

submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2224. Mr. BOOKER (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2225. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2226. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2227. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2228. Mr. THUNE (for himself, Mr. BARASSO, Ms. HEITKAMP, and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2215.** Mr. REID (for Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Beginning on page 373, strike line 22 and all that follows through page 374, line 3, and insert the following:

“(C) information on student exposure to and retention in science, technology, engineering, and mathematics fields, including among low-income and underrepresented groups, which may include results from a pre-existing analysis; and

“(D) an analysis of the quality of pre-service preparation at all public institutions of higher education (including alternative pathways to teacher licensure or certification) for individuals preparing to teach science, technology, engineering, and mathematics subjects in the State.

On page 381, between lines 18 and 19, insert the following:

“(vi) partner with current or recently retired science, technology, engineering, and mathematics professionals, such as Federal employees, to engage students and teachers in instruction in such subjects;

“(vii) tailor and integrate educational resources developed by Federal agencies to improve student achievement in science, technology, engineering, and mathematics;

**SA 2216.** Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 385, between lines 4 and 5, insert the following:

#### “SEC. 2508. REPORT ON CYBERSECURITY EDUCATION.

“Not later than June 1, 2016, the Secretary, acting through the Director of the Institute of Education Sciences, shall submit to the Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Armed Services and the Committee on Education and the Workforce of the House of Representatives, a report describing whether secondary and postsecondary education programs are meeting the need of public and private sectors for cyberdefense. Such report shall include—

“(1) an assessment of the shortfalls in current secondary and postsecondary education needed to develop cybersecurity professionals, and recommendations to address such shortfalls;

“(2) an assessment of successful secondary and postsecondary programs that produce competent cybersecurity professionals; and

“(3) recommendations of subjects to be covered by elementary schools and secondary schools to better prepare students for postsecondary cybersecurity education.”.

**SA 2217.** Mr. ALEXANDER (for Mr. PAUL) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Strike line 18 on page 36 and all that follows through line 5 on page 44 and insert the following:

“(2) STATE-DESIGNED ACADEMIC ASSESSMENT SYSTEM.—

“(A) IN GENERAL.—Each State plan shall provide an assurance that the State educational agency, in consultation with local educational agencies, has implemented a State-designed academic assessment system that—

“(i) includes, at a minimum, academic assessments in mathematics, reading or language arts, and science; and

“(ii) meets the requirements of subparagraph (B).

“(B) REQUIREMENTS.—The assessment system under subparagraph (A) shall—

“(i) be aligned with the challenging State academic standards, and provide coherent and timely information about student attainment of such standards;

“(ii) be used for purposes for which such assessments are valid and reliable, be of adequate technical quality for each purpose required under this Act, be consistent with relevant, nationally recognized professional and technical standards, and not evaluate or assess personal or family beliefs or attitudes;

“(iii) involve multiple measures of student academic achievement, which may include measures of student academic growth;

“(iv) provide for—

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

“(II) the reasonable adaptations and accommodations for children with disabilities (as defined in section 602(3) of the Individuals with Disabilities Education Act) necessary to measure the academic achievement of such children relative to the challenging State academic standards;

“(III) alternate assessments aligned with grade-level academic standards, unless the State develops alternate assessments aligned with alternate academic standards, consistent with subparagraph (F), for students with the most significant cognitive disabilities; and

“(IV) the inclusion of children who are English learners, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency, as determined pursuant to the English language proficiency standards described in paragraph (1)(F);

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

“(vi) produce individual student interpretive, descriptive, and diagnostic reports, consistent with clause (ii), that allow parents, teachers, and principals or other school leaders to understand and address the specific academic needs of students, and include information regarding achievement on assessments, and that are provided to parents, teachers, and principals or other school leaders in a timely manner after the assessment is given, in an understandable and uniform format;

“(vii) enable results to be disaggregated within each State, local educational agency, and school, by—

“(I) each major racial and ethnic group;

“(II) economically disadvantaged students as compared to students who are not economically disadvantaged;

“(III) students with disabilities as compared to nondisabled students;

“(IV) English proficiency status;

“(V) gender; and

“(VI) migrant status; and

“(viii) produce, at a minimum, annual student achievement data in mathematics and reading or language arts that is valid, reliable, of adequate technical quality, and comparable among all local educational agencies within the State and that will be used in the State accountability system under paragraph (3) and to meet reporting requirements under subsection (d).

“(C) EXCEPTION TO DISAGGREGATION.—Notwithstanding subparagraph (B)(vii), the disaggregated results of assessments shall not be required if—

“(i) the number of students in a category described under subparagraph (B)(vii) is insufficient to yield statistically reliable information; or

“(ii) the results would reveal personally identifiable information about an individual student.

