 some local educational agencies have entered into
7 agreements with employees who are suspected of
8 abusing or are known to have abused students.

9 (2) Instead of reporting sexual misconduct with
10 minors to the proper authorities such as the police
11 or child welfare services, under such agreements the
12 local educational agencies, schools, and employees
13 keep the information private and facilitate the em-
14 ployee's transfer to another local educational agency.

15 (b) SENSE OF THE CONGRESS.—It is the sense of
16 the Congress that—

17 (1) confidentiality agreements between local
18 educational agencies or schools and suspected child
19 sex abusers should be prohibited;

20 (2) the practice of employee transfers after sus-
21 pected or proven sexual misconduct should be
22 stopped, and States should require local educational
23 agencies and schools to provide law enforcement
24 with all information regarding sexual conduct be-
25 tween an employee and a minor; and

1 **SEC. 803. ACCOUNTABILITY TO TAXPAYERS THROUGH MON-**
2 **ITORING AND OVERSIGHT.**

3 To ensure better monitoring and oversight of tax-
4 payer funds authorized to be appropriated under the Ele-
5 mentary and Secondary Education Act of 1965 (20 U.S.C.
6 6301 et seq.), and to deter and prohibit waste, fraud, and
7 abuse of such funds, the Secretary of Education—

8 (1) shall ensure that each recipient of a grant
9 or subgrant under such Act is aware of—

10 (A) their responsibility to comply with all
11 monitoring requirements under the applicable
12 program or programs;

13 (B) their further responsibility to monitor
14 properly any sub-grantee under the applicable
15 program or programs; and

16 (C) the Secretary's schedule for monitoring
17 and any other compliance reviews to ensure
18 proper use of Federal funds;

19 (2) shall review and analyze the results of moni-
20 toring and compliance reviews—

21 (A) to understand trends and identify com-
22 mon issues; and

23 (B) to issue guidance to help grantees ad-
24 dress these issues before the loss or misuse of
25 taxpayer funding occurs;

1 (3) shall publically report the work undertaken
2 by the Secretary to prevent fraud, waste, and abuse,
3 including specific cases where the Secretary found
4 and prevented the misuse of taxpayer funds; and

5 (4) shall work with the Office of Inspector Gen-
6 eral in the Department of Education as needed to
7 help ensure that employees of such department un-
8 derstand how to monitor grantees properly and to
9 help grantees monitor any sub-grantees properly.

10 **SEC. 804. PROHIBITION OF USING EDUCATION FUNDS FOR**
11 **EXCESS PAYMENTS TO CERTAIN RETIRE-**
12 **MENT OR PENSION SYSTEMS.**

13 (a) IN GENERAL.—No State receiving funds author-
14 ized under this Act or the amendments made by this Act
15 may require any local educational agency using funds au-
16 thorized under this Act to hire or pay the salary of teach-
17 ers to use such funds to make contributions to a teacher
18 retirement or pension system for a plan year in excess of
19 the normal cost of pension benefits for such plan year for
20 which the employing local educational agency has respon-
21 sibility.

22 (b) NORMAL COST DEFINED.—For purposes of this
23 section, the term “normal cost” means the portion of the
24 cost of projected benefits allocated to the current plan

1 year, not including any unfunded liabilities the teacher re-
2 tirement or pension system has accrued.

3 **SEC. 805. SENSE OF CONGRESS ON THE FREE EXERCISE OF**
4 **RELIGION.**

5 It is the sense of Congress that—

6 (1) a student, teacher, or school administrator
7 retains their rights under the First Amendment, in-
8 cluding the right to free exercise of religion, during
9 the school day or while on elementary and secondary
10 school grounds; and

11 (2) elementary and secondary schools should ex-
12 amine their policies to ensure that, in a manner con-
13 sistent with the Constitution, law, and court deci-
14 sions, students, teachers, and school administrators
15 are able to fully participate in activities on elemen-
16 tary and secondary school grounds related to their
17 religious freedom.

