

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5
OFFERED BY MR. ROKITA OF INDIANA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Student Success Act”.

3 SEC. 2. TABLE OF CONTENTS.

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Transition.
- Sec. 5. Effective dates.
- Sec. 6. Authorization of appropriations.

TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES

Subtitle A—In General

- Sec. 101. Title heading.
- Sec. 102. Statement of purpose.
- Sec. 103. Flexibility to use Federal funds.
- Sec. 104. School improvement.
- Sec. 105. Direct student services.
- Sec. 106. State administration.

Subtitle B—Improving the Academic Achievement of the Disadvantaged

- Sec. 111. Part A headings.
- Sec. 112. State plans.
- Sec. 113. Local educational agency plans.
- Sec. 114. Eligible school attendance areas.
- Sec. 115. Schoolwide programs.
- Sec. 116. Targeted assistance schools.
- Sec. 117. Academic assessment and local educational agency and school improvement; school support and recognition.
- Sec. 118. Parental involvement.
- Sec. 119. Qualifications for teachers and paraprofessionals.
- Sec. 120. Participation of children enrolled in private schools.

- Sec. 121. Fiscal requirements.
- Sec. 122. Coordination requirements.
- Sec. 123. Grants for the outlying areas and the Secretary of the Interior.
- Sec. 124. Allocations to States.
- Sec. 125. Basic grants to local educational agencies.
- Sec. 126. Adequacy of funding of targeted grants to local educational agencies in fiscal years after fiscal year 2001.
- Sec. 127. Education finance incentive grant program.
- Sec. 128. Carryover and waiver.

Subtitle C—Additional Aid to States and School Districts

- Sec. 131. Additional aid.

Subtitle D—National Assessment

- Sec. 141. National assessment of title I.

Subtitle E—Title I General Provisions

- Sec. 151. General provisions for title I.

TITLE II—TEACHER PREPARATION AND EFFECTIVENESS

- Sec. 201. Teacher preparation and effectiveness.
- Sec. 202. Conforming repeals.

TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

- Sec. 301. Parental engagement and local flexibility.

TITLE IV—IMPACT AID

- Sec. 401. Purpose.
- Sec. 402. Payments relating to Federal acquisition of real property.
- Sec. 403. Payments for eligible federally connected children.
- Sec. 404. Policies and procedures relating to children residing on Indian lands.
- Sec. 405. Application for payments under sections 8002 and 8003.
- Sec. 406. Construction.
- Sec. 407. Facilities.
- Sec. 408. State consideration of payments providing State aid.
- Sec. 409. Federal administration.
- Sec. 410. Administrative hearings and judicial review.
- Sec. 411. Definitions.
- Sec. 412. Authorization of appropriations.
- Sec. 413. Conforming amendments.

TITLE V—GENERAL PROVISIONS FOR THE ACT

- Sec. 501. General provisions for the Act.
- Sec. 502. Repeal.
- Sec. 503. Other laws.
- Sec. 504. Amendment to IDEA.

TITLE VI—REPEAL

- Sec. 601. Repeal of title VI.

TITLE VII—HOMELESS EDUCATION

Sec. 701. Statement of policy.

Sec. 702. Grants for State and local activities for the education of homeless children and youths.

Sec. 703. Local educational agency subgrants for the education of homeless children and youths.

Sec. 704. Secretarial responsibilities.

Sec. 705. Definitions.

Sec. 706. Authorization of appropriations.

1 **SEC. 3. REFERENCES.**

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

8 **SEC. 4. TRANSITION.**

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

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

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

1 (b) NONCOMPETITIVE PROGRAMS.—With respect to
2 noncompetitive programs under which any funds are allot-
3 ted by the Secretary of Education to recipients on the
4 basis of a formula, this Act, and the amendments made
5 by this Act, shall take effect on October 1, 2013.

6 (c) COMPETITIVE PROGRAMS.—With respect to pro-
7 grams that are conducted by the Secretary on a competi-
8 tive basis, this Act, and the amendments made by this Act,
9 shall take effect with respect to appropriations for use
10 under those programs for fiscal year 2014.

11 (d) IMPACT AID.—With respect to title IV of the Act
12 (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the
13 amendments made by this Act, shall take effect with re-
14 spect to appropriations for use under that title for fiscal
15 year 2014.

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

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

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

20 “(a) TITLE I.—

21 “(1) PART A.—There are authorized to be ap-
22 propriated to carry out part A of title I
23 \$16,651,767,000 for each of fiscal years 2014
24 through 2019.

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

4 “(b) TITLE II.—There are authorized to be appro-
5 priated to carry out title II \$2,441,549,000 for each of
6 fiscal years 2014 through 2019.

7 “(c) TITLE III.—

8 “(1) PART A.—

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

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

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

21 “(2) PART B.—There are authorized to be ap-
22 propriated to carry out part B of title III
23 \$2,055,709,000 for each of fiscal years 2014
24 through 2019.

25 “(d) TITLE IV.—

1 “(1) PAYMENTS FOR FEDERAL ACQUISITION OF
2 REAL PROPERTY.—For the purpose of making pay-
3 ments under section 4002, there are authorized to
4 be appropriated \$63,445,000 for each of fiscal years
5 2014 through 2019.

6 “(2) BASIC PAYMENTS; PAYMENTS FOR HEAV-
7 ILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—
8 For the purpose of making payments under section
9 4003(b), there are authorized to be appropriated
10 \$1,093,203,000 for each of fiscal years 2014
11 through 2019.

12 “(3) PAYMENTS FOR CHILDREN WITH DISABIL-
13 ITIES.—For the purpose of making payments under
14 section 4003(d), there are authorized to be appro-
15 priated \$45,881,000 for each of fiscal years 2014
16 through 2019.

17 “(4) CONSTRUCTION.—For the purpose of car-
18 rying out section 4007, there are authorized to be
19 appropriated \$16,529,000 for each of fiscal years
20 2014 through 2019.

21 “(5) FACILITIES MAINTENANCE.—For the pur-
22 pose of carrying out section 4008, there are author-
23 ized to be appropriated \$4,591,000 for each of fiscal
24 years 2014 through 2019.”.

1 **TITLE I—AID TO LOCAL**
2 **EDUCATIONAL AGENCIES**
3 **Subtitle A—In General**

4 **SEC. 101. TITLE HEADING.**

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

7 **“TITLE I—AID TO LOCAL**
8 **EDUCATIONAL AGENCIES”.**

9 **SEC. 102. STATEMENT OF PURPOSE.**

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

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

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

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

22 “(2) closing the achievement gap between high-
23 and low-performing children, especially the achieve-
24 ment gaps between minority and nonminority stu-

1 dents, and between disadvantaged children and their
2 more advantaged peers;

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

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

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

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

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

14 “(a) ALTERNATIVE USES OF FEDERAL FUNDS FOR
15 STATE EDUCATIONAL AGENCIES.—

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

22 “(A) Section 1003.

23 “(B) Section 1004.

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

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

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

2 “(F) Chapter B of subpart 6 of part A of
3 title I.

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

9 “(3) APPLICABLE FUNDING DEFINED.—

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

15 “(i) Section 1003.

16 “(ii) Section 1004.

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

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

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

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

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

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

6 “(iii) to use for technical assistance or
7 monitoring.

8 “(4) DISBURSEMENT.—The Secretary shall dis-
9 burse the applicable funding to State educational
10 agencies for alternative uses under paragraph (1) for
11 a fiscal year at the same time as the Secretary dis-
12 burses the applicable funding to State educational
13 agencies that do not intend to use the applicable
14 funding for such alternative uses for the fiscal year.

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

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

23 “(A) Section 1003.

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

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

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

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

3 “(F) Subpart 6 of part A of title I.

4 “(2) NOTIFICATION.—A local educational agen-
5 cy shall notify the State educational agency of the
6 local educational agency’s intention to use the appli-
7 cable funding for any of the alternative uses under
8 paragraph (1) by a date that is established by the
9 State educational agency for the notification.

10 “(3) APPLICABLE FUNDING DEFINED.—

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

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

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

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

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

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

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

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

5 “(iii) to use for technical assistance or
6 monitoring.

7 “(4) DISBURSEMENT.—Each State educational
8 agency that receives applicable funding for a fiscal
9 year shall disburse the applicable funding to local
10 educational agencies for alternative uses under para-
11 graph (1) for the fiscal year at the same time as the
12 State educational agency disburses the applicable
13 funding to local educational agencies that do not in-
14 tend to use the applicable funding for such alter-
15 native uses for the fiscal year.

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

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

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

7 “(2) comparability of services;

8 “(3) equitable participation of private school
9 students and teachers;

10 “(4) applicable civil rights requirements;

11 “(5) section 1113; or

12 “(6) section 1111.”.

13 **SEC. 104. SCHOOL IMPROVEMENT.**

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

15 (1) in subsection (a)—

16 (A) by striking “2 percent” and inserting
17 “7 percent”; and

18 (B) by striking “subpart 2 of part A” and
19 all that follows through “sections 1116 and
20 1117,” and inserting “chapter B of subpart 1
21 of part A for each fiscal year to carry out sub-
22 section (b),”;

23 (2) in subsection (b)—

24 (A) in paragraph (1), by striking “for
25 schools identified for school improvement, cor-

1 rective action, and restructuring, for activities
2 under section 1116(b)” and inserting “to carry
3 out the State’s system of school improvement
4 under section 1111(b)(3)(B)(iii)”;

5 (B) in paragraph (2), by striking “or edu-
6 cational service agencies” and inserting “, edu-
7 cational service agencies, or non-profit or for-
8 profit external providers with expertise in using
9 evidence-based or other effective strategies to
10 improve student achievement”;

11 (3) in subsection (c)—

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

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

17 (C) by striking paragraph (3);

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

21 (5) in subsection (e)—

22 (A) by striking “in any fiscal year” and in-
23 serting “in fiscal year 2015 and each subse-
24 quent fiscal year”;

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

3 (C) by striking “such subpart” and insert-
4 ing “such chapter”;

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

8 (7) by striking subsection (g).

9 **SEC. 105. DIRECT STUDENT SERVICES.**

10 The Act (20 U.S.C. 6301 et seq.) is amended by in-
11 serting after section 1003 the following:

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

13 “(a) STATE RESERVATION.—Each State shall reserve
14 3 percent of the amount the State receives under chapter
15 B of subpart 1 of part A for each fiscal year to carry
16 out this section. Of such reserved funds, the State edu-
17 cational agency may use up to 1 percent to administer
18 direct student services.

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

24 “(c) AWARDS.—The State educational agency shall
25 award grants to geographically diverse local educational

1 agencies including suburban, rural, and urban local edu-
2 cational agencies. If there are not enough funds to award
3 all applicants in a sufficient size and scope to run an effec-
4 tive direct student services program, the State shall
5 prioritize awards to local educational agencies with the
6 greatest number of low-performing schools.

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

9 “(1) shall use up to 1 percent of each award for
10 outreach and communication to parents about their
11 options and to register students for direct student
12 services;

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

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

22 “(e) APPLICATION.—A local educational agency de-
23 siring to receive an award under subsection (b) shall sub-
24 mit an application describing how the local educational
25 agency will—

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

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

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

10 “(4) determine the requirements or criteria for
11 student eligibility for direct student services;

12 “(5) select a variety of providers of high-quality
13 academic tutoring from the State-approved list re-
14 quired under subsection (f)(2) and ensure fair nego-
15 tiations in selecting such providers of high-quality
16 academic tutoring, including online, on campus, and
17 other models of tutoring which provide meaningful
18 choices to parents to find the best service for their
19 child; and

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

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

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

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

9 “(3) shall ensure that each local educational
10 agency receiving an award will provide an adequate
11 number of high-quality academic tutoring options to
12 ensure parents have a meaningful choice of serv-
13 ices.”.

14 **SEC. 106. STATE ADMINISTRATION.**

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

17 **“SEC. 1004. STATE ADMINISTRATION.**

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

22 “(1) 1 percent of the amounts received under
23 such subparts; or

24 “(2) \$400,000 (\$50,000 in the case of each
25 outlying area).

1 “(b) EXCEPTION.—If the sum of the amounts re-
2 served under subparts 1, 2, and 3 of part A of this title
3 is equal to or greater than \$14,000,000,000, then the res-
4 ervation described in subsection (a)(1) shall not exceed 1
5 percent of the amount the State would receive if
6 \$14,000,000,000 were allocated among the States for sub-
7 parts 1, 2, and 3 of part A of this title.”.

8 **Subtitle B—Improving the Aca-**
9 **demic Achievement of the Dis-**
10 **advantaged**

11 **SEC. 111. PART A HEADINGS.**

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

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

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

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

3 **“CHAPTER A—BASIC PROGRAM**
4 **REQUIREMENTS”.**

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

8 **“CHAPTER B—ALLOCATIONS”.**

9 **SEC. 112. STATE PLANS.**

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

12 **“SEC. 1111. STATE PLANS.**

13 **“(a) PLANS REQUIRED.—**

14 **“(1) IN GENERAL.—**For any State desiring to
15 receive a grant under this subpart, the State edu-
16 cational agency shall submit to the Secretary a plan,
17 developed by the State educational agency, in con-
18 sultation with local educational agencies, teachers,
19 school leaders, public charter school representatives,
20 specialized instructional support personnel, other ap-
21 propriate school personnel, and parents, that satis-
22 fies the requirements of this section and that is co-
23 ordinated with other programs under this Act, the
24 Individuals with Disabilities Education Act, the Carl
25 D. Perkins Career and Technical Education Act of
26 2006, the Head Start Act, the Adult Education and

1 Family Literacy Act, and the McKinney-Vento
2 Homeless Assistance Act.

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

6 “(b) ACADEMIC STANDARDS, ACADEMIC ASSESS-
7 MENTS, AND STATE ACCOUNTABILITY.—

8 “(1) ACADEMIC STANDARDS.—

9 “(A) IN GENERAL.—Each State plan shall
10 demonstrate that the State has adopted aca-
11 demic content standards and academic achieve-
12 ment standards aligned with such content
13 standards that comply with the requirements of
14 this paragraph.

15 “(B) SUBJECTS.—The State shall have
16 such academic standards for mathematics, read-
17 ing or language arts, and science, and may have
18 such standards for any other subject deter-
19 mined by the State.

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

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

24 “(ii) with respect to academic achieve-
25 ment standards, include the same knowl-

1 edge, skills, and levels of achievement ex-
2 pected of all public school students in the
3 State.

4 “(D) ALTERNATE ACADEMIC ACHIEVE-
5 MENT STANDARDS.—Notwithstanding any other
6 provision of this paragraph, a State may,
7 through a documented and validated standards-
8 setting process, adopt alternate academic
9 achievement standards for students with the
10 most significant cognitive disabilities, if—

11 “(i) the determination about whether
12 the achievement of an individual student
13 should be measured against such standards
14 is made separately for each student; and

15 “(ii) such standards—

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

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

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

24 “(E) ENGLISH LANGUAGE PROFICIENCY
25 STANDARDS.—Each State plan shall describe

1 how the State educational agency will establish
2 English language proficiency standards that
3 are—

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

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

10 “(2) ACADEMIC ASSESSMENTS.—

11 “(A) IN GENERAL.—Each State plan shall
12 demonstrate that the State educational agency,
13 in consultation with local educational agencies,
14 has implemented a set of high-quality student
15 academic assessments in mathematics, reading
16 or language arts, and science. At the State’s
17 discretion, the State plan may also demonstrate
18 that the State has implemented such assess-
19 ments in any other subject chosen by the State

20 “(B) REQUIREMENTS.—Such assessments
21 shall—

22 “(i) in the case of mathematics and
23 reading or language arts, be used in deter-
24 mining the performance of each local edu-
25 cational agency and public school in the

1 State in accordance with the State’s ac-
2 countability system under paragraph (3);

3 “(ii) be the same academic assess-
4 ments used to measure the academic
5 achievement of all public school students in
6 the State;

7 “(iii) be aligned with the State’s aca-
8 demic standards and provide coherent and
9 timely information about student attain-
10 ment of such standards;

11 “(iv) be used for purposes for which
12 such assessments are valid and reliable, be
13 of adequate technical quality for each pur-
14 pose required under this Act, and be con-
15 sistent with relevant, nationally recognized
16 professional and technical standards;

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

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

23 “(aa) grades 3 through 5;

24 “(bb) grades 6 through 9; and

25 “(cc) grades 10 through 12;

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

4 “(vi) measure individual student aca-
5 demic proficiency and growth;

6 “(vii) at the State’s discretion—

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

10 “(II) be administered through
11 multiple assessments during the
12 course of the academic year that re-
13 sult in a single summative score that
14 provides valid, reliable, and trans-
15 parent information on student
16 achievement;

17 “(viii) include measures that assess
18 higher-order thinking skills and under-
19 standing;

20 “(ix) provide for—

21 “(I) the participation in such as-
22 sessments of all students;

23 “(II) the reasonable adaptations
24 and accommodations for students with
25 disabilities necessary to measure the

1 academic achievement of such stu-
2 dents relative to the State's academic
3 standards; and

4 “(III) the inclusion of English
5 learners, who shall be assessed in a
6 valid and reliable manner and pro-
7 vided reasonable accommodations, in-
8 cluding, to the extent practicable, as-
9 sessments in the language and form
10 most likely to yield accurate and reli-
11 able information on what such stu-
12 dents know and can do in academic
13 content areas, until such students
14 have achieved English language pro-
15 ficiency, as assessed by the State
16 under subparagraph (D);

17 “(x) notwithstanding clause (ix)(III),
18 provide for the assessment of reading or
19 language arts in English for English learn-
20 ers who have attended school in the United
21 States (not including Puerto Rico) for 3 or
22 more consecutive school years, except that
23 a local educational agency may, on a case-
24 by-case basis, provide for the assessment of
25 reading or language arts for each such stu-

1 dent in a language other than English for
2 a period not to exceed 2 additional con-
3 secutive years if the assessment would be
4 more likely to yield accurate and reliable
5 information on what such student knows
6 and can do, provided that such student has
7 not yet reached a level of English language
8 proficiency sufficient to yield valid and reli-
9 able information on what such student
10 knows and can do on reading or language
11 arts assessments written in English;

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

24 “(xii) enable results to be
25 disaggregated within each State, local edu-

1 cational agency, and school by gender, by
2 each major racial and ethnic group, by
3 English language proficiency status, by mi-
4 grant status, by status as a student with
5 a disability, and by economically disadvan-
6 taged status, except that, in the case of a
7 local educational agency or a school, such
8 disaggregation shall not be required in a
9 case in which the number of students in a
10 category is insufficient to yield statistically
11 reliable information or the results would
12 reveal personally identifiable information
13 about an individual student; and

14 “(xiii) be administered to not less
15 than 95 percent of all students, and not
16 less than 95 percent of each subgroup of
17 students described in paragraph
18 (3)(B)(ii)(II).

19 “(C) ALTERNATE ASSESSMENTS.—A State
20 may provide for alternate assessments aligned
21 with the alternate academic standards adopted
22 in accordance with paragraph (1)(D), for stu-
23 dents with the most significant cognitive dis-
24 abilities, if the State—

1 “(i) establishes and monitors imple-
2 mentation of clear and appropriate guide-
3 lines for individualized education program
4 teams (as defined in section 614(d)(1)(B)
5 of the Individuals with Disabilities Edu-
6 cation Act) to apply when determining
7 when a child’s significant cognitive dis-
8 ability justifies assessment based on alter-
9 nate achievement standards;

10 “(ii) ensures that the parents of such
11 students are informed that—

12 “(I) their child’s academic
13 achievement will be measured against
14 such alternate standards; and

15 “(II) whether participation in
16 such assessments precludes the stu-
17 dent from completing the require-
18 ments for a regular high school di-
19 ploma;

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

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

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

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

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

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

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

16 “(F) ADAPTIVE ASSESSMENTS.—A State
17 may develop and administer computer adaptive
18 assessments as the assessments required under
19 subparagraph (A). If a State develops and ad-
20 ministers a computer adaptive assessment for
21 such purposes, the assessment shall meet the
22 requirements of this paragraph, except as fol-
23 lows:

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

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

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

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

19 “(3) STATE ACCOUNTABILITY SYSTEMS.—

20 “(A) IN GENERAL.—Each State plan shall
21 demonstrate that the State has developed and is
22 implementing a single, statewide accountability
23 system to ensure that all public school students
24 graduate from high school prepared for postsec-

1 ondary education or the workforce without the
2 need for remediation.

3 “(B) ELEMENTS.—Each State account-
4 ability system described in subparagraph (A)
5 shall at a minimum—

6 “(i) annually measure the academic
7 achievement of all public school students in
8 the State against the State’s mathematics
9 and reading or language arts academic
10 standards adopted under paragraph (1),
11 which may include measures of student
12 growth toward such standards, using the
13 mathematics and reading or language arts
14 assessments described in paragraph (2)(B)
15 and other valid and reliable academic indi-
16 cators related to student achievement as
17 identified by the State;

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

21 “(I) student academic achieve-
22 ment as measured in accordance with
23 clause (i); and

24 “(II) the overall performance,
25 and achievement gaps as compared to

1 all students in the school, for eco-
2 nomically disadvantaged students, stu-
3 dents from major racial and ethnic
4 groups, students with disabilities, and
5 English learners, except that
6 disaggregation of data under this sub-
7 clause shall not be required in a case
8 in which the number of students in a
9 category is insufficient to yield statis-
10 tically reliable information or the re-
11 sults would reveal personally identifi-
12 able information about an individual
13 student; and

14 “(iii) include a system for school im-
15 provement for low-performing public
16 schools receiving funds under this subpart
17 that—

18 “(I) implements interventions in
19 such schools that are designed to ad-
20 dress such schools’ weaknesses; and

21 “(II) is implemented by local
22 educational agencies serving such
23 schools.

24 “(C) PROHIBITION.—Nothing in this sec-
25 tion shall be construed to permit the Secretary

1 to establish any criteria that specifies, defines,
2 or prescribes any aspect of a State's account-
3 ability system developed and implemented in ac-
4 cordance with this paragraph.

5 “(D) ACCOUNTABILITY FOR CHARTER
6 SCHOOLS.—The accountability provisions under
7 this Act shall be overseen for charter schools in
8 accordance with State charter school law.

9 “(4) REQUIREMENTS.—Each State plan shall
10 describe—

11 “(A) how the State educational agency will
12 assist each local educational agency and each
13 public school affected by the State plan to com-
14 ply with the requirements of this subpart, in-
15 cluding how the State educational agency will
16 work with local educational agencies to provide
17 technical assistance; and

18 “(B) how the State educational agency will
19 ensure that the results of the State assessments
20 described in paragraph (2), the other indicators
21 selected by the State under paragraph
22 (3)(B)(i), and the school evaluations described
23 in paragraph (3)(B)(ii), will be promptly pro-
24 vided to local educational agencies, schools,
25 teachers, and parents in a manner that is clear

1 and easy to understand, but not later than be-
2 fore the beginning of the school year following
3 the school year in which such assessments,
4 other indicators, or evaluations are taken or
5 completed.

6 “(5) TIMELINE FOR IMPLEMENTATION.—Each
7 State plan shall describe the process by which the
8 State will adopt and implement the State academic
9 standards, assessments, and accountability system
10 required under this section within 2 years of enact-
11 ment of the Student Success Act.

12 “(6) EXISTING STANDARDS.—Nothing in this
13 subpart shall prohibit a State from revising, con-
14 sistent with this section, any standard adopted
15 under this section before or after the date of enact-
16 ment of the Student Success Act.

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

1 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
2 AND LEARNING.—Each State plan shall contain assur-
3 ances that—

4 “(1) the State will notify local educational
5 agencies, schools, teachers, parents, and the public
6 of the academic standards, academic assessments,
7 and State accountability system developed and im-
8 plemented under this section;

9 “(2) the State will participate in biennial State
10 academic assessments of 4th and 8th grade reading
11 and mathematics under the National Assessment of
12 Educational Progress carried out under section
13 303(b)(2) of the National Assessment of Edu-
14 cational Progress Authorization Act if the Secretary
15 pays the costs of administering such assessments;

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

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

23 “(5) the State educational agency will encour-
24 age schools to consolidate funds from other Federal,

1 State, and local sources for schoolwide reform in
2 schoolwide programs under section 1114;

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

8 “(7) the State educational agency will inform
9 local educational agencies in the State of the local
10 educational agency’s authority to transfer funds
11 under section 1002 and to obtain waivers under sec-
12 tion 5401;

13 “(d) PARENTAL INVOLVEMENT.—Each State plan
14 shall describe how the State educational agency will sup-
15 port the collection and dissemination to local educational
16 agencies and schools of effective parental involvement
17 practices. Such practices shall—

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

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

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

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

4 “(1) ESTABLISHMENT.—Notwithstanding sec-
5 tion 5543, the Secretary shall—

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

8 “(B) appoint individuals to the peer-review
9 process who are representative of parents,
10 teachers, State educational agencies, and local
11 educational agencies, and who are familiar with
12 educational standards, assessments, account-
13 ability, the needs of low-performing schools, and
14 other educational needs of students, and ensure
15 that 75 percent of such appointees are practi-
16 tioners.

17 “(2) APPROVAL.—The Secretary shall—

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

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

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

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

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

8 “(iii) providing a hearing; and

9 “(D) have the authority to disapprove a
10 State plan for not meeting the requirements of
11 this subpart, but shall not have the authority to
12 require a State, as a condition of approval of
13 the State plan, to include in, or delete from,
14 such plan one or more specific elements of the
15 State’s academic standards or State account-
16 ability system, or to use specific academic as-
17 sessments or other indicators.

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

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

1 “(A) peer review guidance;

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

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

6 “(D) peer review notes;

7 “(E) State plan determinations by the Sec-
8 retary, including approvals or disapprovals, and
9 any deviations from the peer reviewers’ rec-
10 ommendations with an explanation of the devi-
11 ation; and

12 “(F) hearings.

13 “(5) PROHIBITION.—The Secretary, and the
14 Secretary’s staff, may not attempt to participate in,
15 or influence, the peer review process. No Federal
16 employee may participate in, or attempt to influence
17 the peer review process, except to respond to ques-
18 tions of a technical nature, which shall be publicly
19 reported.

20 “(f) DURATION OF THE PLAN.—

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

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

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

5 “(2) ADDITIONAL INFORMATION.—If a State
6 makes significant changes to its State plan, such as
7 the adoption of new State academic standards or
8 new academic assessments, or adopts a new State
9 accountability system, such information shall be sub-
10 mitted to the Secretary under subsection (e)(2) for
11 approval.

12 “(g) FAILURE TO MEET REQUIREMENTS.—If a State
13 fails to meet any of the requirements of this section then
14 the Secretary shall withhold funds for State administra-
15 tion under this subpart until the Secretary determines
16 that the State has fulfilled those requirements.

17 “(h) REPORTS.—

18 “(1) ANNUAL STATE REPORT CARD.—

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

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

3 “(i) concise; and

4 “(ii) presented in an understandable
5 and uniform format that is developed in
6 consultation with parents and, to the ex-
7 tent practicable, provided in a language
8 that parents can understand.

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

12 “(i) the performance of students, in
13 the aggregate and disaggregated by the
14 categories of students described in sub-
15 section (b)(2)(B)(xii) (except that such
16 disaggregation shall not be required in a
17 case in which the number of students in a
18 category is insufficient to yield statistically
19 reliable information or the results would
20 reveal personally identifiable information
21 about an individual student), on the State
22 academic assessments described in sub-
23 section (b)(2);

24 “(ii) the participation rate on such as-
25 sements, in the aggregate and

1 disaggregated in accordance with clause
2 (i);

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

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

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

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

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

23 “(vi) the acquisition of English pro-
24 ficiency by English learners;

1 “(vii) the number and percentage of
2 teachers in each category established under
3 clause (iii) of section 2123(1)(A), except
4 that such information shall not reveal per-
5 sonally identifiable information about an
6 individual teacher; and

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

9 “(D) OPTIONAL INFORMATION.—The State
10 may include in its annual State report card
11 such other information as the State believes will
12 best provide parents, students, and other mem-
13 bers of the public with information regarding
14 the progress of each of the State’s public ele-
15 mentary schools and public secondary schools.

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

18 “(A) IN GENERAL.—A local educational
19 agency that receives assistance under this sub-
20 part shall prepare and disseminate an annual
21 local educational agency report card.

22 “(B) MINIMUM REQUIREMENTS.—The
23 State educational agency shall ensure that each
24 local educational agency collects appropriate
25 data and includes in the local educational agen-

1 cy’s annual report the information described in
2 paragraph (1)(C) as applied to the local edu-
3 cational agency and each school served by the
4 local educational agency, and—

5 “(i) in the case of a local educational
6 agency, information that shows how stu-
7 dents served by the local educational agen-
8 cy achieved on the statewide academic as-
9 sessment and other academic indicators
10 adopted in accordance with subsection
11 (b)(3)(B)(i) compared to students in the
12 State as a whole; and

13 “(ii) in the case of a school, the
14 school’s evaluation under subsection
15 (b)(3)(B)(ii).

16 “(C) OTHER INFORMATION.—A local edu-
17 cational agency may include in its annual local
18 educational agency report card any other appro-
19 priate information, whether or not such infor-
20 mation is included in the annual State report
21 card.

22 “(D) DATA.—A local educational agency
23 or school shall only include in its annual local
24 educational agency report card data that are
25 sufficient to yield statistically reliable informa-

1 tion, as determined by the State, and that do
2 not reveal personally identifiable information
3 about an individual student.

4 “(E) PUBLIC DISSEMINATION.—The local
5 educational agency shall publicly disseminate
6 the information described in this paragraph to
7 all schools served by the local educational agen-
8 cy and to all parents of students attending
9 those schools in an understandable and uniform
10 format, and, to the extent practicable, in a lan-
11 guage that parents can understand, and make
12 the information widely available through public
13 means, such as posting on the Internet, dis-
14 tribution to the media, and distribution through
15 public agencies, except that if a local edu-
16 cational agency issues a report card for all stu-
17 dents, the local educational agency may include
18 the information under this section as part of
19 such report.

20 “(3) PREEXISTING REPORT CARDS.—A State
21 educational agency or local educational agency may
22 use public report cards on the performance of stu-
23 dents, schools, local educational agencies, or the
24 State, that were in effect prior to the enactment of
25 the Student Success Act for the purpose of this sub-

1 section, so long as any such report card is modified,
2 as may be needed, to contain the information re-
3 quired by this subsection.

4 “(4) PARENTS RIGHT-TO-KNOW.—

5 “(A) ACHIEVEMENT INFORMATION.—At
6 the beginning of each school year, a school that
7 receives funds under this subpart shall provide
8 to each individual parent information on the
9 level of achievement of the parent’s child in
10 each of the State academic assessments and
11 other academic indicators adopted in accord-
12 ance with this subpart.

13 “(B) FORMAT.—The notice and informa-
14 tion provided to parents under this paragraph
15 shall be in an understandable and uniform for-
16 mat and, to the extent practicable, provided in
17 a language that the parents can understand.

18 “(i) PRIVACY.—Information collected under this sec-
19 tion shall be collected and disseminated in a manner that
20 protects the privacy of individuals consistent with section
21 444 of the General Education Provisions Act.

22 “(j) VOLUNTARY PARTNERSHIPS.—A State may
23 enter into a voluntary partnership with another State to
24 develop and implement the academic standards and as-
25 sessments required under this section, except that the Sec-

1 retary shall not, either directly or indirectly, attempt to
2 influence, incentivize, or coerce State—

3 “(1) adoption of the Common Core State
4 Standards developed under the Common Core State
5 Standards Initiative, any other academic standards
6 common to a significant number of States, or assess-
7 ments tied to such standards; or

8 “(2) participation in any such partnerships.

9 “(k) CONSTRUCTION.—Nothing in this part shall be
10 construed to prescribe the use of the academic assess-
11 ments described in this part for student promotion or
12 graduation purposes.

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

18 “(1) Each such school that is accredited by the
19 State in which it is operating shall use the assess-
20 ments and other academic indicators the State has
21 developed and implemented to meet the require-
22 ments of this section, or such other appropriate as-
23 sessment and academic indicators as approved by
24 the Secretary of the Interior.

1 “(2) Each such school that is accredited by a
2 regional accrediting organization shall adopt an ap-
3 propriate assessment and other academic indicators,
4 in consultation with and with the approval of, the
5 Secretary of the Interior and consistent with assess-
6 ments and academic indicators adopted by other
7 schools in the same State or region, that meet the
8 requirements of this section.

9 “(3) Each such school that is accredited by a
10 tribal accrediting agency or tribal division of edu-
11 cation shall use an assessment and other academic
12 indicators developed by such agency or division, ex-
13 cept that the Secretary of the Interior shall ensure
14 that such assessment and academic indicators meet
15 the requirements of this section.”.

16 **SEC. 113. LOCAL EDUCATIONAL AGENCY PLANS.**

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

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

20 “(a) PLANS REQUIRED.—

21 “(1) SUBGRANTS.—A local educational agency
22 may receive a subgrant under this subpart for any
23 fiscal year only if such agency has on file with the
24 State educational agency a plan, approved by the
25 State educational agency, that is coordinated with

1 other programs under this Act, the Individuals with
2 Disabilities Education Act, the Carl D. Perkins Ca-
3 reer and Technical Education Act of 2006, the
4 McKinney-Vento Homeless Assistance Act, and
5 other Acts, as appropriate.

6 “(2) CONSOLIDATED APPLICATION.—The plan
7 may be submitted as part of a consolidated applica-
8 tion under section 5305.

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

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

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

19 “(3) how the local educational agency will pro-
20 vide additional educational assistance to individual
21 students in need of additional help in meeting the
22 State’s academic standards;

23 “(4) how the local educational agency will im-
24 plement the school improvement system described in

1 section 1111(b)(3)(B)(iii) for any of the agency's
2 schools identified under such section;

3 “(5) how the local educational agency will co-
4 ordinate programs under this subpart with other
5 programs under this Act and other Acts, as appro-
6 priate;

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

9 “(7) how teachers, in consultation with parents,
10 administrators, and specialized instructional support
11 personnel, in targeted assistance schools under sec-
12 tion 1115, will identify the eligible children most in
13 need of services under this subpart;

14 “(8) in general, the nature of the programs to
15 be conducted by the local educational agency's
16 schools under sections 1114 and 1115, and, where
17 appropriate, educational services outside such
18 schools for children living in local institutions for ne-
19 glected and delinquent children, and for neglected
20 and delinquent children in community day school
21 programs;

22 “(9) how the local educational agency will en-
23 sure that migratory children who are eligible to re-
24 ceive services under this subpart are selected to re-
25 ceive such services on the same basis as other chil-

1 dren who are selected to receive services under this
2 subpart;

3 “(10) the services the local educational agency
4 will provide homeless children, including services
5 provided with funds reserved under section
6 1113(e)(3)(A);

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

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

20 “(13) how the local educational agency, through
21 incentives for voluntary transfers, the provision of
22 professional development, recruitment programs, in-
23 centive pay, performance pay, or other effective
24 strategies, will address disparities in the rates of

1 low-income and minority students and other stu-
2 dents being taught by ineffective teachers; and

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

6 “(A) career and technical education
7 aligned with State technical standards that pro-
8 mote skills attainment important to in-demand
9 occupations or industries in the State and the
10 State’s academic standards under section
11 1111(b)(1); and

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

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

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

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

4 “(3) provide technical assistance to schoolwide
5 programs;

6 “(4) provide services to eligible children attend-
7 ing private elementary and secondary schools in ac-
8 cordance with section 1120, and timely and mean-
9 ingful consultation with private school officials or
10 representatives regarding such services;

11 “(5) in the case of a local educational agency
12 that chooses to use funds under this subpart to pro-
13 vide early childhood development services to low-in-
14 come children below the age of compulsory school at-
15 tendance, ensure that such services comply with the
16 performance standards established under section
17 641A(a) of the Head Start Act;

18 “(6) inform eligible schools of the local edu-
19 cational agency’s authority to request waivers on the
20 school’s behalf under Title V; and

21 “(7) ensure that the results of the academic as-
22 sessments required under section 1111(b)(2) will be
23 provided to parents and teachers as soon as is prac-
24 ticably possible after the test is taken, in an under-
25 standable and uniform format and, to the extent

1 practicable, provided in a language that the parents
2 can understand.

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

5 “(1) consult with the Secretary of Health and
6 Human Services and shall establish procedures (tak-
7 ing into consideration existing State and local laws,
8 and local teacher contracts) to assist local edu-
9 cational agencies to comply with such subparagraph;
10 and

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

18 “(e) PLAN DEVELOPMENT AND DURATION.—

19 “(1) CONSULTATION.—Each local educational
20 agency plan shall be developed in consultation with
21 teachers, school leaders, public charter school rep-
22 resentatives, administrators, and other appropriate
23 school personnel, and with parents of children in
24 schools served under this subpart.

1 “(2) DURATION.—Each such plan shall be sub-
2 mitted for the first year for which this part is in ef-
3 fect following the date of enactment of this Act and
4 shall remain in effect for the duration of the agen-
5 cy’s participation under this subpart.

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

9 “(f) STATE APPROVAL.—

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

13 “(2) APPROVAL.—The State educational agency
14 shall approve a local educational agency’s plan only
15 if the State educational agency determines that the
16 local educational agency’s plan—

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

21 “(B) meets the requirements of this sec-
22 tion.

23 “(3) REVIEW.—The State educational agency
24 shall review the local educational agency’s plan to

1 determine if such agency's activities are in accord-
2 ance with section 1118.

3 “(g) PARENTAL NOTIFICATION.—

4 “(1) IN GENERAL.—Each local educational
5 agency using funds under this subpart and subpart
6 4 to provide a language instruction educational pro-
7 gram shall, not later than 30 days after the begin-
8 ning of the school year, inform parents of an
9 English learner identified for participation, or par-
10 ticipating in, such a program of—

11 “(A) the reasons for the identification of
12 their child as an English learner and in need of
13 placement in a language instruction educational
14 program;

15 “(B) the child's level of English pro-
16 ficiency, how such level was assessed, and the
17 status of the child's academic achievement;

18 “(C) the methods of instruction used in
19 the program in which their child is, or will be
20 participating, and the methods of instruction
21 used in other available programs, including how
22 such programs differ in content, instructional
23 goals, and the use of English and a native lan-
24 guage in instruction;

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

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

8 “(F) the specific exit requirements for the
9 program, including the expected rate of transi-
10 tion from such program into classrooms that
11 are not tailored for English learners, and the
12 expected rate of graduation from high school
13 for such program if funds under this subpart
14 are used for children in secondary schools;

15 “(G) in the case of a child with a dis-
16 ability, how such program meets the objectives
17 of the individualized education program of the
18 child; and

19 “(H) information pertaining to parental
20 rights that includes written guidance—

21 “(i) detailing—

22 “(I) the right that parents have
23 to have their child immediately re-
24 moved from such program upon their
25 request; and

1 “(II) the options that parents
2 have to decline to enroll their child in
3 such program or to choose another
4 program or method of instruction, if
5 available; and

6 “(ii) assisting parents in selecting
7 among various programs and methods of
8 instruction, if more than one program or
9 method is offered by the eligible entity.

10 “(2) NOTICE.—The notice and information pro-
11 vided in paragraph (1) to parents of a child identi-
12 fied for participation in a language instruction edu-
13 cational program for English learners shall be in an
14 understandable and uniform format and, to the ex-
15 tent practicable, provided in a language that the
16 parents can understand.

17 “(3) SPECIAL RULE APPLICABLE DURING THE
18 SCHOOL YEAR.—For those children who have not
19 been identified as English learners prior to the be-
20 ginning of the school year the local educational
21 agency shall notify parents within the first 2 weeks
22 of the child being placed in a language instruction
23 educational program consistent with paragraphs (1)
24 and (2).

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

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

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

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

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

23 (2) in subsection (c)(4)—

24 (A) by striking “subpart 2” and inserting
25 “chapter B”; and

1 (B) by striking “school improvement, cor-
2 rective action, and restructuring under section
3 1116(b)” and inserting “school improvement
4 under section 1111(b)(3)(B)(iii)”.

5 **SEC. 115. SCHOOLWIDE PROGRAMS.**

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

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

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

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

13 (B) in paragraph (2)—

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

16 (ii) in subparagraph (B)—

17 (I) by striking “children with
18 limited English proficiency” and in-
19 serting “English learners”; and

20 (II) by striking “part” and in-
21 serting “subpart”;

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

25 (D) by striking paragraph (4); and

1 (2) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) in subparagraph (A)—

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

7 (II) by striking “content stand-
8 ards and the State student academic
9 achievement standards” and inserting
10 “standards”;

11 (ii) in subparagraph (B)—

12 (I) in clause (i), by striking “pro-
13 ficient” and all that follows through
14 “section 1111(b)(1)(D)” and inserting
15 “academic standards described in sec-
16 tion 1111(b)(1)”;

17 (II) in clause (ii), in the matter
18 preceding subclause (I), by striking
19 “based on scientifically based re-
20 search” and inserting “evidence-
21 based”;

22 (III) in clause (iii)—

23 (aa) in subclause (I)—

24 (AA) by striking “stu-
25 dent academic achievement

1 standards” and inserting
2 “academic standards”; and
3 (BB) by striking
4 “schoolwide program,” and
5 all that follows through
6 “technical education pro-
7 grams; and” and inserting
8 “schoolwide programs; and”;
9 and
10 (bb) in subclause (II), by
11 striking “and”;
12 (IV) in clause (iv)—
13 (aa) by striking “the State
14 and local improvement plans”
15 and inserting “school improve-
16 ment strategies”; and
17 (bb) by striking the period
18 and inserting “; and”; and
19 (V) by adding at the end the fol-
20 lowing new clause:
21 “(v) may be delivered by nonprofit or
22 for-profit external providers with expertise
23 in using evidence-based or other effective
24 strategies to improve student achieve-
25 ment.”;

1 (iii) in subparagraph (C), by striking
2 “highly qualified” and inserting “effec-
3 tive”;

4 (iv) in subparagraph (D)—

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

9 (II) by striking “pupil services”
10 and inserting “specialized instruc-
11 tional support services”; and

12 (III) by striking “student aca-
13 demic achievement” and inserting
14 “academic”;

15 (v) in subparagraph (E), by striking
16 “high-quality highly qualified” and insert-
17 ing “effective”;

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

22 (vii) in subparagraph (H), by striking
23 “section 1111(b)(3)” and inserting “sec-
24 tion 1111(b)(2)”;

- 1 (viii) in subparagraph (I), by striking
2 “proficient or advanced levels of academic
3 achievement standards” and inserting
4 “State academic standards”; and
- 5 (ix) in subparagraph (J), by striking
6 “vocational” and inserting “career”; and
7 (B) in paragraph (2)—
- 8 (i) in subparagraph (A)—
- 9 (I) in the matter preceding clause
10 (i)—
- 11 (aa) by striking “first de-
12 velop” and all that follows
13 through “2001)” and inserting
14 “have in place”; and
- 15 (bb) by striking “and its
16 school support team or other
17 technical assistance provider
18 under section 1117”;
- 19 (II) in clause (ii), by striking
20 “part” and inserting “subpart”; and
- 21 (III) in clause (iv), by striking
22 “section 1111(b)(3)” and inserting
23 “section 1111(b)(2)”; and
- 24 (ii) in subparagraph (B)—
- 25 (I) in clause (i)—

1 (aa) in subclause (I), by
2 striking “, after considering the
3 recommendation of the technical
4 assistance providers under sec-
5 tion 1117,”; and

6 (bb) in subclause (II), by
7 striking “the No Child Left Be-
8 hind Act of 2001” and inserting
9 “Student Success Act”;
10 (II) in clause (ii)—

11 (aa) by striking “(including
12 administrators of programs de-
13 scribed in other parts of this
14 title)”; and

15 (bb) by striking “pupil serv-
16 ices” and inserting “specialized
17 instructional support services”;

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

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

23 (3) in subsection (c)—

24 (A) by striking “part” and inserting “sub-
25 part”; and

1 (B) by striking “6,” and all that follows
2 through the period at the end and inserting
3 “6.”.

4 **SEC. 116. TARGETED ASSISTANCE SCHOOLS.**

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

6 (1) in subsection (a)—

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

10 (B) by striking “operate such” and insert-
11 ing “operate”; and

12 (C) by striking “part” and inserting “sub-
13 part”;

14 (2) in subsection (b)—

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

18 (B) in paragraph (2)—

19 (i) in subparagraph (A)—

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

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

25 (ii) in subparagraph (B)—

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

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

6 (iii) in subparagraph (C)—

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

10 (II) by striking “part C” and in-
11 sserting “subpart 3”; and

12 (III) by striking “part” and in-
13 sserting “subpart”;

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

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

19 (3) in subsection (c)—

20 (A) in paragraph (1)—

21 (i) in the matter preceding subpara-
22 graph (A)—

23 (I) by striking “part” and insert-
24 ing “subpart”; and

1 (II) by striking “challenging stu-
2 dent academic achievement” and in-
3 sserting “academic”;

4 (ii) in subparagraph (A)—

5 (I) by striking “part” and insert-
6 ing “subpart”; and

7 (II) by striking “challenging stu-
8 dent academic achievement” and in-
9 sserting “academic”;

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

12 (iv) in subparagraph (C)—

13 (I) in the matter preceding clause
14 (i), by striking “based on scientifically
15 based research” and inserting “evi-
16 dence-based”; and

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

19 (v) in subparagraph (D), by striking
20 “such as Head Start, Even Start, Early
21 Reading First or State-run preschool pro-
22 grams”;

23 (vi) in subparagraph (E), by striking
24 “highly qualified” and inserting “effec-
25 tive”;

- 1 (vii) in subparagraph (F)—
- 2 (I) by striking “in accordance
- 3 with subsection (e)(3) and section
- 4 1119,”;
- 5 (II) by striking “part” and in-
- 6 serting “subpart”; and
- 7 (III) by striking “pupil services
- 8 personnel” and inserting “specialized
- 9 instructional support personnel”; and
- 10 (viii) in subparagraph (H), by striking
- 11 “vocational” and inserting “career”; and
- 12 (B) in paragraph (2)—
- 13 (i) in the matter preceding subpara-
- 14 graph (A), by striking “proficient and ad-
- 15 vanced levels of achievement” and insert-
- 16 ing “academic standards”;
- 17 (ii) in subparagraph (A), by striking
- 18 “part” and inserting “subpart”; and
- 19 (iii) in subparagraph (B), by striking
- 20 “challenging student academic achieve-
- 21 ment” and inserting “academic”;
- 22 (4) in subsection (d), in the matter preceding
- 23 paragraph (1), by striking “part” each place it ap-
- 24 pears and inserting “subpart”;
- 25 (5) in subsection (e)—

1 (A) in paragraph (2)(B)—

2 (i) in the matter preceding clause (i),
3 by striking “part” and inserting “sub-
4 part”; and

5 (ii) in clause (iii), by striking “pupil
6 services” and inserting “specialized in-
7 structional support services”; and

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

9 (6) by adding at the end the following new sub-
10 section:

11 “(f) DELIVERY OF SERVICES.—The elements of a
12 targeted assistance program under this section may be de-
13 livered by nonprofit or for-profit external providers with
14 expertise in using evidence-based or other effective strate-
15 gies to improve student achievement.”.

16 **SEC. 117. ACADEMIC ASSESSMENT AND LOCAL EDU-**
17 **CATIONAL AGENCY AND SCHOOL IMPROVE-**
18 **MENT; SCHOOL SUPPORT AND RECOGNITION.**

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

21 **SEC. 118. PARENTAL INVOLVEMENT.**

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

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

25 (2) in subsection (a)—

1 (A) in paragraph (2)—

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

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

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

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

13 “(B) a description and explanation of the
14 curriculum in use at the school and the forms
15 of academic assessment used to measure stu-
16 dent progress; and”;

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

19 (5) in subsection (e)—

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

24 (B) in paragraph (3)—

1 (i) by striking “pupil services per-
2 sonnel,” and inserting “specialized instruc-
3 tional support personnel,”; and

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

6 (C) in paragraph (4), by striking “Head
7 Start, Reading First, Early Reading First,
8 Even Start, the Home Instruction Programs for
9 Preschool Youngsters, the Parents as Teachers
10 Program, and public preschool and other” and
11 inserting “other Federal, State, and local”; and
12 (6) by amending subsection (g) to read as fol-

13 lows:

14 “(g) FAMILY ENGAGEMENT IN EDUCATION PRO-
15 GRAMS.—In a State operating a program under subpart
16 3 of part A of title III, each local educational agency or
17 school that receives assistance under this subpart shall in-
18 form such parents and organizations of the existence of
19 such programs.”.

20 **SEC. 119. QUALIFICATIONS FOR TEACHERS AND PARA-**
21 **PROFESSIONALS.**

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

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

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

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

7 **“(a) GENERAL REQUIREMENT.—**

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

14 **“(A)** after timely and meaningful consulta-
15 tion with appropriate private school officials or
16 representatives, provide such service, on an eq-
17 uitable basis and individually or in combination,
18 as requested by the officials or representatives
19 to best meet the needs of such children, special
20 educational services, instructional services,
21 counseling, mentoring, one-on-one tutoring, or
22 other benefits under this subpart (such as dual
23 enrollment, educational radio and television,
24 computer equipment and materials, other tech-
25 nology, and mobile educational services and
26 equipment) that address their needs; and

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

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

9 “(3) EQUITY.—

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

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

22 “(4) EXPENDITURES.—

23 “(A) IN GENERAL.—Expenditures for edu-
24 cational services and other benefits to eligible
25 private school children shall be equal to the ex-

1 penditures for participating public school chil-
2 dren, taking into account the number, and edu-
3 cational needs, of the children to be served. The
4 share of funds shall be determined based on the
5 total allocation received by the local educational
6 agency prior to any allowable expenditures au-
7 thorized under this title.

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

12 “(i) be obligated in the fiscal year for
13 which the funds are received by the agen-
14 cy; and

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

19 “(C) NOTICE OF ALLOCATION.—Each
20 State educational agency shall—

21 “(i) determine, in a timely manner,
22 the proportion of funds to be allocated to
23 each local educational agency in the State
24 for educational services and other benefits

1 under this subpart to eligible private school
2 children; and

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

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

14 “(b) CONSULTATION.—

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

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

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

5 “(B) what services will be offered;

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

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

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

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

24 “(G) how and when the agency will make
25 decisions about the delivery of services to such

1 children, including a thorough consideration
2 and analysis of the views of the private school
3 officials or representatives on the provision of
4 services through a contract with potential third-
5 party providers;

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

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

18 “(J) whether to provide equitable services
19 to eligible private school children—

20 “(i) by creating a pool or pools of
21 funds with all of the funds allocated under
22 paragraph (4) based on all the children
23 from low-income families who attend pri-
24 vate schools in a participating school at-
25 tendance area of the agency from which

1 the local educational agency will provide
2 such services to all such children; or

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

10 “(K) whether to consolidate and use funds
11 under this subpart to provide schoolwide pro-
12 grams for a private school.

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

21 “(3) TIMING.—Such consultation shall include
22 meetings of agency and private school officials or
23 representatives and shall occur before the local edu-
24 cational agency makes any decision that affects the
25 opportunities of eligible private school children to

1 participate in programs under this subpart. Such
2 meetings shall continue throughout implementation
3 and assessment of services provided under this sec-
4 tion.

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

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

1 “(6) COMPLIANCE.—

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

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

19 “(C) STATE EDUCATIONAL AGENCIES.—A
20 State educational agency shall provide services
21 under this section directly or through contracts
22 with public or private agencies, organizations,
23 and institutions, if—

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

1 “(I) requested that the State
2 educational agency provide such serv-
3 ices directly; and

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

8 “(ii) in a case in which—

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

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

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

24 “(1) CALCULATION.—A local educational agen-
25 cy shall have the final authority, consistent with this

1 section, to calculate the number of children, ages 5
2 through 17, who are from low-income families and
3 attend private schools by—

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

6 “(B) using the results of a survey that, to
7 the extent possible, protects the identity of fam-
8 ilies of private school students, and allowing
9 such survey results to be extrapolated if com-
10 plete actual data are unavailable;

11 “(C) applying the low-income percentage of
12 each participating public school attendance
13 area, determined pursuant to this section, to
14 the number of private school children who re-
15 side in that school attendance area; or

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

19 “(2) COMPLAINT PROCESS.—Any dispute re-
20 garding low-income data for private school students
21 shall be subject to the complaint process authorized
22 in section 5503.

23 “(d) PUBLIC CONTROL OF FUNDS.—

24 “(1) IN GENERAL.—The control of funds pro-
25 vided under this subpart, and title to materials,

1 equipment, and property purchased with such funds,
2 shall be in a public agency, and a public agency shall
3 administer such funds, materials, equipment, and
4 property.

5 “(2) PROVISION OF SERVICES.—

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

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

9 or

10 “(ii) through a contract by such pub-
11 lic agency with an individual, association,
12 agency, or organization.

13 “(B) REQUIREMENT.—In the provision of
14 such services, such employee, individual, asso-
15 ciation, agency, or organization shall be inde-
16 pendent of such private school and of any reli-
17 gious organization, and such employment or
18 contract shall be under the control and super-
19 vision of such public agency.

20 “(e) STANDARDS FOR A BYPASS.—If a local edu-
21 cational agency is prohibited by law from providing for
22 the participation in programs on an equitable basis of eli-
23 gible children enrolled in private elementary schools and
24 secondary schools, or if the Secretary determines that a
25 local educational agency has substantially failed or is un-

1 willing to provide for such participation, as required by
2 this section, the Secretary shall—

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

5 “(2) arrange for the provision of services to
6 such children through arrangements that shall be
7 subject to the requirements of this section and sec-
8 tions 5503 and 5504; and

9 “(3) in making the determination under this
10 subsection, consider one or more factors, including
11 the quality, size, scope, and location of the program
12 and the opportunity of eligible children to partici-
13 pate.”.

14 **SEC. 121. FISCAL REQUIREMENTS.**

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

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

18 (2) by striking subsection (a) and redesignating
19 subsections (b), (c), and (d) as subsections (a), (b),
20 and (c), respectively.

21 **SEC. 122. COORDINATION REQUIREMENTS.**

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

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

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

3 (3) in subsection (b)—

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

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

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

12 (D) in paragraph (5), by striking “and en-
13 tities carrying out Early Reading First pro-
14 grams”.

15 **SEC. 123. GRANTS FOR THE OUTLYING AREAS AND THE**
16 **SECRETARY OF THE INTERIOR.**

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

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

22 (2) in subsection (b)—

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

1 (B) in paragraph (3)—

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

5 (ii) in subparagraph (C)(ii), by strik-
6 ing “challenging State academic content
7 standards” and inserting “State academic
8 standards”; and

9 (iii) by striking subparagraph (D);
10 and

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

13 **SEC. 124. ALLOCATIONS TO STATES.**

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

15 (1) by amending subsection (a) to read as fol-
16 lows:

17 “(a) RESERVATION.—

18 “(1) IN GENERAL.—From the amounts appro-
19 priated under section 3(a)(1), the Secretary shall re-
20 serve 91.055 percent of such amounts to carry out
21 this chapter.