“(D) STATE-DESIGNED SYSTEM.—Each State plan shall provide a description of its State-designed assessment system, which may include—

“(i) yearly academic assessments of all students against the challenging State academic standards in the subjects required

under subparagraph (A)(i) and any other subjects as determined by the State, that are administered—

“(I) in each of grades 3 through 8; and  
 “(II) at least once in grades 9 through 12;  
 “(ii) grade-span academic assessments of all students against the challenging State academic standards in the subjects required under subparagraph (A)(i) and any other subjects as determined by the State, that are administered at least once in—

“(I) grades 3 through 5;  
 “(II) grades 6 through 9; and  
 “(III) grades 10 through 12;  
 “(iii) a combination of yearly academic assessments described in clause (i) and grade-span academic assessments described in clause (ii) of all students against the challenging State academic standards in the subjects required under subparagraph (A)(i) and any other subjects as determined by the State;

“(iv) performance-based academic assessments of all students that may be used in a competency-based education model that emphasizes mastery of standards and aligned competencies;

“(v) formative assessments of all students that may be used to inform teaching and learning;

“(vi) multiple statewide assessments during the course of the year that can provide a summative score of individual student academic growth; or

“(vii) any other system of assessments of all students that meets the requirements of subparagraph (B) and the State determines is appropriate to meet the purposes of this part.

“(E) COMPARABLE DATA DESCRIPTION.—Each State shall describe how the annual student achievement data produced, at a minimum, in mathematics and reading or language arts under the assessment system described in this paragraph is valid, reliable, of high-technical quality, and comparable among all local educational agencies within the State.”.

On page 58, strike lines 16 through 25.

**SA 2218.** Mr. ALEXANDER (for Mr. PAUL) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 58, lines 24 and 25, strike “determinations.” and insert “determinations, except that a State shall allow the parent of a student to opt such student out of an assessment required under this paragraph for any reason or no reason at all and shall not include such student in calculating the rate of participation under this clause.”.

**SA 2219.** Mr. BURR (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Strike sections 1009, 1010, and 1011 and insert the following:

**SEC. 1009. ALLOCATIONS.**

(a) IN GENERAL.—Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) is amended—

(1) by striking sections 1122, 1124A, 1125, 1125AA, and 1125A;

(2) by redesignating section 1121 as section 1122;

(3) by redesignating section 1124 as section 1121, and transferring such section so as to precede section 1122 (as redesignated by paragraph (2));

(4) in section 1121, as redesignated and transferred by paragraph (3)—

(A) by striking the section heading and all that follows through “(c) CHILDREN TO BE COUNTED.” and inserting the following:

**“SEC. 1121. DEFINITIONS; CHILDREN TO BE COUNTED.**

“(a) DEFINITIONS.—In this subpart:

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

“(2) HIGH POVERTY PERCENTAGE LOCAL EDUCATIONAL AGENCY.—The term ‘high poverty percentage local educational agency’ means a local educational agency for which the number of children determined under subsection (b) for a fiscal year is 20 percent or more of the total population aged 5 to 17, inclusive, of the local educational agency for such fiscal year.

“(b) CHILDREN TO BE COUNTED.—For purposes of section 1123, the number of children to be counted shall be determined in accordance with the following:”;

(B) by striking subsection (d);

(5) in section 1122(b)(3)(C)(ii), as redesignated by paragraph (2), by striking “challenging State academic content standards” and inserting “challenging State academic standards”;

(6) by inserting after section 1122, as redesignated by paragraph (2), the following:

**“SEC. 1123. EQUITY GRANTS.**

“(a) AUTHORIZATION.—From funds appropriated under section 1002(a) for a fiscal year and not reserved under section 1122, the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the programs and activities of this part.

“(b) DISTRIBUTION BASED UPON CONCENTRATIONS OF POVERTY.—

“(1) IN GENERAL.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), funds appropriated pursuant to subsection (a) for a fiscal year shall be allotted to each State based upon the number of children counted under section 1121(b) in such State multiplied by the product of—

“(i) 40 percent of the average per-pupil expenditure in the United States (other than the Commonwealth of Puerto Rico); multiplied by

“(ii) 1.30 minus such State’s equity factor described in paragraph (2).

“(B) PUERTO RICO.—For each fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount of the funds appropriated under subsection (a) that bears the same relation to the total amount of funds appropriated under such subsection as the amount that the Commonwealth of Puerto Rico received under this subpart for fiscal year 2015 bears to the total amount received by all States for such fiscal year.

