

113TH CONGRESS
1ST SESSION

H. R. 3122

To amend the Elementary and Secondary Education Act of 1965 to promote student physical health and well-being, nutrition, and fitness, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2013

Mr. BRALEY of Iowa introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Elementary and Secondary Education Act of 1965 to promote student physical health and well-being, nutrition, and fitness, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Successful, Safe, and
5 Healthy Students Act of 2013”.

6 **SEC. 2. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS.**

7 Title IV of the Elementary and Secondary Education
8 Act of 1965 (20 U.S.C. 7101 et seq.) is amended by add-
9 ing at the end the following new part:

1 **“PART D—SUCCESSFUL, SAFE, AND HEALTHY**
2 **STUDENTS**

3 **“SEC. 4401. PURPOSE.**

4 “The purpose of this part is to assist States and local
5 educational agencies in developing and implementing com-
6 prehensive programs and strategies to foster positive con-
7 ditions for learning in public schools, in order to increase
8 academic achievement for all students through the provi-
9 sion of Federal assistance to States for the—

10 “(1) promotion of student physical health and
11 well-being, nutrition, and fitness;

12 “(2) promotion of student mental health and
13 well-being;

14 “(3) prevention of school violence, harassment,
15 and substance abuse among students; and

16 “(4) promotion of safe and supportive schools.

17 **“SEC. 4402. DEFINITIONS.**

18 “In this part:

19 “(1) CHILD AND ADOLESCENT PSYCHIA-
20 TRIST.—The term ‘child and adolescent psychiatrist’
21 means an individual who—

22 “(A) possesses State medical licensure; and

23 “(B) has completed residency training pro-
24 grams in both general psychiatry and child and
25 adolescent psychiatry.

1 “(2) CONDITIONS FOR LEARNING.—The term
2 ‘conditions for learning’ means conditions that—

3 “(A) advance student achievement and
4 positive child and youth development by
5 proactively supporting schools;

6 “(B) are applied in and around the school
7 building, on pathways to and from the school
8 and students’ homes, at school-sponsored activi-
9 ties, and through electronic and social media in-
10 volving students or school personnel;

11 “(C) promote physical, mental, and emo-
12 tional health;

13 “(D) ensure physical and emotional safety
14 for students and staff;

15 “(E) promote social, emotional, and char-
16 acter development; and

17 “(F) have the following attributes:

18 “(i) Provide opportunities for physical
19 activity, good nutrition, and healthy living.

20 “(ii) Prevent the use and abuse of
21 drugs.

22 “(iii) Ensure that the school environ-
23 ments described in subparagraph (B)
24 are—

25 “(I) free of weapons; and

1 “(II) free of harassment, abuse,
2 dating violence, and all other forms of
3 interpersonal aggression or violence.

4 “(iv) Do not condone or tolerate
5 unhealthy or harmful behaviors, including
6 discrimination of any kind.

7 “(v) Help staff and students to model
8 positive social and emotional skills, includ-
9 ing tolerance and respect for others.

10 “(vi) Promote concern for the well-
11 being of students, including through the
12 presence of caring adults.

13 “(vii) Ensure that the adults em-
14 ployed by the school—

15 “(I) have high expectations for
16 student conduct, character, and aca-
17 demic achievement and the capacity to
18 establish supportive relationships with
19 students; and

20 “(II) are provided specialized
21 training specific to the students’
22 stages of development.

23 “(viii) Engage families and commu-
24 nity members with the school in meaning-
25 ful and sustained ways, such as through

1 case management services, to promote
2 positive student academic achievement, de-
3 velopmental, and social growth, including
4 non-cognitive skill development.

5 “(ix) To the extent practicable, pro-
6 vide access to school nurses, school coun-
7 selors, and school social workers for the
8 promotion of student physical health, men-
9 tal health, and well-being.

10 “(3) CONTROLLED SUBSTANCE.—The term
11 ‘controlled substance’ means a drug or other sub-
12 stance identified under Schedule I, II, III, IV, or V
13 of section 202(c) of the Controlled Substances Act
14 (21 U.S.C. 812(c)).

15 “(4) DRUG.—The term ‘drug’ includes—

16 “(A) a controlled substance;

17 “(B) with respect to alcohol and tobacco,
18 the illegal use of such substances; and

19 “(C) with respect to inhalants and anabolic
20 steroids, the harmful, abusive, or addictive use
21 of such substances.

22 “(5) DRUG AND VIOLENCE PREVENTION.—The
23 term ‘drug and violence prevention’ means—

24 “(A) with respect to drugs, prevention,
25 early intervention, rehabilitation referral, or

1 education related to the abuse and illegal use of
2 drugs, in order to—

3 “(i) raise awareness about the costs
4 and consequences of drug use and abuse;

5 “(ii) change attitudes, perceptions,
6 and social norms about the dangers and
7 acceptability of alcohol, tobacco, and
8 drugs; and

9 “(iii) reduce access to and use of alco-
10 hol, tobacco, and drugs; and

11 “(B) with respect to violence, the pro-
12 motion of school safety in and around the
13 school building, on pathways to and from the
14 school and students’ homes, at school-sponsored
15 activities, and through electronic and social
16 media involving students or school personnel,
17 through the creation and maintenance of a
18 school environment that—

19 “(i) is free of—

20 “(I) weapons;

21 “(II) violent and disruptive acts;

22 “(III) harassment;

23 “(IV) sexual harassment, dating
24 violence, and abuse; and

1 “(V) victimization associated
2 with prejudice and intolerance;

3 “(ii) fosters individual responsibility
4 and respect for the rights and dignity of
5 others;

6 “(iii) employs positive, preventative
7 approaches to school discipline, such as
8 schoolwide positive behavior supports and
9 interventions and restorative justice, that
10 improve student engagement while mini-
11 mizing students’ removal from instruction
12 and reducing the frequency of discipline in-
13 fractions and disparities among the sub-
14 groups of students described in section
15 1116(b)(1)(B); and

16 “(iv) demonstrates preparedness and
17 readiness to respond to, and recover from,
18 incidents of school violence.

