

110TH CONGRESS  
1ST SESSION

# S. 1775

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that no child is left behind.

---

IN THE SENATE OF THE UNITED STATES

JULY 12, 2007

Mr. BURR (for himself and Mr. GREGG) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that no child is left behind.

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 “No Child Left Behind  
5 Act of 2007”.

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

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE  
DISADVANTAGED

- Sec. 1001. Statement of purpose.
- Sec. 1002. Authorization of appropriations.
- Sec. 1003. School improvement.

PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL  
AGENCIES

- Sec. 1111. State plans.
- Sec. 1112. Local educational agency plans.
- Sec. 1113. Schoolwide programs.
- Sec. 1114. Targeted assistance schools.
- Sec. 1115. Academic assessment and local educational agency and school improvement.
- Sec. 1116. School support and recognition.
- Sec. 1117. Parental involvement.
- Sec. 1118. Qualifications for teachers and paraprofessionals.
- Sec. 1119. Grants for the outlying areas and the Secretary of the Interior.
- Sec. 1120. Allocations to States.
- Sec. 1121. Basic grants to local educational agencies.
- Sec. 1122. Education finance incentive grant program.

PART B—STUDENT READING SKILLS IMPROVEMENT GRANTS

SUBPART 1—READING FIRST

- Sec. 1201. Formula grants to State educational agencies.
- Sec. 1202. State formula grant applications.
- Sec. 1203. Targeted assistance grants.
- Sec. 1204. External evaluation.
- Sec. 1205. National activities.
- Sec. 1206. Prohibition of Federal Government intervention.

SUBPART 2—EARLY READING FIRST

- Sec. 1221. Evaluation.

SUBPART 3—STRIVING READERS

- Sec. 1231. Striving Readers.

SUBPART 4—IMPROVING LITERACY THROUGH SCHOOL LIBRARIES

- Sec. 1241. Improving literacy through school libraries.

PART C—EDUCATION OF MIGRATORY CHILDREN

- Sec. 1301. Program purpose.
- Sec. 1302. State allocations.
- Sec. 1303. State applications; services.
- Sec. 1304. Comprehensive needs assessment.
- Sec. 1305. Coordination of migrant education activities.
- Sec. 1306. Evaluation and study.

PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND  
YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

- Sec. 1401. Allocation of funds.
- Sec. 1402. Career education.

## PART E—NATIONAL ASSESSMENT OF TITLE I

- Sec. 1501. Evaluations.
- Sec. 1502. Assessment evaluation.
- Sec. 1503. Close up fellowship program.

## PART F—MATH NOW

- Sec. 1601. Math Now.

## PART G—ADVANCED PLACEMENT PROGRAMS

- Sec. 1701. Purposes.
- Sec. 1702. Advanced Placement incentive program grants.
- Sec. 1703. Supplement, not supplant.

## PART H—SECONDARY SCHOOL GRADUATION

- Sec. 1801. Secondary school graduation.

## PART I—GENERAL PROVISIONS

- Sec. 1901. Local educational agency spending audits.
- Sec. 1902. State report on dropout data.
- Sec. 1903. Regulations for sections 1111 and 1116.

TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH  
QUALITY TEACHERS AND PRINCIPALS

## PART A—TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND

- Sec. 2101. Purpose.
- Sec. 2102. Authorizations of appropriations.
- Sec. 2103. State applications and needs assessment.
- Sec. 2104. State use of funds.
- Sec. 2105. Local applications and needs assessment.
- Sec. 2106. Local use of funds.
- Sec. 2107. Definitions.
- Sec. 2108. National activities of demonstrated effectiveness.

## PART B—MATHEMATICS AND SCIENCE PARTNERSHIPS

- Sec. 2201. Allocation of funds.
- Sec. 2202. Authorization of appropriations.

## PART C—INNOVATION FOR TEACHER QUALITY

- Sec. 2301. Definitions.
- Sec. 2302. Authorization of troops-to-teachers program.
- Sec. 2303. Recruitment and selection of program participants.
- Sec. 2304. Participation agreement and financial assistance.
- Sec. 2305. Participation by States.
- Sec. 2306. Support of innovative preretirement teacher certification programs.
- Sec. 2307. Reporting requirements.
- Sec. 2308. Transition to teaching grant program.
- Sec. 2309. General provisions authorization of appropriations.
- Sec. 2310. National writing project.
- Sec. 2311. Civic education general authority.
- Sec. 2312. We the people program.

- Sec. 2313. Close Up fellowship program.
- Sec. 2314. Teaching of traditional American history.
- Sec. 2315. Appropriations for teaching of traditional American history.
- Sec. 2316. Teacher incentive fund program; adjunct teacher corps.

PART D—ENHANCING EDUCATION THROUGH TECHNOLOGY

- Sec. 2401. Authorization of appropriations.
- Sec. 2402. Allotment and reallocation.
- Sec. 2403. Applications.
- Sec. 2404. Local activities.
- Sec. 2405. National technology activities.
- Sec. 2406. National education technology plan.
- Sec. 2407. Ready-to-learn television.

TITLE III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH  
PROFICIENT AND IMMIGRANT CHILDREN

- Sec. 3101. Authorization of appropriations.

PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND  
ACADEMIC ACHIEVEMENT ACT

- Sec. 3111. Purposes.

SUBPART 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION  
AND LANGUAGE ENHANCEMENT

- Sec. 3115. Formula grants to States.
- Sec. 3116. Subgrants to eligible entities.
- Sec. 3117. Local plans.

SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

- Sec. 3121. Evaluations.
- Sec. 3122. Achievement objectives and accountability.
- Sec. 3123. Reporting requirements.

PART B—GENERAL PROVISIONS

- Sec. 3201. Improving language instruction educational programs.
- Sec. 3202. General provisions.

TITLE IV—21ST CENTURY SCHOOLS

PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

- Sec. 4101. Safe and drug-free schools and communities.

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS AND MENTORING  
PROGRAMS

- Sec. 4201. 21st century community learning centers.
- Sec. 4202. Mentoring programs.

TITLE V—PROMOTING INFORMED PARENTAL CHOICE AND  
INNOVATIVE PROGRAMS

PART A—INNOVATIVE PROGRAMS

- Sec. 5101. State uses of funds.
- Sec. 5102. State applications.
- Sec. 5103. Local uses of funds.
- Sec. 5104. Participation of children enrolled in private schools.
- Sec. 5105. Definitions.
- Sec. 5106. Authorization of appropriations.

#### PART B—PUBLIC CHARTER SCHOOLS

- Sec. 5201. Program authorized.
- Sec. 5202. Authorization of appropriations for charter school programs.
- Sec. 5203. Authorization of appropriations for credit enhancement initiatives.
- Sec. 5204. Authorization of appropriations for voluntary public school choice programs.

#### PART C—MAGNET SCHOOLS ASSISTANCE

- Sec. 5301. Findings and purpose.
- Sec. 5302. Definition.
- Sec. 5303. Limitations.
- Sec. 5304. Authorization of appropriations.

#### PART D—FUND FOR THE IMPROVEMENT OF EDUCATION

- Sec. 5401. Authorization of appropriations.
- Sec. 5402. Programs authorized.
- Sec. 5403. Studies of national significance.
- Sec. 5404. Counseling programs.
- Sec. 5405. Partnerships in character education.
- Sec. 5406. Programs to be struck.
- Sec. 5407. Gifted and talented students.
- Sec. 5408. Star schools program.
- Sec. 5409. Ready to teach.
- Sec. 5410. Foreign language assistance program.
- Sec. 5411. Physical education.
- Sec. 5412. Excellence in economic education.
- Sec. 5413. Arts in education.
- Sec. 5414. Parental assistance and local family information centers.

#### TITLE VI—FLEXIBILITY AND ACCOUNTABILITY

##### PART A—IMPROVING ACADEMIC ACHIEVEMENT

- Sec. 6101. Grants for State assessments and related activities.
- Sec. 6102. Grants for enhanced assessments for students with disabilities and limited English proficient students.
- Sec. 6103. Funding.
- Sec. 6104. Performance review and penalties.
- Sec. 6105. Local flexibility demonstration agreements.
- Sec. 6106. Performance review and penalties.
- Sec. 6107. Reports.
- Sec. 6108. Education flexibility partnership.
- Sec. 6109. Child-centered programming.

##### PART B—RURAL EDUCATION INITIATIVE

SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

- Sec. 6211. Redesignation.
- Sec. 6212. Grant programs authorized.
- Sec. 6213. Accountability.

SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM

- Sec. 6221. Program authorized.
- Sec. 6222. Accountability.

SUBPART 3—ALTERNATE USES OF FUNDS

- Sec. 6231. Use of applicable funding.

SUBPART 4—GENERAL PROVISIONS

- Sec. 6241. Annual average daily attendance determination.
- Sec. 6242. Supplement, not supplant.
- Sec. 6243. Authorization of appropriations.

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE  
EDUCATION

PART A—INDIAN EDUCATION

- Sec. 7101. Purpose.

SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

- Sec. 7111. Purpose.
- Sec. 7112. Grants to local educational agencies and tribes.
- Sec. 7113. Amount of grants.
- Sec. 7114. Report on obstacles to program integration.
- Sec. 7115. Student eligibility.

SUBPART 2—DEFINITIONS; AUTHORIZATION OF APPROPRIATIONS

- Sec. 7121. Definitions.
- Sec. 7122. Authorization of appropriations.

SUBPART 3—ADDITIONAL AMENDMENTS

- Sec. 7131. Department of Interior schools.

PART B—NATIVE HAWAIIAN EDUCATION

- Sec. 7201. Report date for Native Hawaiian Education Council and Island Councils.
- Sec. 7202. Program authorized.

PART C—ALASKA NATIVE EDUCATION

- Sec. 7301. Program authorized.

TITLE VIII—IMPACT AID PROGRAM

- Sec. 8101. Impact aid.

TITLE IX—GENERAL PROVISIONS

- Sec. 9101. Definitions.

Sec. 9102. Consolidation of funding for local administration.  
 Sec. 9103. Waivers.  
 Sec. 9104. Disasters and emergencies.  
 Sec. 9105. Participation by private school children and teachers.  
 Sec. 9106. By-pass determination process.

TITLE X—MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

Sec. 10001. Short title.  
 Sec. 10002. Grants for State and local activities.  
 Sec. 10003. Waivers by the Secretary.  
 Sec. 10004. Authorization of appropriations.

1 **SEC. 3. REFERENCES.**

2 Except as otherwise expressly provided, whenever in  
 3 this Act an amendment or repeal is expressed in terms  
 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 **TITLE I—IMPROVING THE AKA-**  
 9 **DEMIC ACHIEVEMENT OF THE**  
 10 **DISADVANTAGED**

11 **SEC. 1001. STATEMENT OF PURPOSE.**

12 Section 1001 (20 U.S.C. 6301) is amended—

13 (1) by redesignating paragraphs (5) through  
 14 (12) as paragraphs (6) through (13), respectively;  
 15 and

16 (2) by inserting after paragraph (4) the fol-  
 17 lowing:

18 “(5) ensuring that all children are taught by  
 19 highly qualified teachers and that low-income and  
 20 minority children are not taught at higher rates by

1 unqualified teachers than their more advantaged  
2 peers;”.

3 **SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 1002 (20 U.S.C. 6302) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by striking  
7 “\$13,500,000,000 for fiscal year 2002” and in-  
8 serting “\$14,000,000,000 for fiscal year 2008”;

9 (B) in paragraph (2), by striking “2003”  
10 and inserting “2009”;

11 (C) in paragraph (3), by striking “2004”  
12 and inserting “2010”;

13 (D) in paragraph (4), by striking “2005”  
14 and inserting “2011”;

15 (E) in paragraph (5), by striking “2006”  
16 and inserting “2012”; and

17 (F) in paragraph (6), by striking “2007”  
18 and inserting “2013”;

19 (2) in subsection (b)—

20 (A) in paragraph (1), by striking  
21 “\$900,000,000 for fiscal year 2002” and in-  
22 serting “\$1,000,000,000 for fiscal year 2008”;

23 (B) in paragraph (2), by striking  
24 “\$75,000,000 for fiscal year 2002” and insert-  
25 ing “\$120,000,000 for fiscal year 2008”;



1 (C) by striking paragraph (3) and insert-  
2 ing the following:

3 “(3) STRIVING READERS.—For the purpose of  
4 carrying out subpart 3 of part B, there are author-  
5 ized to be appropriated \$100,000,000 for fiscal year  
6 2008 and such sums as may be necessary for each  
7 of the 5 succeeding fiscal years.”; and

8 (D) in paragraph (4), by striking “2002”  
9 and inserting “2008”;

10 (3) in subsection (e), by striking “2002” and  
11 inserting “2008”;

12 (4) in subsection (d), by striking “2002” and  
13 inserting “2008”;

14 (5) by striking subsection (e) and inserting the  
15 following:

16 “(e) EVALUATION.—For the purpose of carrying out  
17 sections 1501 and 1502, there are authorized to be appro-  
18 priated such sums as may be necessary for fiscal year  
19 2008 and each of the 5 succeeding fiscal years.”;

20 (6) by striking subsection (f) and inserting the  
21 following:

22 “(f) MATH NOW.—For the purpose of carrying out  
23 part F, there are authorized to be appropriated such sums  
24 as may be necessary for fiscal year 2008 and each of the  
25 5 succeeding fiscal years.”;

1           (7) in subsection (g), by striking “2002” and  
2           inserting “2008”;

3           (8) by striking subsection (h) and inserting the  
4           following:

5           “(h) SECONDARY SCHOOL REFORM.—For the pur-  
6           pose of carrying out part H, there are authorized to be  
7           appropriated \$250,000,000 for fiscal year 2008 and such  
8           sums as may be necessary for each of the 5 succeeding  
9           fiscal years.”; and

10          (9) in subsection (i)—

11                 (A) by striking “1003(g)” and inserting  
12                 “1003(e)”;

13                 (B) by striking “2002” and inserting  
14                 “2008”.

15 **SEC. 1003. SCHOOL IMPROVEMENT.**

16          (a) AMENDMENTS.—Section 1003 (20 U.S.C. 6303)  
17          is amended—

18                 (1) in subsection (a)—

19                         (A) by striking “2 percent” and inserting  
20                         “4 percent”;

21                         (B) by striking “for fiscal years 2002” and  
22                         all that follows through “2007,” and inserting  
23                         “for each fiscal year”;

24                 (2) in subsection (b)—

1 (A) in the subsection heading, by inserting  
2 “ALLOCATION AND” before “USES”; and

3 (B) by striking paragraph (1) and insert-  
4 ing the following:

5 “(1) shall allocate not less than 95 percent di-  
6 rectly to—

7 “(A) local educational agencies for schools  
8 identified for school improvement and restruc-  
9 turing, for activities under section 1116(b); and

10 “(B) local educational agencies identified  
11 for school improvement or correction action  
12 under section 1116, for activities under section  
13 1116(c); or”;

14 (3) by striking subsections (c), (e), (f), and (g);

15 (4) by redesignating subsection (d) as sub-  
16 section (c); and

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

18 “(d) ASSISTANCE FOR LOCAL SCHOOL IMPROVE-  
19 MENT.—

20 “(1) PROGRAM AUTHORIZED.—The Secretary  
21 shall award grants to States, from allotments under  
22 paragraph (3), to enable the States to provide sub-  
23 grants to local educational agencies for the purpose  
24 of providing assistance for school and local edu-

1 cational agency improvement, consistent with section  
2 1116.

3 “(2) STATE ALLOTMENTS.—Such grants shall  
4 be allotted among States, the Department of the In-  
5 terior, and the outlying areas, for a fiscal year in  
6 proportion to the funds received by the States, the  
7 Department of the Interior, and the outlying areas,  
8 respectively, for the fiscal year under part A of this  
9 title.

10 “(3) RESERVATION.—For each fiscal year the  
11 Secretary may reserve not more than 1 percent of  
12 funds appropriated under section 1002(i) to conduct  
13 research, evaluation, and dissemination activities re-  
14 lated to the identification of effective school and  
15 local educational agency improvement practices.

16 “(4) REALLOCATIONS.—If a State does not re-  
17 ceive funds under this subsection, the Secretary shall  
18 reallocate such funds to other States in the same  
19 proportion as funds are allocated under paragraph  
20 (2).

21 “(5) STATE APPLICATIONS.—Each State edu-  
22 cational agency that receives funds under this sub-  
23 section shall submit an application to the Secretary  
24 at such time, and containing such information, as  
25 the Secretary shall reasonably require, except that

1 such requirement shall be waived if a State edu-  
2 cational agency submitted such information as part  
3 of its State plan under this part. Each State appli-  
4 cation shall, at a minimum, describe—

5 “(A) how the State educational agency will  
6 use the funds provided under this subsection to  
7 assist local educational agencies that have the  
8 greatest need for such assistance, including how  
9 the State will set priorities among—

10 “(i) local educational agencies serving  
11 schools that have persistently not made  
12 adequate yearly progress and are under-  
13 going school improvement or restructuring  
14 under section 1116;

15 “(ii) local educational agencies serving  
16 schools that are at risk of being identified  
17 for restructuring under section 1116; and

18 “(iii) local educational agencies that  
19 are undergoing improvement or corrective  
20 action under section 1116;

21 “(B) how the State educational agency will  
22 use the funds provided under this subsection to  
23 employ strategically the mechanisms described  
24 in section 1117 (including school support teams  
25 and the other elements of a statewide system of

1 intensive and sustained support) to meet the  
2 needs of the schools in the State that are un-  
3 dergoing school improvement and restructuring  
4 under section 1116, and to meet the needs of  
5 the local educational agencies in the State that  
6 are undergoing improvement and corrective ac-  
7 tion under section 1116, including how the  
8 State educational agency will use any funds the  
9 State educational agency retains under para-  
10 graph (6)(B) to complement and build on the  
11 activities that local educational agencies carry  
12 out with the funds local educational agencies re-  
13 ceive under this subsection;

14 “(C) how the State educational agency will  
15 ensure that activities carried out with funds  
16 provided under this subsection are based on the  
17 findings of scientifically based research on im-  
18 proving student achievement, including a de-  
19 scription of how the State educational agency  
20 will review the applications submitted by local  
21 educational agencies for assistance under this  
22 subsection to determine the quality of the appli-  
23 cations;

1           “(D) the objectives that the State edu-  
2           cational agency intends to meet through the ac-  
3           tivities described in the application; and

4           “(E) how the State educational agency will  
5           disseminate the results achieved through activi-  
6           ties carried out with funds received under this  
7           subsection, particularly with respect to activities  
8           that have been successful.

9           “(6) USES OF FUNDS.—A State educational  
10          agency that receives a grant under this subsection  
11          shall—

12           “(A) use at least 80 percent of the grant  
13           funds, to award subgrants, on a competitive  
14           basis, to local educational agencies identified for  
15           improvement or corrective action under section  
16           1116 or that serve schools identified for school  
17           improvement or restructuring under section  
18           1116, except that no State educational agency  
19           shall award a smaller amount under this para-  
20           graph for a fiscal year, in the aggregate, to  
21           local educational agencies within the State than  
22           the State educational agency allocated to such  
23           local educational agencies for fiscal year 2007  
24           under subsection (g) of this section (as such  
25           subsection was in effect on the day before the

1 date of enactment of No Child Left Behind Act  
2 of 2007); and

3 “(B) use any remaining funds to imple-  
4 ment a statewide system of support for school  
5 and local educational agency improvements as  
6 required under section 1117.

7 “(7) LOCAL EDUCATIONAL AGENCY SUB-  
8 GRANTS.—A subgrant to a local educational agency  
9 under this subsection shall be—

10 “(A) of sufficient size and scope to support  
11 implementation of the activities described in a  
12 school or local educational agency improvement  
13 plan under section 1116, except that the  
14 amount made available under the subgrant to a  
15 participating school shall be not less than  
16 \$50,000 and not more than \$500,000; and

17 “(B) renewable for 2 additional 1-year pe-  
18 riods if schools or local educational agencies are  
19 meeting the goals described in their school im-  
20 provement plans developed under section 1116.

21 “(8) REPORTING.—The State educational agen-  
22 cy shall annually report to the Secretary, and shall  
23 make publicly available within the State, information  
24 on—



1           “(A) the schools and local educational  
2 agencies within the State that received financial  
3 or other assistance with funds provided under  
4 this subsection;

5           “(B) the services provided to schools and  
6 local educational agencies and the activities car-  
7 ried out with funds under this subsection; and

8           “(C) the results obtained through the pro-  
9 vision of services and the completion of activi-  
10 ties.”.

11       (b)       CONFORMING        AMENDMENT.—Section  
12 1117(c)(1)(A) (20 U.S.C. 6317(c)(1)(A)) is amended by  
13 striking “1003(g)” and inserting “1003(d)”.

14           **PART A—IMPROVING BASIC PROGRAMS**  
15           **OPERATED BY LOCAL EDUCATIONAL AGENCIES**

16       **SEC. 1111. STATE PLANS.**

17       Section 1111 (20 U.S.C. 6311) is amended—

18           (1) in subsection (a), by adding at the end the  
19 following:

20           “(3) PEER-REVIEW AND SECRETARIAL AP-  
21 PROVAL.—The Secretary shall—

22           “(A) establish a peer-review process to as-  
23 sist in the review of State plans submitted  
24 under paragraph (1);

1           “(B) appoint individuals to the peer-review  
2 process who are—

3           “(i) representative of parents, teach-  
4 ers, State educational agencies, and local  
5 educational agencies; and

6           “(ii) familiar with educational stand-  
7 ards, assessments, accountability, the  
8 needs of low-performing schools, and other  
9 educational needs of students;

10          “(C) approve a State plan within 120 days  
11 of the plan’s submission unless the Secretary  
12 determines that the plan does not meet the re-  
13 quirements of this section;

14          “(D) if the Secretary determines that the  
15 State plan does not meet the requirements of  
16 this subsection, subsection (b), or subsection  
17 (c), immediately notify the State of such deter-  
18 mination and the reasons for such determina-  
19 tion;

20          “(E) not decline to approve a State’s plan  
21 before—

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

24           “(ii) providing technical assistance in  
25 order to assist the State to meet the re-

1                    requirements of this subsection, subsection  
2                    (b), and subsection (c); and

3                    “(iii) providing a hearing; and

4                    “(F) disapprove a State plan for not meet-  
5                    ing the requirements of this part, but not re-  
6                    quire a State as a condition of approval of the  
7                    State plan—

8                    “(i) to include in, or delete from, such  
9                    plan, 1 or more specific elements of the  
10                   State’s academic content standards; or

11                   “(ii) to use specific academic assess-  
12                   ment instruments or items.

13                   “(4) STATE REVISIONS.—A State plan shall be  
14                   revised by the State educational agency if it is nec-  
15                   essary to satisfy the requirements of this section.

16                   “(5) DURATION OF THE PLAN.—

17                   “(A) IN GENERAL.—Each State plan  
18                   shall—

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

22                   “(ii) be periodically reviewed and re-  
23                   vised, as the State educational agency de-  
24                   termines necessary, to reflect changes in

1           the State’s strategies and programs under  
2           this part.

3           “(B) ADDITIONAL INFORMATION.—If sig-  
4           nificant changes are made to a State’s plan,  
5           such as the adoption of new State academic  
6           content standards, new State student academic  
7           achievement standards, new academic assess-  
8           ments, or a new definition of adequate yearly  
9           progress, such information shall be submitted to  
10          the Secretary for review and approval.

11          “(6) PENALTIES.—

12                 “(A) FAILURE TO MEET DEADLINES EN-  
13                 ACTED IN 2002.—

14                         “(i) IN GENERAL.—If a State fails to  
15                         meet the deadlines established by the No  
16                         Child Left Behind Act of 2001, the Sec-  
17                         retary shall withhold 25 percent of the  
18                         funds that would otherwise be available to  
19                         the State for State administration and ac-  
20                         tivities under this part in each year until  
21                         the Secretary determines that the State  
22                         meets those requirements.

23                         “(ii) NO EXTENSION.—Notwith-  
24                         standing any other provision of law, 90  
25                         days after the date of enactment of the No

1 Child Left Behind Act of 2007 the Sec-  
2 retary shall not grant any additional waiv-  
3 ers of, or enter into any additional compli-  
4 ance agreements to extend, the deadlines  
5 described in subparagraph (A) for any  
6 State.

7 “(B) FAILURE TO MEET REQUIREMENTS  
8 ENACTED IN 2007.—If a State fails to meet any  
9 of the requirements of this section, other than  
10 the requirements described in subparagraph  
11 (A), then the Secretary may withhold funds for  
12 State administration under this part until the  
13 Secretary determines that the State has fulfilled  
14 those requirements.”;

15 (2) in subsection (b)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (C), by striking  
18 “(beginning in the 2005–2006 school  
19 year)”;

20 (ii) by redesignating subparagraphs  
21 (E) and (F) as subparagraphs (G) and  
22 (H), respectively; and

23 (iii) by inserting after subparagraph  
24 (D) the following:

1           “(E) ALTERNATE ACADEMIC ACHIEVE-  
2           MENT STANDARDS.—Notwithstanding any other  
3           provision of this paragraph, a State may,  
4           through a documented and validated standards-  
5           setting process, define alternate academic  
6           achievement standards for students with the  
7           most significant cognitive disabilities who take  
8           an alternate assessment, if those standards—

9                   “(i) are aligned with the State’s aca-  
10                  demic content standards;

11                  “(ii) promote access to the general  
12                  curriculum; and

13                  “(iii) reflect professional judgment of  
14                  the highest achievement standards attain-  
15                  able by those students.

16           “(F) MODIFIED ACADEMIC ACHIEVEMENT  
17           STANDARDS.—Notwithstanding any other provi-  
18           sion of this paragraph, a State may, through a  
19           documented and validated standards-setting  
20           process, adopt modified academic achievement  
21           standards for students who have disabilities  
22           that preclude the students from achieving  
23           grade-level proficiency within the academic year  
24           covered by a student’s individualized education  
25           program under section 614(d) of the Individ-

1 uals with Disabilities Education Act, if the  
2 modified standards—

3 “(i) are aligned with the State’s aca-  
4 demic content standards for the grade in  
5 which the student is enrolled;

6 “(ii) are challenging for eligible stu-  
7 dents, except that the modified standards  
8 may be less difficult than the grade-level  
9 academic achievement standards under this  
10 section;

11 “(iii) include at least 3 achievement  
12 levels.”; and

13 (iv) in subparagraph (H), as redesi-  
14 gnated by clause (ii), by striking “2001”  
15 and inserting “2007”;

16 (B) in paragraph (2)—

17 (i) in subparagraph (C)—

18 (I) by striking clause (vi) and in-  
19 serting the following:

20 “(vi) in accordance with subparagraph  
21 (D), includes graduation rates for public  
22 secondary school students disaggregated by  
23 each category of students described in  
24 clause (v), and at least 1 other academic

1 indicator (as determined by the State) for  
2 all public elementary school students;”;

3 (II) in clause (vii), by striking  
4 the period and inserting “; and”; and

5 (III) by adding at the end the  
6 following:

7 “(viii) in carrying out clause (v) and  
8 (vii), ensures that the minimum number of  
9 students necessary to yield statistically re-  
10 liable information is the same for the  
11 group of all students described in clause  
12 (v)(I) and each of the subgroups described  
13 in clause (v)(II)”;

14 (ii) in subparagraph (D)—

15 (I) in clause (i), by striking  
16 “and” after the semicolon;

17 (II) by striking clause (ii) and in-  
18 serting the following:

19 “(ii) except as provided in subpara-  
20 graph (I)(i), may not use those indicators  
21 to reduce the number of, or change, the  
22 schools that would otherwise be subject to  
23 school improvement or restructuring under  
24 section 1116 if those indicators were not  
25 used, but may use those indicators to iden-



1           tify additional schools for school improve-  
2           ment or restructuring under section 1116;  
3           and”;

4                       (III) by adding at the end the  
5           following:

6                       “(iii) shall calculate the graduation  
7           rate—

8                               “(I) beginning not later than the  
9                               end of the 2011–2012 school year, by  
10                              dividing the number of students in a  
11                              school or served by a local educational  
12                              agency who receive a regular diploma  
13                              by the number of first-time ninth-  
14                              grade students who were enrolled in  
15                              the school or were served by the local  
16                              educational agency 4 years earlier,  
17                              taking into account—

18                                       “(aa) the movement of stu-  
19                                       dents into and out of the school  
20                                       or local educational agency, docu-  
21                                       mented through such evidence as  
22                                       a transcript, over the 4-year pe-  
23                                       riod; and

24                                       “(bb) the additional time  
25                                       that may be required for students

1 with disabilities and recently ar-  
2 rived students who have limited  
3 English proficiency to graduate  
4 with a regular secondary school  
5 diploma; and

6 “(II) prior to the timeframe de-  
7 scribed in subclause (I), by using the  
8 averaged freshman graduation rate as  
9 defined by the National Center for  
10 Education Statistics.”;

11 (iii) in subparagraph (F), by inserting  
12 “of mathematics and reading or language  
13 arts” after “State assessments”;

14 (iv) in subparagraph (G)—

15 (I) in clause (iv), by striking  
16 “and” after the semicolon;

17 (II) in clause (v), by striking the  
18 period and inserting “; and”; and

19 (III) by adding at the end the  
20 following:

21 “(vi) shall include significant improve-  
22 ment, as determined by the Secretary, in  
23 the graduation rate for public secondary  
24 school students that applies separately to

1 each group of students described in sub-  
2 paragraph (C)(v).”;

3 (v) in subparagraph (I)(ii), by striking  
4 “(except that” and all that follows through  
5 the period and inserting the following: “,  
6 except that—

7 “(I) the 95 percent requirement  
8 described in this clause shall not apply  
9 in a case in which the number of stu-  
10 dents in a category is insufficient to  
11 yield statistically reliable information  
12 or the results would reveal personally  
13 identifiable information about an indi-  
14 vidual student; and

15 “(II) the Secretary may promul-  
16 gate regulations to permit States to  
17 omit from the 95 percent requirement  
18 described in clause (ii) students who  
19 cannot participate in a State’s assess-  
20 ments due to a significant medical  
21 emergency.”;

22 (vi) in subparagraph (J)—

23 (I) by striking clause (ii); and

24 (II) by redesignating clause (iii)  
25 as clause (ii); and

1 (vii) by adding at the end the fol-  
2 lowing:

3 “(L) STUDENT GROWTH.—Notwith-  
4 standing any other provision of this paragraph,  
5 the Secretary may permit a State, consistent  
6 with requirements established by the Secretary,  
7 to establish and implement procedures for in-  
8 corporating student academic growth into the  
9 State’s definition of adequate yearly progress  
10 under subparagraph (C). A State that desires  
11 to incorporate student academic growth into the  
12 State’s definition of adequate yearly progress  
13 under subparagraph (C) shall, at a minimum—

14 “(i) include, in the State’s procedures  
15 for incorporating student academic growth  
16 in the definition of adequate yearly  
17 progress, an expectation that all students  
18 in each group described in subparagraph  
19 (C)(v) will, by school year 2013–2014,  
20 meet or exceed the State’s proficient level  
21 of academic achievement on the State as-  
22 sessments under paragraph (3);

23 “(ii) establish statewide annual meas-  
24 urable objectives that are based on meeting  
25 the State’s proficient level of academic

1 achievement on the State assessments  
2 under paragraph (3) and are not based on  
3 individual student background characteris-  
4 tics;

5 “(iii) establish separate, measurable  
6 objectives for the assessments of mathe-  
7 matics and reading or language arts under  
8 paragraph (3);

9 “(iv) ensure that all students who are  
10 tested using the State’s assessments under  
11 paragraph (3)(B) are included in the  
12 State’s assessment system under this sec-  
13 tion;

14 “(v) include, in the State’s definition  
15 of adequate yearly progress, the results of  
16 assessments, approved by the Secretary,  
17 that—

18 “(I) produce comparable results  
19 from grade to grade and from year to  
20 year in each of the grades 3 through  
21 8, and in secondary school, in mathe-  
22 matics and reading or language arts;  
23 and

24 “(II) have been used by the State  
25 for more than 1 year;

1 “(vi) track student progress through a  
2 State-developed longitudinal data system;  
3 and

4 “(vii) include, as separate academic  
5 indicators in determining whether schools  
6 are making adequate yearly progress for a  
7 particular year—

8 “(I) the rate of student participa-  
9 tion in assessments under paragraph  
10 (3);

11 “(II) another academic indicator  
12 described in subparagraph (C)(vi);  
13 and

14 “(III) another academic indicator  
15 described in subparagraph (C)(vii).

16 “(M) STUDENTS WITH DISABILITIES.—

17 “(i) IN GENERAL.—In determining  
18 adequate yearly progress for schools, local  
19 educational agencies, and the State, a  
20 State may include—

21 “(I) the scores of students with  
22 the most significant cognitive disabil-  
23 ities who meet or exceed the proficient  
24 level of academic achievement based  
25 on alternate academic achievement

1 standards, if the number of those stu-  
2 dents (at the local educational agency  
3 and State levels, separately) does not  
4 exceed 1 percent of all students in the  
5 grades assessed in mathematics and  
6 reading or language arts; and

7 “(II) the scores of students with  
8 disabilities who meet or exceed the  
9 proficient level of academic achieve-  
10 ment based on modified academic  
11 achievement standards, if the number  
12 of those students (at the local edu-  
13 cational agency and State levels, sepa-  
14 rately) does not exceed 2 percent of  
15 all students in the grades assessed in  
16 mathematics and reading or language  
17 arts.

18 “(ii) EXCEPTIONS.—

19 “(I) 2 PERCENT.—Notwith-  
20 standing clause (i), a State or local  
21 educational agency may exceed the 2  
22 percent limitation in clause (i)(II) if—

23 “(aa) the number of pro-  
24 ficient and advanced scores on  
25 the alternate academic achieve-

1                   ment standards is less than 1  
2                   percent; and

3                   “(bb) the number of pro-  
4                   ficient and advanced scores based  
5                   on modified and alternate aca-  
6                   demic achievement standards  
7                   combined does not exceed 3 per-  
8                   cent of all students in the grades  
9                   assessed.

10                  “(II) 1 PERCENT.—A State may,  
11                  in accordance with such criteria as the  
12                  Secretary may prescribe, waive the 1  
13                  percent limitation in clause (i)(I) for  
14                  local educational agencies in the  
15                  State, if the State does not exceed the  
16                  1 percent limitation in clause (i)(I).

17                  “(iii) SPECIAL RULE.—A State or  
18                  local educational agency may, in deter-  
19                  mining adequate yearly progress for the  
20                  subgroup of students with disabilities, in-  
21                  clude the score of a student who previously  
22                  met the definition of a child with a dis-  
23                  ability under section 602(3) of the Individ-  
24                  uals with Disabilities Education Act, for a  
25                  period of not more than 2 years from the



1           time the student stopped receiving services  
2           under such Act.

3           “(N) ADEQUATE YEARLY PROGRESS FOR  
4           LIMITED ENGLISH PROFICIENT STUDENTS.—In  
5           determining adequate yearly progress for  
6           schools, local educational agencies, and the  
7           State, a State may—

8                   “(i) for the purpose of meeting the re-  
9                   quirements of subsection (b)(2)(I)(ii),  
10                  count recently arrived limited English pro-  
11                  ficient students as having participated in  
12                  the State’s assessment, if the students  
13                  have taken the State’s English language  
14                  proficiency assessment under subsection  
15                  (b)(7) or the State’s reading or language  
16                  arts assessment;

17                   “(ii) for 2 administrations of the an-  
18                   nual mathematics assessments or reading  
19                   or language arts assessments under para-  
20                   graph (3), choose not to include the scores  
21                   of recently arrived limited English pro-  
22                   ficient students on the State’s mathematics  
23                   assessment or the reading or language arts  
24                   assessment, even if those students have  
25                   been enrolled in the same school or served

1 by the same local educational agency for a  
2 full academic year; and

3 “(iii) include, in the subgroup of stu-  
4 dents with limited English proficiency, the  
5 score of a student who was limited English  
6 proficient, for not more than 2 years after  
7 the year in which the student no longer  
8 meets the State’s definition of limited  
9 English proficient.

10 “(O) ADEQUATE YEARLY PROGRESS FOR  
11 REFUGEE CHILDREN.—The Secretary may pro-  
12 mulgate regulations that permit additional flexi-  
13 bility in determining adequate yearly progress  
14 for recently arrived limited English proficient  
15 students who have resettled in the United  
16 States through the United States Refugee Ad-  
17 missions Program, administered by the Depart-  
18 ment of State’s Bureau of Population, Refu-  
19 gees, and Migration.”;

20 (C) in paragraph (3)—

21 (i) by striking subparagraph (B) and  
22 inserting the following:

23 “(B) USE OF ACADEMIC ASSESSMENT RE-  
24 SULTS TO IMPROVE STUDENT ACADEMIC  
25 ACHIEVEMENT.—

1           “(i) IN GENERAL.—Each State plan  
2 shall demonstrate how results of academic  
3 assessments under this paragraph—

4                   “(I) will be promptly provided to  
5 local educational agencies, schools,  
6 and teachers in a manner that is clear  
7 and easy to understand, except that in  
8 no case shall the results be so pro-  
9 vided later than the day before the  
10 first day of the school year that be-  
11 gins after the assessment is adminis-  
12 tered; and

13                   “(II) be used by those local edu-  
14 cational agencies, schools, and teach-  
15 ers to improve the educational  
16 achievement of individual students.

17           “(ii) INCORPORATION OF DATA.—  
18 Each State educational agency may incor-  
19 porate the data from assessments under  
20 this paragraph into a State developed lon-  
21 gitudinal data system that links student  
22 test scores, teacher assignments, length of  
23 enrollment, and graduation records over  
24 time.”;

25                   (ii) in subparagraph (C)—

1 (I) in clause (v)(I), by striking  
2 “once during” and all that follows  
3 through the semicolon at the end of  
4 item (cc) and inserting “once during  
5 grades 10 through 12;”;

6 (II) in clause (vii)—

7 (aa) by striking “beginning  
8 not later than school year 2005–  
9 2006,”; and

10 (bb) by striking “, except  
11 that” and all that follows  
12 through “1-year period”;

13 (III) by striking clause (ix) and  
14 inserting the following:

15 “(ix) provide for—

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

18 “(II) the appropriate accom-  
19 modations for students with disabil-  
20 ities necessary to measure the aca-  
21 demic achievement of such students  
22 relative to State academic content and  
23 State student academic achievement  
24 standards;

1           “(III) alternate assessments  
2 aligned with grade-level academic con-  
3 tent and academic achievement stand-  
4 ards, unless the State develops alter-  
5 nate assessments aligned with—

6           “(aa) alternate academic  
7 achievement standards, con-  
8 sistent with subparagraph (D),  
9 for students with the most sig-  
10 nificant cognitive disabilities; or

11           “(bb) modified academic  
12 achievement standards consistent  
13 with subparagraph (D); and

14           “(IV) the inclusion of limited  
15 English proficient students, who shall  
16 be assessed in a valid and reliable  
17 manner and provided reasonable ac-  
18 commodations on assessments admin-  
19 istered to such students under this  
20 paragraph, including, to the extent  
21 practicable, assessments in the lan-  
22 guage and form most likely to yield  
23 accurate data on what such students  
24 know and can do in academic content  
25 areas, until such students have

1 achieved English language proficiency  
2 as determined under paragraph (7),  
3 except as provided in subparagraph  
4 (E); and”;

5 (IV) in clause (x), by striking  
6 “subclause (III)” and inserting  
7 “clause (ix)(III)”;

8 (iii) by redesignating subparagraph  
9 (D) as subparagraph (F);

10 (iv) by inserting after subparagraph  
11 (C), as amended by clause (ii), the fol-  
12 lowing:

13 “(D) STUDENTS WITH DISABILITIES.—

14 “(i) ALTERNATE STANDARDS.—A  
15 State may provide for alternate assess-  
16 ments aligned with alternate academic  
17 achievement standards for students with  
18 the most significant cognitive disabilities, if  
19 the State—

20 “(I) establishes and monitors im-  
21 plementation of clear and appropriate  
22 guidelines for individualized education  
23 program teams (as that term is de-  
24 fined in section 614(d)(1)(B) of the  
25 Individuals with Disabilities Edu-

1 cation Act) to apply in determining  
2 when a child’s significant cognitive  
3 disability justifies assessment based  
4 on alternate academic achievement  
5 standards;

6 “(II) ensures that the parents of  
7 those students are informed that their  
8 child’s academic achievement will be  
9 based on alternate academic achieve-  
10 ment standards;

11 “(III) documents that students  
12 with the most significant cognitive  
13 disabilities are, to the extent prac-  
14 ticable, included in the general cur-  
15 riculum, and in assessments aligned  
16 with that curriculum;

17 “(IV) develops, disseminates in-  
18 formation on, and promotes the use  
19 of, appropriate accommodations to in-  
20 crease the number of students with  
21 disabilities who are tested against aca-  
22 demic achievement standards for the  
23 grade in which a student is enrolled;  
24 and

1           “(V) ensures that regular and  
2           special education teachers and other  
3           appropriate staff know how to admin-  
4           ister assessments, including making  
5           appropriate use of accommodations,  
6           for students with disabilities.

7           “(ii) MODIFIED STANDARDS.—A State  
8           may assess students with disabilities based  
9           on modified academic achievement stand-  
10          ards in any of the assessments for which  
11          assessments are administered under this  
12          paragraph, if the State—

13               “(I) establishes and monitors im-  
14               plementation of clear and appropriate  
15               guidelines for individualized education  
16               program teams to apply in deter-  
17               mining which students with disabil-  
18               ities are eligible to be assessed based  
19               on modified academic achievement  
20               standards, which criteria, at a min-  
21               imum, shall include—

22                       “(aa) whether the student’s  
23                       disability has precluded the stu-  
24                       dent from achieving grade-level  
25                       proficiency, as demonstrated by



1 objective evidence, such as the  
2 student's performance on the  
3 State's regular assessments or on  
4 other assessments that can val-  
5 idly demonstrate academic  
6 achievement; and

7           “(bb) whether the student's  
8 progress in response to appro-  
9 priate instruction, including spe-  
10 cial education and related serv-  
11 ices designed to address the stu-  
12 dent's individual needs, is such  
13 that, even if significant growth  
14 occurs, the individualized edu-  
15 cation program team is reason-  
16 ably certain that the student will  
17 not achieve grade-level pro-  
18 ficiency within the year covered  
19 by the student's individualized  
20 education program, which  
21 progress shall be based on mul-  
22 tiple measurements, over a period  
23 of time, that are valid for the  
24 subjects being assessed;

1                   “(II) ensures that, if a student’s  
2 individualized education program in-  
3 cludes goals for a subject assessed  
4 based on modified academic achieve-  
5 ment standards, those goals are based  
6 on academic content standards for the  
7 grade in which the student is enrolled;

8                   “(III) ensures that parents of  
9 students with disabilities who are as-  
10 sessed against modified academic  
11 achievement standards are informed  
12 that their child’s achievement will be  
13 measured based on modified academic  
14 achievement standards;

15                   “(IV) ensures that the alternate  
16 assessment yields results that measure  
17 the achievement of those students sep-  
18 arately in reading or language arts,  
19 mathematics, and science relative to  
20 the modified academic achievement  
21 standards;

22                   “(V) ensures that students who  
23 are assessed based on modified aca-  
24 demic achievement standards have ac-  
25 cess to the curriculum, including in-

1 instruction, for the grade in which the  
2 students are enrolled; and

3 “(VI) establishes and monitors  
4 implementation of clear and appro-  
5 priate guidelines for individualized  
6 education program teams to apply in  
7 developing and implementing individ-  
8 ualized education programs for stu-  
9 dents who are assessed based on  
10 modified academic achievement stand-  
11 ards.

12 “(E) STUDENTS WITH LIMITED ENGLISH  
13 PROFICIENCY.—A State may exempt a recently  
14 arrived limited English proficient student from  
15 2 administrations of the State’s reading or lan-  
16 guage arts assessment.”; and

17 (v) in subparagraph (F), as redesisg-  
18 nated by clause (iii), by striking  
19 “6113(a)(2) is less than” and all that fol-  
20 lows through “through 2007.” and insert-  
21 ing “6113(a)(1) is less than  
22 \$400,000,000.”;

23 (D) by striking paragraphs (7), (8), (9),  
24 and (10); and

25 (E) by adding at the end the following:

1           “(7) ASSESSMENT OF ENGLISH LANGUAGE PRO-  
 2           FICIENCY.—Each State plan shall demonstrate that  
 3           local educational agencies in the State will provide  
 4           for an annual assessment of English proficiency  
 5           (measuring students’ proficiency in speaking, listen-  
 6           ing, reading, writing, and comprehension in English)  
 7           of all students with limited English proficiency in  
 8           the schools served by the State educational agency.

9           “(8) DEFINITIONS.—In this subsection:

10           “(A) RECENTLY ARRIVED LIMITED  
 11           ENGLISH PROFICIENT STUDENT.—The term ‘re-  
 12           cently arrived limited English proficient stu-  
 13           dent’ means a student with limited English pro-  
 14           ficiency who has attended schools in the United  
 15           States for a period of less than 24 months.

