

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1177

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## AN ACT

To reauthorize the Elementary and Secondary Education  
Act of 1965 to ensure that every child achieves.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Every Child Achieves  
3 Act of 2015”.

4 **SEC. 2. TABLE OF CONTENTS.**

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Statement of purpose.
- Sec. 5. Table of contents of the Elementary and Secondary Education Act of 1965.

TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE  
AND LOCAL EDUCATIONAL AGENCIES

- Sec. 1001. Statement of purpose.
- Sec. 1002. Authorizations of appropriations.
- Sec. 1003. School intervention and support and State administration.
- Sec. 1004. Basic program requirements.
- Sec. 1005. Parent and family engagement.
- Sec. 1006. Participation of children enrolled in private schools.
- Sec. 1007. Supplement, not supplant.
- Sec. 1008. Coordination requirements.
- Sec. 1009. Grants for the outlying areas and the Secretary of the Interior.
- Sec. 1010. Allocations to States.
- Sec. 1011. Equity grants.
- Sec. 1011A. Adequacy of funding rule.
- Sec. 1011B. Education finance incentive grant program.
- Sec. 1011C. Special allocation procedures.
- Sec. 1012. Academic assessments.
- Sec. 1013. Education of migratory children.
- Sec. 1014. Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk.
- Sec. 1015. General provisions.
- Sec. 1016. Report on subgroup sample size.
- Sec. 1017. Report on implementation of educational stability of children in foster care.
- Sec. 1018. Student privacy policy committee.
- Sec. 1019. Report on student home access to digital learning resources.

TITLE II—HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER  
SCHOOL LEADERS

- Sec. 2001. Transfer of certain provisions.
- Sec. 2002. Preparing, training, and recruiting high-quality teachers, principals, and other school leaders.
- Sec. 2003. American history and civics education.
- Sec. 2004. Literacy education.
- Sec. 2005. Improving science, technology, engineering, and mathematics instruction and student achievement.

Sec. 2006. General provisions.

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS  
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Sec. 3002. Authorization of appropriations.

Sec. 3003. English language acquisition, language enhancement, and academic achievement.

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Sec. 3005. American community survey research.

TITLE IV—SAFE AND HEALTHY STUDENTS

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Sec. 4002. Grants to States and local educational agencies.

Sec. 4003. 21st century community learning centers.

Sec. 4004. Elementary school and secondary school counseling programs.

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Sec. 5002. Public charter schools.

Sec. 5003. Magnet schools assistance.

Sec. 5004. Supporting high-ability learners and learning.

Sec. 5005. Education innovation and research.

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Sec. 5007. Ready-to-Learn Television.

Sec. 5008. Innovative technology expands children's horizons (I-TECH).

Sec. 5009. Literacy and arts education.

Sec. 5010. Early learning alignment and improvement grants.

Sec. 5011. Full-service community schools.

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TITLE VI—INNOVATION AND FLEXIBILITY

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Sec. 7001. Indian education.

Sec. 7002. Native Hawaiian education.

Sec. 7003. Alaska Native education.

Sec. 7004. Native American language immersion schools and programs.

Sec. 7005. Improving Indian student data collection, reporting, and analysis.

Sec. 7006. Report on elementary and secondary education in rural or poverty areas of Indian country.

Sec. 7007. Report on responses to Indian student suicides.

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- Sec. 8001. Purpose.
- Sec. 8002. Amendment to Impact Aid Improvement Act of 2012.
- Sec. 8003. Payments relating to Federal acquisition of real property.
- Sec. 8004. Payments for eligible federally connected children.
- Sec. 8005. Policies and procedures relating to children residing on Indian lands.
- Sec. 8006. Application for payments under sections 8002 and 8003.
- Sec. 8007. Construction.
- Sec. 8008. Facilities.
- Sec. 8009. State consideration of payments in providing State aid.
- Sec. 8010. Definitions.
- Sec. 8011. Authorization of appropriations.

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- Sec. 9102. Applicability to Bureau of Indian Education operated schools.
- Sec. 9102A. Consolidation of State administrative funds for elementary and secondary education programs.
- Sec. 9102B. Consolidation of funds for local administration.
- Sec. 9103. Consolidation of funds for local administration.
- Sec. 9104. Rural consolidated plan.
- Sec. 9105. Waivers of statutory and regulatory requirements.
- Sec. 9106. Plan approval process.
- Sec. 9107. Participation by private school children and teachers.
- Sec. 9108. Maintenance of effort.
- Sec. 9109. School prayer.
- Sec. 9110. Prohibitions on Federal Government and use of Federal funds.
- Sec. 9111. Armed forces recruiter access to students and student recruiting information.
- Sec. 9112. Prohibition on federally sponsored testing.
- Sec. 9113. Limitations on national testing or certification for teachers.
- Sec. 9114. Consultation with Indian tribes and tribal organizations.
- Sec. 9114A. Application for competitive grants from the Bureau of Indian Education.
- Sec. 9115. Outreach and technical assistance for rural local educational agencies.
- Sec. 9115A. Consultation with the Governor.
- Sec. 9115B. Local governance.
- Sec. 9115C. Rule of construction regarding travel to and from school.
- Sec. 9116. Evaluations.
- Sec. 9117. Prohibition on aiding and abetting sexual abuse.

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- Sec. 10102. Grants for State and local activities.
- Sec. 10103. Local educational agency subgrants.
- Sec. 10104. Secretarial responsibilities.
- Sec. 10105. Definitions.
- Sec. 10106. Authorization of appropriations.

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- Sec. 10201. Use of term “highly qualified” in other laws.
- Sec. 10202. Department staff.
- Sec. 10203. Report on Department actions to address Office of the Inspector General charter school reports.
- Sec. 10204. Comptroller General study on increasing effectiveness of existing services and programs intended to benefit children.
- Sec. 10205. Posthumous pardon.
- Sec. 10206. Education Flexibility Partnership Act of 1999 reauthorization.

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- Sec. 10301. Short title.
- Sec. 10302. Definitions.
- Sec. 10303. Grant program.
- Sec. 10304. Applications; priority.
- Sec. 10305. Authorized activities.
- Sec. 10306. Reports and evaluations.
- Sec. 10307. Eligibility to receive Federal student financial aid.
- Sec. 10308. Authorization of appropriations.
- Sec. 10309. Report on the reduction of the number and percentage of students who drop out of school.
- Sec. 10310. Report on Native American language medium education.

### 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. STATEMENT OF PURPOSE.**

9       The purpose of this Act is to enable States and local  
 10 communities to improve and support our Nation’s public  
 11 schools and ensure that every child has an opportunity to  
 12 achieve.

### 13 **SEC. 5. TABLE OF CONTENTS OF THE ELEMENTARY AND** 14 **SECONDARY EDUCATION ACT OF 1965.**

15       Section 2 is amended to read as follows:

1 **“SEC. 2. TABLE OF CONTENTS.**

2 “The table of contents for this Act is as follows:

“Sec. 1. Short title.

“Sec. 2. Table of contents.

“Sec. 4. Education flexibility program.

“TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE  
DISADVANTAGED

“Sec. 1001. Statement of purpose.

“Sec. 1002. Authorization of appropriations.

“Sec. 1003. State administration.

“PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL  
EDUCATIONAL AGENCIES

“SUBPART 1—BASIC PROGRAM REQUIREMENTS

“Sec. 1111. State plans.

“Sec. 1112. Local educational agency plans.

“Sec. 1113. Eligible school attendance areas; schoolwide programs; targeted as-  
sistance programs.

“Sec. 1114. School identification, interventions, and supports.

“Sec. 1115. Parent and family engagement.

“Sec. 1116. Participation of children enrolled in private schools.

“Sec. 1117. Fiscal requirements.

“Sec. 1118. Coordination requirements.

“SUBPART 2—ALLOCATIONS

“Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.

“Sec. 1122. Allocations to States.

“Sec. 1123. Equity grants.

“Sec. 1124. Basic grants to local educational agencies.

“Sec. 1124A. Concentration grants to local educational agencies.

“Sec. 1125. Targeted grants to local educational agencies.

“Sec. 1125AA. Adequacy of funding of targeted grants to local educational  
agencies in fiscal years after fiscal year 2001.

“Sec. 1125A. Education finance incentive grant program.

“Sec. 1126. Special allocation procedures.

“Sec. 1127. Carryover and waiver.

“PART B—ACADEMIC ASSESSMENTS

“Sec. 1201. Grants for State assessments and related activities.

“Sec. 1202. Grants for enhanced assessment instruments.

“Sec. 1203. Audits of assessment systems.

“Sec. 1204. Funding.

“Sec. 1205. Innovative assessment and accountability demonstration authority.

“PART C—EDUCATION OF MIGRATORY CHILDREN

“Sec. 1301. Program purpose.

“Sec. 1302. Program authorized.

“Sec. 1303. State allocations.

“Sec. 1304. State applications; services.

- “Sec. 1305. Secretarial approval; peer review.
- “Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
- “Sec. 1307. Bypass.
- “Sec. 1308. Coordination of migrant education activities.
- “Sec. 1309. Definitions.

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

- “Sec. 1401. Purpose and program authorization.
- “Sec. 1402. Payments for programs under this part.

“SUBPART 1—STATE AGENCY PROGRAMS

- “Sec. 1411. Eligibility.
- “Sec. 1412. Allocation of funds.
- “Sec. 1413. State reallocation of funds.
- “Sec. 1414. State plan and State agency applications.
- “Sec. 1415. Use of funds.
- “Sec. 1416. Institution-wide projects.
- “Sec. 1417. Three-year programs or projects.
- “Sec. 1418. Transition services.
- “Sec. 1419. Evaluation; technical assistance; annual model program.

“SUBPART 2—LOCAL AGENCY PROGRAMS

- “Sec. 1421. Purpose.
- “Sec. 1422. Programs operated by local educational agencies.
- “Sec. 1423. Local educational agency applications.
- “Sec. 1424. Uses of funds.
- “Sec. 1425. Program requirements for correctional facilities receiving funds under this section.
- “Sec. 1426. Accountability.

“SUBPART 3—GENERAL PROVISIONS

- “Sec. 1431. Program evaluations.
- “Sec. 1432. Definitions.

“PART E—GENERAL PROVISIONS

- “Sec. 1501. Federal regulations.
- “Sec. 1502. Agreements and records.
- “Sec. 1503. State administration.
- “Sec. 1504. Prohibition against Federal mandates, direction, or control.
- “Sec. 1505. Rule of construction on equalized spending.

“TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-  
QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

- “Sec. 2001. Purpose.
- “Sec. 2002. Definitions.
- “Sec. 2003. Authorization of appropriations.

“PART A—FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING

- “Sec. 2101. Formula grants to States.

- “Sec. 2102. Subgrants to local educational agencies.
- “Sec. 2103. Local use of funds.
- “Sec. 2104. Reporting.
- “Sec. 2105. National activities of demonstrated effectiveness.
- “Sec. 2106. Supplement, not supplant.

“PART B—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

- “Sec. 2201. Purposes; definitions.
- “Sec. 2202. Teacher and school leader incentive fund grants.
- “Sec. 2203. Reports.

“PART C—AMERICAN HISTORY AND CIVICS EDUCATION

- “Sec. 2301. Program authorized.
- “Sec. 2302. Teaching of traditional American history.
- “Sec. 2303. Presidential and congressional academies for American history and civics.
- “Sec. 2304. National activities.
- “Sec. 2305. Authorization of appropriations.

“PART D—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

- “Sec. 2401. Purposes; definitions.
- “Sec. 2402. Comprehensive literacy State development grants.
- “Sec. 2403. Subgrants to eligible entities in support of birth through kindergarten entry literacy.
- “Sec. 2404. Subgrants to eligible entities in support of kindergarten through grade 12 literacy.
- “Sec. 2405. National evaluation and information dissemination.
- “Sec. 2406. Supplement, not supplant.

“PART E—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT.

- “Sec. 2501. Purpose.
- “Sec. 2502. Definitions.
- “Sec. 2503. Grants; allotments.
- “Sec. 2504. Applications.
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- “Sec. 2506. Performance metrics; report; evaluation.
- “Sec. 2507. Supplement, not supplant.
- “Sec. 2508. Report on cybersecurity education.

“PART F—GENERAL PROVISIONS

- “Sec. 2601. Rules of construction.

“TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

- “Sec. 3001. Authorization of appropriations.

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

- “Sec. 3101. Short title.
- “Sec. 3102. Purposes.



“SUBPART 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION  
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- “Sec. 3111. Formula grants to States.
- “Sec. 3112. Native American and Alaska Native children in school.
- “Sec. 3113. State and specially qualified agency plans.
- “Sec. 3114. Within-State allocations.
- “Sec. 3115. Subgrants to eligible entities.
- “Sec. 3116. Local plans.

“SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

- “Sec. 3121. Reporting.
- “Sec. 3122. Reporting requirements.
- “Sec. 3123. Coordination with related programs.
- “Sec. 3124. Rules of construction.
- “Sec. 3125. Legal authority under State law.
- “Sec. 3126. Civil rights.
- “Sec. 3127. Programs for Native Americans and Puerto Rico.
- “Sec. 3128. Prohibition.

“SUBPART 3—NATIONAL ACTIVITIES

- “Sec. 3131. National professional development project.

“PART B—GENERAL PROVISIONS

- “Sec. 3201. Definitions.
- “Sec. 3202. National clearinghouse.
- “Sec. 3203. Regulations.

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“PART A—GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES

- “Sec. 4101. Purpose.
- “Sec. 4102. Definitions.
- “Sec. 4103. Formula grants to States.
- “Sec. 4104. Subgrants to local educational agencies.
- “Sec. 4105. Local educational agency authorized activities.
- “Sec. 4106. Supplement, not supplant.
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“PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

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- “Sec. 4202. Allotments to States.
- “Sec. 4203. State application.
- “Sec. 4204. Local competitive subgrant program.
- “Sec. 4205. Local activities.
- “Sec. 4206. Authorization of appropriations.

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“PART D—PHYSICAL EDUCATION PROGRAM

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- “Sec. 4402. Program authorized.
- “Sec. 4403. Applications.
- “Sec. 4404. Requirements.
- “Sec. 4405. Administrative provisions.
- “Sec. 4406. Supplement, not supplant.
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“PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

- “Sec. 4501. Purposes.
- “Sec. 4502. Grants authorized.
- “Sec. 4503. Applications.
- “Sec. 4504. Uses of funds.
- “Sec. 4505. Family engagement in Indian schools.
- “Sec. 4506. Authorization of appropriations.

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“PART A—PUBLIC CHARTER SCHOOLS

- “Sec. 5101. Purpose.
- “Sec. 5102. Program authorized.
- “Sec. 5103. Grants to support high-quality charter schools.
- “Sec. 5104. Facilities financing assistance.
- “Sec. 5105. National activities.
- “Sec. 5106. Federal formula allocation during first year and for successive enrollment expansions.
- “Sec. 5107. Solicitation of input from charter school operators.
- “Sec. 5108. Records transfer.
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- “Sec. 5204. Eligibility.
- “Sec. 5205. Applications and requirements.
- “Sec. 5206. Priority.
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- “Sec. 5208. Limitations.
- “Sec. 5209. Authorization of appropriations; reservation.

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## “PART E—ACCELERATED LEARNING

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“Sec. 5502. Purposes.

“Sec. 5503. Funding distribution rule.

“Sec. 5504. Accelerated learning examination fee program.

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“Sec. 5601. Ready-To-Learn.

## “PART G—INNOVATIVE TECHNOLOGY EXPANDS CHILDREN’S HORIZONS (I-TECH)

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“Sec. 5702. Definitions.

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“Sec. 5703. Technology grants program authorized.

“Sec. 5704. State applications.

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“Sec. 5706. Local subgrants.

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“Sec. 5801. Literacy and arts education.

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“Sec. 5902. Early learning alignment and improvement grants.

“Sec. 5903. Authorization of appropriations.

## “PART J—INNOVATION SCHOOLS DEMONSTRATION AUTHORITY

“Sec. 5910. Innovation schools.

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“Sec. 5913. Definition of full-service community school.

“Sec. 5914. Local programs.

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“Sec. 5916. Advisory committee.

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- “Sec. 6112. Purpose.
- “Sec. 6113. Transferability of funds.

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- “Sec. 6121. Weighted student funding flexibility pilot program.

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“SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

- “Sec. 6211. Use of applicable funding.
- “Sec. 6212. Grant program authorized.
- “Sec. 6213. Academic achievement assessments.

“SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM

- “Sec. 6221. Program authorized.
- “Sec. 6222. Uses of funds.
- “Sec. 6223. Applications.
- “Sec. 6224. Accountability.
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- “Sec. 6231. Annual average daily attendance determination.
- “Sec. 6232. Supplement, not supplant.
- “Sec. 6233. Rule of construction.
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“PART C—GENERAL PROVISIONS

- “Sec. 6301. Prohibition against Federal mandates, direction, or control.
- “Sec. 6302. Rule of construction on equalized spending.

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“Sec. 7101. Statement of policy.

“Sec. 7102. Purpose.

“SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

“Sec. 7111. Purpose.

“Sec. 7112. Grants to local educational agencies and tribes.

“Sec. 7113. Amount of grants.

“Sec. 7114. Applications.

“Sec. 7115. Authorized services and activities.

“Sec. 7116. Integration of services authorized.

“Sec. 7117. Student eligibility forms.

“Sec. 7118. Payments.

“Sec. 7119. State educational agency review.

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“Sec. 7122. Professional development for teachers and education professionals.

“SUBPART 3—NATIONAL ACTIVITIES

“Sec. 7131. National research activities.

“Sec. 7135. Grants to tribes for education administrative planning, develop-  
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“SUBPART 4—FEDERAL ADMINISTRATION

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“Sec. 7142. Peer review.

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“PART B—NATIVE HAWAIIAN EDUCATION

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“Sec. 7202. Findings.

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“Sec. 7204. Native Hawaiian Education Council.

“Sec. 7205. Program authorized.

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“Sec. 7207. Definitions.

“PART C—ALASKA NATIVE EDUCATION

“Sec. 7301. Short title.

“Sec. 7302. Findings.

- “Sec. 7303. Purposes.
- “Sec. 7304. Program authorized.
- “Sec. 7305. Funds for administrative purposes.
- “Sec. 7306. Definitions.

“PART D—NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION  
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- “Sec. 7401. Native American and Alaska Native language immersion schools  
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- “Sec. 8002. Payments relating to Federal acquisition of real property.
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- “Sec. 8005. Application for payments under sections 8002 and 8003.
- “Sec. 8007. Construction.
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- “Sec. 8009. State consideration of payments in providing State aid.
- “Sec. 8010. Federal administration.
- “Sec. 8011. Administrative hearings and judicial review.
- “Sec. 8012. Forgiveness of overpayments.
- “Sec. 8013. Definitions.
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- “Sec. 9101. Definitions.
- “Sec. 9102. Applicability of title.
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- “Sec. 9201. Consolidation of State administrative funds for elementary and sec-  
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- “Sec. 9202. Single local educational agency States.
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“PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND  
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- “Sec. 9301. Purpose.
- “Sec. 9302. Optional consolidated State plans or applications.
- “Sec. 9303. Consolidated reporting.
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“PART D—WAIVERS

- “Sec. 9401. Waivers of statutory and regulatory requirements.

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- “Sec. 9451. Approval and disapproval of State plans.
- “Sec. 9452. Approval and disapproval of local educational agency applications.

“PART F—UNIFORM PROVISIONS

“SUBPART 1—PRIVATE SCHOOLS

- “Sec. 9501. Participation by private school children and teachers.
- “Sec. 9502. Standards for by-pass.
- “Sec. 9503. Complaint process for participation of private school children.
- “Sec. 9504. By-pass determination process.
- “Sec. 9505. Prohibition against funds for religious worship or instruction.
- “Sec. 9506. Private, religious, and home schools.

“SUBPART 2—OTHER PROVISIONS

- “Sec. 9521. Maintenance of effort.
- “Sec. 9522. Prohibition regarding State aid.
- “Sec. 9523. Privacy of assessment results.
- “Sec. 9524. School prayer.
- “Sec. 9525. Equal access to public school facilities.
- “Sec. 9526. General prohibitions.
- “Sec. 9527. Prohibitions on Federal Government and use of Federal funds.
- “Sec. 9528. Armed Forces recruiter access to students and student recruiting information.
- “Sec. 9529. Prohibition on federally sponsored testing.
- “Sec. 9530. Limitations on national testing or certification for teachers.
- “Sec. 9531. Prohibition on nationwide database.
- “Sec. 9532. Unsafe school choice option.
- “Sec. 9533. Prohibition on discrimination.
- “Sec. 9534. Civil rights.
- “Sec. 9535. Rulemaking.
- “Sec. 9536. Severability.
- “Sec. 9537. Transfer of school disciplinary records.
- “Sec. 9538. Consultation with Indian tribes and tribal organizations.
- “Sec. 9539. Prohibition on aiding and abetting sexual abuse.
- “Sec. 9539A. Application for competitive grants from the Bureau of Indian Education.
- “Sec. 9539B. Outreach and technical assistance for rural local educational agencies.
- “Sec. 9539C. Rule of construction regarding travel to and from school.
- “Sec. 9540. Consultation with the Governor.
- “Sec. 9540A. Local governance.

“SUBPART 3—TEACHER LIABILITY PROTECTION

- “Sec. 9541. Short title.
- “Sec. 9542. Purpose.
- “Sec. 9543. Definitions.
- “Sec. 9544. Applicability.
- “Sec. 9545. Preemption and election of State nonapplicability.
- “Sec. 9546. Limitation on liability for teachers.
- “Sec. 9547. Allocation of responsibility for noneconomic loss.
- “Sec. 9548. Effective date.

## “SUBPART 4—INTERNET SAFETY

“Sec. 9551. Internet safety.

## “SUBPART 5—GUN POSSESSION

“Sec. 9561. Gun-free requirements.

## “SUBPART 6—ENVIRONMENTAL TOBACCO SMOKE

“Sec. 9571. Short title.

“Sec. 9572. Definitions.

“Sec. 9573. Nonsmoking policy for children’s services.

“Sec. 9574. Preemption.

## “PART G—EVALUATIONS

“Sec. 9601. Evaluations.”.

1 **TITLE I—IMPROVING BASIC PRO-**  
 2 **GRAMS OPERATED BY STATE**  
 3 **AND LOCAL EDUCATIONAL**  
 4 **AGENCIES**

5 **SEC. 1001. STATEMENT OF PURPOSE.**

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

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

9 “The purpose of this title is to ensure that all chil-  
 10 dren have a fair, equitable, and significant opportunity to  
 11 receive a high-quality education that prepares them for  
 12 postsecondary education or the workforce, without the  
 13 need for postsecondary remediation, and to close edu-  
 14 cational achievement gaps.”.

15 **SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

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



1 **“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

2       “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For  
3 the purpose of carrying out part A, there are authorized  
4 to be appropriated such sums as may be necessary for  
5 each of fiscal years 2016 through 2021.

6       “(b) STATE ASSESSMENTS.—For the purpose of car-  
7 rying out part B, there are authorized to be appropriated  
8 such sums as may be necessary for each of fiscal years  
9 2016 through 2021.

10       “(c) EDUCATION OF MIGRATORY CHILDREN.—For  
11 the purpose of carrying out part C, there are authorized  
12 to be appropriated such sums as may be necessary for  
13 each of fiscal years 2016 through 2021.

14       “(d) PREVENTION AND INTERVENTION PROGRAMS  
15 FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DE-  
16 LINQUENT, OR AT-RISK.—For the purpose of carrying out  
17 part D, there are authorized to be appropriated such sums  
18 as may be necessary for each of fiscal years 2016 through  
19 2021.

20       “(e) FEDERAL ACTIVITIES.—For the purpose of car-  
21 rying out evaluation activities related to title I under sec-  
22 tion 9601, there are authorized to be appropriated such  
23 sums as may be necessary for each of fiscal years 2016  
24 through 2021.