19 “(6) ELIGIBLE LOCAL APPLICANT.—The term
20 ‘eligible local applicant’ means—

21 “(A) a local educational agency;

22 “(B) a consortium of local educational
23 agencies; or

24 “(C) a nonprofit organization that has a
25 track record of success in implementing the ac-

1 activities proposed in the grant application and
2 has signed a memorandum of understanding
3 with a local educational agency or consortium
4 of local educational agencies that the organiza-
5 tion will, upon receipt of a subgrant under this
6 part—

7 “(i) implement school-based activities
8 and programs described in section
9 4404(i)(1)(A)(iii) in 1 or more schools
10 served by the local educational agency or
11 consortium; and

12 “(ii) conduct school-level measurement
13 of conditions for learning that are con-
14 sistent with the State’s conditions for
15 learning measurement system under sec-
16 tion 4404(h).

17 “(7) HARASSMENT.—The term ‘harassment’
18 means conduct, including bullying, that—

19 “(A) is sufficiently severe, persistent, or
20 pervasive to limit or interfere with a student’s
21 ability to participate in or benefit from a pro-
22 gram or activity of a public school or edu-
23 cational agency, including acts of verbal, non-
24 verbal, or physical aggression, intimidation, or

1 hostility, and communications made available
2 through electronic means; and

3 “(B) is based on—

4 “(i) a student’s actual or perceived
5 race, color, national origin, sex, disability,
6 sexual orientation, gender identity, or reli-
7 gion;

8 “(ii) the actual or perceived race,
9 color, national origin, sex, disability, sexual
10 orientation, gender identity, or religion of
11 a person with whom a student associates
12 or has associated; or

13 “(iii) any other distinguishing charac-
14 teristics that may be enumerated by a
15 State or local educational agency.

16 “(8) OTHER QUALIFIED PSYCHOLOGIST.—The
17 term ‘other qualified psychologist’ means an indi-
18 vidual who has demonstrated competence in coun-
19 seling children in a school setting and who—

20 “(A) is licensed in psychology by the State
21 in which the individual works; and

22 “(B) practices in the scope of the individ-
23 ual’s education, training, and experience with
24 children in school settings.

1 “(9) PHYSICAL EDUCATION INDICATORS.—The
2 term ‘physical education indicators’ means a set of
3 measures for instruction on physical activity, health-
4 related fitness, physical competence, and cognitive
5 understanding about physical activity. Such indica-
6 tors shall include—

7 “(A) for the State, for each local edu-
8 cational agency in the State, and for each ele-
9 mentary school and secondary school in the
10 State, the average number of minutes per week
11 (averaged over the school year) that all students
12 spend in required physical education, and the
13 average number of minutes per week (averaged
14 over the school year) that all students engage in
15 moderate to vigorous physical activity, as meas-
16 ured against established recommended guide-
17 lines of the Centers for Disease Control and
18 Prevention and the Department of Health and
19 Human Services;

20 “(B) for the State, the percentage of local
21 educational agencies that have a required, age-
22 appropriate physical education curriculum that
23 adheres to Centers for Disease Control and
24 Prevention guidelines and State standards;

1 “(C) for the State, for each local edu-
2 cational agency in the State, and for each ele-
3 mentary school and secondary school in the
4 State, the percentage of elementary school and
5 secondary school physical education teachers
6 who are licensed or certified in the State to
7 teach physical education;

8 “(D) for the State, and for each local edu-
9 cational agency in the State, the percentage of
10 elementary schools and secondary schools that
11 have a physical education teacher who is cer-
12 tified or licensed to teach physical education
13 and adapted physical education in the State;

14 “(E) for each school in the State, the num-
15 ber of indoor square feet and the number of
16 outdoor square feet used primarily for physical
17 education; and

18 “(F) for the State, the percentage of local
19 educational agencies that have a school wellness
20 council that—

21 “(i) includes members appointed by
22 the local educational agency super-
23 intendent;

24 “(ii) may include parents, students,
25 representatives of the school food author-

1 ity, representatives of the school board,
2 school administrators, school nurses, and
3 members of the public; and

4 “(iii) meets regularly to promote a
5 healthy school environment.

6 “(10) PRESCRIPTION DRUG.—The term ‘pre-
7 scription drug’ means a drug (as defined in section
8 201(g)(1) of the Federal Food, Drug, and Cosmetic
9 Act (21 U.S.C. 321(g)(1)) that is described in sec-
10 tion 503(b)(1) of such Act (21 U.S.C. 353(b)(1))).

11 “(11) PROGRAMS TO PROMOTE MENTAL
12 HEALTH.—The term ‘programs to promote mental
13 health’ means programs that—

14 “(A) develop students’ social and emotional
15 competencies;

16 “(B) link students with local mental health
17 systems by—

18 “(i) enhancing, improving, or devel-
19 oping collaborative efforts between school-
20 based service systems and mental health
21 service systems to provide, enhance, or im-
22 prove prevention, diagnosis, and treatment
23 services to students, and to improve stu-
24 dent social and emotional competencies;

25 “(ii) enhancing the availability of—

1 “(I) crisis intervention services;

2 “(II) appropriate referrals for
3 students potentially in need of mental
4 health services, including suicide pre-
5 vention; and

6 “(III) ongoing mental health
7 services; and

8 “(iii) providing services that establish
9 or expand school counseling and mental
10 health programs that—

11 “(I) are comprehensive in ad-
12 dressing the counseling, social, emo-
13 tional, behavioral, mental health, and
14 educational needs of all students;