16           “(B) SCHOOL IN THE UNITED STATES.—  
 17           The term ‘school in the United States’ means  
 18           an elementary school or secondary school in 1  
 19           of the 50 States or the District of Columbia.”;

20           (3) by striking subsection (c) and inserting the  
 21           following:

22           “(c) PROVISIONS TO SUPPORT TEACHING AND  
 23           LEARNING.—Each State plan shall—

24           “(1) describe how the State will notify local  
 25           educational agencies, teachers, parents, and the pub-

1       lic of the academic content standards, student aca-  
2       demic achievement standards, and academic assess-  
3       ments, developed under this section;

4               “(2) describe how the State educational agency  
5       will assist each local educational agency and school  
6       affected by the State plan to develop the capacity to  
7       comply with each of the requirements of sections  
8       1112(b), 1114(b), and 1115(e) that is applicable to  
9       the local educational agency or school;

10              “(3) describe how the State educational agency  
11       will assist each local educational agency and school  
12       affected by the State plan to provide additional edu-  
13       cational assistance to individual students assessed  
14       and determined to need help to meet the State’s  
15       challenging academic achievement standards;

16              “(4) describe how the State educational agency,  
17       in consultation with the Governor, will to carry out  
18       the responsibilities of the State under sections 1116  
19       and 1117, including carrying out the State edu-  
20       cational agency’s statewide system of technical as-  
21       sistance and support for local educational agencies;

22              “(5) describe the specific steps the State edu-  
23       cational agency will take to ensure that schoolwide  
24       programs and targeted assistance schools provide in-  
25       struction by highly qualified instructional staff as re-

1       quired by sections 1114(b)(1)(C) and 1115(c)(1)(E),  
2       including steps that the State educational agency  
3       will take to ensure that poor and minority children  
4       are not taught at higher rates than other children by  
5       inexperienced, unqualified, or out-of-field teachers,  
6       and the measures that the State educational agency  
7       will use to evaluate and publicly report the progress  
8       of the State educational agency with respect to such  
9       steps;

10       “(6) include an assurance that the State edu-  
11       cational agency will assist local educational agencies  
12       in developing or identifying high-quality effective  
13       curricula aligned with State academic achievement  
14       standards and describe how the State educational  
15       agency will disseminate such curricula to each local  
16       educational agency and school within the State;

17       “(7) include an assurance that the State edu-  
18       cational agency will coordinate and collaborate, to  
19       the extent feasible and necessary as determined by  
20       the State educational agency, with agencies pro-  
21       viding services to children, youth, and families, with  
22       respect to local educational agencies within the State  
23       that are identified for improvement or corrective ac-  
24       tion under section 1116 and that request assistance  
25       with addressing major factors that have significantly

1 affected the academic achievement of students in the  
2 local educational agency or schools served by the  
3 local educational agency; and

4 “(8) include an assurance that the State edu-  
5 cational agency will work with other agencies, in-  
6 cluding educational service agencies or other local  
7 consortia, and institutions to provide technical as-  
8 sistance to local educational agencies and schools,  
9 including technical assistance in providing profes-  
10 sional development under section 1119, technical as-  
11 sistance under section 1117, and technical assistance  
12 relating to parental involvement under section  
13 1118.”;

14 (4) by striking subsections (e), (f), and (g);

15 (5) by redesignating subsections (h), (i), (j),  
16 (k), (l), and (m), as subparagraphs (e), (g), (h), (i),  
17 (j), and (k), respectively;

18 (6) in subsection (e), as redesignated by para-  
19 graph (5)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A), by striking  
22 “Not later than the beginning of the  
23 2002–2003 school year, unless” and insert-  
24 ing “Unless”;

25 (ii) in subparagraph (C)—

1 (I) by redesignating clauses (i)  
2 through (viii) as clauses (ii) through  
3 (ix), respectively;

4 (II) by inserting before clause  
5 (ii), as redesignated by clause (i), the  
6 following:

7 “(i) a clear and concise description of  
8 the State’s accountability system, including  
9 a description of the criteria by which the  
10 State evaluates school performance, and  
11 the criteria that the State has established,  
12 consistent with subsection (b)(2), to deter-  
13 mine the status of schools regarding school  
14 improvement and restructuring;”;

15 (III) in clause (viii), as redesi-  
16 gnated by clause (i), by striking “and”  
17 after the semicolon;

18 (IV) in clause (ix), as redesi-  
19 gnated by clause (i), by striking the pe-  
20 riod and inserting “; and”; and

21 (V) by adding at the end the fol-  
22 lowing:

23 “(x) information on the academic  
24 achievement and gains in English language



1 proficiency of students with limited  
2 English proficiency, including—

3 “(I) information on the number  
4 of students with limited English pro-  
5 ficiency who achieved proficiency in  
6 English and, therefore, exited the lim-  
7 ited English proficiency subgroup; and

8 “(II) the number of recently ar-  
9 rived limited English proficient stu-  
10 dents in the State exempted from tak-  
11 ing the reading or language arts as-  
12 sessments under subsection (b)(3);  
13 and

14 “(xi) for the prior school year—

15 “(I) the number of students eligi-  
16 ble to participate in public school  
17 choice and supplemental educational  
18 services under this part;

19 “(II) the number of students who  
20 so participated; and

21 “(III) the total amount of funds  
22 expended for supplemental educational  
23 services.”;

24 (iii) in subparagraph (D)—

25 (I) by striking clause (iii);

1 (II) by redesignating clauses (iv),  
2 (v), and (vi) as clauses (iii), (iv), and  
3 (v), respectively;

4 (III) by striking clause (vii) and  
5 inserting the following:

6 “(vi) postsecondary enrollment  
7 rates.”;

8 (B) in paragraph (2)—

9 (i) in subparagraph (A)(i), by striking  
10 “Not later than the beginning of the  
11 2002–2003 school year, a local” and in-  
12 serting “A local”;

13 (ii) in subparagraph (B)(i)—

14 (I) in subclause (I)—

15 (aa) by striking “1116(c)”  
16 and inserting “1116(b)”; and

17 (bb) by striking “and” after  
18 the semicolon; and

19 (II) by adding at the end the fol-  
20 lowing:

21 “(III) the information described  
22 in paragraph (1)(C)(xi), relating to  
23 student participation in public-school  
24 choice and supplemental educational  
25 services; and”;

1 (iii) in subparagraph (E), by striking  
2 “the 2002–2003” and inserting “each”;

3 (C) in paragraph (3), by striking “2001”  
4 and inserting “2007”;

5 (D) by striking paragraph (4) and insert-  
6 ing the following:

7 “(4) ANNUAL STATE REPORT TO THE SEC-  
8 RETARY.—Each State educational agency receiving  
9 assistance under this part shall report annually to  
10 the Secretary, and make widely available within the  
11 State—

12 “(A) information on the State’s progress in  
13 developing and implementing the academic as-  
14 sessments described in subsection (b)(3);

15 “(B) information on the achievement of  
16 students on the academic assessments required  
17 by subsection (b)(3), including the  
18 disaggregated results for the categories of stu-  
19 dents identified in subsection (b)(2)(C)(v);

20 “(C) the number and percentage of stu-  
21 dents with disabilities who have taken—

22 “(i) general assessments;

23 “(ii) general assessments with accom-  
24 modations;

1           “(iii) alternate assessments based on  
2           grade-level academic achievement stand-  
3           ards;

4           “(iv) alternate assessments based on  
5           modified academic achievement standards;  
6           and

7           “(v) alternate assessments based on  
8           alternate academic achievement standards;

9           “(D) information on the acquisition of  
10          English proficiency by children with limited  
11          English proficiency;

12          “(E) the number and names of each school  
13          identified for school improvement and restruc-  
14          turing under section 1116(b), the reason why  
15          each school was so identified, and the measures  
16          taken to address the achievement problems of  
17          such schools;

18          “(F) for the prior school year—

19               “(i) the number of students eligible to  
20               participate in public school choice and sup-  
21               plemental educational services under this  
22               part;

23               “(ii) the actual number of students  
24               who so participated; and

1                   “(iii) the total amount of funds ex-  
2                   pended for supplemental educational serv-  
3                   ices; and

4                   “(G) information on the quality of teachers  
5                   and the percentage of classes being taught by  
6                   highly qualified teachers in the State, local edu-  
7                   cational agency, and school.”;

8                   (E) in paragraph (5), by striking “the  
9                   Workforce” and inserting “Labor”; and

10                   (F) by striking paragraph (6);

11                   (7) by inserting after subsection (e), as redesign-  
12                   nated by paragraph (5) and amended by paragraph  
13                   (6), the following:

14                   “(f) OTHER ASSURANCES.—Each State plan shall  
15                   contain an assurance that—

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

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

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

3 “(3) the State educational agency will encour-  
4 age schools to consolidate funds from other Federal,  
5 State, and local sources for schoolwide reform in  
6 schoolwide programs under section 1114 and modify  
7 or eliminate State fiscal and accounting barriers so  
8 that schools can easily consolidate funds from other  
9 Federal, State, and local sources for schoolwide pro-  
10 grams under section 1114;

11 “(4) the State educational agency has involved  
12 the committee of practitioners established under sec-  
13 tion 1903(b) in developing the State plan and moni-  
14 toring implementation of the State plan;

15 “(5) the State educational agency will inform  
16 local educational agencies in the State of the local  
17 educational agency’s authority to transfer funds  
18 under title VI, to obtain waivers under part D of  
19 title IX, and, if the State is an Ed-Flex Partnership  
20 State, to obtain waivers under the Education Flexi-  
21 bility Partnership Act of 1999; and

22 “(6) the State educational agency will coordi-  
23 nate activities funded under this part with other  
24 Federal activities as appropriate.”; and

1 (8) in subsection (k) (as redesignated by para-  
2 graph (5))—

3 (A) in the subsection heading, by striking  
4 “BUREAU-FUNDED SCHOOLS” and inserting  
5 “DEPARTMENT OF THE INTERIOR-FUNDED  
6 SCHOOLS”; and

7 (B) in the matter preceding paragraph (1)  
8 of subsection (k)—

9 (i) by striking “operated or funded by  
10 BIA”; and

11 (ii) by inserting “from the Depart-  
12 ment of the Interior” after “receiving  
13 funds”.

14 **SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.**

15 Section 1112 (20 U.S.C. 6312) is amended—

16 (1) in subsection (a), by adding at the end the  
17 following:

18 “(3) STATE REVIEW AND APPROVAL.—

19 “(A) IN GENERAL.—Each local educational  
20 agency plan shall be filed according to a sched-  
21 ule established by the State educational agency.

22 “(B) APPROVAL.—The State educational  
23 agency shall approve a local educational agen-  
24 cy’s plan only if the State educational agency

1 determines that the local educational agency's  
2 plan—

3 “(i) enables schools served under this  
4 part to substantially help children served  
5 under this part meet the academic stand-  
6 ards expected of all children as described  
7 in section 1111(b)(1); and

8 “(ii) meets the requirements of this  
9 section.

10 “(C) REVIEW.—The State educational  
11 agency shall review the local educational agen-  
12 cy's plan to determine if such agency's activities  
13 are in accordance with sections 1118 and 1119.

14 “(4) PLAN DEVELOPMENT AND DURATION.—

15 “(A) CONSULTATION.—Each local edu-  
16 cational agency plan shall be developed in con-  
17 sultation with teachers, principals, administra-  
18 tors (including administrators of programs de-  
19 scribed in other parts of this title), and other  
20 appropriate school personnel, and with parents  
21 of children in schools served under this part.

22 “(B) PROGRAM RESPONSIBILITY.—Each  
23 local educational agency plan shall reflect the  
24 shared responsibility of schools, teachers, and  
25 the local educational agency in making deci-



1           sions regarding activities under sections 1114  
2           and 1115.

3           “(C) DURATION.—Each local educational  
4           agency plan shall be submitted for the first year  
5           for which this part is in effect following the  
6           date of enactment of the No Child Left Behind  
7           Act of 2007 and shall remain in effect for the  
8           duration of the agency’s participation under  
9           this part.

10          “(D) REVIEW.—Each local educational  
11          agency shall periodically review and, as nec-  
12          essary, revise its plan to reflect changes in the  
13          local educational agency’s strategies and pro-  
14          grams under this part.”;

15          (2) in subsection (b)—

16                (A) in paragraph (1)—

17                   (i) by striking subparagraphs (F), (I),  
18                   (L), (M), (N), (O), and (P);

19                   (ii) by redesignating subparagraphs  
20                   (D), (E), (G), (H), (J), (K), and (Q), as  
21                   subparagraphs (H), (I), (K), (L), (M), (O),  
22                   and (P), respectively;

23                   (iii) by inserting after subparagraph  
24                   (C) the following:

1           “(D) a description of how the local edu-  
2           cational agency will work in consultation with  
3           schools to develop the school’s plans and activi-  
4           ties pursuant to sections 1114 and 1115 so that  
5           each school can make adequate yearly progress  
6           toward meeting the State student academic  
7           achievement standards and a description of the  
8           programs to be conducted by such agency’s  
9           schools under sections 1114 and 1115, and  
10          where appropriate, educational services outside  
11          such schools for children living in local institu-  
12          tions for neglected or delinquent children, and  
13          for neglected and delinquent children in com-  
14          munity day school programs;

15          “(E) a description of the actions the local  
16          educational agency will take to assist schools  
17          identified for academic alert, improvement, or  
18          restructuring under section 1116 and how the  
19          local educational agency will take into account  
20          the experience of model programs for the educa-  
21          tionally disadvantaged, and the findings of rel-  
22          evant scientifically based research indicating  
23          which programs and services may be most effec-  
24          tive in improving student academic achieve-  
25          ment;

1           “(F) a description of the actions the local  
2 educational agency will take to implement pub-  
3 lic school choice and supplemental services, con-  
4 sistent with the requirements of section 1116;

5           “(G) a description of how the local edu-  
6 cational agency will meet the requirements of  
7 section 1119 regarding the qualifications of  
8 teachers and paraprofessionals and of how the  
9 local educational agency will ensure, through in-  
10 centives for voluntary transfers, recruitment  
11 programs, incentive pay, performance- or merit-  
12 based pay systems, or other effective strategies,  
13 that low-income students and minority students  
14 are not taught at higher rates than other stu-  
15 dents by unqualified, out-of-field, or inexperi-  
16 enced teachers;”;

17           (iv) in subparagraph (I)(i) (as redes-  
18 igned by clause (ii)), by striking “Even  
19 Start,”;

20           (v) by inserting after subparagraph  
21 (I) (as redesignated by clause (ii)) the fol-  
22 lowing:

23           “(J) a description of the strategy the local  
24 educational agency will use to implement effec-  
25 tive parental involvement under section 1118;”;

1 (vi) by inserting after subparagraph  
2 (M) (as redesignated by clause (ii)) the fol-  
3 lowing:

4 “(N) a description of the services the local  
5 educational agency will provide homeless chil-  
6 dren, including services provided with funds re-  
7 served under section 1113(c)(3)(A);”;

8 (vii) in subparagraph (O) (as redesign-  
9 nated by clause (ii))—

10 (I) by striking “First,” and in-  
11 sserting “First”;

12 (II) by striking “or Even Start”;

13 (III) by striking “, or an agency  
14 operating an Even Start program”;  
15 and

16 (IV) by adding “and” after the  
17 semicolon; and

18 (viii) in subparagraph (P) (as redesign-  
19 nated by clause (ii)), by striking “support”  
20 and all that follows through the period at  
21 the end and inserting “support extended  
22 learning opportunities, including before  
23 and after school, summer school, and  
24 school-year extension programs.”; and

25 (B) in paragraph (2)(B)—

1 (i) by inserting “academic alert,”  
2 after “schools for”; and

3 (ii) by striking “or in need of correc-  
4 tive action or” and inserting “, or”;

5 (3) in subsection (c)—

6 (A) in paragraph (1)—

7 (i) by striking subparagraphs (B),  
8 (C), (D), (F), (H), (I), (J), (L), (M), (N),  
9 and (O);

10 (ii) by redesignating subparagraphs  
11 (A), (G), and (K), as subparagraphs (C),  
12 (F), and (G);

13 (iii) by inserting before subparagraph  
14 (C) (as redesignated by clause (ii)) the fol-  
15 lowing:

16 “(A) assist each school served by the agen-  
17 cy and assisted under this part in developing or  
18 identifying examples of high-quality, effective  
19 curricula consistent with section 1111(c)(6);

20 “(B) ensure that the results from the aca-  
21 demic assessments required under section  
22 1111(b)(3) will be provided to parents and  
23 teachers as soon as is practicably possible after  
24 the test is taken, in an understandable and uni-  
25 form format and, to the extent practicable, pro-

1           vided in a language that the parents can under-  
2           stand;”;

3                   (iv) by inserting after subparagraph  
4           (C) (as redesignated by clause (ii)) the fol-  
5           lowing:

6           “(D) inform eligible schools of the local  
7           educational agency’s authority to obtain waivers  
8           on the school’s behalf under title IX and, if the  
9           State is an Ed-Flex Partnership State, to ob-  
10          tain waivers under the Education Flexibility  
11          Partnership Act of 1999;”;

12                   (v) in subparagraph (G) (as redesignig-  
13          nated by clause (ii)), by inserting “and”  
14          after the semicolon; and

15                   (vi) by inserting after subparagraph  
16          (G) (as redesignated by clause (ii)), the  
17          following:

18          “(H) an assurance that the local edu-  
19          cational agency will participate, if selected, in  
20          the State assessments of educational progress  
21          in 4th and 8th grade reading and mathematics  
22          carried out under section 303 of the National  
23          Assessment of Educational Progress Authoriza-  
24          tion Act.”;

1 (B) in paragraph (2), by striking “sub-  
2 paragraph (G)” and inserting “subparagraph  
3 (F)”;

4 (C) by striking paragraph (3);

5 (4) by striking subsections (d), (e), and (f);

6 (5) by redesignating subsection (g) as sub-  
7 section (e);

8 (6) by inserting after subsection (c) the fol-  
9 lowing:

10 “(d) PARENTS RIGHT-TO-KNOW.—

11 “(1) QUALIFICATIONS.—At the beginning of  
12 each school year, a local educational agency that re-  
13 ceives funds under this part shall notify the parents  
14 of each student attending any school receiving funds  
15 under this part that the parents may request, and  
16 the agency will provide the parents on request (and  
17 in a timely manner), information regarding the pro-  
18 fessional qualifications of the student’s classroom  
19 teachers, including, at a minimum, the following:

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

24 “(B) Whether the teacher is teaching  
25 under emergency or other provisional status

1 through which State qualification or licensing  
2 criteria have been waived.

3 “(C) The baccalaureate degree major of  
4 the teacher and any other graduate certification  
5 or degree held by the teacher, and the field of  
6 discipline of the certification or degree.

7 “(D) Whether the child is provided services  
8 by paraprofessionals and, if so, their qualifica-  
9 tions.

10 “(2) ADDITIONAL INFORMATION.—In addition  
11 to the information that parents may request under  
12 paragraph (1), a school that receives funds under  
13 this part shall provide to each individual parent—

14 “(A) information on the level of achieve-  
15 ment of the parent’s child in each of the State  
16 academic assessments as required under this  
17 part; and

18 “(B) timely notice that the parent’s child  
19 has been assigned, or has been taught for 4 or  
20 more consecutive weeks by, a teacher who is not  
21 highly qualified.

22 “(3) FORMAT.—The notice and information  
23 provided to parents under this subsection shall be in  
24 an understandable and uniform format and, to the



1 extent practicable, provided in a language that the  
2 parents can understand.”; and

3 (7) in subsection (e), in the heading, by striking  
4 “PARENTAL NOTIFICATION” and inserting “LAN-  
5 GUAGE INSTRUCTION”.

6 **SEC. 1113. SCHOOLWIDE PROGRAMS.**

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

8 (1) in subsection (b)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (B)(iii)(I)(cc), by  
11 striking “vocational” and inserting “ca-  
12 reer”;

13 (ii) in subparagraph (C), by inserting  
14 “and strategies to attract high-quality  
15 highly qualified teachers to high-need  
16 schools through incentive pay,  
17 performance- or merit-based pay systems,  
18 or other effective strategies to ensure that  
19 low-income students and minority students  
20 are not taught at higher rates than other  
21 students by unqualified, out-of-field, or in-  
22 experienced teachers” after “teachers”;

23 (iii) by striking subparagraph (E);

24 (iv) by redesignating subparagraphs  
25 (F), (G), (H), (I), and (J), as subpara-

1 graphs (E), (F), (G), (H), and (I), respec-  
 2 tively;

3 (v) in subparagraph (F) (as redesign-  
 4 nated by clause (iv)) by striking “Even  
 5 Start,”; and

6 (vi) in subparagraph (I) (as redesign-  
 7 nated by clause (iv)) by striking “voca-  
 8 tional” and inserting “career”; and

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by striking  
 11 “2001” and inserting “2007”; and

12 (ii) in subparagraph (B)—

13 (I) in clause (i)(II), by striking  
 14 “2001” and inserting “2007”; and

15 (II) in clause (v), by striking  
 16 “Even Start,”; and

17 (2) in subsection (c), by striking “Even Start  
 18 programs or”.

19 **SEC. 1114. TARGETED ASSISTANCE SCHOOLS.**

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

21 (1) in subsection (b)(2)(B)—

22 (A) by striking “, EVEN START,”; and

23 (B) by striking “, Even Start,”; and

24 (2) in subsection (c)(1)—

1 (A) in subparagraph (D), by striking  
2 “Even Start,”;

3 (B) in subparagraph (E), by inserting  
4 “and include strategies to attract high-quality  
5 highly qualified teachers to high-need schools  
6 through incentive pay, performance- or merit-  
7 based pay systems, or other effective strategies  
8 to ensure that low-income students and minor-  
9 ity students are not taught at higher rates than  
10 other students by unqualified, out-of-field, or  
11 inexperienced teachers” after “teachers”; and

12 (C) in subparagraph (H), by striking “vo-  
13 cational” and inserting “career”.

14 **SEC. 1115. ACADEMIC ASSESSMENT AND LOCAL EDU-**  
15 **CATIONAL AGENCY AND SCHOOL IMPROVE-**  
16 **MENT.**

17 Section 1116 (20 U.S.C. 6316) is amended—

18 (1) in subsection (a)(1)—

19 (A) in subparagraph (B)—

20 (i) by striking “subject to” and insert-  
21 ing “identified for academic alert,”;

22 (ii) by striking “corrective action,”;

23 (iii) by inserting “academic alert,”  
24 after “additional schools for”; and

1 (iv) by striking “improvement or in  
2 need of corrective action” and inserting  
3 “improvement,”; and

4 (B) in subparagraph (C), by striking “, in  
5 an instructionally useful manner,”;

6 (2) by striking subsection (b) and inserting the  
7 following:

8 “(b) SCHOOL IMPROVEMENT.—

9 “(1) GENERAL REQUIREMENTS.—

10 “(A) IDENTIFICATION.—Subject to sub-  
11 paragraph (C), a local educational agency  
12 shall—

13 “(i) identify for academic alert any el-  
14 elementary school or secondary school served  
15 under this part that for 1 year does not  
16 make adequate yearly progress as defined  
17 in the State’s plan under section  
18 1111(b)(2);

19 “(ii) identify for school improvement  
20 any elementary school or secondary school  
21 served under this part that, for the 2nd,  
22 3rd, or 4th consecutive year, does not to  
23 make adequate yearly progress as defined  
24 in the State’s plan under section  
25 1111(b)(2); and

1           “(iii) identify for restructuring any el-  
2           mentary school or secondary school served  
3           under this part that, for the 5th consecu-  
4           tive year, does not make adequate yearly  
5           progress as defined in the State’s plan  
6           under section 1111(b)(2).

7           “(B) DEADLINE.—The identification de-  
8           scribed in subparagraph (A) shall take place be-  
9           fore the beginning of the school year following  
10          the school year in which the school did not  
11          make adequate yearly progress.

12          “(C) APPLICATION.—Subparagraph (A)  
13          shall not apply to a school if almost every stu-  
14          dent in each group specified in section  
15          1111(b)(2)(C)(v) enrolled in such school is  
16          meeting or exceeding the State’s proficient level  
17          of academic achievement.

18          “(D) PUBLIC SCHOOL CHOICE AND SUP-  
19          PLEMENTAL EDUCATIONAL SERVICES.—

20                 “(i) IN GENERAL.—In the case of a  
21                 school identified for school improvement or  
22                 restructuring under this paragraph, the  
23                 local educational agency shall, not later  
24                 than the first day of the school year fol-  
25                 lowing such identification, provide all stu-

1           dents enrolled in the school with the op-  
2           tion—

3                   “(I) to transfer to another public  
4                   school served by the local educational  
5                   agency, which may include a charter  
6                   school that has not been identified for  
7                   school improvement or restructuring  
8                   under this paragraph; or

9                   “(II) to receive supplemental  
10                  educational services available con-  
11                  sistent with subsection (d)(1).

12                  “(ii) RULE.—In providing students  
13                  the option to transfer to another public  
14                  school or to receive supplemental edu-  
15                  cational services, the local educational  
16                  agency shall give priority to the lowest  
17                  achieving children from low-income fami-  
18                  lies, as determined by the local educational  
19                  agency for purposes of allocating funds to  
20                  schools under section 1113(c)(1).

21                  “(E) TRANSFER.—Students who use the  
22                  option to transfer under subparagraph (D) and  
23                  paragraph (5)(B), paragraph (8)(A)(iii), or sub-  
24                  section (c)(9)(C)(vii) shall be enrolled in classes  
25                  and other activities in the public school to

1           which the students transfer in the same manner  
2           as all other children at the public school.

3           “(F) DELAY.—Notwithstanding any other  
4           provision of this paragraph, a local educational  
5           agency may delay, for a period not to exceed 1  
6           year, advancing identification to the next level  
7           of school improvement or restructuring and  
8           their respective requirements under paragraphs  
9           (5), (6), or (8), if the school makes adequate  
10          yearly progress for 1 year or if the school’s not  
11          making adequate yearly progress is due to ex-  
12          ceptional or uncontrollable circumstances, such  
13          as a natural disaster or a precipitous and un-  
14          foreseen decline in the financial resources of the  
15          local educational agency or school. No such pe-  
16          riod shall be taken into account in determining  
17          the number of consecutive years of failure to  
18          make adequate yearly progress.

19          “(G) DURATION.—If any school identified  
20          for school improvement or restructuring makes  
21          adequate yearly progress for 2 consecutive  
22          school years, then the local educational agency  
23          shall no longer—

1                   “(i) subject the school to the require-  
2                   ments of school improvement or restruc-  
3                   turing; or

4                   “(ii) identify the school for school im-  
5                   provement for the school year succeeding  
6                   such second consecutive school year.

7                   “(2) OPPORTUNITY TO REVIEW AND PRESENT  
8                   EVIDENCE; TIME LIMIT.—

9                   “(A) IDENTIFICATION.—Before identifying  
10                  a school for academic alert or school improve-  
11                  ment under paragraph (1) or for restructuring  
12                  under paragraphs (1) or (8), the local edu-  
13                  cational agency shall provide the school with an  
14                  opportunity to review the school-level data on  
15                  which the proposed identification is based.

16                  “(B) EVIDENCE.—If the principal of a  
17                  school proposed for academic alert or school im-  
18                  provement under paragraph (1) or for restruc-  
19                  turing under paragraphs (1) or (8) believes, or  
20                  a majority of the parents of the students en-  
21                  rolled in such school believe, that the proposed  
22                  identification is in error for statistical or other  
23                  substantive reasons, the principal may provide  
24                  supporting evidence to the local educational



1 agency, which shall consider that evidence be-  
2 fore making a final determination.

3 “(C) FINAL DETERMINATION.—Not later  
4 than 30 days after a local educational agency  
5 provides the school with the opportunity to re-  
6 view such school-level data, the local edu-  
7 cational agency shall make public a final deter-  
8 mination on the status of the school with re-  
9 spect to the identification for academic alert,  
10 school improvement, or restructuring.

11 “(3) SCHOOL IMPROVEMENT PLAN.—

12 “(A) IN GENERAL.—After the resolution of  
13 a review under paragraph (2), each school iden-  
14 tified under paragraph (1) for academic alert  
15 shall, not later than 3 months after being so  
16 identified, develop or revise a school improve-  
17 ment plan, in consultation with parents, school  
18 staff, the local educational agency serving the  
19 school, and outside experts, for approval by  
20 such local educational agency. The school plan  
21 shall cover a 3-year period and shall be imple-  
22 mented not later than the first day of the first  
23 school year following the identification of the  
24 school for academic alert.

25 “(B) REVIEW.—

1           “(i) IN GENERAL.—In developing a  
2 plan under paragraph (A), a school shall,  
3 at a minimum, review each of the elements  
4 of the school’s operations described in  
5 clause (ii) to identify any gaps and areas  
6 of improvement, and incorporate in the  
7 school’s plan any changes to the school’s  
8 program necessary to ensure that all stu-  
9 dents meet State levels of academic pro-  
10 ficiency.

11           “(ii) ELEMENTS REVIEWED.—The ele-  
12 ments referred to in clause (i) are as fol-  
13 lows:

14           “(I) Current and prior years’  
15 student achievement data for each  
16 group of students specified in section  
17 1111(b)(2)(C)(v).

18           “(II) For secondary schools, cur-  
19 rent and prior years’ graduation rate  
20 data for each group of students speci-  
21 fied in section 1111(b)(2)(C)(v).

22           “(III) Teacher qualifications and  
23 assignments, including a review of  
24 out-of-field teaching (as defined in  
25 clause (iii)).

1                   “(IV) Professional development  
2 offerings, including the alignment to  
3 State student academic achievement  
4 standards and State academic content  
5 standards, and whether the profes-  
6 sional development focuses on stu-  
7 dents and subgroups in the school not  
8 making adequate yearly progress.

9                   “(V) All instructional programs  
10 and materials and the degree of the  
11 alignment of the programs and mate-  
12 rials to State academic content stand-  
13 ards.

14                   “(VI) Use of instructional time  
15 and time-on-learning.

16                   “(VII) Evaluations of all school  
17 academic programs and the effective-  
18 ness of the programs in improving  
19 student academic achievement, espe-  
20 cially for students not meeting the  
21 State’s proficient levels of academic  
22 achievement.

23                   “(VIII) Current allocation and  
24 budgeting of resources (including Fed-  
25 eral, State, and local resources).

1                   “(IX) Student and staff attend-  
2                   ance rates.

3                   “(X) Parental outreach efforts  
4                   and rates of parental involvement.

5                   “(iii) DEFINITION OF OUT-OF-FIELD  
6                   TEACHING.—For purposes of clause  
7                   (ii)(III) the term ‘out-of-field teaching’  
8                   means teaching an academic subject for  
9                   which a teacher is not highly qualified.

10                  “(C) ELEMENTS OF PLAN.—The school  
11                  plan shall—

12                   “(i) incorporate changes to the school  
13                   program identified as necessary after con-  
14                   ducting the review under subparagraph  
15                   (B);

16                   “(ii) establish specific annual, measur-  
17                   able goals for continuous and substantial  
18                   progress by each group of students speci-  
19                   fied in section 1111(b)(2)(C)(v) and en-  
20                   rolled in the school that will ensure that all  
21                   such groups of students will, in accordance  
22                   with the definition of adequate yearly  
23                   progress described in section 1111(b)(2),  
24                   meet the State’s proficient level of aca-  
25                   demic achievement on the State academic

1 assessment described in section 1111(b)(3)  
2 not later than 12 years after the end of the  
3 2001–2002 school year;

4 “(iii) specify the responsibilities of the  
5 school, the local educational agency, and  
6 the State educational agency serving the  
7 school under the plan, including the tech-  
8 nical assistance to be provided by the local  
9 educational agency under paragraph (4)  
10 and the local educational agency’s respon-  
11 sibilities under section 1120A;

12 “(iv) incorporate strategies based on  
13 scientifically based research that will  
14 strengthen the core academic instructional  
15 program in the school and address the spe-  
16 cific academic issues that caused the school  
17 to be identified for academic alert or school  
18 improvement, and may include a strategy  
19 for the implementation of a comprehensive  
20 school reform model;

21 “(v) adopt policies and practices con-  
22 cerning the school’s core academic instruc-  
23 tional program that have the greatest like-  
24 lihood of ensuring that all groups of stu-  
25 dents specified in section 1111(b)(2)(C)(v)

1 and enrolled in the school will meet the  
2 State’s proficient level of academic achieve-  
3 ment on the State academic assessment  
4 described in section 1111(b)(3) not later  
5 than 12 years after the end of the 2001–  
6 2002 school year for mathematics and  
7 reading or language arts, including ex-  
8 panding instructional time for students not  
9 meeting or not on track to meet the  
10 State’s proficient level of academic achieve-  
11 ment;

12 “(vi) implement a curriculum that is  
13 aligned with the State’s academic achieve-  
14 ment standards and State academic con-  
15 tent standards, and ensure that teachers  
16 and administrators receive professional de-  
17 velopment and instructional coaching in  
18 implementing such curriculum;

19 “(vii) provide an assurance that the  
20 school will spend not less than 10 percent  
21 of the funds made available to the school  
22 under section 1113 for each fiscal year  
23 that the school is in school improvement  
24 status, for the purpose of providing to the

1 school’s teachers and principal high-quality  
2 professional development that—

3 “(I) directly addresses the aca-  
4 demic achievement problem that  
5 caused the school to be identified for  
6 academic alert or school improvement;

7 “(II) meets the requirements for  
8 professional development activities  
9 under section 1119;

10 “(III) provides guidance and as-  
11 sistance in the use of benchmark as-  
12 sessments to inform classroom in-  
13 struction;

14 “(IV) incorporates a teacher  
15 mentoring program; and

16 “(V) is provided in a manner  
17 that affords increased opportunity for  
18 participating in that professional de-  
19 velopment;

20 “(viii) specify how the funds described  
21 in clause (vii) will be used to remove the  
22 school from academic alert or school im-  
23 provement status;

24 “(ix) describe how the school will pro-  
25 vide written notice about the identification

1 to parents of each student enrolled in such  
2 school, in a format and, to the extent prac-  
3 ticable, in a language that the parents can  
4 understand;

5 “(x) include strategies to promote ef-  
6 fective parental involvement in the school;  
7 and

8 “(xi) incorporate, as appropriate, ac-  
9 tivities before school, after school, during  
10 the summer, and during any extension of  
11 the school year.

12 “(D) CONDITIONAL APPROVAL.—The local  
13 educational agency may condition approval of a  
14 school plan under this paragraph on—

15 “(i) inclusion of one or more of the  
16 actions specified in paragraph (8)(C); or

17 “(ii) feedback on the school improve-  
18 ment plan from parents and community  
19 leaders.

20 “(E) LOCAL EDUCATIONAL AGENCY AP-  
21 PROVAL.—The local educational agency, within  
22 45 days of receiving a school plan, shall—

23 “(i) establish a peer review process to  
24 assist with review of the school plan; and



1                   “(ii) promptly review the school plan,  
2                   work with the school as necessary, and ap-  
3                   prove the school plan if the school plan  
4                   meets the requirements of this paragraph.

5                   “(4) TECHNICAL ASSISTANCE.—

6                   “(A) IN GENERAL.—For each school iden-  
7                   tified for academic alert or school improvement  
8                   under paragraph (1), the local educational  
9                   agency serving the school shall ensure the provi-  
10                  sion of technical assistance as the school devel-  
11                  ops and implements the school plan under para-  
12                  graph (3) throughout the school plan’s dura-  
13                  tion.

14                  “(B) SPECIFIC ASSISTANCE.—Such tech-  
15                  nical assistance—

16                  “(i) shall include assistance in ana-  
17                  lyzing data from the assessments required  
18                  under section 1111(b)(3), and other exam-  
19                  ples of student work, to identify and ad-  
20                  dress problems in instruction, and prob-  
21                  lems if any, in implementing the parental  
22                  involvement requirements described in sec-  
23                  tion 1118, the professional development re-  
24                  quirements described in section 1119, and  
25                  the responsibilities of the school and local

1 educational agency under the school plan,  
2 and to identify and address solutions to  
3 such problems;

4 “(ii) shall include assistance in identi-  
5 fying and implementing professional devel-  
6 opment, instructional strategies, and meth-  
7 ods of instruction that are based on sci-  
8 entifically based research and that have  
9 proven effective in addressing the specific  
10 instructional issues that caused the school  
11 to be identified for academic alert or school  
12 improvement;

13 “(iii) shall include assistance in ana-  
14 lyzing and revising the school’s budget so  
15 that the school’s resources are more effec-  
16 tively allocated to the activities most likely  
17 to increase student academic achievement  
18 and to remove the school from school im-  
19 provement status; and

20 “(iv) may be provided—

21 “(I) by the local educational  
22 agency, through mechanisms author-  
23 ized under section 1117; or

24 “(II) by the State educational  
25 agency, an institution of higher edu-

1 cation (that is in full compliance with  
2 all the reporting provisions of title II  
3 of the Higher Education Act of  
4 1965), a private not-for-profit organi-  
5 zation or for-profit organization, an  
6 educational service agency, or another  
7 entity with experience in helping  
8 schools improve academic achieve-  
9 ment.

10 “(C) SCIENTIFICALLY BASED RE-  
11 SEARCH.—Technical assistance provided under  
12 this section by a local educational agency or an  
13 entity approved by that agency shall be based  
14 on scientifically based research.

15 “(5) IDENTIFICATION FOR SCHOOL IMPROVE-  
16 MENT.—In the case of any school served under this  
17 part that does not make adequate yearly progress,  
18 as set out in the State’s plan under section  
19 1111(b)(2), by the end of the 1st full school year  
20 after identification for academic alert under para-  
21 graph (1), the local educational agency serving such  
22 school shall—

23 “(A) ensure that school implements its  
24 school improvement plan in accordance with  
25 paragraph (3);

1           “(B) provide all students enrolled in the  
2 school with the option to transfer to another  
3 public school served by the local educational  
4 agency in accordance with paragraphs (1)(D)  
5 and (E);

6           “(C) make supplemental educational serv-  
7 ices available consistent with subsection (d)(1);  
8 and

9           “(D) continue to provide technical assist-  
10 ance to the school as described in paragraph  
11 (4).

12           “(6) FAILURE TO MAKE ADEQUATE YEARLY  
13 PROGRESS AFTER INITIAL IDENTIFICATION FOR  
14 SCHOOL IMPROVEMENT.—In the case of any school  
15 served under this part that does not make adequate  
16 yearly progress, as set out in the State’s plan under  
17 section 1111(b)(2), by the end of the 1st or 2nd full  
18 school year after identification for school improve-  
19 ment under paragraph (1), the local educational  
20 agency serving the school—

21           “(A) shall ensure that the school reviews  
22 the school’s instructional program and activities  
23 in accordance with paragraph (3)(B) and makes  
24 any necessary changes to the its school im-  
25 provement plan under paragraph (3), and shall

1 provide the school with technical assistance in  
2 conducting such review and in making such  
3 changes;

4 “(B) shall ensure that the school continues  
5 to implement its school improvement plan under  
6 paragraph (3);

7 “(C) shall continue to provide all students  
8 enrolled in the school with the option to trans-  
9 fer to another public school served by the local  
10 education agency in accordance with para-  
11 graphs (1)(D) and (E);

12 “(D) shall continue to provide supple-  
13 mental educational services consistent with sub-  
14 section (d)(1);

15 “(E) shall continue to provide technical as-  
16 sistance as described in paragraph (4); and

17 “(F) may require the school to undertake  
18 1 or more of the actions specified in paragraph  
19 (8)(C).

20 “(7) NOTICE TO PARENTS.—A local educational  
21 agency shall promptly provide to a parent or parents  
22 of each student enrolled in an elementary school or  
23 a secondary school identified for academic alert or  
24 school improvement under paragraph (1) or restruc-  
25 turing under paragraphs (1) and (8), in an under-

1 standable and uniform format and, to the extent  
2 practicable, in a language the parents can under-  
3 stand, and through public means such as mailings to  
4 parents, postings on the school webpage, open school  
5 meetings, and distribution to public agencies—

6 “(A) an explanation of what the identifica-  
7 tion means, and how the school compares in  
8 terms of academic achievement to other elemen-  
9 tary schools or secondary schools served by the  
10 local educational agency and the State edu-  
11 cational agency involved;

12 “(B) the reasons for the identification;

13 “(C) an explanation of what the school  
14 identified for school improvement is doing to  
15 address the problem of low achievement;

16 “(D) an explanation of what the local edu-  
17 cational agency or State educational agency is  
18 doing to help the school address the achieve-  
19 ment problem;

20 “(E) an explanation of how the parents  
21 can become involved in addressing the academic  
22 issues that caused the school to be identified for  
23 school improvement; and

24 “(F) an explanation of the parents’ option  
25 to transfer their child to another public school

1 under paragraphs (1)(D) and (E), paragraph  
2 (5)(B), paragraph (8)(A)(iii), and subsection  
3 (c)(9)(C)(vii) (with transportation provided by  
4 the agency when required by paragraph (9)) or  
5 to obtain supplemental educational services for  
6 the child, in accordance with subsection (d).

7 “(8) RESTRUCTURING.—

8 “(A) PERSISTENT AND PERVASIVE LACK  
9 OF ACADEMIC PROGRESS.—In the case of any  
10 school served under this part that does not  
11 make adequate yearly progress, as set out in  
12 the State’s plan under section 1111(b)(2), by  
13 the end of the 3rd full school year after identi-  
14 fication for school improvement under para-  
15 graph (1) the local educational agency serving  
16 the school shall—

17 “(i)(I) identify the school for focused  
18 restructuring if the school has not made  
19 adequate yearly progress with respect to  
20 the achievement of 1 or more groups of  
21 students specified in section  
22 1111(b)(2)(C)(v), but only if 1 or more of  
23 such groups comprise less than 50 percent  
24 of all enrolled students at the school; and

1           “(II) prepare a plan and make nec-  
2           essary arrangements to carry out subpara-  
3           graph (C);

4           “(ii)(I) identify the school for com-  
5           prehensive restructuring if the school has  
6           not made adequate yearly progress with re-  
7           spect to the achievement of 1 or more  
8           groups of students specified in section  
9           1111(b)(2)(C)(v), but only if 1 or more of  
10          such groups comprise 50 percent or more  
11          of all enrolled students at the school; and

12          “(II) prepare a plan and make nec-  
13          essary arrangements to carry out subpara-  
14          graph (D);

15          “(iii) continue to provide all students  
16          enrolled in the school with the option to  
17          transfer to another public school served by  
18          the local educational agency, in accordance  
19          with paragraph (1)(D) and (E);

20          “(iv) continue to provide supplemental  
21          educational services, in accordance with  
22          subsection (d), to children who remain in  
23          the school; and



1           “(v) prepare a plan and make nec-  
2           essary arrangements to carry out subpara-  
3           graphs (C) or (D).

4           “(B) COLLECTIVE BARGAINING.—In pre-  
5           paring a plan and making necessary arrange-  
6           ments to carry out subparagraphs (C) and (D)  
7           a local educational agency may renegotiate the  
8           limitations in the local educational agency’s col-  
9           lective bargaining agreement related to—

10                   “(i) teacher transfer and assignment;

11                   “(ii) differential, incentive, merit-  
12                   based, or performance-based pay for teach-  
13                   ing in high-poverty, low income schools; or

14                   “(iii) the expeditious dismissal of  
15                   teachers who cannot demonstrate effective-  
16                   ness in raising student achievement, or re-  
17                   constitution of school staff,

18           if the local educational agency determines that  
19           changes to those limitations are appropriate to  
20           effectively implement a restructuring plan.

21           “(C) FOCUSED RESTRUCTURING.—Not  
22           later than the beginning of the school year fol-  
23           lowing the year in which the local educational  
24           agency implements subparagraph (A), the local  
25           educational agency, consistent with State law—

1           “(i) shall institute and fully imple-  
2           ment, under the direct supervision of the  
3           local educational agency, a new academic  
4           curriculum, including providing intensive  
5           professional development for all staff and  
6           offering intensive academic catch-up pro-  
7           grams and services for all students not  
8           meeting the State’s proficient level of aca-  
9           demic achievement, that is based on sci-  
10          entifically based research to raise the edu-  
11          cational achievement of low-performing  
12          students and enable the school to make  
13          adequate yearly progress;

14           “(ii) shall replace or reassign under-  
15          performing staff;

16           “(iii) shall, if determined necessary by  
17          the local educational agency, restructure  
18          the internal organization of the school and  
19          decrease management authority at the  
20          school level, to ensure that the academic  
21          needs of low-performing students are met  
22          to enable such students to meet the State’s  
23          proficient level of academic achievement in  
24          reading or language arts and mathematics;  
25          and

1                   “(iv) may extend the school year or  
2                   school day for the school.

3                   “(D) COMPREHENSIVE RESTRUCTURING.—  
4                   Not later than the beginning of the school year  
5                   following the year in which the local educational  
6                   agency implements subparagraph (A), the local  
7                   educational agency shall implement 1 of the fol-  
8                   lowing alternative governance arrangements for  
9                   the school consistent with State law:

10                   “(i) Reopening the school as a public  
11                   charter school.

12                   “(ii) Replacing all or most of the  
13                   school staff (which may include the prin-  
14                   cipal) who are relevant to the persistent  
15                   and pervasive lack of academic progress.

16                   “(iii) Entering into a contract with an  
17                   entity, such as a private management com-  
18                   pany, with a demonstrated record of effec-  
19                   tiveness, to operate the public school.

20                   “(iv) Turning the operation of the  
21                   school over to—

22                   “(I) the State educational agen-  
23                   cy, if permitted under State law and  
24                   agreed to by the State; or

1                   “(II) the chief executive officer  
2                   or authority of a State or local unit of  
3                   government, such as a city mayor.

4                   “(v) Closing the school and making  
5                   arrangements for students to enroll in an-  
6                   other public school operated by the local  
7                   educational agency that has not been iden-  
8                   tified for school improvement under para-  
9                   graph (1) or restructuring under para-  
10                  graphs (1) and (8).

11                  “(E) PROMPT NOTICE.—The local edu-  
12                  cational agency shall—

13                         “(i) provide prompt notice to teachers  
14                         and parents whenever subparagraphs (A),  
15                         (C), or (D) apply; and

16                         “(ii) provide the teachers and parents  
17                         with an adequate opportunity to—

18                                 “(I) comment before taking any  
19                                 action under those subparagraphs;  
20                                 and

21                                 “(II) participate in developing  
22                                 any plan under subparagraph (A)(v).

23                         “(F) TREATMENT OF SCHOOL AFTER IM-  
24                         PLEMENTING FOCUSED RESTRUCTURING.—If  
25                         after the end of the 2nd school year of imple-

1           menting a focused restructuring plan under  
2           subparagraph (C) a school has not made ade-  
3           quate yearly progress as defined in the State  
4           plan under section 1111(b)(2), the local edu-  
5           cational agency shall identify the school for  
6           comprehensive restructuring and implement 1  
7           of the alternative governance arrangements de-  
8           scribed in clauses (i) through (iv) of subpara-  
9           graph (D).

10           “(G) TREATMENT OF SCHOOL AFTER IM-  
11           PLEMENTING COMPREHENSIVE RESTRUC-  
12           TURING.—After a local educational agency im-  
13           plements 1 of the alternative governance ar-  
14           rangements for a school described in clauses (i)  
15           through (iv) of subparagraph (D)—

16           “(i) such school shall cease to be  
17           treated as identified for academic alert or  
18           school improvement under paragraph (1)  
19           or restructuring under paragraphs (1) and  
20           (8); and

21           “(ii) the determination of whether  
22           such school is subsequently so identified  
23           shall be made by taking into account only  
24           years subsequent to the year in which the

1 alternative governance arrangement com-  
2 mences.

3 “(9) TRANSPORTATION.—In any case described  
4 in paragraph (1)(D) for schools described in para-  
5 graphs (1)(A), (5)(B), (6)(C), and (8)(A)(iii), and  
6 subsection (c)(9)(C)(vii), the local educational agen-  
7 cy shall provide, or shall pay for the provision of,  
8 transportation for the student to the public school  
9 the student attends.

10 “(10) FUNDS FOR TRANSPORTATION AND SUP-  
11 PLEMENTAL EDUCATIONAL SERVICES.—

12 “(A) IN GENERAL.—Unless a lesser  
13 amount is needed to comply with paragraph (9)  
14 and to satisfy all requests for supplemental edu-  
15 cational services under subsection (d), a local  
16 educational agency shall spend an amount equal  
17 to 20 percent of the local educational agency’s  
18 allocation under subpart 2, of which the agency  
19 shall spend—

20 “(i) an amount equal to 5 percent of  
21 the local educational agency’s allocation  
22 under subpart 2 to provide, or pay for,  
23 transportation under paragraph (9);

24 “(ii) an amount equal to 5 percent of  
25 the local educational agency’s allocation

1 under subpart 2 to provide supplemental  
2 educational services under subsection (d);  
3 and

4 “(iii) an amount equal to the remain-  
5 ing 10 percent of the local educational  
6 agency’s allocation under subpart 2 for  
7 transportation under paragraph (9) or sup-  
8 plemental educational services under sub-  
9 section (d), as the agency determines.