22 “(2) ALLOCATION FORMULA.—Of the amount
23 reserved under paragraph (1) for each of fiscal years
24 2014 to 2019 (referred to in this subsection as the
25 current fiscal year)—

1 “(A) an amount equal to the amount made
2 available to carry out section 1124 for fiscal
3 year 2001 shall be used to carry out section
4 1124;

5 “(B) an amount equal to the amount made
6 available to carry out section 1124A for fiscal
7 year 2001 shall be used to carry out section
8 1124A; and

9 “(C) an amount equal to 100 percent of
10 the amount, if any, by which the total amount
11 made available to carry out this chapter for the
12 fiscal year for which the determination is made
13 exceeds the total amount available to carry out
14 sections 1124 and 1124A for fiscal year 2001
15 shall be used to carry out section 1125 and
16 1125A and such amount shall be divided equal-
17 ly between section 1125 and section 1125A.”;

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

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

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

1 **SEC. 125. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
2 **CIES.**

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

4 (1) in subsection (a)—

5 (A) in paragraph (3)—

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

8 (ii) in subparagraph (C)(i), by strik-
9 ing “subpart” and inserting “chapter”;
10 and

11 (B) in paragraph (4)(C), by striking “sub-
12 part” each place it appears and inserting
13 “chapter”; and

14 (2) in subsection (c)—

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

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

20 **SEC. 126. ADEQUACY OF FUNDING OF TARGETED GRANTS**
21 **TO LOCAL EDUCATIONAL AGENCIES IN FIS-**
22 **CAL YEARS AFTER FISCAL YEAR 2001.**

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

1 **“SEC. 1125AA. ADEQUACY OF FUNDING OF TARGETED**
2 **GRANTS TO LOCAL EDUCATIONAL AGENCIES**
3 **IN FISCAL YEARS AFTER FISCAL YEAR 2001.**

4 “Pursuant to section 1122, the total amount allo-
5 cated in any fiscal year after fiscal year 2001 for programs
6 and activities under this subpart shall not exceed the
7 amount allocated in fiscal year 2001 for such programs
8 and activities unless the amount available for targeted
9 grants to local educational agencies under section 1125
10 in the applicable fiscal year meets the requirements of sec-
11 tion 1122(a).”.

12 **SEC. 127. EDUCATION FINANCE INCENTIVE GRANT PRO-**
13 **GRAM.**

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

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

17 (2) in subsection (b)(1)—

18 (A) in subparagraph (A), by striking “ap-
19 propriated pursuant to subsection (f)” and in-
20 serting “made available for any fiscal year to
21 carry out this section”; and

22 (B) in subparagraph (B)(i), by striking
23 “total appropriations” and inserting “the total
24 amount reserved under section 1122(a) to carry
25 out this section”; and

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

4 **SEC. 128. CARRYOVER AND WAIVER.**

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

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

10 **SEC. 131. ADDITIONAL AID.**

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

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

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

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

19 **“SEC. 1131. PROGRAM PURPOSES.**

20 “The purposes of this subpart are as follows:

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

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

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

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

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

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

19 “(a) IN GENERAL.—From the amounts appropriated
20 under section 3(a)(1), the Secretary shall reserve 2.37 per-
21 cent to carry out this subpart.

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

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

4 **“SEC. 1133. STATE ALLOCATIONS.**

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

9 “(1) the sum of—

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

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

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

24 “(b) HOLD HARMLESS.—Notwithstanding subsection
25 (a), for each of fiscal years 2014 through 2016, no State

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

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

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

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

18 “(d) RATABLE REDUCTIONS; REALLOCATIONS.—

19 “(1) IN GENERAL.—

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

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

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

9 “(2) SPECIAL RULE.—

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

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

1 “(e) CONSORTIUM ARRANGEMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(a) COMPREHENSIVE PLAN.—

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

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

17 “(B) may be submitted as a part of a con-
18 solidated application under section 5302, if—

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

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

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

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

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

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

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

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

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

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

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

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

8 “(b) AUTHORIZED ACTIVITIES.—

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

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

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

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

9 **“SEC. 1137. BYPASS.**

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

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

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

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

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

24 “(a) IMPROVEMENT OF COORDINATION.—

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

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

14 “(b) STUDENT RECORDS.—

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

20 “(2) INFORMATION SYSTEM.—

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

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

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

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

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

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

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

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

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

14 “(4) REPORT TO CONGRESS.—

15 “(A) IN GENERAL.—Not later than April
16 30, 2014, the Secretary shall report to the
17 Committee on Health, Education, Labor, and
18 Pensions of the Senate and the Committee on
19 Education and the Workforce of the House of
20 Representatives the Secretary’s findings and
21 recommendations regarding the maintenance
22 and transfer of health and educational informa-
23 tion for migratory students by the States.

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

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

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

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

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

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

16 **“SEC. 1139. DEFINITIONS.**

17 “As used in this subpart:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(c) GRANTS AWARDED.—From the amounts re-
26 served under subsection (b) and not reserved under section

1 1004 and section 1159, the Secretary shall make grants
2 to State educational agencies that have plans submitted
3 under section 1154 approved to enable such agencies to
4 award subgrants to State agencies and local educational
5 agencies to establish or improve programs of education for
6 neglected, delinquent, or at-risk children and youth.

7 **“SEC. 1142. PAYMENTS FOR PROGRAMS UNDER THIS SUB-**
8 **PART.**

9 “(a) AGENCY SUBGRANTS.—Based on the allocation
10 amount computed under section 1152, the Secretary shall
11 allocate to each State educational agency an amount nec-
12 essary to make subgrants to State agencies under chapter
13 A.

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

20 **“CHAPTER A—STATE AGENCY PROGRAMS**

21 **“SEC. 1151. ELIGIBILITY.**

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

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

3 “(2) attending community day programs for ne-
4 glected or delinquent children and youth; or

5 “(3) in adult correctional institutions.

6 **“SEC. 1152. ALLOCATION OF FUNDS.**

7 “(a) SUBGRANTS TO STATE AGENCIES.—

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

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

16 “(i) are enrolled for at least 15 hours
17 per week in education programs in adult
18 correctional institutions; and

19 “(ii) are enrolled for at least 20 hours
20 per week—

21 “(I) in education programs in in-
22 stitutions for neglected or delinquent
23 children and youth; or

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

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

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

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

18 “(B) be adjusted, as the Secretary deter-
19 mines is appropriate, to reflect the relative
20 length of such agency’s annual programs.

21 “(b) SUBGRANTS TO STATE AGENCIES IN PUERTO
22 RICO.—

23 “(1) IN GENERAL.—For each fiscal year, the
24 amount of the subgrant which a State agency in the
25 Commonwealth of Puerto Rico shall be eligible to re-

1 ceive under this chapter shall be the amount deter-
2 mined by multiplying the number of children count-
3 ed under subsection (a)(1)(A) for the Common-
4 wealth of Puerto Rico by the product of—

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

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

11 “(2) MINIMUM PERCENTAGE.—The percentage
12 in paragraph (1)(A) shall not be less than 85 per-
13 cent.

14 “(c) RATABLE REDUCTIONS IN CASE OF INSUFFI-
15 CIENT APPROPRIATIONS.—If the amount reserved for any
16 fiscal year for subgrants under subsections (a) and (b) is
17 insufficient to pay the full amount for which all State
18 agencies are eligible under such subsections, the Secretary
19 shall ratably reduce each such amount.

20 **“SEC. 1153. STATE REALLOCATION OF FUNDS.**

21 “‘If a State educational agency determines that a
22 State agency does not need the full amount of the
23 subgrant for which such State agency is eligible under this
24 chapter for any fiscal year, the State educational agency
25 may reallocate the amount that will not be needed to other

1 eligible State agencies that need additional funds to carry
2 out the purpose of this chapter, in such amounts as the
3 State educational agency shall determine.

4 **“SEC. 1154. STATE PLAN AND STATE AGENCY APPLICA-**
5 **TIONS.**

6 “(a) STATE PLAN.—

7 “(1) IN GENERAL.—Each State educational
8 agency that desires to receive a grant under this
9 chapter shall submit, for approval by the Secretary,
10 a plan—

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

14 “(B) for assisting in the transition of chil-
15 dren and youth from correctional facilities to lo-
16 cally operated programs; and

17 “(C) that is integrated with other pro-
18 grams under this Act or other Acts, as appro-
19 priate.

20 “(2) CONTENTS.—Each such State plan shall—

21 “(A) describe how the State will assess the
22 effectiveness of the program in improving the
23 academic, career, and technical skills of chil-
24 dren in the program;

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

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

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

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

15 “(ii) carry out the evaluation require-
16 ments of section 1171; and

17 “(iii) ensure that the State agencies
18 receiving subgrants under this chapter
19 comply with all applicable statutory and
20 regulatory requirements.

21 “(3) DURATION OF THE PLAN.—Each such
22 State plan shall—

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

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

5 “(b) SECRETARIAL APPROVAL AND PEER REVIEW.—

6 “(1) SECRETARIAL APPROVAL.—The Secretary
7 shall approve each State plan that meets the re-
8 quirements of this chapter.

9 “(2) PEER REVIEW.—The Secretary may review
10 any State plan with the assistance and advice of in-
11 dividuals with relevant expertise.

12 “(c) STATE AGENCY APPLICATIONS.—Any State
13 agency that desires to receive funds to carry out a pro-
14 gram under this chapter shall submit an application to
15 the State educational agency that—

16 “(1) describes the procedures to be used, con-
17 sistent with the State plan under section 1111, to
18 assess the educational needs of the children to be
19 served under this chapter;

20 “(2) provide an assurance that in making serv-
21 ices available to children and youth in adult correc-
22 tional institutions, priority will be given to such chil-
23 dren and youth who are likely to complete incarceration
24 within a 2-year period;

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

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

6 “(5) describes how the State agency will consult
7 with experts and provide the necessary training for
8 appropriate staff, to ensure that the planning and
9 operation of institution-wide projects under section
10 1156 are of high quality;

11 “(6) describes how the programs will be coordi-
12 nated with other appropriate State and Federal pro-
13 grams, such as programs under title I of Public Law
14 105–220, career and technical education programs,
15 State and local dropout prevention programs, and
16 special education programs;

17 “(7) describes how the State agency will en-
18 courage correctional facilities receiving funds under
19 this chapter to coordinate with local educational
20 agencies or alternative education programs attended
21 by incarcerated children and youth prior to and after
22 their incarceration to ensure that student assess-
23 ments and appropriate academic records are shared
24 jointly between the correctional facility and the local
25 educational agency or alternative education program;

1 “(8) describes how appropriate professional de-
2 velopment will be provided to teachers and other
3 staff;

4 “(9) designates an individual in each affected
5 correctional facility or institution for neglected or
6 delinquent children and youth to be responsible for
7 issues relating to the transition of such children and
8 youth from such facility or institution to locally op-
9 erated programs;

10 “(10) describes how the State agency will en-
11 deavor to coordinate with businesses for training and
12 mentoring for participating children and youth;

13 “(11) provides an assurance that the State
14 agency will assist in locating alternative programs
15 through which students can continue their education
16 if the students are not returning to school after leav-
17 ing the correctional facility or institution for ne-
18 glected or delinquent children and youth;

19 “(12) provides assurances that the State agency
20 will work with parents to secure parents’ assistance
21 in improving the educational achievement of their
22 children and youth, and preventing their children’s
23 and youth’s further involvement in delinquent activi-
24 ties;

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

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

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

12 “(14) provides an assurance that the State
13 agency will work with children and youth who
14 dropped out of school before entering the correc-
15 tional facility or institution for neglected or delin-
16 quent children and youth to encourage the children
17 and youth to reenter school and obtain a regular
18 high school diploma once the term of the incarceration
19 is completed, or provide the child or youth with
20 the skills necessary to gain employment, continue
21 the education of the child or youth, or obtain a reg-
22 ular high school diploma or its recognized equivalent
23 if the child or youth does not intend to return to
24 school;

1 “(15) provides an assurance that effective
2 teachers and other qualified staff are trained to
3 work with children and youth with disabilities and
4 other students with special needs taking into consid-
5 eration the unique needs of such students;

6 “(16) describes any additional services to be
7 provided to children and youth, such as career coun-
8 seling, distance education, and assistance in securing
9 student loans and grants; and

10 “(17) provides an assurance that the program
11 under this chapter will be coordinated with any pro-
12 grams operated under the Juvenile Justice and De-
13 linquency Prevention Act of 1974 (42 U.S.C. 5601
14 et seq.) or other comparable programs, if applicable.

15 **“SEC. 1155. USE OF FUNDS.**

16 “(a) USES.—

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

20 “(A) are consistent with the State plan
21 under section 1154(a); and

22 “(B) concentrate on providing participants
23 with the knowledge and skills needed to make
24 a successful transition to secondary school com-
25 pletion, career and technical education, further

1 education, or employment without the need for
2 remediation.

3 “(2) PROGRAMS AND PROJECTS.—Such pro-
4 grams and projects—

5 “(A) may include the acquisition of equip-
6 ment;

7 “(B) shall be designed to support edu-
8 cational services that—

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

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

19 “(iii) afford such children and youth
20 an opportunity to meet State academic
21 standards; and

22 “(C) shall be carried out in a manner con-
23 sistent with section 1120A and part C (as ap-
24 plied to programs and projects under this chap-
25 ter).

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

8 **“SEC. 1156. INSTITUTION-WIDE PROJECTS.**

9 “A State agency that provides free public education
10 for children and youth in an institution for neglected or
11 delinquent children and youth (other than an adult correc-
12 tional institution) or attending a community day program
13 for such children and youth may use funds received under
14 this chapter to serve all children in, and upgrade the entire
15 educational effort of, that institution or program if the
16 State agency has developed, and the State educational
17 agency has approved, a comprehensive plan for that insti-
18 tution or program that—

19 “(1) provides for a comprehensive assessment
20 of the educational needs of all children and youth in
21 the institution or program serving juveniles;

22 “(2) provides for a comprehensive assessment
23 of the educational needs of youth aged 20 and
24 younger in adult facilities who are expected to com-
25 plete incarceration within a 2-year period;

1 “(3) describes the steps the State agency has
2 taken, or will take, to provide all children and youth
3 under age 21 with the opportunity to meet State
4 academic standards in order to improve the likeli-
5 hood that the children and youth will complete sec-
6 ondary school, obtain a regular high school diploma
7 or its recognized equivalent, or find employment
8 after leaving the institution;

9 “(4) describes the instructional program, spe-
10 cialized instructional support services, and proce-
11 dures that will be used to meet the needs described
12 in paragraph (1), including, to the extent feasible,
13 the provision of mentors for the children and youth
14 described in paragraph (1);

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

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

20 “(7) describes how the agency has planned, and
21 will implement and evaluate, the institution-wide or
22 program-wide project in consultation with personnel
23 providing direct instructional services and support
24 services in institutions or community day programs
25 for neglected or delinquent children and youth, and

1 with personnel from the State educational agency;
2 and

3 “(8) includes an assurance that the State agen-
4 cy has provided for appropriate training for teachers
5 and other instructional and administrative personnel
6 to enable such teachers and personnel to carry out
7 the project effectively.

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

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

15 **“SEC. 1158. TRANSITION SERVICES.**

16 “(a) **TRANSITION SERVICES.**—Each State agency
17 shall reserve not less than 15 percent and not more than
18 30 percent of the amount such agency receives under this
19 chapter for any fiscal year to support—

20 “(1) projects that facilitate the transition of
21 children and youth from State-operated institutions
22 to schools served by local educational agencies; or

23 “(2) the successful re-entry of youth offenders,
24 who are age 20 or younger and have received a reg-
25 ular high school diploma or its recognized equiva-

1 lent, into postsecondary education, or career and
2 technical training programs, through strategies de-
3 signed to expose the youth to, and prepare the youth
4 for, postsecondary education, or career and technical
5 training programs, such as—

6 “(A) preplacement programs that allow ad-
7 judicated or incarcerated youth to audit or at-
8 tend courses on college, university, or commu-
9 nity college campuses, or through programs
10 provided in institutional settings;

11 “(B) worksite schools, in which institutions
12 of higher education and private or public em-
13 ployers partner to create programs to help stu-
14 dents make a successful transition to postsec-
15 ondary education and employment; and

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

18 “(i) personal, career and technical,
19 and academic counseling;

20 “(ii) placement services designed to
21 place the youth in a university, college, or
22 junior college program;

23 “(iii) information concerning, and as-
24 sistance in obtaining, available student fi-
25 nancial aid;

1 “(iv) counseling services; and

2 “(v) job placement services.

3 “(b) CONDUCT OF PROJECTS.—A project supported
4 under this section may be conducted directly by the State
5 agency, or through a contract or other arrangement with
6 one or more local educational agencies, other public agen-
7 cies, or private organizations.

8 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion shall be construed to prohibit a school that receives
10 funds under subsection (a) from serving neglected and de-
11 linquent children and youth simultaneously with students
12 with similar educational needs, in the same educational
13 settings where appropriate.

14 **“SEC. 1159. TECHNICAL ASSISTANCE.**

15 “The Secretary shall reserve not more than 1 percent
16 of the amount reserved under section 1141 to provide
17 technical assistance to and support State agency programs
18 assisted under this chapter.

19 **“CHAPTER B—LOCAL AGENCY PROGRAMS**

20 **“SEC. 1161. PURPOSE.**

21 “The purpose of this chapter is to support the oper-
22 ation of local educational agency programs that involve
23 collaboration with locally operated correctional facilities—

24 “(1) to carry out high quality education pro-
25 grams to prepare children and youth for secondary

1 school completion, training, employment, or further
2 education;

3 “(2) to provide activities to facilitate the transi-
4 tion of such children and youth from the correctional
5 program to further education or employment; and

6 “(3) to operate programs in local schools for
7 children and youth returning from correctional facili-
8 ties, and programs which may serve at-risk children
9 and youth.

10 **“SEC. 1162. PROGRAMS OPERATED BY LOCAL EDU-
11 CATIONAL AGENCIES.**

12 “(a) LOCAL SUBGRANTS.—With funds made avail-
13 able under section 1142(b), the State educational agency
14 shall award subgrants to local educational agencies with
15 high numbers or percentages of children and youth resid-
16 ing in locally operated (including county operated) correc-
17 tional facilities for children and youth (including facilities
18 involved in community day programs).

19 “(b) SPECIAL RULE.—A local educational agency
20 that serves a school operated by a correctional facility is
21 not required to operate a program of support for children
22 and youth returning from such school to a school that is
23 not operated by a correctional agency but served by such
24 local educational agency, if more than 30 percent of the
25 children and youth attending the school operated by the

1 correctional facility will reside outside the boundaries
2 served by the local educational agency after leaving such
3 facility.

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

8 “(d) TRANSITIONAL AND ACADEMIC SERVICES.—
9 Transitional and supportive programs operated in local
10 educational agencies under this chapter shall be designed
11 primarily to meet the transitional and academic needs of
12 students returning to local educational agencies or alter-
13 native education programs from correctional facilities.
14 Services to students at-risk of dropping out of school shall
15 not have a negative impact on meeting the transitional and
16 academic needs of the students returning from correc-
17 tional facilities.

18 **“SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

19 “Each local educational agency desiring assistance
20 under this chapter shall submit an application to the State
21 educational agency that contains such information as the
22 State educational agency may require. Each such applica-
23 tion shall include—

24 “(1) a description of the program to be as-
25 sisted;

1 “(2) a description of formal agreements, re-
2 garding the program to be assisted, between—

3 “(A) the local educational agency; and

4 “(B) correctional facilities and alternative
5 school programs serving children and youth in-
6 volved with the juvenile justice system;

7 “(3) as appropriate, a description of how par-
8 ticipating schools will coordinate with facilities work-
9 ing with delinquent children and youth to ensure
10 that such children and youth are participating in an
11 education program comparable to one operating in
12 the local school such youth would attend;

13 “(4) a description of the program operated by
14 participating schools for children and youth return-
15 ing from correctional facilities and, as appropriate,
16 the types of services that such schools will provide
17 such children and youth and other at-risk children
18 and youth;

19 “(5) a description of the characteristics (includ-
20 ing learning difficulties, substance abuse problems,
21 and other needs) of the children and youth who will
22 be returning from correctional facilities and, as ap-
23 propriate, other at-risk children and youth expected
24 to be served by the program, and a description of
25 how the school will coordinate existing educational

1 programs to meet the unique educational needs of
2 such children and youth;

3 “(6) as appropriate, a description of how
4 schools will coordinate with existing social, health,
5 and other services to meet the needs of students re-
6 turning from correctional facilities and at-risk chil-
7 dren or youth, including prenatal health care and
8 nutrition services related to the health of the parent
9 and the child or youth, parenting and child develop-
10 ment classes, child care, targeted reentry and out-
11 reach programs, referrals to community resources,
12 and scheduling flexibility;

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

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

22 “(9) a description of how the program under
23 this chapter will be coordinated with other Federal,
24 State, and local programs, such as programs under
25 title I of Public Law 105–220 and career and tech-

1 nical education programs serving at-risk children
2 and youth;

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

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

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

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

21 **“SEC. 1164. USES OF FUNDS.**

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

24 “(1) programs that serve children and youth re-
25 turning to local schools from correctional facilities,

1 to assist in the transition of such children and youth
2 to the school environment and help them remain in
3 school in order to complete their education;

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

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

12 “(4) special programs to meet the unique aca-
13 demic needs of participating children and youth, in-
14 cluding career and technical education, special edu-
15 cation, career counseling, curriculum-based youth
16 entrepreneurship education, and assistance in secur-
17 ing student loans or grants for postsecondary edu-
18 cation; and

19 “(5) programs providing mentoring and peer
20 mediation.

21 **“SEC. 1165. PROGRAM REQUIREMENTS FOR CORREC-**
22 **TIONAL FACILITIES RECEIVING FUNDS**
23 **UNDER THIS SECTION.**

24 “Each correctional facility entering into an agree-
25 ment with a local educational agency under section

1 1163(2) to provide services to children and youth under
2 this chapter shall—

3 “(1) where feasible, ensure that educational
4 programs in the correctional facility are coordinated
5 with the student’s home school, particularly with re-
6 spect to a student with an individualized education
7 program under part B of the Individuals with Dis-
8 abilities Education Act;

9 “(2) if the child or youth is identified as in
10 need of special education services while in the cor-
11 rectional facility, notify the local school of the child
12 or youth of such need;

13 “(3) where feasible, provide transition assist-
14 ance to help the child or youth stay in school, in-
15 cluding coordination of services for the family, coun-
16 seling, assistance in accessing drug and alcohol
17 abuse prevention programs, tutoring, and family
18 counseling;

19 “(4) provide support programs that encourage
20 children and youth who have dropped out of school
21 to re-enter school and obtain a regular high school
22 diploma once their term at the correctional facility
23 has been completed, or provide such children and
24 youth with the skills necessary to gain employment

1 or seek a regular high school diploma or its recog-
2 nized equivalent;

3 “(5) work to ensure that the correctional facil-
4 ity is staffed with effective teachers and other quali-
5 fied staff who are trained to work with children and
6 youth with disabilities taking into consideration the
7 unique needs of such children and youth;

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

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

14 “(8) where feasible, involve parents in efforts to
15 improve the educational achievement of their chil-
16 dren and prevent the further involvement of such
17 children in delinquent activities;

18 “(9) coordinate funds received under this chap-
19 ter with other local, State, and Federal funds avail-
20 able to provide services to participating children and
21 youth, such as funds made available under title I of
22 Public Law 105–220, and career and technical edu-
23 cation funds;

24 “(10) coordinate programs operated under this
25 chapter with activities funded under the Juvenile

1 Justice and Delinquency Prevention Act of 1974 and
2 other comparable programs, if applicable;

3 “(11) if appropriate, work with local businesses
4 to develop training, curriculum-based youth entre-
5 preneurship education, and mentoring programs for
6 children and youth; and

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

13 **“SEC. 1166. ACCOUNTABILITY.**

14 “The State educational agency—

15 “(1) may require correctional facilities or insti-
16 tutions for neglected or delinquent children and
17 youth to demonstrate, after receiving assistance
18 under this chapter for 3 years, that there has been
19 an increase in the number of children and youth re-
20 turning to school, obtaining a regular high school di-
21 ploma or its recognized equivalent, or obtaining em-
22 ployment after such children and youth are released;
23 and

24 “(2) may reduce or terminate funding for
25 projects under this chapter if a local educational

1 agency does not show progress in the number of
2 children and youth obtaining a regular high school
3 diploma or its recognized equivalent.

4 **“CHAPTER C—GENERAL PROVISIONS**

5 **“SEC. 1171. PROGRAM EVALUATIONS.**

6 “(a) SCOPE OF EVALUATION.—Each State agency or
7 local educational agency that conducts a program under
8 chapters A or B shall evaluate the program,
9 disaggregating data on participation by gender, race, eth-
10 nicity, and age, not less than once every 3 years, to deter-
11 mine the program’s impact on the ability of participants—

12 “(1) to maintain and improve educational
13 achievement;

14 “(2) to accrue school credits that meet State re-
15 quirements for grade promotion and high school
16 graduation;

17 “(3) to make the transition to a regular pro-
18 gram or other education program operated by a local
19 educational agency;

20 “(4) to complete high school (or high school
21 equivalency requirements) and obtain employment
22 after leaving the correctional facility or institution
23 for neglected or delinquent children and youth; and

24 “(5) as appropriate, to participate in postsec-
25 ondary education and job training programs.

1 “(b) EXCEPTION.—The disaggregation required
2 under subsection (a) shall not be required in a case in
3 which the number of students in a category is insufficient
4 to yield statistically reliable information or the results
5 would reveal personally identifiable information about an
6 individual student.

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

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

13 “(1) submit evaluation results to the State edu-
14 cational agency and the Secretary; and

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

18 **“SEC. 1172. DEFINITIONS.**

19 “In this subpart:

20 “(1) ADULT CORRECTIONAL INSTITUTION.—
21 The term ‘adult correctional institution’ means a fa-
22 cility in which persons (including persons under 21
23 years of age) are confined as a result of a conviction
24 for a criminal offense.

1 “(2) AT-RISK.—The term ‘at-risk’, when used
2 with respect to a child, youth, or student, means a
3 school-aged individual who—

4 “(A) is at-risk of academic failure; and

5 “(B) has a drug or alcohol problem, is
6 pregnant or is a parent, has come into contact
7 with the juvenile justice system in the past, is
8 at least 1 year behind the expected grade level
9 for the age of the individual, is an English
10 learner, is a gang member, has dropped out of
11 school in the past, or has a high absenteeism
12 rate at school.

13 “(3) COMMUNITY DAY PROGRAM.—The term
14 ‘community day program’ means a regular program
15 of instruction provided by a State agency at a com-
16 munity day school operated specifically for neglected
17 or delinquent children and youth.

18 “(4) INSTITUTION FOR NEGLECTED OR DELIN-
19 QUENT CHILDREN AND YOUTH.—The term ‘institu-
20 tion for neglected or delinquent children and youth’
21 means—

22 “(A) a public or private residential facility,
23 other than a foster home, that is operated for
24 the care of children who have been committed
25 to the institution or voluntarily placed in the in-

1 stitution under applicable State law, due to
2 abandonment, neglect, or death of their parents
3 or guardians; or

4 “(B) a public or private residential facility
5 for the care of children who have been adju-
6 dicated to be delinquent or in need of super-
7 vision.

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

10 **“SEC. 1181. PURPOSES.**

11 “The purposes of this subpart are—

12 “(1) to help ensure that English learners, in-
13 cluding immigrant children and youth, attain
14 English proficiency and develop high levels of aca-
15 demic achievement in English;

16 “(2) to assist all English learners, including im-
17 migrant children and youth, to achieve at high levels
18 in the core academic subjects so that those children
19 can meet the same State academic standards that all
20 children are expected to meet, consistent with sec-
21 tion 1111(b)(1);

22 “(3) to assist State educational agencies, local
23 educational agencies, and schools in establishing, im-
24 plementing, and sustaining high-quality, flexible, evi-
25 dence-based language instruction educational pro-

1 grams designed to assist in teaching English learn-
2 ers, including immigrant children and youth;

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

9 “(5) to promote parental and community par-
10 ticipation in language instruction educational pro-
11 grams for the parents and communities of English
12 learners.

13 **“CHAPTER A—GRANTS AND SUBGRANTS**
14 **FOR ENGLISH LANGUAGE ACQUI-**
15 **SION AND LANGUAGE ENHANCEMENT**

16 **“SEC. 1191. FORMULA GRANTS TO STATES.**

17 “(a) IN GENERAL.—In the case of each State edu-
18 cational agency having a plan approved by the Secretary
19 for a fiscal year under section 1192, the Secretary shall
20 reserve 4.4 percent of funds appropriated under section
21 3(a)(1) to make a grant for the year to the agency for
22 the purposes specified in subsection (b). The grant shall
23 consist of the allotment determined for the State edu-
24 cational agency under subsection (c).

25 “(b) USE OF FUNDS.—

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

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

11 “(B) to award subgrants under section
12 1193(d)(1) to eligible entities that are described
13 in that section to carry out the activities de-
14 scribed in section 1194(e).

15 “(2) STATE ACTIVITIES.—Subject to paragraph
16 (3), each State educational agency receiving a grant
17 under subsection (a) may reserve not more than 5
18 percent of the agency’s allotment under subsection
19 (c) to carry out the following activities:

20 “(A) Professional development activities,
21 and other activities, which may include assisting
22 personnel in—

23 “(i) meeting State and local certifi-
24 cation and licensing requirements for
25 teaching English learners; and

1 “(ii) improving teacher skills in meet-
2 ing the diverse needs of English learners,
3 including in how to implement evidence-
4 based programs and curricula on teaching
5 English learners.

6 “(B) Planning, evaluation, administration,
7 and interagency coordination related to the sub-
8 grants referred to in paragraph (1).

9 “(C) Providing technical assistance and
10 other forms of assistance to eligible entities that
11 are receiving subgrants from a State edu-
12 cational agency under this chapter, including
13 assistance in—

14 “(i) identifying and implementing evi-
15 dence-based language instruction edu-
16 cational programs and curricula for teach-
17 ing English learners;

18 “(ii) helping English learners meet
19 the same State academic standards that all
20 children are expected to meet;

21 “(iii) identifying or developing, and
22 implementing, measures of English pro-
23 ficiency; and

1 “(iv) strengthening and increasing
2 parent, family, and community engage-
3 ment.

4 “(D) Providing recognition, which may in-
5 clude providing financial awards, to subgrantees
6 that have significantly improved the achieve-
7 ment and progress of English learners in—

8 “(i) reaching English language pro-
9 ficiency, based on the State’s English lan-
10 guage proficiency assessment under section
11 1111(b)(2)(D); and

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

14 “(3) ADMINISTRATIVE EXPENSES.—From the
15 amount reserved under paragraph (2), a State edu-
16 cational agency may use not more than 40 percent
17 of such amount or \$175,000, whichever is greater,
18 for the planning and administrative costs of carrying
19 out paragraphs (1) and (2).

20 “(c) RESERVATIONS AND ALLOTMENTS.—

21 “(1) RESERVATIONS.—From the amount re-
22 served under section 1191(a) for each fiscal year,
23 the Secretary shall reserve—

24 “(A) 0.5 percent of such amount for pay-
25 ments to outlying areas, to be allotted in ac-

1 cordance with their respective needs for assist-
2 ance under this chapter, as determined by the
3 Secretary, for activities, approved by the Sec-
4 retary, consistent with this chapter; and

5 “(B) 6.5 percent of such amount for na-
6 tional activities under sections 1211 and 1222,
7 except that not more than \$2,000,000 of such
8 amount may be reserved for the National Clear-
9 ouse for English Language Acquisition and
10 Language Instruction Educational Programs
11 described in section 1222.

12 “(2) STATE ALLOTMENTS.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), from the amount reserved
15 under section 1191(a) for each fiscal year that
16 remains after making the reservations under
17 paragraph (1), the Secretary shall allot to each
18 State educational agency having a plan ap-
19 proved under section 1192(c)—

20 “(i) an amount that bears the same
21 relationship to 80 percent of the remainder
22 as the number of English learners in the
23 State bears to the number of such children
24 in all States, as determined by data avail-
25 able from the American Community Survey

1 conducted by the Department of Commerce
2 or State-reported data; and

3 “(ii) an amount that bears the same
4 relationship to 20 percent of the remainder
5 as the number of immigrant children and
6 youth in the State bears to the number of
7 such children and youth in all States, as
8 determined based only on data available
9 from the American Community Survey
10 conducted by the Department of Com-
11 merce.

12 “(B) MINIMUM ALLOTMENTS.—No State
13 educational agency shall receive an allotment
14 under this paragraph that is less than
15 \$500,000.

16 “(C) REALLOTMENT.—If any State edu-
17 cational agency described in subparagraph (A)
18 does not submit a plan to the Secretary for a
19 fiscal year, or submits a plan (or any amend-
20 ment to a plan) that the Secretary, after rea-
21 sonable notice and opportunity for a hearing,
22 determines does not satisfy the requirements of
23 this chapter, the Secretary shall reallocate any por-
24 tion of such allotment to the remaining State

1 educational agencies in accordance with sub-
2 paragraph (A).

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

8 “(3) USE OF DATA FOR DETERMINATIONS.—In
9 making State allotments under paragraph (2) for
10 each fiscal year, the Secretary shall determine the
11 number of English learners in a State and in all
12 States, using the most accurate, up-to-date data,
13 which shall be—

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

17 “(B) the number of students being as-
18 sessed for English language proficiency, based
19 on the State’s English language proficiency as-
20 sessment under section 1111(b)(2)(D), which
21 may be multiyear estimates; or

22 “(C) a combination of data available under
23 subparagraphs (A) and (B).

1 **“SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.**

2 “(a) PLAN REQUIRED.—Each State educational
3 agency desiring a grant under this chapter shall submit
4 a plan to the Secretary at such time and in such manner
5 as the Secretary may require.

6 “(b) CONTENTS.—Each plan submitted under sub-
7 section (a) shall—

8 “(1) describe the process that the agency will
9 use in awarding subgrants to eligible entities under
10 section 1193(d)(1);

11 “(2) provide an assurance that—

12 “(A) the agency will ensure that eligible
13 entities receiving a subgrant under this chapter
14 comply with the requirement in section
15 1111(b)(2)(B)(x) to annually assess in English
16 learners who have been in the United States for
17 3 or more consecutive years;

18 “(B) the agency will ensure that eligible
19 entities receiving a subgrant under this chapter
20 annually assess the English proficiency of all
21 English learners participating in a program
22 funded under this chapter, consistent with sec-
23 tion 1111(b)(2)(D);

24 “(C) in awarding subgrants under section
25 1193, the agency will address the needs of
26 school systems of all sizes and in all geographic

1 areas, including school systems with rural and
2 urban schools;

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

8 “(E) the agency will require an eligible en-
9 tity receiving a subgrant under this chapter to
10 use the subgrant in ways that will build such
11 recipient’s capacity to continue to offer high-
12 quality evidence-based language instruction edu-
13 cational programs that assist English learners
14 in meeting State academic standards;

15 “(F) the agency will monitor the eligible
16 entity receiving a subgrant under this chapter
17 for compliance with applicable Federal fiscal re-
18 quirements; and

19 “(G) the plan has been developed in con-
20 sultation with local educational agencies, teach-
21 ers, administrators of programs implemented
22 under this chapter, parents, and other relevant
23 stakeholders;

24 “(3) describe how the agency will coordinate its
25 programs and activities under this chapter with

1 other programs and activities under this Act and
2 other Acts, as appropriate;

3 “(4) describe how eligible entities in the State
4 will be given the flexibility to teach English learn-
5 ers—

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

9 “(B) in the manner the eligible entities de-
10 termine to be the most effective; and

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

14 “(c) APPROVAL.—The Secretary, after using a peer
15 review process, shall approve a plan submitted under sub-
16 section (a) if the plan meets the requirements of this sec-
17 tion.

18 “(d) DURATION OF PLAN.—

19 “(1) IN GENERAL.—Each plan submitted by a
20 State educational agency and approved under sub-
21 section (c) shall—

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

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

5 “(2) ADDITIONAL INFORMATION.—

6 “(A) AMENDMENTS.—If the State edu-
7 cational agency amends the plan, the agency
8 shall submit such amendment to the Secretary.

9 “(B) APPROVAL.—The Secretary shall ap-
10 prove such amendment to an approved plan,
11 unless the Secretary determines that the
12 amendment will result in the agency not meet-
13 ing the requirements, or fulfilling the purposes,
14 of this subpart.

15 “(e) CONSOLIDATED PLAN.—A plan submitted under
16 subsection (a) may be submitted as part of a consolidated
17 plan under section 5302.

18 “(f) SECRETARY ASSISTANCE.—The Secretary shall
19 provide technical assistance, if requested, in the develop-
20 ment of English proficiency standards and assessments.

21 **“SEC. 1193. WITHIN-STATE ALLOCATIONS.**

22 “(a) IN GENERAL.—After making the reservation re-
23 quired under subsection (d)(1), each State educational
24 agency receiving a grant under section 1191(c)(2) shall
25 award subgrants for a fiscal year by allocating in a timely

1 manner to each eligible entity in the State having a plan
2 approved under section 1195 an amount that bears the
3 same relationship to the amount received under the grant
4 and remaining after making such reservation as the popu-
5 lation of English learners in schools served by the eligible
6 entity bears to the population of English learners in
7 schools served by all eligible entities in the State.

8 “(b) LIMITATION.—A State educational agency shall
9 not award a subgrant from an allocation made under sub-
10 section (a) if the amount of such subgrant would be less
11 than \$10,000.

12 “(c) REALLOCATION.—Whenever a State educational
13 agency determines that an amount from an allocation
14 made to an eligible entity under subsection (a) for a fiscal
15 year will not be used by the entity for the purpose for
16 which the allocation was made, the agency shall, in accord-
17 ance with such rules as it determines to be appropriate,
18 reallocate such amount, consistent with such subsection,
19 to other eligible entities in the State that the agency deter-
20 mines will use the amount to carry out that purpose.

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

24 “(1) shall reserve not more than 15 percent of
25 the agency’s allotment under section 1191(c)(2) to

1 award subgrants to eligible entities in the State that
2 have experienced a significant increase, as compared
3 to the average of the 2 preceding fiscal years, in the
4 percentage or number of immigrant children and
5 youth, who have enrolled, during the fiscal year pre-
6 ceding the fiscal year for which the subgrant is
7 made, in public and nonpublic elementary schools
8 and secondary schools in the geographic areas under
9 the jurisdiction of, or served by, such entities; and

10 “(2) in awarding subgrants under paragraph
11 (1)—

12 “(A) shall equally consider eligible entities
13 that satisfy the requirement of such paragraph
14 but have limited or no experience in serving im-
15 migrant children and youth; and

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

20 **“SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.**

21 “(a) PURPOSES OF SUBGRANTS.—A State edu-
22 cational agency may make a subgrant to an eligible entity
23 from funds received by the agency under this chapter only
24 if the entity agrees to expend the funds to improve the
25 education of English learners, by assisting the children to

1 learn English and meet State academic standards. In car-
2 rying out activities with such funds, the eligible entity
3 shall use evidence-based approaches and methodologies for
4 teaching English learners and immigrant children and
5 youth for the following purposes:

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

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

19 “(3) Implementing, within an individual school,
20 schoolwide programs for restructuring, reforming,
21 and upgrading all relevant programs, activities, and
22 operations relating to language instruction edu-
23 cational programs and academic content instruction
24 for English learners and immigrant children and
25 youth.

1 “(4) Implementing, within the entire jurisdic-
2 tion of a local educational agency, agencywide pro-
3 grams for restructuring, reforming, and upgrading
4 all relevant programs, activities, and operations re-
5 lating to language instruction educational programs
6 and academic content instruction for English learn-
7 ers and immigrant children and youth.

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

12 “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-
13 ble entity receiving funds under section 1193(a) shall use
14 the funds—

15 “(1) to increase the English language pro-
16 ficiency of English learners by providing high-qual-
17 ity, evidence-based language instruction educational
18 programs that meet the needs of English learners
19 and have demonstrated success in increasing—

20 “(A) English language proficiency; and

21 “(B) student academic achievement in the
22 core academic subjects;

23 “(2) to provide high-quality, evidence-based
24 professional development to classroom teachers (in-
25 cluding teachers in classroom settings that are not

1 the settings of language instruction educational pro-
2 grams), school leaders, administrators, and other
3 school or community-based organization personnel,
4 that is—

5 “(A) designed to improve the instruction
6 and assessment of English learners;

7 “(B) designed to enhance the ability of
8 teachers and school leaders to understand and
9 implement curricula, assessment practices and
10 measures, and instruction strategies for English
11 learners;

12 “(C) evidence-based in increasing chil-
13 dren’s English language proficiency or substan-
14 tially increasing the subject matter knowledge,
15 teaching knowledge, and teaching skills of
16 teachers; and

17 “(D) of sufficient intensity and duration
18 (which shall not include activities such as one-
19 day or short-term workshops and conferences)
20 to have a positive and lasting impact on the
21 teachers’ performance in the classroom, except
22 that this subparagraph shall not apply to an ac-
23 tivity that is one component of a long-term,
24 comprehensive professional development plan
25 established by a teacher and the teacher’s su-

1 pervisor based on an assessment of the needs of
2 the teacher, the supervisor, the students of the
3 teacher, and any local educational agency em-
4 ploying the teacher, as appropriate; and

5 “(3) to provide and implement other evidence-
6 based activities and strategies that enhance or sup-
7 plement language instruction educational programs
8 for English learners, including parental and commu-
9 nity engagement activities and strategies that serve
10 to coordinate and align related programs.

11 “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sub-
12 ject to subsection (c), an eligible entity receiving funds
13 under section 1193(a) may use the funds to achieve one
14 of the purposes described in subsection (a) by undertaking
15 one or more of the following activities:

16 “(1) Upgrading program objectives and effec-
17 tive instruction strategies.

18 “(2) Improving the instruction program for
19 English learners by identifying, acquiring, and up-
20 grading curricula, instruction materials, educational
21 software, and assessment procedures.

22 “(3) Providing to English learners—

23 “(A) tutorials and academic or career edu-
24 cation for English learners; and

25 “(B) intensified instruction.

1 “(4) Developing and implementing elementary
2 school or secondary school language instruction edu-
3 cational programs that are coordinated with other
4 relevant programs and services.

5 “(5) Improving the English language pro-
6 ficiency and academic achievement of English learn-
7 ers.

8 “(6) Providing community participation pro-
9 grams, family literacy services, and parent outreach
10 and training activities to English learners and their
11 families—

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

14 “(B) to assist parents in helping their chil-
15 dren to improve their academic achievement
16 and becoming active participants in the edu-
17 cation of their children.

18 “(7) Improving the instruction of English learn-
19 ers by providing for—

20 “(A) the acquisition or development of
21 educational technology or instructional mate-
22 rials;

23 “(B) access to, and participation in, elec-
24 tronic networks for materials, training, and
25 communication; and

1 “(C) incorporation of the resources de-
2 scribed in subparagraphs (A) and (B) into cur-
3 ricula and programs, such as those funded
4 under this chapter.

5 “(8) Carrying out other activities that are con-
6 sistent with the purposes of this section.

7 “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-
8 STANTIAL INCREASES IN IMMIGRANT CHILDREN AND
9 YOUTH.—

10 “(1) IN GENERAL.—An eligible entity receiving
11 funds under section 1193(d)(1) shall use the funds
12 to pay for activities that provide enhanced instruc-
13 tional opportunities for immigrant children and
14 youth, which may include—

15 “(A) family literacy, parent outreach, and
16 training activities designed to assist parents to
17 become active participants in the education of
18 their children;

19 “(B) support for personnel, including para-
20 professionals who have been specifically trained,
21 or are being trained, to provide services to im-
22 migrant children and youth;

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

1 “(D) identification, development, and ac-
2 quisition of curricular materials, educational
3 software, and technologies to be used in the
4 program carried out with awarded funds;

5 “(E) basic instruction services that are di-
6 rectly attributable to the presence in the local
7 educational agency involved of immigrant chil-
8 dren and youth, including the payment of costs
9 of providing additional classroom supplies, costs
10 of transportation, or such other costs as are di-
11 rectly attributable to such additional basic in-
12 struction services;

13 “(F) other instruction services that are de-
14 signed to assist immigrant children and youth
15 to achieve in elementary schools and secondary
16 schools in the United States, such as programs
17 of introduction to the educational system and
18 civics education; and

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

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

5 “(f) SELECTION OF METHOD OF INSTRUCTION.—

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

13 “(2) CONSISTENCY.—Such selection shall be
14 consistent with sections 1204 through 1206.

15 “(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds
16 made available under this chapter shall be used so as to
17 supplement the level of Federal, State, and local public
18 funds that, in the absence of such availability, would have
19 been expended for programs for English learners and im-
20 migrant children and youth and in no case to supplant
21 such Federal, State, and local public funds.

22 **“SEC. 1195. LOCAL PLANS.**

23 “(a) PLAN REQUIRED.—Each eligible entity desiring
24 a subgrant from the State educational agency under sec-
25 tion 1193 shall submit a plan to the State educational

1 agency at such time, in such manner, and containing such
2 information as the State educational agency may require.

3 “(b) CONTENTS.—Each plan submitted under sub-
4 section (a) shall—

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

10 “(2) describe how the eligible entity will hold el-
11 ementary schools and secondary schools receiving
12 funds under this chapter accountable for annually
13 assessing the English language proficiency of all
14 children participating under this subpart, consistent
15 with section 1111(b);

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

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

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

5 “(6) contain assurances that—

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

10 “(B) the eligible entity is not in violation
11 of any State law, including State constitutional
12 law, regarding the education of English learn-
13 ers, consistent with sections 1205 and 1206.

14 “(c) **TEACHER ENGLISH FLUENCY.**—Each eligible
15 entity receiving a subgrant under section 1193 shall in-
16 clude in its plan a certification that all teachers in any
17 language instruction educational program for English
18 learners that is, or will be, funded under this subpart are
19 fluent in English and any other language used for instruc-
20 tion, including having written and oral communications
21 skills.

22 **“CHAPTER B—ADMINISTRATION**

23 **“SEC. 1201. REPORTING.**

24 “(a) **IN GENERAL.**—Each eligible entity that receives
25 a subgrant from a State educational agency under chapter

1 A shall provide such agency, at the conclusion of every
2 second fiscal year during which the subgrant is received,
3 with a report, in a form prescribed by the agency, on the
4 activities conducted and students served under this sub-
5 part that includes—

6 “(1) a description of the programs and activi-
7 ties conducted by the entity with funds received
8 under chapter A during the two immediately pre-
9 ceding fiscal years, including how such programs
10 and activities supplemented programs funded pri-
11 marily with State or local funds;

12 “(2) a description of the progress made by
13 English learners in learning the English language
14 and in meeting State academic standards;

15 “(3) the number and percentage of English
16 learners in the programs and activities attaining
17 English language proficiency based on the State
18 English language proficiency standards established
19 under section 1111(b)(1)(E) by the end of each
20 school year, as determined by the State’s English
21 language proficiency assessment under section
22 1111(b)(2)(D);

23 “(4) the number of English learners who exit
24 the language instruction educational programs based
25 on their attainment of English language proficiency

1 and transitioned to classrooms not tailored for
2 English learners;

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

7 “(6) the number and percentage of English
8 learners who have not attained English language
9 proficiency within five years of initial classification
10 as an English learner and first enrollment in the
11 local educational agency; and

12 “(7) any such other information as the State
13 educational agency may require.

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

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

20 “(A) to attain English language pro-
21 ficiency; and

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

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

4 **“SEC. 1202. ANNUAL REPORT.**

5 “(a) STATES.—Based upon the reports provided to
6 a State educational agency under section 1201, each such
7 agency that receives a grant under this subpart shall pre-
8 pare and submit annually to the Secretary a report on pro-
9 grams and activities carried out by the State educational
10 agency under this subpart and the effectiveness of such
11 programs and activities in improving the education pro-
12 vided to English learners.

13 “(b) SECRETARY.—Annually, the Secretary shall pre-
14 pare and submit to the Committee on Education and the
15 Workforce of the House of Representatives and the Com-
16 mittee on Health, Education, Labor, and Pensions of the
17 Senate a report—

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

23 “(2) on the types of language instruction edu-
24 cational programs used by local educational agencies

1 or eligible entities receiving funding under this sub-
2 part to teach English learners;

3 “(3) containing a critical synthesis of data re-
4 ported by eligible entities to States under section
5 1201(a);

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

9 “(5) containing an estimate of the number of
10 effective teachers working in language instruction
11 educational programs and educating English learn-
12 ers, and an estimate of the number of such teachers
13 that will be needed for the succeeding 5 fiscal years;

14 “(6) containing the number of programs or ac-
15 tivities, if any, that were terminated because the en-
16 tities carrying out the programs or activities were
17 not able to reach program goals;

18 “(7) containing the number of English learners
19 served by eligible entities receiving funding under
20 this subpart who were transitioned out of language
21 instruction educational programs funded under this
22 subpart into classrooms where instruction is not tai-
23 lored for English learners; and

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

4 **“SEC. 1203. COORDINATION WITH RELATED PROGRAMS.**

5 “‘In order to maximize Federal efforts aimed at serv-
6 ing the educational needs of English learners, the Sec-
7 retary shall coordinate and ensure close cooperation with
8 other entities carrying out programs serving language-mi-
9 nority and English learners that are administered by the
10 Department and other agencies.

11 **“SEC. 1204. RULES OF CONSTRUCTION.**

12 “Nothing in this subpart shall be construed—

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

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

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

23 **“SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.**

24 “Nothing in this subpart shall be construed to negate
25 or supersede State law, or the legal authority under State

1 law of any State agency, State entity, or State public offi-
2 cial, over programs that are under the jurisdiction of the
3 State agency, entity, or official.

4 **“SEC. 1206. CIVIL RIGHTS.**

5 “Nothing in this subpart shall be construed in a man-
6 ner inconsistent with any Federal law guaranteeing a civil
7 right.

8 **“SEC. 1207. PROHIBITION.**

9 “In carrying out this subpart, the Secretary shall nei-
10 ther mandate nor preclude the use of a particular cur-
11 ricular or pedagogical approach to educating English
12 learners.

13 **“SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND**
14 **PUERTO RICO.**

15 “Notwithstanding any other provision of this subpart,
16 programs authorized under this subpart that serve Native
17 American (including Native American Pacific Islander)
18 children and children in the Commonwealth of Puerto Rico
19 may include programs of instruction, teacher training,
20 curriculum development, evaluation, and assessment de-
21 signed for Native American children learning and studying
22 Native American languages and children of limited Span-
23 ish proficiency, except that an outcome of programs serv-
24 ing such children shall be increased English proficiency
25 among such children.

1 **“CHAPTER C—NATIONAL ACTIVITIES**

2 **“SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT**
3 **PROJECT.**

4 “The Secretary shall use funds made available under
5 section 1191(e)(1)(B) to award grants on a competitive
6 basis, for a period of not more than 5 years, to institutions
7 of higher education or public or private organizations with
8 relevant experience and capacity (in consortia with State
9 educational agencies or local educational agencies) to pro-
10 vide for professional development activities that will im-
11 prove classroom instruction for English learners and assist
12 educational personnel working with such children to meet
13 high professional standards, including standards for cer-
14 tification and licensure as teachers who work in language
15 instruction educational programs or serve English learn-
16 ers. Grants awarded under this subsection may be used—

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

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

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

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

7 **“CHAPTER D—GENERAL PROVISIONS**

8 **“SEC. 1221. DEFINITIONS.**

9 “Except as otherwise provided, in this subpart:

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

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

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

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

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

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

8 “(A) are age 3 through 21;

9 “(B) were not born in any State; and

10 “(C) have not been attending one or more
11 schools in any one or more States for more
12 than 3 full academic years.

13 “(5) INDIAN TRIBE.—The term ‘Indian tribe’
14 means any Indian tribe, band, nation, or other orga-
15 nized group or community, including any Native vil-
16 lage or Regional Corporation or Village Corporation
17 as defined in or established pursuant to the Alaska
18 Native Claims Settlement Act, that is recognized as
19 eligible for the special programs and services pro-
20 vided by the United States to Indians because of
21 their status as Indians.

22 “(6) LANGUAGE INSTRUCTION EDUCATIONAL
23 PROGRAM.—The term ‘language instruction edu-
24 cational program’ means an instruction course—

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

6 “(B) that may make instructional use of
7 both English and a child’s native language to
8 enable the child to develop and attain English
9 language proficiency, and may include the par-
10 ticipation of English language proficient chil-
11 dren if such course is designed to enable all
12 participating children to become proficient in
13 English and a second language.

14 “(7) NATIVE LANGUAGE.—The term ‘native
15 language’, when used with reference to English
16 learner, means—

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

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

22 “(8) PARAPROFESSIONAL.—The term ‘para-
23 professional’ means an individual who is employed in
24 a preschool, elementary school, or secondary school
25 under the supervision of a certified or licensed teach-

1 er, including individuals employed in language in-
2 struction educational programs, special education,
3 and migratory education.

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

7 **“SEC. 1222. NATIONAL CLEARINGHOUSE.**

8 “The Secretary shall establish and support the oper-
9 ation of a National Clearinghouse for English Language
10 Acquisition and Language Instruction Educational Pro-
11 grams, which shall collect, analyze, synthesize, and dis-
12 seminate information about language instruction edu-
13 cational programs for English learners, and related pro-
14 grams. The National Clearinghouse shall—

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

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

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

25 “(4) collect and disseminate information on—

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

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

10 “(5) publish, on an annual basis, a list of grant
11 recipients under this subpart.

12 **“SEC. 1223. REGULATIONS.**

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

19 **“Subpart 5—Rural Education Achievement Program**

20 **“SEC. 1230. PURPOSE.**

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

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

1 “(2) receive formula grant allocations in
2 amounts too small to be effective in meeting their in-
3 tended purposes.

4 **“CHAPTER A—SMALL, RURAL SCHOOL**
5 **ACHIEVEMENT PROGRAM**

6 **“SEC. 1231. GRANT PROGRAM AUTHORIZED.**

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

13 “(1) Part A of title I.

14 “(2) Title II.

15 “(3) Title III.

16 “(b) ALLOCATION.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (3), the Secretary shall award a grant under
19 subsection (a) to a local educational agency eligible
20 under subsection (d) for a fiscal year in an amount
21 equal to the initial amount determined under para-
22 graph (2) for the fiscal year minus the total amount
23 received by the agency in subpart 2 of part A of title
24 II for the preceding fiscal year.

1 “(2) DETERMINATION OF INITIAL AMOUNT.—

2 The initial amount referred to in paragraph (1) is
3 equal to \$100 multiplied by the total number of stu-
4 dents in excess of 50 students, in average daily at-
5 tendance at the schools served by the local edu-
6 cational agency, plus \$20,000, except that the initial
7 amount may not exceed \$60,000.

8 “(3) RATABLE ADJUSTMENT.—

9 “(A) IN GENERAL.—If the amount made
10 available to carry out this section for any fiscal
11 year is not sufficient to pay in full the amounts
12 that local educational agencies are eligible to re-
13 ceive under paragraph (1) for such year, the
14 Secretary shall ratably reduce such amounts for
15 such year.