18 **TITLE IX—SCHOOLS OF THE**
19 **FUTURE ACT**

20 **SEC. 901. SHORT TITLE.**

21 This title may be cited as the “Schools of the Future
22 Act”.

23 **SEC. 902. FINDINGS.**

24 The Congress finds the following:

1 (1) Digital learning technology holds the prom-
2 ise of transforming rural education by removing bar-
3 riers of distance and increasing school capacity.

4 (2) While many large urban local educational
5 agencies are at the forefront of implementing new
6 digital learning innovations, it is often harder for
7 smaller and more rural local educational agencies to
8 access these tools. Smaller local educational agencies
9 with less capacity may also find it more difficult to
10 provide the training needed to effectively implement
11 new digital learning technologies.

12 (3) Despite the potential of digital learning in
13 rural areas, these advancements risk bypassing rural
14 areas without support for their implementation.
15 Rather than having schools and local educational
16 agencies apply digital learning innovations designed
17 for urban environments to rural areas, it is impor-
18 tant that digital learning technologies be developed
19 and implemented in ways that reflect the unique
20 needs of rural areas.

21 (4) Digital learning is rapidly expanding, and
22 new tools for improving teaching and learning are
23 being developed every day. A growing demand for
24 digital learning tools and products has made rig-
25 orous evaluation of their effectiveness increasingly

1 important, as this information would allow school
2 and local educational agency leaders to make in-
3 formed choices about how best to use these tools to
4 improve student achievement and educational out-
5 comes.

6 (5) High-quality digital learning increases stu-
7 dent access to courses that may not have been avail-
8 able to students in rural communities, increasing
9 their college and career readiness.

10 **SEC. 903. PROGRAM AUTHORIZED.**

11 (a) GRANTS TO ELIGIBLE PARTNERSHIPS.—From
12 the amounts appropriated to carry out this title, the Sec-
13 retary of Education is authorized to award grants, on a
14 competitive basis, to eligible partnerships to carry out the
15 activities described in section 906.

16 (b) DURATION OF GRANT.—A grant under subsection
17 (a) shall be awarded for not less than a 3-year and not
18 longer than a 5-year period.

19 (c) FISCAL AGENT.—If an eligible partnership re-
20 ceives a grant under this title, a school partner in the part-
21 nership shall serve as the fiscal agent for the partnership.

22 **SEC. 904. APPLICATION.**

23 An eligible partnership desiring a grant under this
24 title shall submit an application to the Secretary at such
25 time, in such manner, and containing such information as

1 the Secretary may require, which shall include the fol-
2 lowing:

3 (1) A description of the eligible partnership, in-
4 cluding the name of each of the partners and their
5 respective roles and responsibilities.

6 (2) A description of the technology-based learn-
7 ing practice, tool, strategy, or course that the eligi-
8 ble partnership proposes to develop or implement
9 using the grant funds.

10 (3) An assurance that all teachers of record
11 hold the relevant license and are otherwise qualified
12 to implement any technology-based practice, tool,
13 strategy, or course using the grant funds.

14 (4) An assurance that all students in a class or
15 school implementing a practice, tool, strategy or
16 course using the grant funds will have access to any
17 equipment necessary to participate on a full and eq-
18 uitable basis.

19 (5) An assurance that the proposed uses of
20 smartphones, laptops, tablets, or other devices sus-
21 ceptible to inappropriate use have the informed con-
22 sent of parents or guardians and are not incon-
23 sistent with any policies of the local educational
24 agency on the use of such devices.

1 (6) Information relevant to the selection criteria
2 under section 905(c).

3 (7) A description of the evaluation to be under-
4 taken by the eligible partnership, including—

5 (A) how the school partner and the evalua-
6 tion partner will work together to implement
7 the practice, tool, strategy, or course in such a
8 way that permits the use of a rigorous, inde-
9 pendent evaluation design that meets the stand-
10 ards of the What Works Clearinghouse of the
11 Institute of Education Sciences; and

12 (B) a description of the evaluation design
13 that meets such standards, which will be used
14 to measure any significant effects on the out-
15 comes described in paragraphs (1) through (3)
16 of section 907(a).