25       “(f) SCHOOL INTERVENTION AND SUPPORT.—For  
26 the purpose of carrying out section 1114, there are au-

1 thORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NEC-  
 2 ESSARY FOR EACH OF FISCAL YEARS 2016 THROUGH 2021.”.

3 **SEC. 1003. SCHOOL INTERVENTION AND SUPPORT AND**  
 4 **STATE ADMINISTRATION.**

5 The Act (20 U.S.C. 6301 et seq.) is amended—

6 (1) by striking section 1003;

7 (2) by redesignating section 1004 as section  
 8 1003; and

9 (3) in section 1003, as redesignated by para-  
 10 graph (2), by adding at the end the following:

11 “(c) TECHNICAL ASSISTANCE AND SUPPORT.—

12 “(1) IN GENERAL.—Each State may reserve  
 13 not more than 4 percent of the amount the State re-  
 14 ceives under subpart 2 of part A for a fiscal year to  
 15 carry out paragraph (2) and to carry out the State  
 16 educational agency’s responsibilities under section  
 17 1114(a), including carrying out the State edu-  
 18 cational agency’s statewide system of technical as-  
 19 sistance and support for local educational agencies.

20 “(2) USES.—Of the amount reserved under  
 21 paragraph (1) for any fiscal year, the State edu-  
 22 cational agency—

23 “(A) shall use not less than 95 percent of  
 24 such amount by allocating such sums directly to

1 local educational agencies for activities required  
2 under section 1114; or

3 “(B) may, with the approval of the local  
4 educational agency, directly provide for such ac-  
5 tivities or arrange for their provision through  
6 other entities such as school support teams,  
7 educational service agencies, or other nonprofit  
8 or for-profit organizations that use evidence-  
9 based strategies to improve student achieve-  
10 ment, teaching, and schools.

11 “(3) PRIORITY.—The State educational agency,  
12 in allocating funds to local educational agencies  
13 under this subsection, shall give priority to local edu-  
14 cational agencies that—

15 “(A) serve the lowest-performing elemen-  
16 tary schools and secondary schools, as identified  
17 by the State under section 1114;

18 “(B) demonstrate the greatest need for  
19 such funds, as determined by the State; and

20 “(C) demonstrate the strongest commit-  
21 ment to using evidence-based interventions to  
22 enable the lowest-performing schools to improve  
23 student achievement and student outcomes.

24 “(4) UNUSED FUNDS.—If, after consultation  
25 with local educational agencies in the State, the

1 State educational agency determines that the  
2 amount of funds reserved to carry out this sub-  
3 section for a fiscal year is greater than the amount  
4 needed to provide the assistance described in this  
5 subsection, the State educational agency shall allo-  
6 cate the excess amount to local educational agencies  
7 in accordance with—

8 “(A) the relative allocations the State edu-  
9 cational agency made to those agencies for that  
10 fiscal year under subpart 2 of part A; or

11 “(B) section 1126(c).

12 “(5) SPECIAL RULE.—Notwithstanding any  
13 other provision of this subsection, the amount of  
14 funds reserved by the State educational agency  
15 under this subsection for any fiscal year shall not  
16 decrease the amount of funds each local educational  
17 agency receives under subpart 2 of part A below the  
18 amount received by such local educational agency  
19 under such subpart for the preceding fiscal year.

20 “(6) REPORTING.—Each State educational  
21 agency shall make publicly available a list of those  
22 schools that have received funds or services pursuant  
23 to this subsection and the percentage of students  
24 from each such school from families with incomes  
25 below the poverty line.”.

1 **SEC. 1004. BASIC PROGRAM REQUIREMENTS.**

2 Subpart 1 of part A of title I (20 U.S.C. 6311 et  
3 seq.) is amended—

4 (1) by striking sections 1111 through 1117 and  
5 inserting the following:

6 **“SEC. 1111. STATE PLANS.**

7 “(a) PLANS REQUIRED.—

8 “(1) IN GENERAL.—For any State desiring to  
9 receive a grant under this part, the State edu-  
10 cational agency shall submit to the Secretary a plan,  
11 developed by the State educational agency with time-  
12 ly and meaningful consultation with the Governor,  
13 representatives of the State legislature and State  
14 board of education (if the State has a State board  
15 of education), local educational agencies (including  
16 those located in rural areas), representatives of In-  
17 dian tribes located in the State, teachers, principals,  
18 other school leaders, public charter school represent-  
19 atives (if applicable), specialized instructional sup-  
20 port personnel, paraprofessionals (including organi-  
21 zations representing such individuals), administra-  
22 tors, other staff, and parents, that—

23 “(A) is coordinated with other programs  
24 under this Act, the Individuals with Disabilities  
25 Education Act, the Rehabilitation Act of 1973,  
26 the Carl D. Perkins Career and Technical Edu-

1 cation Act of 2006, the Workforce Innovation  
2 and Opportunity Act, the Head Start Act, the  
3 Child Care and Development Block Grant Act  
4 of 1990, the Education Sciences Reform Act of  
5 2002, the Education Technical Assistance Act,  
6 the National Assessment of Educational  
7 Progress Authorization Act, the McKinney-  
8 Vento Homeless Assistance Act, and the Adult  
9 Education and Family Literacy Act; and

10 “(B) describes how the State will imple-  
11 ment evidence-based strategies for improving  
12 student achievement under this title and dis-  
13 seminate that information to local educational  
14 agencies.

15 “(2) CONSOLIDATED PLAN.—A State plan sub-  
16 mitted under paragraph (1) may be submitted as  
17 part of a consolidated plan under section 9302.

18 “(3) PEER REVIEW AND SECRETARIAL AP-  
19 PROVAL.—

20 “(A) IN GENERAL.—The Secretary shall—

21 “(i) establish a peer-review process to  
22 assist in the review of State plans;

23 “(ii) establish multidisciplinary peer-  
24 review teams and appoint members of such  
25 teams that—

1           “(I) are representative of teach-  
2           ers, principals, other school leaders,  
3           specialized instructional support per-  
4           sonnel, State educational agencies,  
5           local educational agencies, and indi-  
6           viduals and researchers with practical  
7           experience in implementing academic  
8           standards, assessments, or account-  
9           ability systems, and meeting the needs  
10          of disadvantaged students, children  
11          with disabilities, students who are  
12          English learners, the needs of low-per-  
13          forming schools, and other educational  
14          needs of students;

15           “(II) include a balanced rep-  
16           resentation of individuals who have  
17           practical experience in the classroom,  
18           school administration, or State or  
19           local government, such as direct em-  
20           ployees of a school, local educational  
21           agency, or State educational agency  
22           within the preceding 5 years; and

23           “(III) represent a regionally di-  
24           verse cross-section of States;

1           “(iii) make available to the public, in-  
2           cluding by such means as posting to the  
3           Department’s website, the list of peer re-  
4           viewers who will review State plans under  
5           this section;

6           “(iv) ensure that the peer-review  
7           teams are comprised of varied individuals  
8           so that the same peer reviewers are not re-  
9           viewing all of the State plans; and

10          “(v) deem a State plan as approved  
11          within 90 days of its submission unless the  
12          Secretary presents substantial evidence  
13          that clearly demonstrates that such State  
14          plan does not meet the requirements of  
15          this section.

16          “(B) PURPOSE OF PEER REVIEW.—The  
17          peer-review process shall be designed to—

18               “(i) maximize collaboration with each  
19               State;

20               “(ii) promote effective implementation  
21               of the challenging State academic stand-  
22               ards through State and local innovation;  
23               and

24               “(iii) provide publicly available, time-  
25               ly, and objective feedback to States de-



1 signed to strengthen the technical and  
2 overall quality of the State plans.

3 “(C) STANDARD AND NATURE OF RE-  
4 VIEW.—Peer reviewers shall conduct an objec-  
5 tive review of State plans in their totality and  
6 out of respect for State and local judgments,  
7 with the goal of supporting State- and local-led  
8 innovation and providing objective feedback on  
9 the technical and overall quality of a State plan.

10 “(D) RULE OF CONSTRUCTION.—Nothing  
11 in this paragraph shall be construed as prohib-  
12 iting the Secretary from appointing an indi-  
13 vidual to serve as a peer reviewer on more than  
14 one peer-review team under subparagraph (A)  
15 or to review more than one State plan.

16 “(4) STATE PLAN DETERMINATION, DEM-  
17 ONSTRATION, AND REVISION.—If the Secretary de-  
18 termines that a State plan does not meet the re-  
19 quirements of this subsection or subsection (b) or  
20 (c), the Secretary shall, prior to declining to approve  
21 the State plan—

22 “(A) immediately notify the State of such  
23 determination;

24 “(B) provide a detailed description of the  
25 specific requirements of this subsection or sub-

1 section (b) or (c) of the State plan that the Sec-  
2 retary determines fails to meet such require-  
3 ments;

4 “(C) provide all peer-review comments,  
5 suggestions, recommendations, or concerns in  
6 writing to the State;

7 “(D) offer the State an opportunity to re-  
8 vise and resubmit its plan within 60 days of  
9 such determination, including the chance for  
10 the State to present substantial evidence to  
11 clearly demonstrate that the State plan meets  
12 the requirements of this part;

13 “(E) provide technical assistance, upon re-  
14 quest of the State, in order to assist the State  
15 to meet the requirements of this subsection or  
16 subsection (b) or (c); and

17 “(F) conduct a public hearing within 30  
18 days of such resubmission, with public notice  
19 provided not less than 15 days before such  
20 hearing, unless the State declines the oppor-  
21 tunity for such public hearing.

22 “(5) STATE PLAN DISAPPROVAL.—The Sec-  
23 retary shall have the authority to disapprove a State  
24 plan if the State has been notified and offered an

1 opportunity to revise and submit with technical as-  
 2 sistance under paragraph (4), and—

3 “(A) the State does not revise and resub-  
 4 mit its plan; or

5 “(B) the State revises and resubmits a  
 6 plan that the Secretary determines does not  
 7 meet the requirements of this part after a hear-  
 8 ing conducted under paragraph (4)(F), if appli-  
 9 cable.

10 “(6) LIMITATIONS.—

11 “(A) IN GENERAL.—The Secretary shall  
 12 not have the authority to require a State, as a  
 13 condition of approval of the State plan or revi-  
 14 sions or amendments to the State plan, to—

15 “(i) include in, or delete from, such  
 16 plan 1 or more specific elements of the  
 17 challenging State academic standards;

18 “(ii) use specific academic assessment  
 19 instruments or items;

20 “(iii) set specific State-designed goals  
 21 or specific timelines for such goals for all  
 22 students or each of the categories of stu-  
 23 dents, as defined in subsection (b)(3)(A);

24 “(iv) assign any specific weight or  
 25 specific significance to any measures or in-

1           dicators of student academic achievement  
2           or growth within State-designed account-  
3           ability systems;

4           “*(v)* include in, or delete from, such a  
5           plan any criterion that specifies, defines, or  
6           prescribes—

7                   “*(I)* the standards or measures  
8                   that States or local educational agen-  
9                   cies use to establish, implement, or  
10                  improve challenging State academic  
11                  standards, including the content of, or  
12                  achievement levels within, such stand-  
13                  ards;

14                  “*(II)* the specific types of aca-  
15                  demic assessments or assessment  
16                  items that States and local edu-  
17                  cational agencies use to meet the re-  
18                  quirements of this part;

19                  “*(III)* any requirement that  
20                  States shall measure student growth,  
21                  the specific metrics used to measure  
22                  student academic growth if a State  
23                  chooses to measure student growth, or  
24                  the specific indicators or methods to  
25                  measure student readiness to enter

1 postsecondary education or the work-  
2 force;

3 “(IV) any specific benchmarks,  
4 targets, goals, or metrics to measure  
5 nonacademic measures or indicators;

6 “(V) the specific weight or spe-  
7 cific significance of any measure or  
8 indicator of student academic achieve-  
9 ment within State-designed account-  
10 ability systems;

11 “(VI) the specific goals States es-  
12 tablish for student academic achieve-  
13 ment or high school graduation rates,  
14 as described in subclauses (I) and (II)  
15 of subsection (b)(3)(B)(i);

16 “(VII) any aspect or parameter  
17 of a teacher, principal, or other school  
18 leader evaluation system within a  
19 State or local educational agency; or

20 “(VIII) indicators or specific  
21 measures of teacher, principal, or  
22 other school leader effectiveness or  
23 quality; or

24 “(vi) require data collection beyond  
25 data derived from existing Federal, State,

1           and local reporting requirements and data  
2           sources.

3           “(B) RULE OF CONSTRUCTION.—Nothing  
4           in this paragraph shall be construed as author-  
5           izing, requiring, or allowing any additional re-  
6           porting requirements, data elements, or infor-  
7           mation to be reported to the Secretary not oth-  
8           erwise explicitly authorized under Federal law.

9           “(7) PUBLIC REVIEW.—All written communica-  
10          tions, feedback, and notifications under this sub-  
11          section shall be conducted in a manner that is trans-  
12          parent and immediately made available to the public  
13          through the website of the Department, including—

14                 “(A) plans submitted or resubmitted by a  
15                 State;

16                 “(B) peer-review comments;

17                 “(C) State plan determinations by the Sec-  
18                 retary, including approvals or disapprovals; and

19                 “(D) notices and transcripts of public  
20                 hearings under this section.

21          “(8) DURATION OF THE PLAN.—

22                 “(A) IN GENERAL.—Each State plan  
23                 shall—

1           “(i) remain in effect for the duration  
2 of the State’s participation under this part  
3 or 7 years, whichever is shorter; and

4           “(ii) be periodically reviewed and re-  
5 vised as necessary by the State educational  
6 agency to reflect changes in the State’s  
7 strategies and programs under this part.

8           “(B) ADDITIONAL INFORMATION.—

9           “(i) IN GENERAL.—If a State makes  
10 significant changes to its plan at any time,  
11 such as the adoption of new challenging  
12 State academic standards, new academic  
13 assessments, or changes to its account-  
14 ability system under subsection (b)(3),  
15 such information shall be submitted to the  
16 Secretary in the form of revisions or  
17 amendments to the State plan.

18           “(ii) REVIEW OF REVISED PLANS.—  
19 The Secretary shall review the information  
20 submitted under clause (i) and approve or  
21 disapprove changes to the State plan with-  
22 in 90 days in accordance with paragraphs  
23 (4) through (6) without undertaking the  
24 peer-review process under paragraph (3).

1                   “(iii) SPECIAL RULE FOR STAND-  
2 ARDS.—If a State makes changes to its  
3 challenging State academic standards, the  
4 requirements of subsection (b)(1), includ-  
5 ing the requirement that such standards  
6 need not be submitted to the Secretary  
7 pursuant to subsection (b)(1)(A), shall still  
8 apply.

9                   “(C) RENEWAL.—A State educational  
10 agency shall submit a revised plan every 7 years  
11 subject to the peer-review process under para-  
12 graph (3).

13                   “(D) LIMITATION.—The Secretary shall  
14 not have the authority to place any new condi-  
15 tions, requirements, or criteria for approval of  
16 a plan submitted for renewal under subpara-  
17 graph (C) that are not otherwise authorized  
18 under this part.

19                   “(9) FAILURE TO MEET REQUIREMENTS.—If a  
20 State fails to meet any of the requirements of this  
21 section, then the Secretary may withhold funds for  
22 State administration under this part until the Sec-  
23 retary determines that the State has fulfilled those  
24 requirements.



1           “(10) PUBLIC COMMENT.—Each State shall  
2           make the State plan publicly available for public  
3           comment for a period of not less than 30 days, by  
4           electronic means and in a computer friendly and eas-  
5           ily accessible format, prior to submission to the Sec-  
6           retary for approval under this subsection. The State  
7           shall provide an assurance that public comments  
8           were taken into account in the development of the  
9           State plan.

10          “(b) CHALLENGING STATE ACADEMIC STANDARDS,  
11          ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY SYS-  
12          TEMS.—

13                 “(1) CHALLENGING STATE ACADEMIC STAND-  
14                 ARDS.—

15                         “(A) IN GENERAL.—Each State shall pro-  
16                         vide an assurance that the State has adopted  
17                         challenging academic content standards and  
18                         aligned academic achievement standards (re-  
19                         ferred to in this Act as ‘challenging State aca-  
20                         demic standards’), which achievement standards  
21                         shall include not less than 3 levels of achieve-  
22                         ment, that will be used by the State, its local  
23                         educational agencies, and its schools to carry  
24                         out this part. A State shall not be required to

1 submit such challenging State academic stand-  
2 ards to the Secretary.

3 “(B) SAME STANDARDS.—Except as pro-  
4 vided in subparagraph (E), the standards re-  
5 quired by subparagraph (A) shall be the same  
6 standards that the State applies to all public  
7 schools and public school students in the State.

8 “(C) SUBJECTS.—The State shall have  
9 such standards in mathematics, reading or lan-  
10 guage arts, and science, and any other subjects  
11 as determined by the State, which shall include  
12 the same knowledge, skills, and levels of  
13 achievement expected of all public school stu-  
14 dents in the State.

15 “(D) ALIGNMENT.—Each State shall dem-  
16 onstrate that the challenging State academic  
17 standards are aligned with—

18 “(i) entrance requirements, without  
19 the need for academic remediation, for the  
20 system of public higher education in the  
21 State;

22 “(ii) relevant State career and tech-  
23 nical education standards; and

24 “(iii) relevant State early learning  
25 guidelines, as required under section

1           658E(c)(2)(T) of the Child Care and De-  
2           velopment Block Grant Act of 1990 (42  
3           U.S.C. 9858c(c)(2)(T)).

4           “(E) ALTERNATE ACADEMIC ACHIEVE-  
5           MENT STANDARDS FOR STUDENTS WITH THE  
6           MOST SIGNIFICANT COGNITIVE DISABILITIES.—

7                   “(i) IN GENERAL.—The State may,  
8                   through a documented and validated  
9                   standards-setting process, adopt alternate  
10                  academic achievement standards for stu-  
11                  dents with the most significant cognitive  
12                  disabilities, provided those standards—

13                           “(I) are aligned with the chal-  
14                           lenging State academic content stand-  
15                           ards under subparagraph (A);

16                           “(II) promote access to the gen-  
17                           eral curriculum, consistent with the  
18                           purposes of the Individuals with Dis-  
19                           abilities Education Act, as stated in  
20                           section 601(d) of such Act;

21                           “(III) reflect professional judg-  
22                           ment of the highest achievement  
23                           standards attainable by those stu-  
24                           dents;

1                   “(IV) are designated in the indi-  
2                   vidualized education program devel-  
3                   oped under section 614(d)(3) of the  
4                   Individuals with Disabilities Edu-  
5                   cation Act for each such student as  
6                   the academic achievement standards  
7                   that will be used for the student; and

8                   “(V) are aligned to ensure that a  
9                   student who meets the alternate aca-  
10                  demic achievement standards is on  
11                  track for further education or employ-  
12                  ment.

13                  “(ii) PROHIBITION ON ANY OTHER AL-  
14                  TERNATE OR MODIFIED ACADEMIC  
15                  ACHIEVEMENT STANDARDS.—A State shall  
16                  not develop, or implement for use under  
17                  this part, any alternate academic achieve-  
18                  ment standards for children with disabil-  
19                  ities that are not alternate academic  
20                  achievement standards that meet the re-  
21                  quirements of clause (i).

22                  “(F) ENGLISH LANGUAGE PROFICIENCY  
23                  STANDARDS.—Each State plan shall dem-  
24                  onstrate that the State has adopted English  
25                  language proficiency standards that are aligned

1 with the challenging State academic standards  
2 under subparagraph (A). Such standards  
3 shall—

4 “(i) ensure proficiency in each of the  
5 domains of speaking, listening, reading,  
6 and writing;

7 “(ii) address the different proficiency  
8 levels of children who are English learners;  
9 and

10 “(iii) be aligned with the challenging  
11 State academic standards in reading or  
12 language arts, so that achieving proficiency  
13 in the State’s English language proficiency  
14 standards indicates a sufficient knowledge  
15 of English to measure validly and reliably  
16 the student’s achievement on the State’s  
17 reading or language arts standards.

18 “(G) PROHIBITIONS.—

19 “(i) STANDARDS REVIEW OR AP-  
20 PROVAL.—A State shall not be required to  
21 submit any standards developed under this  
22 subsection to the Secretary for review or  
23 approval.

24 “(ii) FEDERAL CONTROL.—The Sec-  
25 retary shall not have the authority to man-

1           date, direct, control, coerce, or exercise any  
2           direction or supervision over any of the  
3           challenging State academic standards  
4           adopted or implemented by a State.

5           “(H) EXISTING STANDARDS.—Nothing in  
6           this part shall prohibit a State from revising,  
7           consistent with this section, any standard  
8           adopted under this part before or after the date  
9           of enactment of the Every Child Achieves Act  
10          of 2015.

11          “(2) ACADEMIC ASSESSMENTS.—

12           “(A) IN GENERAL.—Each State plan shall  
13           demonstrate that the State educational agency,  
14           in consultation with local educational agencies,  
15           has implemented a set of high-quality statewide  
16           academic assessments that—

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

20                   “(ii) meets the requirements of sub-  
21                   paragraph (B).