16 “(B) ADDITIONAL AMOUNTS.—If addi-
17 tional funds become available for making pay-
18 ments under paragraph (1) for such fiscal year,
19 payments that were reduced under subpara-
20 graph (A) shall be increased on the same basis
21 as such payments were reduced.

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

1 “(d) ELIGIBILITY.—

2 “(1) IN GENERAL.—A local educational agency
3 shall be eligible to use the applicable funding in ac-
4 cordance with subsection (a) if—

5 “(A)(i)(I) the total number of students in
6 average daily attendance at all of the schools
7 served by the local educational agency is fewer
8 than 600; or

9 “(II) each county in which a school served
10 by the local educational agency is located has a
11 total population density of fewer than 10 per-
12 sons per square mile; and

13 “(ii) all of the schools served by the local
14 educational agency are designated with a school
15 locale code of 41, 42, or 43, as determined by
16 the Secretary; or

17 “(B) the agency meets the criteria estab-
18 lished in subparagraph (A)(i) and the Sec-
19 retary, in accordance with paragraph (2),
20 grants the local educational agency’s request to
21 waive the criteria described in subparagraph
22 (A)(ii).

23 “(2) CERTIFICATION.—The Secretary shall de-
24 termine whether to waive the criteria described in
25 paragraph (1)(A)(ii) based on a demonstration by

1 the local educational agency, and concurrence by the
2 State educational agency, that the local educational
3 agency is located in an area defined as rural by a
4 governmental agency of the State.

5 “(3) HOLD HARMLESS.—For a local edu-
6 cational agency that is not eligible under this chap-
7 ter but met the eligibility requirements under this
8 subsection as it was in effect prior to the date of the
9 enactment of the Student Success Act, the agency
10 shall receive—

11 “(A) for fiscal year 2014, 75 percent of
12 the amount such agency received for fiscal year
13 2013;

14 “(B) for fiscal year 2015, 50 percent of
15 the amount such agency received for fiscal year
16 2013; and

17 “(C) for fiscal year 2016, 25 percent of
18 the amount such agency received for fiscal year
19 2013.

20 “(e) SPECIAL ELIGIBILITY RULE.—A local edu-
21 cational agency that receives a grant under this chapter
22 for a fiscal year is not eligible to receive funds for such
23 fiscal year under chapter B.

1 **“CHAPTER B—RURAL AND LOW-INCOME**
2 **SCHOOL PROGRAM**

3 **“SEC. 1235. PROGRAM AUTHORIZED.**

4 “(a) GRANTS TO STATES.—

5 “(1) IN GENERAL.—From amounts appro-
6 priated under section 3(a)(1) for a fiscal year, the
7 Secretary shall reserve 0.54 of one percent for this
8 chapter for a fiscal year that are not reserved under
9 subsection (c) to award grants (from allotments
10 made under paragraph (2)) for the fiscal year to
11 State educational agencies that have applications
12 submitted under section 1237 approved to enable the
13 State educational agencies to award grants to eligi-
14 ble local educational agencies for local authorized ac-
15 tivities described in section 1236(a).

16 “(2) ALLOTMENT.—From amounts described in
17 paragraph (1) for a fiscal year, the Secretary shall
18 allot to each State educational agency for that fiscal
19 year an amount that bears the same ratio to those
20 amounts as the number of students in average daily
21 attendance served by eligible local educational agen-
22 cies in the State for that fiscal year bears to the
23 number of all such students served by eligible local
24 educational agencies in all States for that fiscal
25 year.

1 “(3) SPECIALLY QUALIFIED AGENCIES.—

2 “(A) ELIGIBILITY AND APPLICATION.—If a
3 State educational agency elects not to partici-
4 pate in the program under this subpart or does
5 not have an application submitted under section
6 1237 approved, a specially qualified agency in
7 such State desiring a grant under this subpart
8 may submit an application under such section
9 directly to the Secretary to receive an award
10 under this subpart.

11 “(B) DIRECT AWARDS.—The Secretary
12 may award, on a competitive basis or by for-
13 mula, the amount the State educational agency
14 is eligible to receive under paragraph (2) di-
15 rectly to a specially qualified agency in the
16 State that has submitted an application in ac-
17 cordance with subparagraph (A) and obtained
18 approval of the application.

19 “(C) SPECIALLY QUALIFIED AGENCY DE-
20 FINED.—In this subpart, the term ‘specially
21 qualified agency’ means an eligible local edu-
22 cational agency served by a State educational
23 agency that does not participate in a program
24 under this subpart in a fiscal year, that may

1 apply directly to the Secretary for a grant in
2 such year under this subsection.

3 “(b) LOCAL AWARDS.—

4 “(1) ELIGIBILITY.—A local educational agency
5 shall be eligible to receive a grant under this subpart
6 if—

7 “(A) 20 percent or more of the children
8 ages 5 through 17 years served by the local
9 educational agency are from families with in-
10 comes below the poverty line; and

11 “(B) all of the schools served by the agen-
12 cy are designated with a school locale code of
13 32, 33, 41, 42, 43, as determined by the Sec-
14 retary.

15 “(2) AWARD BASIS.—A State educational agen-
16 cy shall award grants to eligible local educational
17 agencies—

18 “(A) on a competitive basis;

19 “(B) according to a formula based on the
20 number of students in average daily attendance
21 served by the eligible local educational agencies
22 or schools in the State; or

23 “(C) according to an alternative formula,
24 if, prior to awarding the grants, the State edu-
25 cational agency demonstrates, to the satisfac-

1 tion of the Secretary, that the alternative for-
2 mula enables the State educational agency to
3 allot the grant funds in a manner that serves
4 equal or greater concentrations of children from
5 families with incomes below the poverty line,
6 relative to the concentrations that would be
7 served if the State educational agency used the
8 formula described in subparagraph (B).

9 “(c) RESERVATIONS.—From amounts reserved under
10 section 1235(a)(1) for this chapter for a fiscal year, the
11 Secretary shall reserve—

12 “(1) one-half of 1 percent to make awards to el-
13 ementary schools or secondary schools operated or
14 supported by the Bureau of Indian Education, to
15 carry out the activities authorized under this chap-
16 ter; and

17 “(2) one-half of 1 percent to make awards to
18 the outlying areas in accordance with their respec-
19 tive needs, to carry out the activities authorized
20 under this chapter.

21 **“SEC. 1236. USES OF FUNDS.**

22 “(a) LOCAL AWARDS.—Grant funds awarded to local
23 educational agencies under this chapter shall be used for
24 activities authorized under any of the following:

25 “(1) Part A of title I.

1 “(2) Title II.

2 “(3) Title III.

3 “(b) ADMINISTRATIVE COSTS.—A State educational
4 agency receiving a grant under this chapter may not use
5 more than 5 percent of the amount of the grant for State
6 administrative costs and to provide technical assistance to
7 eligible local educational agencies.

8 **“SEC. 1237. APPLICATIONS.**

9 “(a) IN GENERAL.—Each State educational agency
10 or specially qualified agency desiring to receive a grant
11 under this chapter shall submit an application to the Sec-
12 retary at such time and in such manner as the Secretary
13 may require.

14 “(b) CONTENTS.—Each application submitted under
15 subsection (a) shall include—

16 “(1) a description of how the State educational
17 agency or specially qualified agency will ensure eligi-
18 ble local educational agencies receiving a grant
19 under this chapter will use such funds to help stu-
20 dents meet the State academic standards under sec-
21 tion 1111(b)(1);

22 “(2) if the State educational agency or specially
23 qualified agency will competitively award grants to
24 eligible local educational agencies, as described in

1 section 1235(b)(2)(A), the application under the sec-
2 tion shall include—

3 “(A) the methods and criteria the State
4 educational agency or specially qualified agency
5 will use for reviewing applications and awarding
6 funds to local educational agencies on a com-
7 petitive basis; and

8 “(B) how the State educational agency or
9 specially qualified agency will notify eligible
10 local educational agencies of the grant competi-
11 tion; and

12 “(3) a description of how the State educational
13 agency or specially qualified agency will provide
14 technical assistance to eligible local educational
15 agencies to help such agencies implement the activi-
16 ties described in section 1236(a).

17 **“SEC. 1238. ACCOUNTABILITY.**

18 “Each State educational agency or specially qualified
19 agency that receives a grant under this chapter shall pre-
20 pare and submit an annual report to the Secretary. The
21 report shall describe—

22 “(1) the methods and criteria the State edu-
23 cational agency or specially qualified agency used to
24 award grants to eligible local educational agencies,

1 and to provide assistance to schools, under this
2 chapter;

3 “(2) how local educational agencies and schools
4 used funds provided under this chapter; and

5 “(3) the degree to which progress has been
6 made toward having all students meet the State aca-
7 demic standards under section 1111(b)(1).

8 **“SEC. 1239. CHOICE OF PARTICIPATION.**

9 “(a) IN GENERAL.—If a local educational agency is
10 eligible for funding under chapters A and B of this sub-
11 part, such local educational agency may receive funds
12 under either chapter A or chapter B for a fiscal year, but
13 may not receive funds under both chapters.

14 “(b) NOTIFICATION.—A local educational agency eli-
15 gible for both chapters A and B of this subpart shall notify
16 the Secretary and the State educational agency under
17 which of such chapters such local educational agency in-
18 tends to receive funds for a fiscal year by a date that is
19 established by the Secretary for the notification.

20 **“CHAPTER C—GENERAL PROVISIONS**

21 **“SEC. 1241. ANNUAL AVERAGE DAILY ATTENDANCE DETER-**
22 **MINATION.**

23 “(a) CENSUS DETERMINATION.—Each local edu-
24 cational agency desiring a grant under section 1231 and

1 each local educational agency or specially qualified agency
2 desiring a grant under chapter B shall—

3 “(1) not later than December 1 of each year,
4 conduct a census to determine the number of stu-
5 dents in average daily attendance in kindergarten
6 through grade 12 at the schools served by the agen-
7 cy; and

8 “(2) not later than March 1 of each year, sub-
9 mit the number described in paragraph (1) to the
10 Secretary (and to the State educational agency, in
11 the case of a local educational agency seeking a
12 grant under subpart 2).

13 “(b) PENALTY.—If the Secretary determines that a
14 local educational agency or specially qualified agency has
15 knowingly submitted false information under subsection
16 (a) for the purpose of gaining additional funds under sec-
17 tion 1231 or chapter B, then the agency shall be fined
18 an amount equal to twice the difference between the
19 amount the agency received under this section and the cor-
20 rect amount the agency would have received under section
21 1231 or chapter B if the agency had submitted accurate
22 information under subsection (a).

1 **“SEC. 1242. SUPPLEMENT, NOT SUPPLANT.**

2 “Funds made available under chapter A or chapter
3 B shall be used to supplement, and not supplant, any
4 other Federal, State, or local education funds.

5 **“SEC. 1243. RULE OF CONSTRUCTION.**

6 “Nothing in this subpart shall be construed to pro-
7 hibit a local educational agency that enters into coopera-
8 tive arrangements with other local educational agencies for
9 the provision of special, compensatory, or other education
10 services, pursuant to State law or a written agreement,
11 from entering into similar arrangements for the use, or
12 the coordination of the use, of the funds made available
13 under this subpart.

14 **“Subpart 6—Indian Education**

15 **“SEC. 1251. STATEMENT OF POLICY.**

16 “It is the policy of the United States to fulfill the
17 Federal Government’s unique and continuing trust rela-
18 tionship with and responsibility to the Indian people for
19 the education of Indian children. The Federal Government
20 will continue to work with local educational agencies, In-
21 dian tribes and organizations, postsecondary institutions,
22 and other entities toward the goal of ensuring that pro-
23 grams that serve Indian children are of the highest quality
24 and provide for not only the basic elementary and sec-
25 ondary educational needs, but also the unique educational
26 and culturally related academic needs of these children.

1 **“SEC. 1252. PURPOSE.**

2 “It is the purpose of this subpart to support the ef-
3 forts of local educational agencies, Indian tribes and orga-
4 nizations, postsecondary institutions, and other entities—

5 “(1) to meet the unique educational and cul-
6 turally related academic needs of American Indian
7 and Alaska Native students, so that such students
8 can meet the State academic standards that all stu-
9 dents are expected to meet; and

10 “(2) to ensure that school leaders, teachers, and
11 other staff who serve Indian and Alaska Native stu-
12 dents have the ability and training to provide appro-
13 priate instruction to meet the unique academic needs
14 of such students.

15 **“CHAPTER A—FORMULA GRANTS TO**
16 **LOCAL EDUCATIONAL AGENCIES**

17 **“SEC. 1261. PURPOSE.**

18 “It is the purpose of this chapter to support local
19 educational agencies in their efforts to reform elementary
20 school and secondary school programs that serve Indian
21 students in order to ensure that such programs are de-
22 signed to—

23 “(1) meet the unique educational needs of such
24 students; and

25 “(2) ensure that such students have the oppor-
26 tunity to meet the State academic standards.

1 **“SEC. 1262. GRANTS TO LOCAL EDUCATIONAL AGENCIES**
2 **AND TRIBES.**

3 “(a) IN GENERAL.—From amounts appropriated
4 under section 3(a)(1), the Secretary shall reserve 0.59 of
5 one percent to local educational agencies and Indian tribes
6 in accordance with this section and section 1263.

7 “(b) LOCAL EDUCATIONAL AGENCIES.—

8 “(1) ENROLLMENT REQUIREMENTS.—A local
9 educational agency shall be eligible for a grant under
10 this chapter for any fiscal year if the number of In-
11 dian children eligible under section 1267 who were
12 enrolled in the schools of the agency, and to whom
13 the agency provided free public education, during
14 the preceding fiscal year—

15 “(A) was at least 10; or

16 “(B) constituted not less than 25 percent
17 of the total number of individuals enrolled in
18 the schools of such agency.

19 “(2) EXCLUSION.—The requirement of para-
20 graph (1) shall not apply in Alaska, California, or
21 Oklahoma, or with respect to any local educational
22 agency located on, or in proximity to, an Indian res-
23 ervation.

24 “(c) INDIAN TRIBES.—

25 “(1) IN GENERAL.—If a local educational agen-
26 cy that is otherwise eligible for a grant under this

1 chapter does not establish a committee under section
2 1264(e)(4) for such grant, an Indian tribe or a con-
3 sortium of such entities that represents not less than
4 $\frac{1}{3}$ of the eligible Indian children who are served by
5 such local educational agency may apply for such
6 grant.

7 “(2) SPECIAL RULE.—The Secretary shall treat
8 each Indian tribe or consortium of such entities ap-
9 plying for a grant pursuant to paragraph (1) as if
10 such Indian tribe were a local educational agency for
11 purposes of this chapter, except that any such tribe
12 is not subject to section 1264(e)(4) or section 1269.

13 “(3) ELIGIBILITY.—If more than 1 Indian tribe
14 qualifies to apply for a grant under paragraph (1),
15 the entity that represents the most eligible Indian
16 children who are served by the local educational
17 agency shall be eligible to receive the grant or the
18 tribes may choose to apply in consortium.

19 **“SEC. 1263. AMOUNT OF GRANTS.**

20 “(a) AMOUNT OF GRANT AWARDS.—

21 “(1) IN GENERAL.—Except as provided in sub-
22 section (b) and paragraph (2), the Secretary shall
23 allocate to each local educational agency that has an
24 approved application under this chapter an amount
25 equal to the product of—

1 “(A) the number of Indian children who
2 are eligible under section 1267 and served by
3 such agency; and

4 “(B) the greater of—

5 “(i) the average per pupil expenditure
6 of the State in which such agency is lo-
7 cated; or

8 “(ii) 80 percent of the average per
9 pupil expenditure of all the States.

10 “(2) REDUCTION.—The Secretary shall reduce
11 the amount of each allocation otherwise determined
12 under this section in accordance with subsection (e).

13 “(b) MINIMUM GRANT.—

14 “(1) IN GENERAL.—Notwithstanding subsection
15 (e), an entity that is eligible for a grant under sec-
16 tion 1262, and a school that is operated or sup-
17 ported by the Bureau of Indian Education that is el-
18 igible for a grant under subsection (d), that submits
19 an application that is approved by the Secretary,
20 shall, subject to appropriations, receive a grant
21 under this chapter in an amount that is not less
22 than \$3,000.

23 “(2) CONSORTIA.—Local educational agencies
24 may form a consortium with other local educational

1 agencies or Indian tribes for the purpose of obtain-
2 ing grants under this chapter.

3 “(3) INCREASE.—The Secretary may increase
4 the minimum grant under paragraph (1) to not
5 more than \$4,000 for all grantees if the Secretary
6 determines such an increase is necessary to ensure
7 the quality of the programs provided.

8 “(c) DEFINITION.—For the purpose of this section,
9 the term ‘average per pupil expenditure’, used with respect
10 to a State, means an amount equal to—

11 “(1) the sum of the aggregate current expendi-
12 tures of all the local educational agencies in the
13 State, plus any direct current expenditures by the
14 State for the operation of such agencies, without re-
15 gard to the sources of funds from which such local
16 or State expenditures were made, during the second
17 fiscal year preceding the fiscal year for which the
18 computation is made; divided by

19 “(2) the aggregate number of children who
20 were included in average daily attendance for whom
21 such agencies provided free public education during
22 such preceding fiscal year.

23 “(d) SCHOOLS OPERATED OR SUPPORTED BY THE
24 BUREAU OF INDIAN EDUCATION.—

1 “(1) IN GENERAL.—Subject to subsection (e),
2 in addition to the grants awarded under subsection
3 (a), the Secretary shall allocate to the Secretary of
4 the Interior an amount equal to the product of—

5 “(A) the total number of Indian children
6 enrolled in schools that are operated by—

7 “(i) the Bureau of Indian Education;

8 or

9 “(ii) an Indian tribe, or an organiza-
10 tion controlled or sanctioned by an Indian
11 tribal government, for the children of that
12 tribe under a contract with, or grant from,
13 the Department of the Interior under the
14 Indian Self-Determination Act or the Trib-
15 ally Controlled Schools Act of 1988; and

16 “(B) the greater of—

17 “(i) the average per pupil expenditure
18 of the State in which the school is located;

19 or

20 “(ii) 80 percent of the average per
21 pupil expenditure of all the States.

22 “(2) SPECIAL RULE.—Any school described in
23 paragraph (1)(A) that wishes to receive an allocation
24 under this chapter shall submit an application in ac-
25 cordance with section 1264, and shall otherwise be

1 treated as a local educational agency for the purpose
2 of this chapter, except that such school shall not be
3 subject to section 1264(c)(4) or section 1269.

4 “(e) RATABLE REDUCTIONS.—If the sums reserved
5 for any fiscal year under section 1262(a) are insufficient
6 to pay in full the amounts determined for local educational
7 agencies under subsection (a)(1) and for the Secretary of
8 the Interior under subsection (d), each of those amounts
9 shall be ratably reduced.

10 **“SEC. 1264. APPLICATIONS.**

11 “(a) APPLICATION REQUIRED.—Each local edu-
12 cational agency that desires to receive a grant under this
13 chapter shall submit an application to the Secretary at
14 such time and in such manner as the Secretary may rea-
15 sonably require.

16 “(b) COMPREHENSIVE PROGRAM REQUIRED.—Each
17 application submitted under subsection (a) shall include
18 a description of a comprehensive program for meeting the
19 needs of Indian children served by the local educational
20 agency, including the language and cultural needs of the
21 children, that—

22 “(1) describes how the comprehensive program
23 will offer programs and activities to meet the cul-
24 turally related academic needs of American Indian
25 and Alaska Native students;

1 “(2)(A) is aligned with and supports the State
2 and local plans submitted under other provisions of
3 this Act; and

4 “(B) includes academic standards for such chil-
5 dren that are based on the State academic standards
6 adopted under subpart 1 for all children;

7 “(3) explains how the local educational agency
8 will use the funds made available under this chapter
9 to supplement other Federal, State, and local pro-
10 grams, especially programs carried out under sub-
11 part 1, to meet the needs of such students;

12 “(4) demonstrates how funds made available
13 under this chapter will be used for activities de-
14 scribed in section 1265;

15 “(5) describes the professional development op-
16 portunities that will be provided, as needed, to en-
17 sure that—

18 “(A) teachers, school leaders, and other
19 school professionals who are new to the Indian
20 community are prepared to work with Indian
21 children; and

22 “(B) all teachers who will be involved in
23 programs assisted under this chapter have been
24 properly trained to carry out such programs;
25 and

1 “(6) describes how the local educational agen-
2 cy—

3 “(A) will periodically assess the progress of
4 all Indian children enrolled in the schools of the
5 local educational agency, including Indian chil-
6 dren who do not participate in programs as-
7 sisted under this chapter, in meeting the stand-
8 ards described in paragraph (2);

9 “(B) will provide the results of each as-
10 sessment referred to in subparagraph (A) to—

11 “(i) the committee described in sub-
12 section (c)(4); and

13 “(ii) the community, including Indian
14 tribes, whose children are served by the
15 local educational agency; and

16 “(C) is responding to findings of any pre-
17 vious assessments that are similar to the as-
18 sessments described in subparagraph (A); and

19 “(7) describes the processes the local edu-
20 cational agency used to collaborate with Indian
21 tribes in the community in the development of the
22 comprehensive programs.

23 “(c) ASSURANCES.—Each application submitted
24 under subsection (a) shall include assurances that—

1 “(1) the local educational agency will use funds
2 received under this chapter only to supplement the
3 funds that, in the absence of the Federal funds
4 made available under this chapter, such agency
5 would make available for the education of Indian
6 children, and not to supplant such funds;

7 “(2) the local educational agency will prepare
8 and submit to the Secretary such reports in such
9 form as the Secretary may require to—

10 “(A) carry out the functions of the Sec-
11 retary under this chapter; and

12 “(B) determine the extent to which activi-
13 ties carried out with funds provided to the local
14 educational agency under this chapter are effec-
15 tive in improving the educational achievement
16 of Indian students served by such agency;

17 “(3) the program for which assistance is
18 sought—

19 “(A) is based on a comprehensive local as-
20 sessment and prioritization of the unique edu-
21 cational and culturally related academic needs
22 of the American Indian and Alaska Native stu-
23 dents for whom the local educational agency is
24 providing an education;

1 “(B) will use the best available talents and
2 resources, including individuals from the Indian
3 community; and

4 “(C) was developed by such agency in open
5 consultation with parents of Indian children
6 and teachers, and, if appropriate, Indian stu-
7 dents from secondary schools, including through
8 public hearings held by such agency to provide
9 to the individuals described in this subpara-
10 graph a full opportunity to understand the pro-
11 gram and to offer recommendations regarding
12 the program; and

13 “(4) the local educational agency developed the
14 program with the participation and written approval
15 of a committee—

16 “(A) that is composed of, and selected
17 by—

18 “(i) parents of Indian children in the
19 local educational agency’s schools;

20 “(ii) teachers in the schools; and

21 “(iii) if appropriate, Indian students
22 attending secondary schools of the agency;

23 “(B) a majority of whose members are
24 parents of Indian children;

1 “(C) that has set forth such policies and
2 procedures, including policies and procedures
3 relating to the hiring of personnel, as will en-
4 sure that the program for which assistance is
5 sought will be operated and evaluated in con-
6 sultation with, and with the involvement of,
7 parents of the children, and representatives of
8 the area, to be served;

9 “(D) with respect to an application de-
10 scribing a schoolwide program in accordance
11 with section 1265(c), that has—

12 “(i) reviewed in a timely fashion the
13 program; and

14 “(ii) determined that the program will
15 not diminish the availability of culturally
16 related activities for American Indian and
17 Alaska Native students; and

18 “(E) that has adopted reasonable bylaws
19 for the conduct of the activities of the com-
20 mittee and abides by such bylaws.

21 **“SEC. 1265. AUTHORIZED SERVICES AND ACTIVITIES.**

22 “(a) GENERAL REQUIREMENTS.—Each local edu-
23 cational agency that receives a grant under this chapter
24 shall use the grant funds, in a manner consistent with the

1 purpose specified in section 1261, for services and activi-
2 ties that—

3 “(1) are designed to carry out the comprehen-
4 sive program of the local educational agency for In-
5 dian students, and described in the application of
6 the local educational agency submitted to the Sec-
7 retary under section 1264(a);

8 “(2) are designed with special regard for the
9 language and cultural needs of the Indian students;
10 and

11 “(3) supplement and enrich the regular school
12 program of such agency.

13 “(b) PARTICULAR ACTIVITIES.—The services and ac-
14 tivities referred to in subsection (a) may include—

15 “(1) culturally related activities that support
16 the program described in the application submitted
17 by the local educational agency;

18 “(2) early childhood and family programs that
19 emphasize school readiness;

20 “(3) enrichment programs that focus on prob-
21 lem solving and cognitive skills development and di-
22 rectly support the attainment of State academic
23 standards;

1 “(4) integrated educational services in combina-
2 tion with other programs that meet the needs of In-
3 dian children and their families;

4 “(5) programs that help engage parents and
5 tribes to meet the unique educational needs of In-
6 dian children;

7 “(6) career preparation activities to enable In-
8 dian students to participate in programs such as the
9 programs supported by the Carl D. Perkins Career
10 and Technical Education Act of 2006;

11 “(7) activities to educate individuals concerning
12 the prevention of substance abuse, violence, and sui-
13 cide;

14 “(8) the acquisition of equipment, but only if
15 the acquisition of the equipment is essential to
16 achieve the purpose described in section 1261;

17 “(9) activities that promote the incorporation of
18 culturally responsive teaching and learning strategies
19 into the educational program of the local educational
20 agency;

21 “(10) activities that incorporate American In-
22 dian and Alaska Native specific curriculum content,
23 consistent with State academic standards into the
24 curriculum used by the local educational agency;

25 “(11) family literacy services; and

1 “(12) activities that recognize and support the
2 unique cultural and educational needs of Indian chil-
3 dren, and incorporate appropriately qualified tribal
4 elders and seniors.

5 “(c) SCHOOLWIDE PROGRAMS.—Notwithstanding
6 any other provision of law, a local educational agency may
7 use funds made available to such agency under this chap-
8 ter to support a schoolwide program under section 1114
9 if—

10 “(1) the committee established pursuant to sec-
11 tion 1264(c)(4) approves the use of the funds for
12 the schoolwide program; and

13 “(2) the schoolwide program is consistent with
14 the purpose described in section 1261.

15 “(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not
16 more than 5 percent of the funds provided to a grantee
17 under this chapter for any fiscal year may be used for
18 administrative purposes.

19 “(e) LIMITATION ON USE OF FUNDS.—Funds pro-
20 vided to a grantee under this chapter may not be used
21 for long-distance travel expenses for training activities
22 available locally or regionally.

23 **“SEC. 1266. INTEGRATION OF SERVICES AUTHORIZED.**

24 “(a) PLAN.—An entity receiving funds under this
25 chapter may submit a plan to the Secretary for the inte-

1 gration of education and related services provided to In-
2 dian students.

3 “(b) CONSOLIDATION OF PROGRAMS.—Upon the re-
4 ceipt of an acceptable plan under subsection (a), the Sec-
5 retary, in cooperation with each Federal agency providing
6 grants for the provision of education and related services
7 to the entity, shall authorize the entity to consolidate, in
8 accordance with such plan, the federally funded education
9 and related services programs of the entity and the Fed-
10 eral programs, or portions of the programs, serving Indian
11 students in a manner that integrates the program services
12 involved into a single, coordinated, comprehensive pro-
13 gram and reduces administrative costs by consolidating
14 administrative functions.

15 “(c) PROGRAMS AFFECTED.—The funds that may be
16 consolidated in a demonstration project under any such
17 plan referred to in subsection (a) shall include funds for
18 any Federal program exclusively serving Indian children,
19 or the funds reserved under any Federal program to exclu-
20 sively serve Indian children, under which the entity is eligi-
21 ble for receipt of funds under a statutory or administrative
22 formula for the purposes of providing education and re-
23 lated services that would be used to serve Indian students.

24 “(d) PLAN REQUIREMENTS.—For a plan to be ac-
25 ceptable pursuant to subsection (b), the plan shall—

1 “(1) identify the programs or funding sources
2 to be consolidated;

3 “(2) be consistent with the objectives of this
4 section concerning authorizing the services to be in-
5 tegrated in a demonstration project;

6 “(3) describe a comprehensive strategy that
7 identifies the full range of potential educational op-
8 portunities and related services to be provided to as-
9 sist Indian students to achieve the objectives set
10 forth in this chapter;

11 “(4) describe the way in which services are to
12 be integrated and delivered and the results expected
13 from the plan;

14 “(5) identify the projected expenditures under
15 the plan in a single budget;

16 “(6) identify the State, tribal, or local agency
17 or agencies to be involved in the delivery of the serv-
18 ices integrated under the plan;

19 “(7) identify any statutory provisions, regula-
20 tions, policies, or procedures that the entity believes
21 need to be waived in order to implement the plan;

22 “(8) set forth measures for student academic
23 achievement consistent with State academic stand-
24 ards under section 1111(b)(1); and

1 “(9) be approved by a committee formed in ac-
2 cordance with section 1264(c)(4), if such a com-
3 mittee exists.

4 “(e) PLAN REVIEW.—Upon receipt of the plan from
5 an eligible entity, the Secretary shall consult with the Sec-
6 retary of each Federal department providing funds to be
7 used to implement the plan, and with the entity submit-
8 ting the plan. The parties so consulting shall identify any
9 waivers of statutory requirements or of Federal depart-
10 mental regulations, policies, or procedures necessary to en-
11 able the entity to implement the plan. Notwithstanding
12 any other provision of law, the Secretary of the affected
13 department shall have the authority to waive any regula-
14 tion, policy, or procedure promulgated by that department
15 that has been so identified by the entity or department,
16 unless the Secretary of the affected department deter-
17 mines that such a waiver is inconsistent with the objectives
18 of this chapter or those provisions of the statute from
19 which the program involved derives authority that are spe-
20 cifically applicable to Indian students.

21 “(f) PLAN APPROVAL.—Within 90 days after the re-
22 ceipt of an entity’s plan by the Secretary, the Secretary
23 shall inform the entity, in writing, of the Secretary’s ap-
24 proval or disapproval of the plan. If the plan is dis-
25 approved, the entity shall be informed, in writing, of the

1 reasons for the disapproval and shall be given an oppor-
2 tunity to amend the plan or to petition the Secretary to
3 reconsider such disapproval.

4 “(g) RESPONSIBILITIES OF DEPARTMENT OF EDU-
5 CATION.—The Secretary of Education, the Secretary of
6 the Interior, and the head of any other Federal depart-
7 ment or agency identified by the Secretary of Education,
8 shall enter into an interdepartmental memorandum of
9 agreement providing for the implementation and coordina-
10 tion of the demonstration projects authorized under this
11 section. The lead agency head for a demonstration project
12 under this section shall be—

13 “(1) the Secretary of the Interior, in the case
14 of an entity meeting the definition of a contract or
15 grant school under title XI of the Education Amend-
16 ments of 1978; or

17 “(2) the Secretary of Education, in the case of
18 any other entity.

19 “(h) RESPONSIBILITIES OF LEAD AGENCY.—The re-
20 sponsibilities of the lead agency shall include—

21 “(1) the use of a single report format related
22 to the plan for the individual project, which shall be
23 used by an eligible entity to report on the activities
24 undertaken under the project;

1 “(2) the use of a single report format related
2 to the projected expenditures for the individual
3 project which shall be used by an eligible entity to
4 report on all project expenditures;

5 “(3) the development of a single system of Fed-
6 eral oversight for the project, which shall be imple-
7 mented by the lead agency; and

8 “(4) the provision of technical assistance to an
9 eligible entity appropriate to the project, except that
10 an eligible entity shall have the authority to accept
11 or reject the plan for providing such technical assist-
12 ance and the technical assistance provider.

13 “(i) REPORT REQUIREMENTS.—A single report for-
14 mat shall be developed by the Secretary, consistent with
15 the requirements of this section. Such report format shall
16 require that reports described in subsection (h), together
17 with records maintained on the consolidated program at
18 the local level, shall contain such information as will allow
19 a determination that the eligible entity has complied with
20 the requirements incorporated in its approved plan, in-
21 cluding making a demonstration of student academic
22 achievement, and will provide assurances to each Sec-
23 retary that the eligible entity has complied with all directly
24 applicable statutory requirements and with those directly

1 applicable regulatory requirements that have not been
2 waived.

3 “(j) NO REDUCTION IN AMOUNTS.—In no case shall
4 the amount of Federal funds available to an eligible entity
5 involved in any demonstration project be reduced as a re-
6 sult of the enactment of this section.

7 “(k) INTERAGENCY FUND TRANSFERS AUTHOR-
8 IZED.—The Secretary is authorized to take such action
9 as may be necessary to provide for an interagency transfer
10 of funds otherwise available to an eligible entity in order
11 to further the objectives of this section.

12 “(l) ADMINISTRATION OF FUNDS.—

13 “(1) IN GENERAL.—Program funds for the con-
14 solidated programs shall be administered in such a
15 manner as to allow for a determination that funds
16 from a specific program are spent on allowable ac-
17 tivities authorized under such program, except that
18 the eligible entity shall determine the proportion of
19 the funds granted that shall be allocated to such
20 program.

21 “(2) SEPARATE RECORDS NOT REQUIRED.—
22 Nothing in this section shall be construed as requir-
23 ing the eligible entity to maintain separate records
24 tracing any services or activities conducted under
25 the approved plan to the individual programs under

1 which funds were authorized for the services or ac-
2 tivities, nor shall the eligible entity be required to al-
3 locate expenditures among such individual programs.

4 “(m) OVERAGE.—The eligible entity may commingle
5 all administrative funds from the consolidated programs
6 and shall be entitled to the full amount of such funds
7 (under each program’s or agency’s regulations). The over-
8 age (defined as the difference between the amount of the
9 commingled funds and the actual administrative cost of
10 the programs) shall be considered to be properly spent for
11 Federal audit purposes, if the overage is used for the pur-
12 poses provided for under this section.

13 “(n) FISCAL ACCOUNTABILITY.—Nothing in this
14 subpart shall be construed so as to interfere with the abil-
15 ity of the Secretary or the lead agency to fulfill the respon-
16 sibilities for the safeguarding of Federal funds pursuant
17 to chapter 75 of title 31, United States Code.

18 “(o) REPORT ON STATUTORY OBSTACLES TO PRO-
19 GRAM INTEGRATION.—

20 “(1) IN GENERAL.—The Secretary of Education
21 shall annually submit a report to the Committee on
22 Health, Education, Labor, and Pensions and the
23 Committee on Indian Affairs of the Senate, and the
24 Committee on Education and the Workforce and the
25 Committee on Natural Resources of the House of

1 Representatives on the status of the implementation
2 of the demonstration projects authorized under this
3 section.

4 “(2) CONTENTS.—Such report shall identify—

5 “(A) statutory barriers to the ability of
6 participants to more effectively integrate their
7 education and related services to Indian stu-
8 dents in a manner consistent with the objectives
9 of this section; and

10 “(B) the effective practices for program in-
11 tegration that result in increased student
12 achievement and other relevant outcomes for
13 Indian students.

14 “(p) DEFINITIONS.—For the purposes of this section,
15 the term ‘Secretary’ means—

16 “(1) the Secretary of the Interior, in the case
17 of an entity meeting the definition of a contract or
18 grant school under title XI of the Education Amend-
19 ments of 1978; or

20 “(2) the Secretary of Education, in the case of
21 any other entity.

22 **“SEC. 1267. STUDENT ELIGIBILITY FORMS.**

23 “(a) IN GENERAL.—The Secretary shall require that,
24 as part of an application for a grant under this chapter,
25 each applicant shall maintain a file, with respect to each

1 Indian child for whom the local educational agency pro-
2 vides a free public education, that contains a form that
3 sets forth information establishing the status of the child
4 as an Indian child eligible for assistance under this chap-
5 ter, and that otherwise meets the requirements of sub-
6 section (b).

7 “(b) FORMS.—The form described in subsection (a)
8 shall include—

9 “(1) either—

10 “(A)(i) the name of the tribe or band of
11 Indians (as defined in section 1291) with re-
12 spect to which the child claims membership;

13 “(ii) the enrollment number establishing
14 the membership of the child (if readily avail-
15 able); and

16 “(iii) the name and address of the organi-
17 zation that maintains updated and accurate
18 membership data for such tribe or band of Indi-
19 ans; or

20 “(B) the name, the enrollment number (if
21 readily available), and the name and address of
22 the organization responsible for maintaining up-
23 dated and accurate membership data, of any
24 parent or grandparent of the child from whom
25 the child claims eligibility under this chapter, if

1 the child is not a member of the tribe or band
2 of Indians (as so defined);

3 “(2) a statement of whether the tribe or band
4 of Indians (as so defined), with respect to which the
5 child, or parent or grandparent of the child, claims
6 membership, is federally recognized;

7 “(3) the name and address of the parent or
8 legal guardian of the child; and

9 “(4) a signature of the parent or legal guardian
10 of the child that verifies the accuracy of the informa-
11 tion supplied.

12 “(c) STATUTORY CONSTRUCTION.—Nothing in this
13 section shall be construed to affect a definition contained
14 in section 1291.

15 “(d) FORMS AND STANDARDS OF PROOF.—The
16 forms and the standards of proof (including the standard
17 of good faith compliance) that were in use during the
18 1985–1986 academic year to establish the eligibility of a
19 child for entitlement under the Indian Elementary and
20 Secondary School Assistance Act shall be the forms and
21 standards of proof used—

22 “(1) to establish eligibility under this chapter;
23 and

24 “(2) to meet the requirements of subsection (a).

1 “(e) DOCUMENTATION.—For purposes of deter-
2 mining whether a child is eligible to be counted for the
3 purpose of computing the amount of a grant award under
4 section 1263, the membership of the child, or any parent
5 or grandparent of the child, in a tribe or band of Indians
6 (as so defined) may be established by proof other than
7 an enrollment number, notwithstanding the availability of
8 an enrollment number for a member of such tribe or band.
9 Nothing in subsection (b) shall be construed to require
10 the furnishing of an enrollment number.

11 “(f) MONITORING AND EVALUATION REVIEW.—

12 “(1) IN GENERAL.—

13 “(A) REVIEW.—For each fiscal year, in
14 order to provide such information as is nec-
15 essary to carry out the responsibility of the Sec-
16 retary to provide technical assistance under this
17 chapter, the Secretary shall conduct a moni-
18 toring and evaluation review of a sampling of
19 the recipients of grants under this chapter. The
20 sampling conducted under this subparagraph
21 shall take into account the size of and the geo-
22 graphic location of each local educational agen-
23 cy.

24 “(B) EXCEPTION.—A local educational
25 agency may not be held liable to the United

1 States or be subject to any penalty, by reason
2 of the findings of an audit that relates to the
3 date of completion, or the date of submission,
4 of any forms used to establish, before April 28,
5 1988, the eligibility of a child for an entitle-
6 ment under the Indian Elementary and Sec-
7 ondary School Assistance Act.

8 “(2) FALSE INFORMATION.—Any local edu-
9 cational agency that provides false information in an
10 application for a grant under this chapter shall—

11 “(A) be ineligible to apply for any other
12 grant under this chapter; and

13 “(B) be liable to the United States for any
14 funds from the grant that have not been ex-
15 pended.

16 “(3) EXCLUDED CHILDREN.—A student who
17 provides false information for the form required
18 under subsection (a) shall not be counted for the
19 purpose of computing the amount of a grant under
20 section 1263.

21 “(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—
22 Notwithstanding any other provision of this section, in cal-
23 culating the amount of a grant under this chapter to a
24 tribal school that receives a grant or contract from the

1 Bureau of Indian Education, the Secretary shall use only
2 one of the following, as selected by the school:

3 “(1) A count of the number of students in the
4 schools certified by the Bureau.

5 “(2) A count of the number of students for
6 whom the school has eligibility forms that comply
7 with this section.

8 “(h) TIMING OF CHILD COUNTS.—For purposes of
9 determining the number of children to be counted in calcu-
10 lating the amount of a local educational agency’s grant
11 under this chapter (other than in the case described in
12 subsection (g)(1)), the local educational agency shall—

13 “(1) establish a date on, or a period not longer
14 than 31 consecutive days during, which the agency
15 counts those children, if that date or period occurs
16 before the deadline established by the Secretary for
17 submitting an application under section 1264; and

18 “(2) determine that each such child was en-
19 rolled, and receiving a free public education, in a
20 school of the agency on that date or during that pe-
21 riod, as the case may be.

22 **“SEC. 1268. PAYMENTS.**

23 “(a) IN GENERAL.—Subject to subsections (b) and
24 (c), the Secretary shall pay to each local educational agen-
25 cy that submits an application that is approved by the Sec-

1 retary under this chapter the amount determined under
2 section 1263. The Secretary shall notify the local edu-
3 cational agency of the amount of the payment not later
4 than June 1 of the year for which the Secretary makes
5 the payment.

6 “(b) PAYMENTS TAKEN INTO ACCOUNT BY THE
7 STATE.—The Secretary may not make a grant under this
8 chapter to a local educational agency for a fiscal year if,
9 for such fiscal year, the State in which the local edu-
10 cational agency is located takes into consideration pay-
11 ments made under this chapter in determining the eligi-
12 bility of the local educational agency for State aid, or the
13 amount of the State aid, with respect to the free public
14 education of children during such fiscal year or the pre-
15 ceding fiscal year.

16 “(c) REALLOCATIONS.—The Secretary may reallo-
17 cate, in a manner that the Secretary determines will best
18 carry out the purpose of this chapter, any amounts that—

19 “(1) based on estimates made by local edu-
20 cational agencies or other information, the Secretary
21 determines will not be needed by such agencies to
22 carry out approved programs under this chapter; or

23 “(2) otherwise become available for reallocation
24 under this chapter.

1 **“SEC. 1269. STATE EDUCATIONAL AGENCY REVIEW.**

2 “Before submitting an application to the Secretary
3 under section 1264, a local educational agency shall sub-
4 mit the application to the State educational agency, which
5 may comment on such application. If the State educational
6 agency comments on the application, the agency shall com-
7 ment on all applications submitted by local educational
8 agencies in the State and shall provide those comments
9 to the respective local educational agencies, with an oppor-
10 tunity to respond.

11 **“CHAPTER B—SPECIAL PROGRAMS AND**
12 **PROJECTS TO IMPROVE EDU-**
13 **CATIONAL OPPORTUNITIES FOR IN-**
14 **DIAN CHILDREN**

15 **“SEC. 1271. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
16 **TIES FOR INDIAN CHILDREN.**

17 “(a) PURPOSE.—

18 “(1) IN GENERAL.—It is the purpose of this
19 section to support projects to develop, test, and dem-
20 onstrate the effectiveness of services and programs
21 to improve educational opportunities and achieve-
22 ment of Indian children.

23 “(2) COORDINATION.—The Secretary shall take
24 the necessary actions to achieve the coordination of
25 activities assisted under this chapter with—

1 “(A) other programs funded under this
2 Act; and

3 “(B) other Federal programs operated for
4 the benefit of American Indian and Alaska Na-
5 tive children.

6 “(b) ELIGIBLE ENTITIES.—In this section, the term
7 ‘eligible entity’ means a State educational agency, local
8 educational agency, Indian tribe, Indian organization, fed-
9 erally supported elementary school or secondary school for
10 Indian students, Indian institution (including an Indian
11 institution of higher education), or a consortium of such
12 entities.

13 “(c) GRANTS AUTHORIZED.—

14 “(1) IN GENERAL.—From amounts appro-
15 priated under section 3(a)(1), the Secretary shall re-
16 serve 0.2 of one percent to award grants to eligible
17 entities to enable such entities to carry out activities
18 under this section and section 1272.

19 “(2) USES OF FUNDS.—An eligible entity that
20 receives a grant under this section shall use the
21 funds for one or more activities, including—

22 “(A) innovative programs related to the
23 educational needs of educationally disadvan-
24 taged children;

1 “(B) educational services that are not
2 available to such children in sufficient quantity
3 or quality, including remedial instruction, to
4 raise the achievement of Indian children in one
5 or more of the core academic subjects;

6 “(C) bilingual and bicultural programs and
7 projects;

8 “(D) special health and nutrition services,
9 and other related activities, that address the
10 special health, social, and psychological prob-
11 lems of Indian children;

12 “(E) special compensatory and other pro-
13 grams and projects designed to assist and en-
14 courage Indian children to enter, remain in, or
15 reenter school, and to increase the rate of high
16 school graduation for Indian children;

17 “(F) comprehensive guidance, counseling,
18 and testing services;

19 “(G) early childhood and kindergarten pro-
20 grams, including family-based preschool pro-
21 grams that emphasize school readiness and pa-
22 rental skills, and the provision of services to In-
23 dian children with disabilities;

24 “(H) partnership projects between local
25 educational agencies and institutions of higher

1 education that allow secondary school students
2 to enroll in courses at the postsecondary level to
3 aid such students in the transition from sec-
4 ondary to postsecondary education;

5 “(I) partnership projects between schools
6 and local businesses for career preparation pro-
7 grams designed to provide Indian youth with
8 the knowledge and skills such youth need to
9 make an effective transition from school to a
10 high-skill, high-wage career;

11 “(J) programs designed to encourage and
12 assist Indian students to work toward, and gain
13 entrance into, an institution of higher edu-
14 cation;

15 “(K) family literacy services;

16 “(L) activities that recognize and support
17 the unique cultural and educational needs of In-
18 dian children, and incorporate appropriately
19 qualified tribal elders and seniors; or

20 “(M) other services that meet the purpose
21 described in this section.

22 “(3) PROFESSIONAL DEVELOPMENT.—Evidence
23 based professional development of teaching profes-
24 sionals and paraprofessionals may be a part of any
25 program assisted under this section.

1 “(d) GRANT REQUIREMENTS AND APPLICATIONS.—

2 “(1) GRANT REQUIREMENTS.—

3 “(A) IN GENERAL.—The Secretary may
4 make multiyear grants under subsection (c) for
5 the planning, development, pilot operation, or
6 demonstration of any activity described in sub-
7 section (c) for a period not to exceed 5 years.

8 “(B) PRIORITY.—In making multiyear
9 grants described in this paragraph, the Sec-
10 retary shall give priority to entities submitting
11 applications that present a plan for combining
12 two or more of the activities described in sub-
13 section (c) over a period of more than 1 year.

14 “(C) PROGRESS.—The Secretary shall
15 make a grant payment for a grant described in
16 this paragraph to an eligible entity after the
17 initial year of the multiyear grant only if the
18 Secretary determines that the eligible entity has
19 made substantial progress in carrying out the
20 activities assisted under the grant in accordance
21 with the application submitted under paragraph
22 (3) and any subsequent modifications to such
23 application.

24 “(2) DISSEMINATION GRANTS.—

1 “(A) IN GENERAL.—In addition to award-
2 ing the multiyear grants described in paragraph
3 (1), the Secretary may award grants under sub-
4 section (c) to eligible entities for the dissemina-
5 tion of exemplary materials or programs as-
6 sisted under this section.

7 “(B) DETERMINATION.—The Secretary
8 may award a dissemination grant described in
9 this paragraph if, prior to awarding the grant,
10 the Secretary determines that the material or
11 program to be disseminated—

12 “(i) has been adequately reviewed;

13 “(ii) has demonstrated educational
14 merit; and

15 “(iii) can be replicated.

16 “(3) APPLICATION.—

17 “(A) IN GENERAL.—Any eligible entity
18 that desires to receive a grant under this sec-
19 tion shall submit an application to the Sec-
20 retary at such time and in such manner as the
21 Secretary may reasonably require.

22 “(B) CONTENTS.—Each application sub-
23 mitted to the Secretary under subparagraph
24 (A), other than an application for a dissemina-
25 tion grant under paragraph (2), shall contain—

1 “(i) a description of how parents of
2 Indian children and representatives of In-
3 dian tribes have been, and will be, involved
4 in developing and implementing the activi-
5 ties for which assistance is sought;

6 “(ii) assurances that the applicant will
7 participate, at the request of the Secretary,
8 in any national evaluation of activities as-
9 sisted under this section;

10 “(iii) information demonstrating that
11 the proposed program for the activities is
12 an evidence-based program, which may in-
13 clude a program that has been modified to
14 be culturally appropriate for students who
15 will be served; and

16 “(iv) a description of how the appli-
17 cant will incorporate the proposed activities
18 into the ongoing school program involved
19 once the grant period is over.

20 “(e) ADMINISTRATIVE COSTS.—Not more than 5 per-
21 cent of the funds provided to a grantee under this chapter
22 for any fiscal year may be used for administrative pur-
23 poses.

1 **“SEC. 1272. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
2 **AND EDUCATION PROFESSIONALS.**

3 “(a) PURPOSES.—The purposes of this section are—

4 “(1) to increase the number of qualified Indian
5 teachers, school leaders, or other education profes-
6 sionals serving Indian students, including through
7 recruitment strategies;

8 “(2) to provide training to qualified Indian indi-
9 viduals to enable such individuals to become effective
10 teachers, school leaders, administrators, teacher
11 aides, social workers, and ancillary educational per-
12 sonnel; and

13 “(3) to improve the skills of qualified Indian in-
14 dividuals who serve in the capacities described in
15 paragraph (2).

16 “(b) ELIGIBLE ENTITIES.—For the purpose of this
17 section, the term ‘eligible entity’ means—

18 “(1) an institution of higher education, includ-
19 ing an Indian institution of higher education;

20 “(2) a State educational agency or local edu-
21 cational agency, in consortium with an institution of
22 higher education;

23 “(3) an Indian tribe or organization, in consor-
24 tium with an institution of higher education; and

25 “(4) a Bureau-funded school (as defined in sec-
26 tion 1146 of the Education Amendments of 1978).

1 “(c) PROGRAM AUTHORIZED.—The Secretary is au-
2 thORIZED to award grants from funds reserved under sec-
3 tion 1271(c)(1) to eligible entities having applications ap-
4 proved under this section to enable those entities to carry
5 out the activities described in subsection (d).

6 “(d) AUTHORIZED ACTIVITIES.—

7 “(1) IN GENERAL.—Grant funds under this sec-
8 tion shall be used for activities to provide support
9 and training for Indian individuals in a manner con-
10 sistent with the purposes of this section.

11 “(2) SPECIAL RULES.—

12 “(A) TYPE OF TRAINING.—For education
13 personnel, the training received pursuant to a
14 grant under this section may be inservice or
15 preservice training.

16 “(B) PROGRAM.—For individuals who are
17 being trained to enter any education-related
18 field other than teaching, the training received
19 pursuant to a grant under this section shall be
20 in a program that results in a graduate degree.

21 “(e) APPLICATION.—Each eligible entity desiring a
22 grant under this section shall submit an application to the
23 Secretary at such time and in such manner as the Sec-
24 retary may reasonably require. An application shall in-
25 clude how the eligible entity will—

1 “(1) recruit qualified Indian individuals, such
2 as students who may not be of traditional college
3 age, to become teachers or school leaders;

4 “(2) use funds made available under the grant
5 to support the recruitment, preparation, and profes-
6 sional development of Indian teachers or school lead-
7 ers in local educational agencies that serve a high
8 proportion of Indian students; and

9 “(3) assist participants in meeting the require-
10 ments under subsection (h).

11 “(f) SPECIAL RULE.—In awarding grants under this
12 section, the Secretary—

13 “(1) shall consider the prior performance of the
14 eligible entity; and

15 “(2) may not limit eligibility to receive a grant
16 under this section on the basis of—

17 “(A) the number of previous grants the
18 Secretary has awarded such entity; or

19 “(B) the length of any period during which
20 such entity received such grants.

21 “(g) GRANT PERIOD.—Each grant under this section
22 shall be awarded for an initial period of not more than
23 three years, and may be renewed for not more than an
24 additional two years if the Secretary finds that the grantee
25 is meeting the grant objectives.

1 “(h) SERVICE OBLIGATION.—

2 “(1) IN GENERAL.—The Secretary shall re-
3 quire, by regulation, that an individual who receives
4 training pursuant to a grant made under this sec-
5 tion—

6 “(A) perform work—

7 “(i) related to the training received
8 under this section; and

9 “(ii) that benefits Indian people; or

10 “(B) repay all or a prorated part of the as-
11 sistance received.

12 “(2) REPORTING.—The Secretary shall estab-
13 lish, by regulation, a reporting procedure under
14 which a grant recipient under this section shall, not
15 later than 12 months after the date of completion of
16 the training, and periodically thereafter, provide in-
17 formation concerning compliance with the work re-
18 quirement under paragraph (1).

19 **“CHAPTER C—FEDERAL ADMINISTRATION**

20 **“SEC. 1281. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-
21 CATION.**

22 “(a) MEMBERSHIP.—There is established a National
23 Advisory Council on Indian Education (hereafter in this
24 section referred to as the ‘Council’), which shall—

1 “(1) consist of 15 Indian members, who shall
2 be appointed by the President from lists of nominees
3 furnished, from time to time, by Indian tribes and
4 organizations; and

5 “(2) represent different geographic areas of the
6 United States.

7 “(b) DUTIES.—The Council shall—

8 “(1) advise the Secretary concerning the fund-
9 ing and administration (including the development of
10 regulations and administrative policies and prac-
11 tices) of any program, including any program estab-
12 lished under this subpart—

13 “(A) with respect to which the Secretary
14 has jurisdiction; and

15 “(B)(i) that includes Indian children or
16 adults as participants; or

17 “(ii) that may benefit Indian children
18 or adults;

19 “(2) make recommendations to the Secretary
20 for filling the position of Director of Indian Edu-
21 cation whenever a vacancy occurs; and

22 “(3) submit to Congress, not later than June
23 30 of each year, a report on the activities of the
24 Council, including—

1 “(A) any recommendations that the Coun-
2 cil considers appropriate for the improvement of
3 Federal education programs that include Indian
4 children or adults as participants, or that may
5 benefit Indian children or adults; and

6 “(B) recommendations concerning the
7 funding of any program described in subpara-
8 graph (A).

9 **“SEC. 1282. PEER REVIEW.**

10 “The Secretary may use a peer review process to re-
11 view applications submitted to the Secretary under chap-
12 ter B.

13 **“SEC. 1283. PREFERENCE FOR INDIAN APPLICANTS.**

14 “In making grants and entering into contracts or co-
15 operative agreements under chapter B, the Secretary shall
16 give a preference to Indian tribes, organizations, and insti-
17 tutions of higher education under any program with re-
18 spect to which Indian tribes, organizations, and institu-
19 tions are eligible to apply for grants, contracts, or coopera-
20 tive agreements.

21 **“SEC. 1284. MINIMUM GRANT CRITERIA.**

22 “The Secretary may not approve an application for
23 a grant, contract, or cooperative agreement under chapter
24 B unless the application is for a grant, contract, or cooper-
25 ative agreement that is—

1 “(1) of sufficient size, scope, and quality to
2 achieve the purpose or objectives of such grant, con-
3 tract, or cooperative agreement; and

4 “(2) based on relevant research findings.