15 “(II) use a developmental, pre-
16 ventive approach to counseling and
17 mental health services;

18 “(III) are linguistically appro-
19 priate and culturally responsive;

20 “(IV) increase the range, avail-
21 ability, quantity, and quality of coun-
22 seling and mental health services in
23 the elementary schools and secondary
24 schools of the local educational agen-
25 cy;

1 “(V) expand counseling and men-
2 tal health services through—

3 “(aa) school counselors,
4 school social workers, school psy-
5 chologists, other qualified psy-
6 chologists, child and adolescent
7 psychiatrists, or other qualified
8 health or mental health profes-
9 sionals, such as school nurses;
10 and

11 “(bb) school-based mental
12 health services partnership pro-
13 grams;

14 “(VI) use innovative approaches
15 to—

16 “(aa) increase children’s un-
17 derstanding of peer and family
18 relationships, work and self, deci-
19 sionmaking, or academic and ca-
20 reer planning; or

21 “(bb) improve peer inter-
22 action;

23 “(VII) provide counseling and
24 mental health services in settings that
25 meet the range of student needs;

1 “(VIII) include professional de-
2 velopment appropriate to the activities
3 covered in this paragraph for teach-
4 ers, school leaders, instructional staff,
5 and appropriate school personnel, in-
6 cluding training in appropriate identi-
7 fication and early intervention tech-
8 niques by school counselors, school so-
9 cial workers, school psychologists,
10 other qualified psychologists, child
11 and adolescent psychiatrists, or other
12 qualified health professionals, such as
13 school nurses;

14 “(IX) ensure a team approach to
15 school counseling and mental health
16 services in the schools served by the
17 local educational agency;

18 “(X) demonstrate that the local
19 educational agency is working to-
20 ward—

21 “(aa) a 1:250 ratio of school
22 counselors to students, as rec-
23 ommended by the American
24 School Counselor Association;

1 “(bb) a 1:250 ratio of school
2 social workers to students, as
3 recommended by the School So-
4 cial Work Association of Amer-
5 ica;

6 “(cc) a 1:700 ratio of school
7 psychologists to students, as rec-
8 ommended by the National Asso-
9 ciation of School Psychologists;
10 and

11 “(dd) a 1:750 ratio of school
12 nurses to students in the general
13 population, a 1:225 ratio for stu-
14 dents requiring daily professional
15 school nursing services, and a
16 1:125 ratio for students with
17 complex needs, as recommended
18 by the National Association of
19 School Nurses; and

20 “(XI) ensure that school coun-
21 selors, school psychologists, other
22 qualified psychologists, school social
23 workers, or child and adolescent psy-
24 chiatrists paid from funds made avail-
25 able under the programs spend a ma-

1 jority of their time counseling or pro-
 2 viding mental health services to stu-
 3 dents or in other activities directly re-
 4 lated to counseling or providing such
 5 services;

6 “(C) provide training for the school per-
 7 sonnel, health professionals (such as school
 8 nurses), and mental health professionals who
 9 will participate in the programs; and

10 “(D) provide technical assistance and con-
 11 sultation to school systems, mental health agen-
 12 cies, and families participating in the programs.

13 “(12) PROGRAMS TO PROMOTE PHYSICAL AC-
 14 TIVITY, EDUCATION, AND FITNESS, AND NUTRI-
 15 TION.—The term ‘programs to promote physical ac-
 16 tivity, education, and fitness, and nutrition’ means
 17 programs that—

18 “(A) increase and enable active student
 19 participation in physical well-being activities
 20 and provide teacher and school leader profes-
 21 sional development to encourage and increase
 22 such participation;

23 “(B) are comprehensive in nature;

24 “(C) include opportunities for professional
 25 development for teachers of physical education

1 to stay abreast of the latest research, issues,
2 and trends in the field of physical education;
3 and

4 “(D) include 1 or more of the following ac-
5 tivities:

6 “(i) Fitness education and assessment
7 to help students understand, improve, or
8 maintain their physical well-being.

9 “(ii) Instruction in a variety of motor
10 skills and physical activities designed to
11 enhance the physical, mental, social, and
12 emotional development of every student.

13 “(iii) Development of, and instruction
14 in, cognitive concepts about motor skill and
15 physical fitness that support a lifelong
16 healthy lifestyle.

17 “(iv) Opportunities to develop positive
18 social and cooperative skills through phys-
19 ical activity.

20 “(v) Instruction in healthy eating hab-
21 its and good nutrition.

22 “(13) SCHOOL-BASED MENTAL HEALTH SERV-
23 ICES PARTNERSHIP PROGRAM.—The term ‘school-
24 based mental health services partnership program’
25 means a program that—

1 “(A) includes a public or private mental
2 health entity or health care entity and may in-
3 clude a child welfare agency, family-based men-
4 tal health entity, family organization, trauma
5 network, or other community-based entity;

6 “(B) provides comprehensive school-based
7 mental health services and supports;

8 “(C) provides comprehensive staff develop-
9 ment for school and community service per-
10 sonnel working in the school;

11 “(D) includes the early identification of so-
12 cial, emotional, or behavioral problems, or sub-
13 stance use disorders, and the provision of early
14 intervening services;

15 “(E) provides for the treatment or referral
16 for treatment of students with social, emotional,
17 or behavioral health problems, or substance use
18 disorders;

19 “(F) includes the development and imple-
20 mentation of programs to assist children in
21 dealing with trauma and violence;

22 “(G) includes the development of mecha-
23 nisms, based on best practices, for children to
24 report incidents of violence or plans by other
25 children or adults to commit violence;

1 “(H) is based on trauma-informed and evi-
2 dence-based practices;

3 “(I) is coordinated, where appropriate,
4 with early intervening services carried out
5 under the Individuals with Disabilities Edu-
6 cation Act; and

7 “(J) is provided by qualified mental and
8 behavioral health professionals who are certified
9 or licensed by the State involved and practicing
10 within their area of expertise.