22          “(B) REQUIREMENTS.—The assessments  
23          under subparagraph (A) shall—

24                   “(i) except as provided in subpara-  
25                   graph (D), be—

1                   “(I) the same academic assess-  
2                   ments used to measure the achieve-  
3                   ment of all public elementary school  
4                   and secondary school students in the  
5                   State; and

6                   “(II) administered to all public  
7                   elementary school and secondary  
8                   school students in the State;

9                   “(ii) be aligned with the challenging  
10                  State academic standards, and provide co-  
11                  herent and timely information about stu-  
12                  dent attainment of such standards and  
13                  whether the student is performing at the  
14                  student’s grade level;

15                  “(iii) be used for purposes for which  
16                  such assessments are valid and reliable,  
17                  consistent with relevant, nationally recog-  
18                  nized professional and technical testing  
19                  standards, objectively measure academic  
20                  achievement, knowledge, and skills, and be  
21                  tests that do not evaluate or assess per-  
22                  sonal or family beliefs and attitudes, or  
23                  publicly disclose personally identifiable in-  
24                  formation;

1           “(iv) be of adequate technical quality  
2           for each purpose required under this Act  
3           and consistent with the requirements of  
4           this section, the evidence of which is made  
5           public, including on the website of the  
6           State educational agency;

7           “(v)(I) measure the annual academic  
8           achievement of all students against the  
9           challenging State academic standards in,  
10          at a minimum, mathematics and reading  
11          or language arts, and be administered—

12                   “(aa) in each of grades 3  
13                   through 8; and

14                   “(bb) at least once in grades 9  
15                   through 12; and

16          “(II) measure the academic achieve-  
17          ment of all students against the chal-  
18          lenging State academic standards in  
19          science, and be administered not less than  
20          one time, during—

21                   “(aa) grades 3 through 5;

22                   “(bb) grades 6 through 9; and

23                   “(cc) grades 10 through 12;

24          “(vi) involve multiple up-to-date meas-  
25          ures of student academic achievement, in-



1 cluding measures that assess higher-order  
2 thinking skills and understanding, which  
3 may include measures of student academic  
4 growth and may be partially delivered in  
5 the form of portfolios, projects, or ex-  
6 tended performance tasks;

7 “(vii) provide for—

8 “(I) the participation in such as-  
9 sessments of all students;

10 “(II) the appropriate accom-  
11 modations, such as interoperability  
12 with and ability to use assistive tech-  
13 nology, for children with disabilities,  
14 as defined in section 602(3) of the In-  
15 dividuals with Disabilities Education  
16 Act, and students with a disability  
17 who are provided accommodations  
18 under an Act other than the Individ-  
19 uals with Disabilities Education Act,  
20 necessary to measure the academic  
21 achievement of such children relative  
22 to the challenging State academic  
23 standards; and

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

1 valid and reliable manner and pro-  
2 vided appropriate accommodations on  
3 assessments administered to such stu-  
4 dents under this paragraph, including,  
5 to the extent practicable, assessments  
6 in the language and form most likely  
7 to yield accurate data on what such  
8 students know and can do in academic  
9 content areas, until such students  
10 have achieved English language pro-  
11 ficiency, as determined under para-  
12 graph (1)(F);

13 “(viii) at the State’s choosing—

14 “(I) be administered through a  
15 single summative assessment; or

16 “(II) be administered through  
17 multiple statewide assessments during  
18 the course of the year if the State can  
19 demonstrate that the results of these  
20 multiple assessments, taken in their  
21 totality, provide a summative score  
22 that provides valid and reliable infor-  
23 mation on individual student achieve-  
24 ment or growth;

1           “(ix) notwithstanding clause (vii)(III),  
2           provide for assessments (using tests in  
3           English) of reading or language arts of  
4           any student who has attended school in the  
5           United States (not including the Common-  
6           wealth of Puerto Rico) for 3 or more con-  
7           secutive school years, except that if the  
8           local educational agency determines, on a  
9           case-by-case individual basis, that aca-  
10          ademic assessments in another language or  
11          form would likely yield more accurate and  
12          reliable information on what such student  
13          knows and can do, the local educational  
14          agency may make a determination to as-  
15          sess such student in the appropriate lan-  
16          guage other than English for a period that  
17          does not exceed 2 additional consecutive  
18          years, provided that such student has not  
19          yet reached a level of English language  
20          proficiency sufficient to yield valid and reli-  
21          able information on what such student  
22          knows and can do on tests (written in  
23          English) of reading or language arts;

24               “(x) produce individual student inter-  
25          pretive, descriptive, and diagnostic reports,

1 consistent with clause (iii), that allow par-  
2 ents, teachers, principals, and other school  
3 leaders to understand and address the spe-  
4 cific academic needs of students, and in-  
5 clude information regarding achievement  
6 on academic assessments aligned with chal-  
7 lenging State academic achievement stand-  
8 ards, and that are provided to parents,  
9 teachers, principals, and other school lead-  
10 ers as soon as is practicable after the as-  
11 sessment is given, in an understandable  
12 and uniform format, and, to the extent  
13 practicable, in a language that the parents  
14 can understand;

15 “(xi) enable results to be  
16 disaggregated within each State, local edu-  
17 cational agency, and school, by—

18 “(I) each major racial and ethnic  
19 group;

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

23 “(III) children with disabilities as  
24 compared to children without disabili-  
25 ties;

1 “(IV) English proficiency status;

2 “(V) gender; and

3 “(VI) migrant status;

4 “(xii) enable itemized score analyses  
5 to be produced and reported, consistent  
6 with clause (iii), to local educational agen-  
7 cies and schools, so that parents, teachers,  
8 principals, other school leaders, and ad-  
9 ministrators can interpret and address the  
10 specific academic needs of students as indi-  
11 cated by the students’ achievement on as-  
12 sessment items; and

13 “(xiii) be developed, to the extent  
14 practicable, using the principles of uni-  
15 versal design for learning.

16 “(C) EXCEPTION TO DISAGGREGATION.—  
17 Notwithstanding subparagraph (B)(xi), the  
18 disaggregated results of assessments shall not  
19 be required in the case of a local educational  
20 agency or school if—

21 “(i) the number of students in a cat-  
22 egory described under subparagraph  
23 (B)(xi) is insufficient to yield statistically  
24 reliable information; or

1           “(ii) the results would reveal person-  
2           ally identifiable information about an indi-  
3           vidual student.

4           “(D) ALTERNATE ASSESSMENTS FOR STU-  
5           DENTS WITH THE MOST SIGNIFICANT COG-  
6           NITIVE DISABILITIES.—

7           “(i) ALTERNATE ASSESSMENTS  
8           ALIGNED WITH ALTERNATE ACADEMIC  
9           ACHIEVEMENT STANDARDS.—A State may  
10          provide for alternate assessments aligned  
11          with the challenging State academic con-  
12          tent standards and alternate academic  
13          achievement standards described in para-  
14          graph (1)(E) for students with the most  
15          significant cognitive disabilities, if the  
16          State—

17               “(I) ensures that for each sub-  
18               ject, the total number of students as-  
19               sessed in such subject using the alter-  
20               nate assessments does not exceed 1  
21               percent of the total number of all stu-  
22               dents in the State who are assessed in  
23               such subject;

24               “(II) establishes and monitors  
25               implementation of clear and appro-

1            p r i a t e   g u i d e l i n e s   f o r   i n d i v i d u a l i z e d  
2            e d u c a t i o n   p r o g r a m   t e a m s   ( a s   d e f i n e d  
3            i n   s e c t i o n   6 1 4 ( d ) ( 1 ) ( B )   o f   t h e   I n d i v i d -  
4            u a l s   w i t h   D i s a b i l i t i e s   E d u c a t i o n   A c t )  
5            t o   a p p l y   i n   d e t e r m i n i n g ,   i n d i v i d u a l l y  
6            f o r   e a c h   s u b j e c t ,   w h e n   a   c h i l d ' s   s i g -  
7            n i f i c a n t   c o g n i t i v e   d i s a b i l i t y   j u s t i f i e s  
8            a s s e s s m e n t   b a s e d   o n   a l t e r n a t e   a c a -  
9            d e m i c   a c h i e v e m e n t   s t a n d a r d s ;

10            “(III) ensures that, consistent  
11            w i t h   t h e   r e q u i r e m e n t s   o f   t h e   I n d i v i d -  
12            u a l s   w i t h   D i s a b i l i t i e s   E d u c a t i o n   A c t ,  
13            p a r e n t s   a r e   i n v o l v e d   i n   t h e   d e c i s i o n   t o  
14            u s e   t h e   a l t e r n a t e   a s s e s s m e n t   f o r   t h e i r  
15            c h i l d ;

16            “(IV) ensures that, consistent  
17            w i t h   t h e   r e q u i r e m e n t s   o f   t h e   I n d i v i d -  
18            u a l s   w i t h   D i s a b i l i t i e s   E d u c a t i o n   A c t ,  
19            s t u d e n t s   w i t h   t h e   m o s t   s i g n i f i c a n t  
20            c o g n i t i v e   d i s a b i l i t i e s   a r e   i n v o l v e d   i n  
21            a n d   m a k e   p r o g r e s s   i n   t h e   g e n e r a l   e d u -  
22            c a t i o n   c u r r i c u l u m ;

23            “(V) describes in the State plan  
24            t h e   a p p r o p r i a t e   a c c o m m o d a t i o n s   p r o -

1 vided to ensure access to the alternate  
2 assessment;

3 “(VI) describes in the State plan  
4 the steps the State has taken to incor-  
5 porate universal design for learning,  
6 to the extent feasible, in alternate as-  
7 sessments;

8 “(VII) ensures that general and  
9 special education teachers and other  
10 appropriate staff know how to admin-  
11 ister assessments, including making  
12 appropriate use of accommodations, to  
13 children with disabilities;

14 “(VIII) develops, disseminates in-  
15 formation on, and promotes the use of  
16 appropriate accommodations to in-  
17 crease the number of students with  
18 significant cognitive disabilities par-  
19 ticipating in academic instruction and  
20 assessments and increase the number  
21 of students with significant cognitive  
22 disabilities who are tested against  
23 challenging State academic achieve-  
24 ment standards; and



1                   “(IX) ensures that students who  
2                   take alternate assessments based on  
3                   alternate academic achievement stand-  
4                   ards are not precluded from attempt-  
5                   ing to complete the requirements for a  
6                   regular high school diploma.

7                   “(ii) STUDENTS WITH THE MOST SIG-  
8                   NIFICANT COGNITIVE DISABILITIES.—In  
9                   determining the achievement of students in  
10                  the State accountability system, a State  
11                  educational agency shall include, for all  
12                  schools in the State, the performance of  
13                  the State’s students with the most signifi-  
14                  cant cognitive disabilities on alternate as-  
15                  sessments as described in this subpara-  
16                  graph in the subjects included in the  
17                  State’s accountability system, consistent  
18                  with the 1 percent limitation of clause  
19                  (i)(I).

20                  “(E) STATE AUTHORITY.—If a State edu-  
21                  cational agency provides evidence, which is sat-  
22                  isfactory to the Secretary, that neither the  
23                  State educational agency nor any other State  
24                  government official, agency, or entity has suffi-  
25                  cient authority, under State law, to adopt chal-

1           lenging State academic standards, and aca-  
2           demic assessments aligned with such standards,  
3           which will be applicable to all students enrolled  
4           in the State’s public elementary schools and  
5           secondary schools, then the State educational  
6           agency may meet the requirements of this sub-  
7           section by—

8                   “(i) adopting academic standards and  
9                   academic assessments that meet the re-  
10                  quirements of this subsection, on a state-  
11                  wide basis, and limiting their applicability  
12                  to students served under this part; or

13                  “(ii) adopting and implementing poli-  
14                  cies that ensure that each local educational  
15                  agency in the State that receives grants  
16                  under this part will adopt academic con-  
17                  tent and student academic achievement  
18                  standards, and academic assessments  
19                  aligned with such standards, which—

20                   “(I) meet all of the criteria in  
21                   this subsection and any regulations  
22                   regarding such standards and assess-  
23                   ments that the Secretary may publish;  
24                   and

1                   “(II) are applicable to all stu-  
2                   dents served by each such local edu-  
3                   cational agency.

4                   “(F) LANGUAGE ASSESSMENTS.—Each  
5                   State plan shall identify the languages other  
6                   than English that are present to a significant  
7                   extent in the participating student population of  
8                   the State and indicate the languages for which  
9                   annual student academic assessments are not  
10                  available and are needed, and such State shall  
11                  make every effort to develop such assessments  
12                  as necessary.

13                  “(G) ASSESSMENTS OF ENGLISH LAN-  
14                  GUAGE PROFICIENCY.—Each State plan shall  
15                  demonstrate that local educational agencies in  
16                  the State will provide for an annual assessment  
17                  of English proficiency, which is valid, reliable,  
18                  and consistent with relevant nationally recog-  
19                  nized professional and technical testing stand-  
20                  ards measuring students’ speaking, listening,  
21                  reading, and writing skills in English, of all  
22                  children who are English learners in the schools  
23                  served by the State educational agency.

24                  “(H) DEFERRAL.—A State may defer the  
25                  commencement, or suspend the administration,

1 but not cease the development, of the assess-  
2 ments described in this paragraph, for 1 year  
3 for each year for which the amount appro-  
4 priated for grants under part B is less than  
5 \$369,100,000.

6 “(I) RULE OF CONSTRUCTION REGARDING  
7 USE OF ASSESSMENTS FOR STUDENT PRO-  
8 MOTION OR GRADUATION.—Nothing in this  
9 paragraph shall be construed to prescribe or  
10 prohibit the use of the academic assessments  
11 described in this part for student promotion or  
12 graduation purposes.

13 “(J) RULE OF CONSTRUCTION REGARDING  
14 ASSESSMENTS.—

15 “(i) IN GENERAL.—Except as pro-  
16 vided in clause (ii), nothing in this para-  
17 graph shall be construed to prohibit a  
18 State from developing and administering  
19 computer adaptive assessments as the as-  
20 sessments described in this paragraph, as  
21 long as the computer adaptive assess-  
22 ments—

23 “(I) meet the requirements of  
24 this paragraph; and

1                   “(II) assess the student’s aca-  
2                   demic achievement in order to meas-  
3                   ure, in the subject being assessed,  
4                   whether the student is performing  
5                   above or below the student’s grade  
6                   level.

7                   “(ii) APPLICABILITY TO ALTERNATE  
8                   ASSESSMENTS FOR STUDENTS WITH THE  
9                   MOST SIGNIFICANT COGNITIVE DISABIL-  
10                  ITIES.—In developing and administering  
11                  computer adaptive assessments as the as-  
12                  sessments allowed under subparagraph  
13                  (D), a State shall ensure that such com-  
14                  puter adaptive assessments—

15                  “(I) meet the requirements of  
16                  this paragraph, including subpara-  
17                  graph (D), except such assessments  
18                  shall not be required to meet the re-  
19                  quirements of clause (i)(II); and

20                  “(II) assess the student’s aca-  
21                  demic achievement in order to meas-  
22                  ure, in the subject being assessed,  
23                  whether the student is performing at  
24                  the student’s grade level.

1           “(K) RULE OF CONSTRUCTION ON PARENT  
2           AND GUARDIAN RIGHTS.—Nothing in this part  
3           shall be construed as preempting a State or  
4           local law regarding the decision of a parent or  
5           guardian to not have the parent or guardian’s  
6           child participate in the statewide academic as-  
7           sessments under this paragraph.

8           “(L) LIMITATION ON ASSESSMENT TIME.—

9           “(i) IN GENERAL.—As a condition of  
10          receiving an allocation under this part for  
11          any fiscal year, each State shall—

12                 “(I) set a limit on the aggregate  
13                 amount of time devoted to the admin-  
14                 istration of assessments (including as-  
15                 sessments adopted pursuant to this  
16                 subsection, other assessments required  
17                 by the State, and assessments re-  
18                 quired districtwide by the local edu-  
19                 cational agency) for each grade, ex-  
20                 pressed as a percentage of annual in-  
21                 structional hours; and

22                 “(II) ensure that each local edu-  
23                 cational agency in the State will notify  
24                 the parents of each student attending  
25                 any school in the local educational

1 agency, on an annual basis, whenever  
2 the limitation described in subclause  
3 (I) is exceeded.

4 “(ii) CHILDREN WITH DISABILITIES  
5 AND ENGLISH LEARNERS.—Nothing in  
6 clause (i) shall be construed to supersede  
7 the requirements of Federal law relating to  
8 assessments that apply specifically to chil-  
9 dren with disabilities or English learners.

10 “(3) STATE ACCOUNTABILITY SYSTEM.—

11 “(A) CATEGORY OF STUDENTS.—In this  
12 paragraph, the term ‘category of students’  
13 means—

14 “(i) economically disadvantaged stu-  
15 dents;

16 “(ii) students from major racial and  
17 ethnic groups;

18 “(iii) children with disabilities; and

19 “(iv) English learner students.

20 “(B) DESCRIPTION OF SYSTEM.—Each  
21 State plan shall describe a single, statewide  
22 State accountability system that will be based  
23 on the challenging State academic standards  
24 adopted by the State in mathematics and read-  
25 ing or language arts under paragraph (1)(C) to

1 ensure that all students graduate from high  
2 school prepared for postsecondary education or  
3 the workforce without the need for postsec-  
4 ondary remediation and at a minimum complies  
5 with the following:

6 “(i) Establishes measurable State-de-  
7 signed goals for all students and each of  
8 the categories of students in the State that  
9 take into account the progress necessary  
10 for all students and each of the categories  
11 of students to graduate from high school  
12 prepared for postsecondary education or  
13 the workforce without the need for postsec-  
14 ondary remediation, for, at a minimum  
15 each of the following:

16 “(I) Academic achievement,  
17 which may include student growth, on  
18 the State assessments under para-  
19 graph (2)(B)(v)(I).

20 “(II) High school graduation  
21 rates, including—

22 “(aa) the 4-year adjusted  
23 cohort graduation rate; and



1                   “(bb) at the State’s discre-  
2                   tion, the extended-year adjusted  
3                   cohort graduation rate.

4                   “(ii) Annually measures and reports  
5                   on the following indicators:

6                   “(I) The academic achievement  
7                   of all public school students in all  
8                   public schools and local educational  
9                   agencies in the State towards meeting  
10                  the goals described in clause (i) and  
11                  the challenging State academic stand-  
12                  ards for all students and for each of  
13                  the categories of students using stu-  
14                  dent performance on State assess-  
15                  ments required under paragraph  
16                  (2)(B)(v)(I), which may include meas-  
17                  ures of student academic growth to  
18                  such standards.

19                  “(II) The academic success of all  
20                  public school students in all public  
21                  schools and local educational agencies  
22                  in the State, that is, with respect to—

23                         “(aa) elementary schools  
24                         and secondary schools that are  
25                         not high schools, an academic in-

1                   indicator, as determined by the  
2                   State, that is the same statewide  
3                   for all public elementary school  
4                   students and all students at such  
5                   secondary schools, and each cat-  
6                   egory of students; and

7                   “(bb) high schools, the high  
8                   school graduation rates of all  
9                   public high school students in all  
10                  public high schools in the State  
11                  toward meeting the goals de-  
12                  scribed in clause (i), for all stu-  
13                  dents and for each of the cat-  
14                  egories of students, including the  
15                  4-year adjusted cohort gradua-  
16                  tion rate and at the State’s dis-  
17                  cretion, the extended-year ad-  
18                  justed cohort graduation rate.

19                  “(III) English language pro-  
20                  ficiency of all English learners in all  
21                  public schools and local educational  
22                  agencies, which may include measures  
23                  of student growth.

24                  “(IV) Not less than one other  
25                  valid and reliable indicator of school

1 quality, student success, or student  
2 supports, as determined appropriate  
3 by the State, that will be applied to  
4 all local educational agencies and  
5 schools consistently throughout the  
6 State for all students and for each of  
7 the categories of students, which may  
8 include measures of—

9 “(aa) student readiness to  
10 enter postsecondary education or  
11 the workforce without the need  
12 for postsecondary remediation,  
13 which may include—

14 “(AA) measures that  
15 integrate preparation for  
16 postsecondary education and  
17 the workforce, including per-  
18 formance in coursework se-  
19 quences that integrate rig-  
20 orous academics, work-based  
21 learning, and career and  
22 technical education;

23 “(BB) measures of a  
24 high-quality and accelerated  
25 academic program as deter-

1           mined appropriate by the  
2           State, which may include the  
3           percentage of students who  
4           participate in a State-ap-  
5           proved career and technical  
6           program of study as de-  
7           scribed in section  
8           122(c)(1)(A) of the Carl D.  
9           Perkins Career and Tech-  
10          nical Education Act of 2006  
11          and measures of technical  
12          skill attainment and place-  
13          ment described in section  
14          113(b) of such Act and re-  
15          ported by the State in a  
16          manner consistent with sec-  
17          tion 113(e) of such Act, or  
18          other substantially similar  
19          measures;  
20                 “(CC) student perform-  
21          ance on assessments aligned  
22          with the expectations for  
23          first-year postsecondary edu-  
24          cation success;

1           “(DD) student per-  
2           formance on admissions  
3           tests for postsecondary edu-  
4           cation;

5           “(EE) student perform-  
6           ance on assessments of ca-  
7           reer readiness and acquisi-  
8           tion of industry-recognized  
9           credentials that meet the  
10          quality criteria established  
11          by the State under section  
12          123(a) of the Workforce In-  
13          novation and Opportunity  
14          Act (29 U.S.C. 3102);

15          “(FF) student enroll-  
16          ment rates in postsecondary  
17          education;

18          “(GG) measures of stu-  
19          dent remediation in postsec-  
20          ondary education; and

21          “(HH) measures of stu-  
22          dent credit accumulation in  
23          postsecondary education;

24          “(bb) student engagement,  
25          such as attendance rates and

1 chronic absenteeism (including  
2 both excused and unexcused ab-  
3 sences);

4 “(cc) educator engagement,  
5 such as educator satisfaction (in-  
6 cluding working conditions within  
7 the school), teacher quality and  
8 effectiveness, and teacher absen-  
9 teeism;

10 “(dd) results from student,  
11 parent, and educator surveys;

12 “(ee) school climate and  
13 safety, such as incidents of school  
14 violence, bullying, and harass-  
15 ment, and disciplinary rates, in-  
16 cluding rates of suspension, ex-  
17 pulsion, referrals to law enforce-  
18 ment, school-related arrests, dis-  
19 ciplinary transfers (including  
20 placements in alternative  
21 schools), and student detentions;

22 “(ff) student access to or  
23 success in advanced coursework  
24 or educational programs or op-  
25 portunities, which may include

1 participation and performance in  
2 Advanced Placement, Inter-  
3 national Baccalaureate, dual en-  
4 rollment, and early college high  
5 school programs; and

6 “(gg) any other State-deter-  
7 mined measure of school quality  
8 or student success.

9 “(iii) Establishes a system of annually  
10 identifying and meaningfully differen-  
11 tiating among all public schools in the  
12 State, which shall—

13 “(I) be based on all indicators in  
14 the State’s accountability system  
15 under clause (ii) for all students and  
16 for each of the categories of students;  
17 and

18 “(II) use the indicators described  
19 in subclauses (I) and (II) of clause (ii)  
20 as substantial factors in the annual  
21 identification of schools, and the  
22 weight of such factors shall be deter-  
23 mined by the State.

1           “(iv) For public schools receiving as-  
2           sistance under this part, meets the require-  
3           ments of section 1114.

4           “(v) Provides a clear and understand-  
5           able explanation of the method of identi-  
6           fying and meaningfully differentiating  
7           schools under clause (iii).

8           “(vi) Measures the annual progress of  
9           not less than 95 percent of all students,  
10          and students in each of the categories of  
11          students, who are enrolled in the school  
12          and are required to take the assessments  
13          under paragraph (2) and provides a clear  
14          and understandable explanation of how the  
15          State will factor this requirement into the  
16          State-designed accountability system deter-  
17          minations.

18          “(4) EXCEPTION FOR ENGLISH LEARNERS.—A  
19          State may choose to—

20               “(A) exclude a recently arrived English  
21               learner who has attended school in one of the  
22               50 States in the United States or in the Dis-  
23               trict of Columbia for less than 12 months from  
24               one administration of the reading or language  
25               arts assessment required under paragraph (2);



1           “(B) exclude the results of a recently ar-  
2 rived English learner who has attended school  
3 in one of the 50 States in the United States or  
4 in the District of Columbia for less than 12  
5 months on the assessments under paragraph  
6 (2)(B)(v)(I), except for the results on the  
7 English language proficiency assessments re-  
8 quired under paragraph (2)(G), for the first  
9 year of the English learner’s enrollment in a  
10 school in the United States for the purposes of  
11 the State-determined accountability system  
12 under this subsection; and

13           “(C) include the results on the assessments  
14 under paragraph (2)(B)(v)(I), except for results  
15 on the English language proficiency assess-  
16 ments required under paragraph (2)(G), of  
17 former English learners for not more than 4  
18 years after the student is no longer identified as  
19 an English learner within the English learner  
20 category of the categories of students, as de-  
21 fined in paragraph (3)(A), for the purposes of  
22 the State-determined accountability system.

23           “(5) ACCOUNTABILITY FOR CHARTER  
24 SCHOOLS.—The accountability provisions under this

1 title shall be overseen for charter schools in accord-  
2 ance with State charter school law.