“(C) STATE MINIMUM.—Notwithstanding any other provision of this section, from the total amount available for any fiscal year to carry out this section, each State (except for Puerto Rico) shall be allotted at least the lesser of—

“(i) 0.35 percent of the total amount available to carry out this section for such fiscal year; or

“(ii) the average of—

“(I) 0.35 percent of such total amount for such fiscal year; and

“(II) 150 percent of the national average grant under this section per child described in section 1121(b), without application of a

weighting factor, multiplied by the State’s total number of children described in section 1121(b), without application of a weighting factor.

“(2) EQUITY FACTOR.—

“(A) DETERMINATION.—

“(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

“(ii) COMPUTATION.—

“(I) IN GENERAL.—For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), and (IV).

“(II) VARIATION.—In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

“(III) NUMBER OF PUPILS.—In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children counted under section 1121(b) by a factor of 1.4.

“(IV) ENROLLMENT REQUIREMENT.—In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

“(B) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001) or a State with only one local educational agency shall be not greater than 0.10.

“(c) USE OF FUNDS; ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—All funds awarded to each State under this section shall be allocated to local educational agencies under the following provisions:

“(1) DISTRIBUTION WITHIN LOCAL EDUCATIONAL AGENCIES.—Within local educational agencies, funds allocated under this section shall be distributed to schools on a basis consistent with section 1113, and may only be used to carry out activities under this part.

“(2) ELIGIBILITY FOR GRANT.—A local educational agency in a State is eligible to receive a grant under this section for any fiscal year if—

“(A) the number of children in the local educational agency counted under section 1121(b), before application of the weighted child count described in subsection (d), is at least 10; and

“(B) if the number of children counted for grants under section 1121(b), before application of the weighted child count described in subsection (d), is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

“(d) ALLOCATION OF FUNDS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—Funds received by States under this section for a fiscal year shall be allocated within States to eligible local educational agencies on the basis of weighted child counts calculated in accordance with paragraph (2), (3), or (4), as appropriate for each State.

“(2) STATES WITH AN EQUITY FACTOR LESS THAN .10.—

“(A) IN GENERAL.—In States with an equity factor less than .10, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the two amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1121(b) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 1.75;

“(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 2.5;

“(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 3.25; and

“(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 4.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1121(b) who constitute not more than 834, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 1.5;

“(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 2.0; and

“(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 2.0; or

“(II) in the case of a high poverty percentage local educational agency—

“(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 2.5; and

“(bb) the number of such children in excess of 26,412 in such population, multiplied by 3.0.

“(3) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .10 AND LESS THAN .20.—

“(A) IN GENERAL.—In States with an equity factor greater than or equal to .10 and less than .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the two amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1121(b) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 1.5;

“(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 3.0;

“(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 4.5; and

“(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 6.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1121(b) who constitute not

more than 834, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 1.5;

“(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 2.25; and

“(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 2.25; or

“(II) in the case of a high poverty percentage local educational agency—

“(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 3.375; and

“(bb) the number of such children in excess of 26,412 in such population, multiplied by 4.5.

“(4) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .20.—

“(A) IN GENERAL.—In States with an equity factor greater than or equal to .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the two amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1121(b) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 2.0;

“(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 4.0;

“(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 6.0; and

“(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 8.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1121(b) who constitute not more than 834, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 2.0;

“(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 3.0; and

“(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 3.0; or

“(II) in the case of a high poverty percentage local educational agency—

“(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 4.5; and

“(bb) the number of such children in excess of 26,412 in such population, multiplied by 6.0.

“(e) MAINTENANCE OF EFFORT.—

“(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State's fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free

public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

“(2) REDUCTION IN CASE OF FAILURE TO MEET.—

“(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section in any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

“(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

“(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

“(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

“(B) a precipitous decline in the financial resources of the State.

“(f) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

“(1) IN GENERAL.—If the sums available under this section for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under this section for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to paragraphs (2) and (3).

“(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under this section for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

“(3) HOLD HARMLESS AMOUNTS.—

“(A) IN GENERAL.—For each fiscal year, if sufficient funds are available, the amount made available to each local educational agency under this section shall be—

“(i) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted under section 1121(b) is equal to or more than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

“(ii) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in clause (i) is less than 30 percent and equal to or more than 15 percent; and

“(iii) not less than 85 percent of the amount made available for the preceding fiscal year if the percentage described in clause (i) is less than 15 percent.

“(B) SPECIAL TRANSITION RULE.—Notwithstanding any other provision of this subsection, for the first fiscal year after the date of enactment of the Every Child Achieves Act of 2015, subparagraph (A) shall apply based on the amounts received under sections 1124, 1124A, 1125, and 1125A, as in effect on the day before the date of enactment of the Every Child Achieves Act of 2015.