10 “(B) TOTAL AMOUNT.—The amount de-  
11 scribed in subparagraph (A)(ii) is the maximum  
12 amount the local educational agency shall be re-  
13 quired to spend under this part on supple-  
14 mental educational services described in sub-  
15 section (d).

16 “(C) PARENT OUTREACH AND ASSIST-  
17 ANCE.—For any fiscal year, a local educational  
18 agency may spend an amount that is not great-  
19 er than one-half of 1 percent of the local edu-  
20 cational agency’s allocation under subpart 2 on  
21 implementing the parent outreach and assist-  
22 ance requirements of subsections (b)(6)(F) and  
23 (d)(2), with such funds counting toward meet-  
24 ing the requirements of subparagraph (A).

1           “(D) INSUFFICIENT FUNDS.—If the  
2 amount of funds described in subparagraph  
3 (A)(ii) or (iii) and available to provide services  
4 under this subsection is insufficient to provide  
5 supplemental educational services to each child  
6 whose parents request the services, the local  
7 educational agency shall give priority to pro-  
8 viding the services to the lowest-achieving chil-  
9 dren.

10           “(E) PROHIBITION.—A local educational  
11 agency shall not, as a result of the application  
12 of this paragraph, reduce by more than 15 per-  
13 cent the total amount made available under sec-  
14 tion 1113(c) to a school described in paragraph  
15 (8)(A) of subsection (b).

16           “(F) FUNDING.—The funds described in  
17 subparagraph (A) shall be made available for  
18 the year in which the funding is set aside or  
19 otherwise allocated and shall, notwithstanding  
20 section 1127(a), remain available until such  
21 funds are expended (subject to section 421(b)  
22 of the General Education Provisions Act) on  
23 supplemental educational services under sub-  
24 section (d), transportation costs under para-



1 graph (9), or parent outreach and assistance  
2 under subparagraph (C), unless—

3 “(i) the local educational agency has  
4 provided the State educational agency with  
5 evidence satisfactory to the State edu-  
6 cational agency that not less than 75 per-  
7 cent of the students eligible for supple-  
8 mental educational services have received  
9 or affirmatively declined those services; or

10 “(ii) the State educational agency ap-  
11 proves a local educational agency request  
12 to spend a lesser amount based on a State  
13 review of the local educational agency’s  
14 demonstrated success in—

15 “(I) making significant progress  
16 in meeting the requirements of clause  
17 (i);

18 “(II) partnering with community-  
19 based organizations and other groups  
20 to help inform eligible students and  
21 their families of the availability of  
22 supplemental educational services;

23 “(III) ensuring that all eligible  
24 students are able to sign up for sup-  
25 plemental educational services

1 throughout the course of the school  
2 year and the summer; and

3 “(IV) meeting the requirements  
4 of subsections (d)(2)(E) and  
5 (d)(2)(F).

6 “(11) COOPERATIVE AGREEMENT.—In any case  
7 described in paragraph (1)(D), (5)(B), (6)(C), or  
8 (8)(A)(iii), or subsection (c)(9)(C)(vii), if all public  
9 schools served by the local educational agency to  
10 which a child may transfer are identified for school  
11 improvement or restructuring, then the local edu-  
12 cational agency shall, to the extent practicable, es-  
13 tablish a cooperative agreement with other local edu-  
14 cational agencies in the area for a transfer.

15 “(12) SPECIAL RULE.—A local educational  
16 agency shall permit a child who transferred to an-  
17 other school under this subsection to remain in that  
18 school until the child has completed the highest  
19 grade in that school. The obligation of the local edu-  
20 cational agency to provide, or to provide for, trans-  
21 portation for the child ends at the end of a school  
22 year if the local educational agency determines that  
23 the school from which the child transferred is no  
24 longer identified for school improvement or restruc-  
25 turing.

1           “(13) STATE EDUCATIONAL AGENCY RESPON-  
2           SIBILITIES.—The State educational agency shall—

3                   “(A) make technical assistance under sec-  
4                   tion 1117 available to schools identified for aca-  
5                   demic alert, school improvement, or restruc-  
6                   turing under this subsection consistent with  
7                   section 1117(a)(2);

8                   “(B) if the State educational agency deter-  
9                   mines that a local educational agency failed to  
10                  carry out its responsibilities under this sub-  
11                  section, take such corrective actions as the  
12                  State educational agency determines to be ap-  
13                  propriate and in compliance with State law;

14                  “(C) ensure that academic assessment re-  
15                  sults under this part are provided to schools be-  
16                  fore any identification of a school may take  
17                  place under this subsection; and

18                  “(D) for local educational agencies or  
19                  schools identified for improvement under this  
20                  subsection, notify the Secretary of major factors  
21                  brought to the attention of the State edu-  
22                  cational agency under section 1111(c)(7) that  
23                  have significantly affected student academic  
24                  achievement.”;

25                  (3) in subsection (c)—

1 (A) in paragraph (3), by striking “2001,  
2 failed to” and inserting “2007, does not”;

3 (B) by striking paragraph (4);

4 (C) by redesignating paragraphs (5), (6),  
5 (7), (9), (10), and (11) as paragraphs (4), (5),  
6 (6), (7), (8), and (9), respectively;

7 (D) in paragraph (4)(A) (as redesignated  
8 by subparagraph (C)), by striking “(10)” and  
9 inserting “(8)”;

10 (E) in paragraph (6) (as redesignated by  
11 subparagraph (C))—

12 (i) in subparagraph (A)—

13 (I) by redesignating clauses (i)  
14 through (viii) as clauses (iii) through  
15 (xii), respectively;

16 (II) by inserting before clause  
17 (iii) (as redesignated by subclause  
18 (I)), the following:

19 “(i) describe the structural changes  
20 that the local educational agency will  
21 make, over time, in its organization and its  
22 operations to improve the educational per-  
23 formance of schools served by the local  
24 educational agency;

1           “(ii) include an analysis of school dis-  
2           trictwide achievement data, particularly of  
3           the school districtwide achievement data of  
4           students from low-income families, and in-  
5           clude a description of how the local edu-  
6           cational agency has used those data in  
7           structuring the local educational agency’s  
8           improvement plan;” and

9                         (III) in clause (v) (as redesign-  
10                        nated by subclause (I)), by striking  
11                        “(b)(3)(A)(iii)” and inserting  
12                        “(b)(3)(C)(vi)” and

13           (ii) by adding at the end the fol-  
14           lowing:

15           “(C) REVIEW.—

16                        “(i) IN GENERAL.—In developing a  
17                        local educational agency plan under sub-  
18                        paragraph (A), the local educational agen-  
19                        cy shall, at a minimum, review each of the  
20                        elements described in clause (ii) of the  
21                        local educational agency’s operations to  
22                        identify any gaps and areas of improve-  
23                        ment, and incorporate in the local edu-  
24                        cational agency’s plan any changes to the  
25                        local educational agency’s program nec-

1           essary to ensure that all students meet  
2           State levels of academic proficiency.

3           “(ii) ELEMENTS REVIEWED.—The ele-  
4           ments referred to in clause (i) are as fol-  
5           lows:

6                   “(I) Current and prior years’  
7                   student achievement data for each  
8                   group of students specified in section  
9                   1111(b)(2)(C)(v).

10                   “(II) Current and prior years’  
11                   secondary school graduation rate data  
12                   for each group of students specified in  
13                   section 1111(b)(2)(C)(v).

14                   “(III) Teacher qualifications and  
15                   the school and classroom assignments  
16                   of the teachers, including a review of  
17                   out-of-field teaching (as defined in  
18                   clause (iii)), disaggregated by high-  
19                   and low-poverty schools.

20                   “(IV) Incentives to reward effec-  
21                   tive teachers and to attract effective  
22                   teachers to teach in low-income  
23                   schools and high-need subjects, such  
24                   as differential, incentive, merit-based,  
25                   or performance-based pay systems.

1           “(V) All instructional programs  
2           and the degree of alignment of the  
3           programs to State academic content  
4           standards.

5           “(VI) Evaluations of all academic  
6           programs and the effectiveness of the  
7           programs in improving student aca-  
8           demic achievement, especially for stu-  
9           dents not meeting the State’s pro-  
10          ficient level of academic achievement.

11          “(VII) Current allocation and  
12          budgeting of resources (including Fed-  
13          eral, State, and local resources).

14          “(VIII) Student and staff attend-  
15          ance rates.

16          “(IX) Parental outreach efforts  
17          and rates of parental involvement.

18          “(iii) DEFINITION OF OUT-OF-FIELD  
19          TEACHING.—For purposes of clause  
20          (ii)(III) the term ‘out-of-field teaching’  
21          means teaching an academic subject for  
22          which a teacher is not highly qualified.”;

23          (F) in paragraph (8) (as redesignated by  
24          subparagraph (C))—

25                 (i) in subparagraph (B)—

1 (I) in the matter preceding clause  
2 (i), by striking “(9)” and inserting  
3 “(7)”; and

4 (II) in clause (ii), by striking  
5 “second” and inserting “third”; and  
6 (ii) in subparagraph (C)(vii)—

7 (I) by striking “Authorizing” and  
8 inserting “Consistent with State law,  
9 authorizing”; and

10 (II) by striking “(b)(1)(E) and  
11 (F)” and inserting “(b)(1)(D) and  
12 (E)”; and

13 (4) by striking subsection (d) and (f);

14 (5) by redesignating subsections (e), (g), and  
15 (h) as subsections (d), (e), and (f), respectively;

16 (6) in subsection (d) (as redesignated by para-  
17 graph (5))—

18 (A) in paragraph (1), by striking “(5), (7),  
19 or (8)” and inserting “(1), (5), (6), or (8)”; and

20 (B) in paragraph (2)—

21 (i) in subparagraph (C), by striking  
22 “and” after the semicolon;

23 (ii) in subparagraph (D), by striking  
24 the period and inserting a semicolon; and



1 (iii) by adding at the end the fol-  
2 lowing:

3 “(E) choose an approved provider, using a  
4 fair, open, and objective process, to operate on  
5 site in the school identified under paragraph  
6 (1), (5), (6), or (8) of subsection (b) free of  
7 charge, or for a reasonable fee, on the same  
8 basis and terms as are available to other groups  
9 that seek access to the school building; and

10 “(F) provide approved providers with ap-  
11 propriate logistical information, including infor-  
12 mation on the procedures parents follow to ob-  
13 tain supplemental educational services for their  
14 children.”;

15 (C) by redesignating paragraphs (7)  
16 through (12) as paragraphs (8) through (13),  
17 respectively; and

18 (D) by inserting after paragraph (6) the  
19 following:

20 “(7) AMOUNTS FOR SPECIAL POPULATIONS.—  
21 Notwithstanding subparagraph (6), the amount that  
22 a local educational agency shall make available for  
23 supplemental educational services for students with  
24 disabilities, limited English proficient students, and  
25 students in local educational agencies that are eligi-

1 ble for assistance under section 6211 or 6221, may  
 2 equal 200 percent of the amount determined in sub-  
 3 paragraph (6)(A), except that no student shall re-  
 4 ceive more than the actual costs of the supplemental  
 5 educational services received by the student.”;

6 (7) in subsection (e) (as redesignated by para-  
 7 graph (5))—

8 (A) by striking “Bureau of Indian Affairs”  
 9 each place the term appears and inserting “De-  
 10 partment of the Interior”;

11 (B) in the heading for paragraph (1), by  
 12 striking “BUREAU” and inserting “DEPART-  
 13 MENT OF THE INTERIOR”;

14 (C) in paragraph (2)—

15 (i) in the paragraph heading, by strik-  
 16 ing “BIA” and inserting “DEPARTMENT  
 17 OF THE INTERIOR”; and

18 (ii) by striking “and (e)” and insert-  
 19 ing “and (d)”;

20 (D) by striking paragraph (4) and insert-  
 21 ing the following:

22 “(4) RESTRUCTURING FOR DEPARTMENT OF  
 23 INTERIOR-FUNDED SCHOOLS.—

24 “(A) CONTRACT AND GRANT SCHOOLS.—

25 For a school funded by the Department of the

1 Interior which is operated under a contract  
2 issued by the Secretary of the Interior pursuant  
3 to the Indian Self-Determination Act (25  
4 U.S.C. 450 et seq.) or under a grant issued by  
5 the Secretary of the Interior pursuant to the  
6 Tribally Controlled Schools Act of 1988 (25  
7 U.S.C. 2501 et seq.), the school board of such  
8 school shall be responsible for meeting the re-  
9 quirements of subsection (b) relating to restruc-  
10 turing as described in subsection (b)(8). Any  
11 action taken by such school board under sub-  
12 section (b)(8) shall take into account the unique  
13 circumstances and structure of the Department  
14 of the Interior-funded school system and the  
15 laws governing that system.

16 “(B) DEPARTMENT OF THE INTERIOR OP-  
17 ERATED SCHOOLS.—For schools operated by  
18 the Department of the Interior, the Department  
19 of the Interior shall be responsible for meeting  
20 the requirements of subsection (b) relating to  
21 restructuring as described in subsection (b)(8).  
22 Any action taken by the Department of the In-  
23 terior under subsection (b)(8) shall take into  
24 account the unique circumstances and structure  
25 of the Department of the Interior-funded school

1 system and the laws governing that system.”;  
2 and  
3 (8) in subsection (f) (as redesignated by para-  
4 graph (5)) by striking “(b)(14)(D)” and inserting  
5 “(b)(13)(D)”.

6 **SEC. 1116. SCHOOL SUPPORT AND RECOGNITION.**

7 Section 1117 (20 U.S.C. 6317) is amended—

8 (1) in subsection (a)(2)(A)—

9 (A) by striking “corrective action” and in-  
10 sserting “restructuring”; and

11 (B) by striking “paragraphs (7) and” and  
12 inserting “paragraph”; and

13 (2) in subsection (c)(1)(A), by striking  
14 “1003(g)” and inserting “1003(e)”.

15 **SEC. 1117. PARENTAL INVOLVEMENT.**

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

17 (1) in subsection (a)(2)(D), by striking “Even  
18 Start program,”;

19 (2) in subsection (d)(1), by striking “television  
20 watching” and inserting “course selection in middle  
21 and high school”; and

22 (3) in subsection (e)—

23 (A) in paragraph (1), by inserting “State  
24 and local secondary school graduation require-  
25 ments, entrance requirements for postsecondary

1 education,” after “State and local academic as-  
 2 sessments,”; and

3 (B) in paragraph (4), by striking “Even  
 4 Start,”.

5 **SEC. 1118. QUALIFICATIONS FOR TEACHERS AND PARA-**  
 6 **PROFESSIONALS.**

7 (a) IN GENERAL.—Section 1119 (20 U.S.C. 6319)  
 8 is amended—

9 (1) in subsection (a)—

10 (A) by striking paragraph (1) and insert-  
 11 ing the following:

12 “(1) HIGHLY QUALIFIED TEACHERS.—

13 “(A) IN GENERAL.—Except as provided in  
 14 subparagraph (B), each local educational agen-  
 15 cy receiving assistance under this part shall en-  
 16 sure that all teachers teaching in a program  
 17 supported with funds under this part are highly  
 18 qualified.

19 “(B) TEACHERS IN RURAL AREAS.—

20 “(i) RURAL LOCAL EDUCATIONAL  
 21 AGENCY.—In this subparagraph, the term  
 22 ‘rural local educational agency’ means a  
 23 local educational agency described in sec-  
 24 tion 6211(e) or 6221(b)(1).

25 “(ii) NEWLY HIRED TEACHERS.—

1           “(I) IN GENERAL.—The Sec-  
2           retary may waive the requirement of  
3           subparagraph (A) in the case of a  
4           teacher—

5                   “(aa) who is first employed  
6                   by a rural local educational agen-  
7                   cy after the date of enactment of  
8                   the ‘No Child Left Behind Act of  
9                   2007’;

10                   “(bb) who is not highly  
11                   qualified; and

12                   “(cc) who meets the require-  
13                   ments of clause (iii).

14           “(II) LIMITATION.—The Sec-  
15           retary may waive the requirement of  
16           subparagraph (A) only during such  
17           teacher’s first 3 years of employment  
18           as a teacher with the rural local edu-  
19           cational agency.

20           “(iii) CONDITIONS.—The Secretary  
21           may waive the requirement of subpara-  
22           graph (A) only if the teacher—

23                   “(I) meets the requirement de-  
24                   scribed in section 9101(23)(A);

1           “(II) in the case of a middle or  
2           secondary school teacher, holds at  
3           least a bachelor’s degree and has dem-  
4           onstrated a high level of competency  
5           in not less than 1 of the academic  
6           subjects in which the teacher teaches  
7           by meeting a requirement under sub-  
8           clause (I) or (II) of section  
9           9101(23)(B)(ii);

10           “(III) receives high-quality pro-  
11           fessional development from the rural  
12           local educational agency that increases  
13           the teacher’s content knowledge in the  
14           additional core academic subjects the  
15           teacher teaches; and

16           “(IV) participates in a mentoring  
17           or other program of intensive support  
18           provided by the rural local educational  
19           agency.

20           “(iv) ONE PROCESS.—A State may es-  
21           tablish one highly objective uniform State  
22           standard of evaluation process, as de-  
23           scribed under section 9101(23)(C)(ii), for  
24           teachers who wish to demonstrate their  
25           subject matter competency under such

1 process in multiple core academic sub-  
2 jects.”;

3 (B) in paragraph (2), by striking “not  
4 later than the end of the 2005–2006 school  
5 year” both places such phrase appears; and

6 (C) in paragraph (3), by striking “not  
7 later than the end of the 2005–2006 school  
8 year”;

9 (2) in subsection (b), by striking “beginning  
10 with the 2002–2003 school year,” each place such  
11 phrase appears;

12 (3) in subsection (c)—

13 (A) in the heading, by striking “NEW”;  
14 and

15 (B) in paragraph (1), by striking “hired  
16 after the date of enactment of the No Child  
17 Left Behind Act of 2001 and”;

18 (4) by striking subsection (d);

19 (5) by redesignating subsections (e) through (l)  
20 as subsections (d) through (k), respectively;

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



1           (7) in subsection (e), as redesignated by para-  
2           graph (5), by striking “regardless of the paraprofes-  
3           sionals’ hiring date,”;

4           (8) in subsection (f)(3)(A), as redesignated by  
5           paragraph (5), by striking “section 1119” and in-  
6           serting “this section”;

7           (9) in subsection (j), as redesignated by para-  
8           graph (5), by striking “subsection (l)” and inserting  
9           “subsection (k)”; and

10          (10) by striking subsection (k), as redesignated  
11          by paragraph (5), and inserting the following:

12          “(k) MINIMUM EXPENDITURES.—Each local edu-  
13          cational agency that receives funds under this part shall  
14          use not less than 5 percent of the funds for each fiscal  
15          year, for professional development activities and teacher  
16          recruitment and retention activities, which may include  
17          differential, incentive, and merit- or performance-based  
18          pay, to ensure that low-income students and minority stu-  
19          dents are not taught at higher rates than other students  
20          by unqualified, out-of-field, or inexperienced teachers.”.

21          (b) TEACHER DEVELOPMENT.—Part A of title II of  
22          the Higher Education Act of 1965 (20 U.S.C. 1021 et  
23          seq.) is amended by adding after section 208 the following:

1 **“SEC. 208A. TEACHER DEVELOPMENT.**

2       “(a) IN GENERAL.—As a condition of receiving as-  
3 sistance under title IV, an institution of higher education  
4 that conducts a teacher preparation program that enrolls  
5 students receiving Federal assistance under this Act shall  
6 set annual quantifiable goals for—

7           “(1) increasing the number of prospective  
8 teachers trained in teacher shortage areas des-  
9 ignated by the Secretary, including mathematics,  
10 science, special education, and instruction of limited  
11 English proficient students; and

12           “(2) more closely linking the training provided  
13 by the institution with the needs of schools and the  
14 instructional decisions new teachers face in the  
15 classroom.

16       “(b) ASSURANCES.—An institution of higher edu-  
17 cation described in subsection (a) shall provide an assur-  
18 ance to the Secretary that—

19           “(1) training provided to prospective teachers  
20 responds to the identified needs of the local edu-  
21 cational agencies or States where graduates are like-  
22 ly to teach (based on past hiring and recruitment  
23 trends);

24           “(2) prospective special education teachers re-  
25 ceive coursework in core content areas and receive

1 training in providing instruction in core content  
2 areas;

3 “(3) general education teachers receive training  
4 in providing instruction to diverse populations, in-  
5 cluding students with disabilities, limited English  
6 proficient students, and students from low-income  
7 families; and

8 “(4) prospective teachers receive training on  
9 how to effectively teach in urban and rural schools.

10 “(c) PUBLIC REPORTING.—As part of the report card  
11 required under section 207(f), an institution of higher  
12 education described in this section shall publicly report  
13 whether the goals established under subsection (a) have  
14 been met.”.

15 **SEC. 1119. GRANTS FOR THE OUTLYING AREAS AND THE**  
16 **SECRETARY OF THE INTERIOR.**

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

18 (1) in paragraph (2)—

19 (A) by striking “each appropriate outlying  
20 area” and inserting “the Republic of Palau”;  
21 and

22 (B) by striking “2001” and inserting  
23 “2007”;

24 (2) in paragraph (3)(A), by striking “and freely  
25 associated States”; and

1           (3) in paragraph (4), by striking “States” and  
2           inserting “states”.

3 **SEC. 1120. ALLOCATIONS TO STATES.**

4           Section 1122(a) (20 U.S.C. 6332(a)) is amended, in  
5 the matter preceding paragraph (1), by striking “fiscal  
6 years 2002–2007” and inserting “fiscal years 2008–  
7 2013”.

8 **SEC. 1121. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**  
9           **CIES.**

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

11           (1) in subsection (a)(4)—

12                (A) in subparagraph (B), by striking “less  
13                than” and all that follows through the period  
14                and inserting “less than 100.0 percent.”; and

15                (B) in subparagraph (C)—

16                   (i) in clause (i), by inserting “or”  
17                   after the semicolon;

18                   (ii) by striking clause (ii); and

19                   (iii) by redesignating clause (iii) as  
20                   clause (ii); and

21           (2) in subsection (c)(3)(A), by striking “In fis-  
22           cal year 2002 and each subsequent fiscal year,” and  
23           inserting “In each fiscal year,”.

1 **SEC. 1122. EDUCATION FINANCE INCENTIVE GRANT PRO-**  
 2 **GRAM.**

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

4 (1) in subsection (c), by redesignating subpara-  
 5 graphs (A) and (B) as paragraphs (1) and (2), re-  
 6 spectively, and indenting appropriately; and

7 (2) in subsection (f), by striking “2002” and  
 8 inserting “2008”.

9 **PART B—STUDENT READING SKILLS**

10 **IMPROVEMENT GRANTS**

11 **Subpart 1—Reading First**

12 **SEC. 1201. FORMULA GRANTS TO STATE EDUCATIONAL**  
 13 **AGENCIES.**

14 Section 1202 (20 U.S.C. 6362) is amended—

15 (1) in subsection (b)(1)(E), by striking “, be-  
 16 ginning with fiscal year 2004,”;

17 (2) by striking clause (ii) of subsection  
 18 (c)(6)(B) and inserting the following:

19 “(ii) have the highest percentages of  
 20 children who are eligible for free or re-  
 21 duced-price lunch under the Richard B.  
 22 Russell National School Lunch Act.”;

23 (3) in subsection (c)(7)(B)—

24 (A) by striking clause (i); and

25 (B) by redesignating clauses (ii) and (iii)

26 as clauses (i) and (ii), respectively; and

1           (4) in subsection (e)(2), by striking “peer re-  
2           view panel” and inserting “Committee”.

3 **SEC. 1202. STATE FORMULA GRANT APPLICATIONS.**

4           Section 1203 (20 U.S.C. 6363) is amended—

5           (1) in subsection (a)—

6                 (A) by striking paragraph (2); and

7                 (B) by striking “APPLICATIONS.—” and all  
8           that follows through “A State” and inserting  
9           “APPLICATIONS.—A State”;

10          (2) in subsection (b)—

11                 (A) by striking paragraph (2);

12                 (B) by redesignating paragraphs (3) and  
13           (4) as paragraphs (2) and (3), respectively; and

14                 (C) in paragraph (3) (as redesignated by  
15           subparagraph (B))—

16                         (i) by redesignating subparagraph (I)  
17                         as subparagraph (J); and

18                         (ii) by inserting after subparagraph  
19                         (H) the following:

20                                 “(I) How the State educational agency will  
21                                 collect and report to the Secretary, for each  
22                                 school served by a local educational agency re-  
23                                 ceiving a subgrant under section 1202, baseline  
24                                 data on the reading achievement of students in

1 grades 1 through 3 in the year prior to the first  
2 year of the project.”;

3 (3) in subsection (c)(2)—

4 (A) in the matter preceding clause (i) of  
5 subparagraph (A)—

6 (i) in the first sentence, by striking  
7 “panel to evaluate” and inserting “Read-  
8 ing First Advisory Committee (referred to  
9 in this subpart as ‘the Committee’) to  
10 evaluate”; and

11 (ii) in the second sentence, by striking  
12 “panel shall” and inserting “Committee  
13 shall”;

14 (B) by redesignating subparagraphs (B)  
15 and (C) as subparagraphs (C) and (D), respec-  
16 tively;

17 (C) by inserting after subparagraph (A)  
18 the following:

19 “(B) LIMITATION.—The Committee shall  
20 not be comprised of a majority of members se-  
21 lected by 1 individual or entity described in sub-  
22 paragraph (A).”;

23 (D) in subparagraph (C), as redesignated  
24 by subparagraph (B), by striking “The panel”  
25 and inserting “The Committee”;

1 (E) in subparagraph (D), as redesignated  
2 by subparagraph (B)—

3 (i) by striking “The panel” and in-  
4 sserting “The Committee”; and

5 (ii) by inserting “and shall provide the  
6 Secretary with feedback for State edu-  
7 cational agencies whose applications are  
8 not approved” before the period at the end;  
9 (F) by adding at the end the following:

10 “(E) SUBCOMMITTEES.—

11 “(i) IN GENERAL.—At its sole discre-  
12 tion, the Committee may form 1 or more  
13 subcommittees, comprised of members of  
14 the Committee, to assist the Committee  
15 with the Committee’s functions described  
16 in this paragraph.

17 “(ii) REPRESENTATION.—Each sub-  
18 committee formed by the Committee shall  
19 include not less than 1 member selected by  
20 each individual or entity described in sub-  
21 paragraph (A), and in no case shall be  
22 comprised of a majority of members se-  
23 lected by 1 such individual or entity. Mem-  
24 bers of the Committee may serve on 1 or  
25 more subcommittees.



1           “(iii) COMMITTEE REVIEW.—After a  
2           subcommittee makes recommendations re-  
3           garding a grant application under this sec-  
4           tion, the Committee shall—

5                   “(I) review the recommendations  
6                   made by the subcommittee, including  
7                   any feedback to be provided to the  
8                   State educational agency regarding  
9                   the application; and

10                   “(II) following such review, make  
11                   a final recommendation, including any  
12                   feedback, to the Secretary in accord-  
13                   ance with subparagraph (D).

14           “(F) GOVERNANCE.—The provisions of the  
15           Federal Advisory Committee Act (5 U.S.C.  
16           App.) shall apply to the activities of the Com-  
17           mittee.

18           “(G) CONFLICTS OF INTEREST.—

19                   “(i) IN GENERAL.—The Secretary  
20                   shall establish a process through which  
21                   each individual selected to be a member of  
22                   the Committee shall be screened for poten-  
23                   tial conflicts of interest before becoming a  
24                   member.

1                   “(ii) SCREENING.—The screening  
2 process described in clause (i) shall—  
3                   “(I) be reviewed and approved by  
4 the Office of General Counsel of the  
5 Department;  
6                   “(II) include, at a minimum—  
7                   “(aa) a review of each po-  
8 tential member’s connection to  
9 any State’s program under this  
10 subpart;  
11                   “(bb) each potential mem-  
12 ber’s potential financial interest  
13 in any product that might be  
14 purchased by a State educational  
15 agency or local educational agen-  
16 cy in the course of such agency’s  
17 implementation of a grant under  
18 this subpart; and  
19                   “(cc) each potential mem-  
20 ber’s professional connections to  
21 teaching methodologies that  
22 might require the use of specific  
23 products; and  
24                   “(III) be designed to prevent, to  
25 the extent possible, bias or the ap-

1 appearance of bias in the Committee's  
2 performance of the Committee's re-  
3 sponsibilities under this paragraph.

4 “(H) GUIDANCE.—

5 “(i) IN GENERAL.—The Secretary  
6 shall—

7 “(I) develop guidance for how the  
8 Committee and any subcommittees  
9 created in accordance with subpara-  
10 graph (E) will—

11 “(aa) review applications  
12 submitted under this section; and

13 “(bb) provide feedback to  
14 State educational agencies and  
15 recommendations to the Sec-  
16 retary; and

17 “(II) develop guidance for how  
18 the Secretary will review the rec-  
19 ommendations of the Committee and  
20 any subcommittees and make final de-  
21 terminations of funding or disapproval  
22 of an application submitted under this  
23 section.

1           “(ii) REQUIREMENTS.—The guidance  
2 described in clause (i) shall, at a min-  
3 imum—

4           “(I) create a transparent process  
5 through which the Committee and any  
6 subcommittees of the Committee pro-  
7 vide clear, consistent, and publicly  
8 available documentation in support of  
9 all recommendations;

10          “(II) ensure that the Committee  
11 reviews any subcommittee feedback  
12 prior to that feedback being submitted  
13 to a State educational agency;

14          “(III) ensure that a State edu-  
15 cational agency has the opportunity  
16 for direct interaction with the Com-  
17 mittee and any subcommittees, as ap-  
18 propriate, when revising an applica-  
19 tion under this section as a result of  
20 feedback submitted by the Committee  
21 or a subcommittee;

22          “(IV) require that the Com-  
23 mittee, any subcommittee, and the  
24 Secretary clearly and consistently doc-  
25 ument that all criteria described in

1 subsection (b) are met before an ap-  
2 plication submitted under this section  
3 is approved; and

4 “(V) create a transparent process  
5 through which the Secretary clearly,  
6 consistently, and publicly documents  
7 the Secretary’s decision to fund or  
8 disapprove each application submitted  
9 under this section and the reasons for  
10 such decision.”; and

11 (4) by striking subsection (d)(4).

12 **SEC. 1203. TARGETED ASSISTANCE GRANTS.**

13 Section 1204 (20 U.S.C. 6364) is amended—

14 (1) in subsection (a), by striking “Beginning  
15 with fiscal year 2004, from” and inserting “From”;  
16 and

17 (2) in subsection (c)(2)—

18 (A) in the first sentence, by striking “peer  
19 review panel” and inserting “Committee”; and

20 (B) in the second sentence, by striking  
21 “panel shall” and inserting “Committee shall”.

22 **SEC. 1204. EXTERNAL EVALUATION.**

23 Section 1205 (20 U.S.C. 6365) is amended by adding  
24 at the end the following:

25 “(e) LIMITATION.—

1           “(1) IN GENERAL.—The Secretary shall ensure  
2 that the independent organization described in sub-  
3 section (a) does not hold a contract or subcontract  
4 to implement any aspect of a program under this  
5 subpart.

6           “(2) SUBCONTRACTORS.—The contract entered  
7 into under subsection (a) shall prohibit the inde-  
8 pendent organization conducting the evaluation from  
9 entering into a subcontract with any entity that  
10 holds a contract or subcontract to implement any as-  
11 pect of a program under this subpart.”.

12 **SEC. 1205. NATIONAL ACTIVITIES.**

13 Section 1206 (20 U.S.C. 6366) is amended—

14           (1) in the matter preceding paragraph (1), by  
15 inserting before “From funds” the following:

16           “(a) TECHNICAL ASSISTANCE AND EVALUATION.—”;

17 and

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

19           “(b) CONTRACTS FOR TECHNICAL ASSISTANCE.—

20           “(1) IN GENERAL.—The Secretary may enter  
21 into contracts with independent entities to perform  
22 the activities described in subsection (a)(1).

23           “(2) CONFLICTS OF INTEREST.—

1           “(A) IN GENERAL.—If the Secretary en-  
2           ters into a contract described in paragraph (1),  
3           the Secretary shall—

4                   “(i) ensure that such contract re-  
5                   quires the independent entity to screen for  
6                   conflicts of interest through the screening  
7                   process described in subparagraph (B)  
8                   when hiring individuals to carry out the re-  
9                   sponsibilities under the contract; and

10                   “(ii) ensure that such contract re-  
11                   quires the independent entity to include  
12                   the requirement under clause (i) in any  
13                   subcontract that such entity enters into to  
14                   fulfill the responsibilities described in sub-  
15                   section (a)(1).

16           “(B) SCREENING PROCESS.—The screen-  
17           ing process shall—

18                   “(i) include, at a minimum, a review  
19                   of each individual performing duties under  
20                   the contract or subcontract for—

21                           “(I) any connection to a State’s  
22                           program under this subpart;

23                           “(II) any potential financial in-  
24                           terest in, or other connection to, prod-  
25                           ucts that might be purchased by a

1 State educational agency or local edu-  
2 cational agency in the course of such  
3 agency's implementation of a program  
4 or project under this subpart; and

5 “(III) any connection to a teach-  
6 ing methodology that might require  
7 the use of a specific product; and

8 “(ii) be designed to prevent, to the ex-  
9 tent possible, bias or the appearance of  
10 bias in the performance of the responsibil-  
11 ities under the contract or subcontract.

12 “(3) INFORMATION DISSEMINATION.—If the  
13 Secretary enters into a contract under paragraph  
14 (1), or if a contracted entity enters into a sub-  
15 contract to carry out the responsibilities under such  
16 contract, the contract or subcontract shall require  
17 the contractor or subcontractor to clearly separate  
18 technical assistance provided under such contract or  
19 subcontract from information provided, or activities  
20 engaged in, as part of the normal operations of the  
21 contractor or subcontractor. Efforts to comply with  
22 this paragraph may include the creation of separate  
23 web pages for the purpose of fulfilling a contract or  
24 subcontract entered into under this subsection.”.



1 **SEC. 1206. PROHIBITION OF FEDERAL GOVERNMENT**  
2 **INTERVENTION.**

3 Subpart 1 of part B of title I (20 U.S.C. 6361 et  
4 seq.) is further amended by inserting after section 1207  
5 the following:

6 **“SEC. 1207A. PROHIBITION OF FEDERAL GOVERNMENT**  
7 **INTERVENTION.**

8 “(a) IN GENERAL.—Nothing in this subpart shall be  
9 construed to alter or lessen the prohibitions under section  
10 9527(b) or section 103(b) of the Department of Education  
11 Organization Act.

12 “(b) GUIDANCE.—

13 “(1) IN GENERAL.—The Secretary shall develop  
14 guidance for Department employees responsible for  
15 the implementation of this subpart that will assist  
16 such employees in complying with the prohibitions  
17 described in subsection (a).

18 “(2) CONTENTS OF GUIDANCE.—The guidance  
19 described in paragraph (1) shall—

20 “(A) emphasize the importance of con-  
21 sultation with the Office of General Counsel of  
22 the Department on issues related to such prohi-  
23 bitions; and

24 “(B) stress that any information dissemi-  
25 nated, or technical assistance provided, in ac-  
26 cordance with this subpart, shall represent mul-

1           tiple perspectives and not in any way endorse or  
2           appear to endorse any particular product or  
3           service that might be purchased by a State edu-  
4           cational agency or local educational agency in  
5           the course of such agency’s implementation of  
6           a program under this subpart.”.

7                           **Subpart 2—Early Reading First**

8   **SEC. 1221. EVALUATION.**

9           Section 1226 (20 U.S.C. 6376) is amended—

10                   (1) in subsection (a), by striking “October 1,  
11                   2002, and ending September 30, 2006,” and insert-  
12                   ing “October 1, 2007, and ending September 30,  
13                   2011,”; and

14                   (2) in subsection (b)—

15                           (A) in paragraph (1), by striking “2004”  
16                           and inserting “2009”; and

17                           (B) in paragraph (2), by striking “2006”  
18                           and inserting “2011”.

19                           **Subpart 3—Striving Readers**

20   **SEC. 1231. STRIVING READERS.**

21           Subpart 3 of part B of title I (20 U.S.C. 6381 et  
22   seq.) is amended to read as follows:

1                   **“Subpart 3—Striving Readers**

2   **“SEC. 1231. PURPOSE; DEFINITIONS.**

3           “(a) PURPOSE.—The purpose of this subpart is to  
4 raise the reading achievement of middle school and high  
5 school students in schools that are eligible for assistance  
6 under part A and that enroll significant numbers of stu-  
7 dents reading below grade level, by supporting the imple-  
8 mentation and evaluation of new and existing comprehen-  
9 sive reading initiatives that improve the quality of literacy  
10 instruction across the curriculum and provide intensive lit-  
11 eracy interventions to struggling adolescent readers.

12           “(b) DEFINITIONS.—In this subpart:

13                   “(1) ELIGIBLE APPLICANT.—The term ‘eligible  
14 applicant’ means any of the following:

15                           “(A) A local educational agency that—

16                                   “(i) is eligible to receive funds under  
17 part A to carry out section 1113; and

18                                   “(ii) serves an eligible school with stu-  
19 dents in 1 or more of grades 6 through 12.

20                           “(B) A partnership consisting of—

21                                   “(i) a local educational agency de-  
22 scribed in subparagraph (A); and

23                                   “(ii) 1 or more of the following enti-  
24 ties:

25   “(I) Another local educational  
26 agency described in subparagraph (A).

1 “(II) A State educational agency.

2 “(III) An institution of higher  
3 education.

4 “(IV) A public or private organi-  
5 zation with expertise in adolescent lit-  
6 eracy or rigorous evaluation of edu-  
7 cation programs.

8 “(C) A State educational agency, applying  
9 on behalf of 1 or more local educational agen-  
10 cies described in subparagraph (A), individually  
11 or jointly with 1 or more of the following enti-  
12 ties:

13 “(i) An institution of higher edu-  
14 cation.

15 “(ii) A public or private organization  
16 with expertise in adolescent literacy or rig-  
17 orous evaluation of education programs.

18 “(2) ELIGIBLE SCHOOL.—The term ‘eligible  
19 school’ means a school that is eligible for funds  
20 under section 1113.

21 **“SEC. 1232. STRIVING READERS GRANTS.**

22 “(a) PROGRAM AUTHORIZED.—

23 “(1) IN GENERAL.—From amounts appro-  
24 priated under this subpart, the Secretary shall  
25 award grants, on a competitive basis, to eligible ap-

1       plicants to carry out activities consistent with the  
2       purpose of this subpart.

3               “(2) DURATION.—A grant awarded under this  
4       subsection shall be for a period of not more than 5  
5       years.

6               “(b) APPLICATIONS.—An eligible applicant that de-  
7       sires to receive a grant under this subpart shall submit  
8       an application to the Secretary at such time, in such man-  
9       ner, and including such information as the Secretary may  
10      reasonably require, including—

11              “(1) information on the eligible schools to be  
12      served by the project, including—

13              “(A) such demographic, socioeconomic, and  
14      reading achievement data as the Secretary may  
15      request; and

16              “(B) evidence that the schools proposed to  
17      be served have significant numbers or percent-  
18      ages of students reading below grade level;

19              “(2) a description of the instructional program  
20      that will be used in the project, including informa-  
21      tion on how the program reflects strong research-  
22      based evidence on adolescent literacy instruction;  
23      and

24              “(3) a description of the activities that will be  
25      carried out under the grant, including a description

1 of the professional development that will be provided  
2 to teachers, administrators, and other personnel, and  
3 of how those activities will support achievement of  
4 the purposes of the grant.

5 “(c) USES OF FUNDS.—An eligible applicant receiv-  
6 ing a grant under this subpart shall use grant funds re-  
7 ceived to—

8 “(1) provide middle- and high-school aged stu-  
9 dents who are not less than 2 years below grade  
10 level in reading with targeted interventions to im-  
11 prove the students’ basic reading skills, vocabulary,  
12 fluency, and reading comprehension using research-  
13 based strategies;

14 “(2) implement school-level strategies to in-  
15 crease reading achievement for students by improv-  
16 ing the quality of literacy instruction across the cur-  
17 riculum;

18 “(3) provide teachers with professional develop-  
19 ment on scientifically based reading research for ad-  
20 olescent students or on integrating comprehension  
21 and literacy skills in the classroom across subject  
22 areas;

23 “(4) acquire, provide training for, and imple-  
24 ment valid and reliable reading assessments or other  
25 appropriate measures that are based on scientifically

1 based reading research to determine whether stu-  
2 dents are developing and improving reading skills;

3 “(5) provide professional development to teach-  
4 ers, administrators, and other personnel, to support  
5 achievement of the purposes of the project; and

6 “(6) design and implement a rigorous evalua-  
7 tion, including random assignment of students, of  
8 the grantee’s targeted literacy interventions that will  
9 measure whether the interventions were properly im-  
10 plemented and will track student performance in  
11 reading and literacy as measured by regular ongoing  
12 assessment as well as the results of the State aca-  
13 demic assessments of reading or language arts, as  
14 described in section 1111(b)(3).

15 “(d) FISCAL AGENT.—Each eligible applicant for a  
16 grant under this subpart shall identify, in the application,  
17 a participating local educational agency described in sec-  
18 tion 1231(b)(1)(A) or a State educational agency, that will  
19 serve as the fiscal agent for the grant.

20 **“SEC. 1233. PARTICIPATION OF PRIVATE SCHOOL CHIL-**  
21 **DREN AND TEACHERS.**

22 “In making grants under this subpart, the Secretary  
23 shall ensure, where appropriate, that provision is made for  
24 the equitable participation of students and teachers in pri-  
25 vate nonprofit elementary schools and secondary schools,

1 including the participation of teachers and other personnel  
2 serving these students in professional development pro-  
3 grams.

4 **“SEC. 1234. EVALUATION AND TECHNICAL ASSISTANCE.**

5 “The Secretary may use funds appropriated under  
6 this subpart to provide technical assistance to grantees  
7 and to conduct a program evaluation.

8 **“SEC. 1235. PROGRAM PERFORMANCE AND ACCOUNT-**  
9 **ABILITY.**

10 “Each eligible applicant receiving a grant under this  
11 subpart shall collect and report to the Secretary such in-  
12 formation on the results of the grant as the Secretary may  
13 reasonably require, including information on—

14 “(1) the percentage of middle school and high  
15 school students reading significantly below grade  
16 level who demonstrate a gain in their reading  
17 achievement, at a minimum of 1 grade level or its  
18 equivalent, after participating in a targeted interven-  
19 tion under the grant over an academic school year;  
20 and

21 “(2) the percentage of students in schools par-  
22 ticipating in the program who score at or above the  
23 proficient level on the State academic assessments of  
24 reading or language arts described in section  
25 1111(b)(3).”.





1           “(2) prepare such children to make a successful  
2 transition to postsecondary education or employ-  
3 ment.”.

4 **SEC. 1302. STATE ALLOCATIONS.**

5 Section 1303 (20 U.S.C. 6393) is amended—

6           (1) by striking subsection (a) and inserting the  
7 following:

8           “(a) STATE ALLOCATIONS.—

9           “(1) IN GENERAL.—From the amounts made  
10 available for this part for a fiscal year and subject  
11 to paragraph (2), each State (other than the Com-  
12 monwealth of Puerto Rico) shall be entitled to re-  
13 ceive an amount equal to the product of—

14           “(A) the number of identified migratory  
15 children, aged 3 through 21, residing in the  
16 State, as determined in accordance with sub-  
17 section (d); and

18           “(B) 40 percent of the average per-pupil  
19 expenditure in the State, except that the  
20 amount determined under this subparagraph  
21 may not be less than 32 percent, nor more than  
22 48 percent, of the average per-pupil expenditure  
23 in the United States.

1           “(2) HOLD HARMLESS.—Notwithstanding para-  
2           graph (1), for each of the fiscal years 2008 through  
3           2010, each State shall be allotted the greater of—

4                   “(A) the amount determined under para-  
5                   graph (1) for such State for the fiscal year; or

6                   “(B) an amount equal to 90 percent of the  
7                   amount the State received under this part for  
8                   the previous fiscal year.”;

9           (2) in subsection (b)—

10                   (A) by striking paragraphs (2) and (3);

11                   (B) by striking “PUERTO RICO.—” and all  
12                   that follows through “For each” and inserting  
13                   “PUERTO RICO.—For each”; and

14                   (C) by redesignating subparagraphs (A)  
15                   and (B) as paragraphs (1) and (2), respectively,  
16                   and indenting appropriately;

17                   (3) in subsection (e)(2)(A), by striking “re-  
18                   quired” and inserting “needed”; and

19                   (4) by striking subsections (d) and (e) and in-  
20                   serting the following:

21           “(d) DETERMINING NUMBERS OF ELIGIBLE STU-  
22           DENTS.—In order to determine the estimated number of  
23           migratory children residing in each State for purposes of  
24           this section, the Secretary shall use the most recent infor-

1 mation available that the Secretary finds most accurately  
2 reflects the actual number of migratory children.”.

3 **SEC. 1303. STATE APPLICATIONS; SERVICES.**

4 Section 1304 (20 U.S.C. 6394) is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1)(B), by striking “mi-  
7 grant” and inserting “migratory”; and

8 (B) in paragraph (5), by striking “, the re-  
9 quirements” and all that follows through the  
10 semicolon at the end and inserting “and the re-  
11 quirements of subsection (d);”;

12 (2) in subsection (c)—

13 (A) in paragraph (6)(E), by striking “and”  
14 after the semicolon;

15 (B) in paragraph (7)—

16 (i) by striking “paragraphs (1)(A)  
17 and (2)(B)(i) of section 1303(a)” and in-  
18 serting “section 1303(a)(1)(A)”;

19 (ii) by striking the period and insert-  
20 ing “; and”;

21 (C) by adding at the end the following:

22 “(8) the State will require that each paraprofes-  
23 sional hired to work in a program or project assisted  
24 under this part, and supported with funds received  
25 under this part, meet the requirements set forth

1 under subsections (c), (e), and (f) of section 1119,  
2 except that—

3 “(A) if the paraprofessional was hired be-  
4 fore the date of enactment of the No Child Left  
5 Behind Act of 2007, such paraprofessional shall  
6 not be required to meet the requirements set  
7 forth under section 1119(c) of this Act until the  
8 end of the 4-year period following such date of  
9 enactment; and

10 “(B) if the paraprofessional is a para-  
11 professional described in paragraph (1) or (2)  
12 of section 1119(d), such paraprofessional shall  
13 not be required to meet the requirements of sec-  
14 tion 1119(c).”; and

15 (3) in subsection (d), by striking “whose edu-  
16 cation has been interrupted during the regular  
17 school year” and inserting “who have moved within  
18 the past 12 months, on their own or with their par-  
19 ent or guardian, in order to obtain, or return from  
20 obtaining, temporary or seasonal employment in ag-  
21 ricultural or fishing work.”.