3 “(6) PROHIBITION ON FEDERAL INTER-  
4 FERENCE WITH STATE AND LOCAL DECISIONS.—

5 Nothing in this subsection shall be construed to per-  
6 mit the Secretary to establish any criterion that  
7 specifies, defines, or prescribes—

8 “(A) the standards or measures that  
9 States or local educational agencies use to es-  
10 tablish, implement, or improve challenging  
11 State academic standards, including the content  
12 of, or achievement levels within, such standards;

13 “(B) the specific types of academic assess-  
14 ments or assessment items that States or local  
15 educational agencies use to meet the require-  
16 ments of paragraph (2)(B) or otherwise use to  
17 measure student academic achievement or stu-  
18 dent growth;

19 “(C) the specific goals that States estab-  
20 lish within State-designed accountability sys-  
21 tems for all students and for each of the cat-  
22 egories of students, as defined in paragraph  
23 (3)(A), for student academic achievement or  
24 high school graduation rates, as described in  
25 subclauses (I) and (II) of paragraph (3)(B)(i);

1           “(D) any requirement that States shall  
2           measure student growth or the specific metrics  
3           used to measure student academic growth if a  
4           State chooses to measure student growth;

5           “(E) the specific indicator under para-  
6           graph (3)(B)(ii)(II)(aa), or any indicator under  
7           paragraph (3)(B)(ii)(IV), that a State must use  
8           within the State-designed accountability system;

9           “(F) setting specific benchmarks, targets,  
10          or goals, for any other measures or indicators  
11          established by a State under subclauses (III)  
12          and (IV) of paragraph (3)(B)(ii), including  
13          progress or growth on such measures or indica-  
14          tors;

15          “(G) the specific weight or specific signifi-  
16          cance of any measures or indicators used to  
17          measure, identify, or differentiate schools in the  
18          State-determined accountability system, as de-  
19          scribed in clauses (ii) and (iii) of paragraph  
20          (3)(B);

21          “(H) the terms ‘meaningfully’ or ‘substan-  
22          tially’ as used in this part;

23          “(I) the specific methods used by States  
24          and local educational agencies to identify and  
25          meaningfully differentiate among public schools;

1           “(J) any aspect or parameter of a teacher,  
2           principal, or other school leader evaluation sys-  
3           tem within a State or local educational agency;  
4           or

5           “(K) indicators or measures of teacher,  
6           principal, or other school leader effectiveness or  
7           quality.

8           “(c) OTHER PLAN PROVISIONS.—

9           “(1) DESCRIPTIONS.—Each State plan shall de-  
10          scribe—

11           “(A) with respect to any accountability  
12          provisions under this part that require  
13          disaggregation of information by each of the  
14          categories of students, as defined in subsection  
15          (b)(3)(A)—

16           “(i) the minimum number of students  
17          that the State determines are necessary to  
18          be included in each such category of stu-  
19          dents to carry out such requirements and  
20          how that number is statistically sound;

21           “(ii) how such minimum number of  
22          students was determined by the State, in-  
23          cluding how the State collaborated with  
24          teachers, principals, other school leaders,

1 parents, and other stakeholders when set-  
2 ting the minimum number; and

3 “(iii) how the State ensures that such  
4 minimum number does not reveal person-  
5 ally identifiable information about stu-  
6 dents;

7 “(B) the State educational agency’s system  
8 to monitor and evaluate the intervention and  
9 support strategies implemented by local edu-  
10 cational agencies in schools identified as in need  
11 of intervention and support under section 1114,  
12 including the lowest-performing schools and  
13 schools identified for other reasons, including  
14 schools with categories of students, as defined  
15 in subsection (b)(3)(A), not meeting the goals  
16 described in subsection (b)(3)(B)(i), and the  
17 steps the State will take to further assist local  
18 educational agencies, if such strategies are not  
19 effective;

20 “(C) in the case of a State that proposes  
21 to use funds under this part to offer early child-  
22 hood education programs, how the State pro-  
23 vides assistance and support to local edu-  
24 cational agencies and individual elementary  
25 schools that are creating, expanding, or improv-

1 ing such programs, such as through plans for  
2 engaging and supporting principals and other  
3 school leaders responsible for improving early  
4 childhood alignment with their elementary  
5 school, supporting teachers in understanding  
6 the transition between early learning to kinder-  
7 garten, and increasing parent and community  
8 engagement;

9 “(D) in the case of a State that proposes  
10 to use funds under this part to support a multi-  
11 tiered system of supports, positive behavioral  
12 interventions and supports, or early intervening  
13 services, how the State educational agency will  
14 assist local educational agencies in the develop-  
15 ment, implementation, and coordination of such  
16 activities and services with similar activities and  
17 services carried out under the Individuals with  
18 Disabilities Education Act in schools served by  
19 the local educational agency, including by pro-  
20 viding technical assistance, training, and eval-  
21 uation of the activities and services;

22 “(E) how the State educational agency will  
23 provide support to local educational agencies for  
24 the education of homeless children and youths,  
25 and how the State will comply with the require-

1           ments of subtitle B of title VII of the McKin-  
2           ney-Vento Homeless Assistance Act;

3           “(F) how low-income and minority children  
4           enrolled in schools assisted under this part are  
5           not served at disproportionate rates by ineffec-  
6           tive, out-of-field, and inexperienced teachers,  
7           principals, or other school leaders, and the  
8           measures the State educational agency will use  
9           to evaluate and publicly report the progress of  
10          the State educational agency with respect to  
11          such description;

12          “(G) how the State will make public the  
13          methods or criteria the State or its local edu-  
14          cational agencies are using to measure teacher,  
15          principal, and other school leader effectiveness  
16          for the purpose of meeting the requirements de-  
17          scribed in subparagraph (F); however, nothing  
18          in this subparagraph shall be construed as re-  
19          quiring a State to develop or implement a  
20          teacher, principal, or other school leader evalua-  
21          tion system;

22          “(H) how the State educational agency will  
23          protect each student from physical or mental  
24          abuse, aversive behavioral interventions that  
25          compromise student health and safety, or any

1 physical restraint or seclusion imposed solely  
2 for purposes of discipline or convenience, which  
3 may include how such agency will identify and  
4 support, including through professional develop-  
5 ment, training, and technical assistance, local  
6 educational agencies and schools that have high  
7 levels of seclusion and restraint or  
8 disproportionality in rates of seclusion and re-  
9 straint;

10 “(I) how the State educational agency will  
11 address school discipline issues, which may in-  
12 clude how such agency will identify and sup-  
13 port, including through professional develop-  
14 ment, training, and technical assistance, local  
15 educational agencies and schools that have high  
16 levels of exclusionary discipline or  
17 disproportionality in rates of exclusionary dis-  
18 cipline;

19 “(J) how the State educational agency will  
20 address school climate issues, which may in-  
21 clude providing technical assistance on effective  
22 strategies to reduce the incidence of school vio-  
23 lence, bullying, harassment, drug and alcohol  
24 use and abuse, and rates of chronic absenteeism



1 (including both excused and unexcused ab-  
2 sences);

3 “(K) how the State determines, with timely  
4 and meaningful consultation with local edu-  
5 cational agencies representing the geographic  
6 diversity of the State, the timelines and annual  
7 goals for progress necessary to move English  
8 learners from the lowest levels of English pro-  
9 ficiency to the State-defined proficient level in  
10 a State-determined number of years, including  
11 an assurance that such goals will be based on  
12 students’ initial language proficiency when first  
13 identified as an English learner and may take  
14 into account the amount of time that an indi-  
15 vidual child has been enrolled in a language  
16 program and grade level;

17 “(L) the steps a State educational agency  
18 will take to ensure collaboration with the State  
19 agency responsible for administering the State  
20 plans under parts B and E of title IV of the  
21 Social Security Act (42 U.S.C. 621 et seq. and  
22 670 et seq.) to ensure the educational stability  
23 of children in foster care, including assurances  
24 that—

1           “(i) any such child enrolls or remains  
2           in such child’s school of origin, unless a  
3           determination is made that it is not in  
4           such child’s best interest to attend the  
5           school of origin, which decision shall be  
6           based on all factors relating to the child’s  
7           best interest, including consideration of the  
8           appropriateness of the current educational  
9           setting and the proximity to the school in  
10          which the child is enrolled at the time of  
11          placement;

12          “(ii) when a determination is made  
13          that it is not in such child’s best interest  
14          to remain in the school of origin, the child  
15          is immediately enrolled in a new school,  
16          even if the child is unable to produce  
17          records normally required for enrollment;

18          “(iii) the enrolling school shall imme-  
19          diately contact the school last attended by  
20          any such child to obtain relevant academic  
21          and other records; and

22          “(iv) the State educational agency will  
23          designate an employee to serve as a point  
24          of contact for child welfare agencies and to  
25          oversee implementation of the State agency

1 responsibilities required under this sub-  
2 paragraph, and such point of contact shall  
3 not be the State’s Coordinator for Edu-  
4 cation of Homeless Children and Youths  
5 under section 722(d)(3) of the McKinney-  
6 Vento Homeless Assistance Act;

7 “(M) how the State will ensure the unique  
8 needs of students at all levels of schooling are  
9 met, particularly students in the middle grades  
10 and high school, including how the State will  
11 work with local educational agencies to—

12 “(i) assist in the identification of mid-  
13 dle grades and high school students who  
14 are at-risk of dropping out, such as  
15 through the continuous use of student data  
16 related to measures such as attendance,  
17 student suspensions, course performance,  
18 and, postsecondary credit accumulation  
19 that results in actionable steps to inform  
20 and differentiate instruction and support;

21 “(ii) ensure effective student transi-  
22 tions from elementary school to middle  
23 grades and middle grades to high school,  
24 such as by aligning curriculum and sup-  
25 ports or implementing personal academic

1 plans to enable such students to stay on  
2 the path to graduation;

3 “(iii) ensure effective student transi-  
4 tions from high school to postsecondary  
5 education, such as through the establish-  
6 ment of partnerships between local edu-  
7 cational agencies and institutions of higher  
8 education and providing students with  
9 choices for pathways to postsecondary edu-  
10 cation, which may include the integration  
11 of rigorous academics, career and technical  
12 education, and work-based learning;

13 “(iv) provide professional development  
14 to teachers, principals, other school lead-  
15 ers, and other school personnel in address-  
16 ing the academic and developmental needs  
17 of such students; and

18 “(v) implement any other evidence-  
19 based strategies or activities that the State  
20 determines appropriate for addressing the  
21 unique needs of such students;

22 “(N) how the State educational agency will  
23 provide support to local educational agencies for  
24 the education of expectant and parenting stu-  
25 dents;

1           “(O) how the State educational agency will  
2 demonstrate a coordinated plan to seamlessly  
3 transition students from secondary school into  
4 postsecondary education or careers without re-  
5 mediation, including a description of the spe-  
6 cific transition activities that the State edu-  
7 cational agency will carry out, such as providing  
8 students with access to early college high school  
9 or dual or concurrent enrollment opportunities;

10           “(P) if applicable, whether the State con-  
11 ducts periodic assessments of the condition of  
12 elementary school and secondary school facili-  
13 ties in the State, which may include an assess-  
14 ment of the age of the facility and the state of  
15 repair of the facility;

16           “(Q) if applicable, how the State edu-  
17 cational agency will provide support to local  
18 educational agencies for the education of chil-  
19 dren facing substance abuse in the home, which  
20 may include how such agency will provide pro-  
21 fessional development, training, and technical  
22 assistance to local educational agencies, elemen-  
23 tary schools, and secondary schools in commu-  
24 nities with high rates of substance abuse; and

1           “(R) any other information on how the  
2 State proposes to use funds under this part to  
3 meet the purposes of this part, and that the  
4 State determines appropriate to provide, which  
5 may include how the State educational agency  
6 will—

7           “(i) assist local educational agencies  
8 in identifying and serving gifted and tal-  
9 ented students;

10          “(ii) assist local educational agencies  
11 in developing effective school library pro-  
12 grams to provide students an opportunity  
13 to develop digital literacy skills and to help  
14 ensure that all students graduate from  
15 high school prepared for postsecondary  
16 education or the workforce without the  
17 need for remediation;

18          “(iii) encourage the offering of a vari-  
19 ety of well-rounded education experiences  
20 to students; and

21          “(iv) use funds under this part to  
22 support efforts to expand and replicate  
23 successful practices from high-performing  
24 charter schools, magnet schools, and tradi-  
25 tional public schools.

1           “(2) ASSURANCES.—Each State plan shall pro-  
2       vide an assurance that—

3           “(A) the State educational agency will no-  
4       tify local educational agencies, Indian tribes  
5       and tribal organizations, schools, teachers, par-  
6       ents, and the public of the challenging State  
7       academic standards, academic assessments, and  
8       State accountability system, developed under  
9       this section;

10          “(B) the State educational agency will as-  
11       sist each local educational agency and school af-  
12       fected by the State plan to meet the require-  
13       ments of this part;

14          “(C) the State will participate in the bien-  
15       nial State academic assessments in reading and  
16       mathematics in grades 4 and 8 of the National  
17       Assessment of Educational Progress carried out  
18       under section 303(b)(3) of the National Assess-  
19       ment of Educational Progress Authorization  
20       Act if the Secretary pays the costs of admin-  
21       istering such assessments;

22          “(D) the State educational agency will  
23       modify or eliminate State fiscal and accounting  
24       barriers so that schools can easily consolidate  
25       funds from other Federal, State, and local

1 sources in order to improve educational oppor-  
2 tunities and reduce unnecessary fiscal and ac-  
3 counting requirements;

4 “(E) the State educational agency will sup-  
5 port the collection and dissemination to local  
6 educational agencies and schools of effective  
7 parent and family engagement strategies, in-  
8 cluding those included in the parent and family  
9 engagement policy under section 1115;

10 “(F) the State educational agency will pro-  
11 vide the least restrictive and burdensome regu-  
12 lations for local educational agencies and indi-  
13 vidual schools participating in a program as-  
14 sisted under this part;

15 “(G) the State educational agency will en-  
16 sure that local educational agencies, in devel-  
17 oping and implementing programs under this  
18 part, will, to the extent feasible, work in con-  
19 sultation with outside intermediary organiza-  
20 tions, such as educational service agencies, or  
21 individuals, that have practical expertise in the  
22 development or use of evidence-based strategies  
23 and programs to improve teaching, learning,  
24 and schools;



1           “(H) the State educational agency has ap-  
2           propriate procedures and safeguards in place to  
3           ensure the validity of the assessment process;

4           “(I) the State educational agency will en-  
5           sure that all teachers and paraprofessionals  
6           working in a program supported with funds  
7           under this part meet applicable State certifi-  
8           cation and licensure requirements, including al-  
9           ternative certification requirements;

10          “(J) the State educational agency will co-  
11          ordinate activities funded under this part with  
12          other Federal activities as appropriate;

13          “(K) the State educational agency has in-  
14          volved the committee of practitioners estab-  
15          lished under section 1503(b) in developing the  
16          plan and monitoring its implementation;

17          “(L) the State has professional standards  
18          for paraprofessionals working in a program  
19          supported with funds under this part, including  
20          qualifications that were in place on the day be-  
21          fore the date of enactment of the Every Child  
22          Achieves Act of 2015;

23          “(M) the State educational agency will as-  
24          sess the system for collecting data from local  
25          educational agencies, and the technical assist-

1           ance provided to local educational agencies on  
2           data collection, and will evaluate the need to  
3           upgrade or change the system and to provide  
4           additional support to help minimize the burden  
5           on local educational agencies related to report-  
6           ing data required for the annual State report  
7           card described in subsection (d)(1) and annual  
8           local educational agency report cards described  
9           in subsection (d)(2); and

10           “(N) the State educational agency will pro-  
11           vide the information described in clauses (ii),  
12           (iii), and (iv) of subsection (d)(1)(C) to the  
13           public in an easily accessible and user-friendly  
14           manner that can be cross-tabulated by, at a  
15           minimum, each major racial and ethnic group,  
16           gender, English proficiency, and students with  
17           or without disabilities, which—

18                   “(i) may be accomplished by including  
19                   such information on the annual State re-  
20                   port card described subsection (d)(1)(C));  
21                   and

22                   “(ii) shall be presented in a manner  
23                   that—

1           “(I) is first anonymized and does  
2           not reveal personally identifiable infor-  
3           mation about an individual student;

4           “(II) does not include a number  
5           of students in any category of stu-  
6           dents that is insufficient to yield sta-  
7           tistically reliable information or that  
8           would reveal personally identifiable in-  
9           formation about an individual student;  
10          and

11          “(III) is consistent with the re-  
12          quirements of section 444 of the Gen-  
13          eral Education Provisions Act (20  
14          U.S.C. 1232g, commonly known as  
15          the ‘Family Educational Rights and  
16          Privacy Act of 1974’).

17          “(3) RULES OF CONSTRUCTION.—Nothing in  
18          paragraph (2)(N) shall be construed to—

19                 “(A) require groups of students obtained  
20                 by any entity that cross-tabulates the informa-  
21                 tion provided under such paragraph to be con-  
22                 sidered categories of students under subsection  
23                 (b)(3)(A) for the purposes of the State account-  
24                 ability system under subsection (b)(3); or

1           “(B) to prohibit States from publicly re-  
2           porting data in a cross-tabulated manner, in  
3           order to meet the requirements of paragraph  
4           (2)(N).

5           “(4) TECHNICAL ASSISTANCE.—Upon request  
6           by a State educational agency, the Secretary shall  
7           provide technical assistance to such agency in order  
8           to meet the requirements of paragraph (2)(N).

9           “(d) REPORTS.—

10           “(1) ANNUAL STATE REPORT CARD.—

11           “(A) IN GENERAL.—A State that receives  
12           assistance under this part shall prepare and  
13           disseminate widely to the public an annual  
14           State report card for the State as a whole that  
15           meets the requirements of this paragraph.

16           “(B) IMPLEMENTATION.—

17           “(i) IN GENERAL.—The State report  
18           card required under this paragraph shall  
19           be—

20                   “(I) concise;

21                   “(II) presented in an understand-  
22                   able and uniform format and, to the  
23                   extent practicable, in a language that  
24                   parents can understand; and

1                   “(III) widely accessible to the  
2                   public, which shall include making the  
3                   State report card, along with all local  
4                   educational agency and school report  
5                   cards required under paragraph (2),  
6                   and the annual report to the Sec-  
7                   retary under paragraph (5), available  
8                   on a single webpage of the State edu-  
9                   cational agency’s website.

10                   “(ii) ENSURING PRIVACY.—No State  
11                   report card required under this paragraph  
12                   shall include any personally identifiable in-  
13                   formation about any student. Each such  
14                   report card shall be consistent with the  
15                   privacy protections under section 444 of  
16                   the General Education Provisions Act (20  
17                   U.S.C. 1232g, commonly known as the  
18                   ‘Family Educational Rights and Privacy  
19                   Act of 1974’).

20                   “(C) MINIMUM REQUIREMENTS.—Each  
21                   State report card required under this subsection  
22                   shall include the following information:

23                   “(i) A clear and concise description of  
24                   the State’s accountability system under  
25                   subsection (b)(3), including the goals for

1 all students and for each of the categories  
2 of students, as defined in subsection  
3 (b)(3)(A), the indicators used in the ac-  
4 countability system to evaluate school per-  
5 formance described in subsection  
6 (b)(3)(B), and the weights of the indica-  
7 tors used in the accountability system to  
8 evaluate school performance.

9 “(ii) For all students and  
10 disaggregated by each category of students  
11 described in subsection (b)(2)(B)(xi),  
12 homeless status, and status as a child in  
13 foster care, except that such  
14 disaggregation shall not be required in a  
15 case in which the number of students in a  
16 category is insufficient to yield statistically  
17 reliable information or the results would  
18 reveal personally identifiable information  
19 about an individual student, information  
20 on student achievement on the academic  
21 assessments described in subsection (b)(2)  
22 at each level of achievement, as determined  
23 by the State under subsection (b)(1).

24 “(iii) For all students and  
25 disaggregated by each category of students

1 described in subsection (b)(2)(B)(xi), the  
2 percentage of students assessed and not  
3 assessed.

4 “(iv) For all students and  
5 disaggregated by each of the categories of  
6 students, as defined in subsection  
7 (b)(3)(A), and for purposes of subclause  
8 (II), homeless status and status as a child  
9 in foster care, except that such  
10 disaggregation shall not be required in a  
11 case in which the number of students in a  
12 category is insufficient to yield statistically  
13 reliable information or the results would  
14 reveal personally identifiable information  
15 about an individual student—

16 “(I) information on the perform-  
17 ance on the other academic indicator  
18 under subsection (b)(3)(B)(ii)(II)(aa)  
19 used by the State in the State ac-  
20 countability system; and

21 “(II) high school graduation  
22 rates, including 4-year adjusted cohort  
23 graduation rates and, at the State’s  
24 discretion, extended-year adjusted co-  
25 hort graduation rates.

1           “(v) Information on indicators or  
2           measures of school quality, climate and  
3           safety, and discipline, including the rates  
4           of in-school suspensions, out-of-school sus-  
5           pensions, expulsions, school-related arrests,  
6           referrals to law enforcement, chronic ab-  
7           senteeism (including both excused and un-  
8           excused absences), and incidences of vio-  
9           lence, including bullying and harassment,  
10          that the State educational agency and each  
11          local educational agency in the State re-  
12          ported to the Civil Rights Data Collection  
13          biennial survey required by the Office for  
14          Civil Rights of the Department that is the  
15          most recent to the date of the determina-  
16          tion in the same manner that such infor-  
17          mation is presented on such survey.

18          “(vi) The minimum number of stu-  
19          dents that the State determines are nec-  
20          essary to be included in each of the cat-  
21          egories of students, as defined in sub-  
22          section (b)(3)(A), for use in the account-  
23          ability system under subsection (b)(3).

24          “(vii) The professional qualifications  
25          of teachers, principals, and other school



1 leaders in the State, including information  
2 (that shall be presented in the aggregate  
3 and disaggregated by high-poverty com-  
4 pared to low-poverty schools which, for the  
5 purpose of this clause, means schools in  
6 each quartile based on school poverty level,  
7 and high-minority and low-minority  
8 schools in the State) on the number, per-  
9 centage, and distribution of—

10 “(I) inexperienced teachers, prin-  
11 cipals, and other school leaders;

12 “(II) teachers teaching with  
13 emergency or provisional credentials;

14 “(III) teachers who are not  
15 teaching in the subject or field for  
16 which the teacher is certified or li-  
17 censed;

18 “(IV) teachers, principals, and  
19 other school leaders who are ineffec-  
20 tive, as determined by the State, using  
21 the methods or criteria under sub-  
22 section (c)(1)(G); and

23 “(V) the annual retention rates  
24 of effective and ineffective teachers,  
25 principals, and other school leaders,

1 as determined by the State, using the  
2 methods or criteria under subsection  
3 (c)(1)(G).

4 “(viii) Information on the perform-  
5 ance of local educational agencies and  
6 schools in the State, including the number  
7 and names of each school identified for  
8 intervention and support under section  
9 1114.

10 “(ix) For a State that implements a  
11 teacher, principal, and other school leader  
12 evaluation system consistent with title II,  
13 the evaluation results of teachers, prin-  
14 cipals, and other school leaders, except  
15 that such information shall not provide  
16 personally identifiable information on indi-  
17 vidual teachers, principals, or other school  
18 leaders.

19 “(x) The per-pupil expenditures of  
20 Federal, State, and local funds, including  
21 actual personnel expenditures and actual  
22 nonpersonnel expenditures of Federal,  
23 State, and local funds, disaggregated by  
24 source of funds, for each local educational

1 agency and each school in the State for the  
2 preceding fiscal year.

3 “(xi) The number and percentages of  
4 students with the most significant cog-  
5 nitive disabilities that take an alternate as-  
6 sessment under subsection (b)(2)(D), by  
7 grade and subject.

8 “(xii) Information on the acquisition  
9 of English language proficiency by stu-  
10 dents who are English learners.

11 “(xiii) Information on, including infor-  
12 mation that the State educational agency  
13 and each local educational agency in the  
14 State reported to the Civil Rights Data  
15 Collection biennial survey required by the  
16 Office for Civil Rights of the Department  
17 that is the most recent to the date of the  
18 determination in the same manner that  
19 such information is presented on such sur-  
20 vey on—

21 “(I) the number and percentage  
22 of—

23 “(aa) students enrolled in  
24 gifted and talented programs;

1                   “(bb) students enrolled in  
2                   rigorous coursework to earn post-  
3                   secondary credit while still in  
4                   high school, such as Advanced  
5                   Placement and International  
6                   Baccalaureate courses and exami-  
7                   nations, and dual or concurrent  
8                   enrollment and early college high  
9                   schools; and

10                   “(cc) children enrolled in  
11                   preschool programs;

12                   “(II) the average class size, by  
13                   grade; and

14                   “(III) any other indicators deter-  
15                   mined by the State.