5 **“CHAPTER D—DEFINITIONS**

6 **“SEC. 1291. DEFINITIONS.**

7 “For the purposes of this subpart:

8 “(1) ADULT.—The term ‘adult’ means an indi-
9 vidual who—

10 “(A) has attained the age of 16 years; or

11 “(B) has attained an age that is greater
12 than the age of compulsory school attendance
13 under an applicable State law.

14 “(2) ALASKA NATIVE.—The term ‘Alaska Na-
15 tive’ has the same meaning as the term ‘Native’ has
16 in section 3(b) of the Alaska Native Claims Settle-
17 ment Act.

18 “(3) FREE PUBLIC EDUCATION.—The term
19 ‘free public education’ means education that is—

20 “(A) provided at public expense, under
21 public supervision and direction, and without
22 tuition charge; and

23 “(B) provided as elementary or secondary
24 education in the applicable State or to preschool
25 children.

1 “(4) INDIAN.—The term ‘Indian’ means an in-
2 dividual who is—

3 “(A) a member of an Indian tribe or band,
4 as membership is defined by the tribe or band,
5 including—

6 “(i) any tribe or band terminated
7 since 1940; and

8 “(ii) any tribe or band recognized by
9 the State in which the tribe or band re-
10 sides;

11 “(B) a descendant, in the first or second
12 degree, of an individual described in subpara-
13 graph (A);

14 “(C) considered by the Secretary of the In-
15 terior to be an Indian for any purpose;

16 “(D) an Eskimo, Aleut, or other Alaska
17 Native; or

18 “(E) a member of an organized Indian
19 group that received a grant under the Indian
20 Education Act of 1988 as in effect the day pre-
21 ceding the date of enactment of the Improving
22 America’s Schools Act of 1994.”.

23 (b) STRIKE.—The Act is amended by striking title
24 VII (20 U.S.C. 7401 et seq.).

1 **Subtitle D—National Assessment**

2 **SEC. 141. NATIONAL ASSESSMENT OF TITLE I.**

3 (a) IN GENERAL.—Part E of title I (20 U.S.C. 6491
4 et seq.) is redesignated as part B of title I.

5 (b) REPEALS.—Sections 1502 and 1504 (20 U.S.C.
6 6492; 6494) are repealed.

7 (c) REDESIGNATIONS.—Sections 1501 and 1503 (20
8 U.S.C. 6491; 6493) are redesignated as sections 1301 and
9 1302, respectively.

10 (d) AMENDMENTS TO SECTION 1301.—Section 1301
11 (20 U.S.C. 6491), as so redesignated, is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by inserting “, act-
14 ing through the Director of the Institute of
15 Education Sciences (in this section and section
16 1302 referred to as the ‘Director’),” after “The
17 Secretary”;

18 (B) in paragraph (2)—

19 (i) by striking “Secretary” and insert-
20 ing “Director”;

21 (ii) in subparagraph (A), by striking
22 “reaching the proficient level” and all that
23 follows and inserting “graduating high
24 school prepared for postsecondary edu-
25 cation or the workforce.”;

1 (iii) in subparagraph (B), by striking
2 “reach the proficient” and all that follows
3 and inserting “meet State academic stand-
4 ards.”;

5 (iv) by striking subparagraphs (D)
6 and (G) and redesignating subparagraphs
7 (E), (F), and (H) through (O) as subpara-
8 graphs (D) through (M), respectively;

9 (v) in subparagraph (D)(v) (as so re-
10 designated), by striking “help schools in
11 which” and all that follows and inserting
12 “address disparities in the percentages of
13 effective teachers teaching in low-income
14 schools.”

15 (vi) in subparagraph (G) (as so redesi-
16 gnated)—

17 (I) by striking “section 1116”
18 and inserting “section
19 1111(b)(3)(B)(iii)”;

20 (II) by striking “, including the
21 following” and all that follows and in-
22 serting a period;

23 (vii) in subparagraph (I) (as so redesi-
24 gnated), by striking “qualifications” and
25 inserting “effectiveness”;

1 (viii) in subparagraph (J) (as so re-
2 designated), by striking “, including funds
3 under section 1002,”;

4 (ix) in subparagraph (L) (as so reded-
5 igned), by striking “section
6 1111(b)(2)(C)(v)(II)” and inserting “sec-
7 tion 1111(b)(3)(B)(ii)(II)”;

8 (x) in subparagraph (M) (as so reded-
9 igned), by striking “Secretary” and in-
10 sserting “Director”;

11 (C) in paragraph (3), by striking “Sec-
12 retary” and inserting “Director”;

13 (D) in paragraph (4), by striking “Sec-
14 retary” and inserting “Director”;

15 (E) in paragraph (5), by striking “Sec-
16 retary” and inserting “Director”; and

17 (F) in paragraph (6)—

18 (i) by striking “No Child Left Behind
19 Act of 2001” each place it appears and in-
20 sserting “Student Success Act”; and

21 (ii) by striking “Secretary” each place
22 it appears and inserting “Director”;

23 (2) in subsection (b), by striking “Secretary”
24 each place it appears and inserting “Director”;

25 (3) in subsection (c)—

- 1 (A) in paragraph (1)—
- 2 (i) by striking “Secretary” and insert-
- 3 ing “Director”; and
- 4 (ii) by striking “part A” and inserting
- 5 “subpart 1 of part A”;
- 6 (B) in paragraph (2)—
- 7 (i) by striking “Secretary” and insert-
- 8 ing “Director”;
- 9 (ii) in subparagraph (B), by striking
- 10 “challenging academic achievement stand-
- 11 ards” and inserting “State academic
- 12 standards”;
- 13 (iii) in subparagraph (E), by striking
- 14 “effects of the availability” and all that
- 15 follows and inserting “extent to which ac-
- 16 tions authorized under section
- 17 1111(b)(3)(B)(iii) improve the academic
- 18 achievement of disadvantaged students and
- 19 low-performing schools.”; and
- 20 (iv) in subparagraph (F), by striking
- 21 “Secretary” and inserting “Director”; and
- 22 (C) in paragraph (3)—
- 23 (i) by striking “Secretary” and insert-
- 24 ing “Director”; and

1 (ii) by striking subparagraph (C) and
2 inserting the following:

3 “(C) analyzes varying models or strategies
4 for delivering school services, including
5 schoolwide and targeted services.”; and

6 (4) in subsection (d), by striking “Secretary”
7 each place it appears and inserting “Director”.

8 (e) AMENDMENTS TO SECTION 1302.—Section 1302
9 (20 U.S.C. 6493), as so redesignated, is amended—

10 (1) in subsection (a)—

11 (A) by striking “Secretary” and inserting
12 “Director”; and

13 (B) by striking “and for making decisions
14 about the promotion and graduation of stu-
15 dents”;

16 (2) in subsection (b)—

17 (A) by striking “Secretary” the first place
18 it appears and inserting “Director”;

19 (B) by striking “process,” and inserting
20 “process consistent with section 1206,”; and

21 (C) by striking “Assistant Secretary of
22 Educational Research and Improvement” and
23 inserting “Director”;

24 (3) in subsection (d)—

25 (A) in paragraph (1)—

1 (i) in subparagraph (A), by striking
2 “to the State-defined level of proficiency”
3 and inserting “toward meeting the State
4 academic standards”; and

5 (ii) in subparagraph (C), by striking
6 “pupil-services” and inserting “specialized
7 instructional support services”;

8 (B) in paragraph (3), by striking “limited
9 and nonlimited English proficient students”
10 and inserting “English learners”; and

11 (C) in paragraph (6), by striking “Sec-
12 retary” and inserting “Director”; and

13 (4) in subsection (f)—

14 (A) by striking “Secretary” and inserting
15 “Director”; and

16 (B) by striking “authorized to be appro-
17 priated for this part” and inserting “appro-
18 priated under section 3(a)(2)”.

19 **Subtitle E—Title I General** 20 **Provisions**

21 **SEC. 151. GENERAL PROVISIONS FOR TITLE I.**

22 Part I of title I (20 U.S.C. 6571 et seq.)—

23 (1) is transferred to and redesignated as part
24 C of title I of the Act; and

25 (2) is amended to read as follows:

1 **“PART C—GENERAL PROVISIONS**

2 **“SEC. 1401. FEDERAL REGULATIONS.**

3 “(a) IN GENERAL.—The Secretary may, in accord-
4 ance with subsections (b) through (d), issue such regula-
5 tions as are necessary to reasonably ensure there is com-
6 pliance with this title.

7 “(b) NEGOTIATED RULEMAKING PROCESS.—

8 “(1) IN GENERAL.—Before publishing in the
9 Federal Register proposed regulations to carry out
10 this title, the Secretary shall obtain the advice and
11 recommendations of representatives of Federal,
12 State, and local administrators, parents, teachers,
13 and members of local school boards and other orga-
14 nizations involved with the implementation and oper-
15 ation of programs under this title.

16 “(2) MEETINGS AND ELECTRONIC EX-
17 CHANGE.—Such advice and recommendations may
18 be obtained through such mechanisms as regional
19 meetings and electronic exchanges of information.

20 “(3) PROPOSED REGULATIONS.—After obtain-
21 ing such advice and recommendations, and before
22 publishing proposed regulations, the Secretary
23 shall—

24 “(A) establish a negotiated rulemaking
25 process;

1 “(B) select individuals to participate in
2 such process from among individuals or groups
3 that provided advice and recommendations, in-
4 cluding representation from all geographic re-
5 gions of the United States, in such numbers as
6 will provide an equitable balance between rep-
7 resentatives of parents and students and rep-
8 resentatives of educators and education offi-
9 cials; and

10 “(C) prepare a draft of proposed policy op-
11 tions that shall be provided to the individuals
12 selected by the Secretary under subparagraph
13 (B) not less than 15 days before the first meet-
14 ing under such process.

15 “(c) PROPOSED RULEMAKING.—If the Secretary de-
16 termines that a negotiated rulemaking process is unneces-
17 sary or the individuals selected to participate in the pro-
18 cess under paragraph (3)(B) fail to reach unanimous agree-
19 ment, the Secretary may propose regulations under the
20 following procedure:

21 “(1) Not less than 30 days prior to beginning
22 a rulemaking process, the Secretary shall provide to
23 Congress, including the Committee on Education
24 and the Workforce of the House of Representatives
25 and the Committee on Health, Education, Labor,

1 and Pensions of the Senate, notice that shall in-
2 clude—

3 “(A) a copy of the proposed regulations;

4 “(B) the need to issue regulations;

5 “(C) the anticipated burden, including the
6 time, cost, and paperwork burden, the regula-
7 tions will have on State educational agencies,
8 local educational agencies, schools, and other
9 entities that may be impacted by the regula-
10 tions; and

11 “(D) any regulations that will be repealed
12 when the new regulations are issued.

13 “(2) 30 days after giving notice of the proposed
14 rule to Congress, the Secretary may proceed with
15 the rulemaking process after all comments received
16 from the Congress have been addressed and pub-
17 lishing how such comments are addressed with the
18 proposed rule.

19 “(3) The comment and review period for any
20 proposed regulation shall be 90 days unless an emer-
21 gency requires a shorter period, in which case such
22 period shall be not less than 45 days and the Sec-
23 retary shall—

24 “(A) designate the proposed regulation as
25 an emergency with an explanation of the emer-

1 agency in the notice and report to Congress
2 under paragraph (1); and

3 “(B) publish the length of the comment
4 and review period in such notice and in the
5 Federal Register.

6 “(4) No regulation shall be made final after the
7 comment and review period until the Secretary has
8 published in the Federal Register an independent as-
9 sessment of—

10 “(A) the burden, including the time, cost,
11 and paperwork burden, the regulation will im-
12 pose on State educational agencies, local edu-
13 cational agencies, schools and other entities
14 that may be impacted by the regulation; and

15 “(B) an explanation of how the entities de-
16 scribed in subparagraph (A) may cover the cost
17 of the burden assessed under subparagraph (A).

18 “(d) LIMITATION.—Regulations to carry out this title
19 may not require local programs to follow a particular in-
20 structional model, such as the provision of services outside
21 the regular classroom or school program.

22 **“SEC. 1402. AGREEMENTS AND RECORDS.**

23 “(a) AGREEMENTS.—In the case in which a nego-
24 tiated rule making process is established under subsection
25 (b) of section 1401, all published proposed regulations

1 shall conform to agreements that result from the rule-
2 making described in section 1401 unless the Secretary re-
3 opens the negotiated rulemaking process.

4 “(b) RECORDS.—The Secretary shall ensure that an
5 accurate and reliable record of agreements reached during
6 the negotiations process is maintained.

7 **“SEC. 1403. STATE ADMINISTRATION.**

8 “(a) RULEMAKING.—

9 “(1) IN GENERAL.—Each State that receives
10 funds under this title shall—

11 “(A) ensure that any State rules, regula-
12 tions, and policies relating to this title conform
13 to the purposes of this title and provide any
14 such proposed rules, regulations, and policies to
15 the committee of practitioners created under
16 subsection (b) for review and comment;

17 “(B) minimize such rules, regulations, and
18 policies to which the State’s local educational
19 agencies and schools are subject;

20 “(C) eliminate or modify State and local
21 fiscal accounting requirements in order to facili-
22 tate the ability of schools to consolidate funds
23 under schoolwide programs;

24 “(D) identify any such rule, regulation, or
25 policy as a State-imposed requirement; and

1 “(E)(i) identify any duplicative or con-
2 trasting requirements between the State and
3 Federal rules or regulations;

4 “(ii) eliminate the rules and regulations
5 that are duplicative of Federal requirements;
6 and

7 “(iii) report any conflicting requirements
8 to the Secretary and determine which Federal
9 or State rule or regulation shall be followed.

10 “(2) SUPPORT AND FACILITATION.—State
11 rules, regulations, and policies under this title shall
12 support and facilitate local educational agency and
13 school-level systemic reform designed to enable all
14 children to meet the State academic standards.

15 “(b) COMMITTEE OF PRACTITIONERS.—

16 “(1) IN GENERAL.—Each State educational
17 agency that receives funds under this title shall cre-
18 ate a State committee of practitioners to advise the
19 State in carrying out its responsibilities under this
20 title.

21 “(2) MEMBERSHIP.—Each such committee
22 shall include—

23 “(A) as a majority of its members, rep-
24 resentatives from local educational agencies;

1 “(B) administrators, including the admin-
2 istrators of programs described in other parts
3 of this title;

4 “(C) teachers from public charter schools,
5 traditional public schools, and career and tech-
6 nical educators;

7 “(D) parents;

8 “(E) members of local school boards;

9 “(F) representatives of private school chil-
10 dren; and

11 “(G) specialized instructional support per-
12 sonnel.

13 “(3) DUTIES.—The duties of such committee
14 shall include a review, before publication, of any pro-
15 posed or final State rule or regulation pursuant to
16 this title. In an emergency situation where such rule
17 or regulation must be issued within a very limited
18 time to assist local educational agencies with the op-
19 eration of the program under this title, the State
20 educational agency may issue a regulation without
21 prior consultation, but shall immediately thereafter
22 convene the State committee of practitioners to re-
23 view the emergency regulation before issuance in
24 final form.

1 **“SEC. 1404. RULE OF CONSTRUCTION ON EQUALIZED**
2 **SPENDING.**

3 “Nothing in this title shall be construed to mandate
4 equalized spending per pupil for a State, local educational
5 agency, or school.”.

6 **TITLE II—TEACHER PREPARA-**
7 **TION AND EFFECTIVENESS**

8 **SEC. 201. TEACHER PREPARATION AND EFFECTIVENESS.**

9 (a) **HEADING.**—The title heading for title II (20
10 U.S.C. 6601 et seq.) is amended to read as follows:

11 **“TITLE II—TEACHER PREPARA-**
12 **TION AND EFFECTIVENESS”.**

13 (b) **PART A.**—Part A of title II (20 U.S.C. 6601 et
14 seq.) is amended to read as follows:

15 **“PART A—SUPPORTING EFFECTIVE**
16 **INSTRUCTION**

17 **“SEC. 2101. PURPOSE.**

18 “The purpose of this part is to provide grants to
19 State educational agencies and subgrants to local edu-
20 cational agencies to—

21 “(1) increase student achievement consistent
22 with State academic standards under section
23 1111(b)(1);

24 “(2) improve teacher and school leader effec-
25 tiveness in classrooms and schools, respectively;

1 “(3) provide evidence-based, job-embedded, con-
2 tinuous professional development; and

3 “(4) develop and implement teacher evaluation
4 systems that use, in part, student achievement data
5 to determine teacher effectiveness.

6 **“Subpart 1—Grants to States**

7 **“SEC. 2111. ALLOTMENTS TO STATES.**

8 “(a) IN GENERAL.—Of the amounts appropriated
9 under section 3(b), the Secretary shall reserve 75 percent
10 to make grants to States with applications approved under
11 section 2112 to pay for the Federal share of the cost of
12 carrying out the activities specified in section 2113. Each
13 grant shall consist of the allotment determined for a State
14 under subsection (b).

15 “(b) DETERMINATION OF ALLOTMENTS.—

16 “(1) RESERVATION OF FUNDS.—Of the amount
17 reserved under subsection (a) for a fiscal year, the
18 Secretary shall reserve—

19 “(A) not more than 1 percent to carry out
20 national activities under section 2132;

21 “(B) one-half of 1 percent for allotments
22 to outlying areas on the basis of their relative
23 need, as determined by the Secretary, in ac-
24 cordance with the purpose of this part; and

1 “(C) one-half of 1 percent for the Sec-
2 retary of the Interior for programs under this
3 part in schools operated or funded by the Bu-
4 reau of Indian Education.

5 “(2) STATE ALLOTMENTS.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), from the funds reserved under sub-
8 section (a) for any fiscal year and not reserved
9 under paragraph (1), the Secretary shall allot
10 to each State the sum of—

11 “(i) an amount that bears the same
12 relationship to 50 percent of the funds as
13 the number of individuals age 5 through
14 17 in the State, as determined by the Sec-
15 retary on the basis of the most recent sat-
16 isfactory data, bears to the number of
17 those individuals in all such States, as so
18 determined; and

19 “(ii) an amount that bears the same
20 relationship to 50 percent of the funds as
21 the number of individuals age 5 through
22 17 from families with incomes below the
23 poverty line in the State, as determined by
24 the Secretary on the basis of the most re-
25 cent satisfactory data, bears to the number

1 of those individuals in all such States, as
2 so determined.

3 “(B) SMALL STATE MINIMUM.—No State
4 receiving an allotment under subparagraph (A)
5 may receive less than one-half of 1 percent of
6 the total amount of funds allotted under such
7 subparagraph for a fiscal year.

8 “(c) ALTERNATE DISTRIBUTION OF FUNDS.—

9 “(1) IN GENERAL.—Subject to paragraphs (2)
10 through (5), if a State does not apply to the Sec-
11 retary for an allotment under this section, a local
12 educational agency located in such State may apply
13 to the Secretary for a portion of the funds that
14 would have been allotted to the State had such State
15 applied for an allotment under this section to carry
16 out the activities under this part.

17 “(2) APPLICATION.—In order to receive an al-
18 lotment under paragraph (1), a local educational
19 agency shall submit to the Secretary an application
20 at such time, in such manner, and containing the in-
21 formation described in section 2122.

22 “(3) USE OF FUNDS.—A local educational
23 agency receiving an allotment under paragraph
24 (1)—

1 “(A) shall use such funds to carry out the
2 activities described in section 2123(1); and

3 “(B) may use such funds to carry out the
4 activities described in section 2123(2).

5 “(4) REPORTING REQUIREMENTS.—A local edu-
6 cational agency receiving an allotment under para-
7 graph (1) shall carry out the reporting requirements
8 described in section 2131(a), except that annual re-
9 ports shall be submitted to the Secretary and not a
10 State educational agency.

11 “(5) AMOUNT OF ALLOTMENT.—An allotment
12 made to a local educational agency under paragraph
13 (1) for a fiscal year shall be equal to the amount of
14 subgrant funds that the local educational agency
15 would have received under subpart 2 had such agen-
16 cy applied for a subgrant under such subpart for
17 such fiscal year.

18 “(d) REALLOTMENT.—If a State does not apply for
19 an allotment under this section for any fiscal year or only
20 a portion of the State’s allotment is allotted under sub-
21 section (c), the Secretary shall reallocate the State’s entire
22 allotment or the remaining portion of its allotment, as the
23 case may be, to the remaining States in accordance with
24 subsection (b).

1 **“SEC. 2112. STATE APPLICATION.**

2 “(a) IN GENERAL.—For a State to be eligible to re-
3 ceive a grant under this subpart, the State educational
4 agency shall submit an application to the Secretary at
5 such time and in such a manner as the Secretary may
6 reasonably require, which shall include the following:

7 “(1) A description of how the State educational
8 agency will meet the requirements of this subpart.

9 “(2) A description of how the State educational
10 agency will use a grant received under section 2111,
11 including the grant funds the State will reserve for
12 State-level activities under section 2113(a)(2).

13 “(3) A description of how the State educational
14 agency will facilitate the sharing of evidence-based
15 and other effective strategies among local edu-
16 cational agencies.

17 “(4) A description of how, and under what
18 timeline, the State educational agency will allocate
19 subgrants under subpart 2 to local educational agen-
20 cies.

21 “(5) In the case of a State educational agency
22 that is not developing or implementing a statewide
23 teacher evaluation system, a description of how the
24 State educational agency will ensure that each local
25 educational agency in the State receiving a subgrant
26 under subpart 2 will implement a teacher evaluation

1 system that meets the requirements of clauses (i)
2 through (v) of section 2123(1)(A).

3 “(6) In the case of a State educational agency
4 that is developing or implementing a statewide
5 teacher evaluation system—

6 “(A) a description of how the State edu-
7 cational agency will work with local educational
8 agencies in the State to implement the state-
9 wide teacher evaluation system within 3 years
10 of the date of enactment of the Student Success
11 Act; and

12 “(B) an assurance that the statewide
13 teacher evaluation system complies with clauses
14 (i) through (v) of section 2123(1)(A).

15 “(7) An assurance that the State educational
16 agency will comply with section 5501 (regarding par-
17 ticipation by private school children and teachers).

18 “(b) DEEMED APPROVAL.—An application submitted
19 by a State educational agency under subsection (a) shall
20 be deemed to be approved by the Secretary unless the Sec-
21 retary makes a written determination, prior to the expira-
22 tion of the 120-day period beginning on the date on which
23 the Secretary received the application, that the application
24 is not in compliance with this subpart.

1 “(c) DISAPPROVAL.—The Secretary shall not finally
2 disapprove an application, except after giving the State
3 educational agency notice and an opportunity for a hear-
4 ing.

5 “(d) NOTIFICATION.—If the Secretary finds that an
6 application is not in compliance, in whole or in part, with
7 this subpart, the Secretary shall—

8 “(1) give the State educational agency notice
9 and an opportunity for a hearing; and

10 “(2) notify the State educational agency of the
11 finding of noncompliance and, in such notification,
12 shall—

13 “(A) cite the specific provisions in the ap-
14 plication that are not in compliance; and

15 “(B) request additional information, only
16 as to the noncompliant provisions, needed to
17 make the application compliant.

18 “(e) RESPONSE.—If a State educational agency re-
19 sponds to a notification from the Secretary under sub-
20 section (d)(2) during the 45-day period beginning on the
21 date on which the agency received the notification, and
22 resubmits the application with the requested information
23 described in subsection (d)(2)(B), the Secretary shall ap-
24 prove or disapprove such application prior to the later of—

1 “(1) the expiration of the 45-day period begin-
2 ning on the date on which the application is resub-
3 mitted; or

4 “(2) the expiration of the 120-day period de-
5 scribed in subsection (b).

6 “(f) FAILURE TO RESPOND.—If a State educational
7 agency does not respond to a notification from the Sec-
8 retary under subsection (d)(2) during the 45-day period
9 beginning on the date on which the agency received the
10 notification, such application shall be deemed to be dis-
11 approved.

12 **“SEC. 2113. STATE USE OF FUNDS.**

13 “(a) IN GENERAL.—A State educational agency that
14 receives a grant under section 2111 shall—

15 “(1) reserve 95 percent of the grant funds to
16 make subgrants to local educational agencies under
17 subpart 2; and

18 “(2) use the remainder of the funds, after re-
19 serving funds under paragraph (1), for the State ac-
20 tivities described in subsection (b), except that the
21 State may reserve not more than 1 percent of the
22 grant funds for planning and administration related
23 to carrying out activities described in subsection (b).

24 “(b) STATE-LEVEL ACTIVITIES.—A State educational
25 agency that receives a grant under section 2111—

1 “(1) shall use the amount described in sub-
2 section (a)(2) to—

3 “(A) provide training and technical assist-
4 ance to local educational agencies on—

5 “(i) in the case of a State educational
6 agency not implementing a statewide
7 teacher evaluation system—

8 “(I) the development and imple-
9 mentation of a teacher evaluation sys-
10 tem that meets the requirements of
11 clauses (i) through (v) of section
12 2123(1)(A); and

13 “(II) training school leaders in
14 using such evaluation system; or

15 “(ii) in the case of a State educational
16 agency implementing a statewide teacher
17 evaluation system, implementing such eval-
18 uation system; and

19 “(B) fulfill the State educational agency’s
20 responsibilities with respect to the proper and
21 efficient administration of the subgrant pro-
22 gram carried out under this part; and

23 “(2) may use the amount described in sub-
24 section (a)(2) to—

1 “(A) disseminate and share evidence-based
2 and other effective practices, including practices
3 consistent with the principles of effectiveness
4 described in section 2222(b), related to teacher
5 and school leader effectiveness and professional
6 development;

7 “(B) provide professional development for
8 teachers and school leaders in the State con-
9 sistent with section 2123(2)(D); and

10 “(C) provide training and technical assist-
11 ance to local educational agencies on—

12 “(i) in the case of a State educational
13 agency not implementing a statewide
14 school leader evaluation system, the devel-
15 opment and implementation of a school
16 leader evaluation system; and

17 “(ii) in the case of a State educational
18 agency implementing a statewide school
19 leader evaluation system, implementing
20 such evaluation system.

1 mined by the State on the basis of the most recent
2 satisfactory data, bears to the number of those indi-
3 viduals in the geographic areas served by all the
4 local educational agencies in the State, as so deter-
5 mined.

6 **“SEC. 2122. LOCAL APPLICATIONS.**

7 “To be eligible to receive a subgrant under this sub-
8 part, a local educational agency shall submit an applica-
9 tion to the State educational agency involved at such time,
10 in such a manner, and containing such information as the
11 State educational agency may reasonably require that, at
12 a minimum, shall include the following:

13 “(1) A description of—

14 “(A) how the local educational agency will
15 meet the requirements of this subpart;

16 “(B) how the activities to be carried out by
17 the local educational agency under this subpart
18 will be evidence-based, improve student aca-
19 demic achievement, and improve teacher and
20 school leader effectiveness;

21 “(C) in the case of a local educational
22 agency not in a State with a statewide teacher
23 evaluation system, the teacher evaluation sys-
24 tem that will be developed and implemented
25 under section 2123(1) and how such system will

1 meet the requirements described in clauses (i)
2 through (v) of section 2123(1)(A);

3 “(D) how, in developing and implementing
4 such a teacher evaluation system, the local edu-
5 cational agency will work with parents, teach-
6 ers, school leaders, and other staff of the
7 schools served by the local educational agency;
8 and

9 “(E) how the local educational agency will
10 develop and implement such a teacher evalua-
11 tion system within 3 years of the date of enact-
12 ment of the Student Success Act.

13 “(2) In the case of a local educational agency
14 in a State with a statewide teacher evaluation sys-
15 tem, a description of how the local educational agen-
16 cy will work with the State educational agency to
17 implement the statewide teacher evaluation system
18 within 3 years of the date of enactment of the Stu-
19 dent Success Act.

20 “(3) An assurance that the local educational
21 agency will comply with section 5501 (regarding par-
22 ticipation by private school children and teachers).

23 **“SEC. 2123. LOCAL USE OF FUNDS.**

24 “A local educational agency receiving a subgrant
25 under this subpart—

1 “(1) shall use such funds—

2 “(A) to develop and implement a teacher
3 evaluation system that—

4 “(i) uses student achievement data
5 derived from a variety of sources as a sig-
6 nificant factor in determining a teacher’s
7 evaluation, with the weight given to such
8 data defined by the local educational agen-
9 cy;

10 “(ii) uses multiple measures of evalua-
11 tion for evaluating teachers;

12 “(iii) has more than 2 categories for
13 rating the performance of teachers;

14 “(iv) shall be used to make personnel
15 decisions, as determined by the local edu-
16 cational agency; and

17 “(v) is based on input from parents,
18 school leaders, teachers, and other staff of
19 schools served by the local educational
20 agency; or

21 “(B) in the case of a local educational
22 agency located in a State implementing a state-
23 wide teacher evaluation system, to implement
24 such evaluation system; and

25 “(2) may use such funds for—

1 “(A) the training of school leaders or other
2 individuals for the purpose of evaluating teach-
3 ers under a teacher evaluation system described
4 in subparagraph (A) or (B) of paragraph (1),
5 as appropriate;

6 “(B) in the case of a local educational
7 agency located in a State implementing a state-
8 wide school leader evaluation system, to imple-
9 ment such evaluation system;

10 “(C) in the case of a local educational
11 agency located in a State not implementing a
12 statewide school leader evaluation system, the
13 development and implementation of a school
14 leader evaluation system;

15 “(D) professional development for teachers
16 and school leaders that is evidence-based, job-
17 embedded, and continuous, such as—

18 “(i) subject-based professional devel-
19 opment for teachers;

20 “(ii) professional development aligned
21 with the State’s academic standards;

22 “(iii) professional development to as-
23 sist teachers in meeting the needs of stu-
24 dents with different learning styles, par-

1 ticularly students with disabilities, English
2 learners, and gifted and talented students;

3 “(iv) professional development for
4 teachers identified as in need of additional
5 support through data provided by a teach-
6 er evaluation system described in subpara-
7 graph (A) or (B) of paragraph (1), as ap-
8 propriate;

9 “(v) professional development based
10 on the current science of learning, which
11 includes research on positive brain change
12 and cognitive skill development;

13 “(vi) professional development for
14 school leaders, including evidence-based
15 mentorship programs for such leaders; or

16 “(vii) professional development on in-
17 tegrated, interdisciplinary, and project-
18 based teaching strategies, including for ca-
19 reer and technical education teachers;

20 “(E) partnering with a public or private
21 organization or a consortium of such organiza-
22 tions to develop and implement a teacher eval-
23 uation system described in subparagraph (A) or
24 (B) of paragraph (1), or to administer profes-
25 sional development, as appropriate;

1 “(F) any activities authorized under sec-
2 tion 2222(a); or

3 “(G) class size reduction, except that the
4 local educational agency may use not more than
5 10 percent of such funds for this purpose.

6 **“Subpart 3—General Provisions**

7 **“SEC. 2131. REPORTING REQUIREMENTS.**

8 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
9 educational agency receiving a subgrant under subpart 2
10 shall submit to the State educational agency involved, on
11 an annual basis until the last year in which the local edu-
12 cational agency receives such subgrant funds, a report
13 on—

14 “(1) how the local educational agency is meet-
15 ing the purposes of this part described in section
16 2101;

17 “(2) how the local educational agency is using
18 such subgrant funds;

19 “(3) the number and percentage of teachers in
20 each category established under clause (iii) of sec-
21 tion 2123(1)(A), except that such report shall not
22 reveal personally identifiable information about an
23 individual teacher; and

24 “(4) any such other information as the State
25 educational agency may require.

1 “(b) STATE EDUCATIONAL AGENCIES.—Each State
2 educational agency receiving a grant under subpart 1 shall
3 submit to the Secretary a report, on an annual basis until
4 the last year in which the State educational agency re-
5 ceives such grant funds, on—

6 “(1) how the State educational agency is meet-
7 ing the purposes of this part described in section
8 2101; and

9 “(2) how the State educational agency is using
10 such grant funds.

11 **“SEC. 2132. NATIONAL ACTIVITIES.**

12 “From the funds reserved by the Secretary under sec-
13 tion 2111(b)(1)(A), the Secretary shall, directly or
14 through grants and contracts—

15 “(1) provide technical assistance to States and
16 local educational agencies in carrying out activities
17 under this part; and

18 “(2) acting through the Institute of Education
19 Sciences, conduct national evaluations of activities
20 carried out by State educational agencies and local
21 educational agencies under this part.

22 **“SEC. 2133. STATE DEFINED.**

23 “‘In this part, the term ‘State’ means each of the 50
24 States, the District of Columbia, and the Commonwealth
25 of Puerto Rico.’”.

1 (c) PART B.—Part B of title II (20 U.S.C. 6661 et
2 seq.) is amended to read as follows:

3 **“PART B—TEACHER AND SCHOOL LEADER**

4 **FLEXIBLE GRANT**

5 **“SEC. 2201. PURPOSE.**

6 “The purpose of this part is to improve student aca-
7 demic achievement by—

8 “(1) supporting all State educational agencies,
9 local educational agencies, schools, teachers, and
10 school leaders to pursue innovative and evidence-
11 based practices to help all students meet the State’s
12 academic standards; and

13 “(2) increasing the number of teachers and
14 school leaders who are effective in increasing student
15 academic achievement.

16 **“Subpart 1—Formula Grants to States**

17 **“SEC. 2211. STATE ALLOTMENTS.**

18 “(a) RESERVATIONS.—From the amount appro-
19 priated under section 3(b) for any fiscal year, the Sec-
20 retary—

21 “(1) shall reserve 25 percent to award grants to
22 States under this subpart; and

23 “(2) of the amount reserved under paragraph
24 (1), shall reserve—

1 “(A) not more than 1 percent for national
2 activities described in section 2233;

3 “(B) one-half of 1 percent for allotments
4 to outlying areas on the basis of their relative
5 need, as determined by the Secretary, in ac-
6 cordance with the purpose of this part; and

7 “(C) one-half of 1 percent for the Sec-
8 retary of the Interior for programs under this
9 part in schools operated or funded by the Bu-
10 reau of Indian Education.

11 “(b) STATE ALLOTMENTS.—

12 “(1) IN GENERAL.—From the total amount re-
13 served under subsection (a)(1) for each fiscal year
14 and not reserved under subparagraphs (A) through
15 (C) of subsection (a)(2), the Secretary shall allot,
16 and make available in accordance with this section,
17 to each State an amount that bears the same ratio
18 to such sums as the school-age population of the
19 State bears to the school-age population of all
20 States.

21 “(2) SMALL STATE MINIMUM.—No State receiv-
22 ing an allotment under paragraph (1) may receive
23 less than one-half of 1 percent of the total amount
24 allotted under such paragraph.

1 “(3) REALLOTMENT.—If a State does not re-
2 ceive an allotment under this subpart for a fiscal
3 year, the Secretary shall reallocate the amount of the
4 State’s allotment to the remaining States in accord-
5 ance with this section.

6 “(c) STATE APPLICATION.—In order to receive an al-
7 lotment under this section for any fiscal year, a State shall
8 submit an application to the Secretary, at such time and
9 in such manner as the Secretary may reasonably require.
10 Such application shall—

11 “(1) designate the State educational agency as
12 the agency responsible for the administration and
13 supervision of programs assisted under this part;

14 “(2) describe how the State educational agency
15 will use funds received under this section for State
16 level activities described in subsection (d)(3);

17 “(3) describe the procedures and criteria the
18 State educational agency will use for reviewing appli-
19 cations and awarding subgrants in a timely manner
20 to eligible entities under section 2221 on a competi-
21 tive basis;

22 “(4) describe how the State educational agency
23 will ensure that subgrants made under section 2221
24 are of sufficient size and scope to support effective
25 programs that will help increase academic achieve-

1 ment in the classroom and are consistent with the
2 purposes of this part;

3 “(5) describe the steps the State educational
4 agency will take to ensure that eligible entities use
5 subgrants received under section 2221 to carry out
6 programs that implement effective strategies, includ-
7 ing by providing ongoing technical assistance and
8 training, and disseminating evidence-based and other
9 effective strategies to such eligible entities;

10 “(6) describe how programs under this part will
11 be coordinated with other programs under this Act;
12 and

13 “(7) include an assurance that, other than pro-
14 viding technical and advisory assistance and moni-
15 toring compliance with this part, the State edu-
16 cational agency has not exercised, and will not exer-
17 cise, any influence in the decision-making processes
18 of eligible entities as to the expenditure of funds
19 made pursuant to an application submitted under
20 section 2221(b).

21 “(d) STATE USE OF FUNDS.—

22 “(1) IN GENERAL.—Each State that receives an
23 allotment under this section shall reserve not less
24 than 92 percent of the amount allotted to such State

1 under subsection (b), for each fiscal year, for sub-
2 grants to eligible entities under subpart 2.

3 “(2) STATE ADMINISTRATION.—A State edu-
4 cational agency may reserve not more than 1 percent
5 of the amount made available to the State under
6 subsection (b) for the administrative costs of car-
7 rying out such State educational agency’s respon-
8 sibilities under this subpart.

9 “(3) STATE-LEVEL ACTIVITIES.—

10 “(A) INNOVATIVE TEACHER AND SCHOOL
11 LEADER ACTIVITIES.—A State educational
12 agency shall reserve not more than 4 percent of
13 the amount made available to the State under
14 subsection (b) to carry out, solely, or in part-
15 nership with State agencies of higher education,
16 1 or more of the following activities:

17 “(i) Reforming teacher and school
18 leader certification, recertification, licens-
19 ing, and tenure systems to ensure that
20 such systems are rigorous and that—

21 “(I) each teacher has the subject
22 matter knowledge and teaching skills
23 necessary to help students meet the
24 State’s academic standards; and

1 “(II) school leaders have the in-
2 structional leadership skills to help
3 teachers instruct and students learn.

4 “(ii) Improving the quality of teacher
5 preparation programs within the State, in-
6 cluding through the use of appropriate stu-
7 dent achievement data and other factors to
8 evaluate the quality of teacher preparation
9 programs within the State.

10 “(iii) Carrying out programs that es-
11 tablish, expand, or improve alternative
12 routes for State certification or licensure of
13 teachers and school leaders, including such
14 programs for—

15 “(I) mid-career professionals
16 from other occupations, including
17 science, technology, engineering, and
18 math fields;

19 “(II) former military personnel;
20 and

21 “(III) recent graduates of an in-
22 stitution of higher education, with a
23 record of academic distinction, who
24 demonstrate the potential to become
25 effective teachers or school leaders.

1 “(iv) Developing, or assisting eligible
2 entities in developing—

3 “(I) performance-based pay sys-
4 tems for teachers and school leaders;

5 “(II) strategies that provide dif-
6 ferential, incentive, or bonus pay for
7 teachers and school leaders; or

8 “(III) teacher and school leader
9 advancement initiatives that promote
10 professional growth and emphasize
11 multiple career paths and pay dif-
12 ferentiation.

13 “(v) Developing, or assisting eligible
14 entities in developing, new, evidence-based
15 teacher and school leader induction and
16 mentoring programs that are designed
17 to—

18 “(I) improve instruction and stu-
19 dent academic achievement; and

20 “(II) increase the retention of ef-
21 fective teachers and school leaders.

22 “(vi) Providing professional develop-
23 ment for teachers and school leaders that
24 is focused on improving teaching and stu-
25 dent academic achievement, including for

1 students with different learning styles, par-
2 ticularly students with disabilities, English
3 learners, gifted and talented students, and
4 other special populations.

5 “(vii) Providing training and technical
6 assistance to eligible entities that receive a
7 subgrant under section 2221.

8 “(viii) Other activities identified by
9 the State educational agency that meet the
10 purposes of this part, including those ac-
11 tivities authorized under subparagraph
12 (B).

13 “(B) TEACHER OR SCHOOL LEADER PREP-
14 ARATION ACADEMIES.—

15 “(i) IN GENERAL.—In the case of a
16 State in which teacher or school leader
17 preparation academies are allowable under
18 State law, a State educational agency may
19 reserve not more than 3 percent of the
20 amount made available to the State under
21 subsection (b) to support the establishment
22 or expansion of one or more teacher or
23 school leader preparation academies and,
24 subject to the limitation under clause (iii),

1 to support State authorizers for such acad-
2 emies.

3 “(ii) MATCHING REQUIREMENT.—A
4 State educational agency shall not provide
5 funds under this subparagraph to support
6 the establishment or expansion of a teach-
7 er or school leader preparation academy
8 unless the academy agrees to provide, ei-
9 ther directly or through private contribu-
10 tions, non-Federal matching funds equal to
11 not less than 10 percent of the amount of
12 the funds the academy will receive under
13 this subparagraph.

14 “(iii) FUNDING FOR STATE AUTHOR-
15 IZERS.—Not more than 5 percent of funds
16 provided to a teacher or school leader prep-
17 aration academy under this subparagraph
18 may be used to support activities of State
19 authorizers for such academy.

20 **“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLI-
21 CATIONS.**

22 “(a) DEEMED APPROVAL.—An application submitted
23 by a State pursuant to section 2211(c) shall be deemed
24 to be approved by the Secretary unless the Secretary
25 makes a written determination, prior to the expiration of

1 the 120-day period beginning on the date on which the
2 Secretary received the application, that the application is
3 not in compliance with section 2211(c).

4 “(b) DISAPPROVAL PROCESS.—

5 “(1) IN GENERAL.—The Secretary shall not fi-
6 nally disapprove an application submitted under sec-
7 tion 2211(c), except after giving the State edu-
8 cational agency notice and an opportunity for a
9 hearing.

10 “(2) NOTIFICATION.—If the Secretary finds
11 that an application is not in compliance, in whole or
12 in part, with section 2211(c) the Secretary shall—

13 “(A) give the State educational agency no-
14 tice and an opportunity for a hearing; and

15 “(B) notify the State educational agency of
16 the finding of noncompliance and, in such noti-
17 fication, shall—

18 “(i) cite the specific provisions in the
19 application that are not in compliance; and

20 “(ii) request additional information,
21 only as to the noncompliant provisions,
22 needed to make the application compliant.

23 “(3) RESPONSE.—If a State educational agency
24 responds to a notification from the Secretary under
25 paragraph (2)(B) during the 45-day period begin-

1 ning on the date on which the State educational
2 agency received the notification, and resubmits the
3 application with the requested information described
4 in paragraph (2)(B)(ii), the Secretary shall approve
5 or disapprove such application prior to the later of—

6 “(A) the expiration of the 45-day period
7 beginning on the date on which the application
8 is resubmitted; or

9 “(B) the expiration of the 120-day period
10 described in subsection (a).

11 “(4) FAILURE TO RESPOND.—If the State edu-
12 cational agency does not respond to a notification
13 from the Secretary under paragraph (2)(B) during
14 the 45-day period beginning on the date on which
15 the State educational agency received the notifica-
16 tion, such application shall be deemed to be dis-
17 approved.

18 **“Subpart 2—Local Competitive Grant Program**

19 **“SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.**

20 “(a) IN GENERAL.—A State that receives an allot-
21 ment under section 2211(b) for a fiscal year shall use the
22 amount reserved under section 2211(d)(1) to award sub-
23 grants, on a competitive basis, to eligible entities in ac-
24 cordance with this section to enable such entities to carry
25 out the programs and activities described in section 2222.

1 “(b) APPLICATION.—

2 “(1) IN GENERAL.—To be eligible to receive a
3 subgrant under this section, an eligible entity shall
4 submit an application to the State educational agen-
5 cy at such time, in such manner, and including such
6 information as the State educational agency may
7 reasonably require.

8 “(2) CONTENTS.—Each application submitted
9 under paragraph (1) shall include—

10 “(A) a description of the programs and ac-
11 tivities to be funded and how they are con-
12 sistent with the purposes of this part; and

13 “(B) an assurance that the eligible entity
14 will comply with section 5501 (regarding par-
15 ticipation by private school children and teach-
16 ers).

17 “(c) PEER REVIEW.—In reviewing applications under
18 this section, a State educational agency shall use a peer
19 review process or other methods of assuring the quality
20 of such applications but the review shall only judge the
21 likelihood of the activity to increase student academic
22 achievement. The reviewers shall not make a determina-
23 tion based on the policy of the proposed activity.

24 “(d) GEOGRAPHIC DIVERSITY.—A State educational
25 agency shall distribute funds under this section equitably

1 among geographic areas within the State, including rural,
2 suburban, and urban communities.

3 “(e) DURATION OF AWARDS.—A State educational
4 agency may award subgrants under this section for a pe-
5 riod of not more than 5 years.

6 “(f) MATCHING.—An eligible entity receiving a
7 subgrant under this section shall provide, either directly
8 or through private contributions, non-Federal matching
9 funds equal to not less than 10 percent of the amount
10 of the subgrant.

11 **“SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.**

12 “(a) IN GENERAL.—Each eligible entity receiving a
13 subgrant under section 2221 shall use such subgrant
14 funds to develop, implement, and evaluate comprehensive
15 programs and activities, that are in accordance with the
16 purpose of this part and—

17 “(1) are consistent with the principles of effec-
18 tiveness described in subsection (b); and

19 “(2) may include, among other programs and
20 activities—

21 “(A) developing and implementing initia-
22 tives to assist in recruiting, hiring, and retain-
23 ing highly effective teachers and school leaders,
24 including initiatives that provide—

1 “(i) differential, incentive, or bonus
2 pay for teachers and school leaders;

3 “(ii) performance-based pay systems
4 for teachers and school leaders;

5 “(iii) teacher and school leader ad-
6 vancement initiatives that promote profes-
7 sional growth and emphasize multiple ca-
8 reer paths and pay differentiation;

9 “(iv) new teacher and school leader
10 induction and mentoring programs that
11 are designed to improve instruction, stu-
12 dent academic achievement, and to in-
13 crease teacher and school leader retention;
14 and

15 “(v) teacher residency programs, and
16 school leader residency programs, designed
17 to develop and support new teachers or
18 new school leaders, respectively;

19 “(B) supporting the establishment or ex-
20 pansion of teacher or school leader preparation
21 academies under section 2211(d)(3)(B);

22 “(C) recruiting qualified individuals from
23 other fields, including individuals from science,
24 technology, engineering, and math fields, mid-

1 career professionals from other occupations,
2 and former military personnel;

3 “(D) establishing, improving, or expanding
4 model instructional programs to ensure that all
5 children meet the State’s academic standards;

6 “(E) providing evidence-based, job embed-
7 ded, continuous professional development for
8 teachers and school leaders focused on improv-
9 ing teaching and student academic achievement;

10 “(F) implementing programs based on the
11 current science of learning, which includes re-
12 search on positive brain change and cognitive
13 skill development; and

14 “(G) other activities and programs identi-
15 fied as necessary by the local educational agen-
16 cy that meet the purpose of this part.

17 “(b) PRINCIPLES OF EFFECTIVENESS.—For a pro-
18 gram or activity developed pursuant to this section to meet
19 the principles of effectiveness, such program or activity
20 shall—

21 “(1) be based upon an assessment of objective
22 data regarding the need for programs and activities
23 in the elementary schools and secondary schools
24 served to increase the number of teachers and school

1 leaders who are effective in improving student aca-
2 demic achievement;

3 “(2) reflect evidence-based research, or in the
4 absence of a strong research base, reflect effective
5 strategies in the field, that provide evidence that the
6 program or activity will improve student academic
7 achievement; and

8 “(3) include meaningful and ongoing consulta-
9 tion with, and input from, teachers, school leaders,
10 and parents, in the development of the application
11 and administration of the program or activity.

12 **“Subpart 3—General Provisions**

13 **“SEC. 2231. PERIODIC EVALUATION.**

14 “(a) IN GENERAL.—Each eligible entity and each
15 teacher or school leader preparation academy that receives
16 funds under this part shall undergo a periodic evaluation
17 by the State educational agency involved to assess such
18 entity’s or such academy’s progress toward achieving the
19 purposes of this part.

20 “(b) USE OF RESULTS.—The results of an evaluation
21 described in subsection (a) of an eligible entity or academy
22 shall be—

23 “(1) used to refine, improve, and strengthen
24 such eligible entity or such academy, respectively;
25 and

1 “(2) made available to the public upon request,
2 with public notice of such availability provided.

3 **“SEC. 2232. REPORTING REQUIREMENTS.**

4 “(a) **ELIGIBLE ENTITIES AND ACADEMIES.**—Each
5 eligible entity and each teacher or school leader prepara-
6 tion academy that receives funds from a State educational
7 agency under this part shall prepare and submit annually
8 to such State educational agency a report that includes—

9 “(1) a description of the progress of the eligible
10 entity or teacher or school leader preparation acad-
11 emy, respectively, in meeting the purposes of this
12 part;

13 “(2) a description of the programs and activi-
14 ties conducted by the eligible entity or teacher or
15 school leader preparation academy, respectively, with
16 funds received under this part;

17 “(3) how the eligible entity or teacher or school
18 leader preparation academy, respectively, is using
19 such funds; and

20 “(4) any such other information as the State
21 educational agency may require.

22 “(b) **STATE EDUCATIONAL AGENCIES.**—Each State
23 educational agency that receives a grant under this part
24 shall prepare and submit, annually, to the Secretary a re-
25 port that includes—

1 “(1) a description of the programs and activi-
2 ties conducted by the State educational agency with
3 grant funds received under this part;

4 “(2) a description of the progress of the State
5 educational agency in meeting the purposes of this
6 part described in section 2201;

7 “(3) how the State educational agency is using
8 grant funds received under this part;

9 “(4) the methods and criteria the State edu-
10 cational agency used to award subgrants in a timely
11 manner to eligible entities under section 2221 and,
12 if applicable, funds in a timely manner to teacher or
13 school leader academies under section
14 2211(d)(3)(B); and

15 “(5) the results of the periodic evaluations con-
16 ducted under section 2231.

17 **“SEC. 2233. NATIONAL ACTIVITIES.**

18 “From the funds reserved by the Secretary under sec-
19 tion 2211(a)(2)(A), the Secretary shall, directly or
20 through grants and contracts—

21 “(1) provide technical assistance to States and
22 eligible entities in carrying out activities under this
23 part; and

24 “(2) acting through the Institute of Education
25 Sciences, conduct national evaluations of activities

1 carried out by States and eligible entities under this
2 part.

3 **“SEC. 2234. DEFINITIONS.**

4 “In this part:

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

7 “(A) a local educational agency or consor-
8 tium of local educational agencies;

9 “(B) an institution of higher education or
10 consortium of such institutions in partnership
11 with a local educational agency or consortium
12 of local educational agencies;

13 “(C) a for-profit organization, a nonprofit
14 organization, or a consortium of for-profit or
15 nonprofit organizations in partnership with a
16 local educational agency or consortium of local
17 educational agencies; or

18 “(D) a consortium of the entities described
19 in subparagraphs (B) and (C).

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

23 “(3) STATE AUTHORIZER.—The term ‘State au-
24 thorizer’ means an entity designated by the Gov-

1 error of a State to authorize teacher or school leader
2 preparation academies within the State that—

3 “(A) enters into an agreement with a
4 teacher or school leader preparation academy
5 that—

6 “(i) specifies the goals expected of the
7 academy, which, at a minimum, include the
8 goals described in paragraph (4); and

9 “(ii) does not reauthorize the academy
10 if such goals are not met; and

11 “(B) may be a nonprofit organization, a
12 State educational agency, or other public entity,
13 or consortium of such entities (including a con-
14 sortium of State educational agencies).

15 “(4) TEACHER OR SCHOOL LEADER PREPARA-
16 TION ACADEMY.—The term ‘teacher or school leader
17 preparation academy’ means a public or private enti-
18 ty, or a nonprofit or for-profit organization, which
19 may be an institution of higher education or an or-
20 ganization affiliated with an institution of higher
21 education, that will prepare teachers or school lead-
22 ers to serve in schools, and that—

23 “(A) enters into an agreement with a State
24 authorizer that specifies the goals expected of
25 the academy, including—

1 “(i) a requirement that prospective
2 teachers or school leaders who are enrolled
3 in a teacher or school leader preparation
4 academy receive a significant part of their
5 training through clinical preparation that
6 partners the prospective candidate with an
7 effective teacher or school leader, respec-
8 tively, with a demonstrated record of in-
9 creasing student achievement, while also
10 receiving concurrent instruction from the
11 academy in the content area (or areas) in
12 which the prospective teacher or school
13 leader will become certified or licensed;

14 “(ii) the number of effective teachers
15 or school leaders, respectively, who will
16 demonstrate success in increasing student
17 achievement that the academy will
18 produce; and

19 “(iii) a requirement that a teacher or
20 school leader preparation academy will only
21 award a certificate of completion after the
22 graduate demonstrates that the graduate is
23 an effective teacher or school leader, re-
24 spectively, with a demonstrated record of
25 increasing student achievement, except

1 that an academy may award a provisional
2 certificate for the period necessary to allow
3 the graduate to demonstrate such effective-
4 ness;

5 “(B) does not have restrictions on the
6 methods the academy will use to train prospec-
7 tive teacher or school leader candidates, includ-
8 ing—

9 “(i) obligating (or prohibiting) the
10 academy’s faculty to hold advanced degrees
11 or conduct academic research;

12 “(ii) restrictions related to the acad-
13 emy’s physical infrastructure;

14 “(iii) restrictions related to the num-
15 ber of course credits required as part of
16 the program of study;

17 “(iv) restrictions related to the under-
18 graduate coursework completed by teachers
19 teaching or working on alternative certifi-
20 cates, licenses, or credentials, as long as
21 such teachers have successfully passed all
22 relevant State-approved content area ex-
23 aminations; or

1 “(v) restrictions related to obtaining
2 accreditation from an accrediting body for
3 purposes of becoming an academy;

4 “(C) limits admission to its program to
5 prospective teacher or school leader candidates
6 who demonstrate strong potential to improve
7 student achievement, based on a rigorous selec-
8 tion process that reviews a candidate’s prior
9 academic achievement or record of professional
10 accomplishment; and

11 “(D) results in a certificate of completion
12 that the State may recognize as at least the
13 equivalent of a master’s degree in education for
14 the purposes of hiring, retention, compensation,
15 and promotion in the State.

16 “(5) **TEACHER RESIDENCY PROGRAM.**—The
17 term ‘teacher residency program’ means a school-
18 based teacher preparation program in which a pro-
19 spective teacher—

20 “(A) for one academic year, teaches along-
21 side an effective teacher, as determined by a
22 teacher evaluation system implemented under
23 part A, who is the teacher of record;

24 “(B) receives concurrent instruction during
25 the year described in subparagraph (A) from

1 the partner institution (as defined in section
2 200 of the Higher Education Act of 1965 (20
3 U.S.C. 1021)), which courses may be taught by
4 local educational agency personnel or residency
5 program faculty, in the teaching of the content
6 area in which the teacher will become certified
7 or licensed; and

8 “(C) acquires effective teaching skills.”.