22 **SEC. 1304. COMPREHENSIVE NEEDS ASSESSMENT.**

23 Section 1306 (20 U.S.C. 6396) is amended—

24 (1) in subsection (a)(1), in the matter pre-  
25 ceding subparagraph (A), by inserting after “migra-

1 tory children” the following: “that result from such  
 2 children’s migratory lifestyle (including lack of edu-  
 3 cational continuity, missed instruction, low school  
 4 and social engagement, cultural and language bar-  
 5 riers, health-related problems, difficulties parents  
 6 face in helping such children with school, and limited  
 7 access to other educational and social services),”;  
 8 and

9 (2) in subsection (b)(2)—

10 (A) in the paragraph heading, by striking  
 11 “UNADDRESSED” and inserting “UNMET”;

12 (B) by striking “address” and inserting  
 13 “meet”;

14 (C) by striking “not addressed” and in-  
 15 sserting “not met”; and

16 (D) by striking “addresses” and inserting  
 17 “has met”.

18 **SEC. 1305. COORDINATION OF MIGRANT EDUCATION AC-**  
 19 **TIVITIES.**

20 Section 1308 (20 U.S.C. 6398) is amended—

21 (1) in subsection (b)—

22 (A) in paragraph (2)—

23 (i) by striking subparagraph (B); and

24 (ii) by striking “INFORMATION SYS-  
 25 TEM.—” and all that follows through “The

1 Secretary, in consultation” and inserting  
2 “INFORMATION SYSTEM.—The Secretary,  
3 in consultation”;

4 (B) by redesignating clauses (i) through  
5 (iv) as subparagraphs (A) through (D), respec-  
6 tively, and indenting such subparagraphs appro-  
7 priately; and

8 (C) by striking paragraph (4);

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

11 “(c) AVAILABILITY OF FUNDS.—From the funds ap-  
12 propriated for any fiscal year to carry out this part, the  
13 Secretary may reserve not more than \$12,500,000 to  
14 carry out this section for such fiscal year.”;

15 (3) in subsection (d), by striking “whose edu-  
16 cation is interrupted” and inserting “described in  
17 section 1304(d)”;

18 (4) by striking subsection (e).

19 **SEC. 1306. EVALUATION AND STUDY.**

20 Part C of title I (20 U.S.C. 6391 et seq.) is amended  
21 by adding at the end the following:

22 **“SEC. 1310. EVALUATION AND STUDY.**

23 “(a) PROGRAM EVALUATION.—

24 “(1) IN GENERAL.—From funds appropriated  
25 to carry out this part for fiscal years 2008 through

1 2013, the Secretary may reserve a total of not more  
2 than \$5,000,000 to carry out a national evaluation  
3 of the program under this part, including an exam-  
4 ination of the success of State efforts to identify and  
5 meet the unique educational needs of migratory chil-  
6 dren.

7 “(2) INSTITUTE OF EDUCATION SCIENCES.—  
8 The Secretary shall carry out the evaluation through  
9 the Institute of Education Sciences.

10 “(b) STUDY.—

11 “(1) IN GENERAL.—From the amounts de-  
12 scribed in paragraph (2), the Secretary shall conduct  
13 a pilot study on the feasibility of using the National  
14 Assessment of Educational Progress under section  
15 303 of the National Assessment of Educational  
16 Progress Authorization Act for assessing and report-  
17 ing on the academic achievement of migratory chil-  
18 dren in grades 4 and 8 in reading and mathematics

19 “(2) FUNDING SOURCE.—Notwithstanding sec-  
20 tion 305 of the National Assessment of Educational  
21 Progress Authorization Act, a portion of the funds  
22 appropriated under such section for the 2009 Na-  
23 tional Assessment of Educational Progress may be  
24 used by the Secretary to carry out the pilot study.”.



1 **PART D—PREVENTION AND INTERVENTION PRO-**  
2 **GRAMS FOR CHILDREN AND YOUTH WHO**  
3 **ARE NEGLECTED, DELINQUENT, OR AT-RISK**

4 **SEC. 1401. ALLOCATION OF FUNDS.**

5 Section 1412(b)(2) (20 U.S.C. 6432(b)(2)) is amend-  
6 ed to read as follows:

7 “(2) **MINIMUM PERCENTAGE.**—The percentage  
8 in paragraph (1)(A) shall not be less than 85.0 per-  
9 cent for any fiscal year.”.

10 **SEC. 1402. CAREER EDUCATION.**

11 Part D of title I (20 U.S.C. 6421 et seq.) is amend-  
12 ed—

13 (1) in section 1414—

14 (A) in subsection (a)(2)(A), by striking  
15 “vocational” and inserting “career”; and

16 (B) in subsection (c)(8), by striking “voca-  
17 tional” and inserting “career”;

18 (2) in section 1415(a)(1)(B), by striking “voca-  
19 tional” and inserting “career”;

20 (3) in section 1418(a)(2), by striking “voca-  
21 tional” each place the term appears and inserting  
22 “career”;

23 (4) in section 1423(9), by striking “vocational”  
24 and inserting “career”;

25 (5) in section 1424(4), by striking “vocational”  
26 and inserting “career”; and

1           (6) in section 1425(9), by striking “vocational”  
2           and inserting “career”.

3           **PART E—NATIONAL ASSESSMENT OF TITLE I**

4           **SEC. 1501. EVALUATIONS.**

5           Section 1501 (20 U.S.C. 6491) is amended—

6           (1) in subsection (a)—

7                   (A) in paragraph (2)—

8                           (i) in subparagraph (C)—

9                                   (I) by striking clause (i); and

10                                   (II) by redesignating clauses (ii)

11                                   and (iii) as clauses (i) and (ii), respec-  
12                                   tively;

13                                   (ii) in subparagraph (E)—

14   (I) by striking clause (ii);

15   (II) by redesignating clauses (iii),  
16                                   (iv), and (v), as clauses (ii), (iii), and  
17                                   (iv), respectively;

18   (III) in clause (iii), as redesign-  
19                                   ated by subclause (II), by striking “,  
20                                   including the impact of the technical  
21                                   assistance on such achievement”; and

22   (IV) in clause (iv), as redesign-  
23                                   ated by subclause (II), by striking  
24                                   “not later than the end of the 2005–  
25                                   2006 school year”;

1 (iii) by striking subparagraphs (G)  
2 and (H);

3 (iv) by redesignating subparagraphs  
4 (I) through (O) as subparagraphs (G)  
5 through (M), respectively; and

6 (v) in subparagraph (G)(iii), as rededesignated  
7 by clause (iv), by striking “provisions, the” and all that follows through the  
8 period and inserting “provisions, and the  
9 implementation of these provisions.”;

11 (B) in paragraph (3), by striking “section  
12 411 of the National Education Statistics Act of  
13 1994” and inserting “the National Assessment  
14 of Educational Progress Authorization Act”;

15 (C) by striking paragraph (5);

16 (D) by redesignating paragraph (6) as  
17 paragraph (5); and

18 (E) in paragraph (5), as redesignated by  
19 subparagraph (D)—

20 (i) in subparagraph (A)—

21 (I) by striking “No Child Left  
22 Behind Act of 2001” and inserting  
23 “[short title]”; and

24 (II) by striking “the Workforce”  
25 and inserting “Labor”; and

- 1 (ii) in subparagraph (B)—
- 2 (I) by striking “No Child Left
- 3 Behind Act of 2001” and inserting
- 4 “[short title]”; and
- 5 (II) by striking “the Workforce”
- 6 and inserting “Labor”;
- 7 (2) in subsection (c)—
- 8 (A) in paragraph (2)—
- 9 (i) by striking subparagraph (D); and
- 10 (ii) by redesignating subparagraphs
- 11 (E) and (F) as subparagraphs (D) and
- 12 (E), respectively; and
- 13 (B) in paragraph (3)(C), by striking “in-
- 14 cluding” and all that follows through the period
- 15 and inserting “including schoolwide and tar-
- 16 geted services.”; and
- 17 (3) in subsection (d)(3)(B)—
- 18 (A) in clause (i), by striking “subsection
- 19 (a)(6)(B)” and inserting “subsection
- 20 (a)(5)(B)”; and
- 21 (B) in clause (iii), by striking “subsection
- 22 (a)(6)(B)” and inserting “subsection
- 23 (a)(5)(B)”.

24 **SEC. 1502. ASSESSMENT EVALUATION.**

25 Section 1503 (20 U.S.C. 6493) is amended—

1           (1) in subsection (b), by striking “The Assist-  
2           ant Secretary of Educational Research and Improve-  
3           ment” and inserting “The Director of the Institute  
4           of Education Sciences”;

5           (2) in subsection (c)(3), by striking “the Work-  
6           force” and inserting “Labor”; and

7           (3) in subsection (e), by striking “the Work-  
8           force” and inserting “Labor”.

9   **SEC. 1503. CLOSE UP FELLOWSHIP PROGRAM.**

10          Part E of title I (20 U.S.C. 6491) is amended by  
11          striking section 1504.

12   **PART F—MATH NOW**

13   **SEC. 1601. MATH NOW.**

14          Part F of title I (20 U.S.C. 6511 et seq.) is amended  
15          to read as follows:

16   **“PART F—MATH NOW**

17   **“SEC. 1601. PURPOSES; DEFINITION.**

18          “(a) PURPOSES.—The purposes of this subpart are—

19                “(1) to enable all elementary and middle school  
20                students to reach or exceed grade-level student aca-  
21                demic achievement standards in mathematics; and

22                “(2) to prepare such students to enroll in and  
23                pass algebra courses by—

24                        “(A) improving instruction in mathematics  
25                        for students in kindergarten through grade 9

1 through the implementation of mathematics  
2 programs and the support of comprehensive  
3 mathematics initiatives that are based on sci-  
4 entifically valid research and reflect a dem-  
5 onstrated record of effectiveness; and

6 “(B) providing targeted help to low-income  
7 students who are struggling with mathematics  
8 and whose mathematics achievement is signifi-  
9 cantly below grade level.

10 “(b) DEFINITIONS.—In this part:

11 “(1) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
12 CY.—The term ‘eligible local educational agency’  
13 means a local educational agency serving not less  
14 than 1 elementary or middle school—

15 “(A) with a significant number or percent-  
16 age of students whose mathematics skills are  
17 below grade level; or

18 “(B) that did not make adequate yearly  
19 progress in mathematics, as determined under  
20 section 1111(b)(2) for the most recent school  
21 year for which such information is available.

22 “(2) SCIENTIFICALLY VALID RESEARCH.—The  
23 term ‘scientifically valid research’ has the meaning  
24 given that term in section 102 of the Education  
25 Sciences Reform Act of 2002.

1 **“SEC. 1602. GRANTS AND SUBGRANTS.**

2 “(a) PROGRAM AUTHORIZED.—

3 “(1) IN GENERAL.—From the amounts appro-  
4 priated under section 1002(f) for a fiscal year, the  
5 Secretary is authorized to award grants, on a com-  
6 petitive basis, to State educational agencies to en-  
7 able the State educational agencies to award sub-  
8 grants to eligible local educational agencies to carry  
9 out the activities described in subsection (c).

10 “(2) DURATION OF GRANT.—A grant awarded  
11 under this section shall be for a period of not more  
12 than 5 years.

13 “(3) PRIORITY.—In awarding grants under this  
14 section, the Secretary shall give priority to applica-  
15 tions for projects that will implement statewide  
16 strategies for improving mathematics instruction  
17 and raising the mathematics achievement of stu-  
18 dents, particularly students in grades 4 through 9.

19 “(b) STATE USES OF FUNDS.—

20 “(1) IN GENERAL.—Each State educational  
21 agency that receives a grant under this section for  
22 a fiscal year—

23 “(A) shall use not more than a total of 10  
24 percent of the grant funds to carry out the ac-  
25 tivities described in paragraphs (2) and (3) for  
26 the fiscal year; and

1           “(B) shall use not less than 90 percent of  
2           the grant funds to award subgrants, on a com-  
3           petitive basis, to eligible local educational agen-  
4           cies within the State to enable the eligible local  
5           educational agencies to carry out the activities  
6           described in subsection (c) for the fiscal year.

7           “(2) MANDATORY USES OF FUNDS.—A State  
8           educational agency shall use the grant funds made  
9           available under paragraph (1)(A) to carry out each  
10          of the following activities:

11           “(A) PLANNING AND ADMINISTRATION.—  
12          Planning and administration of the grant and  
13          subgrant programs, including—

14           “(i) evaluating applications from eligi-  
15          ble local educational agencies using peer  
16          review teams described in subsection  
17          (d)(1)(D);

18           “(ii) administering the distribution of  
19          subgrants to eligible local educational  
20          agencies; and

21           “(iii) assessing and evaluating, on a  
22          regular basis, eligible local educational  
23          agency activities assisted under this sec-  
24          tion, with respect to whether the activities



1           have been effective in increasing the num-  
2           ber of students—

3                   “(I) making progress toward  
4                   meeting the student academic achieve-  
5                   ment standards in mathematics for  
6                   the students’ grade level; and

7                   “(II) meeting or exceeding the  
8                   proficient level for the students’ ap-  
9                   propriate grade level on the State aca-  
10                  demic assessments in mathematics de-  
11                  scribed in section 1111(b)(3).

12                  “(B) REPORTING.—Annually reporting to  
13                  the Secretary with information on the imple-  
14                  mentation of this section, as described in sub-  
15                  section (g).

16                  “(3) PERMISSIVE USE OF FUNDS; TECHNICAL  
17                  ASSISTANCE.—

18                   “(A) IN GENERAL.—A State educational  
19                   agency may use the grant funds made available  
20                   under paragraph (1)(A) for 1 or both of the fol-  
21                   lowing technical assistance activities that assist  
22                   an eligible local educational agency in accom-  
23                   plishing the tasks required to design and imple-  
24                   ment a project under this section:

1           “(i) Assistance in implementing a  
2           mathematics program or comprehensive  
3           mathematics initiative that is based on sci-  
4           entifically valid research and reflects a  
5           demonstrated record of effectiveness.

6           “(ii) Assistance in evaluating and se-  
7           lecting diagnostic and classroom-based in-  
8           structional mathematics assessments.

9           “(B) GUIDANCE.—The technical assistance  
10          described in subparagraph (A) shall be guided  
11          by—

12           “(i) researchers with expertise in the  
13           pedagogy of mathematics;

14           “(ii) mathematicians; and

15           “(iii) mathematics educators from  
16           high-risk, high-achievement schools.

17          “(c) LOCAL USES OF FUNDS.—

18           “(1) MANDATORY USES OF FUNDS.—Each eligi-  
19           ble local educational agency receiving a subgrant  
20           under this section shall use the subgrant funds to  
21           carry out each of the following activities:

22           “(A) IMPLEMENTATION OF PROGRAM OR  
23           INITIATIVE.—Implementing a mathematics pro-  
24           gram or comprehensive mathematics initia-  
25           tive—

1           “(i) for students in the grades of a  
2           participating school that were identified in  
3           the application submitted under subsection  
4           (d)(2)(B); and

5           “(ii) that is research-based and re-  
6           flects a demonstrated record of effective-  
7           ness.

8           “(B)   PROFESSIONAL   DEVELOPMENT.—  
9           Providing professional development and instruc-  
10          tional leadership activities for teachers and, if  
11          appropriate, for administrators and other school  
12          staff, on the implementation of comprehensive  
13          mathematics initiatives designed—

14           “(i) to improve the achievement of  
15           students performing significantly below  
16           grade level;

17           “(ii) to improve the mathematical con-  
18           tent knowledge of the teachers, administra-  
19           tors, and other school staff;

20           “(iii) to increase the use of effective  
21           instructional practices; and

22           “(iv) to monitor student progress.

23           “(C)   PROGRESS   MONITORING.—Con-  
24          ducting continuous progress monitoring, which

1           may include the adoption and use of assess-  
2           ments that—

3                   “(i) measure student progress and  
4                   identify areas in which students need help  
5                   in learning mathematics; and

6                   “(ii) reflect mathematics content that  
7                   is consistent with the State student aca-  
8                   demic achievement standards in mathe-  
9                   matics described in section 1111(b)(1).

10           “(2) PERMISSIVE USES OF FUNDS.—An eligible  
11           local educational agency may use subgrant funds  
12           under this section to—

13                   “(A) adopt and use mathematics instruc-  
14                   tional materials and assessments;

15                   “(B) implement classroom-based mathe-  
16                   matics assessments, including diagnostic or  
17                   formative assessments;

18                   “(C) provide remedial mathematics  
19                   coursework and interventions for students,  
20                   which may be provided before or after school;

21                   “(D) provide small groups with individual-  
22                   ized instruction in mathematics;

23                   “(E) conduct activities designed to improve  
24                   the content knowledge and expertise of teach-  
25                   ers, such as the use of a mathematics coach,

1 enrichment activities, or interdisciplinary meth-  
2 ods of mathematics instruction; or

3 “(F) collect and report performance data.

4 “(d) APPLICATIONS.—

5 “(1) STATE EDUCATIONAL AGENCY.—Each  
6 State educational agency desiring a grant under this  
7 section shall submit an application to the Secretary  
8 at such time and in such manner as the Secretary  
9 may require. Each application shall include—

10 “(A) an assurance that the core mathe-  
11 matics instructional programs, supplemental in-  
12 structional materials, and intervention pro-  
13 grams used by the eligible local educational  
14 agencies receiving subgrants under this section  
15 will—

16 “(i) be based on scientifically valid re-  
17 search;

18 “(ii) reflect a demonstrated record of  
19 effectiveness; and

20 “(iii) be aligned with State student  
21 academic achievement standards;

22 “(B) an assurance that all eligible local  
23 educational agencies receiving subgrants will  
24 meet the requirements described in paragraph  
25 (2);

1           “(C) an assurance that local applications  
2 will be evaluated using a peer review process;

3           “(D) a description of the qualifications of  
4 the peer review teams, which shall consist of—

5                 “(i) researchers with expertise in the  
6 pedagogy of mathematics;

7                 “(ii) mathematicians; and

8                 “(iii) mathematics educators serving  
9 high-risk, high-achievement schools and eli-  
10 gible local educational agencies; and

11           “(E) an assurance that the State will es-  
12 tablish a process to safeguard against conflicts  
13 of interest, consistent with section 1603(b), for  
14 individuals providing technical assistance on be-  
15 half of the State educational agency under this  
16 part or participating in the State peer review  
17 process described in subparagraph (C).

18           “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
19 CY.—Each eligible local educational agency desiring  
20 a subgrant under this section shall submit an appli-  
21 cation to the State educational agency at such time  
22 and in such manner as the State educational agency  
23 may require. Each application shall include—

1           “(A) an assurance that the eligible local  
2 educational agency will provide assistance to 1  
3 or more schools that are—

4                   “(i) served by the eligible local edu-  
5 cational agency; and

6                   “(ii) described in section 1601(b);

7           “(B) a description of each of the grades  
8 kindergarten through grade 9, and of the  
9 schools, that will be served;

10           “(C) information, on an aggregate basis,  
11 on each school to be served by the project, in-  
12 cluding such demographic, socioeconomic, and  
13 mathematics achievement data as the State  
14 educational agency may request;

15           “(D) a description of the core mathematics  
16 instructional program, supplemental instruc-  
17 tional materials, and intervention programs or  
18 strategies that will be used for the project, in-  
19 cluding an assurance that the programs, mate-  
20 rials, or strategies—

21                   “(i) are based on scientifically valid  
22 research;

23                   “(ii) reflect a demonstrated record of  
24 effectiveness; and

1           “(iii) are aligned with State student  
2           academic achievement standards;

3           “(E) a description of the activities that will  
4           be carried out under the subgrant, including—

5                 “(i) a description of the professional  
6                 development that will be provided to teach-  
7                 ers, and, if appropriate, administrators and  
8                 other school staff; and

9                 “(ii) a description of how the activities  
10                will support the achievement of the pur-  
11                poses of this part;

12           “(F) an assurance that the eligible local  
13           educational agency will report to the State edu-  
14           cational agency all data on student academic  
15           achievement that is necessary for the State edu-  
16           cational agency’s report under subsection (g);  
17           and

18           “(G) any other information the State edu-  
19           cational agency may reasonably require.

20           “(e) MATCHING REQUIREMENTS.—

21                 “(1) STATE EDUCATIONAL AGENCY.—For each  
22                 fiscal year of a grant under this section, the State  
23                 educational agency that receives the grant shall pro-  
24                 vide, from non-Federal sources, an amount equal to  
25                 50 percent of the amount of the grant, in cash or



1 in-kind, to carry out the activities supported by the  
2 grant.

3 “(2) WAIVER.—The Secretary may waive all or  
4 a portion of the matching requirement described in  
5 paragraph (1) for any fiscal year, if the Secretary  
6 determines that—

7 “(A) the application of the matching re-  
8 quirement will result in serious hardship for the  
9 State educational agency; or

10 “(B) providing a waiver best serves the  
11 purpose of the projects assisted under this sec-  
12 tion.

13 “(f) SUPPLEMENT NOT SUPPLANT.—Grant funds  
14 provided under this part shall be used to supplement, not  
15 supplant, other Federal and State funds available to carry  
16 out the activities described in subsection (c).

17 “(g) PROGRAM PERFORMANCE AND ACCOUNT-  
18 ABILITY.—

19 “(1) INFORMATION.—Each State educational  
20 agency receiving a grant under this section shall col-  
21 lect and report to the Secretary annually such infor-  
22 mation on the results of the grant as the Secretary  
23 may reasonably require, including information on—

24 “(A) mathematics achievement data that  
25 show the progress of students participating in

1 projects under this section (including, to the ex-  
2 tent practicable, comparable data from students  
3 not participating in such projects), based pri-  
4 marily on the results of State, school district-  
5 wide, or classroom-based assessments, includ-  
6 ing—

7 “(i) specific identification of those  
8 schools and eligible local educational agen-  
9 cies that report the largest gains in mathe-  
10 matics achievement; and

11 “(ii) evidence of whether the State  
12 educational agency and eligible local edu-  
13 cational agencies within the State have—

14 “(I) significantly increased the  
15 number of such students achieving at  
16 or above grade level in mathematics;

17 “(II) significantly increased the  
18 percentages of such students,  
19 disaggregated by the subgroups de-  
20 scribed in section  
21 1111(b)(2)(C)(v)(II), who are achiev-  
22 ing at or above grade level in mathe-  
23 matics;

24 “(III) significantly increased the  
25 number of such students making sig-

1                   nificant progress toward meeting the  
2                   State student academic achievement  
3                   standards in mathematics for the ap-  
4                   propriate grade level; and

5                   “(IV) successfully implemented  
6                   this section;

7                   “(B) the percentage of students in the  
8                   schools served by each eligible local educational  
9                   agency receiving a subgrant under this section  
10                  who enroll in algebra courses and the percent-  
11                  age of such students who pass algebra courses;  
12                  and

13                  “(C) the progress made in increasing the  
14                  quality and accessibility of professional develop-  
15                  ment and leadership activities in mathematics,  
16                  especially activities resulting in greater content  
17                  knowledge and expertise of teachers, adminis-  
18                  trators, and other school staff, except that the  
19                  Secretary shall not require such information  
20                  until after the third year of a grant awarded  
21                  under this section.

22                  “(2) REPORTING AND DISAGGREGATION.—The  
23                  information required under paragraph (1) shall be—

24                          “(A) reported in a manner that allows for  
25                          a comparison of aggregated score differentials

1 of student academic achievement before (to the  
2 extent feasible) and after the implementation of  
3 the project assisted under this section; and

4 “(B) disaggregated in the same manner as  
5 information is disaggregated under section  
6 1111(h)(1)(C)(i).

7 “(3) PRIVACY PROTECTION.—The data in the  
8 report shall be reported in a manner that—

9 “(A) protects the privacy of individuals;  
10 and

11 “(B) complies with the requirements of the  
12 Family Educational Rights and Privacy Act of  
13 1974 (20 U.S.C. 1232g).

14 “(h) EVALUATION AND TECHNICAL ASSISTANCE.—

15 “(1) EVALUATION.—

16 “(A) IN GENERAL.—From the amounts re-  
17 served under paragraph (3), the Secretary  
18 shall—

19 “(i) conduct an annual independent  
20 evaluation, by grant or by contract, of the  
21 program assisted under this section, which  
22 shall include an assessment of the impact  
23 of the program on student academic  
24 achievement and teacher performance; and

1                   “(ii) shall annually submit to the au-  
2                   thorizing committees a report on the re-  
3                   sults of the evaluation.

4                   “(2) TECHNICAL ASSISTANCE.—The Secretary  
5                   may use funds made available under paragraph (3)  
6                   to provide technical assistance to prospective appli-  
7                   cants for grants or subgrants under this section and  
8                   to eligible local educational agencies receiving sub-  
9                   grants.

10                  “(3) RESERVATION OF FUNDS.—The Secretary  
11                  may reserve not more than 2.5 percent of funds ap-  
12                  propriated under section 1002(f) for a fiscal year to  
13                  carry out this subsection.

14   **“SEC. 1603. PROHIBITIONS.**

15                  “(a) IN GENERAL.—In implementing this part, the  
16   Secretary shall not—

17                  “(1) endorse, approve, or sanction any mathe-  
18                  matics curriculum designed for use in any school; or

19                  “(2) engage in oversight, technical assistance,  
20                  or activities that will require the adoption of a spe-  
21                  cific mathematics program or instructional materials  
22                  by a State, local educational agency, or school.

23                  “(b) CONFLICT OF INTEREST.—Any Federal em-  
24   ployee, contractor, or subcontractor involved in the admin-  
25   istration, implementation, or provision of oversight or

1 technical assistance duties or activities under this part  
2 shall fully comply with all applicable Federal statutes, reg-  
3 ulations, Executive orders, and Department of Education  
4 policies relating to ethical behavior (including provisions  
5 relating to conflicts of interest and to impropriety and the  
6 appearance of impropriety), including—

7           “(1) titles 5 and 18, United States Code;

8           “(2) the Ethics in Government Act of 1978 (5  
9 U.S.C. App.);

10           “(3) part 2635 of title 5, Code of Federal Reg-  
11 ulations (regarding the standards of ethical conduct  
12 for employees of the executive branch), or any cor-  
13 responding similar regulation;

14           “(4) part 6301 of title 5, Code of Federal Reg-  
15 ulations (regarding the supplemental standards of  
16 conduct for employees of the Department), or any  
17 corresponding similar regulation; and

18           “(5) Executive Order 12731 (55 Fed. Reg.  
19 42547; relating to the principles of ethical conduct  
20 for Federal Government officers and employees), or  
21 any corresponding similar executive order.

22           “(c) RULE OF CONSTRUCTION.—Nothing in this part  
23 shall be construed to authorize or permit the Secretary,  
24 the Department, or a contractor for the Department, to  
25 mandate, direct, control, or suggest the selection of a

1 mathematics curriculum, supplemental instructional mate-  
 2 rials, or program of instruction by a State, local edu-  
 3 cational agency, or school.”.

4 **PART G—ADVANCED PLACEMENT PROGRAMS**

5 **SEC. 1701. PURPOSES.**

6 Section 1702(3) (20 U.S.C. 6532(3)) is amended by  
 7 striking “, Scholastic Aptitude Test (SAT) scores that are  
 8 100 points above the national averages,”.

9 **SEC. 1702. ADVANCED PLACEMENT INCENTIVE PROGRAM**

10 **GRANTS.**

11 Section 1705 (20 U.S.C. 6535) is amended—

12 (1) in subsection (a)—

13 (A) by redesignating paragraphs (2) and  
 14 (3) as paragraphs (3) and (4), respectively;

15 (B) by striking paragraph (1) and insert-  
 16 ing the following:

17 “(a) GRANTS AUTHORIZED.—

18 “(1) GRANTS TO PARTNERSHIPS.—For any fis-  
 19 cal year for which the funds appropriated under sec-  
 20 tion 1002(g) are less than \$100,000,000, the Sec-  
 21 retary is authorized to award grants, on a competi-  
 22 tive basis, to eligible entities to carry out the author-  
 23 ized activities described in subsection (d).

24 “(2) GRANTS TO STATE EDUCATIONAL AGEN-  
 25 CIES.—

1           “(A) IN GENERAL.—For any fiscal year  
2 for which funds appropriated under section  
3 1002(g) are equal to or more than  
4 \$100,000,000—

5           “(i) in the case of an eligible entity in  
6 the State that was previously awarded a  
7 grant under paragraph (1) whose grant pe-  
8 riod has not ended, the Secretary shall re-  
9 serve funds in a sufficient amount to make  
10 payments to the entity in accordance with  
11 the terms of the grant; and

12           “(ii) from the amounts remaining  
13 after the reservation of funds under clause  
14 (i), the Secretary shall make allotments  
15 under subparagraph (B) to State edu-  
16 cational agencies to enable such agencies  
17 to award subgrants, on a competitive basis,  
18 to eligible entities to carry out the author-  
19 ized activities described in subsection (d).

20           “(B) ALLOTMENT.—From amounts re-  
21 maining after the reservation of funds under  
22 subparagraph (A)(i) for a fiscal year and sub-  
23 ject to subparagraph (C), the Secretary shall  
24 make allotments to each State for a fiscal year  
25 in an amount that bears the same relation to



1 the total of such remaining amounts for the fis-  
2 cal year as the number of children eligible to be  
3 counted under section 1124(c) in the State  
4 bears to the number of children so counted in  
5 all the States.

6 “(C) MINIMUM ALLOTMENT.—The amount  
7 of any State educational agency’s allotment  
8 under subparagraph (B) for any fiscal year  
9 shall not be less than one-half of 1 percent of  
10 the amount made available under this part for  
11 such year.

12 “(D) SUBGRANT LIMITATION.—An eligible  
13 entity described in paragraph (4)(A) shall not  
14 be eligible for a subgrant under subparagraph  
15 (A)(ii).”;

16 (C) in paragraph (3) (as redesignated by  
17 subparagraph (A))—

18 (i) in subparagraph (A), by striking  
19 “The Secretary shall award a grant under  
20 this section” and inserting “A grant or  
21 subgrant awarded under this section shall  
22 be”; and

23 (ii) in subparagraph (B), by striking  
24 “The Secretary shall make grant payments  
25 under this section” and inserting “Grant

1 payments or subgrant payments under this  
2 section shall be made”;

3 (D) by striking paragraph (4) (as redesignated by subparagraph (A)) and inserting the  
4 following:  
5

6 “(4) DEFINITION OF ELIGIBLE ENTITY.—In  
7 this section, the term ‘eligible entity’ means—

8 “(A) a State educational agency;

9 “(B) a local educational agency; or

10 “(C) a national nonprofit educational entity with expertise in advanced placement services.”;  
11  
12

13 (2) in subsection (c), by striking “In awarding grants under this section, the Secretary” and inserting “In awarding grants under subsection (a)(1) or subgrants under subsection (a)(2), the Secretary or State educational agency, respectively,”;

14  
15  
16  
17  
18 (3) in subsection (d)—

19 (A) in paragraph (1), by striking “grant funds” and inserting “grant or subgrant funds”;  
20  
21

22 (B) in paragraph (2)—

23 (i) by striking “that is a State educational agency” and inserting “described  
24

1 in subsection (a)(4)(A) that receives a  
2 grant under subsection (a)(1)”; and

3 (ii) by striking “local educational  
4 agencies to enable the local educational  
5 agencies” and inserting “eligible entities  
6 described in subparagraph (B) or (C) of  
7 subsection (a)(4) to enable the eligible en-  
8 tities”;

9 (4) in subsection (e), by striking “awarded a  
10 grant” and inserting “awarded a grant or  
11 subgrant”; and

12 (5) in subsection (f)(1)—

13 (A) by striking “awarded a grant” and in-  
14 serting “awarded a grant or subgrant”; and

15 (B) by striking “the Secretary” and insert-  
16 ing “the Secretary or the State educational  
17 agency, as applicable”.

18 **SEC. 1703. SUPPLEMENT, NOT SUPPLANT.**

19 Section 1706 (20 U.S.C. 6536) is amended by strik-  
20 ing “Grant funds” and inserting “Grant funds and  
21 subgrant funds”.

22 **PART H—SECONDARY SCHOOL GRADUATION**

23 **SEC. 1801. SECONDARY SCHOOL GRADUATION.**

24 Part H of title I (20 U.S.C. 6551 et seq.) is amended  
25 to read as follows:

1           **“PART H—HIGH SCHOOL GRADUATION**

2   **“SEC. 1801. SHORT TITLE.**

3           “‘This part may be cited as the ‘Graduate for a Better  
4 Future Act’.

5   **“SEC. 1802. PURPOSES.**

6           “‘The purposes of this part are—

7                   “(1) to create models of excellence for academi-  
8 cally rigorous high schools, including early college  
9 high schools, in order to prepare all students for  
10 postsecondary education and work;

11                   “(2) to raise high school graduation rates and  
12 college-going rates;

13                   “(3) to reduce remediation rates at institutions  
14 of higher education;

15                   “(4) to create a seamless curriculum between  
16 high school and postsecondary education;

17                   “(5) to improve teaching and curricula to make  
18 high school more rigorous and relevant;

19                   “(6) to improve instruction and access to sup-  
20 ports for struggling high school students; and

21                   “(7) to create, implement, and use early warn-  
22 ing systems to help identify students at risk of drop-  
23 ping out of high school, especially systems that mon-  
24 itor student absenteeism.

25   **“SEC. 1803. DEFINITIONS.**

26           “‘In this part:

1           “(1) ADVANCED PLACEMENT OR INTER-  
2 NATIONAL BACCALAUREATE COURSE.—The term  
3 ‘Advanced Placement or International Baccalaureate  
4 course’ means a course of college-level instruction  
5 provided to middle school or high school students,  
6 terminating in an examination administered by the  
7 College Board or the International Baccalaureate  
8 Organization.

9           “(2) COLLEGE-GOING RATE.—The term ‘col-  
10 lege-going rate’ means the percentage of high school  
11 graduates who enroll at an institution of higher edu-  
12 cation in the school year immediately following grad-  
13 uation from high school.

14           “(3) DUAL CREDIT COURSES.—The term ‘dual  
15 credit course’ means a college course that—

16                   “(A) may be taken at a high school or at  
17 an institution of higher education;

18                   “(B) is taught by college faculty; and

19                   “(C) the successful completion of which  
20 can earn high school academic credit as well as  
21 postsecondary academic credit.

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

24                   “(A) a State educational agency;

1           “(B) a national, regional, or statewide non-  
2           profit organization with expertise and experi-  
3           ence in working with local educational agencies  
4           and high schools to raise high school academic  
5           achievement, high school graduation rates, and  
6           college-going rates; or

7           “(C) a partnership consisting of a State  
8           educational agency and an entity described in  
9           subparagraph (B).

10          “(5) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
11          CY.—The term ‘eligible local educational agency’  
12          means a local educational agency with a high school  
13          graduation rate of 60 percent or less—

14                 “(A) in the aggregate; or

15                 “(B) applicable to 2 or more of the fol-  
16          lowing subgroups of high school students served  
17          by the local educational agency:

18                         “(i) Economically disadvantaged stu-  
19                         dents.

20                         “(ii) Students from major racial or  
21                         ethnic groups.

22          “(6) HIGH SCHOOL.—The term ‘high school’  
23          means a nonprofit institutional day or residential  
24          school, including a public charter high school, that

1 provides high school education, as determined under  
2 State law.

3 “(7) HIGH SCHOOL GRADUATION RATE.—The  
4 term ‘high school graduation rate’ means the per-  
5 centage of students who graduate from high school  
6 with a regular diploma in the standard number of  
7 years as measured by a valid and reliable measure  
8 of high school graduation rates, such as the aver-  
9 aged freshman graduation rate.

10 “(8) RIGOROUS SECONDARY SCHOOL PROGRAM  
11 OF STUDY.—The term ‘rigorous secondary school  
12 program of study’ means a rigorous secondary  
13 school program of study recognized as such by the  
14 Secretary for purposes of subparagraph (A)(i) or  
15 (B)(i) of section 401A(c)(3) of the Higher Edu-  
16 cation Act of 1965.

17 **“SEC. 1804. PROGRAM AUTHORIZED.**

18 “(a) IN GENERAL.—From amounts appropriated  
19 under section 1002(h) for a fiscal year, the Secretary is  
20 authorized to award grants, on a competitive basis, to eli-  
21 gible entities to enable eligible entities to award subgrants  
22 to eligible local educational agencies for the authorized ac-  
23 tivities described in subsection (d).

24 “(b) DURATION.—

1           “(1) GRANTS.—The Secretary may award  
2 grants under this part for a period of not more than  
3 6 years.

4           “(2) SUBGRANTS.—An eligible entity may  
5 award subgrants under this part (other than a plan-  
6 ning grant under subsection (c)(3)) for a period of  
7 not more than 6 years.

8           “(c) ELIGIBLE ENTITY AUTHORIZED ACTIVITIES.—

9           “(1) DISTRIBUTION.—An eligible entity that re-  
10 ceives a grant under this part—

11                   “(A) shall reserve not more than 15 per-  
12 cent of the grant funds to carry out the activi-  
13 ties described in paragraphs (2) through (5);  
14 and

15                   “(B) shall use not less than 85 percent of  
16 the grant funds to award subgrants, on a com-  
17 petitive basis, to eligible local educational agen-  
18 cies to enable the eligible local educational  
19 agencies to carry out the authorized activities  
20 described in subsection (d).

21           “(2) STATE LEVEL PLANNING AND ADMINIS-  
22 TRATION.—An eligible entity that receives a grant  
23 under this part may use the grant funds reserved  
24 under paragraph (1)(A) for planning and adminis-  
25 tration, including—



1           “(A) evaluating applications from eligible  
2 local educational agencies;

3           “(B) administering the distribution of sub-  
4 grants to eligible local educational agencies; and

5           “(C) assessing and evaluating, on a reg-  
6 ular basis, eligible local educational agency ac-  
7 tivities carried out under this part, including  
8 regularly evaluating the academic rigor of  
9 courses at high schools in the State that receive  
10 funding under this part.

11           “(3) LOCAL EDUCATIONAL AGENCY PLANNING  
12 GRANTS.—

13           “(A) IN GENERAL.—From amounts re-  
14 served under paragraph (1)(A), an eligible enti-  
15 ty may award a planning grant to an eligible  
16 local educational agency.

17           “(B) AMOUNT.—An eligible entity shall  
18 award each planning grant under this para-  
19 graph in an amount of not more than \$10,000.

20           “(C) DURATION AND USE OF PLANNING  
21 GRANT FUNDS.—Each planning grant shall  
22 be—

23                   “(i) awarded for a period of 1 year;

24                   “(ii) nonrenewable; and

1                   “(iii) used to plan and apply for a  
2                   subgrant awarded under paragraph (1)(B).

3                   “(4) TECHNICAL ASSISTANCE FOR LOCAL EDU-  
4                   CATIONAL AGENCIES.—An eligible entity that re-  
5                   ceives a grant under this part may use the grant  
6                   funds reserved under paragraph (1)(A) for technical  
7                   assistance, including—

8                   “(A) assisting eligible local educational  
9                   agencies in accomplishing the tasks required to  
10                  implement a program under this part;

11                  “(B) implementing a program of profes-  
12                  sional development for teachers and administra-  
13                  tors, in high schools that receive funding under  
14                  this part, that prepares those teachers and ad-  
15                  ministrators to implement the authorized activi-  
16                  ties described in subsection (d); and

17                  “(C) assisting eligible local educational  
18                  agencies in designing a program to be assisted  
19                  under this part.

20                  “(5) REPORTING.—An eligible entity that re-  
21                  ceives a grant under this part may use the grant  
22                  funds reserved under paragraph (1)(A) for annually  
23                  collecting the data and preparing the report as re-  
24                  quired under section 1805.

1       “(d) ELIGIBLE LOCAL EDUCATIONAL AGENCY AU-  
2 THORIZED ACTIVITIES.—Each eligible local educational  
3 agency receiving a subgrant under this part shall use the  
4 subgrant funds to carry out each of the following activi-  
5 ties:

6           “(1) To implement a college-preparatory cur-  
7 rriculum for all students in a high school served by  
8 the eligible local educational agency under this part  
9 (and for students with disabilities in accordance with  
10 the individualized education program of the student)  
11 that is, at a minimum, aligned with a rigorous sec-  
12 ondary school program of study.

13           “(2) To implement accelerated academic catch-  
14 up programs, for students who enter high school not  
15 meeting proficient levels of academic achievement in  
16 mathematics, reading or language arts, or science,  
17 that enable such students to meet the proficient lev-  
18 els of achievement and remain on track to graduate  
19 from high school on time with a regular high school  
20 diploma.

21           “(3) To implement an early warning system to  
22 quickly identify students at risk of dropping out of  
23 high school, including systems that track student ab-  
24 senteeism.

1           “(4) To implement a system of student and  
2 classroom progress monitoring, which may include  
3 the adoption and use of diagnostic or formative as-  
4 sssments that—

5                   “(A) measure student academic progress in  
6 the core academic areas; and

7                   “(B) may identify areas in which students  
8 need additional academic assistance and sup-  
9 port.

10           “(5) To implement a comprehensive college  
11 guidance program that—

12                   “(A) will ensure that all students in a high  
13 school served by the eligible local educational  
14 agency under this part, and their parents, are  
15 regularly notified throughout the students’ time  
16 in high school, of high school graduation re-  
17 quirements and entrance requirements for insti-  
18 tutions of higher education; and

19                   “(B) provides guidance and assistance to  
20 students in applying to an institution of higher  
21 education and in applying for Federal financial  
22 aid assistance and other State, local, and pri-  
23 vate financial aid assistance and scholarships.

24           “(6) To implement a program that offers, to  
25 students in a high school served by the eligible local

1 educational agency under this part, opportunities for  
2 work-based and experiential learning experiences,  
3 such as job shadowing, internships, and community  
4 service.

5 “(7) To implement a program that ensures that  
6 all students in a high school served by the eligible  
7 local educational agency under this part, have access  
8 to enroll in courses in which the students may earn  
9 postsecondary credit for courses taken while in high  
10 school, such as a dual credit course, or an Advanced  
11 Placement or International Baccalaureate course.

12 “(8) To implement a program of student ad-  
13 visement in which all students in a high school  
14 served by the eligible local educational agency under  
15 this part are assigned and have regular meetings  
16 with an academic teacher advisor.

17 “(9) To implement a program of teacher profes-  
18 sional development and institutional leadership that  
19 includes use of diagnostic and formative assessments  
20 to identify student and teacher needs, to assess  
21 classroom practice, and to improve classroom in-  
22 struction.

23 “(e) APPLICATIONS.—

24 “(1) ELIGIBLE ENTITY.—Each eligible entity  
25 desiring a grant under this part shall submit an ap-

1       plication to the Secretary at such time and in such  
2       manner as the Secretary may require. Each applica-  
3       tion shall—

4               “(A) include a description of how sub-  
5               grants made by the eligible entity under this  
6               part will meet the requirements described in  
7               subsection (d);

8               “(B) include a description of the peer re-  
9               view process the eligible entity shall use to  
10              evaluate applications from eligible local edu-  
11              cational agencies;

12              “(C) contain an assurance that the eligible  
13              entity, and any eligible local educational agen-  
14              cies receiving a subgrant from that eligible enti-  
15              ty, will, if requested, participate in the inde-  
16              pendent evaluation under section 1806(1);

17              “(D) describe how the eligible entity will  
18              use grant funds received under this section;

19              “(E) describe how the eligible entity will  
20              assist eligible local educational agencies that re-  
21              ceive planning grant funds or subgrant funds  
22              under this part in securing any necessary waiv-  
23              ers from the State educational agency that may  
24              be required to carry out the requirements of  
25              this part, such as waivers with respect to budg-

1           eting, school structure, staffing, and flexible use  
2           of resources and time; and

3           “(F) describe how the eligible entity will  
4           assess and evaluate, on a regular basis, eligible  
5           local educational agency activities carried out  
6           under this part, including regularly evaluating  
7           the academic rigor of courses at high schools in  
8           the State that receive funding under this part.

9           “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
10          CY.—Each eligible local educational agency desiring  
11          a subgrant under this part shall submit an applica-  
12          tion to the eligible entity at such time and in such  
13          manner as the eligible entity may require. Each ap-  
14          plication shall—

15               “(A) include a description of each high  
16               school that will receive funding from the eligible  
17               local educational agency under this part, includ-  
18               ing such high school graduation, academic  
19               achievement, demographic, and socioeconomic  
20               data as the eligible entity may request;

21               “(B) contain an assurance that academic  
22               tests for admission purposes will not be used to  
23               determine student enrollment in each such high  
24               school;

1           “(C) contain a description of specific out-  
2 reach and recruitment efforts for students to  
3 enroll at each such high school that will be un-  
4 dertaken for student populations historically  
5 underrepresented at institutions of higher edu-  
6 cation;

7           “(D) contain an assurance that a college-  
8 preparatory curriculum will be offered to all  
9 students at each such high school (and to stu-  
10 dents with disabilities in accordance with the  
11 individualized education program of the stu-  
12 dent), that is, at a minimum, aligned with a  
13 rigorous secondary school program of study;

14           “(E) include a comprehensive description  
15 of how the curriculum at each such high school  
16 will be developed, structured, and delivered;

17           “(F) include clearly delineated benchmarks  
18 for improved student academic achievement,  
19 high school graduation rates, and college-going  
20 rates at each such high school;

21           “(G) include a description of assessments  
22 that will be used at each such high school, in-  
23 cluding assessments for school accountability  
24 purposes and student progress monitoring pur-  
25 poses;



1           “(H) contain a comprehensive plan for  
2 professional development at each such high  
3 school that includes intended changes in teach-  
4 ing practices that will result in improved stu-  
5 dent academic achievement, high school gradua-  
6 tion rates, and college-going rates;

7           “(I) include a detailed description of work-  
8 based and experiential learning experiences that  
9 will be offered to students at each such high  
10 school, such as job shadowing, internships, and  
11 community service;

12           “(J) contain an assurance that all students  
13 at each such high school will be assigned and  
14 have regular access to an academic teacher ad-  
15 visor;

16           “(K) contain an assurance that the eligible  
17 local educational agency will grant each such  
18 high school any necessary waivers from local  
19 educational agency policies and rules that may  
20 be required to carry out the requirements of  
21 this part, such as waivers with respect to budg-  
22 eting, school structure, staffing, and flexible use  
23 of resources and time;

24           “(L) include a plan that details how pro-  
25 grams assisted under this part will be sustained

1 after the end of subgrant funding under this  
2 part;

3 “(M) in the case of dual credit courses and  
4 early college high schools, contain formal agree-  
5 ments between the eligible local educational  
6 agency and institutions of higher education that  
7 detail shared responsibility for each such high  
8 school and students at the high school;

9 “(N) include a description of how teachers  
10 will be selected for each such high school;

11 “(O) include a detailed plan of the college  
12 awareness program at each such high school  
13 that addresses applying for admission to an in-  
14 stitution of higher education and applying for  
15 financial aid; and

16 “(P) contain an assurance that the eligible  
17 local educational agency will report to the eligi-  
18 ble entity all data necessary for the eligible en-  
19 tity’s report under section 1805.

20 “(f) MATCHING REQUIREMENT.—

21 “(1) IN GENERAL.—Subject to paragraph (2),  
22 each eligible entity that receives a grant under this  
23 part shall provide, toward the cost of the activities  
24 assisted under the grant and from non-Federal

1 sources, an amount equal to 100 percent of the  
2 amount of the grant.