16                   “(xiv) The number and percentage of  
17                   students attaining career and technical  
18                   proficiencies, as defined by section 113(b)  
19                   of the Carl D. Perkins Career and Tech-  
20                   nical Education Act of 2006 and reported  
21                   by States only in a manner consistent with  
22                   section 113(c) of that Act.

23                   “(xv) Results on the National Assess-  
24                   ment of Educational Progress in reading

1 and mathematics in grades 4 and 8 for the  
2 State, compared to the national average.

3 “(xvi) Information on the percentage  
4 of students, including for each of the cat-  
5 egories of students, as defined in sub-  
6 section (b)(3)(A), who did not meet the  
7 State goals established under subsection  
8 (b)(3)(B).

9 “(xvii) Information regarding the  
10 number of military-connected students  
11 (which, for purposes of this clause, shall  
12 mean students with parents who serve in  
13 the uniformed services, including the Na-  
14 tional Guard and Reserves), and informa-  
15 tion regarding the academic achievement of  
16 such students, except that such informa-  
17 tion shall not be used for school or local  
18 educational agency accountability purposes  
19 under sections 1111(b)(3) and 1114.

20 “(xviii) In the case of each coeduca-  
21 tional school in the State that receives as-  
22 sistance under this part—

23 “(I) a listing of the school’s  
24 interscholastic sports teams that par-  
25 ticipated in athletic competition;

1 “(II) for each such team—

2 “(aa) the total number of  
3 male and female participants,  
4 disaggregated by gender and  
5 race;

6 “(bb) the season in which  
7 the team competed, whether the  
8 team participated in postseason  
9 competition, and the total num-  
10 ber of competitive events sched-  
11 uled;

12 “(cc) the total expenditures  
13 from all sources, including ex-  
14 penditures for travel, uniforms,  
15 facilities, and publicity for com-  
16 petitions; and

17 “(dd) the total number of  
18 coaches, trainers, and medical  
19 personnel, and for each such in-  
20 dividual an identification of such  
21 individual’s employment status,  
22 and duties other than providing  
23 coaching, training, or medical  
24 services; and

1                   “(III) the average annual salary  
2                   of the head coaches of boys’ inter-  
3                   scholastic sports teams, across all of-  
4                   fered sports, and the average annual  
5                   salary of the head coaches of girls’  
6                   interscholastic sports teams, across all  
7                   offered sports.

8                   “(xix) for each high school in the  
9                   State, and beginning with the report card  
10                  released in 2017, the cohort rate (in the  
11                  aggregate, and disaggregated for each cat-  
12                  egory of students defined in subsection  
13                  (b)(3)(A), except that such disaggregation  
14                  shall not be required in a case in which the  
15                  number of students is insufficient to yield  
16                  statistically reliable information or the re-  
17                  sults would reveal personally identifiable  
18                  information about an individual student) at  
19                  which students who graduate from the  
20                  high school enroll, for the first academic  
21                  year that begins after the students’ grad-  
22                  uation—

23                   “(I) in programs of public post-  
24                   secondary education in the State; and

1                   “(II) if data are available and to  
2                   the extent practicable, in programs of  
3                   private postsecondary education in the  
4                   State or programs of postsecondary  
5                   education outside the State;

6                   “(xx) if available and to the extent  
7                   practicable, for each high school in the  
8                   State and beginning with the report card  
9                   released in 2018, the remediation rate (in  
10                  the aggregate, and disaggregated for each  
11                  category of students defined in subsection  
12                  (b)(3)(A), except that such disaggregation  
13                  shall not be required in a case in which the  
14                  number of students is insufficient to yield  
15                  statistically reliable information or the re-  
16                  sults would reveal personally identifiable  
17                  information about an individual student)  
18                  for students who graduate from the high  
19                  school at—

20                         “(I) programs of postsecondary  
21                         education in the State; and

22                         “(II) programs of postsecondary  
23                         education outside the State;

24                         “(xxi) Any additional information that  
25                         the State believes will best provide parents,



1 students, and other members of the public  
2 with information regarding the progress of  
3 each of the State's public elementary  
4 schools and secondary schools.

5 “(D) RULE OF CONSTRUCTION.—

6 “(i) IN GENERAL.—Nothing in clause  
7 (v) or (xiii) of subparagraph (C) shall be  
8 construed as requiring a State to report  
9 any data that are not otherwise required or  
10 voluntarily submitted to the Civil Rights  
11 Data Collection biennial survey required by  
12 the Office for Civil Rights of the Depart-  
13 ment.

14 “(ii) CONTINUATION OF SUBMISSION  
15 TO DEPARTMENT OF INFORMATION.—If, at  
16 any time after the date of enactment of the  
17 Every Child Achieves Act of 2015, the  
18 Civil Rights Data Collection biennial sur-  
19 vey is no longer conducted by the Office  
20 for Civil Rights of the Department, a State  
21 educational agency shall still include the  
22 information under clauses (v) and (xiii) of  
23 subparagraph (C) in the State report card  
24 under this paragraph in the same manner

1           that such information is presented on such  
2           survey.

3           “(2) ANNUAL LOCAL EDUCATIONAL AGENCY  
4       REPORT CARDS.—

5           “(A) IN GENERAL.—

6           “(i) PREPARATION AND DISSEMINA-  
7       TION.—A local educational agency that re-  
8       ceives assistance under this part shall pre-  
9       pare and disseminate an annual local edu-  
10      cational agency report card that includes—

11           “(I) information on such agency  
12      as a whole; and

13           “(II) for each school served by  
14      the agency, a school report card that  
15      meets the requirements of this para-  
16      graph.

17           “(ii) NO PERSONALLY IDENTIFIABLE  
18      INFORMATION.—No local educational agen-  
19      cy report card required under this para-  
20      graph shall include any personally identifi-  
21      able information about any student.

22           “(iii) CONSISTENT WITH FERPA.—  
23      Each local educational agency report card  
24      shall be consistent with the privacy protec-  
25      tions under section 444 of the General

1 Education Provisions Act (20 U.S.C.  
2 1232g, commonly known as the ‘Family  
3 Educational Rights and Privacy Act of  
4 1974’).

5 “(B) IMPLEMENTATION.—Each local edu-  
6 cational agency report card shall be—

7 “(i) concise;

8 “(ii) presented in an understandable  
9 and uniform format, and to the extent  
10 practicable, in a language that parents can  
11 understand; and

12 “(iii) accessible to the public, which  
13 shall include—

14 “(I) placing such report card on  
15 the website of the local educational  
16 agency and on the website of each  
17 school served by the agency; and

18 “(II) in any case in which a local  
19 educational agency or school does not  
20 operate a website, providing the infor-  
21 mation to the public in another man-  
22 ner determined by the local edu-  
23 cational agency.

1           “(C) MINIMUM REQUIREMENTS.—Each  
2 local educational agency report card required  
3 under this paragraph shall include—

4           “(i) the information described in para-  
5 graph (1)(C), disaggregated in the same  
6 manner as under paragraph (1)(C), except  
7 for clause (xv) of such paragraph, as ap-  
8 plied to the local educational agency, and  
9 each school served by the local educational  
10 agency, including—

11           “(I) in the case of a local edu-  
12 cational agency, information that  
13 shows how students served by the  
14 local educational agency achieved on  
15 the academic assessments described in  
16 subsection (b)(2) compared to stu-  
17 dents in the State as a whole; and

18           “(II) in the case of a school, in-  
19 formation that shows how the school’s  
20 students’ achievement on the aca-  
21 demic assessments described in sub-  
22 section (b)(2) compared to students  
23 served by the local educational agency  
24 and the State as a whole;

1           “(ii) any information required by the  
2 State under paragraph (1)(C)(xviii); and

3           “(iii) any other information that the  
4 local educational agency determines is ap-  
5 propriate and will best provide parents,  
6 students, and other members of the public  
7 with information regarding the progress of  
8 each public school served by the local edu-  
9 cational agency, whether or not such infor-  
10 mation is included in the annual State re-  
11 port card.

12           “(D) PUBLIC DISSEMINATION.—

13           “(i) IN GENERAL.—Except as pro-  
14 vided in clause (ii), a local educational  
15 agency shall—

16           “(I) publicly disseminate the in-  
17 formation described in this paragraph  
18 to all schools in the school district  
19 served by the local educational agency  
20 and to all parents of students attend-  
21 ing such schools; and

22           “(II) make the information wide-  
23 ly available through public means, in-  
24 cluding through electronic means, in-  
25 cluding posting in an easily accessible

1 manner on the local educational agen-  
2 cy's website, except in the case in  
3 which an agency does not operate a  
4 website, such agency shall determine  
5 how to make the information avail-  
6 able, such as through distribution to  
7 the media, and distribution through  
8 public agencies.

9 “(ii) EXCEPTION.—If a local edu-  
10 cational agency issues a report card for all  
11 students, the local educational agency may  
12 include the information described in this  
13 paragraph as part of such report.

14 “(3) PREEXISTING REPORT CARDS.—A State  
15 educational agency or local educational agency that  
16 was providing public report cards on the perform-  
17 ance of students, schools, local educational agencies,  
18 or the State prior to the date of enactment of the  
19 Every Child Achieves Act of 2015, may use such re-  
20 port cards for the purpose of disseminating informa-  
21 tion under this subsection if the report card is modi-  
22 fied, as may be needed, to contain the information  
23 required by this subsection.

24 “(4) COST REDUCTION.—Each State edu-  
25 cational agency and local educational agency receiv-

1 ing assistance under this part shall, wherever pos-  
2 sible, take steps to reduce data collection costs and  
3 duplication of effort by obtaining the information re-  
4 quired under this subsection through existing data  
5 collection efforts.

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

11 “(A) information on student achievement  
12 on the academic assessments described in sub-  
13 section (b)(2) for all students and  
14 disaggregated by each of the categories of stu-  
15 dents, as defined in subsection (b)(3)(A), in-  
16 cluding—

17 “(i) the percentage of students who  
18 achieved at each level of achievement the  
19 State has set in subsection (b)(1);

20 “(ii) the percentage of students who  
21 did not meet the State goals set in sub-  
22 section (b)(3)(B); and

23 “(iii) if applicable, the percentage of  
24 students making at least one year of aca-

1           demic growth over the school year, as de-  
2           termined by the State;

3           “(B) the percentage of students assessed  
4           and not assessed on the academic assessments  
5           described in subsection (b)(2) for all students  
6           and disaggregated by each category of students  
7           described in subsection (b)(2)(B)(xi);

8           “(C) for all students and disaggregated by  
9           each of the categories of students, as defined in  
10          subsection (b)(3)(A)—

11           “(i) information on the performance  
12           on the other academic indicator under sub-  
13           section (b)(3)(B)(ii)(II)(aa) used by the  
14           State in the State accountability system;

15           “(ii) high school graduation rates, in-  
16           cluding 4-year adjusted cohort graduation  
17           rates and, at the State’s discretion, ex-  
18           tended-year adjusted cohort graduation  
19           rates; and

20           “(iii) information on each State-deter-  
21           mined indicator of school quality, success,  
22           or student support under subsection  
23           (b)(3)(B)(ii)(IV) selected by the State in  
24           the State accountability system;



1           “(D) information on the acquisition of  
2 English language proficiency by students who  
3 are English learners;

4           “(E) the per-pupil expenditures of Federal,  
5 State, and local funds, including actual staff  
6 personnel expenditures and actual nonpersonnel  
7 expenditures, disaggregated by source of funds  
8 for each school served by the agency for the  
9 preceding fiscal year;

10           “(F) the number and percentage of stu-  
11 dents with the most significant cognitive dis-  
12 abilities that take an alternate assessment  
13 under subsection (b)(2)(D), by grade and sub-  
14 ject;

15           “(G) the number and names of the schools  
16 identified as in need of intervention and sup-  
17 port under section 1114, and the school inter-  
18 vention and support strategies developed and  
19 implemented by the local educational agency  
20 under section 1114(b) to address the needs of  
21 students in each school;

22           “(H) the number of students and schools  
23 that participated in public school choice under  
24 section 1114(b)(4);

1           “(I) information on the quality and effec-  
2           tiveness of teachers for each quartile of schools  
3           based on the school’s poverty level and high–mi-  
4           nority and low–minority schools in the local  
5           educational agencies in the State, including the  
6           number, percentage, and distribution of—

7                   “(i) inexperienced teachers;

8                   “(ii) teachers who are not teaching in  
9                   the subject or field for which the teacher  
10                   is certified or licensed; and

11                   “(iii) teachers who are not effective,  
12                   as determined by the State if the State has  
13                   a statewide teacher, principal, or other  
14                   school leader evaluation system; and

15           “(J) if the State has a statewide teacher,  
16           principal, or other school leader evaluation sys-  
17           tem, information on the results of such teacher,  
18           principal, or other school leader evaluation sys-  
19           tems that does not reveal personally identifiable  
20           information.

21           “(6) PRESENTATION OF DATA.—

22                   “(A) IN GENERAL.—A State educational  
23                   agency or local educational agency shall only in-  
24                   clude in its annual report card described under  
25                   paragraphs (1) and (2) data that are sufficient

1 to yield statistically reliable information, and  
2 that do not reveal personally identifiable infor-  
3 mation about an individual student, teacher,  
4 principal, or other school leader.

5 “(B) STUDENT PRIVACY.—In carrying out  
6 this subsection, student education records shall  
7 not be released without written consent con-  
8 sistent with section 444 of the General Edu-  
9 cation Provisions Act (20 U.S.C. 1232g, com-  
10 monly known as the ‘Family Educational  
11 Rights and Privacy Act of 1974’).

12 “(7) REPORT TO CONGRESS.—The Secretary  
13 shall transmit annually to the Committee on Health,  
14 Education, Labor, and Pensions of the Senate and  
15 the Committee on Education and the Workforce of  
16 the House of Representatives a report that provides  
17 national- and State-level data on the information  
18 collected under paragraph (5). Such report shall be  
19 submitted through electronic means only.

20 “(8) SECRETARY’S REPORT CARD.—

21 “(A) IN GENERAL.—Not later than July 1,  
22 2017, and annually thereafter, the Secretary,  
23 acting through the Director of the Institute of  
24 Education Sciences, shall transmit to the Com-  
25 mittee on Health, Education, Labor, and Pen-

1           sions of the Senate and the Committee on Edu-  
2           cation and the Workforce of the House of Rep-  
3           representatives a national report card on the status  
4           of elementary and secondary education in the  
5           United States. Such report shall—

6                   “(i) analyze existing data from State  
7                   reports required under this Act, the Indi-  
8                   viduals with Disabilities Education Act,  
9                   and the Carl D. Perkins Career and Tech-  
10                  nical Education Act of 2006, and summa-  
11                  rize major findings from such reports;

12                  “(ii) analyze data from the National  
13                  Assessment of Educational Progress and  
14                  comparable international assessments;

15                  “(iii) identify trends in student  
16                  achievement and high school graduation  
17                  rates (including 4-year adjusted cohort  
18                  graduation rates and extended-year ad-  
19                  justed cohort graduation rates), by ana-  
20                  lyzing and reporting on the status and per-  
21                  formance of students, disaggregated by  
22                  achievement level and by each of the cat-  
23                  egories of students, as defined in sub-  
24                  section (b)(3)(A), and by students in rural  
25                  schools;

1           “(iv) analyze data on Federal, State,  
2           and local expenditures on education, in-  
3           cluding per-pupil spending, teacher sala-  
4           ries, school-level spending, and other finan-  
5           cial data publicly available, and report on  
6           current trends and major findings; and

7           “(v) analyze information on the teach-  
8           ing, principal, and other school leader pro-  
9           fessions, including education and training,  
10          retention and mobility, and effectiveness in  
11          improving student achievement.

12          “(B) SPECIAL RULE.—The information  
13          used to prepare the report described in sub-  
14          paragraph (A) shall be derived from existing  
15          State and local reporting requirements and data  
16          sources. Nothing in this paragraph shall be con-  
17          strued as authorizing, requiring, or allowing  
18          any additional reporting requirements, data ele-  
19          ments, or information to be reported to the Sec-  
20          retary not otherwise explicitly authorized by any  
21          other Federal law.

22          “(C) PUBLIC RECOGNITION.—The Sec-  
23          retary may identify and publicly recognize  
24          States, local educational agencies, schools, pro-

1           grams, and individuals for exemplary perform-  
2           ance.

3           “(e) VOLUNTARY PARTNERSHIPS.—

4           “(1) IN GENERAL.—Nothing in this section  
5           shall be construed to prohibit a State from entering  
6           into a voluntary partnership with another State to  
7           develop and implement the academic assessments,  
8           challenging State academic standards, and account-  
9           ability systems required under this section.

10          “(2) PROHIBITION.—The Secretary shall be  
11          prohibited from requiring or coercing a State to  
12          enter into a voluntary partnership described in para-  
13          graph (1), including—

14                 “(A) as a condition of approval of a State  
15                 plan under this section;

16                 “(B) as a condition of an award of Federal  
17                 funds under any grant, contract, or cooperative  
18                 agreement;

19                 “(C) as a condition of approval of a waiver  
20                 under section 9401; or

21                 “(D) by providing any priority, preference,  
22                 or special consideration during the application  
23                 process under any grant, contract, or coopera-  
24                 tive agreement.

1       “(f) SPECIAL RULE WITH RESPECT TO BUREAU-  
2 FUNDED SCHOOLS.—In determining the assessments to be  
3 used by each school operated or funded by the Bureau  
4 of Indian Education of the Department of the Interior  
5 that receives funds under this part, the following shall  
6 apply:

7           “(1) Each such school that is accredited by the  
8 State in which it is operating shall use the assess-  
9 ments the State has developed and implemented to  
10 meet the requirements of this section, or such other  
11 appropriate assessment as approved by the Secretary  
12 of the Interior.

13           “(2) Each such school that is accredited by a  
14 regional accrediting organization shall adopt an ap-  
15 propriate assessment in consultation with, and with  
16 the approval of, the Secretary of the Interior and  
17 consistent with assessments adopted by other schools  
18 in the same State or region, that meets the require-  
19 ments of this section.

20           “(3) Each such school that is accredited by a  
21 tribal accrediting agency or tribal division of edu-  
22 cation shall use an assessment developed by such  
23 agency or division, except that the Secretary of the  
24 Interior shall ensure that such assessment meets the  
25 requirements of this section.

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

2 “(a) PLANS REQUIRED.—

3 “(1) SUBGRANTS.—A local educational agency  
4 may receive a subgrant under this part for any fiscal  
5 year only if such agency has on file with the State  
6 educational agency a plan, approved by the State  
7 educational agency, that—

8 “(A) is developed with timely and mean-  
9 ingful consultation with teachers, principals,  
10 other school leaders, public charter school rep-  
11 resentatives (if applicable), specialized instruc-  
12 tional support personnel, paraprofessionals (in-  
13 cluding organizations representing such individ-  
14 uals), administrators (including administrators  
15 of programs described in other parts of this  
16 title), and other appropriate school personnel,  
17 and with parents of children in schools served  
18 under this part;

19 “(B) satisfies the requirements of this sec-  
20 tion; and

21 “(C) as appropriate, is coordinated with  
22 other programs under this Act, the Individuals  
23 with Disabilities Education Act, the Rehabilita-  
24 tion Act of 1973, the Carl D. Perkins Career  
25 and Technical Education Act of 2006, the  
26 Workforce Innovation and Opportunity Act, the



1 Head Start Act, the Child Care and Develop-  
2 ment Block Grant Act of 1990, the Education  
3 Sciences Reform Act of 2002, the Education  
4 Technical Assistance Act, the National Assess-  
5 ment of Educational Progress Authorization  
6 Act, the McKinney-Vento Homeless Assistance  
7 Act, and the Adult Education and Family Lit-  
8 eracy Act.

9 “(2) CONSOLIDATED APPLICATION.—The plan  
10 may be submitted as part of a consolidated applica-  
11 tion under section 9305.

12 “(3) STATE REVIEW AND APPROVAL.—

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

16 “(B) APPROVAL.—The State educational  
17 agency shall approve a local educational agen-  
18 cy’s plan only if the State educational agency  
19 determines that the local educational agency’s  
20 plan meets the requirements of this part and  
21 enables children served under this part to meet  
22 the challenging State academic standards de-  
23 scribed in section 1111(b)(1).

24 “(4) DURATION.—Each local educational agen-  
25 cy plan shall be submitted for the first year for

1       which this part is in effect following the date of en-  
2       actment of the Every Child Achieves Act of 2015  
3       and shall remain in effect for the duration of the  
4       agency’s participation under this part.

5               “(5) REVIEW.—Each local educational agency  
6       shall periodically review and, as necessary, revise its  
7       plan to reflect changes in the local educational agen-  
8       cy’s strategies and programs under this part.

9               “(6) RENEWAL.—A local educational agency  
10       that desires to continue participating in a program  
11       under this part shall submit a renewed plan on a  
12       periodic basis, as determined by the State.