17 (8) An estimate of the number of students to
18 be reached through the grant and evidence of its ca-
19 pacity to reach the proposed number of students
20 during the course of the grant.

21 (9) Any other information the Secretary may
22 require.

23 **SEC. 905. APPLICATION REVIEW AND AWARD BASIS.**

24 (a) PEER REVIEW.—The Secretary shall use a peer
25 review process to review applications for grants under this

1 title. The Secretary shall appoint individuals to the peer
2 review process who have relevant expertise in digital learn-
3 ing, research and evaluation, standards quality and align-
4 ment, and rural education.

5 (b) AWARD BASIS.—In awarding grants under this
6 title, the Secretary shall ensure, to the extent practicable,
7 diversity in the type of activities funded under the grants.

8 (c) SELECTION CRITERIA.—In evaluating an eligible
9 partnership’s application for a grant under this title, the
10 Secretary shall consider—

11 (1) the need for the proposed technology-based
12 learning practice, tool, strategy, or course;

13 (2) the quality of the design of the proposed
14 practice, tool, strategy, or course;

15 (3) the strength of the existing research evi-
16 dence with respect to such practice, tool, strategy, or
17 course;

18 (4) the experience of the eligible partnership;
19 and

20 (5) the quality of the evaluation proposed by
21 the eligible partnership.

22 (d) DEDICATED FUNDING FOR FRINGE RURAL, DIS-
23 TANT RURAL, AND REMOTE RURAL SCHOOLS.—Not less
24 than 50 percent of the grant funds awarded under this
25 title shall be awarded to eligible partnerships that provides

1 assurances that the school partners in the eligible partner-
2 ship will ensure that each school to be served by the grant
3 is designated with a school locale code of Fringe Rural,
4 Distant Rural, or Remote Rural, as determined by the
5 Secretary.

6 **SEC. 906. USE OF FUNDS.**

7 (a) REQUIRED USE OF FUNDS.—

8 (1) IN GENERAL.—An eligible partnership re-
9 ceiving a grant under this title shall use such funds
10 to implement and evaluate the results of technology-
11 based learning practices, strategies, tools, or courses,
12 including the practices, strategies, tools, or courses
13 identified under paragraphs (2) through (6).

14 (2) TOOLS AND COURSES DESIGNED TO PER-
15 SONALIZE THE LEARNING EXPERIENCE.—Tech-
16 nology-based tools and courses identified under this
17 paragraph include the following types of tools and
18 courses designed to personalize the learning experi-
19 ence:

20 (A) Technology-based personalized instruc-
21 tional systems.

22 (B) Adaptive software, games, or tools,
23 that can be used to personalize learning.

24 (C) Computer-based tutoring courses to
25 help struggling students.

1 (D) Games, digital tools, and smartphone
2 or tablet applications to improve students' en-
3 gagement, focus, and time on task.

4 (E) Other tools and courses designed to
5 personalize the learning experience.

6 (3) PRACTICES AND STRATEGIES DESIGNED TO
7 AID AND INFORM INSTRUCTION.—Technology-based
8 practices and strategies identified under this para-
9 graph include the following types of practices and
10 strategies designed to aid and inform instruction:

11 (A) Adaptive software, games, or tools that
12 can be used for the purpose of formative assess-
13 ment.

14 (B) Web resources that provide teachers
15 and their students access to instructional and
16 curricular materials that are—

17 (i) aligned with high-quality stand-
18 ards; and

19 (ii) designed to prepare students for
20 college and a career, such as a repository
21 of primary historical sources for use in his-
22 tory and civics courses or examples of de-
23 velopmentally appropriate science experi-
24 ments.

1 (C) Online professional development oppor-
2 tunities, teacher mentoring opportunities, and
3 professional learning communities.

4 (D) Tools or web resources designed to ad-
5 dress specific instructional problems.

6 (E) Other practices and strategies de-
7 signed to personalize the learning experience.