11 “(14) SCHOOL COUNSELOR.—The term ‘school
12 counselor’ means an individual who has documented
13 competence in counseling children and adolescents in
14 a school setting and who—

15 “(A) is licensed by the State or certified by
16 an independent professional regulatory author-
17 ity;

18 “(B) in the absence of such State licensure
19 or certification, possesses national certification
20 in school counseling or a specialty of counseling
21 granted by an independent professional organi-
22 zation; or

23 “(C) holds a minimum of a master’s de-
24 gree in school counseling from a program ac-
25 credited by the Council for Accreditation of

1 Counseling and Related Educational Programs
2 or the equivalent.

3 “(15) SCHOOL HEALTH INDICATORS.—The
4 term ‘school health indicators’ means a set of meas-
5 urements for determining the number of students
6 seen in the school health office with, or for, social
7 and emotional disturbances, abuse and neglect, sub-
8 stance use disorders, acute and chronic illness, and
9 oral and visual health issues, (to the extent the
10 school health office has applicable information), and
11 the number of student deaths on school property, if
12 any.

13 “(16) SCHOOL NURSE.—The term ‘school
14 nurse’ means a graduate of an accredited school of
15 nursing program who is licensed by the State as a
16 registered nurse.

17 “(17) SCHOOL PSYCHOLOGIST.—The term
18 ‘school psychologist’ means an individual who—

19 “(A) has completed a minimum of 60
20 graduate semester hours in school psychology
21 from an institution of higher education and has
22 completed 1,200 clock hours in a supervised
23 school psychology internship, of which 600
24 hours are in the school setting;

1 “(B) is licensed or certified in school psy-
2 chology by the State in which the individual
3 works; or

4 “(C) in the absence of such State licensure
5 or certification, possesses national certification
6 by the National School Psychology Certification
7 Board.

8 “(18) SCHOOL SOCIAL WORKER.—The term
9 ‘school social worker’ means an individual who—

10 “(A) holds a master’s degree in social work
11 from a program accredited by the Council on
12 Social Work Education; and

13 “(B)(i) is licensed or certified by the State
14 in which services are provided; or

15 “(ii) in the absence of such State licensure
16 or certification, possesses a national credential
17 or certification as a school social work specialist
18 granted by an independent professional organi-
19 zation.

20 **“SEC. 4403. ALLOCATION OF FUNDS.**

21 “From amounts made available to carry out this part,
22 the Secretary shall allocate—

23 “(1) in each year for which funding is made
24 available to carry out this part, not more than 2 per-

1 cent of such amounts for technical assistance and
2 evaluation;

3 “(2) for the first 3 years for which funding is
4 made available to carry out this part—

5 “(A) except as provided in subparagraph
6 (B)—

7 “(i) not more than 30 percent of such
8 amounts or \$30,000,000, whichever
9 amount is more, for State conditions for
10 learning measurement systems grants, dis-
11 tributed to every State (by an application
12 process consistent with section 4404(d)) in
13 an amount proportional to each State’s
14 share of funding under part A of title I, to
15 develop or improve the State’s conditions
16 for learning measurement system described
17 in section 4404(h), and to conduct a needs
18 analysis to meet the requirements of sec-
19 tion 4404(d)(2)(D); and

20 “(ii) not more than 68 percent of such
21 amounts for Successful, Safe, and Healthy
22 Students State Grants under section 4404;
23 and

24 “(B) for any fiscal year for which the
25 amount remaining available after funds are re-

1 served under paragraph (1) is less than
 2 \$30,000,000, all of such remainder for the
 3 State conditions for learning measurement sys-
 4 tems grants described in subparagraph (A)(i);
 5 and

6 “(3) for the fourth year and each subsequent
 7 year for which funding is made available to carry
 8 out this part, not less than 98 percent of such
 9 amounts for Successful, Safe, and Healthy Students
 10 State Grants under section 4404.

11 **“SEC. 4404. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS**
 12 **STATE GRANTS.**

13 “(a) PURPOSE.—The purpose of this section is to
 14 provide funding to eligible States to implement com-
 15 prehensive programs that—

16 “(1) address conditions for learning in schools
 17 in the State; and

18 “(2) are based on—

19 “(A) scientifically valid research; and

20 “(B) an analysis of need that considers, at
 21 a minimum, the indicators in the State’s condi-
 22 tions for learning measurement system de-
 23 scribed in subsection (h).

24 “(b) STATE GRANTS.—

1 “(1) IN GENERAL.—From amounts allocated
2 under section 4403 for Successful, Safe, and
3 Healthy Students State Grants, the Secretary shall
4 award grants to eligible States to carry out the pur-
5 pose of this section.

6 “(2) AWARDS TO STATES.—

7 “(A) FORMULA GRANTS.—Except as pro-
8 vided in subparagraph (B), if the total amount
9 allocated under section 4403 for Successful,
10 Safe, and Healthy Students State Grants for a
11 fiscal year is \$500,000,000 or greater, the Sec-
12 retary shall allot to each State that meets the
13 eligibility requirements of subsection (c) with an
14 approved application an amount that bears the
15 same relationship to such total amount as the
16 amount received under part A of title I by such
17 eligible State for the preceding fiscal year bears
18 to the amount received under such part for the
19 preceding fiscal year by all eligible States.

20 “(B) MINIMUM STATE ALLOTMENT.—

21 “(i) IN GENERAL.—No State receiving
22 an allotment under subparagraph (A) may
23 receive less than one-half of 1 percent of
24 the total amount allotted under such sub-
25 paragraph.