“(C) ADDITIONAL FLEXIBILITY.—Notwithstanding subparagraph (A) or subsection (d), for each fiscal year, a State may elect to make allocations for all local educational agencies in the State in accordance with 1 of the following:

“(i) ALLOCATIONS BASED ON 2015 FUNDING.—If, for a fiscal year, the State receives an allotment under this section in an amount that exceeds the sum of the allocations for all local educational agencies in the State under this subpart for fiscal year 2015, as such subpart was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015, the State may elect to make an allocation to each local educational agency in the State that would otherwise receive an allocation that is less than the allocation received under this subpart by the local educational agency for 2015 (including each local educational agency not otherwise eligible for such allocation under subsection (c) or (d)) in an amount that—

“(I) exceeds the allocation the local educational agency would receive under subsection (d); and

“(II) is not more than the amount of the allocation for the local educational agency under this subpart for fiscal year 2015.

“(ii) ALLOCATIONS BASED ON FUNDS FOR SECTIONS 1122, 1124, 1124A, 1125, AND 1125A.—If, for a fiscal year, a State receives an allotment under this section in an amount that exceeds the sum of the allocations that all local educational agencies in the State would have received for such fiscal year under sections 1122, 1124, 1124A, 1125, and 1125A, as such sections were in effect on the day before the date of enactment of the Every Child Achieves Act of 2015, the State may elect to make allocations to each local educational agency in the State (including any local educational agency not otherwise eligible for such allocation under subsection (c) or (d)), in an amount that equals the amount of the allocation that the local educational agency would have received for such year in accordance with sections 1122, 1124, 1124A, 1125, and 1125A, as in effect on the day before the date of enactment of the Every Child Achieves Act of 2015.

“(D) DISTRIBUTION OF ADDITIONAL FUNDS.—In any case where a State elects to allocate funds under this subpart for a fiscal year in accordance with clause (i) or (ii) of subparagraph (C), the State shall allocate, in accordance with subsection (d), all funds in excess of the amounts necessary to carry out such clause to the local educational agencies in the State that would receive a greater amount of such funds under subsection (d) than received under such clause.

“(4) APPLICABILITY.—Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold-harmless provisions of this subsection for any fiscal year for purposes of calculating State or local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.”;

(7) by redesignating sections 1126 and 1127 as sections 1124 and 1125, respectively;

(8) in section 1124, as redesignated by paragraph (7)—

(A) by striking “sections 1124, 1124A, 1125, and 1125A” each place the term appears and inserting “section 1123”; and

(B) in subsection (a)(1), by striking “section 1124(c)(1)(B)” and inserting “section 1121(b)(1)(B)”.

**SA 2220.** Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 616 strike line 6 and all that follows through line 24.

**SA 2221.** Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Beginning on page 628, strike line 24 and all that follows through page 629, line 24.

**SA 2222.** Mr. MANCHIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 69, between lines 16 and 17, insert the following:

“(N) if applicable, how the State educational agency will provide support to local educational agencies for the education of children facing substance abuse in the home, which may include how such agency will provide professional development, training, and technical assistance to local educational agencies, elementary schools, and secondary schools in communities with high rates of substance abuse; and”.

**SA 2223.** Mr. DONNELLY (for himself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 343, line 17, by inserting “economics,” before “and geography”.

On page 344, line 5, by inserting “economics,” before “and geography”.

On page 344, line 18, by inserting “economics,” before “and geography”.

On page 345, line 23, by striking “geography, and civics” and inserting “civics, economics, and geography”.

**SA 2224.** Mr. BOOKER (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 306, after line 23, add the following:

“(V) regularly conducting, and publicly reporting the results of, an assessment and a plan to address such results, of educator support and working conditions that—

“(i) evaluates supports for teachers, leaders, and other school personnel, such as—

“(I) teacher and principal perceptions of availability of high-quality professional development and instructional materials;

“(II) timely availability of data on student academic achievement and growth;

“(III) the presence of high-quality instructional leadership; and

“(IV) opportunities for professional growth, such as career ladders and mentoring and induction programs;

“(ii) evaluates working conditions for teachers, leaders and other school personnel, such as—

“(I) school safety and climate;

“(II) availability and use of common planning time and opportunities to collaborate; and

“(III) community engagement; and

“(iii) is developed with teachers, leaders, other school personnel, parents, students, and the community; and