3 “(2) WAIVER.—The Secretary may waive all or  
4 part of the matching requirement described in para-  
5 graph (1) for any fiscal year for an eligible entity if  
6 the Secretary determines that applying the matching  
7 requirement to such eligible entity would result in  
8 serious hardship or an inability to carry out the au-  
9 thorized activities described in subsection (c).

10 “(3) SUPPLEMENT NOT SUPPLANT.—Grant  
11 funds provided under this part shall be used to sup-  
12 plement, not supplant, other Federal and State  
13 funds available to carry out the activities described  
14 in subsection (d).

15 **“SEC. 1805. REPORTING AND ACCOUNTABILITY.**

16 “(a) COLLECTION OF DATA.—Each eligible entity re-  
17 ceiving a grant under this part shall collect and report  
18 annually to the Secretary such information on the results  
19 of the activities assisted under the grant as the Secretary  
20 may reasonably require, including information on—

21 “(1) the number and percentage of students in  
22 the State who are assisted under this part and grad-  
23 uate from high school on time with a regular high  
24 school diploma;

1           “(2) the number and percentage of students, at  
2 each grade level, in the State who are assisted under  
3 this part and meet or exceed State reading or lan-  
4 guage arts, mathematics, or science standards, as  
5 measured by State academic assessments required  
6 under section 1111(b)(3);

7           “(3) the number and percentage of students, at  
8 each grade level, in the State who are assisted under  
9 this part and are on track to graduate from high  
10 school on time and with a regular high school di-  
11 ploma;

12           “(4) the number and percentage of students in  
13 the State who are assisted under this part and par-  
14 ticipate in work-based and experiential learning ex-  
15 periences, such as job shadowing, internships, com-  
16 munity service, and descriptive information on the  
17 types of experiences in which such students partici-  
18 pated;

19           “(5) the number and percentage of students, in  
20 grades 11 and 12, in the State who are assisted  
21 under this part and enrolled in not less than 2  
22 courses that are dual credit courses or Advanced  
23 Placement or International Baccalaureate courses;

24           “(6) the number and percentage of students in  
25 the State who are assisted under this part and re-

1       ceive a passing grade or higher for a dual credit  
2       course, or an Advanced Placement or International  
3       Baccalaureate course;

4           “(7) the number and percentage of students in  
5       the State who are assisted under this part and apply  
6       to an institution of higher education while still in  
7       high school;

8           “(8) the number and percentage of students in  
9       the State who are assisted under this part and are  
10      accepted to an institution of higher education while  
11      still in high school;

12          “(9) the number and percentage of students in  
13      the State who are assisted under this part and enroll  
14      in an institution of higher education in the school  
15      year immediately following the students’ high school  
16      graduation;

17          “(10) the number and percentage of students in  
18      the State who are assisted under this part and en-  
19      rolled in remedial mathematics or English courses  
20      during their freshman year at an institution of high-  
21      er education;

22          “(11) the number and percentage of students,  
23      in grade 10, in the State who are assisted under this  
24      part and take the PSAT; and

1           “(12) the number and percentage of students,  
2           in grades 11 and 12, in the State who are assisted  
3           under this part and take the SAT or ACT, and the  
4           students’ mean scores on such assessments.

5           “(b) REPORTING OF DATA.—Each eligible entity re-  
6           ceiving a grant under this section shall report the informa-  
7           tion required under subsection (a) disaggregated in the  
8           same manner as information is disaggregated under sec-  
9           tion 1111(h)(1)(C)(i).

10   **“SEC. 1806. EVALUATION AND REPORT.**

11           “From the amount appropriated for any fiscal year  
12           under section 1002(h), the Secretary may reserve not  
13           more than a total of 1 percent—

14           “(1) to conduct an independent evaluation, by  
15           grant or by contract, of the program carried out  
16           under this part, which shall include an assessment  
17           of the impact of the program on high school gradua-  
18           tion rates, college-going rates, and student academic  
19           achievement; and

20           “(2) to prepare and submit a report on the re-  
21           sults of the evaluation described in paragraph (1) to  
22           the authorizing committees.”.

1                   **PART I—GENERAL PROVISIONS**

2   **SEC. 1901. LOCAL EDUCATIONAL AGENCY SPENDING AU-**  
3                   **DITS.**

4           Section 1904(b) (20 U.S.C.6574(b)) is amended by  
5 striking “the Workforce” and inserting “Labor”.

6   **SEC. 1902. STATE REPORT ON DROPOUT DATA.**

7           Section 1907 (20 U.S.C. 6577) is amended by strik-  
8 ing “Not later than 1 year after a” and inserting “Each  
9 year that a”.

10   **SEC. 1903. REGULATIONS FOR SECTIONS 1111 AND 1116.**

11           Section 1908 (20 U.S.C. 6578) is amended by strik-  
12 ing “No Child Left Behind Act of 2001” and inserting  
13 “No Child Left Behind Act of 2007”.

14   **TITLE II—PREPARING, TRAIN-**  
15           **ING, AND RECRUITING HIGH**  
16           **QUALITY TEACHERS AND**  
17           **PRINCIPALS**

18   **PART A—TEACHER AND PRINCIPAL TRAINING**  
19           **AND RECRUITING FUND**

20   **SEC. 2101. PURPOSE.**

21           Section 2101 (20 U.S.C. 6601) is amended—

22                   (1) in paragraph (1)—

23                           (A) by striking “through strategies such  
24                           as” and inserting “by”; and

25                           (B) by striking “and” after the semicolon;

1           (2) by redesignating paragraph (2) as para-  
2           graph (3); and

3           (3) by inserting after paragraph (1) the fol-  
4           lowing:

5           “(2) ensure that low-income and minority chil-  
6           dren are not taught by unqualified teachers at high-  
7           er rates than such children’s more advantaged peers;  
8           and”.

9   **SEC. 2102. AUTHORIZATIONS OF APPROPRIATIONS.**

10          Section 2103 (20 U.S.C. 6603) is amended—

11           (1) in subsection (a), by striking “2002” and  
12           inserting “2008”; and

13           (2) in subsection (b), by striking “2002” and  
14           inserting “2008”.

15   **SEC. 2103. STATE APPLICATIONS AND NEEDS ASSESSMENT.**

16          Section 2112 (20 U.S.C. 6612) is amended—

17           (1) by amending the section heading to read as  
18           follows:

19   **“SEC. 2112. STATE APPLICATIONS AND NEEDS ASSESS-**  
20           **MENT.”;**

21           (2) by redesignating subsections (c) through (g)  
22           as subsections (d) through (h), respectively;

23           (3) in subsection (b), by striking paragraphs  
24           (1) through (12) and inserting the following:



1           “(1) A description of how the activities to be  
2 carried out by the State educational agency under  
3 this subpart will respond to the State’s teacher qual-  
4 ity needs assessment conducted under subsection (c).

5           “(2) A description of how the State educational  
6 agency will use funds under this part to improve the  
7 quality of the State’s teachers and principals to en-  
8 sure that low-income and minority students are not  
9 taught by unqualified teachers at higher rates than  
10 such children’s more affluent peers.

11           “(3) A description of—

12                   “(A) the State educational agency’s annual  
13 measurable objectives under section 1119(a)(2);

14                   “(B) how the State educational agency will  
15 use funds under this part to meet the teacher  
16 and paraprofessional requirements of section  
17 1119;

18                   “(C) how the State educational agency will  
19 hold local educational agencies accountable for  
20 meeting the annual measurable objectives de-  
21 scribed in section 1119(a)(2); and

22                   “(D) how the State educational agency will  
23 assist local educational agencies in meeting  
24 such objectives.

1           “(4) A description of how the State educational  
2 agency will ensure that the professional development  
3 needs of teachers (including teacher mentoring) will  
4 be met using funds under this subpart and subpart  
5 2.

6           “(5)(A) A description of how the State edu-  
7 cational agency will coordinate professional develop-  
8 ment activities authorized under this part with pro-  
9 fessional development activities provided under other  
10 Federal, State, and local programs.

11           “(B) A description of the comprehensive strat-  
12 egy that the State educational agency will use, as  
13 part of such coordination effort, to ensure that  
14 teachers are trained in the use of technology so that  
15 technology and applications of technology are effec-  
16 tively used in the classroom to improve teaching and  
17 learning in all curricula and academic subjects, as  
18 appropriate.

19           “(6) A description of how the State educational  
20 agency will encourage the development of proven, in-  
21 novative strategies to deliver intensive professional  
22 development programs that are both cost-effective  
23 and easily accessible (especially for teachers in rural  
24 areas), such as strategies that involve delivery

1 through the use of technology, peer networks, and  
2 distance learning.

3 “(7)(A) A description of how the State edu-  
4 cational agency will ensure compliance with the re-  
5 quirements for professional development activities  
6 described in section 9101 and how the activities to  
7 be carried out under the grant will be developed col-  
8 laboratively and based on the input of teachers,  
9 principals, parents, administrators, paraprofes-  
10 sionals, and other school personnel.

11 “(B) In the case of a State in which the State  
12 educational agency is not the entity responsible for  
13 teacher professional standards, certification, and li-  
14 censing, an assurance that the State activities car-  
15 ried out under this subpart are carried out in con-  
16 junction with the entity responsible for such stand-  
17 ards, certification, and licensing under State law.

18 “(8) A description of how the activities to be  
19 carried out by the State educational agency under  
20 this subpart will be based on a review of scientif-  
21 ically based research and an explanation of why the  
22 activities are expected to improve the quality of the  
23 teachers and to raise student academic achievement.

24 “(9) A description of how the State educational  
25 agency will ensure that activities assisted under this

1 subpart are aligned with challenging State academic  
2 content and student academic achievement stand-  
3 ards, State assessments, and State and local cur-  
4 ricula.

5 “(10) A description of how the State edu-  
6 cational agency will ensure that a local educational  
7 agency receiving a subgrant to carry out subpart 2  
8 will comply with the requirements of such subpart.

9 “(11) In the case of a State that has a charter  
10 school law that exempts teachers from State certifi-  
11 cation and licensing requirements, the specific por-  
12 tion of the State law that provides for the exemp-  
13 tion.

14 “(12) An assurance that the State educational  
15 agency will comply with section 9501 (regarding par-  
16 ticipation by private school children and teachers).”;

17 (4) by inserting after subsection (b) the fol-  
18 lowing:

19 “(c) NEEDS ASSESSMENT.—

20 “(1) IN GENERAL.—For a State to be eligible  
21 to receive a grant under this part, not later than 18  
22 months after the date of enactment of the No Child  
23 Left Behind Act of 2007, the State educational  
24 agency shall conduct and make public a statewide  
25 needs assessment to determine which local edu-

1 cational agencies within the State have the most  
2 acute teacher quality and staffing needs.

3 “(2) ASSESSMENT ELEMENTS.—In conducting  
4 the needs assessment described in paragraph (1), a  
5 State educational agency shall—

6 “(A) analyze and report on local edu-  
7 cational agencies within the State with the  
8 highest percentages of—

9 “(i) first-year teachers;

10 “(ii) first and second-year teachers;

11 “(iii) teacher attrition rates averaged  
12 over the most recent 3 years for which  
13 data are available;

14 “(iv) teachers teaching with emer-  
15 gency credentials or under waivers of State  
16 certification or licensure requirements; and

17 “(v) classes taught by teachers who  
18 are not highly qualified; and

19 “(B) analyze and report on, for schools  
20 within the State identified for school improve-  
21 ment or restructuring under section 1116(b),  
22 the data elements described in clauses (i)  
23 through (v) of subparagraph (A), including a  
24 comparison of such elements between schools

1 identified for improvement or restructuring as  
2 compared to schools not so identified.

3 “(3) APPLICATION UPDATE AND REPORT.—

4 “(A) APPLICATION UPDATE.—Not later  
5 than 2 years after the date of enactment of the  
6 No Child Left Behind Act of 2007, a State edu-  
7 cational agency shall update the application the  
8 agency submitted pursuant to subsection (a)—

9 “(i) to describe how the State will use  
10 State funds under section 2113 to address  
11 the needs of local educational agencies  
12 identified by the needs assessment con-  
13 ducted under paragraph (1), including spe-  
14 cific programs and assistance the State  
15 will provide to such local educational agen-  
16 cies; and

17 “(ii) to include specific, measurable  
18 goals for improving the distribution of  
19 highly qualified teachers, novice teachers,  
20 teachers with emergency credentials, and  
21 teacher retention rates among high and  
22 low-poverty schools and high and low-pov-  
23 erty local educational agencies.

24 “(B) REPORT.—Not later than 1 year  
25 after a State educational agency updates the

1 agency's application as required by subpara-  
2 graph (A), and each year thereafter for the pe-  
3 riod of the grant, the agency shall submit to the  
4 Secretary a report on the progress made in  
5 meeting the goals established under subpara-  
6 graph (A)(ii).”;

7 (5) in subsection (g), as redesignated by para-  
8 graph (2)—

9 (A) by striking “(e)(2)” each place the  
10 term appears and inserting “(f)(2)”; and

11 (B) in paragraph (2), by striking “(c)”  
12 and inserting “(d)”; and

13 (6) in subsection (h), as redesignated by para-  
14 graph (2), by striking “(e)(2)” and inserting  
15 “(f)(2)”.

16 **SEC. 2104. STATE USE OF FUNDS.**

17 Section 2113(c) (20 U.S.C. 6613(c)) is amended—

18 (1) by striking paragraphs (5) through (18);

19 (2) by redesignating paragraphs (2) through  
20 (4) as paragraphs (3) through (5), respectively;

21 (3) in the matter preceding subparagraph (A)(i)  
22 of paragraph (1), by striking “(including recertifi-  
23 cation) or licensing requirements” and inserting  
24 “and recertification, licensing requirements, or ten-  
25 ure systems”;

1           (4) by inserting after paragraph (1) the fol-  
2           lowing:

3           “(2) Funding projects to promote reciprocity of  
4           teacher and principal certification or licensing be-  
5           tween or among States, except that no reciprocity  
6           agreement developed under this paragraph or devel-  
7           oped using funds provided under this part may lead  
8           to the weakening of any State teaching certification  
9           or licensing requirement.”;

10          (5) in paragraph (4), as redesignated by para-  
11          graph (2), by striking “the areas of mathematics  
12          and science” and inserting “high need subjects and  
13          areas such as mathematics, science, special edu-  
14          cation, and language instruction for limited English  
15          proficient students”;

16          (6) by adding at the end the following:

17          “(6) Developing, or assisting local educational  
18          agencies in developing—

19                 “(A) merit or performance-based pay sys-  
20                 tems; and

21                 “(B) strategies that provide differential,  
22                 incentive, and bonus pay for teachers in high-  
23                 need academic subjects, such as reading, math-  
24                 ematics, science, and special education and  
25                 teachers in high-poverty schools and districts.



1           “(7) Developing, or assisting local educational  
2 agencies in developing, teacher advancement initia-  
3 tives that promote professional growth and empha-  
4 size multiple career paths (such as paths to becom-  
5 ing a career teacher, mentor teacher, or exemplary  
6 teacher) and pay differentiation.

7           “(8) Providing professional development for  
8 teachers and principals and, in cases in which a  
9 State educational agency determines support to be  
10 appropriate, supporting the participation of pupil  
11 services personnel in the same type of professional  
12 development activities as are made available to  
13 teachers and principals, to ensure that teachers and  
14 principals are able to use challenging State academic  
15 content standards and student academic achieve-  
16 ment standards, and State assessments, to improve  
17 instructional practices and improve student academic  
18 achievement.

19           “(9) Developing—

20               “(A) systems to measure the effectiveness  
21 of specific professional development programs;  
22 and

23               “(B) strategies to document gains in stu-  
24 dent academic achievement or increases in

1 teacher mastery of the academic subjects the  
2 teachers teach.

3 “(10) Providing assistance to teachers to enable  
4 them to meet certification, licensing, or other re-  
5 quirements needed to be highly qualified.

6 “(11) Providing technical assistance to local  
7 educational agencies to improve the programs fund-  
8 ed under this part by such agencies.

9 “(12) Encouraging and supporting the training  
10 of teachers and administrators to effectively inte-  
11 grate technology into curricula and instruction, in-  
12 cluding training to improve the ability to collect,  
13 manage, and analyze data to improve teaching, deci-  
14 sionmaking, school improvement efforts, and ac-  
15 countability.”.

16 **SEC. 2105. LOCAL APPLICATIONS AND NEEDS ASSESSMENT.**

17 Section 2122 (20 U.S.C. 6622) is amended—

18 (1) in subsection (b)—

19 (A) in paragraph (2), by striking “, meas-  
20 urable, and positive impact on student academic  
21 achievement” and inserting “impact on student  
22 achievement that is measurable by student aca-  
23 demic growth”;

24 (B) in paragraph (3)—

1 (i) in subparagraph (A), by inserting  
2 “and” after the semicolon;

3 (ii) by striking subparagraph (B);

4 (iii) by redesignating subparagraph  
5 (C) as subparagraph (B); and

6 (iv) in subparagraph (B), as redesign-  
7 nated by clause (iii)—

8 (I) by inserting “academic alert,”  
9 after “are identified for”; and

10 (II) by inserting “, or restruc-  
11 turing” after “school improvement”;

12 (2) in subsection (c)—

13 (A) by redesignating paragraph (2) as  
14 paragraph (4);

15 (B) by striking paragraph (1) and insert-  
16 ing the following:

17 “(1) IN GENERAL.—To be eligible to receive a  
18 subgrant under this subpart, a local educational  
19 agency shall, not later than 18 months after the  
20 date of enactment of the No Child Left Behind Act  
21 of 2007, conduct an assessment of local needs for  
22 professional development and hiring to determine  
23 which schools served by the local educational agency  
24 have the most acute teacher quality and staffing  
25 needs.

1           “(2) ASSESSMENT ELEMENTS.—In conducting  
2           the needs assessment described in paragraph (1), a  
3           local educational agency shall—

4                   “(A) analyze and report on schools served  
5                   by the local educational agency with the highest  
6                   percentages of—

7                           “(i) first-year teachers;

8                           “(ii) first and second-year teachers;

9                           “(iii) teacher attrition rates averaged  
10                          over the most recent 3 years for which  
11                          data are available;

12                          “(iv) teachers teaching with emer-  
13                          gency credentials or under waivers of State  
14                          certification or licensure requirements; and

15                          “(v) classes taught by teachers who  
16                          are not highly qualified; and

17                   “(B) analyze and report on, for schools  
18                   identified for school improvement or restruc-  
19                   turing under section 1116(b), the data elements  
20                   described in clauses (i) through (v) of subpara-  
21                   graph (A), including a comparison of such ele-  
22                   ments between schools identified for improve-  
23                   ment and restructuring as compared to schools  
24                   not so identified.

25           “(3) APPLICATION UPDATE AND REPORT.—

1           “(A) APPLICATION UPDATE.—Not later  
2 than 2 years after the date of enactment of the  
3 No Child Left Behind Act of 2007, a local edu-  
4 cational agency shall update the application the  
5 agency submitted pursuant to subsection (a)—

6           “(i) to describe how the local edu-  
7 cational agency will use funds provided  
8 under section 2121 to address the needs of  
9 schools served by the local educational  
10 agency identified by the assessment con-  
11 ducted under paragraph (1), including spe-  
12 cific programs and assistance the local  
13 educational agency will provide to schools;  
14 and

15           “(ii) to include specific, measurable  
16 goals for improving the distribution of  
17 highly qualified teachers, novice teachers,  
18 teachers with emergency credentials, and  
19 teacher retention rates among high and  
20 low-poverty schools.

21           “(B) REPORT.—Not later than 1 year  
22 after a local educational agency updates the  
23 agency’s application as required by subpara-  
24 graph (A), and each year thereafter for the pe-  
25 riod of the grant, the local educational agency

1 shall submit to the State educational agency a  
2 report on the progress made in meeting the  
3 goals established under subparagraph (A)(ii).”.

4 **SEC. 2106. LOCAL USE OF FUNDS.**

5 Section 2123(a) is amended—

6 (1) by striking paragraph (2) and inserting the  
7 following:

8 “(2) Developing and implementing initiatives to  
9 assist in recruiting, hiring, and retaining highly  
10 qualified teachers and principals, particularly in low-  
11 income schools with high percentages of unqualified  
12 teachers and high percentages of students not meet-  
13 ing the proficient level of academic achievement on  
14 the State academic assessments described in  
15 1111(b)(3), including initiatives that—

16 “(A) provide scholarships, signing bonuses,  
17 or other financial incentives, such as differen-  
18 tial, bonus, and incentive pay, for teachers to  
19 teach—

20 “(i) in high-need academic subjects  
21 and instructional areas, such as mathe-  
22 matics, science, critical foreign languages,  
23 special education, and instruction for lim-  
24 ited English proficient students, in which  
25 there exists a shortage of highly qualified

1 teachers within a school or within the local  
2 educational agency; and

3 “(ii) in schools in which there exists a  
4 shortage of highly qualified teachers;

5 “(B) provide incentives, including merit or  
6 performance-based pay systems, to teachers and  
7 principals who have a record of success in im-  
8 proving the academic achievement of all stu-  
9 dents and assisting all students meet or exceed  
10 the proficient level on State academic assess-  
11 ments, but particularly students from economi-  
12 cally disadvantaged families, students from ra-  
13 cial and ethnic minority groups, students with  
14 disabilities, and limited English proficient stu-  
15 dents;

16 “(C) establish programs that—

17 “(i) train and hire highly qualified  
18 regular and special education teachers  
19 (which may include hiring special edu-  
20 cation teachers to team-teach in classrooms  
21 that contain both children with disabilities  
22 and nondisabled children);

23 “(ii) train and hire highly qualified  
24 teachers of special needs children, such as  
25 limited English proficient students, as well

1 as teaching specialists in core academic  
2 subjects, who will provide increased indi-  
3 vidualized instruction to students;

4 “(iii) recruit qualified professionals  
5 from other fields, including highly qualified  
6 paraprofessionals, and provide such profes-  
7 sionals with alternative routes to teacher  
8 certification or licensure, including—

9 “(I) developing and implementing  
10 hiring policies that ensure comprehen-  
11 sive recruitment efforts as a way to  
12 expand the applicant pool, such as  
13 through identifying teachers certified  
14 or licensed through alternative routes;  
15 and

16 “(II) using a system of intensive  
17 screening designed to hire the most  
18 qualified applicants; and

19 “(iv) provide increased opportunities  
20 for minorities, individuals with disabilities,  
21 and other groups underrepresented in the  
22 teaching profession;

23 “(D) provide teacher mentoring from ex-  
24 emplary teachers, principals, or superintend-  
25 ents; or



1           “(E) provide induction and support for  
2 teachers and principals during their first 3  
3 years of employment as teachers or principals,  
4 respectively.”;

5           (2) in paragraph (3)(B)(v), by inserting “in-  
6 struction and” after “classroom”;

7           (3) by striking paragraphs (4) and (10);

8           (4) by redesignating paragraphs (5) through  
9 (8) as paragraphs (4) through (7), respectively; and

10           (5) in paragraph (4), as redesignated by para-  
11 graph (4)—

12           (A) in subparagraph (C), by inserting  
13 “and” after the semicolon;

14           (B) by striking subparagraph (D); and

15           (C) by redesignating subparagraph (E) as  
16 subparagraph (D).

17 **SEC. 2107. DEFINITIONS.**

18           Section 2131(1)(B) (20 U.S.C. 6631(1)(B)) is  
19 amended by striking “a teacher organization, a principal  
20 organization,”.

21 **SEC. 2108. NATIONAL ACTIVITIES OF DEMONSTRATED EF-  
22 FECTIVENESS.**

23           Section 2151 (20 U.S.C. 6651) is amended—

24           (1) by striking subsection (d);

1           (2) by redesignating subsection (e) as sub-  
2           section (d); and

3           (3) by striking subsection (f).

4           **PART B—MATHEMATICS AND SCIENCE**

5                           **PARTNERSHIPS**

6           **SEC. 2201. ALLOCATION OF FUNDS.**

7           Section 2202 (20 U.S.C. 6662) is amended—

8                   (1) in subsection (b)(2)(C), by inserting “on  
9           mathematics and science education programs that  
10          are effective in improving student academic achieve-  
11          ment” after “research”;

12                  (2) in subsection (d)(2)—

13                          (A) in the heading, by striking “NATIONAL  
14           SCIENCE FOUNDATION” and inserting “CON-  
15           SULTATION”; and

16                          (B) by striking “with respect to the appro-  
17           priate roles for the Department and the Foun-  
18           dation”;

19                  (3) in subsection (e)—

20                          (A) in paragraph (2)—

21                                  (i) in subparagraph (B), by striking  
22                                  “and” after the semicolon;

23                                  (ii) in subparagraph (C)(iii), by strik-  
24                                  ing the period at the end and inserting “;  
25                                  and”; and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(D) shall describe how the activities sup-  
4 ported under this part will be coordinated with  
5 other programs to improve mathematics and  
6 science achievement being implemented by the  
7 local educational agency that is a member of  
8 the partnership.”; and

9 (B) by adding at the end the following:

10 “(3) REPORTS.—Each eligible partnership re-  
11 ceiving a grant or subgrant under this part shall re-  
12 port annually to the Secretary regarding the eligible  
13 partnership’s progress in meeting the objectives de-  
14 scribed in the accountability plan of the partnership  
15 under paragraph (1).

16 “(4) REVOCATION OF GRANT.—If the Secretary  
17 determines that an eligible partnership is not mak-  
18 ing substantial progress in meeting the objectives de-  
19 scribed in the eligible partnership’s accountability  
20 plan under paragraph (1) by the end of the second  
21 year of the grant under this part, the Secretary shall  
22 not make a grant payment to the eligible partner-  
23 ship for the third year of the grant.”; and

24 (4) by striking subsection (f) and inserting the  
25 following:

1       “(f) REPORT TO CONGRESS.—The Secretary shall  
2 annually report to the appropriate committees of Congress  
3 on the effectiveness of programs supported under this part  
4 in improving student academic achievement in mathe-  
5 matics and science.”.

6 **SEC. 2202. AUTHORIZATION OF APPROPRIATIONS.**

7       Section 2203 (20 U.S.C. 6663) is amended by strik-  
8 ing “fiscal year 2002” and inserting “fiscal year 2008”.

9 **PART C—INNOVATION FOR TEACHER QUALITY**

10 **SEC. 2301. DEFINITIONS.**

11       Section 2301 (20 U.S.C. 6671) is amended—

12           (1) by redesignating paragraphs (2), (3), (4),  
13 and (5), as paragraphs (4), (5), (6), and (7), respec-  
14 tively;

15           (2) by inserting after paragraph (1) the fol-  
16 lowing:

17           “(2) HIGH-NEED LOCAL EDUCATIONAL AGEN-  
18 CY.—The term ‘high-need local educational agency’  
19 means a local educational agency—

20                   “(A) that serves not fewer than 10,000  
21 children from families with incomes below the  
22 poverty line;

23                   “(B) in which not less than 20 percent of  
24 the children served by the agency are children

1 from families with incomes below the poverty  
2 line; or

3 “(C) in which not less than 10 percent of  
4 the children served by the agency are children  
5 from families with incomes below the poverty  
6 line and that assigns all teachers funded under  
7 this chapter to a high-need school as defined in  
8 section 2304(d)(3) for the duration of such  
9 teachers’ service commitment under this chap-  
10 ter.

11 “(3) CHILDREN FROM FAMILIES WITH INCOMES  
12 BELOW THE POVERTY LINE.—The term ‘children  
13 from families below the poverty line’ means children  
14 ages 5 through 17 from families with incomes below  
15 the poverty line.”; and

16 (3) in paragraph (7)(B), by striking “para-  
17 graph (4)” and inserting “paragraph (6)”.

18 **SEC. 2302. AUTHORIZATION OF TROOPS-TO-TEACHERS PRO-**  
19 **GRAM.**

20 Section 2302(b) (20 U.S.C. 6672) is amended—

21 (1) in paragraph (1), by striking “vocational or  
22 technical” and inserting “career and technical edu-  
23 cation”; and

24 (2) in paragraph (2)—

25 (A) in subparagraph (A)—

- 1 (i) by striking “public”; and  
2 (ii) by striking “vocational or tech-  
3 nical” and inserting “career and technical  
4 education”; and  
5 (B) in subparagraph (B), by striking “vo-  
6 cational or technical” and inserting “career and  
7 technical education”.

8 **SEC. 2303. RECRUITMENT AND SELECTION OR PROGRAM**  
9 **PARTICIPANTS.**

10 Section 2303 (20 U.S.C. 6673) is amended—

- 11 (1) in subsection (a), by striking paragraph (4);  
12 (2) by striking subsection (b)(2) and inserting  
13 the following:

14 “(2) TIME FOR SUBMISSION.—An application  
15 shall be considered to be submitted on a timely basis  
16 under paragraph (1) if, in the case of a member de-  
17 scribed in paragraphs (1)(A), (2), or (3) of sub-  
18 section (a), the application is submitted not later  
19 than 4 years after the date on which the member is  
20 retired or separated or released from active duty,  
21 whichever applies to the member.”;

- 22 (3) by striking subsection (c)(2)(B) and insert-  
23 ing the following:

24 “(B) CAREER AND TECHNICAL EDUCATION  
25 TEACHER.—If a member of the Armed Forces

1 described in paragraph (1), (2), or (3) of sub-  
 2 section (a) is applying for assistance for place-  
 3 ment as a career and technical education teach-  
 4 er, the Secretary shall require the member—

5 “(i) to have the equivalent of 1 year  
 6 of college from an accredited institution of  
 7 higher education and have 6 or more years  
 8 of military experience in a career and tech-  
 9 nical field; or

10 “(ii) to otherwise meet the certifi-  
 11 cation or licensing requirements for a ca-  
 12 reer and technical education teacher in the  
 13 State in which the member seeks assist-  
 14 ance for placement under the Program.”;  
 15 and

16 (4) in subsection (d), by striking “vocational or  
 17 technical” and inserting “career and technical edu-  
 18 cation”.

19 **SEC. 2304. PARTICIPATION AGREEMENT AND FINANCIAL**  
 20 **ASSISTANCE.**

21 Section 2304 (20 U.S.C. 6674) is amended—

22 (1) in subsection (a)(1)—

23 (A) in subparagraph (A)—

1 (i) by striking “vocational or tech-  
2 nical” and inserting “career and technical  
3 education”; and

4 (ii) by inserting “(if otherwise re-  
5 quired by this Act to be highly qualified)”  
6 after “highly qualified teacher”; and

7 (B) in subparagraph (B)—

8 (i) by striking “vocational or tech-  
9 nical” and inserting “career and technical  
10 education”;

11 (ii) by striking “public”; and

12 (iii) by striking “, as such terms are  
13 defined in section 2101,”;

14 (2) in subsection (b)(5), by striking “vocational  
15 or technical” and inserting “career and technical  
16 education”;

17 (3) in subsection (d)—

18 (A) in paragraph (1)—

19 (i) by striking “vocational or tech-  
20 nical” and inserting “career and technical  
21 education”; and

22 (ii) by inserting “(if otherwise re-  
23 quired by this Act to be highly qualified)”  
24 after “highly qualified teacher”; and



1 (B) by striking paragraph (3)(A) and in-  
2 serting the following:

3 “(A) STUDENTS FROM LOW-INCOME FAMI-  
4 LIES.—In the case of—

5 “(i) an elementary school, not less  
6 than 50 percent of the students enrolled in  
7 the school were from low-income families  
8 (as described in section 2302(b)(2)(A)(i));  
9 and

10 “(ii) a secondary school, not less than  
11 30 percent of the students enrolled in the  
12 school were from low-income families (as  
13 described in section 2302(b)(2)(A)(i).”;  
14 and

15 (4) in subsection (f)(1)—

16 (A) in subparagraph (A), by striking “vo-  
17 cational or technical” and inserting “career and  
18 technical education”; and

19 (B) in subparagraph (B), by striking “vo-  
20 cational or technical” and inserting “career and  
21 technical education”.

22 **SEC. 2305. PARTICIPATION BY STATES.**

23 Section 2305(b)(1) (20 U.S.C. 6675(b)(1)) is amend-  
24 ed by striking “vocational or technical” and inserting “ca-  
25 reer and technical education”.

1 **SEC. 2306. SUPPORT OF INNOVATIVE PRERETIREMENT**  
2 **TEACHER CERTIFICATION PROGRAMS.**

3 Section 2306 (20 U.S.C. 6676) is amended—

4 (1) in subsection (b), by striking “vocational or  
5 technical” and inserting “career and technical edu-  
6 cation”; and

7 (2) in subsection (c)(3), by striking “vocational  
8 or technical” and inserting “career and technical  
9 education”.

10 **SEC. 2307. REPORTING REQUIREMENTS.**

11 The Act (20 U.S.C. 6301 et seq.) is amended by  
12 striking section 2307.

13 **SEC. 2308. TRANSITION TO TEACHING GRANT PROGRAM.**

14 Section 2313 (20 U.S.C. 6683) is amended—

15 (1) by striking subsection (c);

16 (2) by redesignating subsections (d), (e), (f),  
17 (g), (h), (i), (j), and (k), as subsections (c), (d), (e),  
18 (f), (g), (h), (i), and (j), respectively;

19 (3) in subsection (f)(2)(A), as redesignated by  
20 paragraph (2)—

21 (A) by inserting “recruiting and” after  
22 “effective in”; and

23 (B) by striking “\$5,000” and inserting  
24 “\$10,000”; and

25 (4) in subsection (h), as redesignated by para-  
26 graph (2), by striking “3” and inserting “2”.

1 **SEC. 2309. GENERAL PROVISIONS AUTHORIZATION OF AP-**  
2 **PROPRIATIONS.**

3 Section 2321 (20 U.S.C. 6691) is amended by strik-  
4 ing “2002” both places such term appears and inserting  
5 “2008”.

6 **SEC. 2310. NATIONAL WRITING PROJECT.**

7 Section 2332(h) (20 U.S.C. 6702(h)) is amended by  
8 striking “2002” and inserting “2008”.

9 **SEC. 2311. CIVIC EDUCATION GENERAL AUTHORITY.**

10 Section 2343(a)(3) (20 U.S.C. 6713(a)(3)) is amend-  
11 ed—

12 (1) in subsection (a)(3)—

13 (A) by striking “education and” and in-  
14 serting “education or”; and

15 (B) by inserting “or economic education”  
16 after “civic education”; and

17 (2) in subsection (b)(1), by striking “2346”  
18 and inserting “2347”.

19 **SEC. 2312. WE THE PEOPLE PROGRAM.**

20 Section 2344 (20 U.S.C. 6714) is amended—

21 (1) in subsection (a)(1)(B)—

22 (A) by redesignating clauses (ii) and (iii)  
23 as clauses (iii) and (iv), respectively; and

24 (B) by inserting after clause (i) the fol-  
25 lowing:

1                   “(ii) to implement a comprehensive  
2                   program to improve public knowledge, un-  
3                   derstanding, and support of American  
4                   democratic institutions;”; and

5                   (2) in subsection (b)(1)(A)(iii)—

6                   (A) by inserting “and high” after “mid-  
7                   dle”; and

8                   (B) by striking “level” and inserting “lev-  
9                   els”.

10 **SEC. 2313. CLOSE UP FELLOWSHIP PROGRAM.**

11           The Act (20 U.S.C. 6301 et seq.) is amended—

12           (1) by redesignating section 2346 as section  
13           2347;

14           (2) by inserting after section 2345 the fol-  
15           lowing:

16 **“SEC. 2346. CLOSE UP FELLOWSHIP PROGRAM.**

17           “(a) PROGRAM FOR MIDDLE SCHOOL AND SEC-  
18           ONDARY SCHOOL STUDENTS.—

19           “(1) ESTABLISHMENT.—

20           “(A) GENERAL AUTHORITY.—In accord-  
21           ance with this subsection, the Secretary may  
22           make grants to the Close Up Foundation of  
23           Washington, District of Columbia, a non-  
24           partisan, nonprofit foundation, for the purpose  
25           of assisting the Close Up Foundation in car-

1           rying out its programs of increasing civic re-  
2           sponsibility and understanding of the Federal  
3           Government among middle school and sec-  
4           ondary school students.

5           “(B) USE OF FUNDS.—Grants under this  
6           subsection shall be used only to provide finan-  
7           cial assistance to economically disadvantaged  
8           students who participate in the programs de-  
9           scribed in subparagraph (A).

10          “(C) NAME OF FELLOWSHIPS.—Financial  
11          assistance received by students pursuant to this  
12          subsection shall be known as Close Up fellow-  
13          ships.

14          “(2) APPLICATIONS.—

15               “(A) APPLICATION REQUIRED.—No grant  
16               under this subsection may be made except upon  
17               an application at such time, in such manner,  
18               and accompanied by such information as the  
19               Secretary may reasonably require.

20               “(B) CONTENTS OF APPLICATION.—Each  
21               application submitted under this paragraph  
22               shall contain assurances that—

23                       “(i) Close Up fellowships provided  
24                       under this subsection shall be made to eco-

1                   nominally disadvantaged middle school and  
2                   secondary school students;

3                   “(ii) every effort shall be made to en-  
4                   sure the participation of students from  
5                   rural, small town, and urban areas;

6                   “(iii) in awarding the fellowships to  
7                   economically disadvantaged students, spe-  
8                   cial consideration shall be given to the par-  
9                   ticipation of those students with special  
10                  educational needs, including students with  
11                  disabilities, ethnic minority students, and  
12                  students with migrant parents; and

13                  “(iv) the funds received under this  
14                  subsection shall be properly disbursed.

15                  “(b) PROGRAM FOR MIDDLE SCHOOL AND SEC-  
16                  ONDARY SCHOOL TEACHERS.—

17                         “(1) ESTABLISHMENT.—

18                                 “(A) GENERAL AUTHORITY.—In accord-  
19                                 ance with this subsection, the Secretary may  
20                                 make grants to the Close Up Foundation of  
21                                 Washington, District of Columbia, a non-  
22                                 partisan, nonprofit foundation, for the purpose  
23                                 of assisting the Close Up Foundation in car-  
24                                 rying out its programs of professional develop-  
25                                 ment for middle school and secondary school

1 teachers and its programs to increase civic re-  
2 sponsibility and understanding of the Federal  
3 Government among the teachers' students.

4 “(B) USE OF FUNDS.—Grants under this  
5 subsection shall be used only to provide finan-  
6 cial assistance to teachers who participate in  
7 the programs described in subparagraph (A).

8 “(C) NAME OF FELLOWSHIPS.—Financial  
9 assistance received by teachers pursuant to this  
10 subsection shall be known as Close Up fellow-  
11 ships.

12 “(2) APPLICATIONS.—

13 “(A) APPLICATION REQUIRED.—No grant  
14 under this subsection may be made except upon  
15 an application at such time, in such manner,  
16 and accompanied by such information as the  
17 Secretary may reasonably require.

18 “(B) CONTENTS OF APPLICATION.—Each  
19 application submitted under this paragraph  
20 shall contain assurances that—

21 “(i) Close Up fellowships provided  
22 under this subsection shall be made only to  
23 a teacher who has worked with at least one  
24 student from such teacher's school who

1                   participates in a program described in sub-  
2                   section (a)(1)(A);

3                   “(ii) no teacher shall receive more  
4                   than one such fellowship in any fiscal year;  
5                   and

6                   “(iii) the funds received under this  
7                   subsection shall be properly disbursed.

8                   “(c) PROGRAMS FOR NEW AMERICANS.—

9                   “(1) ESTABLISHMENT.—

10                   “(A) GENERAL AUTHORITY.—In accord-  
11                   ance with this subsection, the Secretary may  
12                   make grants to the Close Up Foundation of  
13                   Washington, District of Columbia, a non-  
14                   partisan, nonprofit foundation, for the purpose  
15                   of assisting the Close Up Foundation in car-  
16                   rying out its programs of increasing civic re-  
17                   sponsibility and understanding of the Federal  
18                   Government among economically disadvantaged  
19                   middle school and secondary school recent im-  
20                   migrant students.

21                   “(B) DEFINITION.—In this subsection, the  
22                   term ‘recent immigrant student’ means a stu-  
23                   dent who is a member of a family that immi-  
24                   grated to the United States within 5 years of  
25                   the student’s participation in such a program.



1           “(C) USE OF FUNDS.—Grants under this  
2 subsection shall be used only to provide finan-  
3 cial assistance to economically disadvantaged  
4 recent immigrant students and their teachers  
5 who participate in the programs described in  
6 subparagraph (A).

7           “(D) NAME OF FELLOWSHIPS.—Financial  
8 assistance received by students and teachers  
9 pursuant to this subsection shall be known as  
10 Close Up Fellowships for New Americans.

11           “(2) APPLICATIONS.—

12           “(A) APPLICATION REQUIRED.—No grant  
13 under this subsection may be made except upon  
14 an application at such time, in such manner,  
15 and accompanied by such information as the  
16 Secretary may reasonably require.

17           “(B) CONTENTS OF APPLICATION.—Each  
18 application submitted under this paragraph  
19 shall contain assurances that—

20           “(i) Close Up Fellowships for New  
21 Americans shall be made to economically  
22 disadvantaged middle school and secondary  
23 school recent immigrant students;

24           “(ii) every effort shall be made to en-  
25 sure the participation of recent immigrant

1 students from rural, small town, and urban  
2 areas;

3 “(iii) in awarding the fellowships to  
4 economically disadvantaged recent immi-  
5 grant students, special consideration shall  
6 be given to the participation of those stu-  
7 dents with special educational needs, in-  
8 cluding students with disabilities, students  
9 with migrant parents, and ethnic minority  
10 students;

11 “(iv) fully describe the activities to be  
12 carried out with the proceeds of the grant  
13 made under paragraph (1); and

14 “(v) the funds received under this  
15 subsection shall be properly disbursed.

16 “(d) GENERAL ADMINISTRATIVE PROVISIONS.—

17 “(1) ACCOUNTABILITY.—In consultation with  
18 the Secretary, the Close Up Foundation shall devise  
19 and implement procedures to measure the efficacy of  
20 the programs authorized in subsections (a), (b), and  
21 (c) in attaining objectives that include the following:

22 “(A) Providing young people with an in-  
23 creased understanding of the Federal Govern-  
24 ment.

1           “(B) Heightening a sense of civic responsi-  
2           bility among young people.

3           “(C) Enhancing the skills of educators in  
4           teaching young people about civic responsibility,  
5           the Federal Government, and attaining citizen-  
6           ship competencies.

7           “(2) GENERAL RULE.—Payments under this  
8           section may be made in installments, in advance, or  
9           by way of reimbursement, with necessary adjust-  
10          ments on account of underpayments or overpay-  
11          ments.

12          “(3) AUDIT RULE.—The Comptroller General  
13          of the United States or any of the Comptroller Gen-  
14          eral’s duly authorized representatives shall have ac-  
15          cess for the purpose of audit and examination to any  
16          books, documents, papers, and records that are per-  
17          tinent to any grant under this section.”; and

18          (3) by striking section 2347, as redesignated by  
19          paragraph (1), and inserting the following:

20       **“SEC. 2347. AUTHORIZATION OF APPROPRIATIONS.**

21          “(a) SECTIONS 2344 AND 2345.—For the purpose of  
22          carrying out sections 2344 and 2345, there are authorized  
23          to be appropriated \$30,000,000 for fiscal year 2008 and  
24          such sums as may be necessary for each of the 5 suc-  
25          ceeding fiscal years.

1 “(b) SECTION 2346.—

2 “(1) IN GENERAL.—For the purpose of car-  
3 rying out section 2346, there are authorized to be  
4 appropriated such sums as may be necessary for fis-  
5 cal year 2008 and each of the 5 succeeding fiscal  
6 years.

7 “(2) SPECIAL RULE.—Of the funds appro-  
8 priated pursuant to paragraph (1), not more than  
9 30 percent may be used for teachers associated with  
10 students participating in the programs described in  
11 subsections (a)(1), (b)(1), and (c)(1) of section  
12 2346.”.

13 **SEC. 2314. TEACHING OF TRADITIONAL AMERICAN HIS-**  
14 **TORY.**

15 Section 2351 (20 U.S.C. 6721) is amended—

16 (1) in subsection (a), in the matter preceding  
17 paragraph (1), by inserting “, State educational  
18 agencies, institutions of higher education, and non-  
19 profit organizations” after “local educational agen-  
20 cies”;

21 (2) in subsection (b)—

22 (A) by redesignating paragraphs (1), (2),  
23 and (3), as subparagraphs (A), (B), and (C),  
24 respectively;

1 (B) by striking “PARTNERSHIP.—A local”  
 2 and inserting the following: “PARTNERSHIP.—”  
 3 “(1) LOCAL EDUCATIONAL AGENCY.—A local”;

4 and

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

6 “(2) STATE EDUCATIONAL AGENCIES, INSTITU-  
 7 TIONS OF HIGHER EDUCATION, NONPROFIT ORGANI-  
 8 ZATIONS.—A State educational agency, institution of  
 9 higher education, or nonprofit organization that re-  
 10 ceives a grant under subsection (a) shall carry out  
 11 activities under the grant in partnership with 1 or  
 12 more local educational agencies.”; and

13 (3) in subsection (c)—

14 (A) by striking “eligible to receive an” and  
 15 inserting “considered for a”; and

16 (B) by inserting “, State educational agen-  
 17 cy, institution of higher education, or nonprofit  
 18 organization,” after “local educational agency”.

19 **SEC. 2315. APPROPRIATIONS FOR TEACHING OF TRADI-**  
 20 **TIONAL AMERICAN HISTORY.**

21 Section 2352 (20 U.S.C. 6722) is amended to read  
 22 as follows:

23 **“SEC. 2352. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) IN GENERAL.—There are authorized to be ap-  
 25 propriated to carry out this subpart such sums as may

1 be necessary for fiscal year 2008 and each of the 5 suc-  
2 ceeding fiscal years.

3 “(b) RESERVATION.—The Secretary may reserve not  
4 more than 3 percent of the funds appropriated for any  
5 fiscal year under this subpart for national research, devel-  
6 opment, dissemination, technical assistance, and evalua-  
7 tion.”.

8 **SEC. 2316. TEACHER INCENTIVE FUND PROGRAM; ADJUNCT**  
9 **TEACHER CORPS.**

10 Part C of title II (20 U.S.C. 6671 et seq.) is amended  
11 by adding at the end the following:

12 **“Subpart 6—Teacher Incentive Fund Program**

13 **“SEC. 2371. PURPOSES; DEFINITIONS.**

14 “(a) PURPOSES.—The purposes of this subpart are—

15 “(1) to assist States, local educational agencies,  
16 and nonprofit organizations to develop, implement,  
17 improve, or expand comprehensive performance-  
18 based compensation systems for teachers and prin-  
19 cipals, especially for teachers and principals in high-  
20 need schools, who raise student academic achieve-  
21 ment and close the achievement gap; and

22 “(2) to study and review performance-based  
23 compensation systems for teachers and principals to  
24 evaluate their effectiveness, fairness, quality, consist-  
25 ency, and reliability.

1 “(b) DEFINITIONS.—In this subpart:

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

4 “(A) a local educational agency (including  
5 a charter school that is a local educational  
6 agency) or a consortium of such agencies;

7 “(B) a State educational agency, or other  
8 State agency designated by the chief executive  
9 of the State to participate under this subpart;  
10 or

11 “(C) a partnership of—

12 “(i) one or more agencies described in  
13 subparagraph (A) or (B), or both; and

14 “(ii) not less than 1 nonprofit or for-  
15 profit organization.