1 “(ii) PUERTO RICO.—The amount al-
2 lotted under subparagraph (A) to the Com-
3 monwealth of Puerto Rico for a fiscal year
4 may not exceed one-half of 1 percent of the
5 total amount allotted under such subpara-
6 graph for such fiscal year.

7 “(C) COMPETITIVE GRANTS.—

8 “(i) IN GENERAL.—If the total
9 amount allocated under section 4403 for
10 Successful, Safe, and Healthy Students
11 State Grants for a fiscal year is less than
12 \$500,000,000, the Secretary shall award
13 grants under this section to States that
14 meet the eligibility requirements of sub-
15 section (c) on a competitive basis.

16 “(ii) SUFFICIENT SIZE AND SCOPE.—
17 In awarding grants on a competitive basis
18 pursuant to clause (i), the Secretary shall
19 ensure that grant awards are of sufficient
20 size and scope to carry out required and
21 approved activities under this section.

22 “(c) ELIGIBILITY.—To be eligible to receive a grant
23 under this section, a State shall demonstrate to the Sec-
24 retary that the State has—

1 “(1) established a statewide physical education
2 requirement that is consistent with widely recognized
3 standards; and

4 “(2) required all local educational agencies in
5 the State to—

6 “(A) establish policies that prevent and
7 prohibit harassment in schools; and

8 “(B) provide—

9 “(i) annual notice to parents, stu-
10 dents, and educational professionals de-
11 scribing the full range of prohibited con-
12 duct contained in such local educational
13 agency’s discipline policies; and

14 “(ii) grievance procedures for students
15 or parents to register complaints regarding
16 the prohibited conduct contained in such
17 local educational agency’s discipline poli-
18 cies, including—

19 “(I) the name of the local edu-
20 cational agency official who is des-
21 ignated as responsible for receiving
22 such complaints; and

23 “(II) timelines that the local edu-
24 cational agency will follow in the reso-
25 lution of such complaints.

1 “(d) APPLICATIONS.—

2 “(1) IN GENERAL.—A State that desires to re-
3 ceive a grant under this section shall submit an ap-
4 plication at such time, in such manner, and con-
5 taining such information as the Secretary may re-
6 quire.

7 “(2) CONTENT OF APPLICATION.—At a min-
8 imum, the application shall include—

9 “(A) documentation of the State’s eligi-
10 bility to receive a grant under this section, as
11 described in subsection (c);

12 “(B) an assurance that the policies used to
13 prohibit harassment in schools that are required
14 under subsection (c)(2)(A) emphasize alter-
15 natives to school suspension that minimize stu-
16 dents’ removal from grade-level instruction, pro-
17 mote mental health, and only allow out-of-
18 school punishments in severe or persistent
19 cases;

20 “(C) a plan for improving conditions for
21 learning in schools in the State in a manner
22 consistent with the requirements of this part
23 that may be a part of a broader statewide child
24 and youth plan, if such a plan exists and is con-
25 sistent with the requirements of this part;

1 “(D) a needs analysis of the conditions for
2 learning in schools in the State, which—

3 “(i) shall include a description of, and
4 data measuring, the State’s conditions for
5 learning; and

6 “(ii) may be a part of a broader state-
7 wide child and youth needs analysis, if
8 such an analysis exists and is consistent
9 with the requirements of this part;

10 “(E) a description of how the activities the
11 State proposes to implement with grant funds
12 are responsive to the results of the needs anal-
13 ysis described in subparagraph (D); and

14 “(F) a description of how the State will—

15 “(i) develop, adopt, adapt, or improve
16 and implement the State’s conditions for
17 learning measurement system and how the
18 State will ensure that all local educational
19 agencies and schools in the State partici-
20 pate in such system;

21 “(ii) ensure the quality and validity of
22 the State’s conditions for learning data col-
23 lection, including the State’s plan for sur-
24 vey administration as required under sub-

1 section (h)(2)(A) and for ensuring the reli-
2 ability and validity of survey instruments;

3 “(iii) coordinate the proposed activi-
4 ties with other Federal and State pro-
5 grams, including programs funded under
6 this part, which may include programs to
7 expand learning time and for before- and
8 after-school programming in order to pro-
9 vide sufficient time to carry out activities
10 described in this part;

11 “(iv) assist local educational agencies
12 to align activities with funds the agencies
13 receive under the program with other fund-
14 ing sources in order to support a coherent
15 and nonduplicative program;

16 “(v) solicit and approve subgrant ap-
17 plications, including how the State will—

18 “(I) allocate funds for statewide
19 activities and subgrants for each year
20 of the grant, consistent with allocation
21 requirements under subsection (i)(2);
22 and

23 “(II) consider the results of the
24 needs analysis described in subpara-

1 graph (D) in the State’s distribution
2 of subgrants;

3 “(vi) address the needs of diverse geo-
4 graphic areas in the State, including rural
5 and urban communities;

6 “(vii) provide assistance to local edu-
7 cational agencies and schools in their ef-
8 forts to prevent and appropriately respond
9 to incidents of harassment, including build-
10 ing the capacity of such agencies and
11 schools to educate family and community
12 members regarding the agencies’ and
13 schools’ respective roles in preventing and
14 responding to such incidents;

15 “(viii) provide assistance to local edu-
16 cational agencies and schools in their ef-
17 forts to implement positive, preventative
18 approaches to school discipline, such as
19 schoolwide positive behavior supports and
20 interventions and restorative justice, that
21 improve student engagement while mini-
22 mizing students’ removal from instruction
23 and reducing the frequency of discipline in-
24 fractions and disciplinary disparities

1 among the subgroups of students described
2 in section 1116(b)(2)(B);

3 “(ix) provide assistance to local edu-
4 cational agencies and schools in their ef-
5 forts to increase the provision of physical
6 activity and physical education opportuni-
7 ties during the school day and implement
8 programs to promote physical activity, edu-
9 cation, and fitness, and nutrition; and

10 “(x) provide assistance to local edu-
11 cational agencies and schools in their ef-
12 forts to improve access to State-licensed or
13 State-certified school counselors, school
14 psychologists, and school social workers or
15 other State-licensed or State-certified men-
16 tal health professional qualified under
17 State law to provide mental health services
18 to students in schools.