**SA 2225.** Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 111, between lines 24 and 25, insert the following:

“(2) TESTING TRANSPARENCY.—

“(A) IN GENERAL.—Subject to subparagraph (B), each local educational agency that receives funds under this part shall make widely available through public means (including by posting in a clear and easily accessible manner on the local educational agency’s website and, where practicable, on the website of each school served by the local educational agency) for each grade served by the local educational agency, information on each assessment required by the State to comply with section 1111, other assessments required by the State, and where such information is available and feasible to report, assessments required districtwide by the local educational agency, including—

“(i) the subject matter assessed;

“(ii) the purpose for which the assessment is designed and used;

“(iii) the source of the requirement for the assessment; and

“(iv) where such information is available—

“(I) the amount of time students will spend taking the assessment, and the schedule and calendar for the assessment; and

“(II) the time and format for disseminating results.

“(B) LOCAL EDUCATIONAL AGENCY THAT DOES NOT OPERATE A WEBSITE.—In the case of a local educational agency that does not operate a website, such local educational agency shall determine how to make the information described in subparagraph (A) widely available, such as through distribution of that information to the media, through public agencies, or directly to parents.

**SA 2226.** Mr. TESTER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

#### **SEC. 4006. INCREASING THE NUMBER OF SCHOOL NURSES.**

Title IV (20 U.S.C. 7101 et seq.), as amended by sections 4001, 4004, and 4005 is further amended by adding at the end the following:

#### **“PART E—SCHOOL NURSES**

#### **“SEC. 4501. INCREASING THE NUMBER OF SCHOOL NURSES.**

“(a) DEFINITIONS.—In this section:

“(1) ACUITY.—The term ‘acuity’, when used with respect to a level, means the level of a patient’s sickness, such as a chronic condition, which influences the need for nursing care.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a local educational agency in which not less than 20 percent of the children are eligible to participate in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

“(B) a consortium of local educational agencies described in subparagraph (A).

“(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high-need local educational agency’ has the meaning given such term in section 2002(b)(2).

“(4) NURSE.—The term ‘nurse’ means a registered nurse, as defined under State law.

“(5) WORKLOAD.—The term ‘workload’, when used with respect to a nurse, means the amount of time the nurse takes to provide care and complete the other tasks for which the nurse is responsible.

“(b) DEMONSTRATION GRANT PROGRAM AUTHORIZED.—From amounts appropriated to carry out this section, the Secretary of Education, in consultation with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, shall award demonstration grants, on a competitive basis, to eligible entities to pay the Federal share of the costs of increasing the number of school nurses in the public elementary schools and secondary schools served by the eligible entity, which may include hiring a school nurse to serve schools in multiple school districts.

“(c) APPLICATIONS.—

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

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include information with respect to the current (as of the date of application) number of school nurses, student health acuity levels, and workload of school nurses in each of the public elementary schools and secondary schools served by the eligible entity.

“(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to each application submitted by an eligible entity that—

“(1) is a high-need local educational agency or a consortium composed of high-need local educational agencies; and

“(2) demonstrates—

“(A) the greatest need for new or additional nursing services among students in the public elementary schools and secondary schools served by the agency or consortium; or

“(B) that the eligible entity does not have a school nurse in any of the public elementary schools and secondary schools served by the eligible entity.

“(e) FEDERAL SHARE; NON-FEDERAL SHARE.—

“(1) FEDERAL SHARE.—The Federal share of a grant under this section—

“(A) shall not exceed 75 percent for each year of the grant; and

“(B) in the case of a multi-year grant, shall decrease for each succeeding year of the grant, in order to ensure the continuity of the increased hiring level of school nurses using State or local sources of funding following the conclusion of the grant.

“(2) NON-FEDERAL SHARE.—The non-Federal share of a grant under this section may be in cash or in-kind, and may be provided from State resources, local resources, contributions from private organizations, or a combination thereof.

“(3) WAIVER.—The Secretary may waive or reduce the non-Federal share of an eligible entity receiving a grant under this section if

the eligible entity demonstrates an economic hardship.

“(f) REPORT.—Not later than 2 years after the date on which a grant is first made to a local educational agency under this section, the Secretary shall submit to Congress a report on the results of the demonstration grant program carried out under this section, including an evaluation of—

“(1) the effectiveness of the program in increasing the number of school nurses; and

“(2) the impact of any resulting enhanced health of students on learning, such as academic achievement, attendance, and classroom time.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2020.”.

**SA 2227.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**SEC. 10202. EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999 REAUTHORIZATION.**

(a) DEFINITIONS.—Section 3 of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891a) is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by striking “LOCAL” and inserting “EDUCATIONAL SERVICE AGENCY; LOCAL”; and

(B) by striking “The terms” and inserting “The terms ‘educational service agency’,”; and

(2) in paragraph (2), by striking “section 1113(a)(2)” and inserting “section 1113(a)(1)(B)”.