8 (4) TOOLS, COURSES, AND STRATEGIES DE-
9 SIGNED TO IMPROVE THE ACHIEVEMENT OF STU-
10 DENTS WITH SPECIFIC EDUCATIONAL NEEDS.—
11 Technology-based tools, courses, and strategies iden-
12 tified under this paragraph include the following
13 types of tools, courses, and strategies designed to
14 meet the needs of students with specific educational
15 needs:

16 (A) Digital tools specifically designed to
17 meet the needs of students with a particular
18 disability.

19 (B) Online courses that give students who
20 are not on track to graduate or have already
21 dropped out of school the opportunity for accel-
22 erated credit recovery.

23 (C) Language instruction courses, games,
24 or software designed to meet the needs of
25 English language learners.

1 (D) Other tools, courses, and strategies de-
2 signed to personalize the learning experience.

3 (5) TOOLS, COURSES, AND STRATEGIES DE-
4 SIGNED TO HELP STUDENTS DEVELOP 21ST CEN-
5 TURY SKILLS.—Technology-based tools, courses, and
6 strategies identified under this paragraph include
7 peer-to-peer virtual learning opportunities to be used
8 for the purposes of project-based learning, deeper
9 learning, and collaborative learning, and other tools,
10 courses, and strategies designed to help students de-
11 velop 21st century skills, such as the ability to think
12 critically and solve problems, be effective commu-
13 nicators, collaborate with others, and learn to create
14 and innovate.

15 (6) TECHNOLOGY-BASED OR ONLINE COURSES
16 THAT ALLOW STUDENTS TO TAKE COURSES THAT
17 THEY WOULD NOT OTHERWISE HAVE ACCESS TO.—
18 Technology-based or online courses identified under
19 this paragraph include courses or collections of
20 courses approved by the applicable local educational
21 agency or State educational agency that provide stu-
22 dents with access to courses that they would not oth-
23 erwise have access to, such as the following:

24 (A) An online repository of elective
25 courses.

1 (B) Online or software-based courses in
2 foreign languages, especially in languages iden-
3 tified as critical or in schools where a teacher
4 is not available to teach the language or course
5 level a student requires.

6 (C) Online advanced or college-level
7 courses that can be taken for credit.

8 (b) AUTHORIZED USE OF FUNDS.—An eligible part-
9 nership receiving a grant under this title may use grant
10 funds to—

11 (1) develop or implement the technology for
12 technology-based learning strategies, practices,
13 courses, or tools to be carried out under the grant;

14 (2) purchase hardware or software needed to
15 carry out such strategies, practices, courses, or tools
16 under the grant, except that such purchases may not
17 exceed 50 percent of total grant funds;

18 (3) address the particular needs of student sub-
19 groups, including students with disabilities and
20 English-language learners;

21 (4) provide technology-based professional devel-
22 opment or professional development on how to maxi-
23 mize the utility of technology; and

24 (5) address issues of cost and capacity in rural
25 areas and shortage subjects.

1 (c) SUPPLEMENTATION.—An eligible partnership
2 that receives a grant under this title shall use the grant
3 funds to supplement, not supplant, the work of teachers
4 with students, and may not use such funds to reduce staff-
5 ing levels for the school partners in the eligible partner-
6 ship.

7 (d) TEACHER OF RECORD.—For each student in a
8 class or school implementing a practice, tool, strategy, or
9 course using grant funds provided under this title, there
10 shall be a teacher of record, holding the relevant certifi-
11 cation or license, and otherwise qualified to implement any
12 digitally-based practice, tool, strategy or course using the
13 grant funds. An eligible partnership shall use grant funds
14 provided under this title, and shall determine the extent
15 and nature of pedagogical uses of digital tools, in a man-
16 ner that is consistent with the judgments of teachers of
17 record about what is developmentally appropriate for stu-
18 dents.

19 **SEC. 907. DATA COLLECTION AND EVALUATION.**

20 (a) IN GENERAL.—Each eligible partnership receiv-
21 ing a grant under this title shall require its evaluation
22 partner to complete an independent, comprehensive, well-
23 designed, and well-implemented evaluation that meets the
24 standards of the What Works Clearinghouse after the

1 third year of implementation of the grant to measure the
2 effect of the practice, tool, strategy, or course on—

3 (1) growth in student achievement, as measured
4 by high quality assessments that provide objective,
5 valid, reliable measures of student academic growth
6 and information on whether a student is on-track to
7 graduate ready for college and career;

8 (2) costs and savings to the school partner; and

9 (3) at least one of the following:

10 (A) Student achievement gaps.