9 (d) PART C.—Part C of title II (20 U.S.C. 6671 et
10 seq.) is amended—

11 (1) by striking subparts 1 through 4;

12 (2) by striking the heading relating to subpart
13 5;

14 (3) by striking sections 2361 and 2368;

15 (4) in section 2362, by striking “principals”
16 and inserting “school leaders”;

17 (5) in section 2363(6)(A), by striking “prin-
18 cipal” and inserting “school leader”;

19 (6) in section 2366(b), by striking “ate law”
20 and inserting “(3) A State law”;

21 (7) by redesignating section 2362 as section
22 2361;

23 (8) by redesignating sections 2364 through
24 2367 as sections 2362 through 2365, respectively;

25 and

1 (9) by redesignating section 2363 as section
2 2366 and transferring such section to appear after
3 section 2365 (as so redesignated).

4 (e) PART D.—Part D of title II (20 U.S.C. 6751 et
5 seq.) is amended to read as follows:

6 **“PART D—GENERAL PROVISIONS**

7 **“SEC. 2401. INCLUSION OF CHARTER SCHOOLS.**

8 “In this title, the term ‘local educational agency’ in-
9 cludes a charter school (as defined in section 5101) that,
10 in the absence of this section, would not have received
11 funds under this title.

12 **“SEC. 2402. PARENTS’ RIGHT TO KNOW.**

13 “At the beginning of each school year, a local edu-
14 cational agency that receives funds under this title shall
15 notify the parents of each student attending any school
16 receiving funds under this title that the parents may re-
17 quest, and the agency will provide the parents on request
18 (and in a timely manner), information regarding the pro-
19 fessional qualifications of the student’s classroom teach-
20 ers.

21 **“SEC. 2403. SUPPLEMENT, NOT SUPPLANT.**

22 “Funds received under this title shall be used to sup-
23 plement, and not supplant, non-Federal funds that would
24 otherwise be used for activities authorized under this
25 title.”.

1 **SEC. 202. CONFORMING REPEALS.**

2 (a) CONFORMING REPEALS.—Title II of the Higher
3 Education Act of 1965 (20 U.S.C. 1021 et seq.) is amend-
4 ed by repealing sections 201 through 204.

5 (b) EFFECTIVE DATE.—The repeals made by sub-
6 section (a) shall take effect October 1, 2013.

7 **TITLE III—PARENTAL ENGAGE-**
8 **MENT AND LOCAL FLEXI-**
9 **BILITY**

10 **SEC. 301. PARENTAL ENGAGEMENT AND LOCAL FLEXI-**
11 **BILITY.**

12 Title III (20 U.S.C. 6801 et seq.) is amended to read
13 as follows:

14 **“TITLE III—PARENTAL ENGAGE-**
15 **MENT AND LOCAL FLEXI-**
16 **BILITY**

17 **“PART A—PARENTAL ENGAGEMENT**

18 **“Subpart 1—Charter School Program**

19 **“SEC. 3101. PURPOSE.**

20 “It is the purpose of this subpart to—

21 “(1) improve the United States education sys-
22 tem and educational opportunities for all Americans
23 by supporting innovation in public education in pub-
24 lic school settings that prepare students to compete
25 and contribute to the global economy;

1 “(2) provide financial assistance for the plan-
2 ning, program design, and initial implementation of
3 charter schools;

4 “(3) expand the number of high-quality charter
5 schools available to students across the Nation;

6 “(4) evaluate the impact of such schools on stu-
7 dent achievement, families, and communities, and
8 share best practices between charter schools and
9 other public schools;

10 “(5) encourage States to provide support to
11 charter schools for facilities financing in an amount
12 more nearly commensurate to the amount the States
13 have typically provided for traditional public schools;

14 “(6) improve student services to increase oppor-
15 tunities for students with disabilities, English learn-
16 ers, and other traditionally underserved students to
17 attend charter schools and meet challenging State
18 academic achievement standards; and

19 “(7) support efforts to strengthen the charter
20 school authorizing process to improve performance
21 management, including transparency, monitoring,
22 and evaluation of such schools.

23 **“SEC. 3102. PROGRAM AUTHORIZED.**

24 “(a) IN GENERAL.—From the amounts appropriated
25 under section 3(c)(1)(A), the Secretary shall carry out a

1 charter school program under this subpart that supports
2 charter schools that serve elementary school and sec-
3 ondary school students by—

4 “(1) supporting the startup, replication, and ex-
5 pansion of charter schools;

6 “(2) assisting charter schools in accessing cred-
7 it to acquire and renovate facilities for school use;
8 and

9 “(3) carrying out national activities to sup-
10 port—

11 “(A) charter school development;

12 “(B) the dissemination of best practices of
13 charter schools for all schools; and

14 “(C) the evaluation of the impact of the
15 program on schools participating in the pro-
16 gram.

17 “(b) FUNDING ALLOTMENT.—From the amount
18 made available under section 3(c)(1)(A) for a fiscal year,
19 the Secretary shall—

20 “(1) reserve 15 percent to support charter
21 school facilities assistance under section 3104;

22 “(2) reserve not more than 5 percent to carry
23 out national activities under section 3105; and

1 “(3) use the remaining amount after the Sec-
2 retary reserves funds under paragraphs (1) and (2)
3 to carry out section 3103.

4 “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-
5 ent of a grant or subgrant under this subpart or subpart
6 2, as such subpart was in effect on the day before the
7 date of enactment of the Student Success Act, shall con-
8 tinue to receive funds in accordance with the terms and
9 conditions of such grant or subgrant.

10 **“SEC. 3103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
11 **SCHOOLS.**

12 “(a) IN GENERAL.—From the amount reserved
13 under section 3102(b)(3), the Secretary shall award
14 grants to State entities having applications approved pur-
15 suant to subsection (f) to enable such entities to—

16 “(1) award subgrants to eligible applicants
17 for—

18 “(A) opening new charter schools;

19 “(B) opening replicable, high-quality char-
20 ter school models; or

21 “(C) expanding high-quality charter
22 schools; and

23 “(2) provide technical assistance to eligible ap-
24 plicants and authorized public chartering agencies in
25 carrying out the activities described in paragraph (1)

1 and work with authorized public chartering agencies
2 in the State to improve authorizing quality.

3 “(b) STATE USES OF FUNDS.—

4 “(1) IN GENERAL.—A State entity receiving a
5 grant under this section shall—

6 “(A) use 90 percent of the grant funds to
7 award subgrants to eligible applicants, in ac-
8 cordance with the quality charter school pro-
9 gram described in the entity’s application ap-
10 proved pursuant to subsection (f), for the pur-
11 poses described in subparagraphs (A) through
12 (C) of subsection (a)(1); and

13 “(B) reserve 10 percent of such funds to
14 carry out the activities described in subsection
15 (a)(2), of which not more than 30 percent may
16 be used for administrative costs which may in-
17 clude technical assistance.

18 “(2) CONTRACTS AND GRANTS.—A State entity
19 may use a grant received under this section to carry
20 out the activities described in subparagraphs (A)
21 and (B) of paragraph (1) directly or through grants,
22 contracts, or cooperative agreements.

23 “(c) PROGRAM PERIODS; PEER REVIEW; GRANT
24 NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIV-
25 ERS.—

1 “(1) PROGRAM PERIODS.—

2 “(A) GRANTS.—A grant awarded by the
3 Secretary to a State entity under this section
4 shall be for a period of not more than 5 years.

5 “(B) SUBGRANTS.—A subgrant awarded
6 by a State entity under this section shall be for
7 a period of not more than 3 years, of which an
8 eligible applicant may use not more than 18
9 months for planning and program design.

10 “(2) PEER REVIEW.—The Secretary, and each
11 State entity receiving a grant under this section,
12 shall use a peer review process to review applications
13 for assistance under this section.

14 “(3) GRANT NUMBER AND AMOUNT.—The Sec-
15 retary shall ensure that the number of grants award-
16 ed under this section and the award amounts will
17 allow for a sufficient number of new grants to be
18 awarded under this section for each succeeding fiscal
19 year.

20 “(4) DIVERSITY OF PROJECTS.—Each State en-
21 tity receiving a grant under this section shall award
22 subgrants under this section in a manner that, to
23 the extent possible, ensures that such subgrants—

1 “(A) are distributed throughout different
2 areas, including urban, suburban, and rural
3 areas; and

4 “(B) will assist charter schools rep-
5 resenting a variety of educational approaches.

6 “(5) WAIVERS.—The Secretary may waive any
7 statutory or regulatory requirement without requir-
8 ing the adoption of any unrelated requirements over
9 which the Secretary exercises administrative author-
10 ity except any such requirement relating to the ele-
11 ments of a charter school described in section
12 5101(3), if—

13 “(A) the waiver is requested in an ap-
14 proved application under this section; and

15 “(B) the Secretary determines that grant-
16 ing such a waiver will promote the purpose of
17 this subpart.

18 “(d) LIMITATIONS.—

19 “(1) GRANTS.—A State entity may not receive
20 more than 1 grant under this section for a 5-year
21 period.

22 “(2) SUBGRANTS.—An eligible applicant may
23 not receive more than 1 subgrant under this section
24 for an individual charter school for a 3-year period.

1 “(e) APPLICATIONS.—A State entity desiring to re-
2 ceive a grant under this section shall submit an application
3 to the Secretary at such time and in such manner as the
4 Secretary may require. The application shall include the
5 following:

6 “(1) DESCRIPTION OF PROGRAM.—A descrip-
7 tion of the State entity’s objectives in running a
8 quality charter school program under this section
9 and how the objectives of the program will be car-
10 ried out, including a description—

11 “(A) of how the entity—

12 “(i) will support both new charter
13 school startup and the expansion and rep-
14 lication of high-quality charter school mod-
15 els;

16 “(ii) will inform eligible charter
17 schools, developers, and authorized public
18 chartering agencies of the availability of
19 funds under the program;

20 “(iii) will work with eligible applicants
21 to ensure that the applicants access all
22 Federal funds that they are eligible to re-
23 ceive, and help the charter schools sup-
24 ported by the applicants and the students
25 attending the charter schools—

1 “(I) participate in the Federal
2 programs in which the schools and
3 students are eligible to participate;
4 and

5 “(II) receive the commensurate
6 share of Federal funds the schools
7 and students are eligible to receive
8 under such programs;

9 “(iv) in the case in which the entity is
10 not a State educational agency—

11 “(I) will work with the State edu-
12 cational agency and the charter
13 schools in the State to maximize char-
14 ter school participation in Federal and
15 State programs for charter schools;
16 and

17 “(II) will work with the State
18 educational agency to adequately op-
19 erate the entity’s program under this
20 section, where applicable;

21 “(v) will ensure eligible applicants
22 that receive a subgrant under the entity’s
23 program are prepared to continue to oper-
24 ate the charter schools receiving the

1 subgrant funds once the funds have ex-
2 pired;

3 “(vi) will support charter schools in
4 local educational agencies with large num-
5 bers of schools implementing requirements
6 under the State’s school improvement sys-
7 tem under section 1111(b)(3)(B)(iii);

8 “(vii) will work with charter schools to
9 promote inclusion of all students and sup-
10 port all students once they are enrolled to
11 promote retention;

12 “(viii) will work with charter schools
13 on recruitment practices, including efforts
14 to engage groups that may otherwise have
15 limited opportunities to participate in char-
16 ter schools;

17 “(ix) will share best and promising
18 practices between charter schools and
19 other public schools, including, where ap-
20 propriate, instruction and professional de-
21 velopment in science, math, technology,
22 and engineering education;

23 “(x) will ensure the charter schools
24 receiving funds under the entity’s program
25 can meet the educational needs of their

1 students, including students with disabil-
2 ities and English learners; and

3 “(xi) will support efforts to increase
4 quality initiatives, including meeting the
5 quality authorizing elements described in
6 paragraph (2)(E);

7 “(B) of the extent to which the entity—

8 “(i) is able to meet and carry out the
9 priorities listed in subsection (f)(2); and

10 “(ii) is working to develop or
11 strengthen a cohesive statewide system to
12 support the opening of new charter schools
13 and replicable, high-quality charter school
14 models, and the expansion of high-quality
15 charter schools;

16 “(C) of how the entity will carry out the
17 subgrant competition, including—

18 “(i) a description of the application
19 each eligible applicant desiring to receive a
20 subgrant will submit, including—

21 “(I) a description of the roles
22 and responsibilities of eligible appli-
23 cants, partner organizations, and
24 management organizations, including

1 the administrative and contractual
2 roles and responsibilities;

3 “(II) a description of the quality
4 controls agreed to between the eligible
5 applicant and the authorized public
6 chartering agency involved, such as a
7 contract or performance agreement,
8 and how a school’s performance in the
9 State’s academic accountability sys-
10 tem will be a primary factor for re-
11 newal or revocation of the school’s
12 charter; and

13 “(III) a description of how the el-
14 igible applicant will solicit and con-
15 sider input from parents and other
16 members of the community on the im-
17 plementation and operation of each
18 charter school receiving funds under
19 the entity’s program; and

20 “(ii) a description of how the entity
21 will review applications;

22 “(D) in the case of an entity that partners
23 with an outside organization to carry out the
24 entity’s quality charter school program, in

1 whole or in part, of the roles and responsibil-
2 ities of this partner;

3 “(E) of how the entity will help the charter
4 schools receiving funds under the entity’s pro-
5 gram consider the transportation needs of the
6 schools’ students; and

7 “(F) of how the entity will support diverse
8 charter school models, including models that
9 serve rural communities.

10 “(2) ASSURANCES.—Assurances, including a
11 description of how the assurances will be met,
12 that—

13 “(A) each charter school receiving funds
14 under the entity’s program will have a high de-
15 gree of autonomy over budget and operations,
16 including personnel;

17 “(B) the entity will support charter schools
18 in meeting the educational needs of their stu-
19 dents as described in paragraph (1)(A)(x);

20 “(C) the entity will ensure that the author-
21 ized public chartering agency of any charter
22 school that receives funds under the entity’s
23 program—

24 “(i) ensures that each charter school
25 is meeting the obligations under this Act,

1 part B of the Individuals with Disabilities
2 Education Act, title VI of the Civil Rights
3 Act of 1964, section 504 of the Rehabilita-
4 tion Act of 1973, the Age Discrimination
5 Act of 1975, and title IX of the Education
6 Amendments of 1972;

7 “(ii) adequately monitors and helps
8 each charter school in recruiting, enrolling,
9 and meeting the needs of all students, in-
10 cluding students with disabilities and
11 English learners; and

12 “(iii) ensures that each charter school
13 solicits and considers input from parents
14 and other members of the community on
15 the implementation and operation of the
16 school;

17 “(D) the entity will provide adequate tech-
18 nical assistance to eligible applicants to—

19 “(i) meet the objectives described in
20 clauses (vii), (viii), and (x) of paragraph
21 (1)(A); and

22 “(ii) enroll traditionally underserved
23 students, including students with disabil-
24 ities and English learners, to promote an
25 inclusive education environment;

1 “(E) the entity will promote quality au-
2 thorizing, such as through providing technical
3 assistance, to support all authorized public
4 chartering agencies in the State to improve the
5 monitoring of their charter schools, including
6 by—

7 “(i) assessing annual performance
8 data of the schools, including, as appro-
9 priate, graduation rates and student
10 growth; and

11 “(ii) reviewing the schools’ inde-
12 pendent, annual audits of financial state-
13 ments conducted in accordance with gen-
14 erally accepted accounting principles, and
15 ensuring any such audits are publically re-
16 ported;

17 “(F) the entity will work to ensure that
18 charter schools are included with the traditional
19 public schools in decision-making about the
20 public school system in the State; and

21 “(G) the entity will ensure that each char-
22 ter school in the State make publicly available,
23 consistent with the dissemination requirements
24 of the annual State report card, the information
25 parents need to make informed decisions about

1 the education options available to their children,
2 including information on the educational pro-
3 gram, student support services, and annual per-
4 formance and enrollment data for the groups of
5 students described in section
6 1111(b)(3)(B)(ii)(II).

7 “(3) REQUESTS FOR WAIVERS.—A request and
8 justification for waivers of any Federal statutory or
9 regulatory provisions that the entity believes are nec-
10 essary for the successful operation of the charter
11 schools that will receive funds under the entity’s pro-
12 gram under this section, and a description of any
13 State or local rules, generally applicable to public
14 schools, that will be waived, or otherwise not apply
15 to such schools.

16 “(f) SELECTION CRITERIA; PRIORITY.—

17 “(1) SELECTION CRITERIA.—The Secretary
18 shall award grants to State entities under this sec-
19 tion on the basis of the quality of the applications
20 submitted under subsection (e), after taking into
21 consideration—

22 “(A) the degree of flexibility afforded by
23 the State’s public charter school law and how
24 the entity will work to maximize the flexibility
25 provided to charter schools under the law;

1 “(B) the ambitiousness of the entity’s ob-
2 jectives for the quality charter school program
3 carried out under this section;

4 “(C) the quality of the strategy for assess-
5 ing achievement of those objectives;

6 “(D) the likelihood that the eligible appli-
7 cants receiving subgrants under the program
8 will meet those objectives and improve edu-
9 cational results for students;

10 “(E) the proposed number of new charter
11 schools to be opened, and the proposed number
12 of high-quality charter schools to be replicated
13 or expanded under the program;

14 “(F) the entity’s plan to—

15 “(i) adequately monitor the eligible
16 applicants receiving subgrants under the
17 entity’s program; and

18 “(ii) work with the authorized public
19 chartering agencies involved to avoid dupli-
20 cation of work for the charter schools and
21 authorized public chartering agencies;

22 “(G) the entity’s plan to provide adequate
23 technical assistance, as described in the entity’s
24 application under subsection (e), for the eligible

1 applicants receiving subgrants under the enti-
2 ty's program under this section;

3 “(H) the entity's plan to support quality
4 authorizing efforts in the State, consistent with
5 the objectives described in subparagraph (B);
6 and

7 “(I) the entity's plan to solicit and con-
8 sider input from parents and other members of
9 the community on the implementation and oper-
10 ation of the charter schools in the State.

11 “(2) PRIORITY.—In awarding grants under this
12 section, the Secretary shall give priority to State en-
13 tities to the extent that they meet the following cri-
14 teria:

15 “(A) In the case of a State entity located
16 in a State that allows an entity other than a
17 local educational agency to be an authorized
18 public chartering agency, the State has a qual-
19 ity authorized public chartering agency that is
20 an entity other than a local educational agency.

21 “(B) The State entity is located in a State
22 that does not impose any limitation on the
23 number or percentage of charter schools that
24 may exist or the number or percentage of stu-

1 dents that may attend charter schools in the
2 State.

3 “(C) The State entity is located in a State
4 that ensures equitable financing, as compared
5 to traditional public schools, for charter schools
6 and students in a prompt manner.

7 “(D) The State entity is located in a State
8 that uses best practices from charter schools to
9 help improve struggling schools and local edu-
10 cational agencies.

11 “(E) The State entity partners with an or-
12 ganization that has a demonstrated record of
13 success in developing management organiza-
14 tions to support the development of charter
15 schools in the State.

16 “(F) The State entity demonstrates quality
17 policies and practices to support and monitor
18 charter schools through factors including—

19 “(i) the proportion of high-quality
20 charter schools in the State; and

21 “(ii) the proportion of charter schools
22 enrolling, at a rate similar to traditional
23 public schools, traditionally underserved
24 students, including students with disabil-
25 ities and English learners.

1 “(G) The State entity supports charter
2 schools that support at-risk students through
3 activities such as dropout prevention or dropout
4 recovery.

5 “(H) The State entity authorizes all char-
6 ter schools in the State to serve as school food
7 authorities.

8 “(g) LOCAL USES OF FUNDS.—An eligible applicant
9 receiving a subgrant under this section shall use such
10 funds to open new charter schools, open replicable, high-
11 quality charter school models, or expand existing high-
12 quality charter schools.

13 “(h) REPORTING REQUIREMENTS.—Each State enti-
14 ty receiving a grant under this section shall submit to the
15 Secretary, at the end of the third year of the 5-year grant
16 period and at the end of such grant period, a report on—

17 “(1) the number of students served under each
18 subgrant awarded under this section and, if applica-
19 ble, how many new students were served during each
20 year of the subgrant period;

21 “(2) the number of subgrants awarded under
22 this section to carry out each of the following—

23 “(A) the opening of new charter schools;

24 “(B) the opening of replicable, high-quality
25 charter school models; and

1 “(C) the expansion of high-quality charter
2 schools;

3 “(3) the progress the entity made toward meet-
4 ing the priorities described in subsection (f)(2), as
5 applicable;

6 “(4) how the entity met the objectives of the
7 quality charter school program described in the enti-
8 ty’s application under subsection (e);

9 “(5) how the entity complied with, and ensured
10 that eligible applicants complied with, the assurances
11 described in the entity’s application; and

12 “(6) how the entity worked with authorized
13 public chartering agencies and how such agencies
14 worked with the management company or leadership
15 of the schools that received subgrants under this
16 section.

17 “(i) STATE ENTITY DEFINED.—For purposes of this
18 section, the term ‘State entity’ means—

19 “(1) a State educational agency;

20 “(2) a State charter school board;

21 “(3) a Governor of a State; or

22 “(4) a charter support organization.

23 **“SEC. 3104. FACILITIES FINANCING ASSISTANCE.**

24 “(a) GRANTS TO ELIGIBLE ENTITIES.—

1 “(1) IN GENERAL.—From the amount reserved
2 under section 3102(b)(1), the Secretary shall award
3 grants to eligible entities that have the highest-quality
4 applications approved under subsection (d), after
5 considering the diversity of such applications, to
6 demonstrate innovative methods of assisting charter
7 schools to address the cost of acquiring, constructing,
8 and renovating facilities by enhancing the
9 availability of loans or bond financing.

10 “(2) ELIGIBLE ENTITY DEFINED.—For purposes of this section,
11 the term ‘eligible entity’ means—
12 means—

13 “(A) a public entity, such as a State or
14 local governmental entity;

15 “(B) a private nonprofit entity; or

16 “(C) a consortium of entities described in
17 subparagraphs (A) and (B).

18 “(b) GRANTEE SELECTION.—The Secretary shall
19 evaluate each application submitted under subsection (d),
20 and shall determine whether the application is sufficient
21 to merit approval.

22 “(c) GRANT CHARACTERISTICS.—Grants under subsection
23 (a) shall be of a sufficient size, scope, and quality
24 so as to ensure an effective demonstration of an innovative

1 means of enhancing credit for the financing of charter
2 school acquisition, construction, or renovation.

3 “(d) APPLICATIONS.—

4 “(1) IN GENERAL.—To receive a grant under
5 subsection (a), an eligible entity shall submit to the
6 Secretary an application in such form as the Sec-
7 retary may reasonably require.

8 “(2) CONTENTS.—An application submitted
9 under paragraph (1) shall contain—

10 “(A) a statement identifying the activities
11 proposed to be undertaken with funds received
12 under subsection (a), including how the eligible
13 entity will determine which charter schools will
14 receive assistance, and how much and what
15 types of assistance charter schools will receive;

16 “(B) a description of the involvement of
17 charter schools in the application’s development
18 and the design of the proposed activities;

19 “(C) a description of the eligible entity’s
20 expertise in capital market financing;

21 “(D) a description of how the proposed ac-
22 tivities will leverage the maximum amount of
23 private-sector financing capital relative to the
24 amount of Federal, State, or local government
25 funding used and otherwise enhance credit

1 available to charter schools, including how the
2 entity will offer a combination of rates and
3 terms more favorable than the rates and terms
4 that a charter school could receive without as-
5 sistance from the entity under this section;

6 “(E) a description of how the eligible enti-
7 ty possesses sufficient expertise in education to
8 evaluate the likelihood of success of a charter
9 school program for which facilities financing is
10 sought; and

11 “(F) in the case of an application sub-
12 mitted by a State governmental entity, a de-
13 scription of the actions that the entity has
14 taken, or will take, to ensure that charter
15 schools within the State receive the funding the
16 charter schools need to have adequate facilities.

17 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible
18 entity receiving a grant under this section shall use the
19 funds deposited in the reserve account established under
20 subsection (f) to assist one or more charter schools to ac-
21 cess private sector capital to accomplish one or both of
22 the following objectives:

23 “(1) The acquisition (by purchase, lease, dona-
24 tion, or otherwise) of an interest (including an inter-
25 est held by a third party for the benefit of a charter

1 school) in improved or unimproved real property
2 that is necessary to commence or continue the oper-
3 ation of a charter school.

4 “(2) The construction of new facilities, includ-
5 ing predevelopment costs, or the renovation, repair,
6 or alteration of existing facilities, necessary to com-
7 mence or continue the operation of a charter school.

8 “(f) RESERVE ACCOUNT.—

9 “(1) USE OF FUNDS.—To assist charter schools
10 to accomplish the objectives described in subsection
11 (e), an eligible entity receiving a grant under sub-
12 section (a) shall, in accordance with State and local
13 law, directly or indirectly, alone or in collaboration
14 with others, deposit the funds received under sub-
15 section (a) (other than funds used for administrative
16 costs in accordance with subsection (g)) in a reserve
17 account established and maintained by the eligible
18 entity for this purpose. Amounts deposited in such
19 account shall be used by the eligible entity for one
20 or more of the following purposes:

21 “(A) Guaranteeing, insuring, and rein-
22 suring bonds, notes, evidences of debt, loans,
23 and interests therein, the proceeds of which are
24 used for an objective described in subsection
25 (e).

1 “(B) Guaranteeing and insuring leases of
2 personal and real property for an objective de-
3 scribed in subsection (e).

4 “(C) Facilitating financing by identifying
5 potential lending sources, encouraging private
6 lending, and other similar activities that di-
7 rectly promote lending to, or for the benefit of,
8 charter schools.

9 “(D) Facilitating the issuance of bonds by
10 charter schools, or by other public entities for
11 the benefit of charter schools, by providing
12 technical, administrative, and other appropriate
13 assistance (including the recruitment of bond
14 counsel, underwriters, and potential investors
15 and the consolidation of multiple charter school
16 projects within a single bond issue).

17 “(2) INVESTMENT.—Funds received under this
18 section and deposited in the reserve account estab-
19 lished under paragraph (1) shall be invested in obli-
20 gations issued or guaranteed by the United States or
21 a State, or in other similarly low-risk securities.

22 “(3) REINVESTMENT OF EARNINGS.—Any earn-
23 ings on funds received under subsection (a) shall be
24 deposited in the reserve account established under

1 paragraph (1) and used in accordance with such
2 paragraph.

3 “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An
4 eligible entity may use not more than 2.5 percent of the
5 funds received under subsection (a) for the administrative
6 costs of carrying out its responsibilities under this section
7 (excluding subsection (k)).

8 “(h) AUDITS AND REPORTS.—

9 “(1) FINANCIAL RECORD MAINTENANCE AND
10 AUDIT.—The financial records of each eligible entity
11 receiving a grant under subsection (a) shall be main-
12 tained in accordance with generally accepted ac-
13 counting principles and shall be subject to an annual
14 audit by an independent public accountant.

15 “(2) REPORTS.—

16 “(A) GRANTEE ANNUAL REPORTS.—Each
17 eligible entity receiving a grant under sub-
18 section (a) annually shall submit to the Sec-
19 retary a report of its operations and activities
20 under this section.

21 “(B) CONTENTS.—Each annual report
22 submitted under subparagraph (A) shall in-
23 clude—

24 “(i) a copy of the most recent finan-
25 cial statements, and any accompanying

1 opinion on such statements, prepared by
2 the independent public accountant review-
3 ing the financial records of the eligible en-
4 tity;

5 “(ii) a copy of any report made on an
6 audit of the financial records of the eligible
7 entity that was conducted under paragraph
8 (1) during the reporting period;

9 “(iii) an evaluation by the eligible en-
10 tity of the effectiveness of its use of the
11 Federal funds provided under subsection
12 (a) in leveraging private funds;

13 “(iv) a listing and description of the
14 charter schools served during the reporting
15 period, including the amount of funds used
16 by each school, the type of project facili-
17 tated by the grant, and the type of assist-
18 ance provided to the charter schools;

19 “(v) a description of the activities car-
20 ried out by the eligible entity to assist
21 charter schools in meeting the objectives
22 set forth in subsection (e); and

23 “(vi) a description of the characteris-
24 tics of lenders and other financial institu-
25 tions participating in the activities under-

1 taken by the eligible entity under this sec-
2 tion (excluding subsection (k)) during the
3 reporting period.

4 “(C) SECRETARIAL REPORT.—The Sec-
5 retary shall review the reports submitted under
6 subparagraph (A) and shall provide a com-
7 prehensive annual report to Congress on the ac-
8 tivities conducted under this section (excluding
9 subsection (k)).

10 “(i) NO FULL FAITH AND CREDIT FOR GRANTEE
11 OBLIGATION.—No financial obligation of an eligible entity
12 entered into pursuant to this section (such as an obliga-
13 tion under a guarantee, bond, note, evidence of debt, or
14 loan) shall be an obligation of, or guaranteed in any re-
15 spect by, the United States. The full faith and credit of
16 the United States is not pledged to the payment of funds
17 which may be required to be paid under any obligation
18 made by an eligible entity pursuant to any provision of
19 this section.

20 “(j) RECOVERY OF FUNDS.—

21 “(1) IN GENERAL.—The Secretary, in accord-
22 ance with chapter 37 of title 31, United States
23 Code, shall collect—

24 “(A) all of the funds in a reserve account
25 established by an eligible entity under sub-

1 section (f)(1) if the Secretary determines, not
2 earlier than 2 years after the date on which the
3 eligible entity first received funds under this
4 section (excluding subsection (k)), that the eli-
5 gible entity has failed to make substantial
6 progress in carrying out the purposes described
7 in subsection (f)(1); or

8 “(B) all or a portion of the funds in a re-
9 serve account established by an eligible entity
10 under subsection (f)(1) if the Secretary deter-
11 mines that the eligible entity has permanently
12 ceased to use all or a portion of the funds in
13 such account to accomplish any purpose de-
14 scribed in subsection (f)(1).

15 “(2) EXERCISE OF AUTHORITY.—The Secretary
16 shall not exercise the authority provided in para-
17 graph (1) to collect from any eligible entity any
18 funds that are being properly used to achieve one or
19 more of the purposes described in subsection (f)(1).

20 “(3) PROCEDURES.—The provisions of sections
21 451, 452, and 458 of the General Education Provi-
22 sions Act (20 U.S.C. 1234, 1234a, 1234g) shall
23 apply to the recovery of funds under paragraph (1).

24 “(4) CONSTRUCTION.—This subsection shall
25 not be construed to impair or affect the authority of

1 the Secretary to recover funds under part D of the
2 General Education Provisions Act (20 U.S.C. 1234
3 et seq.).

4 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

5 “(1) DEFINITION OF PER-PUPIL FACILITIES AID
6 PROGRAM.—In this subsection, the term ‘per-pupil
7 facilities aid program’ means a program in which a
8 State makes payments, on a per-pupil basis, to char-
9 ter schools to provide the schools with financing—

10 “(A) that is dedicated solely for funding
11 charter school facilities; or

12 “(B) a portion of which is dedicated for
13 funding charter school facilities.

14 “(2) GRANTS.—

15 “(A) IN GENERAL.—From the amount re-
16 served under section 3102(b)(1) and remaining
17 after the Secretary makes grants under sub-
18 section (a), the Secretary shall make grants, on
19 a competitive basis, to States to pay for the
20 Federal share of the cost of establishing or en-
21 hancing, and administering per-pupil facilities
22 aid programs.

23 “(B) PERIOD.—The Secretary shall award
24 grants under this subsection for periods of not
25 more than 5 years.

1 “(C) FEDERAL SHARE.—The Federal
2 share of the cost described in subparagraph (A)
3 for a per-pupil facilities aid program shall be
4 not more than—

5 “(i) 90 percent of the cost, for the
6 first fiscal year for which the program re-
7 ceives assistance under this subsection;

8 “(ii) 80 percent in the second such
9 year;

10 “(iii) 60 percent in the third such
11 year;

12 “(iv) 40 percent in the fourth such
13 year; and

14 “(v) 20 percent in the fifth such year.

15 “(D) STATE SHARE.—A State receiving a
16 grant under this subsection may partner with 1
17 or more organizations to provide up to 50 per-
18 cent of the State share of the cost of estab-
19 lishing or enhancing, and administering the per-
20 pupil facilities aid program.

21 “(E) MULTIPLE GRANTS.—A State may
22 receive more than 1 grant under this sub-
23 section, so long as the amount of such funds
24 provided to charter schools increases with each
25 successive grant.

1 “(3) USE OF FUNDS.—

2 “(A) IN GENERAL.—A State that receives
3 a grant under this subsection shall use the
4 funds made available through the grant to es-
5 tablish or enhance, and administer, a per-pupil
6 facilities aid program for charter schools in the
7 State of the applicant.

8 “(B) EVALUATIONS; TECHNICAL ASSIST-
9 ANCE; DISSEMINATION.—From the amount
10 made available to a State through a grant
11 under this subsection for a fiscal year, the State
12 may reserve not more than 5 percent to carry
13 out evaluations, to provide technical assistance,
14 and to disseminate information.

15 “(C) SUPPLEMENT, NOT SUPPLANT.—
16 Funds made available under this subsection
17 shall be used to supplement, and not supplant,
18 State, and local public funds expended to pro-
19 vide per pupil facilities aid programs, oper-
20 ations financing programs, or other programs,
21 for charter schools.

22 “(4) REQUIREMENTS.—

23 “(A) VOLUNTARY PARTICIPATION.—No
24 State may be required to participate in a pro-
25 gram carried out under this subsection.

1 “(B) STATE LAW.—

2 “(i) IN GENERAL.—Except as pro-
3 vided in clause (ii), to be eligible to receive
4 a grant under this subsection, a State shall
5 establish or enhance, and administer, a
6 per-pupil facilities aid program for charter
7 schools in the State, that—

8 “(I) is specified in State law; and

9 “(II) provides annual financing,
10 on a per-pupil basis, for charter
11 school facilities.

12 “(ii) SPECIAL RULE.—Notwith-
13 standing clause (i), a State that is required
14 under State law to provide its charter
15 schools with access to adequate facility
16 space, but which does not have a per-pupil
17 facilities aid program for charter schools
18 specified in State law, may be eligible to
19 receive a grant under this subsection if the
20 State agrees to use the funds to develop a
21 per-pupil facilities aid program consistent
22 with the requirements of this subsection.

23 “(5) APPLICATIONS.—To be eligible to receive a
24 grant under this subsection, a State shall submit an
25 application to the Secretary at such time, in such

1 manner, and containing such information as the Sec-
2 retary may require.

3 **“SEC. 3105. NATIONAL ACTIVITIES.**

4 “(a) IN GENERAL.—From the amount reserved
5 under section 3102(b)(2), the Secretary shall—

6 “(1) use not less than 50 percent of such funds
7 to award grants in accordance with subsection (b);
8 and

9 “(2) use the remainder of such funds to—

10 “(A) disseminate technical assistance to
11 State entities in awarding subgrants under sec-
12 tion 3103, and eligible entities and States re-
13 ceiving grants under section 3104;

14 “(B) disseminate best practices; and

15 “(C) evaluate the impact of the charter
16 school program, including the impact on stu-
17 dent achievement, carried out under this sub-
18 part.

19 “(b) GRANTS.—

20 “(1) IN GENERAL.—The Secretary shall make
21 grants, on a competitive basis, to eligible applicants
22 for the purpose of carrying out the activities de-
23 scribed in section 3102(a)(1), subparagraphs (A)
24 through (C) of section 3103(a)(1), and section
25 3103(g).

1 “(2) TERMS AND CONDITIONS.—Except as oth-
2 erwise provided in this subsection, grants awarded
3 under this subsection shall have the same terms and
4 conditions as grants awarded to State entities under
5 section 3103.

6 “(3) ELIGIBLE APPLICANT DEFINED.—For pur-
7 poses of this subsection, the term ‘eligible applicant’
8 means an eligible applicant that desires to open a
9 charter school in—

10 “(A) a State that did not apply for a grant
11 under section 3103;

12 “(B) a State that did not receive a grant
13 under section 3103; or

14 “(C) a State that received a grant under
15 section 3103 and is in the 4th or 5th year of
16 the grant period for such grant.

17 “(c) CONTRACTS AND GRANTS.—The Secretary may
18 carry out any of the activities described in this section di-
19 rectly or through grants, contracts, or cooperative agree-
20 ments.

21 **“SEC. 3106. FEDERAL FORMULA ALLOCATION DURING**
22 **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**
23 **MENT EXPANSIONS.**

24 “(a) IN GENERAL.—For purposes of the allocation
25 to schools by the States or their agencies of funds under

1 part A of title I, and any other Federal funds which the
2 Secretary allocates to States on a formula basis, the Sec-
3 retary and each State educational agency shall take such
4 measures as are necessary to ensure that every charter
5 school receives the Federal funding for which the charter
6 school is eligible not later than 5 months after the charter
7 school first opens, notwithstanding the fact that the iden-
8 tity and characteristics of the students enrolling in that
9 charter school are not fully and completely determined
10 until that charter school actually opens. The measures
11 similarly shall ensure that every charter school expanding
12 its enrollment in any subsequent year of operation receives
13 the Federal funding for which the charter school is eligible
14 not later than 5 months after such expansion.

15 “(b) ADJUSTMENT AND LATE OPENINGS.—

16 “(1) IN GENERAL.—The measures described in
17 subsection (a) shall include provision for appropriate
18 adjustments, through recovery of funds or reduction
19 of payments for the succeeding year, in cases where
20 payments made to a charter school on the basis of
21 estimated or projected enrollment data exceed the
22 amounts that the school is eligible to receive on the
23 basis of actual or final enrollment data.

24 “(2) RULE.—For charter schools that first
25 open after November 1 of any academic year, the

1 State, in accordance with guidance provided by the
2 Secretary and applicable Federal statutes and regu-
3 lations, shall ensure that such charter schools that
4 are eligible for the funds described in subsection (a)
5 for such academic year have a full and fair oppor-
6 tunity to receive those funds during the charter
7 schools' first year of operation.

8 **“SEC. 3107. SOLICITATION OF INPUT FROM CHARTER**
9 **SCHOOL OPERATORS.**

10 “To the extent practicable, the Secretary shall ensure
11 that administrators, teachers, and other individuals di-
12 rectly involved in the operation of charter schools are con-
13 sulted in the development of any rules, regulations, or non-
14 regulatory guidance required to implement this subpart,
15 as well as in the development of any rules, regulations,
16 or nonregulatory guidance relevant to charter schools that
17 are required to implement part A of title I, the Individuals
18 with Disabilities Education Act, or any other program ad-
19 ministered by the Secretary that provides education funds
20 to charter schools or regulates the activities of charter
21 schools.

22 **“SEC. 3108. RECORDS TRANSFER.**

23 “State educational agencies and local educational
24 agencies, as quickly as possible and to the extent prac-
25 ticable, shall ensure that a student's records and, if appli-

1 cable, a student’s individualized education program as de-
2 fined in section 602(14) of the Individuals with Disabil-
3 ities Education Act, are transferred to a charter school
4 upon the transfer of the student to the charter school, and
5 to another public school upon the transfer of the student
6 from a charter school to another public school, in accord-
7 ance with applicable State law.

8 **“SEC. 3109. PAPERWORK REDUCTION.**

9 “To the extent practicable, the Secretary and each
10 authorized public chartering agency shall ensure that im-
11 plementation of this subpart results in a minimum of pa-
12 perwork for any eligible applicant or charter school.

13 **“SEC. 3110. DEFINITIONS.**

14 “In this subpart:

15 “(1) **AUTHORIZED PUBLIC CHARTERING AGEN-**
16 **CY.**—The term ‘authorized public chartering agency’
17 means a State educational agency, local educational
18 agency, or other public entity that has the authority
19 pursuant to State law and approved by the Sec-
20 retary to authorize or approve a charter school.

21 “(2) **CHARTER SUPPORT ORGANIZATION.**—The
22 term ‘charter support organization’ means a non-
23 profit, nongovernmental entity that provides, on a
24 statewide or regional basis—

1 “(A) assistance to developers during the
2 planning, program design, and initial implemen-
3 tation of a charter school; and

4 “(B) technical assistance to operate char-
5 ter schools.

6 “(3) DEVELOPER.—The term ‘developer’ means
7 an individual or group of individuals (including a
8 public or private nonprofit organization), which may
9 include teachers, administrators and other school
10 staff, parents, or other members of the local commu-
11 nity in which a charter school project will be carried
12 out.

13 “(4) ELIGIBLE APPLICANT.—The term ‘eligible
14 applicant’ means a developer that has—

15 “(A) applied to an authorized public char-
16 tering authority to operate a charter school;
17 and

18 “(B) provided adequate and timely notice
19 to that authority.

20 “(5) EXPANSION OF A HIGH-QUALITY CHARTER
21 SCHOOL.—The term ‘expansion of a high-quality
22 charter school’ means to significantly increase the
23 enrollment of, or add one or more grades to, a high-
24 quality charter school.

1 “(6) HIGH-QUALITY CHARTER SCHOOL.—The
2 term ‘high-quality charter school’ means a charter
3 school that—

4 “(A) shows evidence of strong academic re-
5 sults, which may include strong academic
6 growth as determined by a State;

7 “(B) has no significant issues in the areas
8 of student safety, financial management, or
9 statutory or regulatory compliance;

10 “(C) has demonstrated success in signifi-
11 cantly increasing student academic achievement
12 and attainment for all students served by the
13 charter school; and

14 “(D) has demonstrated success in increas-
15 ing student academic achievement for the
16 groups of students described in section
17 1111(b)(3)(B)(ii)(II), except that such dem-
18 onstration is not required in a case in which the
19 number of students in a group is insufficient to
20 yield statistically reliable information or the re-
21 sults would reveal personally identifiable infor-
22 mation about an individual student.

23 “(7) REPLICABLE, HIGH-QUALITY CHARTER
24 SCHOOL MODEL.—The term ‘replicable, high-quality
25 charter school model’ means a high-quality charter

1 school that has the capability of opening another
2 such charter school under an existing charter.

3 **“Subpart 2—Magnet School Assistance**

4 **“SEC. 3121. PURPOSE.**

5 “The purpose of this subpart is to assist in the deseg-
6 regation of schools served by local educational agencies by
7 providing financial assistance to eligible local educational
8 agencies for—

9 “(1) the elimination, reduction, or prevention of
10 minority group isolation in elementary schools and
11 secondary schools with substantial proportions of mi-
12 nority students, which shall include assisting in the
13 efforts of the United States to achieve voluntary de-
14 segregation in public schools;

15 “(2) the development and implementation of
16 magnet school programs that will assist local edu-
17 cational agencies in achieving systemic reforms and
18 providing all students the opportunity to meet State
19 academic standards;

20 “(3) the development and design of innovative
21 educational methods and practices that promote di-
22 versity and increase choices in public elementary
23 schools and public secondary schools and public edu-
24 cational programs;

1 “(4) courses of instruction within magnet
2 schools that will substantially strengthen the knowl-
3 edge of academic subjects and the attainment of tan-
4 gible and marketable career, technical, and profes-
5 sional skills of students attending such schools;

6 “(5) improving the ability of local educational
7 agencies, including through professional develop-
8 ment, to continue operating magnet schools at a
9 high performance level after Federal funding for the
10 magnet schools is terminated; and

11 “(6) ensuring that students enrolled in the
12 magnet school programs have equitable access to a
13 quality education that will enable the students to
14 succeed academically and continue with postsec-
15 ondary education or employment.

16 **“SEC. 3122. DEFINITION.**

17 “For the purpose of this subpart, the term ‘magnet
18 school’ means a public elementary school, public secondary
19 school, public elementary education center, or public sec-
20 ondary education center that offers a special curriculum
21 capable of attracting substantial numbers of students of
22 different racial backgrounds.

23 **“SEC. 3123. PROGRAM AUTHORIZED.**

24 “From the amount appropriated under section
25 3(c)(1)(B), the Secretary, in accordance with this subpart,

1 is authorized to award grants to eligible local educational
2 agencies, and consortia of such agencies where appro-
3 priate, to carry out the purpose of this subpart for magnet
4 schools that are—

5 “(1) part of an approved desegregation plan;
6 and

7 “(2) designed to bring students from different
8 social, economic, ethnic, and racial backgrounds to-
9 gether.

10 **“SEC. 3124. ELIGIBILITY.**

11 “A local educational agency, or consortium of such
12 agencies where appropriate, is eligible to receive a grant
13 under this subpart to carry out the purpose of this subpart
14 if such agency or consortium—

15 “(1) is implementing a plan undertaken pursu-
16 ant to a final order issued by a court of the United
17 States, or a court of any State, or any other State
18 agency or official of competent jurisdiction, that re-
19 quires the desegregation of minority-group-seg-
20 regated children or faculty in the elementary schools
21 and secondary schools of such agency; or

22 “(2) without having been required to do so, has
23 adopted and is implementing, or will, if a grant is
24 awarded to such local educational agency, or consor-
25 tium of such agencies, under this subpart, adopt and

1 implement a plan that has been approved by the
2 Secretary as adequate under title VI of the Civil
3 Rights Act of 1964 for the desegregation of minor-
4 ity-group-segregated children or faculty in such
5 schools.

6 **“SEC. 3125. APPLICATIONS AND REQUIREMENTS.**

7 “(a) APPLICATIONS.—An eligible local educational
8 agency, or consortium of such agencies, desiring to receive
9 a grant under this subpart shall submit an application to
10 the Secretary at such time and in such manner as the
11 Secretary may reasonably require.

12 “(b) INFORMATION AND ASSURANCES.—Each appli-
13 cation submitted under subsection (a) shall include—

14 “(1) a description of—

15 “(A) how a grant awarded under this sub-
16 part will be used to promote desegregation, in-
17 cluding how the proposed magnet school pro-
18 grams will increase interaction among students
19 of different social, economic, ethnic, and racial
20 backgrounds;

21 “(B) the manner and extent to which the
22 magnet school program will increase student
23 academic achievement in the instructional area
24 or areas offered by the school;

1 “(C) how the applicant will continue the
2 magnet school program after assistance under
3 this subpart is no longer available, and, if appli-
4 cable, an explanation of why magnet schools es-
5 tablished or supported by the applicant with
6 grant funds under this subpart cannot be con-
7 tinued without the use of grant funds under
8 this subpart;

9 “(D) how grant funds under this subpart
10 will be used—

11 “(i) to improve student academic
12 achievement for all students attending the
13 magnet school programs; and

14 “(ii) to implement services and activi-
15 ties that are consistent with other pro-
16 grams under this Act, and other Acts, as
17 appropriate; and

18 “(E) the criteria to be used in selecting
19 students to attend the proposed magnet school
20 program; and

21 “(2) assurances that the applicant will—

22 “(A) use grant funds under this subpart
23 for the purposes specified in section 3121;

1 “(B) employ effective teachers in the
2 courses of instruction assisted under this sub-
3 part;

4 “(C) not engage in discrimination based on
5 race, religion, color, national origin, sex, or dis-
6 ability in—

7 “(i) the hiring, promotion, or assign-
8 ment of employees of the applicant or
9 other personnel for whom the applicant has
10 any administrative responsibility;

11 “(ii) the assignment of students to
12 schools, or to courses of instruction within
13 the schools, of such applicant, except to
14 carry out the approved plan; and

15 “(iii) designing or operating extra-
16 curricular activities for students;

17 “(D) carry out a quality education pro-
18 gram that will encourage greater parental deci-
19 sionmaking and involvement; and

20 “(E) give students residing in the local at-
21 tendance area of the proposed magnet school
22 program equitable consideration for placement
23 in the program, consistent with desegregation
24 guidelines and the capacity of the applicant to
25 accommodate the students.

1 “(c) SPECIAL RULE.—No grant shall be awarded
2 under this subpart unless the Assistant Secretary of Edu-
3 cation for Civil Rights determines that the assurances de-
4 scribed in subsection (b)(2)(C) will be met.

5 **“SEC. 3126. PRIORITY.**

6 “In awarding grants under this subpart, the Sec-
7 retary shall give priority to applicants that—

8 “(1) demonstrate the greatest need for assist-
9 ance, based on the expense or difficulty of effectively
10 carrying out approved desegregation plans and the
11 magnet school program for which the grant is
12 sought;

13 “(2) propose to carry out new magnet school
14 programs, or significantly revise existing magnet
15 school programs;

16 “(3) propose to select students to attend mag-
17 net school programs by methods such as lottery,
18 rather than through academic examination; and

19 “(4) propose to serve the entire student popu-
20 lation of a school.

21 **“SEC. 3127. USE OF FUNDS.**

22 “(a) IN GENERAL.—Grant funds made available
23 under this subpart may be used by an eligible local edu-
24 cational agency, or consortium of such agencies—

1 “(1) for planning and promotional activities di-
2 rectly related to the development, expansion, con-
3 tinuation, or enhancement of academic programs
4 and services offered at magnet schools;

5 “(2) for the acquisition of books, materials, and
6 equipment, including computers and the mainte-
7 nance and operation of materials, equipment, and
8 computers, necessary to conduct programs in mag-
9 net schools;

10 “(3) for the compensation, or subsidization of
11 the compensation, of elementary school and sec-
12 ondary school teachers, and instructional staff where
13 applicable, who are necessary to conduct programs
14 in magnet schools;

15 “(4) with respect to a magnet school program
16 offered to less than the entire student population of
17 a school, for instructional activities that—

18 “(A) are designed to make available the
19 special curriculum that is offered by the magnet
20 school program to students who are enrolled in
21 the school but who are not enrolled in the mag-
22 net school program; and

23 “(B) further the purpose of this subpart;

24 “(5) for activities, which may include profes-
25 sional development, that will build the recipient’s ca-

1 pacity to operate magnet school programs once the
2 grant period has ended;

3 “(6) to enable the local educational agency, or
4 consortium of such agencies, to have more flexibility
5 in the administration of a magnet school program in
6 order to serve students attending a school who are
7 not enrolled in a magnet school program; and

8 “(7) to enable the local educational agency, or
9 consortium of such agencies, to have flexibility in de-
10 signing magnet schools for students in all grades.

11 “(b) **SPECIAL RULE.**—Grant funds under this sub-
12 part may be used for activities described in paragraphs
13 (2) and (3) of subsection (a) only if the activities are di-
14 rectly related to improving student academic achievement
15 based on the State’s academic standards or directly re-
16 lated to improving student reading skills or knowledge of
17 mathematics, science, history, geography, English, foreign
18 languages, art, or music, or to improving career, technical,
19 and professional skills.

20 **“SEC. 3128. LIMITATIONS.**

21 “(a) **DURATION OF AWARDS.**—A grant under this
22 subpart shall be awarded for a period that shall not exceed
23 3 fiscal years.

24 “(b) **LIMITATION ON PLANNING FUNDS.**—A local
25 educational agency, or consortium of such agencies, may

1 expend for planning (professional development shall not
2 be considered to be planning for purposes of this sub-
3 section) not more than 50 percent of the grant funds re-
4 ceived under this subpart for the first year of the program
5 and not more than 15 percent of such funds for each of
6 the second and third such years.

7 “(c) AMOUNT.—No local educational agency, or con-
8 sortium of such agencies, awarded a grant under this sub-
9 part shall receive more than \$4,000,000 under this sub-
10 part for any 1 fiscal year.

11 “(d) TIMING.—To the extent practicable, the Sec-
12 retary shall award grants for any fiscal year under this
13 subpart not later than July 1 of the applicable fiscal year.

14 **“SEC. 3129. EVALUATIONS.**

15 “(a) RESERVATION.—The Secretary may reserve not
16 more than 2 percent of the funds appropriated under sec-
17 tion 3(e)(1)(B) for any fiscal year to carry out evaluations,
18 provide technical assistance, and carry out dissemination
19 projects with respect to magnet school programs assisted
20 under this subpart.

21 “(b) CONTENTS.—Each evaluation described in sub-
22 section (a), at a minimum, shall address—

23 “(1) how and the extent to which magnet school
24 programs lead to educational quality and academic
25 improvement;

1 “(2) the extent to which magnet school pro-
2 grams enhance student access to a quality education;

3 “(3) the extent to which magnet school pro-
4 grams lead to the elimination, reduction, or preven-
5 tion of minority group isolation in elementary
6 schools and secondary schools with substantial pro-
7 portions of minority students; and

8 “(4) the extent to which magnet school pro-
9 grams differ from other school programs in terms of
10 the organizational characteristics and resource allo-
11 cations of such magnet school programs.

12 “(c) DISSEMINATION.—The Secretary shall collect
13 and disseminate to the general public information on suc-
14 cessful magnet school programs.

15 **“SEC. 3130. RESERVATION.**

16 “‘In any fiscal year for which the amount appro-
17 priated under section 3(c)(1)(B) exceeds \$75,000,000, the
18 Secretary shall give priority in using such amounts in ex-
19 cess of \$75,000,000 to awarding grants to local edu-
20 cational agencies or consortia of such agencies that did
21 not receive a grant under this subpart in the preceding
22 fiscal year.

1 **“Subpart 3—Family Engagement in Education**
2 **Programs**

3 **“SEC. 3141. PURPOSES.**

4 “The purposes of this subpart are the following:

5 “(1) To provide financial support to organiza-
6 tions to provide technical assistance and training to
7 State and local educational agencies in the imple-
8 mentation and enhancement of systemic and effec-
9 tive family engagement policies, programs, and ac-
10 tivities that lead to improvements in student devel-
11 opment and academic achievement.

12 “(2) To assist State educational agencies, local
13 educational agencies, community-based organiza-
14 tions, schools, and educators in strengthening part-
15 nerships among parents, teachers, school leaders, ad-
16 ministrators, and other school personnel in meeting
17 the educational needs of children and fostering
18 greater parental engagement.

19 “(3) To support State educational agencies,
20 local educational agencies, schools, educators, and
21 parents in developing and strengthening the relation-
22 ship between parents and their children’s school in
23 order to further the developmental progress of chil-
24 dren.

1 “(4) To coordinate activities funded under this
2 subpart with parent involvement initiatives funded
3 under section 1118 and other provisions of this Act.

4 “(5) To assist the Secretary, State educational
5 agencies, and local educational agencies in the co-
6 ordination and integration of Federal, State, and
7 local services and programs to engage families in
8 education.

9 **“SEC. 3142. GRANTS AUTHORIZED.**

10 “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—
11 From the amount appropriated under section 3(c)(1)(C),
12 the Secretary is authorized to award grants for each fiscal
13 year to statewide organizations (or consortia of such orga-
14 nizations), to establish Statewide Family Engagement
15 Centers that provide comprehensive training and technical
16 assistance to State educational agencies, local educational
17 agencies, schools identified by State educational agencies
18 and local educational agencies, organizations that support
19 family-school partnerships, and other organizations that
20 carry out, or carry out directly, parent education and fam-
21 ily engagement in education programs.

22 “(b) MINIMUM AWARD.—In awarding grants under
23 this section, the Secretary shall, to the extent practicable,
24 ensure that a grant is awarded for a Statewide Family
25 Engagement Center in an amount not less than \$500,000.

1 **“SEC. 3143. APPLICATIONS.**

2 “(a) SUBMISSIONS.—Each statewide organization, or
3 a consortium of such organizations, that desires a grant
4 under this subpart shall submit an application to the Sec-
5 retary at such time, in such manner, and including the
6 information described in subsection (b).

7 “(b) CONTENTS.—Each application submitted under
8 subsection (a) shall include, at a minimum, the following:

9 “(1) A description of the applicant’s approach
10 to family engagement in education.