16 “(2) HIGH-NEED LOCAL EDUCATIONAL AGEN-  
17 CY.—The term ‘high-need local educational agency’  
18 has the meaning given the term in section 2102.

19 “(3) HIGH-NEED SCHOOL.—The term ‘high-  
20 need school’ has the meaning given the term in sec-  
21 tion 2312.

22 “(4) PERFORMANCE-BASED COMPENSATION  
23 SYSTEM.—The term ‘performance-based compensa-  
24 tion system’ means a system of compensation for  
25 teachers and principals that—

1           “(A) differentiates levels of compensation  
2 primarily on the basis of measurable increases  
3 in student academic achievement; and

4           “(B) may include—

5                 “(i) differentiated levels of compensa-  
6 tion on the basis of high-quality teachers’  
7 and principals’ employment and success in  
8 hard-to-staff schools or high-need subject  
9 areas; and

10                “(ii) recognition of the skills and  
11 knowledge of teachers and principals as  
12 demonstrated through—

13                   “(I) successful fulfillment of ad-  
14 ditional responsibilities or job func-  
15 tions; and

16                   “(II) evidence of high achieve-  
17 ment, mastery of content knowledge,  
18 and superior teaching skills.

19 **“SEC. 2372. TEACHER INCENTIVE FUND GRANTS.**

20           “(a) IN GENERAL.—From the amounts appropriated  
21 to carry out this subpart, the Secretary is authorized to  
22 make grants on a competitive basis to eligible entities to  
23 develop, implement, improve, or expand performance-  
24 based compensation systems in participating schools.



1       “(b) PRIORITY.—In making grants under subsection  
2 (a), the Secretary shall give priority to an eligible entity  
3 that concentrates its proposed activities on teachers and  
4 principals serving in high-need schools.

5       “(c) APPLICATIONS.—To be eligible to receive a grant  
6 under this subpart, an eligible entity shall submit an appli-  
7 cation to the Secretary, at such time and in such manner  
8 as the Secretary may reasonably require, that includes—

9           “(1) a description of the performance-based  
10        compensation system that the applicant proposes to  
11        develop and implement, improve, or expand;

12           “(2) a description and evidence of the support  
13        and commitment from teachers and principals in the  
14        targeted schools, the community, and local edu-  
15        cational agency for the performance-based com-  
16        pensation system, including demonstration of con-  
17        sultation with teachers and principals on the devel-  
18        opment and implementation of the performance-  
19        based compensation system;

20           “(3) a description of how the eligible entity will  
21        develop and implement a fair, rigorous, and objective  
22        process to evaluate teacher, principal, and student  
23        performance, including the baseline performance  
24        against which evaluations of improved performance  
25        will be made;

1           “(4) a description of the local educational agen-  
2           cy and the schools to be served by the project, in-  
3           cluding such student academic achievement, demo-  
4           graphic, and socioeconomic data as the Secretary  
5           may request;

6           “(5) a description of the quality of current  
7           teachers and principals in the local educational agen-  
8           cy and the schools to be served by the project and  
9           how the project will increase the quality of teachers  
10          and principals in high-need schools;

11          “(6) a description of how the applicant will use  
12          grant funds under this subpart in each year of the  
13          grant;

14          “(7) a description, if applicable, of how the ap-  
15          plicant will define the term ‘high-quality’ for the  
16          purposes of section 2371(b)(4)(B)(i), through the  
17          use of measurable indicators; and

18          “(8) a description of the State, local, or other  
19          public or private funds that will be used to supple-  
20          ment the grant and sustain the applicant’s perform-  
21          ance-based compensation system at the end of the  
22          grant period.

23          “(d) USE OF FUNDS.—

24                 “(1) IN GENERAL.—An eligible entity that re-  
25                 ceives a grant under this section shall use grant

1 funds provided under this subpart to develop, imple-  
2 ment, or improve, in collaboration with teachers,  
3 principals, other school administrators, and members  
4 of the public, a performance-based compensation  
5 system consistent with the requirements of this sub-  
6 part.

7 “(2) AUTHORIZED ACTIVITIES.—Authorized ac-  
8 tivities under this subpart include the following:

9 “(A) Developing appraisal systems that re-  
10 flect clear and fair measures of teacher and  
11 principal performance based on demonstrated  
12 improvements in student academic achievement.

13 “(B) Conducting outreach within the local  
14 educational agency or the State to gain input  
15 on how to construct the appraisal system and to  
16 develop support for it.

17 “(C) Paying, as part of a comprehensive  
18 performance-based compensation system, bo-  
19 nuses and increased salaries, so long as the  
20 grantee uses an increasing share of non-Federal  
21 funds to pay these monetary awards each year  
22 of the grant, to—

23 “(i) teachers and principals who raise  
24 student academic achievement;

1                   “(ii) teachers who raise student aca-  
2                   demic achievement and either teach in  
3                   high-need schools or teach subjects that  
4                   are difficult to staff, or both; or

5                   “(iii) principals who both raise stu-  
6                   dent academic achievement and serve in  
7                   high-need schools.

8                   “(e) DURATION OF GRANTS.—

9                   “(1) IN GENERAL.—The Secretary may make  
10                  grants under this section for periods of not more  
11                  than 5 years.

12                  “(2) LIMITATION.—An agency described in sec-  
13                  tion 2371(b)(1)(A) may receive (whether individually  
14                  or as part of a consortium or partnership) a grant  
15                  under this subpart only once. Such an agency may  
16                  continue to receive such grant for the period of such  
17                  grant, but shall not receive (whether individually or  
18                  as part of a consortium or partnership) any other  
19                  grant under this subpart.

20                  “(f) EQUITABLE DISTRIBUTION.—To the extent  
21                  practicable, the Secretary shall ensure an equitable geo-  
22                  graphic distribution of grants under this section.

23                  “(g) MATCHING REQUIREMENT.—

24                  “(1) IN GENERAL.—Each eligible entity that re-  
25                  ceives a grant under this section shall provide, from

1 non-Federal sources, an amount (which may be pro-  
2 vided in cash or in kind) to carry out the activities  
3 supported by the grant equal to—

4 “(A) for the first year of the grant, 25 per-  
5 cent of the amount received for that year under  
6 the grant;

7 “(B) for the second year, 30 percent of  
8 such amount;

9 “(C) for the third year, 35 percent of such  
10 amount;

11 “(D) for the fourth year, 40 percent of  
12 such amount; and

13 “(E) for the fifth year, 50 percent of such  
14 amount.

15 “(2) WAIVER.—The Secretary may waive all or  
16 part of the matching requirement described in para-  
17 graph (1) for any fiscal year for an eligible entity  
18 described in section 2371(b)(1)(A) if that eligible en-  
19 tity is a high-need local educational agency, a con-  
20 sortium of high-need local educational agencies, or a  
21 charter school that is a high-need local educational  
22 agency and the Secretary determines that applying  
23 the matching requirement to such eligible entity  
24 would result in serious hardship or an inability to  
25 carry out the activities described in subsection (d).

1       “(h) SUPPLEMENT, NOT SUPPLANT.—Grant funds  
2 provided under this section shall be used to supplement,  
3 not supplant, other Federal or State funds.

4 **“SEC. 2373. EVALUATION.**

5       “(a) IN GENERAL.—The Secretary shall, through  
6 grant or contract, carry out an independent evaluation of  
7 the program under this subpart.

8       “(b) CONTENT.—The evaluation shall measure—

9           “(1) the effectiveness of the program in improv-  
10       ing student academic achievement;

11           “(2) the satisfaction of the participating teach-  
12       ers or principals; and

13           “(3) the extent to which the program assisted  
14       the eligible entities in recruiting and retaining high-  
15       quality teachers and principals, especially in hard-to-  
16       staff subject areas.

17 **“SEC. 2374. AUTHORIZATION OF APPROPRIATIONS.**

18       “(a) IN GENERAL.—There are authorized to be ap-  
19 propriated to carry out this subpart \$200,000,000 for fis-  
20 cal year 2008 and such sums as may be necessary for each  
21 of the succeeding 5 fiscal years.

22       “(b) RESERVATION.—The Secretary may reserve not  
23 more than 3 percent of the funds appropriated to carry  
24 out this subpart for any 1 fiscal year for the cost of the

1 evaluation under section 2373 and for technical assistance  
2 and program outreach.

3 **“Subpart 7—Adjunct Teacher Corps**

4 **“SEC. 2381. PURPOSE; DEFINITIONS.**

5 “(a) PURPOSE.—The purpose of this subpart is to  
6 create opportunities for professionals and other individuals  
7 with subject-matter expertise to teach secondary-school  
8 courses in the core academic subjects, particularly mathe-  
9 matics, science, and critical foreign languages, on an ad-  
10 junct basis.

11 “(b) DEFINITIONS.—In this subpart:

12 “(1) ADJUNCT TEACHER.—The term ‘adjunct  
13 teacher’ means a teacher who—

14 “(A) possesses, at a minimum, a bachelor’s  
15 degree; and

16 “(B) has demonstrated expertise in the  
17 subject matter the teacher teaches by having  
18 met the requirements of section  
19 9101(23)(B)(ii).

20 “(2) CRITICAL FOREIGN LANGUAGE.—The term  
21 ‘critical foreign language’ means a foreign language  
22 considered most critical to ensure future United  
23 States national security and economic prosperity, as  
24 determined by the Secretary.

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

3                   “(A) a local educational agency;

4                   “(B) a nonprofit or for-profit organization;

5                   or

6                   “(C) a partnership consisting of the enti-  
7                   ties described in subparagraphs (A) and (B).

8           “(4) SECONDARY SCHOOL COURSE.—The term  
9           ‘secondary school course’ means a course in 1 of the  
10          core academic subjects (as that term is defined in  
11          section 9101(11)) provided to students in grades 6  
12          through 12.

13   **“SEC. 2382. PROGRAM AUTHORIZED.**

14          “(a) PROGRAM AUTHORIZED.—The Secretary shall  
15          award grants, on a competitive basis, to eligible entities  
16          to recruit, train, and place well-qualified individuals to  
17          serve as adjunct teachers in secondary-school courses in  
18          the core academic subjects.

19          “(b) HIGHLY QUALIFIED.—Notwithstanding any  
20          other provision of law, for the purposes of this subpart,  
21          an adjunct teacher serving pursuant to this subpart shall  
22          be considered a highly qualified teacher.

23          “(c) DURATION OF GRANTS.—The Secretary may  
24          award grants under this subpart for a period of not more  
25          than 5 years.



1       “(d) PRIORITIES.—In awarding grants under this  
2 subpart, the Secretary shall give priority to eligible entities  
3 that propose to—

4           “(1) serve local educational agencies that have  
5 a large number or percentage of students performing  
6 below grade level, including local educational agen-  
7 cies that are not making adequate yearly progress  
8 under section 1111(b)(2);

9           “(2) recruit, train, and provide schools adjunct  
10 teachers of mathematics, science, or critical foreign  
11 languages; and

12           “(3) recruit adjunct teachers to serve in schools  
13 that have an insufficient number of teachers with  
14 demonstrated expertise in the subjects the adjunct  
15 teachers will teach.

16       “(e) APPLICATION.—To be considered for a grant  
17 under this subpart, an eligible entity shall submit an appli-  
18 cation to the Secretary at such time, in such manner, and  
19 containing such information as the Secretary may reason-  
20 ably require, including—

21           “(1) a description of the need for using adjunct  
22 teachers in the participating schools, which may in-  
23 clude information on the difficulty participating  
24 schools face in recruiting qualified faculty and the  
25 achievement levels of students in those schools;

1           “(2) the goals and objectives for the project, in-  
2           cluding the number of adjunct teachers the eligible  
3           entity intends to place in classrooms;

4           “(3) how the eligible entity will recruit qualified  
5           individuals and appropriate public and private insti-  
6           tutions to participate in the program;

7           “(4) the participating schools and grade levels  
8           at which, and the subjects in which, the eligible enti-  
9           ty proposes to have the adjunct teachers teach;

10          “(5) how the eligible entity will use funds re-  
11          ceived under this subpart, including how the eligible  
12          entity will evaluate the success of its program; and

13          “(6) how the eligible entity will ensure that low-  
14          income students in participating schools and local  
15          educational agencies will, during the period of the  
16          grant, receive instruction in the core academic sub-  
17          jects from a teacher with demonstrated subject-mat-  
18          ter expertise in the subject taught.

19          “(f) USE OF FUNDS.—Each eligible entity that re-  
20          ceives a grant under this section shall use the grant funds  
21          only for 1 or more of the following:

22                 “(1) To develop the capacity of the local edu-  
23                 cational agency or the State educational agency, or  
24                 both, to identify, recruit, and train qualified individ-  
25                 uals outside of the elementary and secondary edu-

1 cation system (including individuals in business and  
2 government, and individuals who would participate  
3 through distance-learning arrangements) to become  
4 adjunct teachers.

5 “(2) To provide financial incentives to adjunct  
6 teachers.

7 “(3) To reimburse outside entities for the costs  
8 associated with allowing an employee to serve as an  
9 adjunct teacher, except that these costs shall not ex-  
10 ceed the total cost of salary and benefits for teachers  
11 with comparable experience or expertise in the local  
12 educational agency.

13 “(4) To collect and report such performance in-  
14 formation as the Secretary may require, including  
15 information needed for the national evaluation con-  
16 ducted under subsection (h).

17 “(g) MATCHING REQUIREMENT.—Each eligible enti-  
18 ty that receives a grant under this section shall provide  
19 matching funds, from non-Federal sources, in cash or in  
20 kind in an amount equal to 100 of the amount of the grant  
21 awarded under this section.

22 “(h) NATIONAL EVALUATION.—From the amount  
23 made available for any fiscal year under section 2383, the  
24 Secretary may reserve not more than 3 percent for the  
25 cost to conduct an independent evaluation, by grant or by

1 contract, of the adjunct teacher corps program carried out  
2 under this section, which shall include an assessment of  
3 the impact of the program on student academic achieve-  
4 ment.

5 “(i) PROGRAM PERFORMANCE.—

6 “(1) IN GENERAL.—Each eligible entity receiv-  
7 ing a grant under this section shall prepare and sub-  
8 mit to the Secretary a final report on the results of  
9 the project that contains such information as the  
10 Secretary may require. At a minimum, the report  
11 shall include information on the academic achieve-  
12 ment of students receiving instruction from an ad-  
13 junct teacher.

14 “(2) COMPARISON AND DISAGGREGATION.—The  
15 information required under this subsection shall  
16 be—

17 “(A) reported in a manner that provides  
18 for a comparison of student achievement data  
19 prior to, during, and after implementation of  
20 the adjunct teacher corps program; and

21 “(B) disaggregated by race, ethnicity, dis-  
22 ability status, English proficiency, and status as  
23 economically disadvantaged, except that such  
24 disaggregation shall not be required in a case in  
25 which the number of students in a category is

1           insufficient to yield statistically reliable infor-  
2           mation or the result would reveal personally  
3           identifiable information about an individual stu-  
4           dent.

5   **“SEC. 2383. AUTHORIZATION OF APPROPRIATIONS.**

6           “There are authorized to be appropriated to carry out  
7   this subpart \$25,000,000 for fiscal year 2008 and such  
8   sums as may be necessary for each of the 5 succeeding  
9   fiscal years.”.

10   **PART D—ENHANCING EDUCATION THROUGH**  
11                                   **TECHNOLOGY**

12   **SEC. 2401. AUTHORIZATION OF APPROPRIATIONS.**

13           Section 2404 (20 U.S.C. 6754) is amended—

14                   (1) in subsection (a), by striking “2002” and  
15           inserting “2008;”

16                   (2) in subsection (b)—

17                           (A) in paragraph (1), by striking “98” and  
18           inserting “99”; and

19                           (B) in paragraph (2), by striking “2” and  
20           inserting “1”;

21                   (3) by striking subsection (c); and

22                   (4) by redesignating subsection (d) as sub-  
23           section (c).

24   **SEC. 2402. ALLOTMENT AND REALLOTMENT.**

25           Section 2411 (20 U.S.C. 6761) is amended—

1 (1) in subsection (a)(1)—

2 (A) in subparagraph (A), by striking “Bu-  
3 reau of Indian Affairs;” and inserting “Depart-  
4 ment of the Interior; and”;

5 (B) in subparagraph (B), by striking “;  
6 and” and inserting a period; and

7 (C) by striking subparagraph (C);

8 (2) in subsection (d), by striking “Bureau of  
9 Indian Affairs” and inserting “Department of the  
10 Interior”.

11 **SEC. 2403. APPLICATIONS.**

12 Section 2413(b)(13) (20 U.S.C. 6763(b)(13)) is  
13 amended by striking “by December 31, 2006”.

14 **SEC. 2404. LOCAL ACTIVITIES.**

15 Section 2416 (20 U.S.C. 6766) is amended—

16 (1) by striking subsection (a); and

17 (2) in subsection (b)—

18 (A) by striking “(b) OTHER  
19 ACTIVITIES.—” and all that follows through  
20 “the following:” and inserting the following:

21 “A recipient of funds made available by a State edu-  
22 cational agency under section 2412(a)(2) shall use such  
23 funds to carry out activities consistent with this subpart,  
24 which may include the following:

1           “(1) Providing professional development in the  
2 integration of advanced technologies, including  
3 emerging technologies, into curricula and instruction  
4 and in using those technologies to create new learn-  
5 ing environments, such as professional development  
6 in the use of technology—

7           “(A) to access data and resources to de-  
8 velop curricula and instructional materials;

9           “(B) to enable teachers—

10           “(i) to use the Internet and other  
11 technology to communicate with parents,  
12 other teachers, principals, and administra-  
13 tors; and

14           “(ii) to retrieve Internet-based learn-  
15 ing resources; and

16           “(C) to lead to improvements in classroom  
17 instruction in the core academic subjects, that  
18 effectively prepare students to meet challenging  
19 State academic content standards, including in-  
20 creasing student technology literacy, and stu-  
21 dent academic achievement standards.”; and

22           (B) by redesignating paragraphs (1)  
23 through (10), as paragraphs (2) through (11),  
24 respectively.

1 **SEC. 2405. NATIONAL TECHNOLOGY ACTIVITIES.**

2 Section 2421 (20 U.S.C. 6771) is amended—

3 (1) by striking subsections (a) and (b); and

4 (2) in subsection (c), by striking “TECHNICAL  
5 ASSISTANCE.—”.

6 **SEC. 2406. NATIONAL EDUCATION TECHNOLOGY PLAN.**

7 Section 2422(a) (20 U.S.C. 6772(a)) is amended by  
8 striking “2001” and inserting “2007”.

9 **SEC. 2407. READY-TO-LEARN TELEVISION.**

10 Section 2431 (20 U.S.C. 6775) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1)(E)(ii), by striking  
13 “Even Start providers,”;

14 (B) in paragraph (2), by striking “Even  
15 Start providers,”; and

16 (C) in paragraph (4)(B), by striking “and  
17 Even Start,”; and

18 (2) in subsection (e)(1), by striking “2002” and  
19 inserting “2008”.

20 **TITLE III—LANGUAGE INSTRU-**  
21 **CTION FOR LIMITED ENGLISH**  
22 **PROFICIENT AND IMMIGRANT**  
23 **CHILDREN**

24 **SEC. 3101. AUTHORIZATION OF APPROPRIATIONS.**

25 Section 3001 (20 U.S.C. 6801 et seq.) is amended  
26 to read as follows:



1 **“SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out  
3 this title \$750,000,000 for fiscal year 2008 and such sums  
4 as may be necessary for each of the 5 succeeding fiscal  
5 years.”.

6 **PART A—ENGLISH LANGUAGE ACQUISITION,**  
7 **LANGUAGE ENHANCEMENT, AND ACADEMIC**  
8 **ACHIEVEMENT ACT**

9 **SEC. 3111. PURPOSES.**

10 Section 3102 (20 U.S.C. 6812) is amended—

11 (1) by striking paragraph (7); and

12 (2) by redesignating paragraphs (8) and (9) as  
13 paragraphs (7) and (8), respectively.

14 **Subpart 1—Grants and Subgrants for English**  
15 **Language Acquisition and Language Enhancement**

16 **SEC. 3115. FORMULA GRANTS TO STATES.**

17 (a) IN GENERAL.—Section 3111 (20 U.S.C. 6821)  
18 is amended—

19 (1) in subsection (b)(2)(A), by inserting “teach-  
20 ers and other” after “that assist”; and

21 (2) in subsection (c)—

22 (A) in paragraph (1)—

23 (i) by striking “3001(a)” and insert-  
24 ing “3001”;

25 (ii) in subparagraph (B), by inserting  
26 “and” after the semicolon at the end;

1 (iii) in subparagraph (C)—

2 (I) by striking “3303” both  
3 places such term appears and insert-  
4 ing “3203”; and

5 (II) by striking “; and” and in-  
6 serting a period; and

7 (iv) by striking subparagraph (D);

8 (B) by striking paragraph (2);

9 (C) by redesignating paragraphs (3) and  
10 (4) as paragraphs (2) and (3), respectively;

11 (D) in paragraph (2)(A), as redesignated  
12 by subparagraph (C), by striking “3001(a)”  
13 and inserting “3001”; and

14 (E) by striking paragraph (3), as redesign-  
15 ated by subparagraph (C), and inserting the  
16 following:

17 “(3) USE OF DATA FOR DETERMINATIONS.—In  
18 making State allotments under paragraph (2), for  
19 the purpose of determining the number of limited  
20 English proficient children in a State and in all  
21 States, and the number of immigrant children and  
22 youth in a State and in all States, for each fiscal  
23 year, the Secretary shall use the data available from  
24 the American Community Survey available from the  
25 Department of Commerce.”.

1 (b) CONFORMING AMENDMENTS.—Section 3114 (20  
2 U.S.C. 6824) is amended—

3 (1) in subsection (a), by striking “3111(c)(3)”  
4 and inserting “3111(c)(2)”; and

5 (2) in subsection (d)(1), by striking  
6 “3111(c)(3)” and inserting “3111(c)(2)”.

7 **SEC. 3116. SUBGRANTS TO ELIGIBLE ENTITIES.**

8 Section 3115(e)(1)(B) (20 U.S.C. 6825(e)(1)(B)) is  
9 amended by inserting “teachers and other” after “support  
10 for”.

11 **SEC. 3117. LOCAL PLANS.**

12 Section 3116(d)(1) (20 U.S.C. 6826(d)(1)) is amend-  
13 ed by striking “3302” and inserting “3202”.

14 **Subpart 2—Accountability and Administration**

15 **SEC. 3121. EVALUATIONS.**

16 Section 3121(c)(1) (20 U.S.C. 6841(c)(1)) is amend-  
17 ed by inserting “number and” after “(including the”.

18 **SEC. 3122. ACHIEVEMENT OBJECTIVES AND ACCOUNT-**  
19 **ABILITY.**

20 Section 3122(a)(3) (20 U.S.C. 6842(a)(3)) is amend-  
21 ed—

22 (1) in subparagraph (A)—

23 (A) in clause (i), by striking “or” and in-  
24 serting “and”; and

1 (B) in clause (ii), by striking “or” and in-  
2 serting “and”; and

3 (2) in subparagraph (B), by striking “number  
4 or” and inserting “number and”.

5 **SEC. 3123. REPORTING REQUIREMENTS.**

6 Section 3123(b) (20 U.S.C. 6843(b)) is amended—

7 (1) in the matter preceding paragraph (1), by  
8 striking “the Workforce” and inserting “Labor”;  
9 and

10 (2) in paragraph (5), by striking “, and an esti-  
11 mate of the number of such teachers that will be  
12 needed for the succeeding 5 fiscal years”.

13 **PART B—GENERAL PROVISIONS**

14 **SEC. 3201. IMPROVING LANGUAGE INSTRUCTION EDU-  
15 CATIONAL PROGRAMS.**

16 Part B of title III (20 U.S.C. 6891 et seq.) is re-  
17 pealed.

18 **SEC. 3202. GENERAL PROVISIONS.**

19 Title III (20 U.S.C. 6801 et seq.) is amended—

20 (1) by redesignating part C as part B;

21 (2) by redesignating sections 3301, 3302, 3303,  
22 and 3304 as sections 3201, 3202, 3203, and 3204,  
23 respectively; and

24 (3) in section 3201, as redesignated by para-  
25 graph (2)—

1 (A) by striking paragraphs (3), (4), (5),  
2 and (7); and

3 (B) by redesignating paragraphs (6), (8),  
4 (9), (10), (11), (12), (13), (14), and (15), as  
5 paragraphs (3), (4), (5), (6), (7), (8), (9), (10),  
6 and (11), respectively.

7 **TITLE IV—21ST CENTURY**  
8 **SCHOOLS**

9 **PART A—SAFE AND DRUG-FREE SCHOOLS AND**  
10 **COMMUNITIES**

11 **SEC. 4101. SAFE AND DRUG-FREE SCHOOLS AND COMMU-**  
12 **NITIES.**

13 Part A of title IV (20 U.S.C. 7101 et seq.) is amend-  
14 ed—

15 (1) by striking section 4002 and inserting the  
16 following:

17 **“SEC. 4002. PURPOSE.**

18 “The purpose of this part is to provide financial and  
19 technical assistance to State educational agencies, local  
20 educational agencies, and communities for programs that  
21 emphasize scientific research and best practices and—

22 “(1) prevent violence and illegal use of alcohol,  
23 tobacco, and drugs;

1           “(2) foster a safe, secure, healthy, and drug-  
2 free learning environment that supports student  
3 achievement to high academic standards; and

4           “(3) strengthen emergency-management plan-  
5 ning.”;

6           (2) in section 4003, by striking “2002” both  
7 places such term appears and inserting “2008”;

8           (3) by striking section 4111(a)(2) and inserting  
9 the following:

10           “(2) OTHER RESERVATIONS.—From the  
11 amount made available under section 4003(2) to  
12 carry out subpart 2 for each fiscal year, the Sec-  
13 retary may reserve not more than \$2,000,000 for  
14 the national impact evaluation required by section  
15 4122(a).”;

16           (4) in section 4112—

17           (A) by striking subsection (b)(2) and in-  
18 serting the following:

19           “(2) STATE ADMINISTRATION COSTS.—A State  
20 educational agency may use not more than 3 percent  
21 of the amount made available to the State under  
22 section 4111(b) for each fiscal year less the amount  
23 reserved under subsection (a) of this section, for  
24 State educational agency administrative costs, in-  
25 cluding the implementation of the uniform manage-

1 ment information and reporting system as provided  
2 for under subsection (c)(3).”; and

3 (B) in subsection (c)—

4 (i) in paragraph (2)(D)—

5 (I) in clause (ii), by striking  
6 “and” after the semicolon;

7 (II) in clause (iii), by striking the  
8 period at the end and inserting “;  
9 and”; and

10 (III) by adding at the end the  
11 following:

12 “(iv) training, technical assistance,  
13 and financial assistance to prepare for,  
14 prevent, mitigate, respond to, and recover  
15 from violent or traumatic events or natural  
16 disasters and to restore the learning envi-  
17 ronment in the event of a crisis or emer-  
18 gency.”; and

19 (ii) in paragraph (3)(B)—

20 (I) in the matter preceding clause  
21 (i), by striking “subparagraphs (A)  
22 and (B) of”;

23 (II) in clause (iii), by striking  
24 “and” after the semicolon; and

1 (III) in clause (iv), by striking  
2 the period at the end and inserting “;  
3 and”;

4 “(v) the state of preparedness of  
5 schools to respond appropriately in the  
6 event of an emergency.”;

7 (5) in section 4113—

8 (A) in subsection (a)—

9 (i) in paragraph (3), by inserting “the  
10 head of the State agency for homeland se-  
11 curity, the head of the State emergency-  
12 management agency,” after “designees,”;  
13 and

14 (ii) in paragraph (9)—

15 (I) by inserting “comprehensive”  
16 after “results of a”;

17 (II) by inserting “and school  
18 safety and security programs” after  
19 “violence prevention programs”;

20 (III) by striking “ongoing State  
21 evaluation activities, including data  
22 on” and inserting “objective data,  
23 which may include”; and

24 (IV) by striking subparagraph  
25 (D) and inserting the following:



1           “(D) an inventory of the presence of  
2 threats to school safety and security from a va-  
3 riety of potential hazards;” and

4           (B) in subsection (b), by striking “2002”  
5 both places such term appears and inserting  
6 “2008”;

7 (6) in section 4114—

8           (A) in subsection (c)(1)(A), by inserting  
9 “and emergency management planning” after  
10 “professionals”); and

11          (B) in subsection (d)—

12           (i) in paragraph (2), in the matter  
13 preceding subparagraph (A), by inserting  
14 “and school safety and security programs”  
15 after “violence prevention”; and

16           (ii) by striking paragraph (7)(D) and  
17 inserting the following:

18           “(D) a crisis and emergency management  
19 plan for responding and recovering from crises  
20 arising from violent or traumatic events or nat-  
21 ural disasters and for restoring the learning en-  
22 vironment in the event of a crisis or emergency;  
23 and”;

24 (7) in section 4115—

25          (A) in subsection (a)(1)—

1 (i) by redesignating subparagraphs  
2 (C), (D), and (E), as subparagraphs (D),  
3 (E), and (F), respectively;

4 (ii) by inserting after subparagraph  
5 (B) the following:

6 “(C) be based on assessment of objective  
7 data regarding the state of preparedness of  
8 schools and communities to be served by the  
9 program to respond appropriately in the event  
10 of an emergency and an inventory of the pres-  
11 ence of threats to school safety and security  
12 from potential hazards;”; and

13 (iii) by striking subparagraph (D) (as  
14 redesignated by clause (i)) and inserting  
15 the following:

16 “(D) reflect, to the extent practicable, sci-  
17 entifically based research, or in the absence of  
18 a strong research base, reflect best practices in  
19 the field;”; and

20 (B) in subsection (b)—

21 (i) in paragraph (1)(C)—

22 (I) in clause (i), by striking  
23 “and” after the semicolon; and

24 (II) by adding at the end the fol-  
25 lowing:

1           “(iii) prepare for, prevent, mitigate,  
2           respond to, and recover from crises arising  
3           from violent or traumatic events and nat-  
4           ural disasters and to restore the learning  
5           environment in the event of a crisis or  
6           emergency; and”;

7           (ii) in paragraph (2)—

8           (I) by redesignating subpara-  
9           graph (F) as subparagraph (G); and

10          (II) by inserting after subpara-  
11          graph (E) the following:

12           “(F) Activities for emergency management  
13          planning.”;

14          (8) in section 4116(a)(1), by striking “2003”  
15          and inserting “2009”;

16          (9) in section 4121(a)(5), by inserting “and  
17          emergency management planning activities” after  
18          “violence prevention programs”;

19          (10) in section 4122(c), by striking “2003” and  
20          inserting “2009”;

21          (11) by striking section 4130 ; and

22          (12) by striking section 4155.

1 **PART B—21ST CENTURY COMMUNITY LEARNING**

2 **CENTERS AND MENTORING PROGRAMS**

3 **SEC. 4201. 21ST CENTURY COMMUNITY LEARNING CEN-**

4 **TERS.**

5 Part B of title IV (20 U.S.C. 7171 et seq.) is amend-  
6 ed—

7 (1) in the part heading, by inserting “**AND**  
8 **MENTORING PROGRAMS**” after “**CEN-**  
9 **TERS**”;

10 (2) by inserting before section 4201 the fol-  
11 lowing:

12 **“Subpart 1—21st Century Community Learning**  
13 **Centers”;**

14 (3) in section 4201—

15 (A) in subsection (a)—

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

18 (ii) in paragraph (1), by striking “and  
19 mathematics” and inserting “or language  
20 arts, mathematics, and science”; and

21 (B) in subsection (b)—

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

24 (ii) in paragraph (1)(A), by striking  
25 “and mathematics” and inserting “or lan-  
26 guage arts, mathematics, and science”;

1 (iii) by striking paragraph (2); and  
2 (iv) by redesignating paragraphs (3)  
3 and (4) as paragraphs (2) and (3), respec-  
4 tively;

5 (4) in section 4202—

6 (A) in subsection (a)—

7 (i) by striking “part” each place the  
8 term appears and inserting “subpart”;

9 (ii) by striking paragraph (1);

10 (iii) by redesignating paragraphs (2)  
11 and (3) as paragraphs (1) and (2), respec-  
12 tively; and

13 (iv) in paragraph (2) (as redesignated  
14 by clause (iii)), by striking “Bureau of In-  
15 dian Affairs” and inserting “Department  
16 of the Interior”;

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

19 (C) in subsection (c)—

20 (i) by striking “part” each place the  
21 term appears and inserting “subpart”; and

22 (ii) in paragraph (2), by inserting  
23 “(C)” before “supervising”;

24 (5) in section 4203—

1 (A) in subsection (a), by striking “part”  
2 each place the term appears and inserting “sub-  
3 part”;

4 (B) in subsection (b), by striking “part”  
5 and inserting “subpart”; and

6 (C) in subsection (d), by striking “this  
7 part” and inserting “this subpart”;

8 (6) in section 4204—

9 (A) in subsection (a), by striking “part”  
10 both places the term appears and inserting  
11 “subpart”;

12 (B) in subsection (b), by striking “part”  
13 each place the term appears and inserting “sub-  
14 part”;

15 (C) in subsection (c), by striking “part”  
16 and inserting “subpart”;

17 (D) in subsection (d), by striking “part”  
18 both places the term appears and inserting  
19 “subpart”;

20 (E) in subsection (f), by striking “part”  
21 and inserting “subpart”;

22 (F) in subsection (g), by striking “part”  
23 and inserting “subpart”;

24 (G) in subsection (h), by striking “part”  
25 and inserting “subpart”; and

- 1 (H) in subsection (i)—
- 2 (i) by striking “this part” and insert-
- 3 ing “this subpart”;
- 4 (ii) in paragraph (1)(A), by striking
- 5 “as in need of improvement” and inserting
- 6 “for school improvement or restructuring”;
- 7 and
- 8 (iii) by striking paragraph (1)(B)(ii)
- 9 and inserting the following:
- 10 “(ii) community-based organization or
- 11 other public or private entity, including a
- 12 provider of supplemental educational serv-
- 13 ices.”;
- 14 (7) in section 4205—
- 15 (A) by striking “part” both places the
- 16 term appears and inserting “subpart”; and
- 17 (B) by striking subsection (a)(2) and in-
- 18 serting the following:
- 19 “(2) mathematics, science, and reading or lan-
- 20 guage arts activities;”; and
- 21 (8) in section 4206, by striking “to be” and all
- 22 that follows through the period and inserting the fol-
- 23 lowing: “to be appropriated to carry out this sub-
- 24 part, \$2,500,000,000 for fiscal year 2008 and such

1        sums as may be necessary for each of the 5 suc-  
2        ceeding fiscal years.”.

3        **SEC. 4202. MENTORING PROGRAMS.**

4        Part B of title IV (20 U.S.C. 7171 et seq.), as  
5        amended by section 4201, is further amended by adding  
6        at the end the following:

7                    **“Subpart 2—Mentoring Programs**

8        **“SEC. 4221. PURPOSE; DEFINITIONS.**

9            “(a) PURPOSE.—The purpose of this subpart is to  
10        make assistance available to promote mentoring programs  
11        for children with greatest need—

12                    “(1) to assist such children in receiving support  
13        and guidance from a mentor;

14                    “(2) to improve the academic outcomes of such  
15        children by improving student academic performance  
16        and decreasing student absenteeism;

17                    “(3) to improve interpersonal relationships be-  
18        tween such children and their peers, teachers, other  
19        adults, and family members;

20                    “(4) to reduce the dropout rate and raise the  
21        high school graduation rate of such children;

22                    “(5) to reduce juvenile delinquency and involve-  
23        ment in gangs by such children; and

24                    “(6) to foster character education.

25        “(b) DEFINITIONS.—In this subpart:



1           “(1) CHILD WITH GREATEST NEED.—The term  
2           ‘child with greatest need’ means a child who is at  
3           risk of educational failure, dropping out of school, or  
4           involvement in criminal or delinquent activities, or  
5           who lacks strong positive role models.

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

8                   “(A) a local educational agency;

9                   “(B) a nonprofit, community-based organi-  
10                  zation; or

11                  “(C) a partnership between 1 or more local  
12                  educational agencies and nonprofit, community-  
13                  based organizations, and other partners such as  
14                  businesses and institutions of higher education.

15           “(3) MENTOR.—The term ‘mentor’ means a re-  
16           sponsible adult, a postsecondary school student, or a  
17           secondary school student, who works with a child—

18                   “(A) to provide a positive role model for  
19                  the child;

20                   “(B) to establish a supportive relationship  
21                  with the child; and

22                   “(C) to provide the child with academic as-  
23                  sistance and exposure to new experiences and  
24                  examples of opportunity that enhance the abil-

1           ity of the child to become a responsible and suc-  
2           cessful adult.

3           “(4) STATE.—The term ‘State’ means each of  
4           the several States, the District of Columbia, the  
5           Commonwealth of Puerto Rico, the United States  
6           Virgin Islands, Guam, American Samoa, and the  
7           Commonwealth of the Northern Mariana Islands.

8   **“SEC. 4222. GRANTS TO ELIGIBLE ENTITIES.**

9           “(a) IN GENERAL.—From the amounts appropriated  
10          to carry out this subpart, the Secretary is authorized to  
11          make grants, on a competitive basis, to eligible entities  
12          to assist such entities in establishing and supporting men-  
13          toring programs and activities for children with greatest  
14          need that meet the following:

15               “(1) Such programs and activities are designed  
16               to link such children (particularly children living in  
17               rural areas, areas with high rates of gang involve-  
18               ment, areas with high rates of drug use, areas with  
19               low high school graduation rates, high-crime areas,  
20               or troubled home environments, or children experi-  
21               encing educational failure) with mentors who—

22                       “(A) have received training and support in  
23                       mentoring;

24                       “(B) have been screened using appropriate  
25                       reference checks, child and domestic abuse

1 record checks, and criminal background checks;  
2 and

3 “(C) are interested in working with chil-  
4 dren with greatest need.

5 “(2) Such programs and activities are intended  
6 to achieve 1 or more of the following goals with re-  
7 spect to children with greatest need:

8 “(A) Promote personal and social responsi-  
9 bility and encourage participation in community  
10 service and community activities.

11 “(B) Increase school attendance, and en-  
12 hance the ability to benefit from, elementary  
13 and secondary education.

14 “(C) Discourage illegal use of drugs and  
15 alcohol, violence, use of dangerous weapons,  
16 promiscuous behavior, and other criminal,  
17 harmful, or potentially harmful activity.

18 “(D) Encourage setting goals and planning  
19 for the future, including encouragement of  
20 graduation from secondary school and planning  
21 for postsecondary education or training.

22 “(E) Discourage involvement in gangs.

23 “(b) APPLICATIONS.—To be eligible to receive a  
24 grant under this subpart, an eligible entity shall submit  
25 an application to the Secretary, at such time and in such

1 manner as the Secretary may reasonably require, that in-  
2 cludes—

3           “(1) a description of the plan for the mentoring  
4 program the eligible entity proposes to carry out  
5 with such grant;

6           “(2) information on the children expected to be  
7 served by the mentoring program for which such  
8 grant is sought;

9           “(3) a description of the mechanism the eligible  
10 entity will use to match children with mentors based  
11 on the needs of the children;

12           “(4) an assurance that each mentor will be as-  
13 signed to no more than 3 children, and that when  
14 assigned more than 1 child an assurance that such  
15 assignment will not undermine a mentor’s ability to  
16 be an effective mentor or to establish a close rela-  
17 tionship with each mentored child;

18           “(5) an assurance that the mentoring program  
19 will provide children with a variety of experiences  
20 and support, including emotional support and aca-  
21 demic assistance;

22           “(6) an assurance that the mentoring program  
23 will be monitored to ensure that each child assigned  
24 a mentor benefits from that assignment and that the  
25 child will be assigned a new mentor if the relation-

1 ship between the original mentor and the child is not  
2 beneficial to the child;

3 “(7) information regarding how mentors and  
4 children will be recruited to the mentoring program;

5 “(8) information regarding how prospective  
6 mentors will be screened;

7 “(9) information on the training that will be  
8 provided to mentors;

9 “(10) information on the system that the eligi-  
10 ble entity will use to manage and monitor informa-  
11 tion relating to the mentoring program’s—

12 “(A) reference checks;

13 “(B) child and domestic abuse record  
14 checks;

15 “(C) criminal background checks; and

16 “(D) procedure for matching children with  
17 mentors;

18 “(11) information regarding the staffing plan  
19 and levels the eligible entity will use to monitor the  
20 mentor and mentee match during the duration of  
21 such match; and

22 “(12) information regarding the eligible entity’s  
23 plan for program sustainability and specifically in-  
24 formation regarding how the eligible entity will meet

1 the matching requirement for non-Federal funds  
2 under subsection (i).

3 “(c) PRIORITY.—In awarding grants under this sub-  
4 part, the Secretary shall give priority to an eligible entity  
5 that—

6 “(1) serves children with greatest need living in  
7 rural areas, high-crime areas, or troubled home envi-  
8 ronments, or who attend schools with violence prob-  
9 lems; or

10 “(2) provides high-quality background screening  
11 of mentors, training of mentors, and technical assist-  
12 ance in carrying out mentoring programs.

13 “(d) OTHER CONSIDERATIONS.—In awarding grants  
14 under this subpart, the Secretary shall also consider—

15 “(1) the degree to which the location of the  
16 mentoring program proposed by each eligible entity  
17 contributes to a fair distribution of mentoring pro-  
18 grams with respect to urban and rural locations;

19 “(2) the quality of the mentoring program pro-  
20 posed by each eligible entity, including—

21 “(A) the resources, if any, the eligible enti-  
22 ty will dedicate to providing children with op-  
23 portunities for job training or postsecondary  
24 education;

1           “(B) the degree to which parents, teachers,  
2           community-based organizations, and the local  
3           community have participated, or will partici-  
4           pate, in the design and implementation of the  
5           proposed mentoring program;

6           “(C) the degree to which the eligible entity  
7           can ensure that mentors will develop long-  
8           standing relationships with the children they  
9           mentor; and

10          “(D) the degree to which the mentoring  
11          program will serve children with the greatest  
12          need in the 4th through 8th grades and con-  
13          tinue to serve children through graduation from  
14          secondary school, as needed; and

15          “(3) the capability of each eligible entity to ef-  
16          fectively implement its mentoring program and sus-  
17          tain such program for the duration of the grant pe-  
18          riod and beyond.

19          “(e) GRANT TO EACH STATE.—Notwithstanding any  
20          other provision of this subpart, in awarding grants under  
21          this section, the Secretary shall select not less than 1  
22          grant recipient from each State for which there is an eligi-  
23          ble entity that submits an application of sufficient quality  
24          pursuant to subsection (b).

1       “(f) SUBSEQUENT GRANTS.—In awarding grants  
2 under this section, the Secretary shall consider eligible en-  
3 tities that have received a grant under this section in a  
4 prior grant cycle for a new grant only if the eligible entity  
5 meets the following criteria:

6           “(1) The Secretary determines that perform-  
7 ance of the eligible entity during the initial grant pe-  
8 riod was satisfactory in terms of program design,  
9 implementation of the program, and the number of  
10 children served.

11          “(2) The proposed subsequent grant will exclu-  
12 sively support expanded services to a new geographic  
13 area or target population.

14          “(3) The eligible entity demonstrates that it  
15 will provide from non-Federal sources an amount to  
16 carry out the activities supported by the grant equal  
17 to not less than 50 percent of the amount received  
18 under the grant for each of the 3 years of the grant  
19 period.

20       “(g) USE OF FUNDS.—

21           “(1) IN GENERAL.—Each eligible entity that re-  
22 ceives a grant under this subpart shall use the grant  
23 funds for activities that establish or implement a  
24 mentoring program, that shall include 1 or more of  
25 the following:



1           “(A) Hiring of mentoring coordinators and  
2 support staff.

3           “(B) Providing for the professional devel-  
4 opment of mentoring coordinators and support  
5 staff.

6           “(C) Recruitment, screening, and training  
7 of mentors.

8           “(D) Reimbursement to schools, if appro-  
9 priate, for the use of school materials or sup-  
10 plies in carrying out the mentoring program.

11           “(E) Dissemination of outreach materials.

12           “(F) Evaluation of the mentoring program  
13 using scientifically based methods.

14           “(G) Such other activities as the Secretary  
15 may reasonably prescribe by rule.

16           “(2) PROHIBITED USES.—Notwithstanding  
17 paragraph (1), an eligible entity awarded a grant  
18 under this subpart may not use the grant funds—

19           “(A) to directly compensate mentors;

20           “(B) to obtain educational or other mate-  
21 rials or equipment that would otherwise be used  
22 in the ordinary course of the eligible entity’s op-  
23 erations; or

24           “(C) to support litigation of any kind.

1       “(h) AVAILABILITY OF FUNDS.—Funds made avail-  
2 able through a grant under this section shall be available  
3 for obligation for a period not to exceed 3 years.

4       “(i) MATCHING REQUIREMENT.—

5           “(1) IN GENERAL.—Each eligible entity that re-  
6 ceives a grant under this section shall provide from  
7 non-Federal sources an amount to carry out the ac-  
8 tivities supported by the grant equal to or greater  
9 than—

10           “(A) 10 percent of the amount received  
11 under the grant for the first year of the grant;

12           “(B) 25 percent of the amount received  
13 under the grant for the second year of the  
14 grant; and

15           “(C) 50 percent of the amount received  
16 under the grant for the third year of the grant.

17       “(2) SUBSEQUENT GRANTS.—An eligible entity  
18 that has received a grant under this section in a  
19 prior grant cycle shall for any subsequent grant  
20 awarded under this section provide from non-Federal  
21 sources an amount to carry out the activities sup-  
22 ported by the grant equal to not less than 50 per-  
23 cent of the amount received under the grant for each  
24 of the 3 years of the grant period.

1 **“SEC. 4223. ENSURING QUALITY GRANTS.**

2 “(a) MODEL SCREENING GUIDELINES.—

3 “(1) IN GENERAL.—Based on model screening  
4 guidelines developed by the Office of Juvenile Pro-  
5 grams of the Department of Justice, the Secretary  
6 shall develop and distribute to each eligible entity  
7 awarded a grant under this subpart specific model  
8 guidelines for the screening of mentors who seek to  
9 participate in mentoring programs assisted under  
10 this subpart.

11 “(2) BACKGROUND CHECKS.—The guidelines  
12 developed under this subsection shall include, at a  
13 minimum, a requirement that potential mentors be  
14 subject to reference checks, child and domestic abuse  
15 record checks, and criminal background checks.

16 “(b) SUPPORT FOR GRANTEEES.—In order to ensure  
17 the strongest possible outcomes for children mentored  
18 under this subpart, the Secretary shall—

19 “(1) provide technical assistance to grant re-  
20 cipients, beginning in year 1 and continuing  
21 throughout the duration of the grant;

22 “(2) track the mentoring practices and out-  
23 comes of all grant recipients throughout the 3-year  
24 duration of the grant; and

25 “(3) provide an annual report on the implemen-  
26 tation of the program assisted under this subpart to

1 Congress detailing the number of children served by  
2 grant recipients and the outcomes achieved for those  
3 children.