11 (B) Graduation and dropout rates.

12 (C) College enrollment.

13 (D) College persistence.

14 (E) College completion.

15 (F) Placement in a living-wage job.

16 (G) Enhanced teacher or principal effec-
17 tiveness as measured by valid, reliable, and
18 multiple measures of student achievement and
19 other appropriate measures.

20 (b) EVALUATION.—The Secretary shall—

21 (1) acting through the Director of the Institute
22 of Education Sciences—

23 (A) evaluate the implementation and im-
24 pact of the activities supported under the grant
25 program authorized under this section; and

1 (B) identify best practices; and

2 (2) disseminate, in consultation with the re-
3 gional educational laboratories established under
4 part D of the Education Sciences Reform Act of
5 2002 and comprehensive centers established under
6 the Educational Technical Assistance Act of 2002,
7 research on best practices in school leadership.

8 (c) IMPLEMENTATION EVALUATION.—An evaluation
9 partner may use funds under this title to carry out an
10 implementation evaluation designed to provide information
11 that may be useful for schools, local educational agencies,
12 States, consortia of schools, and charter school networks
13 seeking to implement similar practices, tools, strategies,
14 or courses in the future.

15 (d) PUBLICATION OF RESULTS.—Upon completion of
16 an evaluation described in subsection (a), (b), or (c) the
17 evaluation partner shall—

18 (1) submit a report of the results of the evalua-
19 tion to the Secretary; and

20 (2) make publicly available such results.

21 **SEC. 908. DEFINITIONS.**

22 In this title:

23 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-
24 ble partnership” means a partnership that includes
25 a school partner and not less than 1—

1 (A) digital learning partner, except that in
2 a case in which a school partner or evaluation
3 partner demonstrates expertise in digital learn-
4 ing to the Secretary; and

5 (B) evaluation partner.

6 (2) SCHOOL PARTNER.—The term “school part-
7 ner” means a—

8 (A) local educational agency;

9 (B) a charter school network that does not
10 include virtual schools;

11 (C) a consortium of public elementary
12 schools or secondary schools;

13 (D) a regional educational service agency
14 or similar regional educational service provider;
15 or

16 (E) a consortium of the entities described
17 in subparagraphs (A) through (D).

18 (3) DIGITAL LEARNING PARTNER.—The term
19 “digital learning partner” means an organization
20 with expertise in the technology required to develop
21 or implement the digital learning practices, tools,
22 strategies, or courses proposed by the school partner
23 with which the digital learning partner will partner
24 or has partnered under this title, such as—

25 (A) an institution of higher education;

1 (B) a nonprofit organization; or

2 (C) an organization with school develop-
3 ment or turnaround experience.

4 (4) EVALUATION PARTNER.—The term “evalua-
5 tion partner” means a partner that has the expertise
6 and ability to carry out the evaluation of a grant re-
7 ceived under this title, such as—

8 (A) an institution of higher education;

9 (B) a nonprofit organization with expertise
10 in evaluation; or

11 (C) an evaluation firm.

12 (5) INSTITUTION OF HIGHER EDUCATION.—The
13 term “institution of higher education” has the
14 meaning given the term in section 102 of the Higher
15 Education Act of 1965 (20 U.S.C. 1002).

16 (6) LOCAL EDUCATIONAL AGENCY.—The term
17 “local educational agency” has the meaning given
18 the term in section 9101 of the Elementary and Sec-
19 ondary Education Act of 1965 (20 U.S.C. 7801).

20 (7) SECRETARY.—The term “Secretary” means
21 the Secretary of Education.

Passed the House of Representatives July 8, 2015.

Attest:

KAREN L. HAAS,

Clerk.

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AN ACT

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.

JULY 13, 2015

Received; read twice and placed on the calendar