19 “(3) REVIEW PROCESS.—The Secretary shall
20 establish a peer review process to review applications
21 submitted under this subsection.

22 “(e) DURATION.—

23 “(1) IN GENERAL.—A State that receives a
24 grant under this section may receive funding for not

1 more than 5 years in accordance with this sub-
2 section.

3 “(2) INITIAL PERIOD.—The Secretary shall
4 award grants under this section for an initial period
5 of not more than 3 years.

6 “(3) GRANT EXTENSION.—The Secretary may
7 extend a grant awarded to a State under this section
8 for not more than an additional 2 years if the State
9 shows sufficient improvement, as determined by the
10 Secretary, against baseline data for the performance
11 metrics established under subsection (j).

12 “(f) RESERVATION AND USE OF FUNDS.—A State
13 that receives a grant under this section shall—

14 “(1) reserve not more than 10 percent of the
15 grant funds for administration of the program, tech-
16 nical assistance, and the development, improvement,
17 and implementation of the State’s conditions for
18 learning measurement system, as described in sub-
19 section (h); and

20 “(2) use the remainder of grant funds after
21 making the reservation under paragraph (1) to
22 award subgrants, on a competitive basis, to eligible
23 local applicants.

24 “(g) REQUIRED STATE ACTIVITIES.—A State that
25 receives a grant under this section shall—

1 “(1) not later than 1 year after receipt of the
2 grant, develop, adapt, improve, or adopt and imple-
3 ment the statewide conditions for learning measure-
4 ment system described in subsection (h) (unless the
5 State can demonstrate, to the satisfaction of the
6 Secretary, that an appropriate system has already
7 been implemented) that annually measures the
8 State’s progress in the conditions for learning for
9 every public school in the State;

10 “(2) collect information in each year of the
11 grant on the conditions for learning at the school-
12 building level through comprehensive needs assess-
13 ments of student, school staff, and family percep-
14 tions, experiences, and behaviors;

15 “(3) collect annual incident data at the school-
16 building level that are accurate and complete;

17 “(4) publicly report, at the local educational
18 agency and school level, the data collected in the
19 State’s conditions for learning measurement system,
20 described in subsection (h), each year in a timely
21 and highly accessible manner, and in a manner that
22 does not reveal personally identifiable information;

23 “(5) use, on a continuous basis, the results of
24 the data collected in the State’s conditions for learn-
25 ing measurement system to—

1 “(A) identify and address conditions for
2 learning statewide;

3 “(B) help subgrantees identify and address
4 school and student needs; and

5 “(C) provide individualized assistance to
6 low-performing schools identified under section
7 1116 and schools with significant conditions for
8 learning weaknesses;

9 “(6) encourage local educational agencies to—
10 “(A) integrate physical activity, education,
11 and fitness into a range of subjects throughout
12 the school day and locations within schools;

13 “(B) encourage consultation with a variety
14 of stakeholders, including families, students,
15 school officials, and other organizations with
16 wellness and physical activity, education, and
17 fitness expertise; and

18 “(C) regularly monitor schools’ efforts in
19 improving wellness and physical activity, edu-
20 cation, and fitness understanding and habits
21 among students;

22 “(7) encourage local educational agencies to—
23 “(A) integrate healthy eating and nutrition
24 education into various times of the school day
25 and locations within schools to encourage con-

1 sultation with a variety of stakeholders, includ-
2 ing families, students, school officials, and other
3 organizations with nutrition education exper-
4 tise; and

5 “(B) regularly monitor schools’ efforts in
6 improving nutrition understanding and healthy
7 eating among students;

8 “(8) encourage local educational agencies to im-
9 plement programs that expand student access to
10 State-licensed or State-certified school counselors,
11 school psychologists, and school social workers or
12 other State-licensed or State-certified mental health
13 professional that are qualified under State law to
14 provide mental health services to students in schools;

15 “(9) award subgrants, consistent with sub-
16 section (i), to eligible local applicants; and

17 “(10) monitor subgrants and provide technical
18 assistance to subgrantees on the implementation of
19 grant activities.

20 “(h) CONDITIONS FOR LEARNING MEASUREMENT
21 SYSTEM.—

22 “(1) IN GENERAL.—Each State that receives a
23 grant under this part shall establish a State report-
24 ing and information system that measures conditions
25 for learning in the State and is part of the State’s

1 system for reporting the data required under section
2 1111 and part of any State longitudinal data system
3 that links statewide elementary and secondary data
4 systems with early childhood, postsecondary, and
5 workforce data systems.