(b) GENERAL PROVISIONS.—Section 4 of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b) is amended to read as follows:

**“SEC. 4. EDUCATION FLEXIBILITY PROGRAM.**

“(a) EDUCATIONAL FLEXIBILITY PROGRAM.—

“(1) PROGRAM AUTHORIZED.—

“(A) IN GENERAL.—The Secretary may carry out an educational flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to one or more programs described in subsection (b), other than requirements described in subsection (c), for any local educational agency, educational service agency, or school within the State.

“(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an ‘Ed-Flex Partnership State’.

“(2) ELIGIBLE STATE.—For the purpose of this section, the term ‘eligible State’ means a State that—

“(A) has—

“(i) developed and implemented the challenging State academic standards, and aligned assessments, described in paragraphs (1) and (2) of section 1111(b) of the Elementary and Secondary Education Act of 1965, and is producing the report cards required by section 1111(d)(2) of such Act; or

“(ii) if the State has adopted new challenging State academic standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, as a result of the amendments made to such Act by the Every Child Achieves Act of 2015, and has made substantial progress (as determined by

the Secretary) toward developing and implementing such standards and toward producing the report cards required under section 1111(d)(2) of such Act;

“(B) will hold local educational agencies, educational service agencies, and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4) and for engaging in technical assistance and, as applicable and appropriate, intervention and support strategies consistent with section 1114 of the Elementary and Secondary Education Act of 1965, for the schools that are identified as in need of intervention and support as described in section 1111(b)(3) of such Act; and

“(C) waives State statutory or regulatory requirements relating to education while holding local educational agencies, educational service agencies, or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

“(3) STATE APPLICATION.—

“(A) IN GENERAL.—Each State educational agency desiring to participate in the educational flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

“(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies, educational service agencies, or schools requesting waivers of—

“(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

“(II) State statutory or regulatory requirements relating to education;

“(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

“(iii) a description of clear educational objectives the State intends to meet under the educational flexibility plan, which may include innovative methods to leverage resources to improve program efficiencies that benefit students;

“(iv) a description of how the educational flexibility plan is coordinated with activities described in section 1111(b) of the Elementary and Secondary Education Act of 1965 and section 1114 of such Act;

“(v) a description of how the State educational agency will evaluate (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools, educational service agencies, and local educational agencies affected by the waivers; and

“(vi) a description of how the State educational agency will meet the requirements of paragraph (7).

“(B) APPROVAL AND CONSIDERATIONS.—

“(i) IN GENERAL.—By not later than 90 days after the date on which a State has submitted an application described in subparagraph (A), the Secretary shall issue a written decision that explains why such application has been approved or disapproved, and the process for revising and resubmitting the application for reconsideration.

“(ii) APPROVAL.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines

that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies, educational service agencies, and schools within the State in carrying out comprehensive educational reform, after considering—

“(I) the eligibility of the State as described in paragraph (2);

“(II) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

“(III) the ability of the educational flexibility plan to ensure accountability for the activities and goals described in such plan;

“(IV) the degree to which the State’s objectives described in subparagraph (A)(iii)—

“(aa) are clear and have the ability to be assessed; and

“(bb) take into account the performance of local educational agencies, educational service agencies, or schools, and students, particularly those affected by waivers;

“(V) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

“(VI) the quality of the State educational agency’s process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

“(4) LOCAL APPLICATION.—

“(A) IN GENERAL.—Each local educational agency, educational service agency, or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

“(i) indicate each Federal program affected and each statutory or regulatory requirement that will be waived;

“(ii) describe the purposes and overall expected results of waiving each such requirement, which may include innovative methods to leverage resources to improve program efficiencies that benefit students;

“(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency, educational service agency, or school affected by the proposed waiver, and for the students served by the local educational agency, educational service agency, or school who are affected by the waiver;

“(iv) explain why the waiver will assist the local educational agency, educational service agency, or school in reaching such goals; and

“(v) in the case of an application from a local educational agency or educational service agency, describe how the agency will meet the requirements of paragraph (7).

“(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State’s educational flexibility plan described in paragraph (3)(A).

“(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

“(i) the local educational agency, educational service agency, or school requesting such waiver has developed a local reform plan that—

“(I) is applicable to such agency or school, respectively; and

“(II) may include innovative methods to leverage resources to improve program efficiencies that benefit students;

“(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency, educational service agency, or school in reaching its educational goals, particularly goals with respect to school and student performance; and

“(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program for which a waiver is granted will continue to be met.