4 “(c) RESEARCH ON SCHOOL-BASED MENTORING.—

5 In order to ensure that grant recipients assisted under this  
6 subpart have access to the most current research-based  
7 information about building and carrying out strong and  
8 effective mentoring programs, the Secretary shall—

9 “(1) consult with leading mentoring organiza-  
10 tions and researchers, including the Federal Men-  
11 toring Council and the National Mentoring Working  
12 Group, to determine priorities for research on  
13 school-based mentoring and appropriate research de-  
14 sign, with consideration for—

15 “(A) determining the ideal school environ-  
16 ments in which school-based mentoring suc-  
17 ceeds;

18 “(B) identifying techniques for matching  
19 children with specific characteristics (for exam-  
20 ple, age, academic achievement, and student  
21 risk factors) with the most appropriate men-  
22 toring models;

23 “(C) determining the infrastructure needed  
24 to foster the expansion of school-based men-  
25 toring in a sustainable way; and

1           “(D) refining best practices, match activi-  
 2           ties, and a range of mentoring models to lead  
 3           to the best possible outcomes for children; and  
 4           “(2) through grant or contract with high-qual-  
 5           ity, independent research entities conduct research  
 6           on the priorities identified in paragraph (1), and en-  
 7           sure that all research results and findings are widely  
 8           disseminated to grantees assisted under this subpart  
 9           and to the larger mentoring community.

10 **“SEC. 4224. AUTHORIZATION OF APPROPRIATIONS.**

11           “(a) IN GENERAL.—There are authorized to be ap-  
 12           propriated to carry out this subpart such sums as may  
 13           be necessary for each of the fiscal years 2008 through  
 14           2013.

15           “(b) RESERVATIONS.—The Secretary may reserve  
 16           not more than 8 percent of the funds appropriated to  
 17           carry out this subpart for each fiscal year for the costs  
 18           of technical assistance and research under subsections (b)  
 19           and (c) of section 4223.”.

20 **TITLE           V—PROMOTING           IN-**  
 21 **FORMED PARENTAL CHOICE**  
 22 **AND INNOVATIVE PROGRAMS**  
 23 **PART A—INNOVATIVE PROGRAMS**

24 **SEC. 5101. STATE USES OF FUNDS.**

25           Section 5121 (20 U.S.C. 7213) is amended—

1 (1) by striking paragraph (7); and

2 (2) by redesignating paragraph (8) as para-  
3 graph (7).

4 **SEC. 5102. STATE APPLICATIONS.**

5 Section 5122(a)(2) (20 U.S.C. 7213a(a)(2)) is  
6 amended by striking “Provision of” and inserting “An as-  
7 surance that the State educational agency will provide  
8 for”.

9 **SEC. 5103. LOCAL USES OF FUNDS.**

10 (a) LOCAL USES OF FUNDS.—Section 5131 (20  
11 U.S.C. 7215) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by striking “to re-  
14 duce class size, especially in the early grades,”  
15 and inserting “, including to reduce class size,  
16 especially in the early grades, performance- or  
17 merit-based pay systems and strategies that  
18 provide differential and bonus pay for teachers  
19 in high-need academic subjects such as reading,  
20 mathematics, and science and teachers in high-  
21 poverty schools and local educational agen-  
22 cies,”;

23 (B) by striking paragraphs (19) and (26);

24 (C) by redesignating paragraphs (20),  
25 (21), (22), (23), (24), (25), and (27), as para-

1 graphs (19), (20), (21), (22), (23), (24), and  
2 (25), respectively; and

3 (D) in paragraph (25), as redesignated by  
4 subparagraph (C), by striking “1116(e)” and  
5 inserting “1116(d)”; and  
6 (2) by striking subsection (e).

7 (b) LOCAL APPLICATIONS.—Section 5133(b) (20  
8 U.S.C. 7215b) is amended—

9 (1) in paragraph (2), by striking “subpara-  
10 graph (A)” and inserting “paragraph (1)”;  
11

12 (2) in paragraph (7)—

13 (A) by striking “Provision” and inserting  
14 “An assurance that”;

15 (B) by striking “for systematic” and in-  
16 sserting “systematic”; and

17 (C) by inserting “will occur” before “with  
18 parents”; and

19 (3) in paragraph (9), by striking “5131(a)(23)”  
20 and inserting “5131(a)(22)”.

21 **SEC. 5104. PARTICIPATION OF CHILDREN ENROLLED IN  
22 PRIVATE SCHOOLS.**

23 Section 5142(i) (20 U.S.C. 7217a(i)) is amended to  
24 read as follows:

25 “(i) PRIOR DETERMINATION.—Any bypass deter-  
mination in effect under this part on the day preceding

1 the date of enactment of the No Child Left Behind Act  
2 of 2007 shall, to the extent consistent with the purposes  
3 of this part, apply to programs under this part.”.

4 **SEC. 5105. DEFINITIONS.**

5 Section 5145 (20 U.S.C. 7217d) is amended—

6 (1) by striking paragraphs (1) and (2); and

7 (2) by redesignating paragraphs (3) and (4) as  
8 paragraphs (1) and (2), respectively.

9 **SEC. 5106. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 5146 (20 U.S.C. 7217e) is amended to read  
11 as follows:

12 **“SEC. 5146. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to carry out  
14 this part \$450,000,000 for fiscal year 2008 and such sums  
15 as may be necessary for each of the 5 succeeding fiscal  
16 years.”.

17 **PART B—PUBLIC CHARTER SCHOOLS**

18 **SEC. 5201. PROGRAM AUTHORIZED.**

19 Section 5202(e)(1) (20 U.S.C. 7221a(e)(1)) is  
20 amended by striking “for fiscal year 2002 or any suc-  
21 ceeding fiscal year”.

22 **SEC. 5202. AUTHORIZATION OF APPROPRIATIONS FOR**  
23 **CHARTER SCHOOL PROGRAMS.**

24 Section 5211(a) (20 U.S.C. 7221j(a)) is amended by  
25 striking “2002” and inserting “2008”.



1 **SEC. 5203. AUTHORIZATION OF APPROPRIATIONS FOR**  
 2 **CREDIT ENHANCEMENT INITIATIVES.**

3 Section 5231 (20 U.S.C. 7223j) is amended by strik-  
 4 ing “2002” and all that follows through the period at the  
 5 end and inserting “2008 and such sums as may be nec-  
 6 essary for each of the 5 succeeding fiscal years.”.

7 **SEC. 5204. AUTHORIZATION OF APPROPRIATIONS FOR VOL-**  
 8 **UNTARY PUBLIC SCHOOL CHOICE PRO-**  
 9 **GRAMS.**

10 Section 5248 (20 U.S.C. 7225g) is amended by strik-  
 11 ing “2002” and inserting “2008”.

12 **PART C—MAGNET SCHOOLS ASSISTANCE**

13 **SEC. 5301. FINDINGS AND PURPOSE.**

14 Section 5301 (20 U.S.C. 7231) is amended—

15 (1) in subsection (a)(4)(B), by inserting “, in-  
 16 cluding greater participation of minority students  
 17 and young women in mathematics and science and  
 18 greater participation of all students in critical for-  
 19 eign languages” after “backgrounds”; and

20 (2) in subsection (b)—

21 (A) in paragraph (2), by inserting “, while  
 22 ensuring that all students enrolled in magnet  
 23 school programs have equitable access to a high  
 24 quality education” after “achievement stand-  
 25 ards”;

26 (B) in paragraph (4)—

1 (i) by striking “vocational” and in-  
2 serting “career”; and

3 (ii) by inserting “that will enable stu-  
4 dents to succeed academically and make a  
5 successful transition into postsecondary  
6 education or productive employment in a  
7 global economy” after “such schools”;

8 (C) in paragraph (5), by striking “; and”  
9 and inserting a period; and

10 (D) by striking paragraph (6).

11 **SEC. 5302. DEFINITION.**

12 Section 5302 (20 U.S.C.7231a) is amended by insert-  
13 ing “and ethnic” after “racial”.

14 **SEC. 5303. LIMITATIONS.**

15 Section 5309(c) (20 U.S.C.7231h(c)) is amended by  
16 adding at the end the following: “The Secretary shall give  
17 full consideration to any application that requests not  
18 more than \$4,000,000 for each year of the 3-year grant  
19 period.”

20 **SEC. 5304. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 5311 (20 U.S.C. 7231j) is amended—

22 (1) in subsection (a), by striking “2002” and  
23 inserting “2008”; and

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



1           (2) by redesignating paragraphs (8) and (9) as  
2           paragraphs (5) and (6), respectively.

3 **SEC. 5403. STUDIES OF NATIONAL SIGNIFICANCE.**

4           Subpart 1 of part D of title V (20 U.S.C. 7243 et  
5 seq.) is amended by striking section 5414.

6 **SEC. 5404. COUNSELING PROGRAMS.**

7           Section 5421 (20 U.S.C. 7245) is amended—

8           (1) by striking subsection (c)(K) and inserting  
9           the following:

10                   “(K) ensure a team approach to school  
11                   counseling in the schools served by the local  
12                   educational agency by working toward a ratio  
13                   recommended by the American Counseling As-  
14                   sociation of 1 school counselor to 250 students,  
15                   and ratios recommended by the American  
16                   School Health Association of 1 school social  
17                   worker to 800 students, and 1 school psycholo-  
18                   gist to 1,000 students; and”;

19           (2) by striking subsection (g).

20 **SEC. 5405. PARTNERSHIPS IN CHARACTER EDUCATION.**

21           Section 5431(i) (20 U.S.C. 7247(i)) is amended—

22           (1) in the heading, by striking “PERMISSIVE”;

23           (2) in paragraph (1), by striking “may require”  
24           and inserting “shall require”; and

25           (3) by striking paragraph (4).

1 **SEC. 5406. PROGRAMS TO BE STRUCK.**

2 Part D of title V (20 U.S.C. 7241 et seq.) is amend-  
3 ed—

4 (1) by striking subparts 4, 11, 12, 17, 18, 19,  
5 20, and 21;

6 (2) by redesignating subparts 5, 6, 7, 8, 9, 10,  
7 13, 14, 15, and 16, as subparts 4, 5, 6, 7, 8, 9, 10,  
8 11, 12, and 13, respectively; and

9 (3) by redesignating sections 5451, 5461, 5462,  
10 5463, 5464, 5465, 5466, 5471, 5472, 5473, 5474,  
11 5475, 5476, 5477, 5481, 5482, 5483, 5484, 5485,  
12 5491, 5492, 5493, 5494, 5501, 5502, 5503, 5504,  
13 5505, 5506, 5507, 5531, 5532, 5533, 5534, 5535,  
14 5536, 5537, 5541, 5542, 5551, 5561, 5562, 5563,  
15 5564, 5565, 5566, as sections 5441, 5451, 5452,  
16 5453, 5454, 5455, 5456, 5461, 5462, 5463, 5464,  
17 5465, 5466, 5467, 5471, 5472, 5473, 5474, 5475,  
18 5481, 5482, 5483, 5484, 5491, 5492, 5493, 5494,  
19 5495, 5496, 5497, 5501, 5502, 5503, 5504, 5505,  
20 5506, 5507, 5511, 5512, 5521, 5531, 5532, 5533,  
21 5534, 5535, and 5536, respectively.

22 **SEC. 5407. GIFTED AND TALENTED STUDENTS.**

23 Subpart 5 of part D of title V (as redesignated by  
24 section 5406) is amended—

25 (1) in section 5451 (as redesignated by section  
26 5406) by striking “2001” and inserting “2007”;

1           (2) in section 5454 (as redesignated by section  
2 5406)—

3           (A) by striking subsection (c);

4           (B) by redesignating subsections (d) and  
5 (e) as subsections (c) and (d), respectively; and

6           (C) in subsection (d) (as redesignated by  
7 subparagraph (B))—

8           (i) by striking “Office of Educational  
9 Research and Improvement” and inserting  
10 “Institute of Education Sciences”; and

11           (ii) by striking “such Office” both  
12 places such terms appear and inserting  
13 “such Institute”;

14           (3) in section 5455 (as redesignated by section  
15 5406) by striking “5464(a)(2)” and inserting  
16 “5454(a)(2)”; and

17           (4) in section 5456 (as redesignated by section  
18 5406)—

19           (A) in subsection (b)(3), by striking “No  
20 Child Left Behind Act of 2001” and inserting  
21 “No Child Left Behind Act of 2007”; and

22           (B) in subsection (c)—

23           (i) in paragraph (2), by adding “and”  
24 after the semicolon;

25           (ii) in paragraph (3)—

1 (I) by striking “Assistant Sec-  
2 retary for Educational Research and  
3 Improvement” and inserting “Director  
4 of the Institute of Education  
5 Sciences”; and

6 (II) by striking “; and” and in-  
7 serting a period; and

8 (iii) by striking paragraph (4).

9 **SEC. 5408. STAR SCHOOLS PROGRAM.**

10 Subpart 6 of part D of title V (as redesignated by  
11 section 5406) is amended—

12 (1) in section 5462(1) (as redesignated by sec-  
13 tion 5406) by striking “vocational” and inserting  
14 “career and technical”;

15 (2) in section 5463(c)(2) (as redesignated by  
16 section 5406) by striking “5474” and inserting  
17 “5464”; and

18 (3) in section 5464 (as redesignated by section  
19 5406)—

20 (A) in subsection (a), by striking “5473”  
21 and inserting “5463”;

22 (B) in subsection (b)(12)(G), by striking  
23 “vocational” and inserting “career and tech-  
24 nical”; and

1 (C) in subsection (c), by striking “5473”  
2 and inserting “5463”;

3 (4) in section 5463(a) (as redesignated by sec-  
4 tion 5406) by striking “, in conjunction with the Of-  
5 fice of Educational Technology,” after “The Sec-  
6 retary”; and

7 (5) in section 5465(a)(1) (as redesignated by  
8 section 5406) by striking “, in conjunction with the  
9 Office of Educational Technology,” after “The Sec-  
10 retary”.

11 **SEC. 5409. READY TO TEACH.**

12 Subpart 7 of part D of title V (as redesignated by  
13 section 5406) is amended—

14 (1) in section 5471(b) (as redesignated by sec-  
15 tion 5406) by striking “section 5484” and inserting  
16 “5474”;

17 (2) in section 5472 (as redesignated by section  
18 5406)—

19 (A) in subsection (a)—

20 (i) in paragraph (1), by striking  
21 “5481(a)” and inserting “5471(a)”; and

22 (ii) in paragraph (2), by striking  
23 “5481(a)” and inserting “5471(a)”; and

24 (B) in subsection (b), by striking  
25 “5481(b)” and inserting “5471(b)”;



1           (3) in section 5473 (as redesignated by section  
2   5406) by striking “5481(a)” and inserting  
3   “5471(a)”;

4           (4) in section 5474 (as redesignated by section  
5   5406) by striking “5481(b)” each place such term  
6   appears and inserting “5471(b)”.

7 **SEC. 5410. FOREIGN LANGUAGE ASSISTANCE PROGRAM.**

8           Section 5484 (as redesignated by section 5406) is re-  
9   pealed.

10 **SEC. 5411. PHYSICAL EDUCATION.**

11          Section 5496(c) (as redesignated by section 5406) is  
12   amended by striking “2003” and inserting “2009”.

13 **SEC. 5412. EXCELLENCE IN ECONOMIC EDUCATION.**

14          Subpart 10 of part D of title V (as redesignated by  
15   section 5406) is amended—

16           (1) in section 5505(b) (as redesignated by sec-  
17   tion 5406) by striking “5533(b)(2)(A)” and insert-  
18   ing “5503(b)(2)(A)”;

19           (2) in section 5506 (as redesignated by section  
20   5406)—

21           (A) in subsection (a), by striking  
22   “5533(b)(2)” and inserting “5503(b)(2)”;

23           (B) in subsection (c), by striking “Not  
24   later” and all that follows through “thereafter,”  
25   and inserting “Every 2 years”; and

1           (3) in section 5507 (as redesignated by section  
2           5406) by striking “5532(a)” and inserting  
3           “5502(a)”.

4   **SEC. 5413. ARTS IN EDUCATION.**

5           Section 5521(d)(8) (as redesignated by section 5406)  
6 is amended by striking “Very Special Arts” and inserting  
7 “VSA arts (formerly Very Special Arts)”.

8   **SEC. 5414. PARENTAL ASSISTANCE AND LOCAL FAMILY IN-**  
9                                   **FORMATION CENTERS.**

10          Subpart 13 of part D of title V (as redesignated by  
11 section 5406) is amended—

12           (1) in the subpart heading, by striking “**Pa-**  
13           **rental Assistance and Local Family Infor-**  
14           **mation Centers**” and inserting “**Parental In-**  
15           **formation and Resource Centers**”;

16           (2) in section 5533(b) (as redesignated by sec-  
17 tion 5406)—

18           (A) by striking paragraph (14);

19           (B) by redesignating paragraphs (12) and  
20           (13) as paragraphs (14) and (15), respectively;

21           (C) in paragraph (14), as redesignated by  
22           subparagraph (B), by inserting “and” after the  
23           semicolon at the end;

1 (D) in paragraph (15), as redesignated by  
2 subparagraph (B), by striking “; and” and in-  
3 serting a period; and

4 (E) by inserting after paragraph (11) the  
5 following:

6 “(12) provide information and assistance to  
7 parents regarding State and local high school grad-  
8 uation requirements, college entrance requirements,  
9 and Federal and State financial assistance for post-  
10 secondary education;

11 “(13) provide information and assistance to  
12 parents regarding options for public school choice  
13 and supplemental educational services for students  
14 enrolled in schools identified for school improvement  
15 and restructuring under section 1116;”;

16 (3) in section 5534(b) (as redesignated by sec-  
17 tion 5406)—

18 (A) by redesignating paragraphs (4) and  
19 (5) as paragraphs (6) and (7), respectively; and

20 (B) by inserting after paragraph (3) the  
21 following:

22 “(4) Providing information about State and  
23 local high school graduation requirements, college  
24 entrance requirements, and Federal and State finan-  
25 cial assistance for postsecondary education.

1           “(5) Providing information about options for  
2 public school choice and supplemental educational  
3 services for students enrolled in schools identified for  
4 school improvement and restructuring under section  
5 1116;”;

6           (4) by striking section 5535(f) (as redesignated  
7 by section 5406); and

8           (5) by striking section 5536 (as redesignated by  
9 section 5406).

## 10           **TITLE VI—FLEXIBILITY AND** 11           **ACCOUNTABILITY**

### 12           **PART A—IMPROVING ACADEMIC ACHIEVEMENT**

#### 13           **SEC. 6101. GRANTS FOR STATE ASSESSMENTS AND RE-** 14           **LATED ACTIVITIES.**

15           Section 6111 (20 U.S.C. 7301) is amended to read  
16 as follows:

#### 17           **“SEC. 6111. GRANTS FOR STATE ASSESSMENTS AND RE-** 18           **LATED ACTIVITIES.**

19           “(a) GRANT PROGRAM AUTHORIZED.—The Secretary  
20 shall make grants to States to enable the States—

21           “(1) to develop and improve State assessments  
22 and standards required under section 1111(b);

23           “(2) to develop and improve State alternate as-  
24 sements and alternate and modified academic

1 achievement standards for students with disabilities  
2 required by or allowed under section 1111(b);

3 “(3) to expand the range of assessment accom-  
4 modations available to students with limited English  
5 proficiency and students with disabilities to improve  
6 the rates of inclusion of such students;

7 “(4) to develop and improve State standards  
8 and assessments of English language proficiency as  
9 required under section 1111(b)(7); and

10 “(5) if a State has developed the assessments  
11 and standards required under section 1111(b), in-  
12 cluding assessments of English language proficiency  
13 as required under section 1111(b)(7), to administer  
14 such assessments or to carry out other activities de-  
15 scribed in this subpart to ensure that the State’s  
16 schools and local educational agencies are held ac-  
17 countable for improved student academic achieve-  
18 ment, such as the following:

19 “(A) Developing challenging academic con-  
20 tent standards and challenging student aca-  
21 demic achievement standards and aligned as-  
22 sessments in academic subjects for which stand-  
23 ards and assessments are not required under  
24 section 1111(b).

1           “(B) Ensuring the continued validity and  
2 reliability of State assessments.

3           “(C) Refining State assessments to ensure  
4 their continued alignment with the State’s aca-  
5 demic content standards and to improve the  
6 alignment of curricula and instructional mate-  
7 rials.

8           “(D) Developing multiple measures to in-  
9 crease the reliability and validity of State as-  
10 sessment systems.

11           “(E) Developing diagnostic and formative  
12 assessments aligned to State standards to pro-  
13 vide teachers and administrators with timely  
14 and accurate student and classroom-level infor-  
15 mation that may be used to inform and improve  
16 classroom instruction and to target academic  
17 assistance to students in need.

18           “(F) Carrying out professional develop-  
19 ment activities for IEP teams, special education  
20 teachers, and regular classroom teachers on the  
21 appropriate use of accommodations, alternate  
22 assessments, and alternate or modified aca-  
23 demic achievement standards for students with  
24 disabilities.

1           “(G) Carrying out professional develop-  
2           ment activities for teachers of limited English  
3           proficient students and for regular classroom  
4           teachers and administrators on the appropriate  
5           use of accommodations for limited English pro-  
6           ficient students.

7           “(H) Carrying out professional develop-  
8           ment activities for teachers and administrators  
9           concerning the interpretation and analysis of  
10          assessment results in order to use such results  
11          to improve classroom instruction.

12          “(I) Developing and improving State longi-  
13          tudinal data systems that incorporate and link  
14          student records of achievement, high school  
15          graduation data, and teacher and classroom  
16          level data.

17          “(J) Improving the dissemination of infor-  
18          mation on student achievement and school per-  
19          formance to parents and the community.

20          “(b) VOLUNTARY STATE PARTNERSHIPS.—In car-  
21          rying out the activities under subsection (a), a State may  
22          use funds authorized under subsection (a) to work in a  
23          voluntary partnership or consortium with another State,  
24          at the sole discretion of each such State.

1       “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion shall be construed to authorize an officer or employee  
3 of the Federal Government to mandate or direct any feder-  
4 ally sponsored national academic standards or academic  
5 assessments, unless specifically and explicitly authorized  
6 by law.”.

7 **SEC. 6102. GRANTS FOR ENHANCED ASSESSMENTS FOR**  
8                   **STUDENTS WITH DISABILITIES AND LIMITED**  
9                   **ENGLISH PROFICIENT STUDENTS.**

10       Section 6112 (20 U.S.C. 7301a) is amended to read  
11 as follows:

12 **“SEC. 6112. GRANTS FOR ENHANCED ASSESSMENTS FOR**  
13                   **STUDENTS WITH DISABILITIES AND LIMITED**  
14                   **ENGLISH PROFICIENT STUDENTS.**

15       “(a) GRANT PROGRAM AUTHORIZED.—From funds  
16 made available to carry out this subpart, the Secretary  
17 shall award, on a competitive basis, grants to State edu-  
18 cational agencies that have submitted an application at  
19 such time, in such manner, and containing such informa-  
20 tion as the Secretary may require—

21               “(1) to enable States (or consortia of States) to  
22 collaborate with institutions of higher education,  
23 other research institutions, or other organizations to  
24 improve the quality, validity, and reliability of State  
25 academic assessments for students with disabilities,



1 including alternate assessments based on alternate  
2 student academic achievement standards, alternate  
3 assessments aligned with modified student academic  
4 achievement standards, and testing accommodations  
5 for students with disabilities; and

6 “(2) to enable States (or consortia of States) to  
7 collaborate with institutions of higher education,  
8 other research institutions, or other organizations to  
9 improve the quality, validity, and reliability of State  
10 academic assessments for students with limited  
11 English proficiency, including alternative assess-  
12 ments aligned with State student academic achieve-  
13 ment standards, testing accommodations for stu-  
14 dents with limited English proficiency, and assess-  
15 ments of English language proficiency.

16 “(b) APPLICATION.—Each State wishing to apply for  
17 funds under this section shall submit an application at  
18 such time, in such manner, and containing such informa-  
19 tion as the Secretary may require.

20 “(c) ANNUAL REPORT.—Each State educational  
21 agency receiving a grant under this section shall submit  
22 an annual report to the Secretary describing its activities,  
23 and the result of those activities, under the grant.”.

1 **SEC. 6103. FUNDING.**

2 Section 6113 (20 U.S.C. 7301b) is amended to read  
3 as follows:

4 **“SEC. 6113. FUNDING.**

5 **“(a) AUTHORIZATION OF APPROPRIATIONS.—**

6 **“(1) STATE ASSESSMENTS.—**For the purpose of  
7 carrying out section 6111, there are authorized to be  
8 appropriated \$460,000,000 for fiscal year 2008, and  
9 such sums as may be necessary for each of the 5  
10 succeeding fiscal years.

11 **“(2) ENHANCED ASSESSMENTS.—**For the pur-  
12 pose of carrying out section 6112, there are author-  
13 ized to be appropriated \$30,000,000 for fiscal year  
14 2008, and such sums as may be necessary for each  
15 of the 5 succeeding fiscal years.

16 **“(b) ALLOTMENT OF APPROPRIATED FUNDS.—**From  
17 amounts made available for each fiscal year under sub-  
18 section (a)(1) that are equal to or less than the amount  
19 described in section 1111(b)(3)(F), the Secretary shall—

20 **“(1) reserve ½ of 1 percent for the Bureau of**  
21 **Indian Affairs;**

22 **“(2) reserve ½ of 1 percent for the outlying**  
23 **areas; and**

24 **“(3) from the remainder, allocate to each State**  
25 **an amount equal to—**

26 **“(A) \$3,000,000; and**

1           “(B) with respect to any amounts remain-  
2           ing after the allocation is made under subpara-  
3           graph (A), an amount that bears the same rela-  
4           tionship to such total remaining amounts as the  
5           number of students ages 5 through 17 in the  
6           State (as determined by the Secretary on the  
7           basis of the most recent satisfactory data) bears  
8           to the total number of such students in all  
9           States.

10          “(c) STATE DEFINED.—In this section, the term  
11 ‘State’ means each of the 50 States, the District of Colum-  
12 bia, and the Commonwealth of Puerto Rico.”.

13 **SEC. 6104. PERFORMANCE REVIEW AND PENALTIES.**

14          Section 6143(a) (20 U.S.C. 7315b(a)) is amended by  
15 striking paragraphs (1), (2), and (3), and inserting the  
16 following:

17           “(1) PROGRESS REPORT.—After the end of the  
18           second year of the grant of flexibility authority, a  
19           State educational agency receiving a grant of flexi-  
20           bility authority under this chapter shall submit a  
21           progress report to the Secretary, including evidence  
22           of increased academic achievement of all students,  
23           especially disadvantaged students, and evidence of  
24           narrowing of achievement gaps between the lowest  
25           and highest achieving groups of students.

1           “(2) PEER REVIEW.—The progress report de-  
2           scribed in paragraph (1) shall be reviewed by the  
3           peer review panel convened under section 6141(d).

4           “(3) CONSEQUENCES OF INSUFFICIENT  
5           PROGRESS.—After submission of the progress report  
6           described in paragraph (1), if the Secretary deter-  
7           mines that the State educational agency is not mak-  
8           ing significant progress in meeting the purposes of  
9           this chapter, the Secretary shall terminate a grant  
10          of flexibility authority for a State if there is evidence  
11          that the State educational agency involved has failed  
12          to comply with the terms of the grant of authority.”.

13 **SEC. 6105. LOCAL FLEXIBILITY DEMONSTRATION AGREE-**  
14 **MENTS.**

15          Section 6151 (20 U.S.C. 7321) is amended—

16           (1) in subsection (a), by striking “Except as  
17           otherwise provided in this chapter, the” and insert-  
18           ing “The”; and

19           (2) in subsection (b)(2)—

20                   (A) in subparagraph (A), by striking “that  
21                   does not have a grant of flexibility authority  
22                   under chapter A”; and

23                   (B) by striking subparagraph (C).

1 **SEC. 6106. PERFORMANCE REVIEW AND PENALTIES.**

2 Section 6154(a) (20 U.S.C. 7321c(a)) is amended by  
3 striking paragraphs (1), (2), and (3), and inserting the  
4 following:

5 “(1) **PROGRESS REPORT.**—After the end of the  
6 second year of the term of a local flexibility dem-  
7 onstration agreement, a local educational agency re-  
8 ceiving an agreement under this chapter shall sub-  
9 mit a progress report to the Secretary, including evi-  
10 dence of increased academic achievement of all stu-  
11 dents, especially disadvantaged students, and evi-  
12 dence of narrowing of achievement gaps between the  
13 lowest and highest achieving groups of students.

14 “(2) **PEER REVIEW.**—The progress report de-  
15 scribed in paragraph (1) shall be reviewed by the  
16 peer review panel convened under section 6151(d).

17 “(3) **CONSEQUENCES OF INSUFFICIENT**  
18 **PROGRESS.**—After submission of the progress report  
19 described in paragraph (1), if the Secretary deter-  
20 mines that the local educational agency is not mak-  
21 ing significant progress in meeting the purposes of  
22 this chapter, the Secretary shall terminate the local  
23 flexibility demonstration agreement for a local edu-  
24 cational agency if there is evidence that the local  
25 educational agency involved has failed to comply  
26 with the terms of the agreement.”.

1 **SEC. 6107. REPORTS.**

2 Section 6156(a) (20 U.S.C. 7321e(a)) is amended by  
3 striking “the Workforce” and inserting “Labor”.

4 **SEC. 6108. EDUCATION FLEXIBILITY PARTNERSHIP.**

5 Subpart 4 of part A of title VI (20 U.S.C. 7325 et  
6 seq.) is amended to read as follows:

7 **“Subpart 4—Education Flexibility Partnership**

8 **“SEC. 6161. SHORT TITLE.**

9 “This subpart may be cited as the ‘Education Flexi-  
10 bility Partnership Act of 1999’.

11 **“SEC. 6162. PURPOSES.**

12 “The purpose of this subpart is to ensure that all  
13 students meet State proficient levels of academic achieve-  
14 ment by focusing on results in raising student achieve-  
15 ment, not process, by granting waivers of certain statutory  
16 and regulatory requirements to remove impediments for  
17 local educational agencies in implementing educational re-  
18 forms and raising the achievement levels of all children.

19 **“SEC. 6163. EDUCATION FLEXIBILITY PARTNERSHIP.**

20 “(a) EDUCATIONAL FLEXIBILITY PROGRAM.—

21 “(1) PROGRAM AUTHORIZED.—

22 “(A) IN GENERAL.—The Secretary may  
23 carry out an educational flexibility program  
24 under which the Secretary authorizes a State  
25 educational agency that serves an eligible State  
26 to waive statutory or regulatory requirements

1 applicable to 1 or more programs described in  
2 subsection (b), other than requirements de-  
3 scribed in subsection (c), for any local edu-  
4 cational agency or school within the State.

5 “(B) DESIGNATION.—Each eligible State  
6 participating in the program described in sub-  
7 paragraph (A) shall be known as an ‘Ed-Flex  
8 Partnership State’.

9 “(2) ELIGIBLE STATE.—In this section, the  
10 term ‘eligible State’ means a State that—

11 “(A) has met the requirements for devel-  
12 oping and implementing a State system of chal-  
13 lenging academic standards and assessments  
14 and a single, statewide State accountability sys-  
15 tem for ensuring that all local educational agen-  
16 cies, public elementary schools, and public sec-  
17 ondary schools make adequate yearly progress  
18 as required under section 1111;

19 “(B) holds local educational agencies and  
20 schools accountable for meeting the educational  
21 goals described in the local applications sub-  
22 mitted under paragraph (4) and for engaging in  
23 technical assistance, school and local edu-  
24 cational agency improvement consistent with  
25 section 1116, for the local educational agencies

1 and schools that do not make adequate yearly  
2 progress as described in section 1111(b)(2); and

3 “(C) waives State statutory or regulatory  
4 requirements relating to education while holding  
5 local educational agencies or schools within the  
6 State that are affected by such waivers account-  
7 able for the academic achievement of the stu-  
8 dents who are affected by such waivers.

9 “(3) STATE APPLICATION.—

10 “(A) IN GENERAL.—Each State edu-  
11 cational agency desiring to participate in the  
12 educational flexibility program under this sec-  
13 tion shall submit an application to the Sec-  
14 retary at such time, in such manner, and con-  
15 taining such information as the Secretary may  
16 reasonably require. Each such application shall  
17 demonstrate that the eligible State has adopted  
18 an educational flexibility plan for the State that  
19 includes—

20 “(i) a description of the process the  
21 State educational agency will use to evalu-  
22 ate applications from local educational  
23 agencies or schools requesting waivers of—



1                   “(I) Federal statutory or regu-  
2                   latory requirements as described in  
3                   paragraph (1)(A); and

4                   “(II) State statutory or regu-  
5                   latory requirements relating to edu-  
6                   cation;

7                   “(ii) a detailed description of the  
8                   State statutory and regulatory require-  
9                   ments relating to education that the State  
10                  educational agency will waive;

11                  “(iii) a description of clear edu-  
12                  cational objectives the State intends to  
13                  meet under the educational flexibility plan;

14                  “(iv) a description of how the edu-  
15                  cational flexibility plan is consistent with  
16                  and will assist in implementing the State  
17                  system of challenging academic standards  
18                  and assessments and a single, statewide  
19                  State accountability system for ensuring  
20                  that all local educational agencies, public  
21                  elementary schools, and public secondary  
22                  schools make adequate yearly progress as  
23                  required under section 1111;

24                  “(v) a description of how the State  
25                  educational agency will evaluate (consistent

1 with the requirements of title I) the per-  
2 formance of students in the schools and  
3 local educational agencies affected by the  
4 waivers; and

5 “(vi) a description of how the State  
6 educational agency will meet the require-  
7 ments of paragraph (8).

8 “(B) APPROVAL AND CONSIDERATIONS.—

9 The Secretary may approve an application de-  
10 scribed in subparagraph (A) only if the Sec-  
11 retary determines that such application dem-  
12 onstrates substantial promise of assisting the  
13 State educational agency and affected local edu-  
14 cational agencies and schools within the State  
15 in carrying out comprehensive educational re-  
16 form, after considering—

17 “(i) the eligibility of the State as de-  
18 scribed in paragraph (2);

19 “(ii) the comprehensiveness and qual-  
20 ity of the educational flexibility plan de-  
21 scribed in subparagraph (A);

22 “(iii) the ability of the educational  
23 flexibility plan to ensure accountability for  
24 the activities and goals described in such  
25 plan;

1           “(iv) the degree to which the State’s  
2 objectives described in subparagraph  
3 (A)(iii)—

4           “(I) are clear and have the abil-  
5 ity to be assessed; and

6           “(II) take into account the per-  
7 formance of local educational agencies  
8 or schools, and students, particularly  
9 those affected by waivers;

10          “(v) the significance of the State stat-  
11 utory or regulatory requirements relating  
12 to education that will be waived; and

13          “(vi) the quality of the State edu-  
14 cational agency’s process for approving ap-  
15 plications for waivers of Federal statutory  
16 or regulatory requirements as described in  
17 paragraph (1)(A) and for monitoring and  
18 evaluating the results of such waivers.

19          “(4) LOCAL APPLICATIONS.—

20          “(A) IN GENERAL.—Each local educational  
21 agency or school requesting a waiver of a Fed-  
22 eral statutory or regulatory requirement as de-  
23 scribed in paragraph (1)(A) and any relevant  
24 State statutory or regulatory requirement from  
25 a State educational agency shall submit an ap-

1           plication to the State educational agency at  
2           such time, in such manner, and containing such  
3           information as the State educational agency  
4           may reasonably require. Each such application  
5           shall—

6                   “(i) indicate each Federal program af-  
7                   fected and each statutory or regulatory re-  
8                   quirement that will be waived;

9                   “(ii) describe the purposes and overall  
10                  expected results of waiving each such re-  
11                  quirement;

12                  “(iii) describe, for each school year,  
13                  specific, measurable, educational goals for  
14                  each local educational agency or school af-  
15                  fected by the proposed waiver, and for the  
16                  students served by the local educational  
17                  agency or school who are affected by the  
18                  waiver;

19                  “(iv) explain why the waiver will as-  
20                  sist the local educational agency or school  
21                  in reaching such goals; and

22                  “(v) in the case of an application from  
23                  a local educational agency, describe how  
24                  the local educational agency will meet the  
25                  requirements of paragraph (8).

1           “(B) EVALUATION OF APPLICATIONS.—A  
2 State educational agency shall evaluate an ap-  
3 plication submitted under subparagraph (A) in  
4 accordance with the State’s educational flexi-  
5 bility plan described in paragraph (3)(A).

6           “(C) APPROVAL.—A State educational  
7 agency shall not approve an application for a  
8 waiver under this paragraph unless—

9                   “(i) the local educational agency or  
10 school requesting such waiver has devel-  
11 oped a local reform plan that is applicable  
12 to such agency or school, respectively;

13                   “(ii) the waiver of Federal statutory  
14 or regulatory requirements as described in  
15 paragraph (1)(A) will assist the local edu-  
16 cational agency or school in reaching its  
17 educational goals, particularly goals with  
18 respect to school and student performance;  
19 and

20                   “(iii) the State educational agency is  
21 satisfied that the underlying purposes of  
22 the statutory requirements of each pro-  
23 gram for which a waiver is granted will  
24 continue to be met.

1           “(D) TERMINATION.—The State edu-  
2           cational agency shall annually review the per-  
3           formance of any local educational agency or  
4           school granted a waiver of Federal statutory or  
5           regulatory requirements as described in para-  
6           graph (1)(A) in accordance with the evaluation  
7           requirement described in paragraph (3)(A)(v),  
8           and shall terminate any waiver granted to the  
9           local educational agency or school if the State  
10          educational agency determines, after notice and  
11          an opportunity for a hearing, that the local edu-  
12          cational agency or school’s performance with re-  
13          spect to meeting the accountability requirement  
14          described in paragraph (2)(C) and the goals de-  
15          scribed in paragraph (4)(A)(iii)—

16                   “(i) has been inadequate to justify  
17                   continuation of such waiver; or

18                   “(ii) has decreased for 2 consecutive  
19                   years, unless the State educational agency  
20                   determines that the decrease in perform-  
21                   ance was justified due to exceptional or un-  
22                   controllable circumstances.

23          “(5) OVERSIGHT AND REPORTING.—

24                   “(A) OVERSIGHT.—Each State educational  
25                   agency participating in the educational flexi-

1 bility program under this section shall annually  
2 monitor the activities of local educational agen-  
3 cies and schools receiving waivers under this  
4 section.

5 “(B) STATE REPORTS.—

6 “(i) ANNUAL REPORTS.—The State  
7 educational agency shall submit to the Sec-  
8 retary an annual report on the results of  
9 such oversight and the impact of the waiv-  
10 ers on school and student performance.

11 “(ii) PERFORMANCE DATA.—Not later  
12 than 2 years after the date a State is des-  
13 ignated an Ed-Flex Partnership State,  
14 each such State shall include, as part of  
15 the State’s annual report submitted under  
16 clause (i), data demonstrating the degree  
17 to which progress has been made toward  
18 meeting the State’s educational objectives.  
19 The data, when applicable, shall include—

20 “(I) information on the total  
21 number of waivers granted for Fed-  
22 eral and State statutory and regu-  
23 latory requirements under this sec-  
24 tion, including the number of waivers  
25 granted for each type of waiver;

1                   “(II) information describing the  
2                   effect of the waivers on the implemen-  
3                   tation of State and local educational  
4                   reforms pertaining to school and stu-  
5                   dent performance; and

6                   “(III) information describing the  
7                   relationship of the waivers to the per-  
8                   formance of schools and students af-  
9                   fected by the waivers.

10                   “(C) SECRETARY’S REPORTS.—The Sec-  
11                   retary, not later than 2 years after the date of  
12                   enactment of the No Child Left Behind Act of  
13                   2007 and annually thereafter, shall—

14                   “(i) make each State report submitted  
15                   under subparagraph (B) available to Con-  
16                   gress and the public; and

17                   “(ii) submit to Congress a report that  
18                   summarizes the State reports and de-  
19                   scribes the effects that the educational  
20                   flexibility program under this section had  
21                   on the implementation of State and local  
22                   educational reforms and on the perform-  
23                   ance of students affected by the waivers.

24                   “(6) DURATION OF FEDERAL WAIVERS.—



1           “(A) IN GENERAL.—The Secretary shall  
2 not approve the application of a State edu-  
3 cational agency under paragraph (3) for a pe-  
4 riod exceeding 5 years, except that the Sec-  
5 retary may extend such period if the Secretary  
6 determines that such agency’s authority to  
7 grant waivers—

8           “(i) has been effective in enabling  
9 such State or affected local educational  
10 agencies or schools to carry out their State  
11 or local reform plans and to continue to  
12 meet the accountability requirement de-  
13 scribed in paragraph (2)(C); and

14           “(ii) has improved student perform-  
15 ance.

16           “(B) PERFORMANCE REVIEW.—Three  
17 years after the date a State is designated an  
18 Ed-Flex Partnership State, the Secretary shall  
19 review the performance of the State educational  
20 agency in granting waivers of Federal statutory  
21 or regulatory requirements as described in  
22 paragraph (1)(A) and shall terminate such  
23 agency’s authority to grant such waivers if the  
24 Secretary determines, after notice and an op-  
25 portunity for a hearing, that such agency’s per-

1 formance (including performance with respect  
2 to meeting the objectives described in para-  
3 graph (3)(A)(iii)) has been inadequate to justify  
4 continuation of such authority.

5 “(C) RENEWAL.—In deciding whether to  
6 extend a request for a State educational agen-  
7 cy’s authority to issue waivers under this sec-  
8 tion, the Secretary shall review the progress of  
9 the State educational agency to determine if the  
10 State educational agency—

11 “(i) has made progress toward achiev-  
12 ing the objectives described in the applica-  
13 tion submitted pursuant to paragraph  
14 (3)(A)(iii); and

15 “(ii) demonstrates in the request that  
16 local educational agencies or schools af-  
17 fected by the waiver authority or waivers  
18 have made progress toward achieving the  
19 desired results described in the application  
20 submitted pursuant to paragraph  
21 (4)(A)(iii).

22 “(7) PUBLIC NOTICE AND COMMENT.—Each  
23 State educational agency seeking waiver authority  
24 under this section and each local educational agency  
25 seeking a waiver under this section—

1           “(A) shall provide the public with adequate  
2           and efficient notice of the proposed waiver au-  
3           thority or waiver, consisting of a description of  
4           the agency’s application for the proposed waiver  
5           authority or waiver in a widely read or distrib-  
6           uted medium, including a description of any im-  
7           proved student performance that is expected to  
8           result from the waiver authority or waiver;

9           “(B) shall provide the opportunity for par-  
10          ents, educators, and all other interested mem-  
11          bers of the community to comment regarding  
12          the proposed waiver authority or waiver;

13          “(C) shall provide the opportunity de-  
14          scribed in subparagraph (B) in accordance with  
15          any applicable State law specifying how the  
16          comments may be received, and how the com-  
17          ments may be reviewed by any member of the  
18          public; and

19          “(D) shall submit the comments received  
20          with the agency’s application to the Secretary  
21          or the State educational agency, as appropriate.

22          “(b) INCLUDED PROGRAMS.—The statutory or regu-  
23          latory requirements referred to in subsection (a)(1)(A) are  
24          any such requirements for programs carried out under the  
25          following provisions:

1           “(1) The following provisions of this Act:

2                   “(A) Part A of title I (other than sections  
3           1111 and 1116), and parts C and D of title I.

4                   “(B) Subparts 2 and 3 of part A of title  
5           II.

6                   “(C) Subpart 1 of part D of title II.

7                   “(D) Subpart 1 of part A of title III.

8                   “(E) Subpart 1 of part A of title IV.

9                   “(F) Subpart 1 of part B of title IV.

10                  “(G) Part A of title V.

11                  “(2) The Carl D. Perkins Career and Technical  
12           Education Improvement Act of 2006.

13                  “(c) WAIVERS NOT AUTHORIZED.—The Secretary  
14           and the State educational agency may not waive under  
15           subsection (a)(1)(A) any statutory or regulatory require-  
16           ment—

17                   “(1) relating to—

18                           “(A) maintenance of effort;

19                           “(B) comparability of services;

20                           “(C) equitable participation of students  
21           and professional staff in private schools;

22                           “(D) parental participation and involve-  
23           ment;

24                           “(E) distribution of funds to States or to  
25           local educational agencies;

1           “(F) serving eligible school attendance  
2 areas in rank order under section 1113(a)(3);

3           “(G) the selection of a school attendance  
4 area or school under subsections (a) and (b) of  
5 section 1113, except that a State educational  
6 agency may grant a waiver to allow a school at-  
7 tendance area or school to participate in activi-  
8 ties under part A of title I if the percentage of  
9 children from low-income families in the school  
10 attendance area of such school or who attend  
11 such school is not less than 10 percentage  
12 points below the lowest percentage of such chil-  
13 dren for any school attendance area or school of  
14 the local educational agency that meets the re-  
15 quirements of such subsections (a) and (b);

16           “(H) use of Federal funds to supplement,  
17 not supplant, non-Federal funds; and

18           “(I) applicable civil rights requirements;  
19 and

20           “(2) unless the underlying purposes of the stat-  
21 utory requirements of the program for which a waiv-  
22 er is granted continue to be met to the satisfaction  
23 of the Secretary.

24           “(d) PUBLICATION.—A notice of the Secretary’s deci-  
25 sion to authorize State educational agencies to issue waiv-

1 ers under this section, including a description of the ra-  
 2 tionale the Secretary used to approve applications under  
 3 subsection (a)(3)(B), shall be published in the Federal  
 4 Register and the Secretary shall provide for the dissemina-  
 5 tion of such notice to State educational agencies, inter-  
 6 ested parties (including educators, parents, students, and  
 7 advocacy and civil rights organizations), and the public.”.

8 **SEC. 6109. CHILD-CENTERED PROGRAMMING.**

9 Part A of title VI (20 U.S.C. 7301 et seq.) is amend-  
 10 ed by adding at the end the following:

11 **“Subpart 5—Child-Centered Programming**

12 **“SEC. 6171. PURPOSE.**

13 “The purpose of this subpart is to create a ‘child-  
 14 centered’ program in which—

15 “(1) title I funds would relocate with eligible  
 16 students rather than schools;

17 “(2) incentive grants would be available to  
 18 States and local educational agencies operating  
 19 child-centered programs that allow for State and  
 20 local funds to relocate with the child;

21 “(3) parents would be better empowered to ef-  
 22 fectively address the needs of their children by ex-  
 23 panding public school choice options; and

1           “(4) achievement gaps between the lowest and  
2           highest achieving groups would be narrowed so that  
3           no child is left behind.

4 **“SEC. 6172. DEFINITIONS.**

5           “In this subpart:

6           “(1) **ELIGIBLE CHILD.**—The term ‘eligible  
7           child’ means a child who—

8                   “(A) is eligible to be counted under section  
9                   1124(c); or

10                   “(B)(i) the State or participating local  
11                   educational agency elects to serve under this  
12                   subpart; and

13                   “(ii) is a child eligible to be served under  
14                   this part pursuant to section 1115(b).