6 “(2) SYSTEM ACTIVITIES.—The State reporting
7 and information system described in paragraph (1)
8 shall—

9 “(A) contain, at a minimum, data from
10 valid and reliable surveys of students and staff
11 and the indicators in subparagraph (B) that
12 allow staff at the State, local educational agen-
13 cies, and schools to examine and improve
14 school-level conditions for learning;

15 “(B) collect school-level data on—

16 “(i) physical education indicators, as
17 applicable;

18 “(ii) individual student attendance
19 and truancy;

20 “(iii) in-school suspensions, out-of-
21 school suspensions, expulsions, referrals to
22 law enforcement, school-based arrests, and
23 disciplinary transfers (including place-
24 ments in alternative schools) by student;

1 “(iv) the frequency, seriousness, and
2 incidence of violence and drug-related of-
3 fenses resulting in disciplinary action in el-
4 elementary schools and secondary schools in
5 the State;

6 “(v) the incidence and prevalence, age
7 of onset, perception of and actual health
8 risk, and perception of social disapproval
9 of drug use and violence, including harass-
10 ment, by youth and school personnel in
11 schools and communities;

12 “(vi) school health indicators, includ-
13 ing acute and chronic physical, mental,
14 and emotional health care needs; and

15 “(vii) student access to State-licensed
16 or State-certified school counselors, school
17 psychologists, and school social workers or
18 other State-licensed or State-certified men-
19 tal health professional qualified under
20 State law to provide such services to stu-
21 dents in schools, including staff-to-student
22 ratios;

23 “(C) collect and report data, including, at
24 a minimum, the data described in clauses (ii),
25 (iii), and (v) of subparagraph (B), in the aggre-

1 gate and disaggregated by the categories of
2 race, ethnicity, gender, disability status, mi-
3 grant status, English proficiency, and status as
4 economically disadvantaged, and cross-tabulated
5 across all of such categories by gender and by
6 disability;

7 “(D) protect student privacy, consistent
8 with applicable data privacy laws and regula-
9 tions, including section 444 of the General Edu-
10 cation Provisions Act (20 U.S.C. 1232g, com-
11 monly known as the ‘Family Educational
12 Rights and Privacy Act of 1974’); and

13 “(E) to the extent practicable, utilize a
14 web-based reporting system.

15 “(3) COMPILING STATISTICS.—In compiling the
16 statistics required to measure conditions for learning
17 in the State—

18 “(A) the offenses described in paragraph
19 (2)(B)(iv) shall be defined pursuant to the
20 State’s criminal code, and aligned to the extent
21 practicable, with the Federal Bureau of Inves-
22 tigation’s Uniform Crime Reports categories,
23 but shall not identify victims of crimes or per-
24 sons accused of crimes; and the collected data
25 shall include incident reports by school officials,

1 anonymous student surveys, and anonymous
2 teacher surveys;

3 “(B) the performance metrics that are es-
4 tablished under subsection (j) shall be collected
5 and the performance on such metrics shall be
6 defined and reported uniformly statewide;

7 “(C) the State shall collect, analyze, and
8 use the data under subparagraph (2)(B) at
9 least annually; and

10 “(D) grant recipients and subgrant recipi-
11 ents shall use the data for planning and contin-
12 uous improvement of activities implemented
13 under this part, and may collect data for indi-
14 cators that are locally defined, and that are not
15 reported to the State, to meet local needs (so
16 long as such indicators are aligned with the
17 conditions for learning).

18 “(i) SUBGRANTS.—

19 “(1) IN GENERAL.—

20 “(A) AWARDING OF SUBGRANTS.—A State
21 that receives a grant under this section shall
22 award subgrants, on a competitive basis, to eli-
23 gible local applicants—

24 “(i) based on need as identified by—

1 “(I) the State’s conditions for
2 learning measurement system de-
3 scribed in subsection (h); or

4 “(II) in the case of a State for
5 which the learning measurement sys-
6 tem described in subsection (h) is not
7 yet implemented, other data deter-
8 mined appropriate by the State;

9 “(ii) that are of sufficient size and
10 scope to enable the eligible local applicants
11 to carry out approved activities; and

12 “(iii) to implement programs that—

13 “(I) are comprehensive in nature;

14 “(II) are based on scientifically
15 valid research;

16 “(III) are consistent with achiev-
17 ing the conditions for learning for the
18 State; and

19 “(IV) address 1 or more of the
20 uses described in clauses (i) through
21 (iii) of paragraph (2)(A).

22 “(B) ASSISTANCE.—A State that receives
23 a grant under this section shall provide assist-
24 ance to subgrant applicants and recipients in

1 the selection of scientifically valid programs and
2 interventions.

3 “(C) PARTNERSHIPS ALLOWED.—An eligi-
4 ble local applicant may apply for a subgrant
5 under this subsection in partnership with 1 or
6 more community-based organizations.

7 “(2) ALLOCATION.—

8 “(A) IN GENERAL.—In awarding sub-
9 grants under this section, each State shall en-
10 sure that, for the aggregate of all subgrants
11 awarded by the State—

12 “(i) not less than 20 percent of
13 subgrant funds are used to carry out drug
14 and violence prevention;

15 “(ii) not less than 20 percent of
16 subgrant funds are used to carry out pro-
17 grams to promote mental health; and

18 “(iii) not less than 20 percent of
19 subgrant funds are used to carry out pro-
20 grams to promote physical activity, edu-
21 cation, and fitness, and nutrition.

22 “(B) RULE OF CONSTRUCTION.—Nothing
23 in this paragraph shall be construed to require
24 States, in making subgrants to eligible local ap-
25 plicants, to require the eligible local applicants

1 to use 20 percent of subgrant funds for each of
2 the uses described in clauses (i) through (iii) of
3 subparagraph (A).

4 “(3) APPLICATIONS.—An eligible local applicant
5 that desires to receive a subgrant under this sub-
6 section shall submit to the State an application at
7 such time, in such manner, and containing such in-
8 formation as the State may require.

9 “(4) PRIORITY.—In awarding subgrants under
10 this subsection, a State shall give priority to applica-
11 tions that—

12 “(A) demonstrate the greatest need, ac-
13 cording to the results of the State’s conditions
14 for learning surveys described in subsection
15 (h)(2); and

16 “(B) propose to serve schools with the
17 highest concentrations of poverty, based on the
18 percentage of students receiving or are eligible
19 to receive a free or reduced price lunch under
20 the Richard B. Russell National School Lunch
21 Act (42 U.S.C. 1751 et seq.).