13              “(b) PLAN PROVISIONS.—To ensure that all children  
14       receive a high-quality education that prepares them for  
15       postsecondary education or the workforce without the need  
16       for postsecondary remediation, and to close the achieve-  
17       ment gap between children meeting the challenging State  
18       academic standards and those who are not, each local edu-  
19       cational agency plan shall describe—

20                   “(1) how the local educational agency will work  
21       with each of the schools served by the agency so that  
22       students meet the challenging State academic stand-  
23       ards by—

1           “(A) developing and implementing a com-  
2           prehensive program of instruction to meet the  
3           academic needs of all students;

4           “(B) identifying quickly and effectively  
5           students who may be at risk for academic fail-  
6           ure;

7           “(C) providing additional educational as-  
8           sistance to individual students determined as  
9           needing help in meeting the challenging State  
10          academic standards;

11          “(D) identifying significant gaps in stu-  
12          dent academic achievement and graduation  
13          rates between each of the categories of stu-  
14          dents, as defined in section 1111(b)(3)(A), and  
15          developing strategies to reduce such gaps in  
16          achievement and graduation rates; and

17          “(E) identifying and implementing evi-  
18          dence-based methods and instructional strate-  
19          gies intended to strengthen the academic pro-  
20          gram of the school and improve school climate;

21          “(2) how the local educational agency will mon-  
22          itor and evaluate the effectiveness of school pro-  
23          grams in improving student academic achievement  
24          and academic growth, if applicable, especially for

1 students not meeting the challenging State academic  
2 standards;

3 “(3) how the local educational agency will—

4 “(A) ensure that all teachers and para-  
5 professionals working in a program supported  
6 with funds under this part meet applicable  
7 State certification and licensure requirements,  
8 including alternative certification requirements;  
9 and

10 “(B) identify and address, as required  
11 under State plans as described in section  
12 1111(c)(1)(F), any disparities that result in  
13 low-income students and minority students  
14 being taught at higher rates than other stu-  
15 dents by ineffective, inexperienced, and out-of-  
16 field teachers;

17 “(4) the actions the local educational agency  
18 will take to assist schools identified as in need of  
19 intervention and support under section 1114, includ-  
20 ing the lowest-performing schools in the local edu-  
21 cational agency, and schools identified for other rea-  
22 sons, including schools with categories of students,  
23 as defined in section 1111(b)(3)(A), not meeting the  
24 goals described in section 1111(b)(3)(B), to improve  
25 student academic achievement, the funds used to

1       conduct such actions, and how such agency will  
2       monitor such actions;

3               “(5) the poverty criteria that will be used to se-  
4       lect school attendance areas under section 1113;

5               “(6) the programs to be conducted by such  
6       agency’s schools under section 1113 and, where ap-  
7       propriate, educational services outside such schools  
8       for children living in local institutions for neglected  
9       or delinquent children, and for neglected and delin-  
10      quent children in community day school programs;

11              “(7) the services the local educational agency  
12      will provide homeless children, including services  
13      provided with funds reserved under section  
14      1113(a)(4)(A)(i);

15              “(8) the strategy the local educational agency  
16      will use to implement effective parent and family en-  
17      gagement under section 1115;

18              “(9) if applicable, how the local educational  
19      agency will coordinate and integrate services pro-  
20      vided under this part with preschool educational  
21      services at the local educational agency or individual  
22      school level, such as Head Start programs, the lit-  
23      eracy program under part D of title II, State-funded  
24      preschool programs, and other community-based  
25      early childhood education programs, including plans

1 for the transition of participants in such programs  
2 to local elementary school programs;

3 “(10) how the local educational agency will co-  
4 ordinate programs and integrate services under this  
5 part with other Federal, State, tribal, and local serv-  
6 ices and programs, including programs supported  
7 under this Act, the Carl D. Perkins Career and  
8 Technical Education Act of 2006, the Individuals  
9 with Disabilities Education Act, the Rehabilitation  
10 Act of 1973, the Head Start Act, the Child Care  
11 and Development Block Grant Act of 1990, the  
12 Workforce Innovation and Opportunity Act, the  
13 McKinney-Vento Homeless Assistance Act, and the  
14 Education Sciences Reform Act of 2002, violence  
15 prevention programs, nutrition programs, and hous-  
16 ing programs;

17 “(11) how teachers and school leaders, in con-  
18 sultation with parents, administrators, paraprofes-  
19 sionals, and specialized instructional support per-  
20 sonnel, in schools operating a targeted assistance  
21 school program under section 1113, will identify the  
22 eligible children most in need of services under this  
23 part;

24 “(12) in the case of a local educational agency  
25 that proposes to use funds under this part to sup-

1 port a multi-tiered system of supports, positive be-  
2 havioral interventions and supports, or early inter-  
3 vening services, how the local educational agency will  
4 provide such activities and services and coordinate  
5 them with similar activities and services carried out  
6 under the Individuals with Disabilities Education  
7 Act in schools served by the local educational agen-  
8 cy, including by providing technical assistance, train-  
9 ing, and evaluation of the activities and services;

10 “(13) how the local educational agency will pro-  
11 vide opportunities for the enrollment, attendance,  
12 and success of homeless children and youths con-  
13 sistent with the requirements of the McKinney-  
14 Vento Homeless Assistance Act and the services the  
15 local educational agency will provide homeless chil-  
16 dren and youths;

17 “(14) how the local educational agency will im-  
18 plement strategies to facilitate effective transitions  
19 for students from middle school to high school and  
20 from high school to postsecondary education, includ-  
21 ing—

22 “(A) if applicable, through coordination  
23 with institutions of higher education, employers,  
24 and other local partners to seamlessly transition

1 students from high school into postsecondary  
2 education or careers without remediation; and

3 “(B) a description of the specific transition  
4 activities the local educational agency will take,  
5 such as providing students with access to early  
6 college high school or dual or concurrent enroll-  
7 ment opportunities that enable students during  
8 high school to earn postsecondary credit or an  
9 industry-recognized credential that meets any  
10 quality standards required by the State or uti-  
11 lizing comprehensive career counseling to iden-  
12 tify student interests and skills;

13 “(15) how the local educational agency will ad-  
14 dress school discipline issues, which may include  
15 identifying and supporting schools with significant  
16 discipline disparities, or high rates of discipline,  
17 disaggregated by each of the categories of students,  
18 as defined in section 1111(b)(3)(A), including by  
19 providing technical assistance on effective strategies  
20 to reduce such disparities and high rates;

21 “(16) how the local educational agency will ad-  
22 dress school climate issues, which may include iden-  
23 tifying and improving performance on school climate  
24 indicators related to student achievement and pro-  
25 viding technical assistance to schools;



1           “(17) how the local educational agency will pro-  
2           vide opportunities for the enrollment, attendance,  
3           and success of expectant and parenting students and  
4           the services the local educational agency will provide  
5           expectant and parenting students;

6           “(18) if determined appropriate by the local  
7           educational agency, how such agency will support  
8           programs that promote integrated academic and ca-  
9           reer and technical education content through coordi-  
10          nated instructional strategies, that may incorporate  
11          experiential learning opportunities; and

12          “(19) any other information on how the local  
13          educational agency proposes to use funds to meet  
14          the purposes of this part, and that the local edu-  
15          cational agency determines appropriate to provide,  
16          which may include how the local educational agency  
17          will—

18                 “(A) assist schools in identifying and serv-  
19                 ing gifted and talented students;

20                 “(B) assist schools in developing effective  
21                 school library programs to provide students an  
22                 opportunity to develop digital literacy skills and  
23                 to help ensure that all students graduate from  
24                 high school prepared for postsecondary edu-

1 cation or the workforce without the need for re-  
2 mediation; and

3 “(C) encourage the offering of a variety of  
4 well-rounded education experiences to students.

5 “(c) ASSURANCES.—Each local educational agency  
6 plan shall provide assurances that the local educational  
7 agency will—

8 “(1) ensure that migratory children and for-  
9 merly migratory children who are eligible to receive  
10 services under this part are selected to receive such  
11 services on the same basis as other children who are  
12 selected to receive services under this part;

13 “(2) provide services to eligible children attend-  
14 ing private elementary schools and secondary schools  
15 in accordance with section 1116, and timely and  
16 meaningful consultation with private school officials  
17 regarding such services;

18 “(3) participate, if selected, in the National As-  
19 sessment of Educational Progress in reading and  
20 mathematics in grades 4 and 8 carried out under  
21 section 303(b)(3) of the National Assessment of  
22 Educational Progress Authorization Act;

23 “(4) coordinate and integrate services provided  
24 under this part with other educational services at  
25 the local educational agency or individual school

1 level, such as services for English learners, children  
2 with disabilities, migratory children, American In-  
3 dian, Alaska Native, and Native Hawaiian children,  
4 and homeless children, in order to increase program  
5 effectiveness, eliminate duplication, and reduce frag-  
6 mentation of the instructional program;

7 “(5) collaborate with the State or local child  
8 welfare agency and, by not later than 1 year after  
9 the date of enactment of the Every Child Achieves  
10 Act of 2015, develop and implement clear written  
11 procedures governing how transportation to main-  
12 tain children in foster care in their school of origin  
13 when in their best interest will be provided, ar-  
14 ranged, and funded for the duration of the time in  
15 foster care, which procedures shall—

16 “(A) ensure that children in foster care  
17 needing transportation to the school of origin  
18 will promptly receive transportation in a cost-ef-  
19 fective manner and in accordance with section  
20 475(4)(A) of the Social Security Act (42 U.S.C.  
21 675(4)(A)); and

22 “(B) ensure that, if there are additional  
23 costs incurred in providing transportation to  
24 maintain children in foster care in their schools

1 of origin, the local educational agency will pro-  
 2 vide transportation to the school of origin if—

3 “(i) the local child welfare agency  
 4 agrees to reimburse the local educational  
 5 agency for the cost of such transportation;

6 “(ii) the local educational agency  
 7 agrees to pay for the cost of such transpor-  
 8 tation; or

9 “(iii) the local educational agency and  
 10 the local child welfare agency agree to  
 11 share the cost of such transportation; and

12 “(6) designate a point of contact if the cor-  
 13 responding child welfare agency notifies the local  
 14 educational agency, in writing, that the agency has  
 15 designated an employee to serve as a point of con-  
 16 tact for the local educational agency.

17 “(d) PARENTS RIGHT-TO-KNOW.—

18 “(1) INFORMATION FOR PARENTS .—

19 “(A) IN GENERAL.—At the beginning of  
 20 each school year, a local educational agency  
 21 that receives funds under this part shall notify  
 22 the parents of each student attending any  
 23 school receiving funds under this part that the  
 24 parents may request, and the agency will pro-  
 25 vide the parents on request (and in a timely

1 manner), information regarding any State or  
2 local educational agency policy, procedure, or  
3 parental right regarding student participation  
4 in any mandated assessments for that school  
5 year, in addition to information regarding the  
6 professional qualifications of the student's  
7 classroom teachers, including at a minimum,  
8 the following:

9 “(i) Whether the teacher has met  
10 State qualification and licensing criteria  
11 for the grade levels and subject areas in  
12 which the teacher provides instruction.

13 “(ii) Whether the teacher is teaching  
14 under emergency or other provisional sta-  
15 tus through which State qualification or li-  
16 censing criteria have been waived.

17 “(iii) The field of discipline of the cer-  
18 tification of the teacher.

19 “(iv) Whether the child is provided  
20 services by paraprofessionals and, if so,  
21 their qualifications.

22 “(B) ADDITIONAL INFORMATION.—In ad-  
23 dition to the information that parents may re-  
24 quest under subparagraph (A), a school that re-  
25 ceives funds under this part shall provide to

1 each individual parent of a child who is a stu-  
2 dent in such school, with respect to such stu-  
3 dent—

4 “(i) information on the level of  
5 achievement and academic growth of the  
6 student, if applicable and available, on  
7 each of the State academic assessments re-  
8 quired under this part; and

9 “(ii) timely notice that the student  
10 has been assigned, or has been taught for  
11 4 or more consecutive weeks by, a teacher  
12 who does not meet applicable State certifi-  
13 cation or licensure requirements at the  
14 grade level and subject area in which the  
15 teacher has been assigned.

16 “(2) TESTING TRANSPARENCY.—

17 “(A) IN GENERAL.—Subject to subpara-  
18 graph (B), each local educational agency that  
19 receives funds under this part shall make widely  
20 available through public means (including by  
21 posting in a clear and easily accessible manner  
22 on the local educational agency’s website and,  
23 where practicable, on the website of each school  
24 served by the local educational agency) for each  
25 grade served by the local educational agency,

1 information on each assessment required by the  
2 State to comply with section 1111, other assess-  
3 ments required by the State, and where such  
4 information is available and feasible to report,  
5 assessments required districtwide by the local  
6 educational agency, including—

7 “(i) the subject matter assessed;

8 “(ii) the purpose for which the assess-  
9 ment is designed and used;

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

12 “(iv) where such information is avail-  
13 able—

14 “(I) the amount of time students  
15 will spend taking the assessment, and  
16 the schedule and calendar for the as-  
17 sessment; and

18 “(II) the time and format for dis-  
19 seminating results.

20 “(B) LOCAL EDUCATIONAL AGENCY THAT  
21 DOES NOT OPERATE A WEBSITE.—In the case  
22 of a local educational agency that does not op-  
23 erate a website, such local educational agency  
24 shall determine how to make the information  
25 described in subparagraph (A) widely available,

1 such as through distribution of that information  
2 to the media, through public agencies, or di-  
3 rectly to parents.

4 “(3) LANGUAGE INSTRUCTION.—

5 “(A) NOTICE.—Each local educational  
6 agency using funds under this part or title III  
7 to provide a language instruction educational  
8 program as determined under title III shall, not  
9 later than 30 days after the beginning of the  
10 school year, inform a parent or parents of a  
11 child who is an English learner identified for  
12 participation or participating in such a pro-  
13 gram, of—

14 “(i) the reasons for the identification  
15 of their child as an English learner and in  
16 need of placement in a language instruc-  
17 tion educational program;

18 “(ii) the child’s level of English pro-  
19 ficiency, how such level was assessed, and  
20 the status of the child’s academic achieve-  
21 ment;

22 “(iii) the methods of instruction used  
23 in the program in which their child is, or  
24 will be, participating and the methods of  
25 instruction used in other available pro-



1           grams, including how such programs differ  
2           in content, instructional goals, and the use  
3           of English and a native language in in-  
4           struction;

5           “(iv) how the program in which their  
6           child is, or will be, participating will meet  
7           the educational strengths and needs of  
8           their child;

9           “(v) how such program will specifi-  
10          cally help their child learn English and  
11          meet age-appropriate academic achieve-  
12          ment standards for grade promotion and  
13          graduation;

14          “(vi) the specific exit requirements for  
15          the program, including the expected rate of  
16          transition from such program into class-  
17          rooms that are not tailored for children  
18          who are English learners, and the expected  
19          rate of graduation from high school (in-  
20          cluding 4-year adjusted cohort graduation  
21          rates and extended-year adjusted cohort  
22          graduation rates for such program) if  
23          funds under this part are used for children  
24          in high schools;

1           “(vii) in the case of a child with a dis-  
2           ability, how such program meets the objec-  
3           tives of the individualized education pro-  
4           gram of the child, as described in section  
5           614(d) of the Individuals with Disabilities  
6           Education Act; and

7           “(viii) information pertaining to pa-  
8           rental rights that includes written guid-  
9           ance—

10                   “(I) detailing the right that par-  
11                   ents have to have their child imme-  
12                   diately removed from such program  
13                   upon their request;

14                   “(II) detailing the options that  
15                   parents have to decline to enroll their  
16                   child in such program or to choose an-  
17                   other program or method of instruc-  
18                   tion, if available; and

19                   “(III) assisting parents in select-  
20                   ing among various programs and  
21                   methods of instruction, if more than 1  
22                   program or method is offered by the  
23                   eligible entity.

24           “(B) SPECIAL RULE APPLICABLE DURING  
25           THE SCHOOL YEAR.—For those children who

1 have not been identified as English learners  
2 prior to the beginning of the school year but are  
3 identified as English learners during such  
4 school year, the local educational agency shall  
5 notify the children’s parents during the first 2  
6 weeks of the child being placed in a language  
7 instruction educational program consistent with  
8 subparagraph (A).

9 “(C) PARENTAL PARTICIPATION.—Each  
10 local educational agency receiving funds under  
11 this part and title III shall implement an effec-  
12 tive means of outreach to parents of children  
13 who are English learners to inform the parents  
14 how the parents can be involved in the edu-  
15 cation of their children, and be active partici-  
16 pants in assisting their children to attain  
17 English proficiency, achieve at high levels in  
18 core academic subjects, and meet the chal-  
19 lenging State academic standards expected of  
20 all students, including holding, and sending no-  
21 tice of opportunities for, regular meetings for  
22 the purpose of formulating and responding to  
23 recommendations from parents of students as-  
24 sisted under this part and title III.

1           “(D) BASIS FOR ADMISSION OR EXCLU-  
2           SION.—A student shall not be admitted to, or  
3           excluded from, any federally assisted education  
4           program on the basis of a surname or language-  
5           minority status.

6           “(3) NOTICE AND FORMAT.—The notice and in-  
7           formation provided to parents under this subsection  
8           shall be in an understandable and uniform format  
9           and, to the extent practicable, provided in a lan-  
10          guage that the parents can understand.

11 **“SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS;**  
12 **SCHOOLWIDE PROGRAMS; TARGETED ASSIST-**  
13 **ANCE PROGRAMS.**

14          “(a) ELIGIBLE SCHOOL ATTENDANCE AREAS.—

15           “(1) DETERMINATION.—

16           “(A) IN GENERAL.—A local educational  
17           agency shall use funds received under this part  
18           only in eligible school attendance areas.

19           “(B) ELIGIBLE SCHOOL ATTENDANCE  
20           AREAS.—In this part—

21           “(i) the term ‘school attendance area’  
22           means, in relation to a particular school,  
23           the geographical area in which the children  
24           who are normally served by that school re-  
25           side; and

1           “(ii) the term ‘eligible school attend-  
2           ance area’ means a school attendance area  
3           in which the percentage of children from  
4           low-income families is at least as high as  
5           the percentage of children from low-income  
6           families served by the local educational  
7           agency as a whole.

8           “(C) RANKING ORDER.—

9           “(i) IN GENERAL.—Except as pro-  
10          vided in clause (ii), if funds allocated in ac-  
11          cordance with paragraph (3) are insuffi-  
12          cient to serve all eligible school attendance  
13          areas, a local educational agency shall—

14                 “(I) annually rank, without re-  
15                 gard to grade spans, such agency’s el-  
16                 igible school attendance areas in  
17                 which the concentration of children  
18                 from low-income families exceeds 75  
19                 percent, or exceeds 50 percent in the  
20                 case of the high schools served by  
21                 such agency, from highest to lowest  
22                 according to the percentage of chil-  
23                 dren from low-income families; and

24                 “(II) serve such eligible school  
25                 attendance areas in rank order.

1           “(ii) RULE OF CONSTRUCTION.—  
2           Nothing in this subparagraph shall be con-  
3           strued as requiring a local educational  
4           agency to reduce, in order to comply with  
5           clause (i), the amount of funding provided  
6           under this part to elementary schools and  
7           middle schools from the amount of funding  
8           provided under this part to such schools  
9           for the fiscal year preceding the date of en-  
10          actment of the Every Child Achieves Act of  
11          2015 in order to provide funding under  
12          this part to high schools pursuant to clause  
13          (i).

14          “(D) REMAINING FUNDS.—If funds remain  
15          after serving all eligible school attendance areas  
16          under subparagraph (C), a local educational  
17          agency shall—

18                 “(i) annually rank such agency’s re-  
19                 maining eligible school attendance areas  
20                 from highest to lowest either by grade  
21                 span or for the entire local educational  
22                 agency according to the percentage of chil-  
23                 dren from low-income families; and

24                 “(ii) serve such eligible school attend-  
25                 ance areas in rank order either within each

1 grade-span grouping or within the local  
2 educational agency as a whole.

3 “(E) MEASURES.—

4 “(i) IN GENERAL.—Except as pro-  
5 vided in clause (ii), a local educational  
6 agency shall use the same measure of pov-  
7 erty, which measure shall be the number of  
8 children aged 5 through 17 in poverty  
9 counted in the most recent census data ap-  
10 proved by the Secretary, the number of  
11 children eligible for a free or reduced price  
12 lunch under the Richard B. Russell Na-  
13 tional School Lunch Act, the number of  
14 children in families receiving assistance  
15 under the State program funded under  
16 part A of title IV of the Social Security  
17 Act, or the number of children eligible to  
18 receive medical assistance under the Med-  
19 icaid program established under title XIX  
20 of the Social Security Act, or a composite  
21 of such indicators, with respect to all  
22 school attendance areas in the local edu-  
23 cational agency—

24 “(I) to identify eligible school at-  
25 tendance areas;

1                   “(II) to determine the ranking of  
2                   each area; and

3                   “(III) to determine allocations  
4                   under paragraph (3).

5                   “(ii) SECONDARY SCHOOLS.—For  
6                   measuring the number of students in low-  
7                   income families in secondary schools, the  
8                   local educational agency shall use the same  
9                   measure of poverty, which shall be—

10                   “(I) the calculation described  
11                   under clause (i); or

12                   “(II) an accurate estimate of the  
13                   number of students in low-income  
14                   families in a secondary school that is  
15                   calculated by applying the average  
16                   percentage of students in low-income  
17                   families of the elementary school at-  
18                   tendance areas as calculated under  
19                   clause (i) that feed into the secondary  
20                   school to the number of students en-  
21                   rolled in such school.

22                   “(F) EXCEPTION.—This subsection shall  
23                   not apply to a local educational agency with a  
24                   total enrollment of less than 1,000 children.



1           “(G) WAIVER FOR DESEGREGATION  
2 PLANS.—The Secretary may approve a local  
3 educational agency’s written request for a waiv-  
4 er of the requirements of this paragraph and  
5 paragraph (3) and permit such agency to treat  
6 as eligible, and serve, any school that children  
7 attend with a State-ordered, court-ordered  
8 school desegregation plan or a plan that con-  
9 tinues to be implemented in accordance with a  
10 State-ordered or court-ordered desegregation  
11 plan, if—

12                   “(i) the number of economically dis-  
13 advantaged children enrolled in the school  
14 is at least 25 percent of the school’s total  
15 enrollment; and

16                   “(ii) the Secretary determines, on the  
17 basis of a written request from such agen-  
18 cy and in accordance with such criteria as  
19 the Secretary establishes, that approval of  
20 that request would further the purposes of  
21 this part.

22           “(2) LOCAL EDUCATIONAL AGENCY DISCRE-  
23 TION.—

24                   “(A) IN GENERAL.—Notwithstanding para-  
25 graph (1)(B), a local educational agency may—

1           “(i) designate as eligible any school  
2 attendance area or school in which at least  
3 35 percent of the children are from low-in-  
4 come families;

5           “(ii) use funds received under this  
6 part in a school that is not in an eligible  
7 school attendance area, if the percentage  
8 of children from low-income families en-  
9 rolled in the school is equal to or greater  
10 than the percentage of such children in a  
11 participating school attendance area of  
12 such agency;

13           “(iii) designate and serve a school at-  
14 tendance area or school that is not eligible  
15 under this section, but that was eligible  
16 and that was served in the preceding fiscal  
17 year, but only for 1 additional fiscal year;  
18 and

19           “(iv) elect not to serve an eligible  
20 school attendance area or eligible school  
21 that has a higher percentage of children  
22 from low-income families if—

23                   “(I) the school meets the com-  
24 parability requirements of section  
25 1117(e);

1                   “(II) the school is receiving sup-  
2                   plemental funds from other State or  
3                   local sources that are spent according  
4                   to the requirements of this section;  
5                   and

6                   “(III) the funds expended from  
7                   such other sources equal or exceed the  
8                   amount that would be provided under  
9                   this part.

10                  “(B) SPECIAL RULE.—Notwithstanding  
11                  subparagraph (A)(iv), the number of children  
12                  attending private elementary schools and sec-  
13                  ondary schools who are to receive services, and  
14                  the assistance such children are to receive  
15                  under this part, shall be determined without re-  
16                  gard to whether the public school attendance  
17                  area in which such children reside is assisted  
18                  under subparagraph (A).

19                  “(3) ALLOCATIONS.—

20                  “(A) IN GENERAL.—A local educational  
21                  agency shall allocate funds received under this  
22                  part to eligible school attendance areas or eligi-  
23                  ble schools, identified under paragraphs (1) and  
24                  (2) in rank order, on the basis of the total

1 number of children from low-income families in  
2 each area or school.

3 “(B) SPECIAL RULE.—

4 “(i) IN GENERAL.—Except as pro-  
5 vided in clause (ii), the per-pupil amount  
6 of funds allocated to each school attend-  
7 ance area or school under subparagraph  
8 (A) shall be at least 125 percent of the  
9 per-pupil amount of funds a local edu-  
10 cational agency received for that year  
11 under the poverty criteria described by the  
12 local educational agency in the plan sub-  
13 mitted under section 1112, except that this  
14 clause shall not apply to a local edu-  
15 cational agency that only serves schools in  
16 which the percentage of such children is 35  
17 percent or greater.

18 “(ii) EXCEPTION.—A local edu-  
19 cational agency may reduce the amount of  
20 funds allocated under clause (i) for a  
21 school attendance area or school by the  
22 amount of any supplemental State and  
23 local funds expended in that school attend-  
24 ance area or school for programs that meet  
25 the requirements of this section.

1 “(4) RESERVATION OF FUNDS.—

2 “(A) IN GENERAL.—A local educational  
3 agency shall reserve such funds as are nec-  
4 essary under this part to provide services com-  
5 parable to those provided to children in schools  
6 funded under this part to serve—

7 “(i) homeless children, including pro-  
8 viding educationally related support serv-  
9 ices to children in shelters and other loca-  
10 tions where children may live;

11 “(ii) children in local institutions for  
12 neglected children; and

13 “(iii) if appropriate, children in local  
14 institutions for delinquent children, and  
15 neglected or delinquent children in commu-  
16 nity day programs.

17 “(B) HOMELESS CHILDREN AND YOUTH.—

18 Funds reserved under subparagraph (A)(i) may  
19 be—

20 “(i) determined based on a needs as-  
21 sessment of homeless children and youths  
22 in the local educational agency, as con-  
23 ducted under section 723(b)(1) of the  
24 McKinney-Vento Homeless Assistance Act;  
25 and

1                   “(ii) used to provide homeless children  
2                   and youths with services not ordinarily  
3                   provided to other students under this part,  
4                   including providing—

5                   “(I) funding for the liaison des-  
6                   ignated pursuant to section  
7                   722(g)(1)(J)(ii) of such Act; and

8                   “(II) transportation pursuant to  
9                   section 722(g)(1)(J)(iii) of such Act.