11 “(2) A description of the support that the
12 Statewide Family Engagement Center that will be
13 operated by the applicant will have from the State
14 educational agency and any partner organization
15 outlining the commitment to work with the center.

16 “(3) A description of the applicant’s plan for
17 building a statewide infrastructure for family en-
18 gagement in education, that includes—

19 “(A) management and governance;

20 “(B) statewide leadership; or

21 “(C) systemic services for family engage-
22 ment in education.

23 “(4) A description of the applicant’s dem-
24 onstrated experience in providing training, informa-
25 tion, and support to State educational agencies, local
26 educational agencies, schools, educators, parents,

1 and organizations on family engagement in edu-
2 cation policies and practices that are effective for
3 parents (including low-income parents) and families,
4 English learners, minorities, parents of students
5 with disabilities, parents of homeless students, foster
6 parents and students, and parents of migratory stu-
7 dents, including evaluation results, reporting, or
8 other data exhibiting such demonstrated experience.

9 “(5) An assurance that the applicant will—

10 “(A) establish a special advisory com-
11 mittee, the membership of which includes—

12 “(i) parents, who shall constitute a
13 majority of the members of the special ad-
14 visory committee;

15 “(ii) representatives of education pro-
16 fessionals with expertise in improving serv-
17 ices for disadvantaged children;

18 “(iii) representatives of local elemen-
19 tary schools and secondary schools, includ-
20 ing students;

21 “(iv) representatives of the business
22 community; and

23 “(v) representatives of State edu-
24 cational agencies and local educational
25 agencies;

1 “(B) use not less than 65 percent of the
2 funds received under this subpart in each fiscal
3 year to serve local educational agencies, schools,
4 and community-based organizations that serve
5 high concentrations of disadvantaged students,
6 including English learners, minorities, parents
7 of students with disabilities, parents of home-
8 less students, foster parents and students, and
9 parents of migratory students;

10 “(C) operate a Statewide Family Engage-
11 ment Center of sufficient size, scope, and qual-
12 ity to ensure that the Center is adequate to
13 serve the State educational agency, local edu-
14 cational agencies, and community-based organi-
15 zations;

16 “(D) ensure that the Center will retain
17 staff with the requisite training and experience
18 to serve parents in the State;

19 “(E) serve urban, suburban, and rural
20 local educational agencies and schools;

21 “(F) work with—

22 “(i) other Statewide Family Engage-
23 ment Centers assisted under this subpart;
24 and

1 “(ii) parent training and information
2 centers and community parent resource
3 centers assisted under sections 671 and
4 672 of the Individuals with Disabilities
5 Education Act;

6 “(G) use not less than 30 percent of the
7 funds received under this subpart for each fiscal
8 year to establish or expand technical assistance
9 for evidence-based parent education programs;

10 “(H) provide assistance to State edu-
11 cational agencies and local educational agencies
12 and community-based organizations that sup-
13 port family members in supporting student aca-
14 demic achievement;

15 “(I) work with State educational agencies,
16 local educational agencies, schools, educators,
17 and parents to determine parental needs and
18 the best means for delivery of services to ad-
19 dress such needs; and

20 “(J) conduct sufficient outreach to assist
21 parents, including parents who the applicant
22 may have a difficult time engaging with a
23 school or local educational agency.

1 **“SEC. 3144. USES OF FUNDS.**

2 “(a) IN GENERAL.—Grantees shall use grant funds
3 received under this subpart, based on the needs deter-
4 mined under section 3143(b)(5)(I), to provide training
5 and technical assistance to State educational agencies,
6 local educational agencies, and organizations that support
7 family-school partnerships, and activities, services, and
8 training for local educational agencies, school leaders, edu-
9 cators, and parents—

10 “(1) to assist parents in participating effectively
11 in their children’s education and to help their chil-
12 dren meet State standards, such as assisting par-
13 ents—

14 “(A) to engage in activities that will im-
15 prove student academic achievement, including
16 understanding how they can support learning in
17 the classroom with activities at home and in
18 afterschool and extracurricular programs;

19 “(B) to communicate effectively with their
20 children, teachers, school leaders, counselors,
21 administrators, and other school personnel;

22 “(C) to become active participants in the
23 development, implementation, and review of
24 school-parent compacts, family engagement in
25 education policies, and school planning and im-
26 provement;

1 “(D) to participate in the design and pro-
2 vision of assistance to students who are not
3 making academic progress;

4 “(E) to participate in State and local deci-
5 sionmaking;

6 “(F) to train other parents; and

7 “(G) to help the parents learn and use
8 technology applied in their children’s education;

9 “(2) to develop and implement, in partnership
10 with the State educational agency, statewide family
11 engagement in education policy and systemic initia-
12 tives that will provide for a continuum of services to
13 remove barriers for family engagement in education
14 and support school reform efforts; and

15 “(3) to develop and implement parental involve-
16 ment policies under this Act.

17 “(b) MATCHING FUNDS FOR GRANT RENEWAL.—
18 For each fiscal year after the first fiscal year for which
19 an organization or consortium receives assistance under
20 this section, the organization or consortium shall dem-
21 onstrate in the application that a portion of the services
22 provided by the organization or consortium is supported
23 through non-Federal contributions, which may be in cash
24 or in-kind.

1 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
2 reserve not more than 2 percent of the funds appropriated
3 under section 3(c)(1)(C) to carry out this subpart to pro-
4 vide technical assistance, by competitive grant or contract,
5 for the establishment, development, and coordination of
6 Statewide Family Engagement Centers.

7 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to prohibit a Statewide Family En-
9 gagement Center from—

10 “(1) having its employees or agents meet with
11 a parent at a site that is not on school grounds; or

12 “(2) working with another agency that serves
13 children.

14 “(e) PARENTAL RIGHTS.—Notwithstanding any
15 other provision of this section—

16 “(1) no person (including a parent who edu-
17 cates a child at home, a public school parent, or a
18 private school parent) shall be required to partici-
19 pate in any program of parent education or develop-
20 mental screening under this section; and

21 “(2) no program or center assisted under this
22 section shall take any action that infringes in any
23 manner on the right of a parent to direct the edu-
24 cation of their children.

1 **“SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

2 “The Secretary of the Interior, in consultation with
3 the Secretary of Education, shall establish, or enter into
4 contracts and cooperative agreements with local Indian
5 nonprofit parent organizations to establish and operate
6 Family Engagement Centers.

7 **“PART B—LOCAL ACADEMIC FLEXIBLE GRANT**

8 **“SEC. 3201. PURPOSE.**

9 “The purpose of this part is to—

10 “(1) provide local educational agencies with the
11 opportunity to access funds to support the initiatives
12 important to their schools and students to improve
13 academic achievement, including protecting student
14 safety; and

15 “(2) provide nonprofit and for-profit entities
16 the opportunity to work with students to improve
17 academic achievement, including student safety.

18 **“SEC. 3202. ALLOTMENTS TO STATES.**

19 “(a) RESERVATIONS.—From the funds appropriated
20 under section 3(c)(2) for any fiscal year, the Secretary
21 shall reserve—

22 “(1) not more than one-half of 1 percent for
23 national activities to provide technical assistance to
24 eligible entities in carrying out programs under this
25 part; and

1 “(2) not more than one-half of 1 percent for
2 payments to the outlying areas and the Bureau of
3 Indian Education, to be allotted in accordance with
4 their respective needs for assistance under this part,
5 as determined by the Secretary, to enable the out-
6 lying areas and the Bureau to carry out the purpose
7 of this part.

8 “(b) STATE ALLOTMENTS.—

9 “(1) DETERMINATION.—From the funds appro-
10 priated under section 3(c)(2) for any fiscal year and
11 remaining after the Secretary makes reservations
12 under subsection (a), the Secretary shall allot to
13 each State for the fiscal year an amount that bears
14 the same relationship to the remainder as the
15 amount the State received under chapter B of sub-
16 part 1 of part A of title I for the preceding fiscal
17 year bears to the amount all States received under
18 that chapter for the preceding fiscal year, except
19 that no State shall receive less than an amount
20 equal to one-half of 1 percent of the total amount
21 made available to all States under this subsection.

22 “(2) REALLOTMENT OF UNUSED FUNDS.—If a
23 State does not receive an allotment under this part
24 for a fiscal year, the Secretary shall reallocate the

1 amount of the State's allotment to the remaining
2 States in accordance with this section.

3 “(c) STATE USE OF FUNDS.—

4 “(1) IN GENERAL.—Each State that receives an
5 allotment under this part shall reserve not less than
6 75 percent of the amount allotted to the State under
7 subsection (b) for each fiscal year for awards to eli-
8 gible entities under section 3204.

9 “(2) AWARDS TO NONGOVERNMENTAL ENTI-
10 TIES TO IMPROVE STUDENT ACADEMIC ACHIEVE-
11 MENT.—Each State that receives an allotment under
12 subsection (b) for each fiscal year shall reserve not
13 less than 10 percent of the amount allotted to the
14 State for awards to nongovernmental entities under
15 section 3205.

16 “(3) STATE ACTIVITIES AND STATE ADMINIS-
17 TRATION.—A State educational agency may reserve
18 not more than 15 percent of the amount allotted to
19 the State under subsection (b) for each fiscal year
20 for the following:

21 “(A) Enabling the State educational agen-
22 cy—

23 “(i) to pay the costs of developing the
24 State assessments and standards required
25 under section 1111(b), which may include

1 the costs of working, at the sole discretion
2 of the State, in voluntary partnerships
3 with other States to develop such assess-
4 ments and standards; or

5 “(ii) if the State has developed the as-
6 sessments and standards required under
7 section 1111(b), to administer those as-
8 sements or carry out other activities re-
9 lated to ensuring that the State’s schools
10 and local educational agencies are helping
11 students meet the State’s academic stand-
12 ards under such section.

13 “(B) The administrative costs of carrying
14 out its responsibilities under this part, except
15 that not more than 5 percent of the reserved
16 amount may be used for this purpose.

17 “(C) Monitoring and evaluation of pro-
18 grams and activities assisted under this part.

19 “(D) Providing training and technical as-
20 sistance under this part.

21 “(E) Statewide academic focused pro-
22 grams.

23 “(F) Sharing evidence-based and other ef-
24 fective strategies with eligible entities.

1 **“SEC. 3203. STATE APPLICATION.**

2 “(a) IN GENERAL.—In order to receive an allotment
3 under section 3202 for any fiscal year, a State shall sub-
4 mit to the Secretary, at such time as the Secretary may
5 require, an application that—

6 “(1) designates the State educational agency as
7 the agency responsible for the administration and
8 supervision of programs assisted under this part;

9 “(2) describes how the State educational agency
10 will use funds reserved for State-level activities, in-
11 cluding how, if any, of the funds will be used to sup-
12 port student safety;

13 “(3) describes the procedures and criteria the
14 State educational agency will use for reviewing appli-
15 cations and awarding funds to eligible entities on a
16 competitive basis, which shall include reviewing how
17 the proposed project will help increase student aca-
18 demic achievement;

19 “(4) describes how the State educational agency
20 will ensure that awards made under this part are—

21 “(A) of sufficient size and scope to support
22 high-quality, effective programs that are con-
23 sistent with the purpose of this part; and

24 “(B) in amounts that are consistent with
25 section 3204(f);

1 “(5) describes the steps the State educational
2 agency will take to ensure that programs implement
3 effective strategies, including providing ongoing
4 technical assistance and training, and dissemination
5 of evidence-based and other effective strategies;

6 “(6) describes how the State educational agency
7 will consider students across all grades when making
8 these awards;

9 “(7) an assurance that, other than providing
10 technical and advisory assistance and monitoring
11 compliance with this part, the State educational
12 agency has not exercised and will not exercise any
13 influence in the decision-making process of eligible
14 entities as to the expenditure of funds received by
15 the eligible entities under this part;

16 “(8) describes how programs under this part
17 will be coordinated with programs under this Act,
18 and other programs as appropriate;

19 “(9) contains an assurance that the State edu-
20 cational agency—

21 “(A) will make awards for programs for a
22 period of not more than 5 years; and

23 “(B) will require each eligible entity seek-
24 ing such an award to submit a plan describing
25 how the project to be funded through the award

1 will continue after funding under this part
2 ends, if applicable; and

3 “(10) contains an assurance that funds appro-
4 priated to carry out this part will be used to supple-
5 ment, and not supplant, State and local public funds
6 expended to provide programs and activities author-
7 ized under this part and other similar programs.

8 “(b) DEEMED APPROVAL.—An application submitted
9 by a State educational agency pursuant to subsection (a)
10 shall be deemed to be approved by the Secretary unless
11 the Secretary makes a written determination, prior to the
12 expiration of the 120-day period beginning on the date on
13 which the Secretary received the application, that the ap-
14 plication is not in compliance with this part.

15 “(c) DISAPPROVAL.—The Secretary shall not finally
16 disapprove the application, except after giving the State
17 educational agency notice and an opportunity for a hear-
18 ing.

19 “(d) NOTIFICATION.—If the Secretary finds that the
20 application is not in compliance, in whole or in part, with
21 this part, the Secretary shall—

22 “(1) give the State educational agency notice
23 and an opportunity for a hearing; and

1 “(2) notify the State educational agency of the
2 finding of noncompliance, and, in such notification,
3 shall—

4 “(A) cite the specific provisions in the ap-
5 plication that are not in compliance; and

6 “(B) request additional information, only
7 as to the noncompliant provisions, needed to
8 make the application compliant.

9 “(e) RESPONSE.—If the State educational agency re-
10 sponds to the Secretary’s notification described in sub-
11 section (d)(2) during the 45-day period beginning on the
12 date on which the agency received the notification, and
13 resubmits the application with the requested information
14 described in subsection (d)(2)(B), the Secretary shall ap-
15 prove or disapprove such application prior to the later of—

16 “(1) the expiration of the 45-day period begin-
17 ning on the date on which the application is resub-
18 mitted; or

19 “(2) the expiration of the 120-day period de-
20 scribed in subsection (b).

21 “(f) FAILURE TO RESPOND.—If the State edu-
22 cational agency does not respond to the Secretary’s notifi-
23 cation described in subsection (d)(2) during the 45-day pe-
24 riod beginning on the date on which the agency received

1 the notification, such application shall be deemed to be
2 disapproved.

3 “(g) **RULE OF CONSTRUCTION.**—An application sub-
4 mitted by a State educational agency pursuant to sub-
5 section (a) shall not be approved or disapproved based
6 upon the activities for which the agency may make funds
7 available to eligible entities under section 3204 if the agen-
8 cy’s use of funds is consistent with section 3204(b).

9 **“SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.**

10 “(a) **IN GENERAL.**—A State that receives funds
11 under this part for a fiscal year shall provide the amount
12 made available under section 3202(c)(1) to eligible entities
13 in accordance with this section.

14 “(b) **USE OF FUNDS.**—

15 “(1) **IN GENERAL.**—An eligible entity that re-
16 ceives an award under this part shall use the funds
17 for activities that—

18 “(A) are evidence-based;

19 “(B) will improve student academic
20 achievement;

21 “(C) are allowable under State law; and

22 “(D) focus on one or more projects from
23 the following two categories:

24 “(i) Supplemental student support ac-
25 tivities such as before, after, or summer

1 school activities, tutoring, and expanded
2 learning time, but not including athletics
3 or in-school learning activities.

4 “(ii) Activities designed to support
5 students, such as academic subject specific
6 programs, adjunct teacher programs, ex-
7 tended learning time programs, and parent
8 engagement, but not including activities
9 to—

10 “(I) support smaller class sizes
11 or construction; or

12 “(II) provide compensation or
13 benefits to teachers, school leaders,
14 other school officials, or local edu-
15 cational agency staff.

16 “(2) PARTICIPATION OF CHILDREN ENROLLED
17 IN PRIVATE SCHOOLS.—An eligible entity that re-
18 ceives an award under this part shall ensure compli-
19 ance with section 5501 (relating to participation of
20 children enrolled in private schools).

21 “(c) APPLICATION.—

22 “(1) IN GENERAL.—To be eligible to receive an
23 award under this part, an eligible entity shall submit
24 an application to the State educational agency at
25 such time, in such manner, and including such infor-

1 mation as the State educational agency may reason-
2 ably require, including the contents required by
3 paragraph (2).

4 “(2) CONTENTS.—Each application submitted
5 under paragraph (1) shall include—

6 “(A) a description of the activities to be
7 funded and how they are consistent with sub-
8 section (b), including any activities that will in-
9 crease student safety;

10 “(B) an assurance that funds under this
11 part will be used to increase the level of State,
12 local, and other non-Federal funds that would,
13 in the absence of funds under this part, be
14 made available for programs and activities au-
15 thorized under this part, and in no case sup-
16 plant State, local, or non-Federal funds;

17 “(C) an assurance that the community will
18 be given notice of an intent to submit an appli-
19 cation with an opportunity for comment, and
20 that the application will be available for public
21 review after submission of the application; and

22 “(D) an assurance that students who ben-
23 efit from any activity funded under this part
24 shall continue to maintain enrollment in a pub-
25 lic elementary or secondary school.

1 “(d) REVIEW.—In reviewing local applications under
2 this section, a State educational agency shall use a peer
3 review process or other methods of assuring the quality
4 of such applications but the review shall be limited to the
5 likelihood that the project will increase student academic
6 achievement.

7 “(e) GEOGRAPHIC DIVERSITY.—A State educational
8 agency shall distribute funds under this part equitably
9 among geographic areas within the State, including rural,
10 suburban, and urban communities.

11 “(f) AWARD.—A grant shall be awarded to all eligible
12 entities that submit an application that meets the require-
13 ments of this section in an amount that is not less than
14 \$10,000, but there shall be only one award granted to any
15 one local educational agency, but such award may be for
16 multiple projects or programs with the local educational
17 agency.

18 “(g) DURATION OF AWARDS.—Grants under this
19 part may be awarded for a period of not more than 5
20 years.

21 “(h) ELIGIBLE ENTITY DEFINED.—In this section,
22 the term ‘eligible entity’ means—

23 “(1) a local educational agency in partnership
24 with a community-based organization, business enti-
25 ty, or nongovernmental entity;

1 “(2) a consortium of local educational agencies
2 working in partnership with a community-based or-
3 ganization, business entity, or nongovernmental enti-
4 ty;

5 “(3) a community-based organization in part-
6 nership with a local educational agency and, if appli-
7 cable, a business entity or nongovernmental entity;
8 or

9 “(4) a business entity in partnership with a
10 local educational agency and, if applicable, a commu-
11 nity-based organization or nongovernmental entity.

12 **“SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO**
13 **IMPROVE ACADEMIC ACHIEVEMENT.**

14 “(a) IN GENERAL.—From the amount reserved
15 under section 3202(c)(2), a State educational agency shall
16 award grants to nongovernmental entities, including pub-
17 lic or private organizations, community-based or faith-
18 based organizations, and business entities for a program
19 or project to increase the academic achievement of public
20 school students attending public elementary or secondary
21 schools (or both) in compliance with the requirements in
22 this section. Subject to the availability of funds, the State
23 educational agency shall award a grant to each eligible ap-
24 plicant that meets the requirements in a sufficient size and
25 scope to support the program.

1 “(b) APPLICATION.—The State educational agency
2 shall require an application that includes the following in-
3 formation:

4 “(1) A description of the program or project
5 the applicant will use the funds to support.

6 “(2) A description of how the applicant is using
7 or will use other State, local, or private funding to
8 support the program or project.

9 “(3) A description of how the program or
10 project will help increase student academic achieve-
11 ment, including the evidence to support this claim.

12 “(4) A description of the student population the
13 program or project is targeting to impact, and if the
14 program will prioritize students in high-need local
15 educational agencies.

16 “(5) A description of how the applicant will
17 conduct sufficient outreach to ensure students can
18 participate in the program or project.

19 “(6) A description of any partnerships the ap-
20 plicant has entered into with local educational agen-
21 cies or other entities the applicant will work with, if
22 applicable.

23 “(7) A description of how the applicant will
24 work to share evidence-based and other effective
25 strategies from the program or project with local

1 educational agencies and other entities working with
2 students to increase academic achievement.

3 “(8) An assurance that students who benefit
4 from any program or project funded under this sec-
5 tion shall continue to maintain enrollment in a pub-
6 lic elementary or secondary school.

7 “(c) MATCHING CONTRIBUTION.—An eligible appli-
8 cant receiving a grant under this section shall provide, ei-
9 ther directly or through private contributions, non-Federal
10 matching funds equal to not less than 50 percent of the
11 amount of the grant.

12 “(d) REVIEW.—The State educational agency shall
13 review the application to ensure that—

14 “(1) the applicant is an eligible applicant;

15 “(2) the application clearly describes the re-
16 quired elements in subsection (b);

17 “(3) the entity meets the matching requirement
18 described in subsection (c); and

19 “(4) the program is allowable and complies with
20 Federal, State, and local laws.

21 “(e) DISTRIBUTION OF FUNDS.—If the application
22 requests exceed the funds available, the State educational
23 agency shall prioritize projects that support students in
24 high-need local educational agencies and ensure geo-

1 graphic diversity, including serving rural, suburban, and
2 urban areas.

3 “(f) ADMINISTRATIVE COSTS.—Not more than 1 per-
4 cent of a grant awarded under this section may be used
5 for administrative costs.

6 **“SEC. 3206. REPORT.**

7 “Each recipient of a grant under section 3204 or
8 3205 shall report to the State educational agency on—

9 “(1) the success of the program in reaching the
10 goals of the program;

11 “(2) a description of the students served by the
12 program and how the students’ academic achieve-
13 ment improved; and

14 “(3) the results of any evaluation conducted on
15 the success of the program.”.

16 **TITLE IV—IMPACT AID**

17 **SEC. 401. PURPOSE.**

18 Section 8001 (20 U.S.C. 7701) is amended by strik-
19 ing “challenging State standards” and inserting “State
20 academic standards”.

21 **SEC. 402. PAYMENTS RELATING TO FEDERAL ACQUISITION**
22 **OF REAL PROPERTY.**

23 Section 8002 (20 U.S.C. 7702) is amended—

24 (1) in subsection (b)(1)(B), by striking “section
25 8014(a)” and inserting “section 3(d)(1)”; and

1 (2) by amending subsection (f) to read as fol-
2 lows:

3 “(f) SPECIAL RULE.—Beginning with fiscal year
4 2014, a local educational agency shall be deemed to meet
5 the requirements of subsection (a)(1)(C) if records to de-
6 termine eligibility under such subsection were destroyed
7 prior to fiscal year 2000 and the agency received funds
8 under subsection (b) in the previous year.”;

9 (3) by amending subsection (g) to read as fol-
10 lows:

11 “(g) FORMER DISTRICTS.—

12 “(1) CONSOLIDATIONS.—For fiscal year 2006
13 and each succeeding fiscal year, if a local edu-
14 cational agency described in paragraph (2) is formed
15 at any time after 1938 by the consolidation of two
16 or more former school districts, the local educational
17 agency may elect to have the Secretary determine its
18 eligibility and any amount for which the local edu-
19 cational agency is eligible under this section for such
20 fiscal year on the basis of one or more of those
21 former districts, as designated by the local edu-
22 cational agency.

23 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
24 CIES.—A local educational agency described in this
25 paragraph is—

1 “(A) any local educational agency that, for
2 fiscal year 1994 or any preceding fiscal year,
3 applied for, and was determined to be eligible
4 under section 2(e) of the Act of September 30,
5 1950 (Public Law 874, 81st Congress) as that
6 section was in effect for that fiscal year; or

7 “(B) a local educational agency formed by
8 the consolidation of 2 or more school districts,
9 at least one of which was eligible for assistance
10 under this section for the fiscal year preceding
11 the year of the consolidation, if—

12 “(i) for fiscal years 2006 through
13 2013, the local educational agency notifies
14 the Secretary not later than 30 days after
15 the date of enactment of the Student Suc-
16 cess Act of the designation described in
17 paragraph (1); and

18 “(ii) for fiscal year 2014, and each
19 subsequent fiscal year, the local edu-
20 cational agency includes the designation in
21 its application under section 8005 or any
22 timely amendment to such application.

23 “(3) AVAILABILITY OF FUNDS.—Notwith-
24 standing any other provision of law limiting the pe-
25 riod during which the Secretary may obligate funds

1 appropriated for any fiscal year after fiscal year
2 2005, the Secretary may obligate funds remaining
3 after final payments have been made for any of such
4 fiscal years to carry out this subsection.”;

5 (4) in subsection (h)—

6 (A) in paragraph (2)—

7 (i) in subparagraph (C)(ii), by strik-
8 ing “section 8014(a)” and inserting “sec-
9 tion 3(d)(1)”;

10 (ii) in subparagraph (D), by striking
11 “section 8014(a)” and inserting “section
12 3(d)(1)”;

13 (B) in paragraph (4), by striking “Impact
14 Aid Improvement Act of 2012” and inserting
15 “Student Success Act”;

16 (5) by repealing subsections (k) and (m);

17 (6) by redesignating subsection (l) as subsection
18 (j);

19 (7) by amending subsection (j) (as so redesign-
20 nated) by striking “(h)(4)(B)” and inserting
21 “(h)(2)”;

22 (8) by redesignating subsection (n) as sub-
23 section (k).

1 **SEC. 403. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
2 **NECTED CHILDREN.**

3 (a) COMPUTATION OF PAYMENT.—Section 8003(a)
4 (20 U.S.C. 7703(a)) is amended—

5 (1) in the matter preceding subparagraph (A)
6 of paragraph (1), by inserting after “schools of such
7 agency” the following: “(including those children en-
8 rolled in such agency as a result of the open enroll-
9 ment policy of the State in which the agency is lo-
10 cated, but not including children who are enrolled in
11 a distance education program at such agency and
12 who are not residing within the geographic bound-
13 aries of such agency)”; and

14 (2) in paragraph (5)(A), by striking “1984”
15 and all that follows through “situated” and inserting
16 “1984, or under lease of off-base property under
17 subchapter IV of chapter 169 of title 10, United
18 States Code, to be children described under para-
19 graph (1)(B) if the property described is within the
20 fenced security perimeter of the military facility or
21 attached to and under any type of force protection
22 agreement with the military installation upon which
23 such housing is situated.”

24 (b) BASIC SUPPORT PAYMENTS FOR HEAVILY IM-
25 PACTED LOCAL EDUCATIONAL AGENCIES.—Section
26 8003(b) (20 U.S.C. 7703(b)) is amended—

1 (1) by striking “section 8014(b)” each place it
2 appears and inserting “section 3(d)(2)”;

3 (2) in paragraph (1), by repealing subpara-
4 graph (E);

5 (3) in paragraph (2)—

6 (A) in subparagraph (A), by inserting at
7 the end the following:

8 “(iii) The Secretary shall—

9 “(I) deem each local educational
10 agency that received a basic support
11 payment under this paragraph for fis-
12 cal year 2009 as eligible to receive a
13 basic support payment under this
14 paragraph for each of fiscal years
15 2012, 2013, and 2014; and

16 “(II) make a payment to each
17 such local educational agency under
18 this paragraph for each of fiscal years
19 2012, 2013, and 2014.”; and

20 (B) in subparagraph (B)—

21 (i) by striking “CONTINUING” in the
22 heading;

23 (ii) by amending clause (i) to read as
24 follows:

1 “(i) IN GENERAL.—A heavily im-
2 pacted local educational agency is eligible
3 to receive a basic support payment under
4 subparagraph (A) with respect to a num-
5 ber of children determined under sub-
6 section (a)(1) if the agency—

7 “(I) is a local educational agen-
8 cy—

9 “(aa) whose boundaries are
10 the same as a Federal military
11 installation or an island property
12 designated by the Secretary of
13 the Interior to be property that is
14 held in trust by the Federal Gov-
15 ernment; and

16 “(bb) that has no taxing au-
17 thority;

18 “(II) is a local educational agen-
19 cy that—

20 “(aa) has an enrollment of
21 children described in subsection
22 (a)(1) that constitutes a percent-
23 age of the total student enroll-
24 ment of the agency that is not
25 less than 45 percent;

1 “(bb) has a per-pupil ex-
2 penditure that is less than—

3 “(AA) for an agency
4 that has a total student en-
5 rollment of 500 or more stu-
6 dents, 125 percent of the av-
7 erage per-pupil expenditure
8 of the State in which the
9 agency is located; or

10 “(BB) for any agency
11 that has a total student en-
12 rollment less than 500, 150
13 percent of the average per-
14 pupil expenditure of the
15 State in which the agency is
16 located or the average per-
17 pupil expenditure of 3 or
18 more comparable local edu-
19 cational agencies in the
20 State in which the agency is
21 located; and

22 “(cc) is an agency that—

23 “(AA) has a tax rate
24 for general fund purposes
25 that is not less than 95 per-

1 cent of the average tax rate
2 for general fund purposes of
3 comparable local educational
4 agencies in the State; or

5 “(BB) was eligible to
6 receive a payment under this
7 subsection for fiscal year
8 2013 and is located in a
9 State that by State law has
10 eliminated ad valorem tax as
11 a revenue for local edu-
12 cational agencies;

13 “(III) is a local educational agen-
14 cy that—

15 “(aa) has an enrollment of
16 children described in subsection
17 (a)(1) that constitutes a percent-
18 age of the total student enroll-
19 ment of the agency that is not
20 less than 20 percent;

21 “(bb) for the 3 fiscal years
22 preceding the fiscal year for
23 which the determination is made,
24 the average enrollment of chil-
25 dren who are not described in

1 subsection (a)(1) and who are eli-
2 gible for a free or reduced price
3 lunch under the Richard B. Rus-
4 sell National School Lunch Act
5 constitutes a percentage of the
6 total student enrollment of the
7 agency that is not less than 65
8 percent; and

9 “(cc) has a tax rate for gen-
10 eral fund purposes which is not
11 less than 125 percent of the aver-
12 age tax rate for general fund
13 purposes for comparable local
14 educational agencies in the State;

15 “(IV) is a local educational agen-
16 cy that has a total student enrollment
17 of not less than 25,000 students, of
18 which—

19 “(aa) not less than 50 per-
20 cent are children described in
21 subsection (a)(1); and

22 “(bb) not less than 5,500 of
23 such children are children de-
24 scribed in subparagraphs (A) and
25 (B) of subsection (a)(1); or

1 “(V) is a local educational agency
2 that—

3 “(aa) has an enrollment of
4 children described in subsection
5 (a)(1) including, for purposes of
6 determining eligibility, those chil-
7 dren described in subparagraphs
8 (F) and (G) of such subsection,
9 that is not less than 35 percent
10 of the total student enrollment of
11 the agency; and

12 “(bb) was eligible to receive
13 assistance under subparagraph
14 (A) for fiscal year 2001.”; and

15 (iii) in clause (ii)—

16 (I) by striking “A heavily” and
17 inserting the following:

18 “(I) IN GENERAL.—Subject to
19 subclause (II), a heavily”; and

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

22 “(II) LOSS OF ELIGIBILITY DUE
23 TO FALLING BELOW 95 PERCENT OF
24 THE AVERAGE TAX RATE FOR GEN-
25 ERAL FUND PURPOSES.—In a case of

1 a heavily impacted local educational
2 agency that is eligible to receive a
3 basic support payment under subpara-
4 graph (A), but that has had, for 2
5 consecutive fiscal years, a tax rate for
6 general fund purposes that falls below
7 95 percent of the average tax rate for
8 general fund purposes of comparable
9 local educational agencies in the
10 State, such agency shall be deter-
11 mined to be ineligible under clause (i)
12 and ineligible to receive a basic sup-
13 port payment under subparagraph (A)
14 for each fiscal year succeeding such 2
15 consecutive fiscal years for which the
16 agency has such a tax rate for general
17 fund purposes, and until the fiscal
18 year for which the agency resumes
19 such eligibility in accordance with
20 clause (iii).”;

21 (C) by striking subparagraph (C);

22 (D) by redesignating subparagraphs (D)
23 through (H) as subparagraphs (C) through (G),
24 respectively;

1 (E) in subparagraph (C) (as so redesign-
2 nated)—

3 (i) in the heading, by striking “REG-
4 ULAR”;

5 (ii) by striking “Except as provided in
6 subparagraph (E)” and inserting “Except
7 as provided in subparagraph (D)”;

8 (iii) by amending subclause (I) of
9 clause (ii) to read as follows:

10 “(ii)(I)(aa) For a local educational agency
11 with respect to which 35 percent or more of the
12 total student enrollment of the schools of the
13 agency are children described in subparagraph
14 (D) or (E) (or a combination thereof) of sub-
15 section (a)(1), and that has an enrollment of
16 children described in subparagraphs (A), (B),
17 or (C) of such subsection equal to at least 10
18 percent of the agency’s total enrollment, the
19 Secretary shall calculate the weighted student
20 units of those children described in subpara-
21 graph (D) or (E) of such subsection by multi-
22 plying the number of such children by a factor
23 of 0.55.

24 “(bb) Notwithstanding subitem (aa), a
25 local educational agency that received a pay-

1 ment under this paragraph for fiscal year 2013
2 shall not be required to have an enrollment of
3 children described in subparagraphs (A), (B),
4 or (C) of subsection (a)(1) equal to at least 10
5 percent of the agency’s total enrollment.”; and

6 (iv) by amending subclause (III) of
7 clause (ii) by striking “(B)(i)(II)(aa)” and
8 inserting “subparagraph (B)(i)(I)”;

9 (F) in subparagraph (D)(i)(II) (as so re-
10 designated), by striking “6,000” and inserting
11 “5,500”;

12 (G) in subparagraph (E) (as so redesign-
13 ated)—

14 (i) by striking “Secretary” and all
15 that follows through “shall use” and in-
16 serting “Secretary shall use”;

17 (ii) by striking “; and” and inserting
18 a period; and

19 (iii) by striking clause (ii);

20 (H) in subparagraph (F) (as so redesign-
21 ated), by striking “subparagraph
22 (C)(i)(II)(bb)” and inserting “subparagraph
23 (B)(i)(II)(bb)(BB)”;

24 (I) in subparagraph (G) (as so redesign-
25 ated)—

1 (i) in clause (i)—

2 (I) by striking “subparagraph
3 (B), (C), (D), or (E)” and inserting
4 “subparagraph (B), (C), or (D)”;

5 (II) by striking “by reason of”
6 and inserting “due to”;

7 (III) by inserting after “clause
8 (iii)” the following “, or as the direct
9 result of base realignment and closure
10 or modularization as determined by
11 the Secretary of Defense and force
12 structure change or force relocation”;
13 and

14 (IV) by inserting before the pe-
15 riod, the following: “or during such
16 time as activities associated with base
17 closure and realignment,
18 modularization, force structure
19 change, or force relocation are ongo-
20 ing”; and

21 (ii) in clause (ii), by striking “(D) or
22 (E)” each place it appears and inserting
23 “(C) or (D)”;

24 (4) in paragraph (3)—

25 (A) in subparagraph (B)—

1 (i) by amending clause (iii) to read as
2 follows:

3 “(iii) In the case of a local educational
4 agency providing a free public education to stu-
5 dents enrolled in kindergarten through grade
6 12, but which enrolls students described in sub-
7 paragraphs (A), (B), and (D) of subsection
8 (a)(1) only in grades 9 through 12, and which
9 received a final payment in fiscal year 2009 cal-
10 culated under this paragraph (as this para-
11 graph was in effect on the day before the date
12 of enactment of the Student Success Act) for
13 students in grades 9 through 12, the Secretary
14 shall, in calculating the agency’s payment, con-
15 sider only that portion of such agency’s total
16 enrollment of students in grades 9 through 12
17 when calculating the percentage under clause
18 (i)(I) and only that portion of the total current
19 expenditures attributed to the operation of
20 grades 9 through 12 in such agency when cal-
21 culating the percentage under clause (i)(II).”;
22 and

23 (ii) by adding at the end the fol-
24 lowing:

1 “(v) In the case of a local educational
2 agency that is providing a program of distance
3 education to children not residing within the ge-
4 ographic boundaries of the agency, the Sec-
5 retary shall—

6 “(I) for purposes of the calculation
7 under clause (i)(I), disregard such children
8 from the total number of children in aver-
9 age daily attendance at the schools served
10 by such agency; and

11 “(II) for purposes of the calculation
12 under clause (i)(II), disregard any funds
13 received for such children from the total
14 current expenditures for such agency.”;

15 (B) in subparagraph (C), by striking “sub-
16 paragraph (D) or (E) of paragraph (2), as the
17 case may be” and inserting “paragraph
18 (2)(D)”;

19 (C) by amending subparagraph (D) to read
20 as follows:

21 “(D) RATABLE DISTRIBUTION.—For any
22 fiscal year described in subparagraph (A) for
23 which the sums available exceed the amount re-
24 quired to pay each local educational agency 100
25 percent of its threshold payment, the Secretary

1 shall distribute the excess sums to each eligible
2 local educational agency that has not received
3 its full amount computed under paragraph (1)
4 or (2) (as the case may be) by multiplying—

5 “(i) a percentage, the denominator of
6 which is the difference between the full
7 amount computed under paragraph (1) or
8 (2) (as the case may be) for all local edu-
9 cational agencies and the amount of the
10 threshold payment (as calculated under
11 subparagraphs (B) and (C)) of all local
12 educational agencies, and the numerator of
13 which is the aggregate of the excess sums,
14 by;

15 “(ii) the difference between the full
16 amount computed under paragraph (1) or
17 (2) (as the case may be) for the agency
18 and the amount of the threshold payment
19 as calculated under subparagraphs (B) and
20 (C) of the agency.”; and

21 (D) by inserting at the end the following
22 new subparagraphs:

23 “(E) INSUFFICIENT PAYMENTS.—For each
24 fiscal year described in subparagraph (A) for
25 which the sums appropriated under section

1 3(d)(2) are insufficient to pay each local edu-
2 cational agency all of the local educational
3 agency’s threshold payment described in sub-
4 paragraph (D), the Secretary shall ratably re-
5 duce the payment to each local educational
6 agency under this paragraph.

7 “(F) INCREASES.—If the sums appro-
8 priated under section 3(d)(2) are sufficient to
9 increase the threshold payment above the 100
10 percent threshold payment described in sub-
11 paragraph (D), then the Secretary shall in-
12 crease payments on the same basis as such pay-
13 ments were reduced, except no local educational
14 agency may receive a payment amount greater
15 than 100 percent of the maximum payment cal-
16 culated under this subsection.”; and

17 (5) in paragraph (4)—

18 (A) in subparagraph (A), by striking
19 “through (D)” and inserting “and (C)”; and

20 (B) in subparagraph (B), by striking “sub-
21 paragraph (D) or (E)” and inserting “subpara-
22 graph (C) or (D)”.

23 (c) PRIOR YEAR DATA.—Paragraph (2) of section
24 8003(c) (20 U.S.C. 7703(c)) is amended to read as fol-
25 lows:

1 “(2) EXCEPTION.—Calculation of payments for
2 a local educational agency shall be based on data
3 from the fiscal year for which the agency is making
4 an application for payment if such agency—

5 “(A) is newly established by a State, for
6 the first year of operation of such agency only;

7 “(B) was eligible to receive a payment
8 under this section for the previous fiscal year
9 and has had an overall increase in enrollment
10 (as determined by the Secretary in consultation
11 with the Secretary of Defense, the Secretary of
12 Interior, or the heads of other Federal agen-
13 cies)—

14 “(i) of not less than 10 percent, or
15 100 students, of children described in—

16 “(I) subparagraph (A), (B), (C),
17 or (D) of subsection (a)(1); or

18 “(II) subparagraph (F) and (G)
19 of subsection (a)(1), but only to the
20 extent such children are civilian de-
21 pendents of employees of the Depart-
22 ment of Defense or the Department of
23 Interior; and

24 “(ii) that is the direct result of closure
25 or realignment of military installations

1 under the base closure process or the relo-
2 cation of members of the Armed Forces
3 and civilian employees of the Department
4 of Defense as part of the force structure
5 changes or movements of units or per-
6 sonnel between military installations or be-
7 cause of actions initiated by the Secretary
8 of the Interior or the head of another Fed-
9 eral agency; or

10 “(C) was eligible to receive a payment
11 under this section for the previous fiscal year
12 and has had an increase in enrollment (as de-
13 termined by the Secretary)—

14 “(i) of not less than 10 percent of
15 children described in subsection (a)(1) or
16 not less than 100 of such children; and

17 “(ii) that is the direct result of the
18 closure of a local educational agency that
19 received a payment under subsection (b)(1)
20 or (b)(2) in the previous fiscal year.”.

21 (d) CHILDREN WITH DISABILITIES.—Section
22 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
23 “section 8014(c)” and inserting “section 3(d)(3)”.

24 (e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C.
25 7703(e)) is amended—

1 (1) by amending paragraph (1) to read as fol-
2 lows:

3 “(1) IN GENERAL.—Subject to paragraph (2),
4 the total amount the Secretary shall pay a local edu-
5 cational agency under subsection (b)—

6 “(A) for fiscal year 2014, shall not be less
7 than 90 percent of the total amount that the
8 local educational agency received under sub-
9 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
10 year 2013;

11 “(B) for fiscal year 2015, shall not be less
12 than 85 percent of the total amount that the
13 local educational agency received under sub-
14 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
15 year 2013; and

16 “(C) for fiscal year 2016, shall not be less
17 than 80 percent of the total amount that the
18 local educational agency received under sub-
19 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
20 year 2013.”; and

21 (2) by amending paragraph (2) to read as fol-
22 lows:

23 “(2) MAXIMUM AMOUNT.—The total amount
24 provided to a local educational agency under sub-
25 paragraph (A), (B), or (C) of paragraph (1) for a

1 ments under circumstances described in section
2 4003(b)(2)(B)(ii).”; and

3 (C) in paragraph (3), by striking “section
4 8014(e)” each place it appears and inserting
5 “section 3(d)(4)”; and
6 (2) in subsection (b)—

7 (A) in paragraph (1), by striking “section
8 8014(e)” and inserting “section 3(d)(4)”;
9 (B) in paragraph (3)—

10 (i) in subparagraph (C)(i)(I), by add-
11 ing at the end the following:

12 “(cc) At least 10 percent of the
13 property in the agency is exempt from
14 State and local taxation under Fed-
15 eral law.”; and

16 (ii) by adding at the end the fol-
17 lowing:

18 “(F) LIMITATIONS ON ELIGIBILITY RE-
19 QUIREMENTS.—The Secretary shall not limit
20 eligibility—

21 “(i) under subparagraph (C)(i)(I)(aa),
22 to those local educational agencies in which
23 the number of children determined under
24 section 8003(a)(1)(C) for each such agency
25 for the preceding school year constituted

1 more than 40 percent of the total student
2 enrollment in the schools of each such
3 agency during the preceding school year;
4 and

5 “(ii) under subparagraph (C)(i)(I)(cc),
6 to those local educational agencies in which
7 more than 10 percent of the property in
8 each such agency is exempt from State and
9 local taxation under Federal law.”;

10 (C) in paragraph (6)—

11 (i) in the matter preceding subpara-
12 graph (A), by striking “in such manner,
13 and accompanied by such information”
14 and inserting “and in such manner”; and

15 (ii) by striking subparagraph (F); and
16 (D) by striking paragraph (7).

17 **SEC. 407. FACILITIES.**

18 Section 8008 (20 U.S.C. 7708) is amended in sub-
19 section (a), by striking “section 8014(f)” and inserting
20 “section 3(d)(5)”.

21 **SEC. 408. STATE CONSIDERATION OF PAYMENTS PRO-**
22 **VIDING STATE AID.**

23 Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is
24 amended by striking “and contain the information”.

1 **SEC. 409. FEDERAL ADMINISTRATION.**

2 Section 8010(d)(2) (20 U.S.C. 7710(d)(2)) is amend-
3 ed, by striking “section 8014” and inserting “section
4 3(d)”.

5 **SEC. 410. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
6 **VIEW.**

7 Section 8011(a) (20 U.S.C. 7711(a)) is amended by
8 striking “or under the Act” and all the follows through
9 “1994)”.

10 **SEC. 411. DEFINITIONS.**

11 Section 8013 (20 U.S.C. 7713) is amended—

12 (1) in paragraph (1), by striking “and Marine
13 Corps” and inserting “Marine Corps, and Coast
14 Guard”;

15 (2) in paragraph (4), by striking “and title VI”;

16 (3) in paragraph (5)(A)(iii)—

17 (A) in subclause (II), by striking “Stewart
18 B. McKinney Homeless Assistance Act” and in-
19 serting “McKinney-Vento Homeless Assistance
20 Act (42 U.S.C. 11411)”;

21 (B) in subclause (III), by inserting before
22 the semicolon, “(25 U.S.C. 4101 et seq.)”;

23 (4) in paragraph (8)(A), by striking “and
24 verified by” and inserting “, and verified by,”; and

25 (5) in paragraph (9)(B), by inserting a comma
26 before “on a case-by-case basis”.

1 **SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 8014 (20 U.S.C. 7801) is repealed.

3 **SEC. 413. CONFORMING AMENDMENTS.**

4 (a) **IMPACT AID IMPROVEMENT ACT OF 2012.**—Sub-
5 section (c) of the Impact Aid Improvement Act of 2012
6 (20 U.S.C. 6301 note; Public Law 112–239; 126 Stat
7 1748) is amended—

8 (1) by striking paragraphs (1) and (4); and

9 (2) by redesignating paragraphs (2) and (3), as
10 paragraphs (1) and (2), respectively.

11 (b) **REPEAL.**—Title IV (20 U.S.C. 7101 et seq.), as
12 amended by section 501(b)(2) of this Act, is repealed.

13 (c) **TRANSFER AND REDESIGNATION.**—Title VIII (20
14 U.S.C. 7701 et seq.), as amended by this title, is redesign-
15 nated as title IV (20 U.S.C. 7101 et seq.), and transferred
16 and inserted after title III (as amended by this Act).

17 (d) **TITLE IV.**—The heading relating to title IV of
18 such Act (20 U.S.C. 7101 et seq.) is amended to read as
19 follows:

20 **“TITLE IV—IMPACT AID”.**

21 (e) **TITLE VIII REFERENCES.**—The Act (20 U.S.C.
22 6301 et seq.) is amended—

23 (1) by redesignating sections 8001 through
24 8005 as sections 4001 through 4005, respectively;

25 (2) by redesignating sections 8007 through
26 8013 as sections 4007 through 4013, respectively;

1 (3) by striking “section 8002” each place it ap-
2 pears and inserting “section 4002”;

3 (4) by striking “section 8002(b)” each place it
4 appears and inserting “section 4002(b)”;

5 (5) by striking “section 8003” each place it ap-
6 pears and inserting “section 4003”, respectively;

7 (6) by striking “section 8003(a)” each place it
8 appears and inserting “section 4003(a)”;

9 (7) by striking “section 8003(a)(1)” each place
10 it appears and inserting “section 4003(a)(1)”;

11 (8) by striking “section 8003(a)(1)(C)” each
12 place it appears and inserting “section
13 4003(a)(1)(C)”;

14 (9) by striking “section 8002(a)(2)” each place
15 it appears and inserting “section 4002(a)(2)”;

16 (10) by striking “section 8003(b)” each place it
17 appears and inserting “section 4003(b)”;

18 (11) by striking “section 8003(b)(1)” each
19 place it appears and inserting “section 4003(b)(1)”;

20 (12) in section 4002(b)(1)(C), by striking “sec-
21 tion 8003(b)(1)(C)” and inserting “section
22 4003(b)(1)(C)”;

23 (13) in section 4002(j)(1) (as so redesignated),
24 by striking “section 8013(5)(C)(iii)” and inserting
25 “section 4013(5)(C)(iii)”;

1 (14) in section 4005 (as so redesignated)—

2 (A) in the section heading, by striking
3 “**8002 AND 8003**” and inserting “**4002 AND**
4 **4003**”;

5 (B) by striking “or 8003” each place it ap-
6 pears and inserting “or 4003”;

7 (C) in subsection (b)(2), by striking “sec-
8 tion 8004” and inserting “section 4004”; and

9 (D) in subsection (d)(2), by striking “sec-
10 tion 8003(e)” and inserting “section 4003(e)”;

11 (15) in section 4007(a)(3)(A)(i) (as so redesi-
12 gnated), by striking “section 8008(a)” and inserting
13 “section 4008(a)”;

14 (16) in section 4007(a)(4) (as so redesignated),
15 by striking “section 8013(3)” and inserting “section
16 4013(3)”;

17 (17) in section 4009 (as so redesignated)—

18 (A) in subsection (b)(1)—

19 (i) by striking “or 8003(b)” and in-
20 serting “or 4003(b)”;

21 (ii) by striking “section
22 8003(a)(2)(B)” and inserting “section
23 4003(a)(2)(B)”;

24 (iii) by striking “section 8003(b)(2)”
25 and inserting “section 4003(b)(2)”;

1 (B) by striking “section 8011(a)” each
2 place it appears and inserting “section
3 4011(a)”;

4 (18) in section 4010(c)(2)(D) (as so redesign-
5 nated) by striking “section 8009(b)” and inserting
6 “section 4009(b)”.

7 **TITLE V—GENERAL PROVISIONS**
8 **FOR THE ACT**

9 **SEC. 501. GENERAL PROVISIONS FOR THE ACT.**

10 (a) AMENDING TITLE V.—Title V (20 U.S.C. 7201
11 et seq.) is amended to read as follows:

12 “TITLE V—GENERAL PROVISIONS

13 “PART A—DEFINITIONS

14 “**SEC. 5101. DEFINITIONS.**

15 “Except as otherwise provided, in this Act:

16 “(1) AVERAGE DAILY ATTENDANCE.—

17 “(A) IN GENERAL.—Except as provided
18 otherwise by State law or this paragraph, the
19 term ‘average daily attendance’ means—

20 “(i) the aggregate number of days of
21 attendance of all students during a school
22 year; divided by

23 “(ii) the number of days school is in
24 session during that year.

1 “(B) CONVERSION.—The Secretary shall
2 permit the conversion of average daily member-
3 ship (or other similar data) to average daily at-
4 tendance for local educational agencies in
5 States that provide State aid to local edu-
6 cational agencies on the basis of average daily
7 membership (or other similar data).

8 “(C) SPECIAL RULE.—If the local edu-
9 cational agency in which a child resides makes
10 a tuition or other payment for the free public
11 education of the child in a school located in an-
12 other school district, the Secretary shall, for the
13 purpose of this Act—

14 “(i) consider the child to be in attend-
15 ance at a school of the agency making the
16 payment; and

17 “(ii) not consider the child to be in at-
18 tendance at a school of the agency receiv-
19 ing the payment.

20 “(D) CHILDREN WITH DISABILITIES.—If a
21 local educational agency makes a tuition pay-
22 ment to a private school or to a public school
23 of another local educational agency for a child
24 with a disability, as defined in section 602 of
25 the Individuals with Disabilities Education Act,

1 the Secretary shall, for the purpose of this Act,
2 consider the child to be in attendance at a
3 school of the agency making the payment.

4 “(2) AVERAGE PER-PUPIL EXPENDITURE.—The
5 term ‘average per-pupil expenditure’ means, in the
6 case of a State or of the United States—

7 “(A) without regard to the source of
8 funds—

9 “(i) the aggregate current expendi-
10 tures, during the third fiscal year pre-
11 ceding the fiscal year for which the deter-
12 mination is made (or, if satisfactory data
13 for that year are not available, during the
14 most recent preceding fiscal year for which
15 satisfactory data are available) of all local
16 educational agencies in the State or, in the
17 case of the United States, for all States
18 (which, for the purpose of this paragraph,
19 means the 50 States and the District of
20 Columbia); plus

21 “(ii) any direct current expenditures
22 by the State for the operation of those
23 agencies; divided by

24 “(B) the aggregate number of children in
25 average daily attendance to whom those agen-

1 cies provided free public education during that
2 preceding year.

3 “(3) CHARTER SCHOOL.—The term ‘charter
4 school’ means a public school that—

5 “(A) in accordance with a specific State
6 statute authorizing the granting of charters to
7 schools, is exempt from significant State or
8 local rules that inhibit the flexible operation
9 and management of public schools, but not
10 from any rules relating to the other require-
11 ments of this paragraph;

12 “(B) is created by a developer as a public
13 school, or is adapted by a developer from an ex-
14 isting public school, and is operated under pub-
15 lic supervision and direction;

16 “(C) operates in pursuit of a specific set of
17 educational objectives determined by the
18 school’s developer and agreed to by the author-
19 ized public chartering agency;

20 “(D) provides a program of elementary or
21 secondary education, or both;

22 “(E) is nonsectarian in its programs, ad-
23 missions policies, employment practices, and all
24 other operations, and is not affiliated with a
25 sectarian school or religious institution;

1 “(F) does not charge tuition;

2 “(G) complies with the Age Discrimination
3 Act of 1975, title VI of the Civil Rights Act of
4 1964, title IX of the Education Amendments of
5 1972, section 504 of the Rehabilitation Act of
6 1973, and part B of the Individuals with Dis-
7 abilities Education Act;

8 “(H) is a school to which parents choose to
9 send their children, and that admits students
10 on the basis of a lottery, if more students apply
11 for admission than can be accommodated;

12 “(I) agrees to comply with the same Fed-
13 eral and State audit requirements as do other
14 elementary schools and secondary schools in the
15 State, unless such requirements are specifically
16 waived for the purpose of this program;

17 “(J) meets all applicable Federal, State,
18 and local health and safety requirements;

19 “(K) operates in accordance with State
20 law;

21 “(L) has a written performance contract
22 with the authorized public chartering agency in
23 the State that includes a description of how
24 student performance will be measured in char-
25 ter schools pursuant to State assessments that

1 are required of other schools and pursuant to
2 any other assessments mutually agreeable to
3 the authorized public chartering agency and the
4 charter school; and

5 “(M) may serve prekindergarten or post
6 secondary students.

7 “(4) CHILD.—The term ‘child’ means any per-
8 son within the age limits for which the State pro-
9 vides free public education.

10 “(5) CHILD WITH A DISABILITY.—The term
11 ‘child with a disability’ has the same meaning given
12 that term in section 602 of the Individuals with Dis-
13 abilities Education Act.

14 “(6) COMMUNITY-BASED ORGANIZATION.—The
15 term ‘community-based organization’ means a public
16 or private nonprofit organization of demonstrated ef-
17 fectiveness that—

18 “(A) is representative of a community or
19 significant segments of a community; and

20 “(B) provides educational or related serv-
21 ices to individuals in the community.

22 “(7) CONSOLIDATED LOCAL APPLICATION.—
23 The term ‘consolidated local application’ means an
24 application submitted by a local educational agency
25 pursuant to section 5305.

1 “(8) CONSOLIDATED LOCAL PLAN.—The term
2 ‘consolidated local plan’ means a plan submitted by
3 a local educational agency pursuant to section 5305.

4 “(9) CONSOLIDATED STATE APPLICATION.—
5 The term ‘consolidated State application’ means an
6 application submitted by a State educational agency
7 pursuant to section 5302.

8 “(10) CONSOLIDATED STATE PLAN.—The term
9 ‘consolidated State plan’ means a plan submitted by
10 a State educational agency pursuant to section
11 5302.