22 “(5) ACTIVITIES OF SUBGRANT RECIPIENTS.—
23 Each recipient of a subgrant under this subsection
24 shall, for the duration of the subgrant—

25 “(A) carry out activities—

1 “(i) the need for which has been iden-
2 tified—

3 “(I) at a minimum, through the
4 State’s conditions for learning meas-
5 urement system described in sub-
6 section (h); or

7 “(II) in the case of a State that
8 has not yet implemented the learning
9 measurement system described in sub-
10 section (h), through the State’s needs
11 analysis described in subsection
12 (d)(2)(D);

13 “(ii) that are part of a comprehensive
14 strategy or framework to address such
15 need; and

16 “(iii) that include 1 or more of the
17 following—

18 “(I) drug and violence preven-
19 tion;

20 “(II) programs to promote men-
21 tal health; or

22 “(III) programs to promote phys-
23 ical activity, education, and fitness,
24 and nutrition;

1 “(B) ensure that each framework, inter-
2 vention, or program selected be based on sci-
3 entifically valid research and be used for the
4 purpose for which such framework, interven-
5 tion, or program was found to be effective;

6 “(C) use school-level data from the State’s
7 conditions for learning measurement system de-
8 scribed in subsection (h), to inform the imple-
9 mentation and continuous improvement of ac-
10 tivities carried out under this part;

11 “(D) use data from the statewide condi-
12 tions for learning measurement system to iden-
13 tify challenges outside of school or off school
14 grounds (including the need for safe passages
15 for students to and from school), and collabo-
16 rate with 1 or more community-based organiza-
17 tion to address such challenges;

18 “(E) collect, and report to the State edu-
19 cational agency, data for schools served by the
20 subgrant recipient, in a manner consistent with
21 the State’s conditions for learning measurement
22 system described in subsection (h);

23 “(F) establish policies to expand access to
24 quality physical activity opportunities, including
25 local school wellness policies;

1 “(G) if the local educational agency to be
2 served through the grant does not have an ac-
3 tive school wellness council consistent with the
4 requirements of the Child Nutrition Act of
5 1966 (42 U.S.C. 1771 et seq.), establish such
6 a school wellness council, which may be part of
7 an existing school council that has the capacity
8 and willingness to address school wellness;

9 “(H) engage family members and commu-
10 nity-based organizations in the development of
11 conditions for learning surveys, and in the plan-
12 ning, implementation, and review of the
13 subgrant recipient’s efforts under this part;

14 “(I) consider and accommodate the unique
15 needs of students with disabilities and English
16 learners in implementing activities; and

17 “(J) establish policies to expand access to
18 quality counseling and mental health programs
19 and services.

20 “(j) ACCOUNTABILITY.—

21 “(1) ESTABLISHMENT OF PERFORMANCE
22 METRICS.—The Secretary, acting through the Direc-
23 tor of the Institute of Education Sciences, shall es-
24 tablish program performance metrics to measure the

1 effectiveness of the activities carried out under this
2 part.

3 “(2) ANNUAL REPORT.—Each State that re-
4 ceives a grant under this part shall prepare and sub-
5 mit an annual report to the Secretary, which shall
6 include information relevant to the conditions for
7 learning, including progress toward meeting out-
8 comes for the metrics established under paragraph
9 (1).

10 “(k) EVALUATION.—From the amount reserved in
11 accordance with section 9601, the Secretary, acting
12 through the Director of the Institute of Education
13 Sciences, shall conduct an evaluation of the impact of the
14 practices funded or disseminated under this section.

15 **“SEC. 4405. TECHNICAL ASSISTANCE.**

16 “From the amount allocated under section 4403(3),
17 the Secretary shall provide technical assistance to appli-
18 cants, recipients, and subgrant recipients of the programs
19 funded under this part.

20 **“SEC. 4406. FEDERAL AND STATE NONDISCRIMINATION**
21 **LAWS.**

22 “Nothing in this part shall be construed to invalidate
23 or limit nondiscrimination principles or rights, remedies,
24 procedures, or legal standards available to victims of dis-
25 crimination under any other Federal law or law of a State

1 or political subdivision of a State, including title VI of the
 2 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title
 3 IX of the Education Amendments of 1972 (20 U.S.C.
 4 1681 et seq.), section 504 or 505 of the Rehabilitation
 5 Act of 1973 (29 U.S.C. 794 and 794a), or the Americans
 6 with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
 7 The obligations imposed by this part are in addition to
 8 those imposed by title VI of the Civil Rights Act of 1964
 9 (42 U.S.C. 2000d et seq.), title IX of the Education
 10 Amendments of 1972 (20 U.S.C. 1681 et seq.), section
 11 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794),
 12 and the Americans with Disabilities Act of 1990 (42
 13 U.S.C. 12101 et seq.).

14 **“SEC. 4407. AUTHORIZATION OF APPROPRIATIONS.**

15 “There are authorized to be appropriated to carry out
 16 this part such sums as may be necessary for fiscal year
 17 2014 and each of the 4 succeeding fiscal years.”.

18 **SEC. 3. TABLE OF CONTENTS.**

19 The table of contents in section 2 of the Elementary
 20 and Secondary Education Act of 1965 is amended by in-
 21 serting after the item relating to section 4304 the fol-
 22 lowing:

“PART D—SUCCESSFUL, SAFE, AND HEALTHY STUDENTS

“Sec. 4401. Purpose.

“Sec. 4402. Definitions.

“Sec. 4403. Allocation of funds.

“Sec. 4404. Successful, safe, and healthy students State grants.

“Sec. 4405. Technical assistance.

“Sec. 4406. Federal and State nondiscrimination laws.

“Sec. 4407. Authorization of appropriations.”.