10                  “(5) EARLY CHILDHOOD EDUCATION.—A local  
11                  educational agency may reserve funds made avail-  
12                  able to carry out this section to provide early child-  
13                  hood education programs for eligible children.

14                  “(b) SCHOOLWIDE PROGRAMS AND TARGETED AS-  
15                  SISTANCE SCHOOLS.—

16                  “(1) IN GENERAL.—For each school that will  
17                  receive funds under this part, the local educational  
18                  agency shall determine whether the school shall op-  
19                  erate a schoolwide program consistent with sub-  
20                  section (c) or a targeted assistance school program  
21                  consistent with subsection (d).

22                  “(2) NEEDS ASSESSMENT.—The determination  
23                  under paragraph (1) shall be—

24                  “(A) based on a comprehensive needs as-  
25                  sessment of the entire school that takes into ac-

1 count information on the academic achievement  
2 of children in relation to the challenging State  
3 academic standards under section 1111(b)(1),  
4 particularly the needs of those children who are  
5 failing, or are at-risk of failing, to meet the  
6 challenging State academic standards and any  
7 other factors as determined by the local edu-  
8 cational agency; and

9 “(B) conducted with the participation of  
10 individuals who would carry out the schoolwide  
11 plan, including those individuals under sub-  
12 section (c)(2)(B).

13 “(3) COORDINATION.—The needs assessment  
14 under paragraph (2) may be undertaken as part of  
15 other related needs assessments under this Act.

16 “(c) SCHOOLWIDE PROGRAMS.—

17 “(1) IN GENERAL.—

18 “(A) ELIGIBILITY.—A local educational  
19 agency may consolidate and use funds under  
20 this part, together with other Federal, State,  
21 and local funds, in order to upgrade the entire  
22 educational program of a school that serves an  
23 eligible school attendance area in which not less  
24 than 40 percent of the children are from low-  
25 income families, or not less than 40 percent of

1 the children enrolled in the school are from  
2 such families.

3 “(B) EXCEPTION.—A school that serves an  
4 eligible school attendance area in which less  
5 than 40 percent of the children are from low-  
6 income families, or a school for which less than  
7 40 percent of the children enrolled in the school  
8 are from such families, may operate a  
9 schoolwide program under this section if—

10 “(i) the local educational agency in  
11 which the school is located allows such  
12 school to do so; and

13 “(ii) the results of the comprehensive  
14 needs assessment conducted under sub-  
15 section (b)(2) determine a schoolwide pro-  
16 gram will best serve the needs of the stu-  
17 dents in the school served under this part  
18 in improving academic achievement and  
19 other factors.

20 “(2) SCHOOLWIDE PROGRAM PLAN.—An eligible  
21 school operating a schoolwide program shall develop  
22 a comprehensive plan, in consultation with the local  
23 educational agency, tribes and tribal organizations  
24 present in the community, and other individuals as  
25 determined by the school, that—



1           “(A) is developed during a 1-year period,  
2 unless—

3           “(i) the local educational agency de-  
4 termines in consultation with the school  
5 that less time is needed to develop and im-  
6 plement the schoolwide program; or

7           “(ii) the school is operating a  
8 schoolwide program on the day before the  
9 date of enactment of the Every Child  
10 Achieves Act of 2015, in which case such  
11 school may continue to operate such pro-  
12 gram, but shall develop amendments to its  
13 existing plan during the first year of as-  
14 sistance after that date to reflect the provi-  
15 sions of this section;

16           “(B) is developed with the involvement of  
17 parents and other members of the community  
18 to be served and individuals who will carry out  
19 such plan, including teachers, principals, other  
20 school leaders, paraprofessionals present in the  
21 school, and administrators (including adminis-  
22 trators of programs described in other parts of  
23 this title), and, if appropriate, specialized in-  
24 structional support personnel, technical assist-  
25 ance providers, school staff, and students;

1           “(C) remains in effect for the duration of  
2 the school’s participation under this part, ex-  
3 cept that the plan and the implementation of,  
4 and results achieved by, the schoolwide program  
5 shall be regularly monitored and revised as nec-  
6 essary to ensure that students are meeting the  
7 challenging State academic standards;

8           “(D) is available to the local educational  
9 agency, parents, and the public, and the infor-  
10 mation contained in such plan shall be in an  
11 understandable and uniform format and, to the  
12 extent practicable, provided in a language that  
13 the parents can understand;

14           “(E) if appropriate and applicable, devel-  
15 oped in coordination and integration with other  
16 Federal, State, and local services, resources,  
17 and programs, such as programs supported  
18 under this Act, violence prevention programs,  
19 nutrition programs, housing programs, Head  
20 Start programs, adult education programs, ca-  
21 reer and technical education programs, and  
22 interventions and supports for schools identified  
23 as in need of intervention and support under  
24 section 1114; and

25           “(F) includes a description of—

1           “(i) the results of the comprehensive  
2 needs assessments of the entire school re-  
3 quired under subsection (b)(2);

4           “(ii) the strategies that the school will  
5 be implementing to address school needs,  
6 including a description of how such strate-  
7 gies will—

8                 “(I) provide opportunities for all  
9 children, including each of the cat-  
10 gories of students, as defined in sec-  
11 tion 1111(b)(3)(A), to meet the chal-  
12 lenging State academic standards  
13 under section 1111(b)(1);

14                 “(II) use evidence-based methods  
15 and instructional strategies that  
16 strengthen the academic program in  
17 the school, increase the amount and  
18 quality of learning time, and help pro-  
19 vide an enriched and accelerated cur-  
20 riculum;

21                 “(III) address the needs of all  
22 children in the school, but particularly  
23 the needs of those at risk of not meet-  
24 ing the challenging State academic  
25 standards, which may include—

1           “(aa) counseling, school-  
2 based mental health programs,  
3 specialized instructional support  
4 services, and mentoring services;

5           “(bb) preparation for and  
6 awareness of opportunities for  
7 postsecondary education and the  
8 workforce, including career and  
9 technical education programs,  
10 which may include broadening  
11 secondary school students’ access  
12 to coursework to earn postsec-  
13 ondary credit while still in high  
14 school, such as Advanced Place-  
15 ment and International Bacca-  
16 laureate courses and examina-  
17 tions, and dual or concurrent en-  
18 rollment and early college high  
19 schools;

20           “(cc) implementation of a  
21 schoolwide multi-tiered system of  
22 supports, including positive be-  
23 havioral interventions and sup-  
24 ports and early intervening serv-  
25 ices, including through coordina-

1 tion with such activities and serv-  
2 ices carried out under the Indi-  
3 viduals with Disabilities Edu-  
4 cation Act;

5 “(dd) implementation of  
6 supports for teachers and other  
7 school personnel, which may in-  
8 clude professional development  
9 and other activities to improve  
10 instruction, activities to recruit  
11 and retain effective teachers, par-  
12 ticularly in high-need schools,  
13 and using data from academic  
14 assessments under section  
15 1111(b)(2) and other formative  
16 and summative assessments to  
17 improve instruction;

18 “(ee) programs, activities,  
19 and courses in the core academic  
20 subjects to assist children in  
21 meeting the challenging State  
22 academic standards; and

23 “(ff) other strategies to im-  
24 prove student’s academic and

1 nonacademic skills essential for  
2 success; and

3 “(IV) be monitored and improved  
4 over time based on student needs, in-  
5 cluding increased supports for those  
6 students who are lowest-achieving;

7 “(iii) if programs are consolidated, the  
8 specific State educational agency and local  
9 educational agency programs and other  
10 Federal programs that will be consolidated  
11 in the schoolwide program; and

12 “(iv) if appropriate, how funds will be  
13 used to establish or enhance early child-  
14 hood education programs for children who  
15 are aged 5 or younger, including how pro-  
16 grams will help transition such children to  
17 local elementary school programs.

18 “(3) IDENTIFICATION OF STUDENTS NOT RE-  
19 QUIRED.—

20 “(A) IN GENERAL.—No school partici-  
21 pating in a schoolwide program shall be re-  
22 quired to identify—

23 “(i) particular children under this  
24 part as eligible to participate in a  
25 schoolwide program; or

1                   “(ii) individual services as supple-  
2                   mentary.

3                   “(B) SUPPLEMENTAL FUNDS.—In accord-  
4                   ance with the method of determination de-  
5                   scribed in section 1117, a school participating  
6                   in a schoolwide program shall use funds avail-  
7                   able to carry out this paragraph only to supple-  
8                   ment the amount of funds that would, in the  
9                   absence of funds under this part, be made  
10                  available from non-Federal sources for the  
11                  school, including funds needed to provide serv-  
12                  ices that are required by law for children with  
13                  disabilities and children who are English learn-  
14                  ers.

15                  “(4) EXEMPTION FROM STATUTORY AND REGU-  
16                  LATORY REQUIREMENTS.—

17                  “(A) EXEMPTION.—The Secretary may,  
18                  through publication of a notice in the Federal  
19                  Register, exempt schoolwide programs under  
20                  this section from statutory or regulatory provi-  
21                  sions of any other noncompetitive formula grant  
22                  program administered by the Secretary (other  
23                  than formula or discretionary grant programs  
24                  under the Individuals with Disabilities Edu-  
25                  cation Act, except as provided in section

1           613(a)(2)(D) of such Act), or any discretionary  
2           grant program administered by the Secretary,  
3           to support schoolwide programs if the intent  
4           and purposes of such other programs are met.

5           “(B) REQUIREMENTS.—A school that  
6           chooses to use funds from such other programs  
7           shall not be relieved of the requirements relat-  
8           ing to health, safety, civil rights, student and  
9           parental participation and involvement, services  
10          to private school children, comparability of serv-  
11          ices, maintenance of effort, uses of Federal  
12          funds to supplement, not supplant non-Federal  
13          funds (in accordance with the method of deter-  
14          mination described in section 1117), or the dis-  
15          tribution of funds to State educational agencies  
16          or local educational agencies that apply to the  
17          receipt of funds from such programs.

18          “(C) RECORDS.—A school that chooses to  
19          consolidate and use funds from different Fed-  
20          eral programs under this paragraph shall not be  
21          required to maintain separate fiscal accounting  
22          records, by program, that identify the specific  
23          activities supported by those particular funds as  
24          long as the school maintains records that dem-  
25          onstrate that the schoolwide program, consid-



1           ered as a whole, addresses the intent and pur-  
2           poses of each of the Federal programs that  
3           were consolidated to support the schoolwide  
4           program.

5           “(5) PRESCHOOL PROGRAMS.—A school that  
6           operates a schoolwide program under this subsection  
7           may use funds made available under this part to es-  
8           tablish, expand, or enhance preschool programs for  
9           children aged 5 or younger.

10          “(d) TARGETED ASSISTANCE SCHOOL PROGRAMS.—

11           “(1) IN GENERAL.—Each school selected to re-  
12           ceive funds under subsection (a)(3) for which the  
13           local educational agency serving such school, based  
14           on the results of the comprehensive needs assess-  
15           ment conducted under subsection (b)(2), determines  
16           that the school will operate a targeted assistance  
17           school program, may use funds received under this  
18           part only for programs that provide services to eligi-  
19           ble children under paragraph (3)(A)(ii) who are  
20           identified as having the greatest need for special as-  
21           sistance.

22           “(2) TARGETED ASSISTANCE SCHOOL PRO-  
23           GRAM.—Each school operating a targeted assistance  
24           school program shall develop a plan, in consultation

1 with the local educational agency and other individ-  
2 uals as determined by the school, that includes—

3 “(A) a description of the results of the  
4 comprehensive needs assessments of the entire  
5 school required under subsection (b)(2);

6 “(B) a description of the process for deter-  
7 mining which students will be served and the  
8 students to be served;

9 “(C) a description of how the activities  
10 supported under this part will be coordinated  
11 with and incorporated into the regular edu-  
12 cation program of the school;

13 “(D) a description of how the program will  
14 serve participating students identified under  
15 paragraph (3)(A)(ii), including by—

16 “(i) using resources under this part,  
17 such as support for programs, activities,  
18 and courses in core academic subjects to  
19 help participating children meet the chal-  
20 lenging State academic standards;

21 “(ii) using methods and instructional  
22 strategies that are evidence-based to  
23 strengthen the core academic program of  
24 the school and that may include—

1                   “(I) expanded learning time,  
2                   before- and after-school programs,  
3                   and summer programs and opportuni-  
4                   ties; or

5                   “(II) a multi-tiered system of  
6                   supports, positive behavioral interven-  
7                   tions and supports, and early inter-  
8                   vening services;

9                   “(iii) coordinating with and sup-  
10                  porting the regular education program,  
11                  which may include services to assist pre-  
12                  school children in the transition from early  
13                  childhood education programs such as  
14                  Head Start, the literacy program under  
15                  part D of title II, or State-run preschool  
16                  programs to elementary school programs;

17                  “(iv) supporting effective teachers,  
18                  principals, other school leaders, paraprofes-  
19                  sionals, and, if appropriate, specialized in-  
20                  structional support personnel, and other  
21                  school personnel who work with partici-  
22                  pating children in programs under this  
23                  subsection or in the regular education pro-  
24                  gram with resources provided under this  
25                  part, and, to the extent practicable, from

1 other sources, through professional devel-  
2 opment;

3 “(v) implementing strategies to in-  
4 crease parental involvement of parents of  
5 participating children in accordance with  
6 section 1115; and

7 “(vi) if applicable, coordinating and  
8 integrating Federal, State, and local serv-  
9 ices and programs, such as programs sup-  
10 ported under this Act, violence prevention  
11 programs, nutrition programs, housing  
12 programs, Head Start programs, adult  
13 education programs, career and technical  
14 education, and intervention and supports  
15 in schools identified as in need of interven-  
16 tion and support under section 1114; and  
17 “(E) assurances that the school will—

18 “(i) help provide an accelerated, high-  
19 quality curriculum;

20 “(ii) minimize removing children from  
21 the regular classroom during regular  
22 school hours for instruction provided under  
23 this part; and

24 “(iii) on an ongoing basis, review the  
25 progress of participating children and re-

1           vise the plan under this section, if nec-  
2           essary, to provide additional assistance to  
3           enable such children to meet the chal-  
4           lenging State academic standards.

5           “(3) ELIGIBLE CHILDREN.—

6           “(A) ELIGIBLE POPULATION.—

7           “(i) IN GENERAL.—The eligible popu-  
8           lation for services under this subsection  
9           shall be—

10           “(I) children not older than age  
11           21 who are entitled to a free public  
12           education through grade 12; and

13           “(II) children who are not yet at  
14           a grade level at which the local edu-  
15           cational agency provides a free public  
16           education.

17           “(ii) ELIGIBLE CHILDREN FROM ELI-  
18           GIBLE POPULATION.—From the population  
19           described in clause (i), eligible children are  
20           children identified by the school as failing,  
21           or most at risk of failing, to meet the chal-  
22           lenging State academic standards on the  
23           basis of multiple, educationally related, ob-  
24           jective criteria established by the local edu-  
25           cational agency and supplemented by the

1 school, except that children from preschool  
2 through grade 2 shall be selected solely on  
3 the basis of criteria, including objective cri-  
4 teria, established by the local educational  
5 agency and supplemented by the school.

6 “(B) CHILDREN INCLUDED.—

7 “(i) IN GENERAL.—Children who are  
8 economically disadvantaged, children with  
9 disabilities, migrant children, or children  
10 who are English learners, are eligible for  
11 services under this subsection on the same  
12 basis as other children selected to receive  
13 services under this subsection.

14 “(ii) HEAD START AND PRESCHOOL  
15 CHILDREN.—A child who, at any time in  
16 the 2 years preceding the year for which  
17 the determination is made, participated in  
18 a Head Start program, the literacy pro-  
19 gram under part D of title II, or in pre-  
20 school services under this title, is eligible  
21 for services under this subsection.

22 “(iii) MIGRANT CHILDREN.—A child  
23 who, at any time in the 2 years preceding  
24 the year for which the determination is

1           made, received services under part C is eli-  
2           gible for services under this subsection.

3           “(iv) NEGLECTED OR DELINQUENT  
4           CHILDREN.—A child in a local institution  
5           for neglected or delinquent children and  
6           youth or attending a community day pro-  
7           gram for such children is eligible for serv-  
8           ices under this subsection.

9           “(v) HOMELESS CHILDREN.—A child  
10          who is homeless and attending any school  
11          served by the local educational agency is  
12          eligible for services under this subsection.

13          “(C) SPECIAL RULE.—Funds received  
14          under this subsection may not be used to pro-  
15          vide services that are otherwise required by law  
16          to be made available to children described in  
17          subparagraph (B) but may be used to coordi-  
18          nate or supplement such services.

19          “(4) INTEGRATION OF PROFESSIONAL DEVEL-  
20          OPMENT.—To promote the integration of staff sup-  
21          ported with funds under this subsection into the reg-  
22          ular school program and overall school planning and  
23          improvement efforts, public school personnel who are  
24          paid with funds received under this subsection  
25          may—

1           “(A) participate in general professional de-  
2           velopment and school planning activities; and

3           “(B) assume limited duties that are as-  
4           signed to similar personnel who are not so paid,  
5           including duties beyond classroom instruction  
6           or that do not benefit participating children, so  
7           long as the amount of time spent on such du-  
8           ties is the same proportion of total work time  
9           as prevails with respect to similar personnel at  
10          the same school.

11          “(5) SPECIAL RULES.—

12           “(A) SIMULTANEOUS SERVICE.—Nothing  
13           in this subsection shall be construed to prohibit  
14           a school from serving students under this sub-  
15           section simultaneously with students with simi-  
16           lar educational needs, in the same educational  
17           settings where appropriate.

18           “(B) COMPREHENSIVE SERVICES.—If  
19           health, nutrition, and other social services are  
20           not otherwise available to eligible children in a  
21           school operating a targeted assistance school  
22           program and such school, if appropriate, has  
23           established a collaborative partnership with  
24           local service providers and funds are not rea-  
25           sonably available from other public or private



1 sources to provide such services, then a portion  
2 of the funds provided under this subsection may  
3 be used to provide such services, including  
4 through—

5 “(i) the provision of basic medical  
6 equipment and services, such as eyeglasses  
7 and hearing aids;

8 “(ii) compensation of a coordinator;

9 “(iii) family support and engagement  
10 services;

11 “(iv) health care services and inte-  
12 grated student supports to address the  
13 physical, mental, and emotional well-being  
14 of children; and

15 “(v) professional development nec-  
16 essary to assist teachers, specialized in-  
17 structional support personnel, other staff,  
18 and parents in identifying and meeting the  
19 comprehensive needs of eligible children.

20 “(e) USE FOR DUAL OR CONCURRENT ENROLLMENT  
21 PROGRAMS.—

22 “(1) IN GENERAL.—A local educational agency  
23 carrying out a schoolwide program or a targeted as-  
24 sistance school program under subsection (c) or (d)

1 in a high school may use funds received under this  
2 part—

3 “(A) to carry out—

4 “(i) dual or concurrent enrollment  
5 programs for high school students, through  
6 which the students are enrolled in the high  
7 school and in postsecondary courses at an  
8 institution of higher education; or

9 “(ii) programs that allow a student to  
10 continue in a dual or concurrent enroll-  
11 ment program at a high school for the  
12 school year following the student’s comple-  
13 tion of grade 12; or

14 “(B) to provide training for teachers, and  
15 joint professional development for teachers in  
16 collaboration with career and technical edu-  
17 cators and educators from institutions of higher  
18 education where appropriate, for the purpose of  
19 integrating rigorous academics in dual or con-  
20 current enrollment programs.

21 “(2) FLEXIBILITY OF FUNDS.—A local edu-  
22 cational agency using funds received under this part  
23 for a dual or concurrent program described in clause  
24 (i) or (ii) of paragraph (1)(A) may use such funds

1 for any of the costs associated with such program,  
2 including the costs of—

3 “(A) tuition and fees, books, and required  
4 instructional materials for such program; and

5 “(B) transportation to and from such pro-  
6 gram.

7 “(3) RULE OF CONSTRUCTION.—Nothing in  
8 this subsection shall be construed to impose on any  
9 State any requirement or rule regarding dual or con-  
10 current enrollment programs that is inconsistent  
11 with State law.

12 “(f) PROHIBITION.—Nothing in this section shall be  
13 construed to authorize the Secretary or any other officer  
14 or employee of the Federal Government to require a local  
15 educational agency or school to submit the results of a  
16 comprehensive needs assessment under subsection (b)(2)  
17 or a plan under subsection (c) or (d) for review or approval  
18 by the Secretary.

19 **“SEC. 1114. SCHOOL IDENTIFICATION, INTERVENTIONS,**  
20 **AND SUPPORTS.**

21 “(a) STATE REVIEW AND RESPONSIBILITIES.—

22 “(1) IN GENERAL.—Each State educational  
23 agency receiving funds under this part shall use the  
24 system designed by the State under section  
25 1111(b)(3) to annually—

1           “(A) identify the public schools that re-  
2           ceive funds under this part and are in need of  
3           intervention and support using the method es-  
4           tablished by the State in section  
5           1111(b)(3)(B)(iii);

6           “(B) require for inclusion—

7           “(i) on each local educational agency  
8           report card required under section  
9           1111(d), the names of schools served by  
10          the agency identified under subparagraph  
11          (A); and

12          “(ii) on each school report card re-  
13          quired under section 1111(d), whether the  
14          school was identified under subparagraph  
15          (A);

16          “(C) ensure that all public schools that re-  
17          ceive funds under this part and are identified as  
18          in need of intervention and support under sub-  
19          paragraph (A), implement an evidence-based  
20          intervention or support strategy designed by the  
21          State or local educational agency described in  
22          subparagraph (A) or (B) of subsection (b)(3);

23          “(D) prioritize intervention and supports  
24          in the identified schools most in need of inter-  
25          vention and support, as determined by the

1 State, using the results of the accountability  
2 system under 1111(b)(3)(B)(iii); and

3 “(E) monitor and evaluate the implementa-  
4 tion of school intervention and support strate-  
5 gies by local educational agencies, including in  
6 the lowest-performing elementary schools and  
7 secondary schools in the State, and use the re-  
8 sults of the evaluation to take appropriate steps  
9 to change or improve interventions or support  
10 strategies as necessary.

11 “(2) STATE EDUCATIONAL AGENCY DISCRE-  
12 TION.—Notwithstanding paragraph (1)(A), a State  
13 educational agency may—

14 “(A) identify any middle school or high  
15 school as in need of intervention and support if  
16 at least 40 percent of the children served by  
17 such school are from low-income families (as  
18 measured under section 1113(a)(1)(E)(ii)); and

19 “(B) use funds provided under subsection  
20 (c) to assist such school consistent with such  
21 subsection.

22 “(3) STATE EDUCATIONAL AGENCY RESPON-  
23 SIBILITIES.—The State educational agency shall—

24 “(A) make technical assistance available to  
25 local educational agencies that serve schools

1 identified as in need of intervention and sup-  
2 port under paragraph (1)(A);

3 “(B) if the State educational agency deter-  
4 mines that a local educational agency failed to  
5 carry out its responsibilities under this section,  
6 take such actions as the State educational agen-  
7 cy determines to be appropriate and in compli-  
8 ance with State law to assist the local edu-  
9 cational agency and ensure that such local edu-  
10 cational agency is carrying out its responsibil-  
11 ities;

12 “(C) inform local educational agencies of  
13 schools identified as in need of intervention and  
14 support under paragraph (1)(A) in a timely and  
15 easily accessible manner that is before the be-  
16 ginning of the school year; and

17 “(D) publicize and disseminate to the pub-  
18 lic, including teachers, principals and other  
19 school leaders, and parents, the results of the  
20 State review under paragraph (1).