12 “(11) CORE ACADEMIC SUBJECTS.—The term
13 ‘core academic subjects’ means English, reading or
14 language arts, mathematics, science, foreign lan-
15 guages, civics and government, economics, arts, his-
16 tory, and geography.

17 “(12) COUNTY.—The term ‘county’ means one
18 of the divisions of a State used by the Secretary of
19 Commerce in compiling and reporting data regard-
20 ing counties.

21 “(13) COVERED PROGRAM.—The term ‘covered
22 program’ means each of the programs authorized
23 by—

24 “(A) part A of title I;

25 “(B) title II; and

1 “(C) title III.

2 “(14) CURRENT EXPENDITURES.—The term
3 ‘current expenditures’ means expenditures for free
4 public education—

5 “(A) including expenditures for adminis-
6 tration, instruction, attendance and health serv-
7 ices, pupil transportation services, operation
8 and maintenance of plant, fixed charges, and
9 net expenditures to cover deficits for food serv-
10 ices and student body activities; but

11 “(B) not including expenditures for com-
12 munity services, capital outlay, and debt serv-
13 ice, or any expenditures made from funds re-
14 ceived under title I.

15 “(15) DEPARTMENT.—The term ‘Department’
16 means the Department of Education.

17 “(16) DIRECT STUDENT SERVICES.—The term
18 ‘direct student services’ means public school choice
19 or high-quality academic tutoring that are designed
20 to help increase academic achievement for students.

21 “(17) DISTANCE EDUCATION.—The term ‘dis-
22 tance education’ means the use of one or more tech-
23 nologies to deliver instruction to students who are
24 separated from the instructor and to support regular
25 and substantive interaction between the students

1 and the instructor synchronously or nonsyn-
2 chronously.

3 “(18) EDUCATIONAL SERVICE AGENCY.—The
4 term ‘educational service agency’ means a regional
5 public multiservice agency authorized by State stat-
6 ute to develop, manage, and provide services or pro-
7 grams to local educational agencies.

8 “(19) ELEMENTARY SCHOOL.—The term ‘ele-
9 mentary school’ means a nonprofit institutional day
10 or residential school, including a public elementary
11 charter school, that provides elementary education,
12 as determined under State law.

13 “(20) ENGLISH LEARNER.—The term ‘English
14 learner’, when used with respect to an individual,
15 means an individual—

16 “(A) who is aged 3 through 21;

17 “(B) who is enrolled or preparing to enroll
18 in an elementary school or secondary school;

19 “(C)(i) who was not born in the United
20 States or whose native language is a language
21 other than English;

22 “(ii)(I) who is a Native American or Alas-
23 ka Native, or a native resident of the outlying
24 areas; and

1 “(II) who comes from an environment
2 where a language other than English has had
3 a significant impact on the individual’s level of
4 English language proficiency; or

5 “(iii) who is migratory, whose native
6 language is a language other than English,
7 and who comes from an environment where
8 a language other than English is domi-
9 nant; and

10 “(D) whose difficulties in speaking, read-
11 ing, writing, or understanding the English lan-
12 guage may be sufficient to deny the indi-
13 vidual—

14 “(i) the ability to meet the State’s
15 academic standards described in section
16 1111;

17 “(ii) the ability to successfully achieve
18 in classrooms where the language of in-
19 struction is English; or

20 “(iii) the opportunity to participate
21 fully in society.

22 “(21) EXTENDED-YEAR ADJUSTED COHORT
23 GRADUATION RATE.—

1 “(A) IN GENERAL.—The term ‘extended-
2 year adjusted cohort graduation rate’ means the
3 ratio where—

4 “(i) the denominator consists of the
5 number of students who form the original
6 cohort of entering first-time 9th grade stu-
7 dents enrolled in the high school no later
8 than the effective date for student mem-
9 bership data submitted annually by State
10 educational agencies to the National Cen-
11 ter for Education Statistics under section
12 153 of the Education Sciences Reform Act,
13 adjusted by—

14 “(I) adding the students who
15 joined that cohort, after the time of
16 the determination of the original co-
17 hort; and

18 “(II) subtracting only those stu-
19 dents who left that cohort, after the
20 time of the determination of the origi-
21 nal cohort, as described in subpara-
22 graph (B); and

23 “(ii) the numerator consists of the
24 number of students in the cohort, as ad-
25 justed under clause (i), who earned a reg-

1 ular high school diploma before, during, or
2 at the conclusion of—

3 “(I) one or more additional years
4 beyond the fourth year of high school;
5 or

6 “(II) a summer session imme-
7 diately following the additional year of
8 high school.

9 “(B) COHORT REMOVAL.—To remove a
10 student from a cohort, a school or local edu-
11 cational agency shall require documentation to
12 confirm that the student has transferred out,
13 emigrated to another country, transferred to a
14 prison or juvenile facility, or is deceased.

15 “(C) TRANSFERRED OUT.—

16 “(i) IN GENERAL.—For purposes of
17 this paragraph, the term ‘transferred out’
18 means a student who the high school or
19 local educational agency has confirmed, ac-
20 cording to clause (ii), has transferred—

21 “(I) to another school from which
22 the student is expected to receive a
23 regular high school diploma; or

24 “(II) to another educational pro-
25 gram from which the student is ex-

1 pected to receive a regular high school
2 diploma.

3 “(ii) CONFIRMATION REQUIRE-
4 MENTS.—

5 “(I) DOCUMENTATION RE-
6 QUIRED.—The confirmation of a stu-
7 dent’s transfer to another school or
8 educational program described in
9 clause (i) requires documentation
10 from the receiving school or program
11 that the student enrolled in the receiv-
12 ing school or program.

13 “(II) LACK OF CONFIRMATION.—
14 A student who was enrolled, but for
15 whom there is no confirmation of the
16 student having transferred out, shall
17 remain in the denominator of the ex-
18 tended-year adjusted cohort.

19 “(iii) PROGRAMS NOT PROVIDING
20 CREDIT.—A student who is retained in
21 grade or who is enrolled in a GED or other
22 alternative educational program that does
23 not issue or provide credit toward the
24 issuance of a regular high school diploma
25 shall not be considered transferred out and

1 shall remain in the extended-year adjusted
2 cohort.

3 “(D) SPECIAL RULE.—For those high
4 schools that start after grade 9, the original co-
5 hort shall be calculated for the earliest high
6 school grade students attend no later than the
7 effective date for student membership data sub-
8 mitted annually by State educational agencies
9 to the National Center for Education Statistics
10 pursuant to section 153 of the Education
11 Sciences Reform Act.

12 “(22) FAMILY LITERACY SERVICES.—The term
13 ‘family literacy services’ means services provided to
14 participants on a voluntary basis that are of suffi-
15 cient intensity in terms of hours, and of sufficient
16 duration, to make sustainable changes in a family,
17 and that integrate all of the following activities:

18 “(A) Interactive literacy activities between
19 parents and their children.

20 “(B) Training for parents regarding how
21 to be the primary teacher for their children and
22 full partners in the education of their children.

23 “(C) Parent literacy training that leads to
24 economic self-sufficiency.

1 “(D) An age-appropriate education to pre-
2 pare children for success in school and life ex-
3 periences.

4 “(23) FOUR-YEAR ADJUSTED COHORT GRADUA-
5 TION RATE.—

6 “(A) IN GENERAL.—The term ‘four-year
7 adjusted cohort graduation rate’ means the
8 ratio where—

9 “(i) the denominator consists of the
10 number of students who form the original
11 cohort of entering first-time 9th grade stu-
12 dents enrolled in the high school no later
13 than the effective date for student mem-
14 bership data submitted annually by State
15 educational agencies to the National Cen-
16 ter for Education Statistics pursuant to
17 section 153 of the Education Sciences Re-
18 form Act, adjusted by—

19 “(I) adding the students who
20 joined that cohort, after the time of
21 the determination of the original co-
22 hort; and

23 “(II) subtracting only those stu-
24 dents who left that cohort, after the
25 time of the determination of the origi-

1 nal cohort, as described in subpara-
2 graph (B); and

3 “(ii) the numerator consists of the
4 number of students in the cohort, as ad-
5 justed under clause (i), who earned a reg-
6 ular high school diploma before, during, or
7 at the conclusion of—

8 “(I) the fourth year of high
9 school; or

10 “(II) a summer session imme-
11 diately following the fourth year of
12 high school.

13 “(B) COHORT REMOVAL.—To remove a
14 student from a cohort, a school or local edu-
15 cational agency shall require documentation to
16 confirm that the student has transferred out,
17 emigrated to another country, transferred to a
18 prison or juvenile facility, or is deceased.

19 “(C) TRANSFERRED OUT.—

20 “(i) IN GENERAL.—For purposes of
21 this paragraph, the term ‘transferred out’
22 means a student who the high school or
23 local educational agency has confirmed, ac-
24 cording to clause (ii), has transferred—

1 “(I) to another school from which
2 the student is expected to receive a
3 regular high school diploma; or

4 “(II) to another educational pro-
5 gram from which the student is ex-
6 pected to receive a regular high school
7 diploma.

8 “(ii) CONFIRMATION REQUIRE-
9 MENTS.—

10 “(I) DOCUMENTATION RE-
11 QUIRED.—The confirmation of a stu-
12 dent’s transfer to another school or
13 educational program described in
14 clause (i) requires documentation
15 from the receiving school or program
16 that the student enrolled in the receiv-
17 ing school or program.

18 “(II) LACK OF CONFIRMATION.—
19 A student who was enrolled, but for
20 whom there is no confirmation of the
21 student having transferred out, shall
22 remain in the adjusted cohort.

23 “(iii) PROGRAMS NOT PROVIDING
24 CREDIT.—A student who is retained in
25 grade or who is enrolled in a GED or other

1 alternative educational program that does
2 not issue or provide credit toward the
3 issuance of a regular high school diploma
4 shall not be considered transferred out and
5 shall remain in the adjusted cohort.

6 “(D) SPECIAL RULE.—For those high
7 schools that start after grade 9, the original co-
8 hort shall be calculated for the earliest high
9 school grade students attend no later than the
10 effective date for student membership data sub-
11 mitted annually by State educational agencies
12 to the National Center for Education Statistics
13 pursuant to section 153 of the Education
14 Sciences Reform Act.

15 “(24) FREE PUBLIC EDUCATION.—The term
16 ‘free public education’ means education that is pro-
17 vided—

18 “(A) at public expense, under public super-
19 vision and direction, and without tuition charge;
20 and

21 “(B) as elementary school or secondary
22 school education as determined under applicable
23 State law, except that the term does not include
24 any education provided beyond grade 12.

1 “(25) GIFTED AND TALENTED.—The term
2 ‘gifted and talented’, when used with respect to stu-
3 dents, children, or youth, means students, children,
4 or youth who give evidence of high achievement ca-
5 pability in areas such as intellectual, creative, artis-
6 tic, or leadership capacity, or in specific academic
7 fields, and who need services or activities not ordi-
8 narily provided by the school in order to fully de-
9 velop those capabilities.

10 “(26) HIGH-QUALITY ACADEMIC TUTORING.—
11 The term ‘high-quality academic tutoring’ means
12 supplemental academic services that—

13 “(A) are in addition to instruction pro-
14 vided during the school day;

15 “(B) are provided by a non-governmental
16 entity or local educational agency that—

17 “(i) is included on a State educational
18 agency approved provider list after dem-
19 onstrating to the State educational agency
20 that its program consistently improves the
21 academic achievement of students; and

22 “(ii) agrees to provide parents of chil-
23 dren receiving high-quality academic tutor-
24 ing, the appropriate local educational agen-
25 cy, and school with information on partici-

1 pating students increases in academic
2 achievement, in a format, and to the extent
3 practicable, a language that such parent
4 can understand, and in a manner that pro-
5 tects the privacy of individuals consistent
6 with section 444 of the General Education
7 Provisions Act (20 U.S.C. 1232g);

8 “(C) are selected by the parents of stu-
9 dents who are identified by the local educational
10 agency as being eligible for such services from
11 among providers on the approved provider list
12 described in subparagraph (B)(i);

13 “(D) meet all applicable Federal, State,
14 and local health, safety, and civil rights laws;
15 and

16 “(E) ensure that all instruction and con-
17 tent are secular, neutral, and non-ideological.

18 “(27) HIGH SCHOOL.—The term ‘high school’
19 means a secondary school that—

20 “(A) grants a diploma, as defined by the
21 State; and

22 “(B) includes, at least, grade 12.

23 “(28) INSTITUTION OF HIGHER EDUCATION.—
24 The term ‘institution of higher education’ has the

1 meaning given that term in section 101(a) of the
2 Higher Education Act of 1965.

3 “(29) LOCAL EDUCATIONAL AGENCY.—

4 “(A) IN GENERAL.—The term ‘local edu-
5 cational agency’ means a public board of edu-
6 cation or other public authority legally con-
7 stituted within a State for either administrative
8 control or direction of, or to perform a service
9 function for, public elementary schools or sec-
10 ondary schools in a city, county, township,
11 school district, or other political subdivision of
12 a State, or of or for a combination of school
13 districts or counties that is recognized in a
14 State as an administrative agency for its public
15 elementary schools or secondary schools.

16 “(B) ADMINISTRATIVE CONTROL AND DI-
17 RECTION.—The term includes any other public
18 institution or agency having administrative con-
19 trol and direction of a public elementary school
20 or secondary school.

21 “(C) BIE SCHOOLS.—The term includes
22 an elementary school or secondary school fund-
23 ed by the Bureau of Indian Education but only
24 to the extent that including the school makes
25 the school eligible for programs for which spe-

1 cific eligibility is not provided to the school in
2 another provision of law and the school does not
3 have a student population that is smaller than
4 the student population of the local educational
5 agency receiving assistance under this Act with
6 the smallest student population, except that the
7 school shall not be subject to the jurisdiction of
8 any State educational agency other than the
9 Bureau of Indian Education.

10 “(D) EDUCATIONAL SERVICE AGENCIES.—
11 The term includes educational service agencies
12 and consortia of those agencies.

13 “(E) STATE EDUCATIONAL AGENCY.—The
14 term includes the State educational agency in a
15 State in which the State educational agency is
16 the sole educational agency for all public
17 schools.

18 “(30) NATIVE AMERICAN AND NATIVE AMER-
19 ICAN LANGUAGE.—The terms ‘Native American’ and
20 ‘Native American language’ have the same meaning
21 given those terms in section 103 of the Native
22 American Languages Act of 1990.

23 “(31) OTHER STAFF.—The term ‘other staff’
24 means specialized instructional support personnel, li-
25 brarians, career guidance and counseling personnel,

1 education aides, and other instructional and admin-
2 istrative personnel.

3 “(32) OUTLYING AREA.—The term ‘outlying
4 area’—

5 “(A) means American Samoa, the Com-
6 monwealth of the Northern Mariana Islands,
7 Guam, and the United States Virgin Islands;

8 “(B) means the Republic of Palau, to the
9 extent permitted under section 105(f)(1)(B)(ix)
10 of the Compact of Free Association Amend-
11 ments Act of 2003 (Public Law 99–658; 117
12 Stat. 2751) and until an agreement for the ex-
13 tension of United States education assistance
14 under the Compact of Free Association becomes
15 effective for the Republic of Palau; and

16 “(C) for the purpose of any discretionary
17 grant program under this Act, includes the Re-
18 public of the Marshall Islands and the Fed-
19 erated States of Micronesia, to the extent per-
20 mitted under section 105(f)(1)(B)(viii) of the
21 Compact of Free Association Amendments Act
22 of 2003 (Public Law 108–188; 117 Stat.
23 2751).

24 “(33) PARENT.—The term ‘parent’ includes a
25 legal guardian or other person standing in loco

1 parentis (such as a grandparent, stepparent, or fos-
2 ter parent with whom the child lives, or a person
3 who is legally responsible for the child’s welfare).

4 “(34) PARENTAL INVOLVEMENT.—The term
5 ‘parental involvement’ means the participation of
6 parents in regular, two-way, and meaningful commu-
7 nication involving student academic learning and
8 other school activities, including ensuring—

9 “(A) that parents play an integral role in
10 assisting in their child’s learning;

11 “(B) that parents are encouraged to be ac-
12 tively involved in their child’s education at
13 school;

14 “(C) that parents are full partners in their
15 child’s education and are included, as appro-
16 priate, in decisionmaking and on advisory com-
17 mittees to assist in the education of their child;
18 and

19 “(D) the carrying out of other activities,
20 such as those described in section 1118.

21 “(35) POVERTY LINE.—The term ‘poverty line’
22 means the poverty line (as defined by the Office of
23 Management and Budget and revised annually in ac-
24 cordance with section 673(2) of the Community

1 Services Block Grant Act) applicable to a family of
2 the size involved.

3 “(36) PROFESSIONAL DEVELOPMENT.—The
4 term ‘professional development’—

5 “(A) includes evidence-based, job-embed-
6 ded, continuous activities that—

7 “(i) improve and increase teachers’
8 knowledge of the academic subjects the
9 teachers teach, and enable teachers to be-
10 come effective educators;

11 “(ii) are an integral part of broad
12 schoolwide and districtwide educational im-
13 provement plans;

14 “(iii) give teachers, school leaders,
15 other staff, and administrators the knowl-
16 edge and skills to provide students with
17 the opportunity to meet State academic
18 standards;

19 “(iv) improve classroom management
20 skills;

21 “(v)(I) have a positive and lasting im-
22 pact on classroom instruction and the
23 teacher’s performance in the classroom;
24 and

1 “(II) are not 1-day or short-term
2 workshops or conferences;

3 “(vi) support the recruiting, hiring,
4 and training of effective teachers, including
5 teachers who became certified or licensed
6 through State and local alternative routes
7 to certification;

8 “(vii) advance teacher understanding
9 of effective instructional strategies that are
10 strategies for improving student academic
11 achievement or substantially increasing the
12 knowledge and teaching skills of teachers,
13 including through addressing the social
14 and emotional development needs of stu-
15 dents;

16 “(viii) are aligned with and directly
17 related to—

18 “(I) State academic standards
19 and assessments; and

20 “(II) the curricula and programs
21 tied to the standards described in sub-
22 clause (I);

23 “(ix) are developed with extensive par-
24 ticipation of teachers, school leaders, par-

1 ents, and administrators of schools to be
2 served under this Act;

3 “(x) are designed to give teachers of
4 English learners and other teachers and
5 instructional staff, the knowledge and
6 skills to provide instruction and appro-
7 priate language and academic support
8 services to those children, including the ap-
9 propriate use of curricula and assessments;

10 “(xi) to the extent appropriate, pro-
11 vide training for teachers, other staff, and
12 school leaders in the use of technology so
13 that technology and technology applica-
14 tions are effectively used to improve teach-
15 ing and learning in the curricula and core
16 academic subjects in which the students re-
17 ceive instruction;

18 “(xii) as a whole, are regularly evalu-
19 ated for their impact on increased teacher
20 effectiveness and improved student aca-
21 demic achievement, with the findings of
22 the evaluations used to improve the quality
23 of the professional development;

24 “(xiii) provide instruction in methods
25 of teaching children with special needs;

1 “(xiv) include instruction in the use of
2 data and assessments to inform and in-
3 struct classroom practice; and

4 “(xv) include instruction in ways that
5 teachers, school leaders, specialized in-
6 structional support personnel, other staff,
7 and school administrators may work more
8 effectively with parents; and

9 “(B) may include evidence-based, job-em-
10 bedded, continuous activities that—

11 “(i) involve the forming of partner-
12 ships with institutions of higher education
13 to establish school-based teacher training
14 programs that provide prospective teachers
15 and new teachers with an opportunity to
16 work under the guidance of experienced
17 teachers and college faculty;

18 “(ii) create programs to enable para-
19 professionals (assisting teachers employed
20 by a local educational agency receiving as-
21 sistance under subpart 1 of part A of title
22 I) to obtain the education necessary for
23 those paraprofessionals to become certified
24 and licensed teachers; and

1 “(iii) provide follow-up training to in-
2 dividuals who have participated in activi-
3 ties described in subparagraph (A) or an-
4 other clause of this subparagraph that are
5 designed to ensure that the knowledge and
6 skills learned by the teachers are imple-
7 mented in the classroom.

8 “(37) REGULAR HIGH SCHOOL DIPLOMA.—

9 “(A) IN GENERAL.—The term ‘regular
10 high school diploma’ means the standard high
11 school diploma awarded to the preponderance of
12 students in the State that is fully aligned with
13 State standards, or a higher diploma. Such
14 term shall not include a GED or other recog-
15 nized equivalent of a diploma, a certificate of
16 attendance, or any lesser diploma award.

17 “(B) EXCEPTION FOR STUDENTS WITH
18 SIGNIFICANT COGNITIVE DISABILITIES.—For a
19 student who is assessed using an alternate as-
20 sessment aligned to alternate academic stand-
21 ards under section 1111(b)(1)(D), receipt of a
22 regular high school diploma as defined under
23 subparagraph (A) or a State-defined alternate
24 diploma obtained within the time period for
25 which the State ensures the availability of a

1 free appropriate public education and in accord-
2 ance with section 612(a)(1) of the Individuals
3 with Disabilities Education Act shall be counted
4 as graduating with a regular high school di-
5 ploma for the purposes of this Act.

6 “(38) SCHOOL LEADER.—The term ‘school
7 leader’ means a principal, assistant principal, or
8 other individual who is—

9 “(A) an employee or officer of a school,
10 local educational agency, or other entity oper-
11 ating the school; and

12 “(B) responsible for—

13 “(i) the daily instructional leadership
14 and managerial operations of the school;
15 and

16 “(ii) creating the optimum conditions
17 for student learning.

18 “(39) SECONDARY SCHOOL.—The term ‘sec-
19 ondary school’ means a nonprofit institutional day or
20 residential school, including a public secondary char-
21 ter school, that provides secondary education, as de-
22 termined under State law, except that the term does
23 not include any education beyond grade 12.

24 “(40) SECRETARY.—The term ‘Secretary’
25 means the Secretary of Education.

1 “(41) SPECIALIZED INSTRUCTIONAL SUPPORT
2 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT
3 SERVICES.—

4 “(A) SPECIALIZED INSTRUCTIONAL SUP-
5 PORT PERSONNEL.—The term ‘specialized in-
6 structional support personnel’ means school
7 counselors, school social workers, school psy-
8 chologists, and other qualified professional per-
9 sonnel involved in providing assessment, diag-
10 nosis, counseling, educational, therapeutic, and
11 other necessary services (including related serv-
12 ices as that term is defined in section 602 of
13 the Individuals with Disabilities Education Act)
14 as part of a comprehensive program to meet
15 student needs.

16 “(B) SPECIALIZED INSTRUCTIONAL SUP-
17 PORT SERVICES.—The term ‘specialized instruc-
18 tional support services’ means the services pro-
19 vided by specialized instructional support per-
20 sonnel.

21 “(42) STATE.—The term ‘State’ means each of
22 the 50 States, the District of Columbia, the Com-
23 monwealth of Puerto Rico, and each of the outlying
24 areas.

1 “(43) STATE EDUCATIONAL AGENCY.—The
2 term ‘State educational agency’ means the agency
3 primarily responsible for the State supervision of
4 public elementary schools and secondary schools.

5 “(44) TECHNOLOGY.—The term ‘technology’
6 means modern information, computer and commu-
7 nication technology products, services, or tools, in-
8 cluding, but not limited to, the Internet and other
9 communications networks, computer devices and
10 other computer and communications hardware, soft-
11 ware applications, data systems, and other electronic
12 content and data storage.

13 **“SEC. 5102. APPLICABILITY OF TITLE.**

14 “Parts B, C, D, and E of this title do not apply to
15 title IV of this Act.

16 **“SEC. 5103. APPLICABILITY TO BUREAU OF INDIAN EDU-
17 CATION OPERATED SCHOOLS.**

18 “For the purpose of any competitive program under
19 this Act—

20 “(1) a consortium of schools operated by the
21 Bureau of Indian Education;

22 “(2) a school operated under a contract or
23 grant with the Bureau of Indian Education in con-
24 sortium with another contract or grant school or a
25 tribal or community organization; or

1 “(3) a Bureau of Indian Education school in
2 consortium with an institution of higher education,
3 a contract or grant school, or a tribal or community
4 organization,
5 shall be given the same consideration as a local edu-
6 cational agency.

7 “PART B—FLEXIBILITY IN THE USE OF
8 ADMINISTRATIVE AND OTHER FUNDS
9 **“SEC. 5201. CONSOLIDATION OF STATE ADMINISTRATIVE**
10 **FUNDS FOR ELEMENTARY AND SECONDARY**
11 **EDUCATION PROGRAMS.**

12 “(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

13 “(1) IN GENERAL.—A State educational agency
14 may consolidate the amounts specifically made avail-
15 able to it for State administration under one or
16 more of the programs under paragraph (2).

17 “(2) APPLICABILITY.—This section applies to
18 any program under this Act under which funds are
19 authorized to be used for administration, and such
20 other programs as the Secretary may designate.

21 “(b) USE OF FUNDS.—

22 “(1) IN GENERAL.—A State educational agency
23 shall use the amount available under this section for
24 the administration of the programs included in the
25 consolidation under subsection (a).

1 “(2) ADDITIONAL USES.—A State educational
2 agency may also use funds available under this sec-
3 tion for administrative activities designed to enhance
4 the effective and coordinated use of funds under pro-
5 grams included in the consolidation under subsection
6 (a), such as—

7 “(A) the coordination of those programs
8 with other Federal and non-Federal programs;

9 “(B) the establishment and operation of
10 peer-review mechanisms under this Act;

11 “(C) the administration of this title;

12 “(D) the dissemination of information re-
13 garding model programs and practices;

14 “(E) technical assistance under any pro-
15 gram under this Act;

16 “(F) State-level activities designed to carry
17 out this title;

18 “(G) training personnel engaged in audit
19 and other monitoring activities; and

20 “(H) implementation of the Cooperative
21 Audit Resolution and Oversight Initiative of the
22 Department.

23 “(c) RECORDS.—A State educational agency that
24 consolidates administrative funds under this section shall
25 not be required to keep separate records, by individual

1 program, to account for costs relating to the administra-
2 tion of programs included in the consolidation under sub-
3 section (a).

4 “(d) REVIEW.—To determine the effectiveness of
5 State administration under this section, the Secretary may
6 periodically review the performance of State educational
7 agencies in using consolidated administrative funds under
8 this section and take such steps as the Secretary finds
9 appropriate to ensure the effectiveness of that administra-
10 tion.

11 “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State
12 educational agency does not use all of the funds available
13 to the agency under this section for administration, the
14 agency may use those funds during the applicable period
15 of availability as funds available under one or more pro-
16 grams included in the consolidation under subsection (a).

17 “(f) CONSOLIDATION OF FUNDS FOR STANDARDS
18 AND ASSESSMENT DEVELOPMENT.—In order to develop
19 State academic standards and assessments, a State edu-
20 cational agency may consolidate the amounts described in
21 subsection (a) for those purposes under title I.

22 **“SEC. 5202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

23 “A State educational agency that also serves as a
24 local educational agency shall, in its applications or plans

1 under this Act, describe how the agency will eliminate du-
2 plication in conducting administrative functions.

3 **“SEC. 5203. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**
4 **OF THE INTERIOR FUNDS.**

5 “(a) GENERAL AUTHORITY.—

6 “(1) TRANSFER.—The Secretary shall transfer
7 to the Department of the Interior, as a consolidated
8 amount for covered programs, the Indian education
9 programs under subpart 6 of part A of title I, and
10 the education for homeless children and youth pro-
11 gram under subtitle B of title VII of the McKinney-
12 Vento Homeless Assistance Act, the amounts allot-
13 ted to the Department of the Interior under those
14 programs.

15 “(2) AGREEMENT.—

16 “(A) IN GENERAL.—The Secretary and the
17 Secretary of the Interior shall enter into an
18 agreement, consistent with the requirements of
19 the programs specified in paragraph (1), for the
20 distribution and use of those program funds
21 under terms that the Secretary determines best
22 meet the purposes of those programs.

23 “(B) CONTENTS.—The agreement shall—

24 “(i) set forth the plans of the Sec-
25 retary of the Interior for the use of the

1 amount transferred and the achievement
2 measures to assess program effectiveness;
3 and

4 “(ii) be developed in consultation with
5 Indian tribes.

6 “(b) ADMINISTRATION.—The Department of the In-
7 terior may use not more than 1.5 percent of the funds
8 consolidated under this section for its costs related to the
9 administration of the funds transferred under this section.

10 “PART C—COORDINATION OF PROGRAMS; CONSOLI-
11 DATED STATE AND LOCAL PLANS AND APPLICA-
12 TIONS

13 “**SEC. 5301. PURPOSES.**

14 “The purposes of this part are—

15 “(1) to improve teaching and learning by en-
16 couraging greater cross-program coordination, plan-
17 ning, and service delivery;

18 “(2) to provide greater flexibility to State and
19 local authorities through consolidated plans, applica-
20 tions, and reporting; and

21 “(3) to enhance the integration of programs
22 under this Act with State and local programs.

23 “**SEC. 5302. OPTIONAL CONSOLIDATED STATE PLANS OR**
24 **APPLICATIONS.**

25 “(a) GENERAL AUTHORITY.—

1 “(1) SIMPLIFICATION.—In order to simplify ap-
2 plication requirements and reduce the burden for
3 State educational agencies under this Act, the Sec-
4 retary, in accordance with subsection (b), shall es-
5 tablish procedures and criteria under which, after
6 consultation with the Governor, a State educational
7 agency may submit a consolidated State plan or a
8 consolidated State application meeting the require-
9 ments of this section for—

10 “(A) each of the covered programs in
11 which the State participates; and

12 “(B) such other programs as the Secretary
13 may designate.

14 “(2) CONSOLIDATED APPLICATIONS AND
15 PLANS.—After consultation with the Governor, a
16 State educational agency that submits a consolidated
17 State plan or a consolidated State application under
18 this section shall not be required to submit separate
19 State plans or applications under any of the pro-
20 grams to which the consolidated State plan or con-
21 solidated State application under this section ap-
22 plies.

23 “(b) COLLABORATION.—

24 “(1) IN GENERAL.—In establishing criteria and
25 procedures under this section, the Secretary shall

1 collaborate with State educational agencies and, as
2 appropriate, with other State agencies, local edu-
3 cational agencies, public and private agencies, orga-
4 nizations, and institutions, private schools, and par-
5 ents, students, and teachers.

6 “(2) CONTENTS.—Through the collaborative
7 process described in paragraph (1), the Secretary
8 shall establish, for each program under this Act to
9 which this section applies, the descriptions, informa-
10 tion, assurances, and other material required to be
11 included in a consolidated State plan or consolidated
12 State application.

13 “(3) NECESSARY MATERIALS.—The Secretary
14 shall require only descriptions, information, assur-
15 ances (including assurances of compliance with ap-
16 plicable provisions regarding participation by private
17 school children and teachers), and other materials
18 that are absolutely necessary for the consideration of
19 the consolidated State plan or consolidated State ap-
20 plication.

21 **“SEC. 5303. CONSOLIDATED REPORTING.**

22 “(a) IN GENERAL.—In order to simplify reporting re-
23 quirements and reduce reporting burdens, the Secretary
24 shall establish procedures and criteria under which a State

1 educational agency, in consultation with the Governor of
2 the State, may submit a consolidated State annual report.

3 “(b) CONTENTS.—The report shall contain informa-
4 tion about the programs included in the report, including
5 the performance of the State under those programs, and
6 other matters as the Secretary determines are necessary,
7 such as monitoring activities.

8 “(c) REPLACEMENT.—The report shall replace sepa-
9 rate individual annual reports for the programs included
10 in the consolidated State annual report.

11 **“SEC. 5304. GENERAL APPLICABILITY OF STATE EDU-
12 CATIONAL AGENCY ASSURANCES.**

13 “(a) ASSURANCES.—A State educational agency, in
14 consultation with the Governor of the State, that submits
15 a consolidated State plan or consolidated State application
16 under this Act, whether separately or under section 5302,
17 shall have on file with the Secretary a single set of assur-
18 ances, applicable to each program for which the plan or
19 application is submitted, that provides that—

20 “(1) each such program will be administered in
21 accordance with all applicable statutes, regulations,
22 program plans, and applications;

23 “(2)(A) the control of funds provided under
24 each such program and title to property acquired
25 with program funds will be in a public agency, an

1 eligible private agency, institution, or organization,
2 or an Indian tribe, if the law authorizing the pro-
3 gram provides for assistance to those entities; and

4 “(B) the public agency, eligible private agency,
5 institution, or organization, or Indian tribe will ad-
6 minister those funds and property to the extent re-
7 quired by the authorizing law;

8 “(3) the State will adopt and use proper meth-
9 ods of administering each such program, including—

10 “(A) the enforcement of any obligations
11 imposed by law on agencies, institutions, orga-
12 nizations, and other recipients responsible for
13 carrying out each program;

14 “(B) the correction of deficiencies in pro-
15 gram operations that are identified through au-
16 dits, monitoring, or evaluation; and

17 “(C) the adoption of written procedures for
18 the receipt and resolution of complaints alleging
19 violations of law in the administration of the
20 programs;

21 “(4) the State will cooperate in carrying out
22 any evaluation of each such program conducted by
23 or for the Secretary or other Federal officials;

24 “(5) the State will use such fiscal control and
25 fund accounting procedures that will ensure proper

1 disbursement of, and accounting for, Federal funds
2 paid to the State under each such program;

3 “(6) the State will—

4 “(A) make reports to the Secretary as may
5 be necessary to enable the Secretary to perform
6 the Secretary’s duties under each such pro-
7 gram; and

8 “(B) maintain such records, provide such
9 information to the Secretary, and afford such
10 access to the records as the Secretary may find
11 necessary to carry out the Secretary’s duties;
12 and

13 “(7) before the plan or application was sub-
14 mitted to the Secretary, the State afforded a reason-
15 able opportunity for public comment on the plan or
16 application and considered such comment.

17 “(b) GEPA PROVISION.—Section 441 of the General
18 Education Provisions Act shall not apply to programs
19 under this Act.

20 **“SEC. 5305. CONSOLIDATED LOCAL PLANS OR APPLICA-**
21 **TIONS.**

22 “(a) GENERAL AUTHORITY.—

23 “(1) CONSOLIDATED PLAN.—A local edu-
24 cational agency receiving funds under more than one
25 covered program may submit plans or applications

1 to the State educational agency under those pro-
2 grams on a consolidated basis.

3 “(2) AVAILABILITY TO GOVERNOR.—The State
4 educational agency shall make any consolidated local
5 plans and applications available to the Governor.

6 “(b) REQUIRED CONSOLIDATED PLANS OR APPLICA-
7 TIONS.—A State educational agency that has an approved
8 consolidated State plan or application under section 5302
9 may require local educational agencies in the State receiv-
10 ing funds under more than one program included in the
11 consolidated State plan or consolidated State application
12 to submit consolidated local plans or applications under
13 those programs, but may not require those agencies to
14 submit separate plans.

15 “(c) COLLABORATION.—A State educational agency,
16 in consultation with the Governor, shall collaborate with
17 local educational agencies in the State in establishing pro-
18 cedures for the submission of the consolidated State plans
19 or consolidated State applications under this section.

20 “(d) NECESSARY MATERIALS.—The State edu-
21 cational agency shall require only descriptions, informa-
22 tion, assurances, and other material that are absolutely
23 necessary for the consideration of the local educational
24 agency plan or application.

1 **“SEC. 5306. OTHER GENERAL ASSURANCES.**

2 “(a) ASSURANCES.—Any applicant, other than a
3 State educational agency that submits a plan or applica-
4 tion under this Act, shall have on file with the State edu-
5 cational agency a single set of assurances, applicable to
6 each program for which a plan or application is submitted,
7 that provides that—

8 “(1) each such program will be administered in
9 accordance with all applicable statutes, regulations,
10 program plans, and applications;

11 “(2)(A) the control of funds provided under
12 each such program and title to property acquired
13 with program funds will be in a public agency or in
14 an eligible private agency, institution, organization,
15 or Indian tribe, if the law authorizing the program
16 provides for assistance to those entities; and

17 “(B) the public agency, eligible private agency,
18 institution, or organization, or Indian tribe will ad-
19 minister the funds and property to the extent re-
20 quired by the authorizing statutes;

21 “(3) the applicant will adopt and use proper
22 methods of administering each such program, in-
23 cluding—

24 “(A) the enforcement of any obligations
25 imposed by law on agencies, institutions, orga-

1 nizations, and other recipients responsible for
2 carrying out each program; and

3 “(B) the correction of deficiencies in pro-
4 gram operations that are identified through au-
5 dits, monitoring, or evaluation;

6 “(4) the applicant will cooperate in carrying out
7 any evaluation of each such program conducted by
8 or for the State educational agency, the Secretary,
9 or other Federal officials;

10 “(5) the applicant will use such fiscal control
11 and fund accounting procedures as will ensure prop-
12 er disbursement of, and accounting for, Federal
13 funds paid to the applicant under each such pro-
14 gram;

15 “(6) the applicant will—

16 “(A) submit such reports to the State edu-
17 cational agency (which shall make the reports
18 available to the Governor) and the Secretary as
19 the State educational agency and Secretary may
20 require to enable the State educational agency
21 and the Secretary to perform their duties under
22 each such program; and

23 “(B) maintain such records, provide such
24 information, and afford such access to the
25 records as the State educational agency (after

1 State educational agency, local educational agency,
2 Indian tribe, or school (through a local educational
3 agency), that submits a waiver request pursuant to
4 this subsection.

5 “(b) PLAN.—

6 “(1) IN GENERAL.—A State educational agen-
7 cy, local educational agency, or Indian tribe that de-
8 sires a waiver under this section shall submit a waiv-
9 er request to the Secretary, which shall include a
10 plan that—

11 “(A) identifies the Federal programs af-
12 fected by the requested waiver;

13 “(B) describes which Federal statutory or
14 regulatory requirements are to be waived;

15 “(C) reasonably demonstrates that the
16 waiver will improve instruction for students and
17 advance student academic achievement;

18 “(D) describes the methods the State edu-
19 cational agency, local educational agency, or In-
20 dian tribe will use to monitor the effectiveness
21 of the implementation of the plan; and

22 “(E) describes how schools will continue to
23 provide assistance to the same populations
24 served by programs for which the waiver is re-
25 quested.

1 “(2) ADDITIONAL INFORMATION.—A waiver re-
2 quest under this section—

3 “(A) may provide for waivers of require-
4 ments applicable to State educational agencies,
5 local educational agencies, Indian tribes, and
6 schools; and

7 “(B) shall be developed and submitted—

8 “(i)(I) by local educational agencies
9 (on behalf of those agencies and schools)
10 to State educational agencies; and

11 “(II) by State educational agencies
12 (on their own behalf, or on behalf of, and
13 based on the requests of, local educational
14 agencies in the State) to the Secretary; or

15 “(ii) by Indian tribes (on behalf of
16 schools operated by the tribes) to the Sec-
17 retary.

18 “(3) GENERAL REQUIREMENTS.—

19 “(A) STATE EDUCATIONAL AGENCIES.—In
20 the case of a waiver request submitted by a
21 State educational agency acting on its own be-
22 half, or on behalf of local educational agencies
23 in the State, the State educational agency
24 shall—

1 “(i) provide the public and local edu-
2 cational agencies in the State with notice
3 and a reasonable opportunity to comment
4 and provide input on the request;

5 “(ii) submit the comments and input
6 to the Secretary, with a description of how
7 the State addressed the comments and
8 input; and

9 “(iii) provide notice and a reasonable
10 time to comment to the public and local
11 educational agencies in the manner in
12 which the applying agency customarily pro-
13 vides similar notice and opportunity to
14 comment to the public.

15 “(B) LOCAL EDUCATIONAL AGENCIES.—In
16 the case of a waiver request submitted by a
17 local educational agency that receives funds
18 under this Act—

19 “(i) the request shall be reviewed by
20 the State educational agency and be ac-
21 companied by the comments, if any, of the
22 State educational agency and the public;
23 and

24 “(ii) notice and a reasonable oppor-
25 tunity to comment regarding the waiver re-

1 quest shall be provided to the State edu-
2 cational agency and the public by the agen-
3 cy requesting the waiver in the manner in
4 which that agency customarily provides
5 similar notice and opportunity to comment
6 to the public.

7 “(4) PEER REVIEW.—

8 “(A) ESTABLISHMENT.—The Secretary
9 shall establish a multi-disciplinary peer review
10 team, which shall meet the requirements of sec-
11 tion 5543, to review waiver requests under this
12 section.

13 “(B) APPLICABILITY.—The Secretary may
14 approve a waiver request under this section
15 without conducting a peer review of the request,
16 but shall use the peer review process under this
17 paragraph before disapproving such a request.

18 “(C) STANDARD AND NATURE OF RE-
19 VIEW.—Peer reviewers shall conduct a good
20 faith review of waiver requests submitted to
21 them under this section. Peer reviewers shall re-
22 view such waiver requests—

23 “(i) in their totality;

24 “(ii) in deference to State and local
25 judgment; and

1 “(iii) with the goal of promoting
2 State- and local-led innovation.

3 “(5) WAIVER DETERMINATION, DEMONSTRATION,
4 AND REVISION.—

5 “(A) IN GENERAL.—The Secretary shall
6 approve a waiver request not more than 60
7 days after the date on which such request is
8 submitted, unless the Secretary determines and
9 demonstrates that—

10 “(i) the waiver request does not meet
11 the requirements of this section;

12 “(ii) the waiver is not permitted under
13 subsection (c);

14 “(iii) the plan that is required under
15 paragraph (1)(C), and reviewed with def-
16 erence to State and local judgment, pro-
17 vides no reasonable evidence to determine
18 that a waiver will enhance student aca-
19 demic achievement; or

20 “(iv) the waiver request does not pro-
21 vide for adequate evaluation to ensure re-
22 view and continuous improvement of the
23 plan.

24 “(B) WAIVER DETERMINATION AND REVI-
25 SION.—If the Secretary determines and dem-

1 onstrates that the waiver request does not meet
2 the requirements of this section, the Secretary
3 shall—

4 “(i) immediately—

5 “(I) notify the State educational
6 agency, local educational agency, or
7 Indian tribe of such determination;
8 and

9 “(II) at the request of the State
10 educational agency, local educational
11 agency, or Indian tribe, provide de-
12 tailed reasons for such determination
13 in writing;

14 “(ii) offer the State educational agen-
15 cy, local educational agency, or Indian
16 tribe an opportunity to revise and resubmit
17 the waiver request not more than 60 days
18 after the date of such determination; and

19 “(iii) if the Secretary determines that
20 the resubmission does not meet the re-
21 quirements of this section, at the request
22 of the State educational agency, local edu-
23 cational agency, or Indian tribe, conduct a
24 public hearing not more than 30 days after
25 the date of such resubmission.

1 “(C) WAIVER DISAPPROVAL.—The Sec-
2 retary may disapprove a waiver request if—

3 “(i) the State educational agency,
4 local educational agency, or Indian tribe
5 has been notified and offered an oppor-
6 tunity to revise and resubmit the waiver
7 request, as described under clauses (i) and
8 (ii) of subparagraph (B); and

9 “(ii) the State educational agency,
10 local educational agency, or Indian tribe—

11 “(I) does not revise and resubmit
12 the waiver request; or

13 “(II) revises and resubmits the
14 waiver request, and the Secretary de-
15 termines that such waiver request
16 does not meet the requirements of this
17 section after a hearing conducted
18 under subparagraph (B)(iii), if re-
19 quested.

20 “(D) EXTERNAL CONDITIONS.—The Sec-
21 retary shall not, directly or indirectly, require or
22 impose new or additional requirements in ex-
23 change for receipt of a waiver if such require-
24 ments are not specified in this Act.

1 “(c) RESTRICTIONS.—The Secretary shall not waive
2 under this section any statutory or regulatory require-
3 ments relating to—

4 “(1) the allocation or distribution of funds to
5 States, local educational agencies, Indian tribes, or
6 other recipients of funds under this Act;

7 “(2) comparability of services;

8 “(3) use of Federal funds to supplement, not
9 supplant, non-Federal funds;

10 “(4) equitable participation of private school
11 students and teachers;

12 “(5) parental participation and involvement;

13 “(6) applicable civil rights requirements;

14 “(7) the prohibitions—

15 “(A) in subpart 2 of part E;

16 “(B) regarding use of funds for religious
17 worship or instruction in section 5505; and

18 “(C) regarding activities in section 5524;

19 or

20 “(8) the selection of a school attendance area or
21 school under subsections (a) and (b) of section 1113,
22 except that the Secretary may grant a waiver to
23 allow a school attendance area or school to partici-
24 pate in activities under subpart 1 of part A of title
25 I if the percentage of children from low-income fami-

1 lies in the school attendance area or who attend the
2 school is not more than 10 percentage points below
3 the lowest percentage of those children for any
4 school attendance area or school of the local edu-
5 cational agency that meets the requirements of sub-
6 sections (a) and (b) of section 1113.

7 “(d) DURATION AND EXTENSION OF WAIVER; LIM-
8 TATIONS.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), a waiver approved by the Secretary under
11 this section may be for a period not to exceed 3
12 years.

13 “(2) EXTENSION.—The Secretary may extend
14 the period described in paragraph (1) if the State
15 demonstrates that—

16 “(A) the waiver has been effective in ena-
17 bling the State or affected recipient to carry out
18 the activities for which the waiver was re-
19 quested and the waiver has contributed to im-
20 proved student achievement; and

21 “(B) the extension is in the public interest.

22 “(3) SPECIFIC LIMITATIONS.—The Secretary
23 shall not require a State educational agency, local
24 educational agency, or Indian tribe, as a condition of
25 approval of a waiver request, to—

1 “(A) include in, or delete from, such re-
2 quest, specific academic standards, such as the
3 Common Core State Standards developed under
4 the Common Core State Standards Initiative or
5 any other standards common to a significant
6 number of States;

7 “(B) use specific academic assessment in-
8 struments or items, including assessments
9 aligned to the standards described in subpara-
10 graph (A); or

11 “(C) include in, or delete from, such waiv-
12 er request any criterion that specifies, defines,
13 describes, or prescribes the standards or meas-
14 ures that a State or local educational agency or
15 Indian tribe uses to establish, implement, or im-
16 prove—

17 “(i) State academic standards;

18 “(ii) academic assessments;

19 “(iii) State accountability systems; or

20 “(iv) teacher and school leader evalua-
21 tion systems.

22 “(e) REPORTS.—

23 “(1) WAIVER REPORTS.—A State educational
24 agency, local educational agency, or Indian tribe
25 that receives a waiver under this section shall, at the

1 end of the second year for which a waiver is received
2 under this section and each subsequent year, submit
3 a report to the Secretary that—

4 “(A) describes the uses of the waiver by
5 the agency or by schools;

6 “(B) describes how schools continued to
7 provide assistance to the same populations
8 served by the programs for which waivers were
9 granted; and

10 “(C) evaluates the progress of the agency
11 and schools, or Indian tribe, in improving the
12 quality of instruction or the academic achieve-
13 ment of students.

14 “(2) REPORT TO CONGRESS.—The Secretary
15 shall annually submit to the Committee on Edu-
16 cation and the Workforce of the House of Rep-
17 resentatives and the Committee on Health, Edu-
18 cation, Labor, and Pensions of the Senate a re-
19 port—

20 “(A) summarizing the uses of waivers by
21 State educational agencies, local educational
22 agencies, Indian tribes, and schools; and

23 “(B) describing the status of the waivers
24 in improving academic achievement.

1 “(f) **TERMINATION OF WAIVERS.**—The Secretary
2 shall terminate a waiver under this section if the Secretary
3 determines, after notice and an opportunity for a hearing,
4 that the performance of the State or other recipient af-
5 fected by the waiver has been inadequate to justify a con-
6 tinuation of the waiver and the recipient of the waiver has
7 failed to make revisions needed to carry out the purpose
8 of the waiver, or if the waiver is no longer necessary to
9 achieve its original purpose.

10 “(g) **PUBLICATION.**—A notice of the Secretary’s deci-
11 sion to grant each waiver under subsection (a) shall be
12 published in the Federal Register and the Secretary shall
13 provide for the dissemination of the notice to State edu-
14 cational agencies, interested parties, including educators,
15 parents, students, advocacy and civil rights organizations,
16 and the public.

17 “**PART E—UNIFORM PROVISIONS**

18 “**SUBPART 1—PRIVATE SCHOOLS**

19 “**SEC. 5501. PARTICIPATION BY PRIVATE SCHOOL CHIL-**
20 **DREN AND TEACHERS.**

21 “(a) **PRIVATE SCHOOL PARTICIPATION.**—

22 “(1) **IN GENERAL.**—Except as otherwise pro-
23 vided in this Act, to the extent consistent with the
24 number of eligible children in areas served by a
25 State educational agency, local educational agency,

1 educational service agency, consortium of those
2 agencies, or another entity receiving financial assist-
3 ance under a program specified in subsection (b),
4 who are enrolled in private elementary schools and
5 secondary schools in areas served by such agency,
6 consortium, or entity, the agency, consortium, or en-
7 tity shall, after timely and meaningful consultation
8 with appropriate private school officials or their rep-
9 resentatives, provide to those children and their
10 teachers or other educational personnel, on an equi-
11 table basis, special educational services or other ben-
12 efits that address their needs under the program.

13 “(2) SECULAR, NEUTRAL, AND NONIDEOLOG-
14 ICAL SERVICES OR BENEFITS.—Educational services
15 or other benefits, including materials and equipment,
16 provided under this section, shall be secular, neutral,
17 and nonideological.

18 “(3) SPECIAL RULE.—Educational services and
19 other benefits provided under this section for private
20 school children, teachers, and other educational per-
21 sonnel shall be equitable in comparison to services
22 and other benefits for public school children, teach-
23 ers, and other educational personnel participating in
24 the program and shall be provided in a timely man-
25 ner.

1 “(4) EXPENDITURES.—

2 “(A) IN GENERAL.—Expenditures for edu-
3 cational services and other benefits to eligible
4 private school children, teachers, and other
5 service personnel shall be equal to the expendi-
6 tures for participating public school children,
7 taking into account the number and educational
8 needs, of the children to be served.

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

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

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

20 “(C) NOTICE OF ALLOCATION.—Each
21 State educational agency shall—

22 “(i) determine, in a timely manner,
23 the proportion of funds to be allocated to
24 each local educational agency in the State
25 for educational services and other benefits

1 under this subpart to eligible private school
2 children; and

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

8 “(5) PROVISION OF SERVICES.—An agency,
9 consortium, or entity described in subsection (a)(1)
10 of this section may provide those services directly or
11 through contracts with public and private agencies,
12 organizations, and institutions.

13 “(b) APPLICABILITY.—

14 “(1) IN GENERAL.—This section applies to pro-
15 grams under—

16 “(A) subpart 2 of part A of title I;

17 “(B) subpart 4 of part A of title I;

18 “(C) part A of title II;

19 “(D) part B of title II; and

20 “(E) part B of title III.

21 “(2) DEFINITION.—For the purpose of this sec-
22 tion, the term ‘eligible children’ means children eligi-
23 ble for services under a program described in para-
24 graph (1).

25 “(c) CONSULTATION.—

1 “(1) IN GENERAL.—To ensure timely and
2 meaningful consultation, a State educational agency,
3 local educational agency, educational service agency,
4 consortium of those agencies, or entity shall consult,
5 in order to reach an agreement, with appropriate
6 private school officials or their representatives dur-
7 ing the design and development of the programs
8 under this Act, on issues such as—

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

11 “(B) what services will be offered;

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

14 “(D) how the services will be assessed and
15 how the results of the assessment will be used
16 to improve those services;

17 “(E) the size and scope of the equitable
18 services to be provided to the eligible private
19 school children, teachers, and other educational
20 personnel and the amount of funds available for
21 those services;

22 “(F) how and when the agency, consor-
23 tium, or entity will make decisions about the
24 delivery of services, including a thorough con-
25 sideration and analysis of the views of the pri-

1 vate school officials or their representatives on
2 the provision of services through potential
3 third-party providers or contractors; and

4 “(G) how, if the agency disagrees with the
5 views of the private school officials or their rep-
6 resentatives on the provision of services through
7 a contract, the local educational agency will
8 provide in writing to such private school offi-
9 cials or their representatives an analysis of the
10 reasons why the local educational agency has
11 chosen not to use a contractor.

12 “(2) DISAGREEMENT.—If the agency, consor-
13 tium, or entity disagrees with the views of the pri-
14 vate school officials or their representatives with re-
15 spect to an issue described in paragraph (1), the
16 agency, consortium, or entity shall provide to the
17 private school officials or their representatives a
18 written explanation of the reasons why the local edu-
19 cational agency has chosen not to adopt the course
20 of action requested by such officials or their rep-
21 resentatives.

22 “(3) TIMING.—The consultation required by
23 paragraph (1) shall occur before the agency, consor-
24 tium, or entity makes any decision that affects the
25 opportunities of eligible private school children,

1 teachers, and other educational personnel to partici-
2 pate in programs under this Act, and shall continue
3 throughout the implementation and assessment of
4 activities under this section.

5 “(4) DISCUSSION REQUIRED.—The consultation
6 required by paragraph (1) shall include a discussion
7 of service delivery mechanisms that the agency, con-
8 sortium, or entity could use to provide equitable
9 services to eligible private school children, teachers,
10 administrators, and other staff.

11 “(5) DOCUMENTATION.—Each local educational
12 agency shall maintain in the agency’s records and
13 provide to the State educational agency involved a
14 written affirmation signed by officials or their rep-
15 resentatives of each participating private school that
16 the meaningful consultation required by this section
17 has occurred. The written affirmation shall provide
18 the option for private school officials or their rep-
19 resentatives to indicate that timely and meaningful
20 consultation has not occurred or that the program
21 design is not equitable with respect to eligible pri-
22 vate school children. If such officials or their rep-
23 resentatives do not provide such affirmation within
24 a reasonable period of time, the local educational
25 agency shall forward the documentation that such

1 consultation has, or attempts at such consultation
2 have, taken place to the State educational agency.

3 “(6) COMPLIANCE.—

4 “(A) IN GENERAL.—If the consultation re-
5 quired under this section is with a local edu-
6 cational agency or educational service agency, a
7 private school official or representative shall
8 have the right to file a complaint with the State
9 educational agency that the consultation re-
10 quired under this section was not meaningful
11 and timely, did not give due consideration to
12 the views of the private school official or rep-
13 resentative, or did not treat the private school
14 or its students equitably as required by this sec-
15 tion.

16 “(B) PROCEDURE.—If the private school
17 official or representative wishes to file a com-
18 plaint, the private school official or representa-
19 tive shall provide the basis of the noncompli-
20 ance with this section and all parties shall pro-
21 vide the appropriate documentation to the ap-
22 propriate officials or representatives.