15           “(2) **PARTICIPATING LOCAL EDUCATIONAL**  
16           **AGENCY.**—The term ‘participating local educational  
17           agency’ means a local educational agency that elects  
18           under section 6173(b) to carry out a child-centered  
19           program under this subpart.

20           “(3) **SCHOOL.**—The term ‘school’ means a pub-  
21           lic school, including a public charter school, that  
22           provides elementary or secondary education, as de-  
23           termined under State law, except that such term  
24           does not include any school that provides education  
25           beyond grade 12.

1           “(4) SUPPLEMENTAL EDUCATION SERVICES.—

2           The term ‘supplemental education services’ means  
3           educational services intended—

4                   “(A) to meet the individual educational  
5                   needs of eligible children; and

6                   “(B) to enable eligible children to meet  
7                   challenging State student academic achievement  
8                   standards as described in section 1111(b).

9   **“SEC. 6173. CHILD-CENTERED PROGRAM FUNDING.**

10           “(a) FUNDING.—Notwithstanding any other provi-  
11           sion of law, each State or participating local educational  
12           agency may use the funds made available under subparts  
13           1 and 2 of part A of title I, and shall use the funds made  
14           available under subsection (c), to carry out a child-cen-  
15           tered program under this subpart.

16           “(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY  
17           ELECTION.—

18                   “(1) IN GENERAL.—If a State does not carry  
19                   out a child-centered program under this subpart or  
20                   does not have an application approved under section  
21                   6175 for a fiscal year, a local educational agency in  
22                   the State may elect to carry out a child-centered  
23                   program under this subpart, and the Secretary shall  
24                   provide the funds that the local educational agency  
25                   (with an application approved under section 6175) is



1 eligible to receive under subparts 1 and 2 of part A  
2 of title I, and subsection (c), directly to the local  
3 educational agency to enable the local educational  
4 agency to carry out the child-centered program.

5 “(2) SUBMISSION APPROVAL.—In order to be  
6 eligible to carry out a child-centered program under  
7 this subpart, a participating local educational agency  
8 shall obtain from the State approval of the submis-  
9 sion, but not the contents, of the application sub-  
10 mitted under section 6175.

11 “(c) INCENTIVE GRANTS.—

12 “(1) IN GENERAL.—From amounts appro-  
13 priated under paragraph (3) for a fiscal year, the  
14 Secretary shall award grants to each State, or par-  
15 ticipating local educational agency described in sub-  
16 section (b), that elects to carry out a child-centered  
17 program under this subpart and has an application  
18 approved under section 6175, to enable the State or  
19 participating local educational agency to carry out  
20 the child-centered program.

21 “(2) AMOUNT.—Each State or participating  
22 local educational agency that elects to carry out a  
23 child-centered program under this subpart and has  
24 an application approved under section 6175 for a  
25 fiscal year shall receive a grant in an amount that

1 bears the same relation to the amount appropriated  
2 under paragraph (3) for the fiscal year as the  
3 amount the State or participating local educational  
4 agency received under subparts 1 and 2 of part A  
5 of title I for the fiscal year bears to the amount all  
6 States and participating local educational agencies  
7 carrying out a child-centered program under this  
8 subpart received under subparts 1 and 2 of part A  
9 of title I for the fiscal year.

10 “(3) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated to carry out  
12 this subpart \$50,000,000 for fiscal year 2008, and  
13 such sums as may be necessary for each of the 5  
14 succeeding fiscal years.

15 **“SEC. 6174. CHILD-CENTERED PROGRAM REQUIREMENTS.**

16 “(a) USES.—Each State or participating local edu-  
17 cational agency with an application approved under sec-  
18 tion 6175 shall use funds made available under subparts  
19 1 and 2 of part A of title I and subsection (c), to carry  
20 out a child-centered program under which—

21 “(1) the State or participating local educational  
22 agency establishes a per pupil amount based on the  
23 number of eligible children in the State or the school  
24 district served by the participating local educational  
25 agency; and

1           “(2) the State or participating local educational  
2 agency may vary the per pupil amount to take into  
3 account factors that may include—

4           “(A) variations in the cost of providing  
5 supplemental education services in different  
6 parts of the State or the school district served  
7 by the participating local educational agency;

8           “(B) the cost of providing services to pu-  
9 pils with different educational needs; or

10           “(C) the desirability of placing priority on  
11 selected grades; and

12           “(3) the State or the participating local edu-  
13 cational agency makes available, not later than 3  
14 months after the beginning of the school year, the  
15 per pupil amount determined under paragraphs (1)  
16 and (2) to the school in which an eligible child is en-  
17 rolled, which per pupil amount shall be used for sup-  
18 plemental education services for the eligible child  
19 that are—

20           “(A) subject to subparagraph (B), pro-  
21 vided by the school directly or through a con-  
22 tract for the provision of supplemental edu-  
23 cation services with any governmental or non-  
24 governmental agency, school, postsecondary

1 educational institution, or other entity, includ-  
2 ing a private organization or business; or

3 “(B) if requested by the parent or legal  
4 guardian of an eligible child, purchased from a  
5 tutorial assistance provider or another public  
6 school selected by the parent or guardian.

7 “(b) SCHOOLWIDE PROGRAMS.—

8 “(1) IN GENERAL.—In the case of a public  
9 school in which 50 percent of the students enrolled  
10 in the school are eligible children, the public school  
11 may use funds provided under this subpart, in com-  
12 bination with other Federal, State, and local funds,  
13 to carry out a schoolwide program to upgrade the  
14 entire educational program in the school.

15 “(2) PLAN.—If a public school elects to use  
16 funds provided under this subpart in accordance  
17 with paragraph (1), and does not have a plan ap-  
18 proved by the Secretary under section 1114(b)(2),  
19 the public school shall develop and adopt a com-  
20 prehensive plan for reforming the entire educational  
21 program of the public school that—

22 “(A) incorporates—

23 “(i) strategies for improving achieve-  
24 ment for all children to meet challenging

1 State student academic achievement stand-  
2 ards as described in section 1111(b);

3 “(ii) instruction by highly qualified  
4 staff;

5 “(iii) professional development for  
6 teachers in content areas in which the  
7 teachers provide instruction and, where ap-  
8 propriate, professional development for  
9 pupil services personnel, parents, and prin-  
10 cipals, and other staff to enable all chil-  
11 dren in the school to meet the challenging  
12 State student academic achievement stand-  
13 ards as described in section 1111(b); and

14 “(iv) activities to ensure that eligible  
15 children who experience difficulty mas-  
16 tering any of the standards described in  
17 section 1111(b) during the course of the  
18 school year shall be provided with effective,  
19 timely additional assistance;

20 “(B) describes the school’s use of funds  
21 provided under this subpart and from other  
22 sources to implement the activities described in  
23 subparagraph (A);

24 “(C) includes a list of State and local edu-  
25 cational agency programs and other Federal

1 programs that will be included in the schoolwide  
2 program;

3 “(D) describes how the school will provide  
4 individual student assessment results, including  
5 an interpretation of those results, to the par-  
6 ents of an eligible child who participates in the  
7 assessment; and

8 “(E) describes how and where the school  
9 will obtain technical assistance services and a  
10 description of such services.

11 “(3) SPECIAL RULE.—In the case of a public  
12 school operating a schoolwide program under this  
13 subsection, the Secretary may, through publication  
14 of a notice in the Federal Register, exempt child-  
15 centered programs under this section from statutory  
16 or regulatory requirements of any other noncompeti-  
17 tive formula grant program administered by the Sec-  
18 retary, or any discretionary grant program adminis-  
19 tered by the Secretary (other than formula or discre-  
20 tionary grant programs under the Individuals with  
21 Disabilities Education Act), to support the  
22 schoolwide program, if the intent and purposes of  
23 such other noncompetitive or discretionary programs  
24 are met.

25 “(c) OPEN ENROLLMENT.—

1           “(1) IN GENERAL.—In order to be eligible to  
2 carry out a child-centered program under this sub-  
3 part, a State or participating local educational agen-  
4 cy shall operate a statewide or school district wide,  
5 respectively, open enrollment program that permits  
6 parents to enroll their child in any public school in  
7 the State or school district, respectively, if space is  
8 available in the public school and the child meets the  
9 qualifications for attendance at the public school.

10           “(2) WAIVER.—The Secretary may waive para-  
11 graph (1) for a State or participating local edu-  
12 cational agency if the State or agency, respectively,  
13 demonstrates that parents served by the State or  
14 agency, respectively—

15           “(A) have sufficient options to enroll their  
16 child in multiple public schools; or

17           “(B) will have sufficient options to use the  
18 per pupil amount made available under this  
19 subpart to purchase supplemental education  
20 services from multiple tutorial assistance pro-  
21 viders or schools.

22           “(d) PARENT INVOLVEMENT.—

23           “(1) IN GENERAL.—Any public school receiving  
24 funds under this subpart shall convene an annual  
25 meeting at a convenient time. All parents of eligible

1 children shall be invited and encouraged to attend  
2 the meeting, in order to explain to the parents the  
3 activities assisted under this subpart and the re-  
4 quirements of this subpart. At the meeting, the pub-  
5 lic school shall explain to parents how the school will  
6 use funds provided under this subpart to enable eli-  
7 gible children enrolled at the school to meet chal-  
8 lenging State student academic achievement stand-  
9 ards as described in section 1111(b). In addition,  
10 the public school shall inform parents of their right  
11 to choose to use the per pupil amount described in  
12 subsection (a) to purchase supplemental education  
13 services from a tutorial assistance provider or an-  
14 other public school.

15 “(2) INFORMATION.—Any public school receiv-  
16 ing funds under this subpart shall provide to parents  
17 a description and explanation of the curriculum in  
18 use at the school, the forms of assessment used to  
19 measure student progress, and the proficiency levels  
20 students are expected to meet.

21 **“SEC. 6175. APPLICATION.**

22 “(a) IN GENERAL.—Each State or participating local  
23 educational agency desiring to carry out a child-centered  
24 program under this subpart shall submit an application  
25 to the Secretary at such time, in such manner, and accom-



1 panied by such information as the Secretary may require.

2 Each such application shall contain—

3 “(1) documentation that the State is in compli-  
4 ance with subsections (a) and (b) of section 1111;

5 “(2) a detailed description of the program to be  
6 assisted, including an assurance that—

7 “(A) the per pupil amount established  
8 under section 6174(a) will follow each eligible  
9 child described in that section to the public  
10 school or tutorial assistance provider of the par-  
11 ent or guardian’s choice;

12 “(B) funds made available under this sub-  
13 part will be spent in accordance with the re-  
14 quirements of this subpart; and

15 “(C) parents have the option to use the per  
16 pupil amount to purchase supplemental edu-  
17 cation services for their children from a wide  
18 variety of tutorial assistance providers and  
19 schools;

20 “(3) an assurance that the State or partici-  
21 pating local educational agency will publish in a  
22 widely read or distributed medium an annual report  
23 card that contains—

24 “(A) information regarding the academic  
25 progress of all students served by the State or

1 participating local educational agency in meet-  
2 ing challenging State student academic achieve-  
3 ment standards as described in section 1111(b),  
4 including students assisted under this subpart,  
5 with results disaggregated as described in sec-  
6 tion 1111(b)(2)(C)(v)(II); and

7 “(B) such other information as the State  
8 or participating local educational agency may  
9 require;

10 “(4) a description of how the State or partici-  
11 pating local educational agency will make available,  
12 to parents of children participating in the child-cen-  
13 tered program, annual school report cards, with re-  
14 sults disaggregated as described in section  
15 1111(b)(2)(C)(v)(II) for schools in the State or in  
16 the school district of the participating local edu-  
17 cational agency;

18 “(5) in the case of an application from a par-  
19 ticipating local educational agency, an assurance  
20 that the participating local educational agency has  
21 notified the State regarding the submission of the  
22 application;

23 “(6) a description of specific measurable objec-  
24 tives for improving the student achievement on chal-  
25 lenging State student academic achievement stand-

1 ards as defined in section 1111(b) of students served  
2 under this subpart; and

3 “(7) a description of the process by which the  
4 State or participating local educational agency will  
5 measure progress in meeting the objectives.

6 **“SEC. 6176. ADMINISTRATIVE PROVISIONS.**

7 “(a) PROGRAM DURATION.—A State or participating  
8 local educational agency shall carry out a child-centered  
9 program under this subpart for a period of 5 years.

10 “(b) ADMINISTRATIVE COSTS.—A State may reserve  
11 2 percent of the funds made available to the State under  
12 this subpart, and a participating local educational agency  
13 may reserve 5 percent of the funds made available to the  
14 participating local educational agency under this subpart,  
15 to pay the costs of administrative expenses of the child-  
16 centered program. The costs may include costs of pro-  
17 viding technical assistance to schools receiving funds  
18 under this subpart, in order to increase the opportunity  
19 for all students in the schools to meet the challenging  
20 State student academic achievement standards as de-  
21 scribed in section 1111(b). The technical assistance may  
22 be provided directly by the State educational agency, local  
23 educational agency, or, with a local educational agency’s  
24 approval, by an institution of higher education, by a pri-  
25 vate nonprofit organization, by an educational service

1 agency, or by another entity with experience in helping  
2 schools improve student achievement.

3 “(c) REPORTS.—

4 “(1) ANNUAL REPORTS.—

5 “(A) IN GENERAL.—The State educational  
6 agency serving each State, and each partici-  
7 pating local educational agency, carrying out a  
8 child-centered program under this subpart shall  
9 submit to the Secretary an annual report, that  
10 is consistent with data provided under section  
11 6175(a)(2)(A), regarding the performance of el-  
12 igible children receiving supplemental education  
13 services under this subpart.

14 “(B) DATA.—Not later than 2 years after  
15 establishing a child-centered program under  
16 this subpart and each year thereafter, each  
17 State or participating local educational agency  
18 shall include in the annual report data on stu-  
19 dent achievement for eligible children served  
20 under this subpart with results disaggregated  
21 as described in section 1111(b)(2)(C)(v)(II),  
22 demonstrating the degree to which measurable  
23 progress has been made toward meeting the ob-  
24 jectives described in section 6175(a)(6).

1           “(C) DATA ASSURANCES.—Each annual  
2 report shall include—

3                   “(i) an assurance from the managers  
4 of the child-centered program that data  
5 used to measure student achievement  
6 under subparagraph (B) is reliable, com-  
7 plete, and accurate, as determined by the  
8 State or participating local educational  
9 agency; or

10                   “(ii) a description of a plan for im-  
11 proving the reliability, completeness, and  
12 accuracy of such data as determined by the  
13 State or participating local educational  
14 agency.

15           “(2) SECRETARY’S REPORT.—The Secretary  
16 shall make each annual report available to Congress  
17 and the public.

18           “(d) TERMINATION.—Three years after the date a  
19 State or participating local educational agency establishes  
20 a child-centered program under this subpart the Secretary  
21 shall review the performance of the State or participating  
22 local educational agency in meeting the objectives de-  
23 scribed in section 6175(a)(6). The Secretary, after pro-  
24 viding notice and an opportunity for a hearing, may termi-  
25 nate the authority of the State or participating local edu-

1 cational agency to operate a child-centered program under  
2 this subpart if the State or participating local educational  
3 agency submitted data that indicated the State or partici-  
4 pating local educational agency has not made any progress  
5 in meeting the objectives.

6 “(e) TREATMENT OF AMOUNTS RECEIVED.—The per  
7 pupil amount provided under this subpart for an eligible  
8 child shall not be treated as income of the eligible child  
9 or the parent of the eligible child for purposes of Federal  
10 tax laws, or for determining the eligibility for or amount  
11 of any other Federal assistance.

12 **“SEC. 6177. EVALUATION.**

13 “(a) ANNUAL EVALUATION.—

14 “(1) CONTRACT.—The Inspector General of the  
15 Department shall enter into a contract, with an eval-  
16 uating entity that has demonstrated experience in  
17 conducting evaluations, for the conduct of an ongo-  
18 ing rigorous evaluation of child-centered programs  
19 under this subpart.

20 “(2) ANNUAL EVALUATION REQUIREMENT.—

21 The contract described in paragraph (1) shall re-  
22 quire the evaluating entity entering into such con-  
23 tract to annually evaluate each child-centered pro-  
24 gram under this subpart in accordance with the eval-  
25 uation criteria described in subsection (b).

1           “(3) TRANSMISSION.—The contract described  
2           in paragraph (1) shall require the evaluating entity  
3           entering into such contract to transmit to the In-  
4           spector General of the Department the findings of  
5           each annual evaluation under paragraph (2).

6           “(b) EVALUATION CRITERIA.—The Inspector Gen-  
7           eral of the Department, in consultation with the Secretary,  
8           shall establish minimum criteria for evaluating the child-  
9           centered programs under this subpart. Such criteria shall  
10          provide for a description of—

11           “(1) the implementation of each child-centered  
12          program under this subpart;

13           “(2) the effects of the programs on the level of  
14          parental participation and satisfaction with the pro-  
15          grams; and

16           “(3) the effects of the programs on the edu-  
17          cational achievement of eligible children partici-  
18          pating in the programs.

19          **“SEC. 6178. REPORTS.**

20           “(a) REPORTS BY INSPECTOR GENERAL.—

21           “(1) INTERIM REPORTS.—Three years after the  
22          date of enactment of the No Child Left Behind Act  
23          of 2007 the Inspector General of the Department  
24          shall submit an interim report to Congress on the  
25          findings of the annual evaluations under section

1       6177(a) for each child-centered program assisted  
 2       under this subpart. The report shall contain a copy  
 3       of the annual evaluation under section 6177(a) of  
 4       each child-centered program under this subpart.

5               “(2) FINAL REPORT.—The Inspector General of  
 6       the Department shall submit a final report to Con-  
 7       gress, not later than March 1, 2013, that summa-  
 8       rizes the findings of the annual evaluations under  
 9       section 6177(a).”.

10       **PART B—RURAL EDUCATION INITIATIVE**

11       **Subpart 1—Small, Rural School Achievement**

12                               **Program**

13       **SEC. 6211. REDESIGNATION.**

14       Subpart 1 of part B of title VI (20 U.S.C. 7345 et  
 15       seq.) is amended—

16               (1) by striking section 6211; and

17               (2) by redesignating sections 6212 and 6213 as  
 18       sections 6211 and 6212, respectively.

19       **SEC. 6212. GRANT PROGRAMS AUTHORIZED.**

20       Section 6211 (as redesignated by section 6211(2))  
 21       (20 U.S.C. 7345a) is amended—

22               (1) by redesignating subsections (c) and (d) as  
 23       subsections (f) and (g), respectively;

24               (2) in subsection (a), by striking “to eligible”  
 25       and all that follows through “carry out” and insert-



1       ing “to State educational agencies to enable the  
2       State educational agencies to award grants to eligi-  
3       ble local educational agencies in the State for car-  
4       rying out”; and

5               (3) by striking subsection (b) and inserting the  
6       following:

7       “(b) ALLOCATION.—

8               “(1) IN GENERAL.—The Secretary shall award  
9       grants under this subpart to State educational agen-  
10      cies with approved applications, in order to enable  
11      the State educational agencies to award grants to el-  
12      igible local educational agencies in the State for the  
13      activities described in subsection (a).

14              “(2) STATE EDUCATIONAL AGENCY ALLOCA-  
15      TION.—

16              “(A) ALLOCATION BY THE SECRETARY.—

17              Except as provided in paragraph (3), the Sec-  
18      retary shall allot to each State educational  
19      agency with an approved application for a fiscal  
20      year an amount that bears the same ratio to  
21      the total amount available as the number of  
22      students in average daily attendance during  
23      that fiscal year who are served by eligible local  
24      educational agencies in the State bears to the

1 number of all such students in all States during  
2 that fiscal year.

3 “(B) ALLOCATION BY THE STATE EDU-  
4 CATIONAL AGENCY.—Each State educational  
5 agency receiving funds under subparagraph (A)  
6 shall allocate to the eligible local educational  
7 agencies in that State the amount determined  
8 under paragraph (4).

9 “(3) SPECIALLY QUALIFIED AGENCIES.—

10 “(A) ELIGIBILITY AND APPLICATION.—If a  
11 State educational agency elects not to partici-  
12 pate in the program under this subpart, or does  
13 not have its application submitted under this  
14 subsection approved for a fiscal year, a specially  
15 qualified agency in the State desiring a grant  
16 under this subpart may submit an application  
17 for an award under this subpart directly to the  
18 Secretary.

19 “(B) DIRECT AWARDS.—The Secretary  
20 may award, on a competitive basis or by for-  
21 mula, a grant in the amount the State edu-  
22 cational agency is eligible to receive under para-  
23 graph (2) directly to a specially qualified agency  
24 in the State that has submitted an application

1 in accordance with subparagraph (A) and ob-  
2 tained approval of that application.

3 “(C) SPECIALLY QUALIFIED AGENCY DE-  
4 FINED.—In this subpart, the term ‘specially  
5 qualified agency’ means an eligible local edu-  
6 cational agency served by a State educational  
7 agency that does not participate in a program  
8 under this subpart in a fiscal year.

9 “(4) LOCAL EDUCATIONAL AGENCY ALLOCA-  
10 TION.—

11 “(A) IN GENERAL.—Except as provided in  
12 subparagraph (C), a State educational agency  
13 that receives a grant under this subpart for a  
14 fiscal year shall allocate to an eligible local edu-  
15 cational agency in the State for such fiscal year  
16 an amount equal to the initial amount deter-  
17 mined under subparagraph (B) for that fiscal  
18 year.

19 “(B) DETERMINATION OF INITIAL  
20 AMOUNT.—The initial amount referred to in  
21 subparagraph (A) is equal to \$100 multiplied  
22 by the total number of students in excess of 50  
23 students who are in average daily attendance at  
24 the schools served by the local educational

1           agency, plus \$5,000, except that the initial  
2           amount may not exceed \$60,000.

3           “(C) ADJUSTMENTS.—

4                   “(i) RATABLE ADJUSTMENTS.—If the  
5                   amount made available to carry out this  
6                   section for any fiscal year is not sufficient  
7                   to pay in full the amounts that local edu-  
8                   cational agencies are eligible to receive  
9                   under subparagraph (B) for such year, the  
10                  Secretary shall ratably reduce those  
11                  amounts for that year.

12                   “(ii) ADJUSTMENTS FOR ADDITIONAL  
13                   AMOUNTS.—If additional funds become  
14                   available for making payments under sub-  
15                   paragraph (B) for that fiscal year, pay-  
16                   ments that were reduced under clause (i)  
17                   shall be increased on the same basis as  
18                   such payments were reduced.

19           “(c) APPLICATION.—

20                   “(1) IN GENERAL.—A State educational agency  
21                   that desires to receive a grant under this subpart  
22                   shall submit an application at such time, in such  
23                   form, and containing such information as the Sec-  
24                   retary may require.

1           “(2) AVERAGE DAILY ATTENDANCE.—An appli-  
2           cation submitted by a State educational agency  
3           under this subpart shall include the total number of  
4           students in average daily attendance at all of the  
5           schools served by each eligible local educational  
6           agency in the State.

7           “(3) COMBINED APPLICATION.—A State edu-  
8           cational agency that desires to participate in the  
9           programs under this subpart and subpart 2 may  
10          submit a combined application for grants under both  
11          subparts that includes such terms and conditions as  
12          the Secretary may require.

13          “(d) ADMINISTRATIVE COSTS AND TECHNICAL AS-  
14          SISTANCE.—A State educational agency that receives a  
15          grant under this subpart may use not more than 3 percent  
16          of the amount of the grant—

17                 “(1) for State administrative costs for the pro-  
18                 gram under this subpart; or

19                 “(2) to provide technical assistance to eligible  
20                 local educational agencies.

21          “(e) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—

22                 “(1) IN GENERAL.—A local educational agency  
23                 shall be eligible to receive an allocation from a State  
24                 educational agency under this subpart if—

1           “(A)(i)(I) the total number of students in  
2           average daily attendance at each school served  
3           by the local educational agency is fewer than  
4           600; or

5           “(II) each county or locale in which a  
6           school served by the local educational agency is  
7           located has a total population density of fewer  
8           than 10 persons per square mile; and

9           “(ii) each of the schools served by the local  
10          educational agency is designated with a school  
11          locale code of 41, 42, or 43, as determined by  
12          the Secretary; or

13          “(B) the agency meets either of the cri-  
14          teria established in subclause (I) or (II) of sub-  
15          paragraph (A)(i) and the Secretary, in accord-  
16          ance with paragraph (2), grants the State edu-  
17          cational agency’s request to waive the criteria  
18          described in subparagraph (A)(ii).

19          “(2) CERTIFICATION.—The Secretary shall de-  
20          termine whether to waive the criteria described in  
21          paragraph (1)(A)(ii) based on a demonstration by  
22          the State educational agency that the local edu-  
23          cational agency is located in an area defined as rural  
24          by a governmental agency of the State.”.

1 **SEC. 6213. ACCOUNTABILITY.**

2 Section 6212(b) (as redesignated by section 6211(2))  
3 (20 U.S.C. 7345b(b)) is amended in the matter preceding  
4 paragraph (1) by striking “the provisions of law described  
5 in section 6211(c)” and inserting “this subpart”.

6 **Subpart 2—Rural and Low-Income School Program**

7 **SEC. 6221. PROGRAM AUTHORIZED.**

8 Section 6221 (20 U.S.C. 7351) is amended—

9 (1) in subsection (a)(1), by striking “section  
10 6234” and inserting “section 6244”;

11 (2) in subsection (b)(1)(B), by striking “6, 7,  
12 or 8” and inserting “41, 42, or 43”; and

13 (3) in subsection (c), by striking “section 6234”  
14 and inserting “section 6244”.

15 **SEC. 6222. ACCOUNTABILITY.**

16 Section 6224(c) (20 U.S.C. 7351c(c)) is amended in  
17 the matter preceding paragraph (1) by striking “the  
18 Workforce” and inserting “Labor”.

19 **Subpart 3—Alternate Uses of Funds**

20 **SEC. 6231. USE OF APPLICABLE FUNDING.**

21 Part B of title VI (as amended by this part) (20  
22 U.S.C. 7341 et seq.) is further amended—

23 (1) by redesignating subpart 3 as subpart 4;

24 (2) by redesignating sections 6231 through  
25 6234 as sections 6241 through 6244, respectively;

26 and

1           (3) by inserting after section 6224 the fol-  
2           lowing:

3           **“Subpart 3—Alternate Uses of Funds**

4           **“SEC. 6231. USE OF APPLICABLE FUNDING.**

5           “(a) ALTERNATIVE USES.—

6           “(1) IN GENERAL.—Notwithstanding any other  
7           provision of law, an eligible local educational agency  
8           may use the applicable funding, as defined in sub-  
9           section (c), that the agency is eligible to receive from  
10          the State educational agency for a fiscal year to  
11          carry out local activities authorized under any of the  
12          following provisions:

13                   “(A) Part A of title I.

14                   “(B) Part A or D of title II.

15                   “(C) Title III.

16                   “(D) Part A or B of title IV.

17                   “(E) Part A of title V.

18           “(2) NOTIFICATION.—An eligible local edu-  
19          cational agency shall notify the State educational  
20          agency of the local educational agency’s intention to  
21          use the applicable funding in accordance with para-  
22          graph (1), by a date that is established by the State  
23          educational agency for the notification.



1       “(b) ELIGIBILITY.—A local educational agency that  
2 is eligible to receive funds under subpart 1 or 2 may use  
3 the applicable funding in accordance with subsection (a).

4       “(c) APPLICABLE FUNDING DEFINED.—In this sec-  
5 tion, the term ‘applicable funding’ means funds provided  
6 under any of the following provisions:

7           “(1) Subpart 2 and section 2412(a)(2)(A) of  
8 title II.

9           “(2) Section 4114.

10          “(3) Part A of title V.

11       “(d) DISBURSEMENT.—Each State educational agen-  
12 cy that receives applicable funding for a fiscal year shall  
13 disburse the applicable funding to local educational agen-  
14 cies for alternative uses under this section for the fiscal  
15 year at the same time as the State educational agency dis-  
16 burse the applicable funding to local educational agencies  
17 that do not intend to use the applicable funding for such  
18 alternative uses for the fiscal year.

19       “(e) APPLICABLE RULES.—Applicable funding under  
20 this section shall be available to carry out local activities  
21 authorized under subsection (a).”.

1                   **Subpart 4—General Provisions**

2   **SEC. 6241. ANNUAL AVERAGE DAILY ATTENDANCE DETER-**  
3                   **MINATION.**

4           Section 6241(b) (20 U.S.C. 7355(b)) (as redesignig-  
5 nated by section 6231(2)) is amended—

6           (1) by striking “additional funds under section  
7           6212 or subpart 2” and inserting “additional funds  
8           under this part”; and

9           (2) by striking “received under section 6212 or  
10          subpart 2” and inserting “received under this part”.

11 **SEC. 6242. SUPPLEMENT, NOT SUPPLANT.**

12          Section 6242 (20 U.S.C. 7355a) (as redesignated by  
13 section 6231(2)) is amended by striking “subpart 1 or  
14 subpart 2” and inserting “this part”.

15 **SEC. 6243. AUTHORIZATION OF APPROPRIATIONS.**

16          Section 6244 (20 U.S.C. 7355c) (as redesignated by  
17 section 6201(2)) is amended by striking “2002” and in-  
18 serting “2008”.

19 **TITLE VII—INDIAN, NATIVE HA-**  
20 **WAIAN, AND ALASKA NATIVE**  
21 **EDUCATION**

22                   **PART A—INDIAN EDUCATION**

23 **SEC. 7101. PURPOSE.**

24          Section 7102(b)(3) (20 U.S.C. 7402(b)(3)) is amend-  
25 ed by striking “, and in other professions serving Indian  
26 people”.

1     **Subpart 1—Formula Grants to Local Educational**  
2                                   **Agencies**

3     **SEC. 7111. PURPOSE.**

4             Section 7111(2) (20 U.S.C. 7421(2)) is amended by  
5 striking “those standards” and inserting “the same chal-  
6 lenging State student academic achievement standards as  
7 all children are expected to meet, consistent with section  
8 1111”.

9     **SEC. 7112. GRANTS TO LOCAL EDUCATIONAL AGENCIES**  
10                                   **AND TRIBES.**

11             Subsection (b) of section 7112 (20 U.S.C. 7422(b))  
12 is amended to read as follows:

13             “(b) ENROLLMENT REQUIREMENT FOR LOCAL EDU-  
14 CATIONAL AGENCIES.—

15                     “(1) GENERAL RULE.—Beginning with grants  
16 awarded under this subpart for fiscal year 2009 and  
17 all succeeding fiscal years, a local educational agency  
18 shall be eligible for such grant for the fiscal year if  
19 the number of Indian children eligible under section  
20 7117 who were enrolled in the schools of the agency,  
21 and to whom the agency provided free public edu-  
22 cation during the preceding fiscal year, was not less  
23 than 20.

24                     “(2) RULE FOR FISCAL YEAR 2008.—For grants  
25 awarded under this subpart for fiscal year 2008, a  
26 local educational agency’s enrollment requirements

1 shall be determined pursuant to this subsection, as  
2 this subsection was in effect on the day before the  
3 date of enactment of the No Child Left Behind Act  
4 of 2007.”.

5 **SEC. 7113. AMOUNT OF GRANTS.**

6 Section 7113 (20 U.S.C. 7423) is amended—

7 (1) in subsection (a)(2), by striking “subsection  
8 (e)” and inserting “subsection (d)”;

9 (2) in subsection (b)(1), by striking “subsection  
10 (e)” and inserting “subsection (d)”;

11 (3) by striking subsection (c);

12 (4) by redesignating subsections (d) and (e) as  
13 subsections (c) and (d), respectively;

14 (5) in the matter preceding subparagraph (A)  
15 of subsection (c)(1) (as redesignated by paragraph  
16 (4)), by striking “subsection (e)” and inserting  
17 “subsection (d)”;

18 (6) in subsection (d) (as redesignated by para-  
19 graph (4)), by striking “subsection (d)” and insert-  
20 ing “subsection (c)”.

21 **SEC. 7114. REPORT ON OBSTACLES TO PROGRAM INTEGRA-**  
22 **TION.**

23 Subsection (o) of section 7116 (20 U.S.C. 7426(o))  
24 is amended to read as follows:

1       “(o) REPORT ON STATUTORY OBSTACLES TO PRO-  
2 GRAM INTEGRATION.—Not later than 5 years after the  
3 date of enactment of the No Child Left Behind Act of  
4 2007, the Secretary shall submit a report to the Com-  
5 mittee on Education and Labor and the Committee on Re-  
6 sources of the House of Representatives and the Com-  
7 mittee on Health, Education, Labor, and Pensions and the  
8 Committee on Indian Affairs of the Senate on the results  
9 of the implementation of the demonstration projects au-  
10 thorized under this section. Such report shall identify stat-  
11 utory barriers to the ability of participants to integrate  
12 more effectively their education and related services to In-  
13 dian students in a manner consistent with the objectives  
14 of this section.”.

15 **SEC. 7115. STUDENT ELIGIBILITY.**

16       Section 7117 (20 U.S.C. 7427) is amended—

17           (1) in subsection (b)(1)—

18                   (A) in subparagraph (A)(ii), by striking  
19                   “enrollment number establishing the member-  
20                   ship of the child (if readily available)” and in-  
21                   serting “enrollment or membership number es-  
22                   tablishing the membership of the child”; and

23                   (B) in subparagraph (B), by striking “en-  
24                   rollment number (if readily available)” and in-  
25                   serting “enrollment or membership number”;

1 (2) by striking subsection (d);

2 (3) by redesignating subsections (e) through (h)

3 as subsections (d) through (g), respectively;

4 (4) in subsection (d) (as redesignated by para-  
5 graph (3))—

6 (A) by striking the second sentence;

7 (B) by striking “DOCUMENTATION—For  
8 purposes” and inserting “DOCUMENTATION—

9 “(1) TYPE OF PROOF.—For purposes;”; and

10 (C) by adding at the end the following:

11 “(2) PREVIOUSLY FILED FORMS.—All Indian  
12 student eligibility forms that were on file as required  
13 by this section before the date of enactment of the  
14 No Child Left Behind Act of 2007 and that met the  
15 requirements of this section, as this section was in  
16 effect on the day before the date of enactment of  
17 such Act, shall remain valid for such Indian stu-  
18 dents.”;

19 (5) in subsection (e)(1) (as redesignated by  
20 paragraph (3))—

21 (A) by striking subparagraph (B); and

22 (B) by striking “IN GENERAL.—” and all  
23 that follows through “For each” and inserting

24 “IN GENERAL.—For each”; and

1           (6) in the matter preceding paragraph (1) of  
2           subsection (g) (as redesignated by paragraph (3)),  
3           by striking “subsection (g)(1)” and inserting “sub-  
4           section (f)(1)”.

5           **Subpart 2—Definitions; Authorization of**  
6           **Appropriations**

7           **SEC. 7121. DEFINITIONS.**

8           Section 7151 (20 U.S.C. 7451) is amended—

9           (1) by striking paragraph (2);

10          (2) by redesignating paragraph (3) as para-  
11          graph (2); and

12          (3) in paragraph (2) (as redesignated by para-  
13          graph (2))—

14                (A) in subparagraph (C), by inserting “or”  
15                after the semicolon;

16                (B) in subparagraph (D), by striking “;  
17                or” and inserting a period; and

18                (C) by striking subparagraph (E).

19          **SEC. 7122. AUTHORIZATION OF APPROPRIATIONS.**

20          Section 7152 (20 U.S.C. 7452) is amended—

21                (1) in subsection (a), by striking “2002” and  
22                inserting “2008”; and

23                (2) in subsection (b), by striking “2002” and  
24                inserting “2008”.

1                   **Subpart 3—Additional Amendments**

2   **SEC. 7131. DEPARTMENT OF INTERIOR SCHOOLS.**

3           Part A of title VII (as amended by this part) (20  
4 U.S.C. 7401 et seq.) is further amended—

5           (1) in section 7113 (20 U.S.C. 7423)—

6                   (A) in the subsection heading of subsection  
7                   (c) (as redesignated by section 7113(4)), by  
8                   striking “BUREAU OF INDIAN AFFAIRS” and  
9                   inserting “DEPARTMENT OF THE INTERIOR”;  
10                  and

11                  (B) by striking “Bureau of Indian Affairs”  
12                  each place the term appears and inserting “De-  
13                  partment of the Interior”;

14           (2) in section 7117(f) (as redesignated by sec-  
15           tion 7115(3)) (20 U.S.C. 7427(f))—

16                   (A) in the matter preceding paragraph (1),  
17                   by striking “Bureau of Indian Affairs” and in-  
18                   serting “Department of the Interior”; and

19                   (B) in paragraph (1), by striking “Bu-  
20                   reau.” and inserting “Department of the Inte-  
21                   rior.”;

22           (3) in section 7122(b)(4) (20 U.S.C.  
23           7442(b)(4)), by striking “section 1146” and insert-  
24           ing “1141”;

25           (4) in section 7132(a)(2)(C) (20 U.S.C.  
26           7452(a)(2)(C)), by striking “Bureau of Indian Af-



1       fairs” and inserting “Department of the Interior”;  
2       and

3             (5) in section 7134(d) (20 U.S.C. 7454(d))—

4                 (A) in paragraph (1), by striking “Bureau  
5             of Indian Affairs” and inserting “Department  
6             of the Interior”;

7                 (B) in paragraph (7)(A), by striking “Bu-  
8             reau schools” and inserting “Department of the  
9             Interior schools”; and

10                (C) by striking “Bureau school” each place  
11             the term appears and inserting “Department of  
12             the Interior school”.

13             **PART B—NATIVE HAWAIIAN EDUCATION**

14       **SEC. 7201. REPORT DATE FOR NATIVE HAWAIIAN EDU-**  
15             **CATION COUNCIL AND ISLAND COUNCILS.**

16       Section 7204(i) (20 U.S.C. 7514(i)) is amended by  
17       striking “2001” and inserting “2007”.

18       **SEC. 7202. PROGRAM AUTHORIZED.**

19       Section 7205 (20 U.S.C. 7515) is amended—

20             (1) in subsection (a)(1)(H)(iii), by striking “vo-  
21             cational” and inserting “career and technical”; and

22             (2) in subsection (c)—

23                 (A) in paragraph (1), by striking “2002”  
24             and inserting “2008”; and

1 (B) in paragraph (2), by striking “2002”  
2 and inserting “2008”.

3 **PART C—ALASKA NATIVE EDUCATION**

4 **SEC. 7301. PROGRAM AUTHORIZED.**

5 Section 7304 (20 U.S.C. 7544) is amended—

6 (1) in subsection (a)(2)—

7 (A) in subparagraph (N), by striking  
8 “Even Start programs carried out under sub-  
9 part 3 of part B of title I and”; and

10 (B) in subparagraph (S), by striking “vo-  
11 cational” and inserting “career and technical  
12 education”; and

13 (2) in subsection (d)(1), by striking “2002”  
14 and inserting “2008”.

15 **TITLE VIII—IMPACT AID**  
16 **PROGRAM**

17 **SEC. 8101. IMPACT AID.**

18 (a) AMENDMENTS.—Section 8014 (20 U.S.C. 7714)  
19 is amended—

20 (1) in subsection (a)—

21 (A) by striking “\$32,000,000” and insert-  
22 ing “\$64,500,000”;

23 (B) by striking “2000” and inserting  
24 “2008”; and

25 (C) by striking “seven” and inserting “5”;

1 (2) in subsection (b)—

2 (A) by striking “\$809,400,000” and in-  
3 serting “\$1,100,000,000”;

4 (B) by striking “2000” and inserting  
5 “2008”; and

6 (C) by striking “seven” and inserting “5”;

7 (3) in subsection (c)—

8 (A) by striking “2000” and inserting  
9 “2008”; and

10 (B) by striking “seven” and inserting “5”;

11 (4) by striking subsection (e) and inserting the  
12 following:

13 “(d) CONSTRUCTION.—For the purpose of carrying  
14 out section 8007, there are authorized to be appropriated  
15 \$20,000,000 for fiscal year 2008 and such sums as may  
16 be necessary for each of the 5 succeeding fiscal years.”;

17 (5) by redesignating subsection (f) as sub-  
18 section (e); and

19 (6) in subsection (e) (as redesignated by para-  
20 graph (5))—

21 (A) by striking “2000” and inserting  
22 “2008”; and

23 (B) by striking “seven” and inserting “5”.

24 (b) CONFORMING AMENDMENTS.—

1 (1) CONSTRUCTION.—Section 8007 (20 U.S.C.  
2 7707) is amended—

3 (A) in subsection (a)(1), by striking  
4 “8014(e)” and inserting “8014(d)”;

5 (B) in subsection (a)(3)(A)(i)—

6 (i) by striking “(i)(II) 20 percent”  
7 and inserting “(i)(I) 20 percent”; and

8 (ii) by striking “8014(e)” and insert-  
9 ing “8014(d)”;

10 (C) in subsection (a)(3)(B)(i)(I), by strik-  
11 ing “8014(e)” and inserting “8014(d)”;

12 (D) in the matter preceding subparagraph  
13 (A) of subsection (b)(1), by striking “8014(e)”  
14 and inserting “8014(d)”.

15 (2) FACILITIES.—Section 8008(a) (20 U.S.C.  
16 7008(a)) is amended by striking “8014(f)” and in-  
17 serting “8014(e)”.

18 **TITLE IX—GENERAL**  
19 **PROVISIONS**

20 **SEC. 9101. DEFINITIONS.**

21 Section 9101 (20 U.S.C. 7801) is amended—

22 (1) in paragraph (13)—

23 (A) by striking subparagraphs (B) and  
24 (E);

- 1 (B) by redesignating subparagraphs (C),  
2 (D), and (F) through (L) as subparagraphs  
3 (B), (C), and (D) through (J), respectively; and  
4 (C) in subparagraph (J) (as redesignated  
5 by subparagraph (B)), by striking “subpart 2  
6 of”;  
7 (2) in paragraph (25)(D)—  
8 (A) in clause (i), by inserting “or” after  
9 the semicolon;  
10 (B) in clause (ii), by striking “; or” and  
11 inserting a period; and  
12 (C) by striking clause (iii).

13 **SEC. 9102. CONSOLIDATION OF FUNDING FOR LOCAL AD-**  
14 **MINISTRATION.**

15 Section 9203(b) (20 U.S.C. 7823(b)) is amended by  
16 striking “2001” and inserting “2007”.

17 **SEC. 9103. WAIVERS.**

18 Section 9401(e)(4) (20 U.S.C. 7861(e)(4)) is amend-  
19 ed—

- 20 (1) by striking “Beginning in fiscal year 2002  
21 and for each subsequent year,” and inserting “For  
22 each fiscal year”; and  
23 (2) by striking “the Workforce” and inserting  
24 “Labor”.

1 **SEC. 9104. DISASTERS AND EMERGENCIES.**

2 Part D of title IX (20 U.S.C. 7861) is further amend-  
3 ed by adding at the end the following:

4 **“SEC. 9402. EMERGENCIES AND DISASTERS.**

5 “(a) IN GENERAL.—Except as provided in subsection  
6 (b), the Secretary may waive or modify, on a case-by-case  
7 basis, any statutory or regulatory requirement of this Act  
8 for a State educational agency, a local educational agency,  
9 or an Indian tribe, or through a local educational agency,  
10 for a school that is directly or indirectly affected by a  
11 major disaster or emergency declared by the President  
12 under the authority of the Robert T. Stafford Disaster Re-  
13 lief and Emergency Assistance Act, or such other emer-  
14 gency situation as the Secretary may determine impedes  
15 the efficient and expeditious provision of assistance to  
16 such entities and the students served by such entities.

17 “(b) LIMITATIONS.—The Secretary shall not use the  
18 authority provided in subsection (a) to waive any statutory  
19 or regulatory requirement relating to applicable civil rights  
20 requirements, the prohibition regarding the use of funds  
21 for religious worship or instruction described in section  
22 9505, or the prohibitions against the activities described  
23 in section 9526.”.

1 **SEC. 9105. PARTICIPATION BY PRIVATE SCHOOL CHILDREN**  
 2 **AND TEACHERS.**

3 Section 9501(b)(1)(A) (20 U.S.C. 7881(b)(1)(A)) is  
 4 amended by striking “subparts 1 and 3” and inserting  
 5 “subpart 1”.

6 **SEC. 9106. BY-PASS DETERMINATION PROCESS.**

7 Section 9504(d) (20 U.S.C. 7884(d)) is amended by  
 8 striking “2001” and inserting “2007”.

9 **TITLE X—MCKINNEY-VENTO**  
 10 **HOMELESS ASSISTANCE ACT**

11 **SEC. 10001. SHORT TITLE.**

12 This title may be cited as the “McKinney-Vento  
 13 Homeless Education Assistance Improvements Act of  
 14 2007”.

15 **SEC. 10002. GRANTS FOR STATE AND LOCAL ACTIVITIES.**

16 Section 722(e) of the McKinney-Vento Homeless As-  
 17 sistance Act (42 U.S.C. 11432(e)) is amended—

18 (1) by striking paragraph (1) and inserting the  
 19 following:

20 “(1) **MINIMUM DISBURSEMENTS BY STATES.—**

21 From the sums made available each year to carry  
 22 out this subtitle, a State educational agency—

23 “(A) may use not more than 25 percent of  
 24 the State’s allocation under subsection (c)(1) of  
 25 such sums or \$85,000, whichever is greater, for  
 26 State-level activities; and

1           “(B) shall distribute the remainder of the  
2           allocation such sums in subgrants to local edu-  
3           cational agencies for the purposes of carrying  
4           out section 723.”; and

5           (2) in paragraph (3)—

6                 (A) by striking subparagraph (F); and

7                 (B) by redesignating subparagraph (G) as  
8           subparagraph (F).

9   **SEC. 10003. WAIVERS BY THE SECRETARY.**

10          Section 724 of the McKinney-Vento Homeless Assist-  
11          ance Act (42 U.S.C. 11434) is amended—

12                 (1) by striking subsection (c) and inserting the  
13          following:

14          “(c) **WAIVER.**—The Secretary may waive or modify,  
15          on a case-by-case basis, any statutory or regulatory re-  
16          quirement of this subtitle in response to a major disaster  
17          or emergency designated by the President under the au-  
18          thority of the Robert T. Stafford Disaster Relief and  
19          Emergency Assistance Act (42 U.S.C. 5121 et seq.).”;

20                 (2) by striking subsection (g);

21                 (3) by redesignating subsections (h) and (i) as  
22          subsections (g) and (h), respectively; and

23                 (4) in subsection (h) (as redesignated by para-  
24          graph (3))—



1 (A) by striking “2001” and inserting  
2 “2007”; and

3 (B) by striking “the Workforce” and in-  
4 serting “Labor”.

5 **SEC. 10004. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 726 of the McKinney-Vento Homeless Assist-  
7 ance Act (42 U.S.C. 11435) is amended by striking  
8 “\$70,000,000” and all that follows through the period at  
9 the end and inserting “\$70,000,000 for fiscal year 2008  
10 and such sums as may be necessary for each of the suc-  
11 ceeding 5 fiscal years.”.

○