“(D) TERMINATION.—The State educational agency shall annually review the performance of any local educational agency, educational service agency, or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate or temporarily suspend any waiver granted to the local educational agency, educational service agency, or school if the State educational agency determines, after notice and an opportunity for a hearing, that—

“(i) there is compelling evidence of systematic waste, fraud, or abuse;

“(ii) the performance of the local educational agency, educational service agency, or school with respect to meeting the accountability requirement described in paragraph (2)(C) and the goals described in paragraph (4)(A)(iii) has been inadequate to justify continuation of such waiver;

“(iii) student achievement in the local educational agency, educational service agency, or school has decreased; or

“(iv) goals established by the State under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 have not been met.

“(5) OVERSIGHT AND REPORTING.—

“(A) OVERSIGHT.—Each State educational agency participating in the educational flexibility program under this section shall annually monitor the activities of local educational agencies, educational service agencies, and schools receiving waivers under this section.

“(B) STATE REPORTS.—

“(i) ANNUAL REPORTS.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and the impact of the waivers on school and student performance.

“(ii) PERFORMANCE DATA.—Not later than 2 years after the date a State is designated an Ed-Flex Partnership State, each such State shall include, as part of the State’s annual report submitted under clause (i), data demonstrating the degree to which progress has been made toward meeting the State’s educational objectives. The data, when applicable, shall include—

“(I) information on the total number of waivers granted for Federal and State statutory and regulatory requirements under this section, including the number of waivers granted for each type of waiver;

“(II) information describing the effect of the waivers on the implementation of State and local educational reforms pertaining to school and student performance;

“(III) information describing the relationship of the waivers to the performance of schools and students affected by the waivers; and

“(IV) an assurance from State program managers that the data reported under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data as defined by the State.

“(C) SECRETARY’S REPORTS.—The Secretary shall annually—

“(i) make each State report submitted under subparagraph (B) available to Congress and the public; and

“(ii) submit to Congress a report that summarizes the State reports and describes the effects that the educational flexibility program under this section had on the implementation of State and local educational reforms and on the performance of students affected by the waivers.

“(6) DURATION OF FEDERAL WAIVERS.—

“(A) IN GENERAL.—

“(i) DURATION.—The Secretary shall approve the application of a State educational agency under paragraph (3) for a period of not more than 5 years.

“(ii) AUTOMATIC EXTENSION DURING REVIEW.—The Secretary shall automatically extend the authority of a State to continue as an Ed-Flex Partnership State until the Secretary has—

“(I) completed the performance review of the State educational agency’s education flexibility plan as described in subparagraph (B); and

“(II) issued a final decision of any pending request for renewal that was submitted by the State educational agency.

“(iii) EXTENSION OF APPROVAL.—The Secretary may extend the authority of a State to continue as an Ed-Flex Partnership State if the Secretary determines that the authority of the State educational agency to grant waivers—

“(I) has been effective in enabling such State or affected local educational agencies, educational service agencies, or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(C); and

“(II) has improved student performance.

“(B) PERFORMANCE REVIEW.—

“(i) IN GENERAL.—Following the expiration of an approved educational flexibility program for a State that is designated an Ed-Flex Partnership State, the Secretary shall have not more than 180 days to complete a review of the performance of the State educational agency in granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) to determine if the State educational agency—

“(I) has achieved, or is making substantial progress towards achieving, the objectives described in the application submitted pursuant to paragraph (3)(A)(iii) and the specific goals established in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965; and

“(II) demonstrates that local educational agencies, educational service agencies, or schools affected by the waiver authority or waivers have achieved, or are making progress toward achieving, the desired results described in the application submitted pursuant to paragraph (4)(A)(iii).

“(ii) TERMINATION OF AUTHORITY.—The Secretary shall terminate the authority of a State educational agency to grant waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) if the Secretary determines, after providing the State educational agency with notice and an opportunity for a hearing, that such agency’s performance has been inadequate to justify continuation of such authority based on agency’s performance against specific goals in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965.

“(C) RENEWAL.—

“(i) IN GENERAL.—Each State educational agency desiring to renew an approved educational flexibility program under this section shall submit a request for renewal to the Secretary not later than the date of expiration of the approved educational flexibility program.



“(ii) TIMING FOR RENEWAL.—The Secretary shall either approve or deny the request for renewal by not later than 90 days after completing the performance review of the State described in paragraph (6)(B).