23 “(C) SERVICES.—A State educational
24 agency shall provide services under this section
25 directly or through contracts with public and

1 private agencies, organizations, and institutions,
2 if—

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

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

8 “(II) demonstrated that the local
9 educational agency or Education Serv-
10 ice Agency involved has not met the
11 requirements of this section; or

12 “(ii) in a case in which—

13 “(I) a local educational agency
14 has more than 10,000 children from
15 low-income families who attend pri-
16 vate elementary schools or secondary
17 schools in such agency’s school at-
18 tendance areas, as defined in section
19 1113(a)(2)(A), that are not being
20 served by the agency’s program under
21 this section; or

22 “(II) 90 percent of the eligible
23 private school students in a school at-
24 tendance area, as defined in section
25 1113(a)(2)(A), are not being served

1 by the agency's program under this
2 section.

3 “(d) PUBLIC CONTROL OF FUNDS.—

4 “(1) IN GENERAL.—The control of funds used
5 to provide services under this section, and title to
6 materials, equipment, and property purchased with
7 those funds, shall be in a public agency for the uses
8 and purposes provided in this Act, and a public
9 agency shall administer the funds and property.

10 “(2) PROVISION OF SERVICES.—

11 “(A) IN GENERAL.—The provision of serv-
12 ices under this section shall be provided—

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

14 or

15 “(ii) through contract by the public
16 agency with an individual, association,
17 agency, organization, or other entity.

18 “(B) INDEPENDENCE; PUBLIC AGENCY.—

19 In the provision of those services, the employee,
20 person, association, agency, organization, or
21 other entity shall be independent of the private
22 school and of any religious organization, and
23 the employment or contract shall be under the
24 control and supervision of the public agency.

1 “(C) COMMINGLING OF FUNDS PROHIB-
2 ITED.—Funds used to provide services under
3 this section shall not be commingled with non-
4 Federal funds.

5 **“SEC. 5502. STANDARDS FOR BY-PASS.**

6 “(a) IN GENERAL.—If, by reason of any provision of
7 law, a State educational agency, local educational agency,
8 educational service agency, consortium of those agencies,
9 or other entity is prohibited from providing for the partici-
10 pation in programs of children enrolled in, or teachers or
11 other educational personnel from, private elementary
12 schools and secondary schools, on an equitable basis, or
13 if the Secretary determines that the agency, consortium,
14 or entity has substantially failed or is unwilling to provide
15 for that participation, as required by section 5501, the
16 Secretary shall—

17 “(1) waive the requirements of that section for
18 the agency, consortium, or entity; and

19 “(2) arrange for the provision of equitable serv-
20 ices to those children, teachers, or other educational
21 personnel through arrangements that shall be sub-
22 ject to the requirements of this section and of sec-
23 tions 5501, 5503, and 5504.

24 “(b) DETERMINATION.—In making the determina-
25 tion under subsection (a), the Secretary shall consider one

1 or more factors, including the quality, size, scope, and lo-
2 cation of the program, and the opportunity of private
3 school children, teachers, and other educational personnel
4 to participate in the program.

5 **“SEC. 5503. COMPLAINT PROCESS FOR PARTICIPATION OF**
6 **PRIVATE SCHOOL CHILDREN.**

7 “(a) PROCEDURES FOR COMPLAINTS.—The Sec-
8 retary shall develop and implement written procedures for
9 receiving, investigating, and resolving complaints from
10 parents, teachers, or other individuals and organizations
11 concerning violations of section 5501 by a State edu-
12 cational agency, local educational agency, educational
13 service agency, consortium of those agencies, or entity.
14 The individual or organization shall submit the complaint
15 to the State educational agency for a written resolution
16 by the State educational agency within 45 days.

17 “(b) APPEALS TO SECRETARY.—The resolution may
18 be appealed by an interested party to the Secretary not
19 later than 30 days after the State educational agency re-
20 solves the complaint or fails to resolve the complaint with-
21 in the 45-day time limit. The appeal shall be accompanied
22 by a copy of the State educational agency’s resolution,
23 and, if there is one, a complete statement of the reasons
24 supporting the appeal. The Secretary shall investigate and

1 resolve the appeal not later than 90 days after receipt of
2 the appeal.

3 “SUBPART 2—PROHIBITIONS

4 “**SEC. 5521. PROHIBITION AGAINST FEDERAL MANDATES,**
5 **DIRECTION, OR CONTROL.**

6 “(a) **IN GENERAL.**—No officer or employee of the
7 Federal Government shall, directly or indirectly, through
8 grants, contracts, or other cooperative agreements, man-
9 date, direct, or control a State, local educational agency,
10 or school’s specific instructional content, academic stand-
11 ards and assessments, curricula, or program of instruc-
12 tion, (including any requirement, direction, or mandate to
13 adopt the Common Core State Standards developed under
14 the Common Core State Standards Initiative or any other
15 academic standards common to a significant number of
16 States), nor shall anything in this Act be construed to au-
17 thorize such officer or employee to do so.

18 “(b) **FINANCIAL SUPPORT.**—No officer or employee
19 of the Federal Government shall, directly or indirectly,
20 through grants, contracts, or other cooperative agree-
21 ments, make financial support available in a manner that
22 is conditioned upon a State, local educational agency, or
23 school’s adoption of specific instructional content, aca-
24 demic standards and assessments, curriculum, or program
25 of instruction, (including any requirement, direction, or

1 mandate to adopt the Common Core State Standards de-
2 veloped under the Common Core State Standards Initia-
3 tive, any other academic standards common to a signifi-
4 cant number of States, or any assessment, instructional
5 content, or curriculum aligned to such standards), even
6 if such requirements are specified in an Act other than
7 this Act, nor shall anything in this Act be construed to
8 authorize such officer or employee to do so.

9 **“SEC. 5522. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
10 **USE OF FEDERAL FUNDS.**

11 “(a) GENERAL PROHIBITION.—Nothing in this Act
12 shall be construed to authorize an officer or employee of
13 the Federal Government directly or indirectly, whether
14 through a grant, contract, or cooperative agreement, to
15 mandate, direct, or control a State, local educational agen-
16 cy, or school’s curriculum, program of instruction, or allo-
17 cation of State or local resources, or mandate a State or
18 any subdivision thereof to spend any funds or incur any
19 costs not paid for under this Act.

20 “(b) PROHIBITION ON ENDORSEMENT OF CUR-
21 RICULUM.—Notwithstanding any other prohibition of Fed-
22 eral law, no funds provided to the Department under this
23 Act may be used by the Department directly or indirectly
24 – whether through a grant, contract, or cooperative agree-
25 ment – to endorse, approve, develop, require, or sanction

1 any curriculum, including any curriculum aligned to the
2 Common Core State Standards developed under the Com-
3 mon Core State Standards Initiative or any other aca-
4 demic standards common to a significant number of
5 States, designed to be used in an elementary school or sec-
6 ondary school.

7 “(c) LOCAL CONTROL.—Nothing in this Act shall be
8 construed to—

9 “(1) authorize an officer or employee of the
10 Federal Government directly or indirectly – whether
11 through a grant, contract, or cooperative agreement
12 – to mandate, direct, review, or control a State, local
13 educational agency, or school’s instructional content,
14 curriculum, and related activities;

15 “(2) limit the application of the General Edu-
16 cation Provisions Act;

17 “(3) require the distribution of scientifically or
18 medically false or inaccurate materials or to prohibit
19 the distribution of scientifically or medically true or
20 accurate materials; or

21 “(4) create any legally enforceable right.

22 “(d) PROHIBITION ON REQUIRING FEDERAL AP-
23 PROVAL OR CERTIFICATION OF STANDARDS.—Notwith-
24 standing any other provision of Federal law, no State shall
25 be required to have academic standards approved or cer-

1 tified by the Federal Government, in order to receive as-
2 sistance under this Act.

3 “(e) **RULE OF CONSTRUCTION ON BUILDING STAND-**
4 **ARDS.**—Nothing in this Act shall be construed to mandate
5 national school building standards for a State, local edu-
6 cational agency, or school.

7 **“SEC. 5523. PROHIBITION ON FEDERALLY SPONSORED**
8 **TESTING.**

9 “(a) **GENERAL PROHIBITION.**—Notwithstanding any
10 other provision of Federal law and except as provided in
11 subsection (b), no funds provided under this Act to the
12 Secretary or to the recipient of any award may be used
13 to develop, pilot test, field test, implement, administer, or
14 distribute any federally sponsored national test or testing
15 materials in reading, mathematics, or any other subject,
16 unless specifically and explicitly authorized by law.

17 “(b) **EXCEPTIONS.**—Subsection (a) shall not apply to
18 international comparative assessments developed under
19 the authority of section 153(a)(5) of the Education
20 Sciences Reform Act of 2002 and administered to only a
21 representative sample of pupils in the United States and
22 in foreign nations.

1 **“SEC. 5524. LIMITATIONS ON NATIONAL TESTING OR CER-**
2 **TIFICATION FOR TEACHERS.**

3 “(a) MANDATORY NATIONAL TESTING OR CERTIFI-
4 CATION OF TEACHERS.—Notwithstanding any other pro-
5 vision of this Act or any other provision of law, no funds
6 available to the Department or otherwise available under
7 this Act may be used for any purpose relating to a manda-
8 tory nationwide test or certification of teachers or edu-
9 cation paraprofessionals, including any planning, develop-
10 ment, implementation, or administration of such test or
11 certification.

12 “(b) PROHIBITION ON WITHHOLDING FUNDS.—The
13 Secretary is prohibited from withholding funds from any
14 State educational agency or local educational agency if the
15 State educational agency or local educational agency fails
16 to adopt a specific method of teacher or paraprofessional
17 certification.

18 **“SEC. 5525. PROHIBITED USES OF FUNDS.**

19 “No funds under this Act may be used—

20 “(1) for construction, renovation, or repair of
21 any school facility, except as authorized under title
22 IV or otherwise authorized under this Act;

23 “(2) for medical services, drug treatment or re-
24 habilitation, except for specialized instructional sup-
25 port services or referral to treatment for students

1 who are victims of, or witnesses to, crime or who il-
2 legally use drugs;

3 “(3) for transportation unless otherwise author-
4 ized under this Act;

5 “(4) to develop or distribute materials, or oper-
6 ate programs or courses of instruction directed at
7 youth, that are designed to promote or encourage
8 sexual activity, whether homosexual or heterosexual;

9 “(5) to distribute or to aid in the distribution
10 by any organization of legally obscene materials to
11 minors on school grounds;

12 “(6) to provide sex education or HIV-prevention
13 education in schools unless that instruction is age
14 appropriate and includes the health benefits of absti-
15 nence; or

16 “(7) to operate a program of contraceptive dis-
17 tribution in schools.

18 **“SEC. 5529. PROHIBITION REGARDING STATE AID.**

19 “A State shall not take into consideration payments
20 under this Act (other than under title IV) in determining
21 the eligibility of any local educational agency in that State
22 for State aid, or the amount of State aid, with respect
23 to free public education of children.

1 “SUBPART 3—OTHER PROVISIONS

2 **“SEC. 5541. ARMED FORCES RECRUITER ACCESS TO STU-**
3 **DENTS AND STUDENT RECRUITING INFORMA-**
4 **TION.**

5 “(a) POLICY.—

6 “(1) ACCESS TO STUDENT RECRUITING INFOR-

7 MATION.—Notwithstanding section 444(a)(5)(B) of

8 the General Education Provisions Act, each local

9 educational agency receiving assistance under this

10 Act shall provide, upon a request made by a military

11 recruiter or an institution of higher education, ac-

12 cess to the name, address, and telephone listing of

13 each secondary school student served by the local

14 educational agency, unless the parent of such stu-

15 dent has submitted the prior consent request under

16 paragraph (2).

17 “(2) CONSENT.—

18 “(A) OPT-OUT PROCESS.—A parent of a

19 secondary school student may submit a written

20 request, to the local educational agency, that

21 the student’s name, address, and telephone list-

22 ing not be released for purposes of paragraph

23 (1) without prior written consent of the parent.

24 Upon receiving such request, the local edu-

25 cational agency may not release the student’s

1 name, address, and telephone listing for such
2 purposes without the prior written consent of
3 the parent.

4 “(B) NOTIFICATION OF OPT-OUT PROC-
5 ESS.—Each local educational agency shall no-
6 tify the parents of the students served by the
7 agency of the option to make a request de-
8 scribed in subparagraph (A).

9 “(3) SAME ACCESS TO STUDENTS.—Each local
10 educational agency receiving assistance under this
11 Act shall provide military recruiters the same access
12 to secondary school students as is provided generally
13 to institutions of higher education or to prospective
14 employers of those students.

15 “(4) RULE OF CONSTRUCTION PROHIBITING
16 OPT-IN PROCESSES.—Nothing in this subsection
17 shall be construed to allow a local educational agen-
18 cy to withhold access to a student’s name, address,
19 and telephone listing from a military recruiter or in-
20 stitution of higher education by implementing an
21 opt-in process or any other process other than the
22 written consent request process under paragraph
23 (2)(A).

24 “(5) PARENTAL CONSENT.—For purposes of
25 this subsection, whenever a student has attained 18

1 years of age, the permission or consent required of
2 and the rights accorded to the parents of the stu-
3 dent shall only be required of and accorded to the
4 student.

5 “(b) NOTIFICATION.—The Secretary, in consultation
6 with the Secretary of Defense, shall, not later than 120
7 days after the date of enactment of the Student Success
8 Act, notify school leaders, school administrators, and other
9 educators about the requirements of this section.

10 “(c) EXCEPTION.—The requirements of this section
11 do not apply to a private secondary school that maintains
12 a religious objection to service in the Armed Forces if the
13 objection is verifiable through the corporate or other orga-
14 nizational documents or materials of that school.

15 **“SEC. 5542. RULEMAKING.**

16 “The Secretary shall issue regulations under this Act
17 as prescribed under section 1401 only to the extent that
18 such regulations are necessary to ensure that there is com-
19 pliance with the specific requirements and assurances re-
20 quired by this Act.

21 **“SEC. 5543. PEER REVIEW.**

22 “(a) IN GENERAL.—If the Secretary uses a peer re-
23 view panel to evaluate an application for any program re-
24 quired under this Act, the Secretary shall conduct the
25 panel in accordance with this section.

1 “(b) MAKEUP.—The Secretary shall—

2 “(1) solicit nominations for peers to serve on
3 the panel from States that are—

4 “(A) practitioners in the subject matter; or

5 “(B) experts in the subject matter; and

6 “(2) select the peers from such nominees, ex-
7 cept that there shall be at least 75 percent practi-
8 tioners on each panel and in each group formed
9 from the panel.

10 “(c) GUIDANCE.—The Secretary shall issue the peer
11 review guidance concurrently with the notice of the grant.

12 “(d) REPORTING.—The Secretary shall—

13 “(1) make the names of the peer reviewers
14 available to the public before the final deadline for
15 the application of the grant;

16 “(2) make the peer review notes publically
17 available once the review has concluded; and

18 “(3) make any deviations from the peer review-
19 ers’ recommendations available to the public with an
20 explanation of the deviation.

21 “(e) APPLICANT REVIEWS.—An applicant shall have
22 an opportunity within 30 days to review the peer review
23 notes and appeal the score to the Secretary prior to the
24 Secretary making any final determination.

1 “(f) PROHIBITION.—The Secretary, and the Sec-
2 retary’s staff, may not attempt to participate in, or influ-
3 ence, the peer review process. No Federal employee may
4 participate in, or attempt to influence the peer review
5 process, except to respond to questions of a technical na-
6 ture, which shall be publicly reported.

7 **“SEC. 5544. PARENTAL CONSENT.**

8 “Upon receipt of written notification from the par-
9 ents or legal guardians of a student, the local educational
10 agency shall withdraw such student from any program
11 funded under part B of title III. The local educational
12 agency shall make reasonable efforts to inform parents or
13 legal guardians of the content of such programs or activi-
14 ties funded under this Act, other than classroom instruc-
15 tion.

16 **“SEC. 5548. SEVERABILITY.**

17 “If any provision of this Act is held invalid, the re-
18 mainder of this Act shall be unaffected thereby.

19 **“SEC. 5551. DEPARTMENT STAFF.**

20 “The Secretary shall—

21 “(1) not later than 60 days after the date of
22 the enactment of the Student Success Act, identify
23 the number of Department employees who worked
24 on or administered each education program and
25 project authorized under this Act, as such program

1 or project was in effect on the day before such en-
2 actment date, and publish such information on the
3 Department's website;

4 “(2) not later than 60 days after such enact-
5 ment date, identify the number of full-time equiva-
6 lent employees who work on or administer programs
7 or projects authorized under this Act, as in effect on
8 the day before such enactment date, that have been
9 eliminated or consolidated since such date;

10 “(3) not later than 1 year after such enactment
11 date, reduce the workforce of the Department by the
12 number of full-time equivalent employees the De-
13 partment calculated under paragraph (2); and

14 “(4) not later than 1 year after such enactment
15 date, report to the Congress on—

16 “(A) the number of employees associated
17 with each program or project authorized under
18 this Act administered by the Department;

19 “(B) the number of full-time equivalent
20 employees who were determined to be associated
21 with eliminated or consolidated programs or
22 projects under paragraph (2); and

23 “(C) how the Secretary reduced the num-
24 ber of employees at the Department under
25 paragraph (3).

1 “PART F—EVALUATIONS

2 **“SEC. 5601. EVALUATIONS.**

3 “(a) RESERVATION OF FUNDS.—Except as provided
4 in subsections (c) and (d), the Secretary may reserve not
5 more than 0.5 percent of the amount appropriated to
6 carry out each categorical program authorized under this
7 Act. The reserved amounts shall be used by the Secretary,
8 acting through the Director of the Institute of Education
9 Sciences—

10 “(1) to conduct—

11 “(A) comprehensive evaluations of the pro-
12 gram or project; and

13 “(B) studies of the effectiveness of the pro-
14 gram or project and its administrative impact
15 on schools and local educational agencies;

16 “(2) to evaluate the aggregate short- and long-
17 term effects and cost efficiencies across Federal pro-
18 grams assisted or authorized under this Act and re-
19 lated Federal preschool, elementary, and secondary
20 programs under any other Federal law; and

21 “(3) to increase the usefulness of evaluations of
22 grant recipients in order to ensure the continuous
23 progress of the program or project by improving the
24 quality, timeliness, efficiency, and use of information

1 relating to performance under the program or
2 project.

3 “(b) REQUIRED PLAN.—The Secretary, acting
4 through the Director of the Institute of Education
5 Sciences, may use the reserved amount under subsection
6 (a) only after completion of a comprehensive, multi-year
7 plan—

8 “(1) for the periodic evaluation of each of the
9 major categorical programs authorized under this
10 Act, and as resources permit, the smaller categorical
11 programs authorized under this Act;

12 “(2) that shall be developed and implemented
13 with the involvement of other officials at the Depart-
14 ment, as appropriate; and

15 “(3) that shall not be finalized until—

16 “(A) the publication of a notice in the Fed-
17 eral Register seeking public comment on such
18 plan and after review by the Secretary of such
19 comments; and

20 “(B) the plan is submitted for comment to
21 the Committee on Education and the Workforce
22 of the House of Representatives and the Com-
23 mittee on Health, Education, Labor, and Pen-
24 sions of the Senate and after review by the Sec-
25 retary of such comments.

1 “(c) TITLE I EXCLUDED.—The Secretary may not
2 reserve under subsection (a) funds appropriated to carry
3 out any program authorized under title I.

4 “(d) EVALUATION ACTIVITIES AUTHORIZED ELSE-
5 WHERE.—If, under any other provision of this Act (other
6 than title I), funds are authorized to be reserved or used
7 for evaluation activities with respect to a program or
8 project, the Secretary may not reserve additional funds
9 under this section for the evaluation of that program or
10 project.”.

11 (b) TECHNICAL AMENDMENTS.—

12 (1) TITLE IX.—

13 (A) SUBPART 1 OF PART E OF TITLE V.—

14 (i) TRANSFER AND REDESIGNA-
15 TION.—Sections 9504 through 9506 (20
16 U.S.C. 7884; 7885; 7886) are—

17 (I) transferred to title V, as
18 amended by subsection (a) of this sec-
19 tion;

20 (II) inserted after section 5503
21 of such title; and

22 (III) redesignated as sections
23 5504 through 5506, respectively.

24 (ii) AMENDMENTS.—Section 5504 (as
25 so redesignated) is amended—

1 (I) in subsection (a)(1)(A), by
2 striking “section 9502” and inserting
3 “section 5502”;

4 (II) in subsection (b), by striking
5 “section 9501” and inserting “section
6 5501”; and

7 (III) in subsection (d), by strik-
8 ing “No Child Left Behind Act of
9 2001” and inserting “Student Success
10 Act”.

11 (B) SUBPART 2 OF PART E OF TITLE V.—

12 (i) TRANSFER AND REDESIGNA-
13 TION.—Sections 9531, 9533, and 9534 (20
14 U.S.C. 7911; 7913; 7914) are—

15 (I) transferred to title V, as
16 amended by subparagraph (A) of this
17 paragraph;

18 (II) inserted after section 5525
19 of such title; and

20 (III) redesignated as sections
21 5526 through 5528, respectively.

22 (ii) AMENDMENTS.—Section 5528 (as
23 so redesignated) is amended—

1 (I) by striking “(a) IN GEN-
2 ERAL.—Nothing” and inserting
3 “Nothing”; and

4 (II) by striking subsection (b).

5 (C) SUBPART 3 OF PART E OF TITLE V.—
6 Sections 9523, 9524, and 9525 (20 U.S.C.
7 7903; 7904; 7905) are—

8 (i) transferred to title V, as amended
9 by subparagraph (B) of this paragraph;

10 (ii) inserted after section 5544 of such
11 title; and

12 (iii) redesignated as sections 5545
13 through 5547, respectively.

14 (2) TITLE IV.—Sections 4141 and 4155 (20
15 U.S.C. 7151; 7161) are—

16 (A) transferred to title V, as amended by
17 paragraph (1) of this subsection;

18 (B) inserted after section 5548 (as so re-
19 designated by paragraph (1)(C)(iii) of this sub-
20 section); and

21 (C) redesignated as sections 5549 and
22 5550, respectively.

23 **SEC. 502. REPEAL.**

24 Title IX (20 U.S.C. 7801 et seq.), as amended by
25 section 501(b)(1) of this title, is repealed.

1 **SEC. 503. OTHER LAWS.**

2 Beginning on the date of the enactment of this Act,
3 any reference in law to the term “highly qualified” as de-
4 fined in section 9101 of the Elementary and Secondary
5 Education Act of 1965 shall be treated as a reference to
6 such term under section 9101 of the Elementary and Sec-
7 ondary Education Act of 1965 as in effect on the day be-
8 fore the date of the enactment of this Act.

9 **SEC. 504. AMENDMENT TO IDEA.**

10 Section 602 of the Individuals with Disabilities Edu-
11 cation Act (20 U.S.C. 1401) is amended by striking para-
12 graph (10).

13 **TITLE VI—REPEAL**

14 **SEC. 601. REPEAL OF TITLE VI.**

15 The Act is amended by striking title VI (20 U.S.C.
16 7301 et seq.)

17 **TITLE VII—HOMELESS**
18 **EDUCATION**

19 **SEC. 701. STATEMENT OF POLICY.**

20 Section 721 of the McKinney-Vento Homeless Assist-
21 ance Act (42 U.S.C. 11431) is amended—

22 (1) by amending paragraph (2) to read as fol-
23 lows:

24 “(2) In any State where compulsory residency
25 requirements or other requirements, laws, regula-
26 tions, practices, or policies may act as a barrier to

1 the identification, enrollment, attendance, or success
2 in school of homeless children and youths, the State
3 and local educational agencies will review and under-
4 take steps to revise such laws, regulations, practices,
5 or policies to ensure that homeless children and
6 youths are afforded the same free, appropriate pub-
7 lic education as is provided to other children and
8 youths.”;

9 (2) in paragraph (3), by striking “alone”; and
10 (3) in paragraph (4), by striking “challenging
11 State student academic achievement” and inserting
12 “State academic”.

13 **SEC. 702. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
14 **THE EDUCATION OF HOMELESS CHILDREN**
15 **AND YOUTHS.**

16 Section 722 of such Act (42 U.S.C. 11432) is amend-
17 ed—

18 (1) in subsection (a), by striking “(g).” and in-
19 serting “(h).”;

20 (2) by striking subsection (b);

21 (3) in subsection (c)—

22 (A) in paragraph (1)(A)—

23 (i) in clause (i), by adding “or” at the
24 end;

1 (ii) in clause (ii), by striking “; or” at
2 the end and inserting a period; and

3 (iii) by striking clause (iii); and

4 (B) by striking paragraph (3);

5 (4) in subsection (d)—

6 (A) in the matter preceding paragraph (1),
7 by striking “Grants” and inserting “Grant
8 funds from a grant made to a State”;

9 (B) by amending paragraph (2) to read as
10 follows:

11 “(2) To provide services and activities to im-
12 prove the identification of homeless children (includ-
13 ing preschool-aged homeless children and youths)
14 that enable such children and youths to enroll in, at-
15 tend, and succeed in school, or, if appropriate, in
16 preschool programs.”;

17 (C) in paragraph (3), by inserting before
18 the period at the end the following: “that can
19 sufficiently carry out the duties described in
20 this subtitle”;

21 (D) by amending paragraph (5) to read as
22 follows:

23 “(5) To develop and implement professional de-
24 velopment programs for liaisons designated under

1 subsection (g)(1)(J)(ii) and other local educational
2 agency personnel—

3 “(A) to improve their identification of
4 homeless children and youths; and

5 “(B) to heighten their awareness of, and
6 capacity to respond to, specific needs in the
7 education of homeless children and youths.”.

8 (5) in subsection (e)—

9 (A) in paragraph (1)—

10 (i) by striking “sums” and inserting
11 “grant funds”; and

12 (ii) by inserting “a State under sub-
13 section (a) to” after “each year to”;

14 (B) in paragraph (2), by striking “funds
15 made available for State use under this sub-
16 title” and inserting “the grant funds remaining
17 after the State educational agency distributes
18 subgrants under paragraph (1)”; and

19 (C) in paragraph (3)—

20 (i) in subparagraph (C)(iv)(II), by
21 striking “sections 1111 and 1116” and in-
22 serting “section 1111”;

23 (ii) in subparagraph (F)—

24 (I) in clause (i)—

1 (aa) in the matter preceding
2 subclause (I), by striking “a re-
3 port” and inserting “an annual
4 report”;

5 (bb) by striking “and” at
6 the end of subclause (II);

7 (cc) by striking the period at
8 the end of subclause (III) and in-
9 serting “; and”; and

10 (dd) by adding at the end
11 the following:

12 “(IV) the progress the separate
13 schools are making in helping all stu-
14 dents meet the State academic stand-
15 ards.”; and

16 (II) in clause (iii), by striking
17 “Not later than 2 years after the date
18 of enactment of the McKinney-Vento
19 Homeless Education Assistance Im-
20 provements Act of 2001, the” and in-
21 serting “The”;

22 (6) by amending subsection (f) to read as fol-
23 lows:

1 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
2 NATOR.—The Coordinator for Education of Homeless
3 Children and Youths established in each State shall—

4 “(1) gather and make publically available reli-
5 able, valid, and comprehensive information on—

6 “(A) the number of homeless children and
7 youths identified in the State, posted annually
8 on the State educational agency’s website;

9 “(B) the nature and extent of the problems
10 homeless children and youths have in gaining
11 access to public preschool programs and to pub-
12 lic elementary schools and secondary schools;

13 “(C) the difficulties in identifying the spe-
14 cial needs and barriers to the participation and
15 achievement of such children and youths;

16 “(D) any progress made by the State edu-
17 cational agency and local educational agencies
18 in the State in addressing such problems and
19 difficulties; and

20 “(E) the success of the programs under
21 this subtitle in identifying homeless children
22 and youths and allowing such children and
23 youths to enroll in, attend, and succeed in,
24 school;

1 “(2) develop and carry out the State plan de-
2 scribed in subsection (g);

3 “(3) collect data for and transmit to the Sec-
4 retary, at such time and in such manner as the Sec-
5 retary may require, a report containing information
6 necessary to assess the educational needs of home-
7 less children and youths within the State, including
8 data necessary for the Secretary to fulfill the respon-
9 sibilities under section 724(h);

10 “(4) in order to improve the provision of com-
11 prehensive education and related support services to
12 homeless children and youths and their families, co-
13 ordinate and collaborate with—

14 “(A) educators, including teachers, special
15 education personnel, administrators, and child
16 development and preschool program personnel;

17 “(B) providers of services to homeless chil-
18 dren and youths and their families, including
19 services of public and private child welfare and
20 social services agencies, law enforcement agen-
21 cies, juvenile and family courts, agencies pro-
22 viding mental health services, domestic violence
23 agencies, child care providers, runaway and
24 homeless youth centers, and providers of serv-
25 ices and programs funded under the Runaway

1 and Homeless Youth Act (42 U.S.C. 5701 et
2 seq.);

3 “(C) providers of emergency, transitional,
4 and permanent housing to homeless children
5 and youths, and their families, including public
6 housing agencies, shelter operators, operators of
7 transitional housing facilities, and providers of
8 transitional living programs for homeless
9 youths;

10 “(D) local educational agency liaisons des-
11 igned under subsection (g)(1)(J)(ii) for home-
12 less children and youths; and

13 “(E) community organizations and groups
14 representing homeless children and youths and
15 their families;

16 “(5) provide technical assistance to local edu-
17 cational agencies, in coordination with local edu-
18 cational agency liaisons designated under subsection
19 (g)(1)(J)(ii), to ensure that local educational agen-
20 cies comply with the requirements of subsection
21 (e)(3), paragraphs (3) through (7) of subsection (g),
22 and subsection (h);

23 “(6) provide professional development opportu-
24 nities for local educational agency personnel and the
25 homeless liaison designated under subsection

1 (g)(1)(J)(ii) to assist such personnel in meeting the
2 needs of homeless children and youths; and

3 “(7) respond to inquiries from parents and
4 guardians of homeless children and youths and un-
5 accompanied youths to ensure that each child or
6 youth who is the subject of such an inquiry receives
7 the full protections and services provided by this
8 subtitle.”;

9 (7) by amending subsection (g) to read as fol-
10 lows:

11 “(g) STATE PLAN.—

12 “(1) IN GENERAL.—In order to be eligible to
13 receive a grant under this section, each State edu-
14 cational agency shall submit to the Secretary a plan
15 to provide for the education of homeless children
16 and youths within the State that includes the fol-
17 lowing:

18 “(A) A description of how such children
19 and youths are (or will be) given the oppor-
20 tunity to meet the same State academic stand-
21 ards that all students are expected to meet.

22 “(B) A description of the procedures the
23 State educational agency will use to identify
24 such children and youths in the State and to
25 assess their needs.

1 “(C) A description of procedures for the
2 prompt resolution of disputes regarding the
3 educational placement of homeless children and
4 youths.

5 “(D) A description of programs for school
6 personnel (including liaisons, school leaders, at-
7 tendance officers, teachers, enrollment per-
8 sonnel, and specialized instructional support
9 personnel) to heighten the awareness of such
10 personnel of the specific needs of homeless ado-
11 lescents, including runaway and homeless
12 youths.

13 “(E) A description of procedures that en-
14 sure that homeless children and youths who
15 meet the relevant eligibility criteria are able to
16 participate in Federal, State, or local nutrition
17 programs.

18 “(F) A description of procedures that en-
19 sure that—

20 “(i) homeless children have equal ac-
21 cess to public preschool programs, adminis-
22 tered by the State educational agency or
23 local educational agency, as provided to
24 other children in the State;

1 “(ii) homeless youths and youths sep-
2 arated from public schools are identified
3 and accorded equal access to appropriate
4 secondary education and support services;
5 and

6 “(iii) homeless children and youth
7 who meet the relevant eligibility criteria
8 are able to participate in Federal, State, or
9 local education programs.

10 “(G) Strategies to address problems identi-
11 fied in the report provided to the Secretary
12 under subsection (f)(3).

13 “(H) Strategies to address other problems
14 with respect to the education of homeless chil-
15 dren and youths, including problems resulting
16 from enrollment delays that are caused by—

17 “(i) immunization and other health
18 records requirements;

19 “(ii) residency requirements;

20 “(iii) lack of birth certificates, school
21 records, or other documentation;

22 “(iv) guardianship issues; or

23 “(v) uniform or dress code require-
24 ments.

1 “(I) A demonstration that the State edu-
2 cational agency and local educational agencies
3 in the State have developed, and shall review
4 and revise, policies to remove barriers to the
5 identification, enrollment, and retention of
6 homeless children and youths in schools in the
7 State.

8 “(J) Assurances that the following will be
9 carried out:

10 “(i) The State educational agency and
11 local educational agencies in the State will
12 adopt policies and practices to ensure that
13 homeless children and youths are not stig-
14 matized or segregated on the basis of their
15 status as homeless.

16 “(ii) Local educational agencies will
17 designate an appropriate staff person, who
18 may also be a coordinator for other Fed-
19 eral programs, as a local educational agen-
20 cy liaison for homeless children and
21 youths, to carry out the duties described in
22 paragraph (6)(A).

23 “(iii) The State and its local edu-
24 cational agencies will adopt policies and
25 practices to ensure that transportation is

1 provided, at the request of the parent or
2 guardian (or in the case of an unaccom-
3 panied youth, the liaison), to and from the
4 school of origin, as determined in para-
5 graph (3)(A), in accordance with the fol-
6 lowing, as applicable:

7 “(I) If the child or youth con-
8 tinues to live in the area served by the
9 local educational agency in which the
10 school of origin is located, the child’s
11 or youth’s transportation to and from
12 the school of origin shall be provided
13 or arranged by the local educational
14 agency in which the school of origin is
15 located.

16 “(II) If the child’s or youth’s liv-
17 ing arrangements in the area served
18 by the local educational agency of ori-
19 gin terminate and the child or youth,
20 though continuing his or her edu-
21 cation in the school of origin, begins
22 living in an area served by another
23 local educational agency, the local
24 educational agency of origin and the
25 local educational agency in which the

1 child or youth is living shall agree
2 upon a method to apportion the re-
3 sponsibility and costs for providing
4 the child with transportation to and
5 from the school of origin. If the local
6 educational agencies are unable to
7 agree upon such method, the responsi-
8 bility and costs for transportation
9 shall be shared equally.

10 “(2) COMPLIANCE.—

11 “(A) IN GENERAL.—Each plan adopted
12 under this subsection shall also describe how
13 the State will ensure that local educational
14 agencies in the State will comply with the re-
15 quirements of paragraphs (3) through (7).

16 “(B) COORDINATION.—Such plan shall in-
17 dicate what technical assistance the State will
18 furnish to local educational agencies and how
19 compliance efforts will be coordinated with the
20 local educational agency liaisons designated
21 under paragraph (1)(J)(ii).

22 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
23 MENTS.—

24 “(A) IN GENERAL.—The local educational
25 agency serving each child or youth to be as-

1 sisted under this subtitle shall, according to the
2 child’s or youth’s best interest—

3 “(i) continue the child’s or youth’s
4 education in the school of origin for the
5 duration of homelessness—

6 “(I) in any case in which a fam-
7 ily becomes homeless between aca-
8 demic years or during an academic
9 year; or

10 “(II) for the remainder of the
11 academic year, if the child or youth
12 becomes permanently housed during
13 an academic year; or

14 “(ii) enroll the child or youth in any
15 public school that nonhomeless students
16 who live in the attendance area in which
17 the child or youth is actually living are eli-
18 gible to attend.

19 “(B) SCHOOL STABILITY.—In determining
20 the best interest of the child or youth under
21 subparagraph (A), the local educational agency
22 shall—

23 “(i) presume that keeping the child or
24 youth in the school of origin is in the child
25 or youth’s best interest, except when doing

1 so is contrary to the wishes of the child's
2 or youth's parent or guardian, or the unac-
3 companied youth;

4 “(ii) consider student-centered factors
5 related to the child's or youth's best inter-
6 est, including factors related to the impact
7 of mobility on achievement, education,
8 health, and safety of homeless children and
9 youth, giving priority to the wishes of the
10 homeless child's or youth's parent of
11 guardian or the unaccompanied youth in-
12 volved;

13 “(iii) if, after conducting the best in-
14 terest determination based on consider-
15 ation of the presumption in clause (i) and
16 the student-centered factors in clause (ii),
17 the local educational agency determines
18 that it is not in the child's or youth's best
19 interest to attend the school of origin or
20 the school requested by the parent, guard-
21 ian, or unaccompanied youth, provide the
22 child's or youth's parent or guardian or
23 the unaccompanied youth with a written
24 explanation of the reasons for its deter-
25 mination, in a manner and form under-

1 standable to such parent, guardian, or un-
2 accompanied youth, including information
3 regarding the right to appeal under sub-
4 paragraph (E); and

5 “(iv) in the case of an unaccompanied
6 youth, ensure that the homeless liaison
7 designated under paragraph (1)(J)(ii) as-
8 sists in placement or enrollment decisions
9 under this subparagraph, gives priority to
10 the views of such unaccompanied youth,
11 and provides notice to such youth of the
12 right to appeal under subparagraph (E).

13 “(C) ENROLLMENT.—

14 “(i) IN GENERAL.—The school se-
15 lected in accordance with this paragraph
16 shall immediately enroll the homeless child
17 or youth, even if the child or youth—

18 “(I) is unable to produce records
19 normally required for enrollment, such
20 as previous academic records, records
21 of immunization and other required
22 health records, proof of residency, or
23 other documentation; or

1 “(II) has missed application or
2 enrollment deadlines during any pe-
3 riod of homelessness.

4 “(ii) RELEVANT ACADEMIC
5 RECORDS.—The enrolling school shall im-
6 mediately contact the school last attended
7 by the child or youth to obtain relevant
8 academic and other records.

9 “(iii) RELEVANT HEALTH RECORDS.—
10 If the child or youth needs to obtain immu-
11 nizations or other required health records,
12 the enrolling school shall immediately refer
13 the parent or guardian of the child or
14 youth, or the unaccompanied child or
15 youth, to the local educational agency liai-
16 son designated under paragraph (1)(J)(ii),
17 who shall assist in obtaining necessary im-
18 munizations or screenings, or immuniza-
19 tion or other required health records, in
20 accordance with subparagraph (D).

21 “(D) RECORDS.—Any record ordinarily
22 kept by the school, including immunization or
23 other required health records, academic records,
24 birth certificates, guardianship records, and
25 evaluations for special services or programs, re-

1 garding each homeless child or youth shall be
2 maintained—

3 “(i) so that the records involved are
4 available, in a timely fashion, when a child
5 or youth enters a new school or school dis-
6 trict; and

7 “(ii) in a manner consistent with sec-
8 tion 444 of the General Education Provi-
9 sions Act (20 U.S.C. 1232g).

10 “(E) ENROLLMENT DISPUTES.—If a dis-
11 pute arises over school selection or enrollment
12 in a school—

13 “(i) the child or youth shall be imme-
14 diately enrolled in the school in which en-
15 rollment is sought, pending final resolution
16 of the dispute, including all available ap-
17 peals;

18 “(ii) the parent, guardian, or unac-
19 panied youth shall be provided with a
20 written explanation of any decisions made
21 by the school, the local educational agency,
22 or the State educational agency involved,
23 including the rights of the parent, guard-
24 ian, or youth to appeal such decisions;

1 “(iii) the parent, guardian, or unac-
2 panied youth shall be referred to the
3 local educational agency liaison designated
4 under paragraph (1)(J)(ii), who shall carry
5 out the dispute resolution process as de-
6 scribed in paragraph (1)(C) as expedi-
7 tiously as possible after receiving notice of
8 the dispute; and

9 “(iv) in the case of an unaccompanied
10 youth, the liaison shall ensure that the
11 youth is immediately enrolled in school in
12 which the youth seeks enrollment pending
13 resolution of such dispute.

14 “(F) PLACEMENT CHOICE.—The choice re-
15 garding placement shall be made regardless of
16 whether the child or youth lives with the home-
17 less parents or has been temporarily placed
18 elsewhere.

19 “(G) SCHOOL OF ORIGIN DEFINED.—

20 “(i) IN GENERAL.—In this paragraph,
21 the term ‘school of origin’ means the
22 school that a child or youth attended when
23 permanently housed or the school in which
24 the child or youth was last enrolled.

1 “(ii) RECEIVING SCHOOL.—When the
2 child or youth completes the final grade
3 level served by the school of origin, as de-
4 scribed in clause (i), the term “school of
5 origin” shall include the designated receiv-
6 ing school at the next grade level for all
7 feeder schools.

8 “(H) CONTACT INFORMATION.—Nothing
9 in this subtitle shall prohibit a local educational
10 agency from requiring a parent or guardian of
11 a homeless child to submit contact information.

12 “(I) PRIVACY.—Information about a home-
13 less child’s or youth’s living situation shall be
14 treated as a student education record under
15 section 444 of the General Education Provi-
16 sions Act (20 U.S.C. 1232g) and shall not be
17 released to housing providers, employers, law
18 enforcement personnel, or other persons or
19 agencies not authorized to have such informa-
20 tion under section 99.31 of title 34, Code of
21 Federal Regulations.

22 “(J) ACADEMIC ACHIEVEMENT.—The
23 school selected in accordance with this para-
24 graph shall ensure that homeless children and
25 youth have opportunities to meet the same

1 State academic standards to which other stu-
2 dents are held.

3 “(4) COMPARABLE SERVICES.—Each homeless
4 child or youth to be assisted under this subtitle shall
5 be provided services comparable to services offered
6 to other students in the school selected under para-
7 graph (3), including the following:

8 “(A) Transportation services.

9 “(B) Educational services for which the
10 child or youth meets the eligibility criteria, such
11 as services provided under title I of the Elemen-
12 tary and Secondary Education Act of 1965 (20
13 U.S.C. 6301 et seq.) or similar State or local
14 programs, educational programs for children
15 with disabilities, and educational programs for
16 English learners.

17 “(C) Programs in career and technical
18 education.

19 “(D) Programs for gifted and talented stu-
20 dents.

21 “(E) School nutrition programs.

22 “(5) COORDINATION.—

23 “(A) IN GENERAL.—Each local educational
24 agency serving homeless children and youths

1 that receives assistance under this subtitle shall
2 coordinate—

3 “(i) the provision of services under
4 this subtitle with local social services agen-
5 cies and other agencies or entities pro-
6 viding services to homeless children and
7 youths and their families, including serv-
8 ices and programs funded under the Run-
9 away and Homeless Youth Act (42 U.S.C.
10 5701 et seq.); and

11 “(ii) transportation, transfer of school
12 records, and other interdistrict activities,
13 with other local educational agencies.

14 “(B) HOUSING ASSISTANCE.—If applica-
15 ble, each State educational agency and local
16 educational agency that receives assistance
17 under this subtitle shall coordinate with State
18 and local housing agencies responsible for devel-
19 oping the comprehensive housing affordability
20 strategy described in section 105 of the Cran-
21 ston-Gonzalez National Affordable Housing Act
22 (42 U.S.C. 12705) to minimize educational dis-
23 ruption for children and youths who become
24 homeless.

1 “(C) COORDINATION PURPOSE.—The co-
2 ordination required under subparagraphs (A)
3 and (B) shall be designed to—

4 “(i) ensure that all homeless children
5 and youths are promptly identified;

6 “(ii) ensure that homeless children
7 and youths have access to, and are in rea-
8 sonable proximity to, available education
9 and related support services; and

10 “(iii) raise the awareness of school
11 personnel and service providers of the ef-
12 fects of short-term stays in a shelter and
13 other challenges associated with homeless-
14 ness.

15 “(D) HOMELESS CHILDREN AND YOUTHS
16 WITH DISABILITIES.—For children and youth
17 who are to be assisted both under this subtitle,
18 and under the Individuals with Disabilities
19 Education Act (20 U.S.C. 1400 et seq.) or sec-
20 tion 504 of the Rehabilitation Act of 1973 (29
21 U.S.C. 794), each local educational agency shall
22 coordinate the provision of services under this
23 subtitle with the provision of programs for chil-
24 dren with disabilities served by that local edu-

1 cational agency and other involved local edu-
2 cational agencies.

3 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

4 “(A) DUTIES.—Each local educational
5 agency liaison for homeless children and youths,
6 designated under paragraph (1)(J)(ii), shall en-
7 sure that—

8 “(i) homeless children and youths are
9 identified by school personnel through out-
10 reach and coordination activities with other
11 entities and agencies;

12 “(ii) homeless children and youths are
13 enrolled in, and have a full and equal op-
14 portunity to succeed in, schools of that
15 local educational agency;

16 “(iii) homeless families, children, and
17 youths have access to and receive edu-
18 cational services for which such families,
19 children, and youths are eligible, including
20 services through Head Start, Early Head
21 Start, early intervention, and preschool
22 programs administered by the local edu-
23 cational agency;

24 “(iv) homeless families, children, and
25 youths receive referrals to health care serv-

1 ices, dental services, mental health and
2 substances abuse services, housing services,
3 and other appropriate services;

4 “(v) the parents or guardians of
5 homeless children and youths are informed
6 of the educational and related opportuni-
7 ties available to their children and are pro-
8 vided with meaningful opportunities to par-
9 ticipate in the education of their children;

10 “(vi) public notice of the educational
11 rights of homeless children and youths is
12 disseminated in locations frequented by
13 parents or guardians of such children and
14 youths, and unaccompanied youths, includ-
15 ing schools, shelters, public libraries, and
16 soup kitchens in a manner and form un-
17 derstandable to the parents and guardians
18 of homeless children and youths, and unac-
19 companied youths;

20 “(vii) enrollment disputes are medi-
21 ated in accordance with paragraph (3)(E);

22 “(viii) the parent or guardian of a
23 homeless child or youth, and any unaccom-
24 panied youth, is fully informed of all trans-
25 portation services, including transportation

1 to the school of origin, as described in
2 paragraph (1)(J)(iii), and is assisted in ac-
3 cessing transportation to the school that is
4 selected under paragraph (3)(A);

5 “(ix) school personnel providing serv-
6 ices under this subtitle receive professional
7 development and other support; and

8 “(x) unaccompanied youths—
9 “(I) are enrolled in school;

10 “(II) have opportunities to meet
11 the same State academic standards to
12 which other students are held, includ-
13 ing through implementation of the
14 policies and practices required by
15 paragraph (1)(F)(ii); and

16 “(III) are informed of their sta-
17 tus as independent students under
18 section 480 of the Higher Education
19 Act of 1965 (20 U.S.C. 1087vv) and
20 receive verification of such status for
21 purposes of the Free Application for
22 Federal Student Aid described in sec-
23 tion 483 of such Act (20 U.S.C.
24 1090).

1 “(B) NOTICE.—State coordinators estab-
2 lished under subsection (d)(3) and local edu-
3 cational agencies shall inform school personnel,
4 service providers, advocates working with home-
5 less families, parents and guardians of homeless
6 children and youths, and homeless children and
7 youths of the duties of the local educational
8 agency liaisons, including publishing an annu-
9 ally updated list of the liaisons on the State
10 educational agency’s website.

11 “(C) LOCAL AND STATE COORDINATION.—
12 Local educational agency liaisons for homeless
13 children and youths shall, as a part of their du-
14 ties, coordinate and collaborate with State coor-
15 dinators and community and school personnel
16 responsible for the provision of education and
17 related services to homeless children and
18 youths. Such coordination shall include col-
19 lecting and providing to the State Coordinator
20 the reliable, valid, and comprehensive data
21 needed to meet the requirements of paragraphs
22 (1) and (3) of subsection (f).

23 “(7) REVIEW AND REVISIONS.—

24 “(A) IN GENERAL.—Each State edu-
25 cational agency and local educational agency

1 that receives assistance under this subtitle shall
2 review and revise any policies that may act as
3 barriers to the enrollment of homeless children
4 and youths in schools that are selected under
5 paragraph (3).

6 “(B) CONSIDERATION.—In reviewing and
7 revising such policies, consideration shall be
8 given to issues concerning transportation, im-
9 munization, residency, birth certificates, school
10 records and other documentation, and guard-
11 ianship.

12 “(C) SPECIAL ATTENTION.—Special atten-
13 tion shall be given to ensuring the enrollment
14 and attendance of homeless children and youths
15 who are not currently attending school.”;

16 (8) in subsection (h)(1)(A), by striking “fiscal
17 year 2009,” and inserting “fiscal years 2014
18 through 2019,”; and

19 (9) in subsection (h)(4), by striking “fiscal year
20 2009” and inserting “fiscal years 2014 through
21 2019”.

1 **SEC. 703. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
2 **THE EDUCATION OF HOMELESS CHILDREN**
3 **AND YOUTHS.**

4 Section 723 of such Act (42 U.S.C. 11433) is amend-
5 ed—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “facili-
8 tating the enrollment,” and inserting “facili-
9 tating the identification, enrollment,”;

10 (B) in paragraph (2)(A)—

11 (i) by adding “and” at the end of
12 clause (i);

13 (ii) by striking “; and” and inserting
14 a period at the end of clause (ii); and

15 (iii) by striking clause (iii); and

16 (C) by adding at the end the following:

17 “(4) DURATION OF GRANTS.—Subgrants
18 awarded under this section shall be for terms of not
19 to exceed 3 years.”;

20 (2) in subsection (b)—

21 (A) by striking paragraph (3) and redesign-
22 ating paragraphs (4) and (5) as paragraphs
23 (3) and (4), respectively; and

24 (B) by adding at the end the following:

25 “(5) An assurance that the local educational
26 agency will collect and promptly provide data re-

1 requested by the State Coordinator pursuant to para-
2 graphs (1) and (3) of section 722(f).

3 “(6) An assurance that the local educational
4 agency has removed barriers to complying with the
5 requirements of section 722(g)(1)(I).”;

6 (3) in subsection (c)—

7 (A) in paragraph (1), by striking “726”
8 and inserting “722(a)”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by inserting
11 “identification,” before “enrollment”;

12 (ii) by amending subparagraph (B) to
13 read as follows:

14 “(B) The extent to which the application
15 reflects coordination with other local and State
16 agencies that serve homeless children and
17 youths.”; and

18 (iii) in subparagraph (C), by inserting
19 “(as of the date of submission of the appli-
20 cation)” after “current practice”;

21 (C) in paragraph (3)—

22 (i) by amending subparagraph (C) to
23 read as follows:

24 “(C) The extent to which the applicant will
25 promote meaningful involvement of parents or

1 guardians of homeless children or youths in the
2 education of their children.”;

3 (ii) in subparagraph (D), by striking
4 “within” and inserting “into”;

5 (iii) in subparagraph (G)—

6 (I) by striking “Such” and in-
7 serting “The extent to which the ap-
8 plicant’s program meets such”; and

9 (II) by striking “case manage-
10 ment or related”;

11 (iv) by redesignating subparagraph
12 (G) as subparagraph (I) and inserting
13 after subparagraph (F) the following:

14 “(G) The extent to which the local edu-
15 cational agency will use the subgrant to lever-
16 age resources, including by maximizing
17 nonsubgrant funding for the position of the liai-
18 son described in section 722(g)(1)(J)(ii) and
19 the provision of transportation.

20 “(H) How the local educational agency
21 uses funds to serve homeless children and
22 youths under section 1113(c)(3) of the Elemen-
23 tary and Secondary Education Act of 1965 (20
24 U.S.C. 6313(c)(3)).”; and

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

1 “(J) An assurance that the applicant will
2 meet the requirements of section 722(g)(3).”;
3 and

4 (D) by striking paragraph (4).

5 (4) in subsection (d)—

6 (A) in paragraph (1)—

7 (i) by striking “challenging State aca-
8 demic content standards” and inserting
9 “State academic standards”; and

10 (ii) by striking “and challenging State
11 student academic achievement standards”;

12 (B) in paragraph (2)—

13 (i) by striking “students with limited
14 English proficiency,” and inserting
15 “English learners,” ; and

16 (ii) by striking “vocational” and in-
17 serting “career”;

18 (C) in paragraph (3), by striking “pupil
19 services” and inserting “specialized instruc-
20 tional support”;

21 (D) in paragraph (7), by striking “, and
22 unaccompanied youths,” and inserting “, par-
23 ticularly homeless children and youths who are
24 not enrolled in school,”;

1 (E) in paragraph (9) by striking “medical”
2 and inserting “other required health”;

3 (F) in paragraph (10), by inserting before
4 the period at the end “, and other activities de-
5 signed to increase the meaningful involvement
6 of parents or guardians of homeless children or
7 youths in the education of their children”;

8 (G) in paragraph (12), by striking “pupil”
9 and inserting “specialized instructional sup-
10 port”; and

11 (H) in paragraph (13), by inserting before
12 the period at the end “and parental mental
13 health or substance abuse problems”.

14 **SEC. 704. SECRETARIAL RESPONSIBILITIES.**

15 Section 724 of such Act (42 U.S.C. 11434) is amend-
16 ed—

17 (1) by amending subsection (c) to read as fol-
18 lows:

19 “(c) NOTICE.—

20 “(1) IN GENERAL.—The Secretary shall, before
21 the next school year that begins after the date of the
22 enactment of the Student Success Act, update and
23 disseminate nationwide the public notice described in
24 this subsection (as in effect prior to such date) of

1 the educational rights of homeless children and
2 youths.

3 “(2) DISSEMINATION.—The Secretary shall dis-
4 seminate the notice nationally to all Federal agen-
5 cies, program grantees, and grant recipients serving
6 homeless families, children, and youths.”;

7 (2) in subsection (d), by striking “and dissemi-
8 nation” and inserting “, dissemination, and technical
9 assistance”;

10 (3) in subsection (e)—

11 (A) by striking “applications for grants
12 under this subtitle” and inserting “plans for
13 the use of grant funds under section 722”;

14 (B) by striking “60-day” and inserting
15 “120-day”; and

16 (C) by striking “120-day” and inserting
17 “180-day”;

18 (4) in subsection (f), by adding at the end the
19 following: “The Secretary shall provide support and
20 technical assistance to State educational agencies in
21 areas in which barriers to a free appropriate public
22 education persist.”;

23 (5) by amending subsection (g) to read as fol-
24 lows:

1 “(g) GUIDELINES.—The Secretary shall develop,
2 issue, and publish in the Federal Register, not later than
3 60 days after the date of the enactment of the Student
4 Success Act, strategies by which a State—

5 “(1) may assist local educational agencies to
6 implement the provisions amended by the Act; and

7 “(2) can review and revise State policies and
8 procedures that may present barriers to the identi-
9 fication, enrollment, attendance, and success of
10 homeless children and youths in school.”;

11 (6) in subsection (h)(1)(A), by inserting “in all
12 areas served by local educational agencies” before
13 the semicolon at the end; and

14 (7) in subsection (i), by striking “McKinney-
15 Vento Homeless Education Assistance Improvements
16 Act of 2001” and inserting “Student Success Act”.

17 **SEC. 705. DEFINITIONS.**

18 Section 725 of such Act (42 U.S.C. 11434a) is
19 amended—

20 (1) in paragraph (2)(B)(iv), by striking “1309”
21 and inserting “1139” and

22 (2) in paragraph (3), by striking “9101” and
23 inserting “5101”

1 **SEC. 706. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 726 of such Act (42 U.S.C. 11435) is amend-
3 ed to read as follows:

4 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

5 “For the purpose of carrying out this subtitle, there
6 are authorized to be appropriated \$61,771,000 for each
7 of fiscal years 2014 through 2019.”.