“(iii) DETERMINATION.—In deciding whether to extend a request of a State educational agency for the authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if the State educational agency—

“(I) has made progress toward achieving the objectives described in the State application submitted pursuant to paragraph (3)(A)(iii); and

“(II) demonstrates in the request that local educational agencies, educational service agencies, or schools affected by the waiver authority or waivers have made progress toward achieving the desired results described in the local application submitted pursuant to paragraph (4)(A)(iii).

“(D) TERMINATION.—

“(i) IN GENERAL.—The Secretary shall terminate or temporarily suspend the authority of a State educational agency to grant waivers under this section if the Secretary determines that—

“(I) there is compelling evidence of systematic waste, fraud or abuse; or

“(II) after notice and an opportunity for a hearing, such agency's performance (including performance with respect to meeting the objectives described in paragraph (3)(A)(iii)) has been inadequate to justify continuation of such authority.

“(ii) LIMITED COMPLIANCE PERIOD.—A State whose authority to grant such waivers has been terminated shall have not more than 1 additional fiscal year to come into compliance in order to seek renewal of the authority to grant waivers under this section.

“(7) PUBLIC NOTICE AND COMMENT.—Each State educational agency seeking waiver authority under this section and each local educational agency, educational service agency, or school seeking a waiver under this section—

“(A) shall provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver on each agency's website, including a description of any improved student performance that is expected to result from the waiver authority or waiver;

“(B) shall provide the opportunity for parents, educators, school administrators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

“(C) shall provide the opportunity described in subparagraph (B) in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public; and

“(D) shall submit the comments received with the application of the agency or school to the Secretary or the State educational agency, as appropriate.

“(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements for programs that are authorized under the following provisions and under which the Secretary provides funds to State educational agencies on the basis of a formula:

“(1) The following provisions of the Elementary and Secondary Education Act of 1965:

“(A) Part A of title I (other than sections 1111 and 1114).

“(B) Part C of title I.

“(C) Part D of title I.

“(D) Part A of title II.

“(E) Part G of title V.

“(2) Title VII of the McKinney-Vento Homeless Assistance Act. (42 U.S.C. 11301 et seq.).

“(3) The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

“(c) WAIVERS NOT AUTHORIZED.—The Secretary and the State educational agency may not waive under subsection (a)(1)(A) any statutory or regulatory requirement—

“(1) relating to—

“(A) maintenance of effort;

“(B) comparability of services;

“(C) equitable participation of students and professional staff in private schools;

“(D) parental participation and involvement;

“(E) distribution of funds to States or to local educational agencies;

“(F) serving eligible school attendance areas in rank order under section 1113(a)(1)(C) of the Elementary and Secondary Education Act of 1965;

“(G) the selection of a school attendance area or school under paragraphs (1) and (2) of section 1113(a) of the Elementary and Secondary Education Act of 1965, except that a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I of such Act if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such paragraphs (1) and (2);

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

“(I) applicable civil rights requirements; and

“(2) unless the State educational agency can demonstrate that the underlying purposes of the statutory requirements of the program for which a waiver is granted continue to be met to the satisfaction of the Secretary.

“(d) TREATMENT OF EXISTING ED-FLEX PARTNERSHIP STATES.—

“(1) IN GENERAL.—Any designation of a State as an Ed-Flex Partnership State that was in effect on the date of enactment of this Act shall be immediately extended for a period of not more than 5 years, if the Secretary makes the determination described in paragraph (2).

“(2) DETERMINATION.—The determination referred to in paragraph (1) is a determination that the performance of the State educational agency, in carrying out the programs for which the State has received a waiver under the educational flexibility program, justifies the extension of the designation.

“(e) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.”.

**SA 2228.** Mr. THUNE (for himself, Mr. BARRASSO, Ms. HEITKAMP, and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the

bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title VII of the amendment, add the following:

#### SEC. 7. ACCESS TO FEDERAL INSURANCE.

Section 409 of the Indian Health Care Improvement Act (25 U.S.C. 1647b) is amended by inserting “or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)” after “(25 U.S.C. 450 et seq.)”.

#### PRIVILEGES OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Devon Brenner, an education fellow in Senator COCHRAN's office, be granted floor privileges through May 31, 2016.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Andrew Bronstein, an education fellow in my office, and Ethan Arenson, a Judiciary Committee detailee from the Department of Justice, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR TUESDAY, JULY 14, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, July 14; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate resume consideration of S. 1177; and finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings and that the filing deadline for first-degree amendments be at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator REID.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

#### EVERY CHILD ACHIEVES ACT

Mr. ALEXANDER. Mr. President, I see that the majority leader has filed cloture on the bill, which I understand. We have had a chance to have a good discussion and a good debate.

We are getting toward the end of the consideration of our bill to fix No Child