21 “(b) LOCAL EDUCATIONAL AGENCY REVIEW AND  
22 RESPONSIBILITIES.—

23 “(1) IN GENERAL.—Each local educational  
24 agency with a school identified as in need of inter-  
25 vention and support under subsection (a)(1)(A)

1 shall, in consultation with teachers, principals and  
2 other school leaders, school personnel, parents, and  
3 community members—

4 “(A) conduct a review of such school, in-  
5 cluding by examining the indicators and meas-  
6 ures included in the State-determined account-  
7 ability system described in section  
8 1111(b)(3)(B) to determine the factors that led  
9 to such identification;

10 “(B) conduct a review of the agency’s poli-  
11 cies, procedures, personnel decisions, and budg-  
12 etary decisions, including the measures on the  
13 local educational agency and school report cards  
14 under section 1111(d) that impact the school  
15 and could have contributed to the identification  
16 of the school;

17 “(C) develop and implement appropriate  
18 intervention and support strategies, as de-  
19 scribed in paragraph (3), that are proportional  
20 to the identified needs of the school, for assist-  
21 ing the identified school;

22 “(D) develop a rigorous comprehensive  
23 plan that will be publicly available and provided  
24 to parents, for ensuring the successful imple-  
25 mentation of the intervention and support strat-

1           egies described in paragraph (3) in identified  
2           schools, which may include—

3                   “(i) technical assistance that will be  
4                   provided to the school;

5                   “(ii) improved delivery of services to  
6                   be provided by the local educational agen-  
7                   cy;

8                   “(iii) increased support for stronger  
9                   curriculum, program of instruction, wrap-  
10                  around services, or other resources pro-  
11                  vided to students in the school;

12                  “(iv) any changes to personnel nec-  
13                  essary to improve educational opportunities  
14                  for children in the school;

15                  “(v) redesigning how time for student  
16                  learning or teacher collaboration is used  
17                  within the school;

18                  “(vi) using data to inform instruction  
19                  for continuous improvement;

20                  “(vii) providing increased coaching or  
21                  support for principals and other school  
22                  leaders to have the knowledge and skills to  
23                  lead and implement efforts to improve  
24                  schools and to support teachers to improve  
25                  instruction;



1           “(viii) improving school climate and  
2           safety;

3           “(ix) providing ongoing mechanisms  
4           for family and community engagement to  
5           improve student learning; and

6           “(x) establishing partnerships with  
7           entities, including private entities with a  
8           demonstrated record of improving student  
9           achievement, that will assist the local edu-  
10          cational agency in fulfilling its responsibil-  
11          ities under this section; and

12          “(E) collect and use data on an ongoing  
13          basis to monitor the results of the intervention  
14          and support strategies and adjust such strate-  
15          gies as necessary during implementation in  
16          order to improve student academic achievement.

17          “(2) NOTICE TO PARENTS.—A local educational  
18          agency shall promptly provide to a parent or parents  
19          of each student enrolled in a school identified as in  
20          need of intervention and support under subsection  
21          (a)(1)(A) in an easily accessible and understandable  
22          form and, to the extent practicable, in a language  
23          that parents can understand—

24                 “(A) an explanation of what the identifica-  
25                 tion means, and how the school compares in

1 terms of academic achievement and other meas-  
2 ures in the State accountability system under  
3 section 1111(b)(3)(B) to other schools served  
4 by the local educational agency and the State  
5 educational agency involved;

6 “(B) the reasons for the identification;

7 “(C) an explanation of what the local edu-  
8 cational agency or State educational agency is  
9 doing to help the school address student aca-  
10 demic achievement and other measures, includ-  
11 ing a description of the intervention and sup-  
12 port strategies developed under paragraph  
13 (1)(C) that will be implemented in the school;

14 “(D) an explanation of how the parents  
15 can become involved in addressing academic  
16 achievement and other measures that caused  
17 the school to be identified; and

18 “(E) an explanation of the parents’ option  
19 to transfer their child to another public school  
20 under paragraph (4), if applicable.

21 “(3) SCHOOL INTERVENTION AND SUPPORT  
22 STRATEGIES.—

23 “(A) IN GENERAL.—Consistent with sub-  
24 section (a)(1) and paragraph (1), a local edu-  
25 cational agency shall develop and implement

1 evidence-based intervention and support strate-  
2 gies for an identified school that the local edu-  
3 cational agency determines appropriate to ad-  
4 dress the needs of students in such identified  
5 school, which shall—

6 “(i) be designed to address the spe-  
7 cific reasons for identification, as described  
8 in subparagraphs (A) and (B) of para-  
9 graph (1);

10 “(ii) be implemented, at a minimum,  
11 in a manner that is proportional to the  
12 specific reasons for identification, as de-  
13 scribed in subparagraphs (A) and (B) of  
14 paragraph (1); and

15 “(iii) distinguish between the lowest-  
16 performing schools and other schools iden-  
17 tified as in need of intervention and sup-  
18 port for other reasons, including schools  
19 with categories of students, as defined in  
20 section 1111(b)(3)(A), not meeting the  
21 goals described in section 1111(b)(3)(B)(i),  
22 as determined by the review in subpara-  
23 graphs (A) and (B) of paragraph (1).

24 “(B) STATE DETERMINED STRATEGIES.—

25 Consistent with State law, a State educational

1 agency may establish alternative evidence-based  
2 State determined strategies that can be used by  
3 local educational agencies to assist a school  
4 identified as in need of intervention and sup-  
5 port under subsection (a)(1)(A), in addition to  
6 the assistance strategies developed by a local  
7 educational agency under subparagraph (A).

8 “(4) PUBLIC SCHOOL CHOICE.—

9 “(A) IN GENERAL.—A local educational  
10 agency may provide all students enrolled in a  
11 school identified as in need of intervention and  
12 support under subsection (a)(1)(A) with the op-  
13 tion to transfer to another public school served  
14 by the local educational agency, unless such an  
15 option is prohibited by State law.

16 “(B) PRIORITY.—In providing students the  
17 option to transfer to another public school, the  
18 local educational agency shall give priority to  
19 the lowest-achieving children from low-income  
20 families, as determined by the local educational  
21 agency for the purposes of allocating funds to  
22 schools under section 1113(a)(3).

23 “(C) TREATMENT.—Students who use the  
24 option to transfer to another public school shall  
25 be enrolled in classes and other activities in the

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

4 “(D) SPECIAL RULE.—A local educational  
5 agency shall permit a child who transfers to an-  
6 other public school under this paragraph to re-  
7 main in that school until the child has com-  
8 pleted the highest grade in that school.

9 “(E) FUNDING FOR TRANSPORTATION.—A  
10 local educational agency may spend an amount  
11 equal to not more than 5 percent of its alloca-  
12 tion under subpart 2 to pay for the provision of  
13 transportation for students who transfer under  
14 this paragraph to the public schools to which  
15 the students transfer.

16 “(5) PROHIBITIONS ON FEDERAL INTER-  
17 FERENCE WITH STATE AND LOCAL DECISIONS.—  
18 Nothing in this section shall be construed to author-  
19 ize or permit the Secretary to establish any criterion  
20 that specifies, defines, or prescribes—

21 “(A) any school intervention or support  
22 strategy that States or local educational agen-  
23 cies shall use to assist schools identified as in  
24 need of intervention and support under this sec-  
25 tion; or

1           “(B) the weight of any indicator or meas-  
2           ure that a State shall use to identify schools  
3           under subsection (a).

4           “(c) FUNDS FOR LOCAL SCHOOL INTERVENTIONS  
5           AND SUPPORTS.—

6           “(1) IN GENERAL.—

7           “(A) GRANTS AUTHORIZED.—From the  
8           total amount appropriated under section  
9           1002(f) for a fiscal year, the Secretary shall  
10          award grants to States and the Bureau of In-  
11          dian Education of the Department of the Inte-  
12          rior, through an allotment as determined under  
13          subparagraph (B), to carry out the activities  
14          described in this subsection.

15          “(B) ALLOTMENTS.—From the total  
16          amount appropriated under section 1002(f) for  
17          a fiscal year, the Secretary shall allot to each  
18          State, the Bureau of Indian Education of the  
19          Department of the Interior, and each outlying  
20          area for such fiscal year with an approved ap-  
21          plication, an amount that bears the same rela-  
22          tionship to such total amount as the amount  
23          such State, the Bureau of Indian Education of  
24          the Department of the Interior, or such out-  
25          lying area received under parts A, C, and D of

1           this title for the most recent preceding fiscal  
2           year for which the data are available bears to  
3           the amount received by all such States, the Bu-  
4           reau of Indian Education of the Department of  
5           the Interior, and all such outlying areas under  
6           parts A, C, and D of this title for such most  
7           recent preceding fiscal year.

8           “(2) STATE APPLICATION.—A State (including,  
9           for the purpose of this paragraph, the Bureau of In-  
10          dian Education) that desires to receive school inter-  
11          vention and support funds under this subsection  
12          shall submit an application to the Secretary at such  
13          time and in such manner as the Secretary may re-  
14          quire, which shall include a description of—

15                 “(A) the process and the criteria that the  
16                 State will use to award subgrants under para-  
17                 graph (4)(A), including how the subgrants will  
18                 serve schools identified by the State as the low-  
19                 est-performing schools under subsection (a)(1);

20                 “(B) the process and the criteria the State  
21                 will use to determine whether the local edu-  
22                 cational agency’s proposal for serving each  
23                 identified school meets the requirements of  
24                 paragraph (6) and other provisions of this sec-  
25                 tion;

1           “(C) how the State will ensure that local  
2 educational agencies conduct a comprehensive  
3 review of each identified school as required  
4 under subsection (b) to identify evidence-based  
5 school intervention and support strategies that  
6 are likely to be successful in each particular  
7 school;

8           “(D) how the State will ensure geographic  
9 diversity in making subgrants;

10           “(E) how the State will set priorities in  
11 awarding subgrants to local educational agen-  
12 cies, including how the State will prioritize local  
13 educational agencies serving elementary schools  
14 and secondary schools identified as the lowest-  
15 performing schools under subsection (a)(1) that  
16 will use subgrants to serve such schools;

17           “(F) how the State will monitor and evalu-  
18 ate the implementation of evidence-based school  
19 intervention and support strategies supported  
20 by funds under this subsection; and

21           “(G) how the State will reduce barriers for  
22 schools in the implementation of school inter-  
23 vention and support strategies, including by  
24 providing operational flexibility that would en-



1           able complete implementation of the selected  
2           school intervention and support strategy.

3           “(3) STATE ADMINISTRATION; TECHNICAL AS-  
4           SISTANCE; EXCEPTION.—

5                   “(A) IN GENERAL.—A State that receives  
6           an allotment under this subsection may reserve  
7           not more than a total of 5 percent of such allot-  
8           ment for the administration of this subsection  
9           to carry out its responsibilities under subsection  
10          (a)(3) to support school and local educational  
11          agency interventions and supports, which may  
12          include activities aimed at building State capac-  
13          ity to support and monitor the local educational  
14          agency and school intervention and supports.

15                   “(B) EXCEPTION.—Notwithstanding sub-  
16          paragraph (A), a State educational agency may  
17          reserve from the amount allotted under this  
18          subsection additional funds to meet its respon-  
19          sibilities under subsection (a)(3)(B) if a local  
20          educational agency fails to carry out its respon-  
21          sibilities under subsection (b), but shall not re-  
22          serve more than necessary to meet such State  
23          responsibilities.

24           “(4) SUBGRANTS TO LOCAL EDUCATIONAL  
25          AGENCIES.—

1           “(A) IN GENERAL.—From the amounts  
2           awarded to a State under this subsection, the  
3           State educational agency shall allocate not less  
4           than 95 percent to make subgrants to local edu-  
5           cational agencies, on a competitive basis, to  
6           serve schools identified as in need of interven-  
7           tion and support under subsection (a)(1)(A).

8           “(B) DURATION.—The State educational  
9           agency shall award subgrants under this para-  
10          graph for a period of not more than 5 years,  
11          which period may include a planning year.

12          “(C) CRITERIA.—Subgrants awarded  
13          under this section shall be of sufficient size to  
14          enable a local educational agency to effectively  
15          implement the selected intervention and support  
16          strategy.

17          “(D) RULE OF CONSTRUCTION.—Nothing  
18          in this subsection shall be construed as prohib-  
19          iting a State from allocating subgrants under  
20          this subsection to a statewide school district,  
21          consortium of local educational agencies, or an  
22          educational service agency that serves schools  
23          identified as in need of intervention and sup-  
24          port under this section, if such entities are le-

1           gally constituted or recognized as local edu-  
2           cational agencies in the State.

3           “(5) APPLICATION.—In order to receive a  
4           subgrant under this subsection, a local educational  
5           agency shall submit an application to the State edu-  
6           cational agency at such time, in such form, and in-  
7           cluding such information as the State educational  
8           agency may require. Each application shall include,  
9           at a minimum—

10                   “(A) a description of the process the local  
11                   educational agency has used for selecting an ap-  
12                   propriate evidence-based school intervention and  
13                   support strategy for each school to be served,  
14                   including how the local educational agency has  
15                   analyzed the needs of each such school in ac-  
16                   cordance with subsection (b)(1) and meaning-  
17                   fully consulted with teachers, principals, and  
18                   other school leaders in selecting such interven-  
19                   tion and support strategy;

20                   “(B) the specific evidence-based school  
21                   interventions and supports to be used in each  
22                   school to be served, how these interventions and  
23                   supports will address the needs identified in the  
24                   review under subsection (b)(1), and the timeline

1 for implementing such school interventions and  
2 supports in each school to be served;

3 “(C) a detailed budget covering the grant  
4 period, including planned expenditures at the  
5 school level for activities supporting full and ef-  
6 fective implementation of the selected school  
7 intervention and support strategy;

8 “(D) a description of how the local edu-  
9 cational agency will—

10 “(i) design and implement the selected  
11 school intervention and support strategy,  
12 in accordance with the requirements of  
13 subsection (b)(1)(C), including the use of  
14 appropriate measures to monitor the effec-  
15 tiveness of implementation;

16 “(ii) use a rigorous review process to  
17 recruit, screen, select, and evaluate any ex-  
18 ternal partners with whom the local edu-  
19 cational agency will partner;

20 “(iii) align other Federal, State, and  
21 local resources with the intervention and  
22 support strategy to reduce duplication, in-  
23 crease efficiency, and assist identified  
24 schools in complying with reporting re-  
25 quirements of Federal and State programs;

1           “(iv) modify practices and policies, if  
2           necessary, to provide operational flexibility  
3           that enables full and effective implementa-  
4           tion of the selected school intervention and  
5           support strategy;

6           “(v) collect and use data on an ongo-  
7           ing basis to adjust the intervention and  
8           support strategy during implementation,  
9           and, if necessary, modify or implement a  
10          different strategy if implementation is not  
11          effective, in order to improve student aca-  
12          demic achievement;

13          “(vi) ensure that the implementation  
14          of the intervention and support strategy  
15          meets the needs of each of the categories  
16          of students, as defined in section  
17          1111(b)(3)(A);

18          “(vii) provide information to parents,  
19          guardians, teachers, and other stakeholders  
20          about the effectiveness of implementation,  
21          to the extent practicable, in a language  
22          that the parents can understand; and

23          “(viii) sustain successful reforms and  
24          practices after the funding period ends;

1           “(E) a description of the technical assist-  
2           ance and other support that the local edu-  
3           cational agency will provide to ensure effective  
4           implementation of school intervention and sup-  
5           port strategies in identified schools, in accord-  
6           ance with subsection (b)(1)(D), such as ensur-  
7           ing that identified schools have access to re-  
8           sources like facilities, professional development,  
9           and technology and adopting human resource  
10          policies that prioritize recruitment, retention,  
11          and placement of effective staff in identified  
12          schools; and

13           “(F) an assurance that each school the  
14          local educational agency proposes to serve will  
15          receive all of the State and local funds it would  
16          have received in the absence of funds received  
17          under this subsection.

18          “(6) LOCAL ACTIVITIES.—A local educational  
19          agency that receives a subgrant under this sub-  
20          section—

21           “(A) shall use the subgrant funds to imple-  
22          ment evidence-based school intervention and  
23          support strategies consistent with subsection  
24          (a)(1)(A); and

1           “(B) may use the subgrant funds to carry  
2           out, at the local educational agency level, activi-  
3           ties that directly support the implementation of  
4           the intervention and support strategies such  
5           as—

6                   “(i) assistance in data collection and  
7                   analysis;

8                   “(ii) recruiting and retaining staff;

9                   “(iii) high-quality, evidence-based pro-  
10                  fessional development;

11                  “(iv) coordination of services to ad-  
12                  dress students’ non-academic needs; and

13                  “(v) progress monitoring.

14           “(7) REPORTING.—A State that receives funds  
15           under this subsection shall report to the Secretary a  
16           list of all the local educational agencies that received  
17           a subgrant under this subsection and for each local  
18           educational agency that received a subgrant, a list of  
19           all the schools that were served, the amount of funds  
20           each school received, and the intervention and sup-  
21           port strategies implemented in each school.

22           “(8) SUPPLEMENT NOT SUPPLANT.—A local  
23           educational agency or State shall use Federal funds  
24           received under this subsection only to supplement  
25           the funds that would, in the absence of such Federal

1 funds, be made available from non-Federal sources  
 2 for the education of students participating in pro-  
 3 grams funded under this subsection.

4 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
 5 tion shall be construed to alter or otherwise affect the  
 6 rights, remedies, and procedures afforded school or school  
 7 district employees under Federal, State, or local laws (in-  
 8 cluding applicable regulations or court orders) or under  
 9 the terms of collective bargaining agreements, memoranda  
 10 of understanding, or other agreements between such em-  
 11 ployees and their employers.”;

12 (2) by striking section 1119; and

13 (3) by redesignating sections 1118, 1120,  
 14 1120A, and 1120B as sections 1115, 1116, 1117,  
 15 and 1118, respectively.

16 **SEC. 1005. PARENT AND FAMILY ENGAGEMENT.**

17 Section 1115, as redesignated by section 1004(3), is  
 18 amended—

19 (1) in the section heading, by striking “**PAREN-**  
 20 **TAL INVOLVEMENT**” and inserting “**PARENT AND**  
 21 **FAMILY ENGAGEMENT**”;

22 (2) in subsection (a)—

23 (A) in paragraph (1)—



1 (i) by inserting “conducts outreach to  
2 all parents and family members and” after  
3 “only if such agency”; and

4 (ii) by inserting “and family mem-  
5 bers” after “and procedures for the in-  
6 volvement of parents”;

7 (B) in paragraph (2)—

8 (i) in the matter preceding subpara-  
9 graph (A)—

10 (I) by inserting “and family  
11 members” after “, and distribute to,  
12 parents”;

13 (II) by striking “written parent  
14 involvement policy” and inserting  
15 “written parent and family engage-  
16 ment policy”; and

17 (III) by striking “expectations  
18 for parent involvement” and inserting  
19 “expectations and objectives for mean-  
20 ingful parent and family involve-  
21 ment”; and

22 (ii) by striking subparagraphs (A)  
23 through (F) and inserting the following:

24 “(A) involve parents and family members  
25 in jointly developing the local educational agen-

1 cy plan under section 1112 and the process of  
2 school review and intervention and support  
3 under section 1114;

4 “(B) provide the coordination, technical as-  
5 sistance, and other support necessary to assist  
6 and build the capacity of all participating  
7 schools within the local educational agency in  
8 planning and implementing effective parent and  
9 family involvement activities to improve student  
10 academic achievement and school performance,  
11 which may include meaningful consultation with  
12 employers, business leaders, and philanthropic  
13 organizations, or individuals with expertise in  
14 effectively engaging parents and family mem-  
15 bers in education;

16 “(C) coordinate and integrate parent and  
17 family engagement strategies under this part  
18 with parent and family engagement strategies,  
19 to the extent feasible and appropriate, with  
20 other relevant Federal, State, and local laws  
21 and programs;

22 “(D) conduct, with the meaningful involve-  
23 ment of parents and family members, an annual  
24 evaluation of the content and effectiveness of  
25 the parent and family engagement policy in im-

1 proving the academic quality of all schools  
2 served under this part, including identifying—

3 “(i) barriers to greater participation  
4 by parents in activities authorized by this  
5 section (with particular attention to par-  
6 ents who are economically disadvantaged,  
7 are disabled, are English learners, have  
8 limited literacy, or are of any racial or eth-  
9 nic minority background);

10 “(ii) the needs of parents and family  
11 members to assist with the learning of  
12 their children, including engaging with  
13 school personnel and teachers; and

14 “(iii) strategies to support successful  
15 school and family interactions;

16 “(E) use the findings of such evaluation in  
17 subparagraph (D) to design evidence-based  
18 strategies for more effective parental involve-  
19 ment, and to revise, if necessary, the parent  
20 and family engagement policies described in this  
21 section; and

22 “(F) involve parents in the activities of the  
23 schools served under this part, which may in-  
24 clude establishing a parent advisory board com-  
25 prised of a sufficient number and representative

1 group of parents or family members served by  
2 the local educational agency to adequately rep-  
3 resent the needs of the population served by  
4 such agency for the purposes of developing, re-  
5 vising, and reviewing the parent and family en-  
6 gagement policy.”; and

7 (C) in paragraph (3)—

8 “(A) IN GENERAL.—Each local educational  
9 agency shall reserve at least 1 percent of its al-  
10 location under subpart 2 to assist schools to  
11 carry out the activities described in this section,  
12 except that this subparagraph shall not apply if  
13 1 percent of such agency’s allocation under sub-  
14 part 2 for the fiscal year for which the deter-  
15 mination is made is \$5,000 or less. Nothing in  
16 this subparagraph shall be construed to limit  
17 local educational agencies from reserving more  
18 than the 1 percent of its allocation under sub-  
19 part 2 to assist schools to carry out activities  
20 described in this section.”;

21 (i) in subparagraph (B), by striking

22 “(B) PARENTAL INPUT.—Parents of chil-  
23 dren” and inserting “(B) PARENT AND  
24 FAMILY MEMBER INPUT.—Parents and  
25 family members of children”;

- 1 (ii) in subparagraph (C)—
- 2 (I) by striking “95 percent” and
- 3 inserting “85 percent”; and
- 4 (II) by inserting “, with priority
- 5 given to high-need schools” after
- 6 “schools served under this part”; and
- 7 (iii) by adding at the end the fol-
- 8 lowing:
- 9 “(D) USE OF FUNDS.—Funds reserved
- 10 under subparagraph (A) by a local educational
- 11 agency shall be used to carry out activities and
- 12 strategies consistent with the local educational
- 13 agency’s parent and family engagement policy,
- 14 including not less than 1 of the following:
- 15 “(i) Supporting schools and nonprofit
- 16 organizations in providing professional de-
- 17 velopment for local educational agency and
- 18 school personnel regarding parent and
- 19 family engagement strategies, which may
- 20 be provided jointly to teachers, school lead-
- 21 ers, specialized instructional support per-
- 22 sonnel, paraprofessionals, early childhood
- 23 educators, and parents and family mem-
- 24 bers.

1           “(ii) Supporting home visitation pro-  
2           grams.

3           “(iii) Disseminating information on  
4           best practices focused on parent and family  
5           engagement, especially best practices for  
6           increasing the engagement of economically  
7           disadvantaged parents and family mem-  
8           bers.

9           “(iv) Collaborating or providing sub-  
10          grants to schools to enable such schools to  
11          collaborate with community-based or other  
12          organizations or employers with a dem-  
13          onstrated record of success in improving  
14          and increasing parent and family engage-  
15          ment.

16          “(v) Engaging in any other activities  
17          and strategies that the local educational  
18          agency determines are appropriate and  
19          consistent with such agency’s parent and  
20          family engagement policy, which may in-  
21          clude financial literacy activities and adult  
22          education and literacy activities, as defined  
23          in section 203 of the Adult Education and  
24          Family Literacy Act.”;

25               (3) in subsection (b)—

1 (A) in the subsection heading, by striking  
2 “PARENTAL INVOLVEMENT POLICY” and in-  
3 sserting “PARENTAL AND FAMILY ENGAGEMENT  
4 POLICY”;

5 (B) in paragraph (1)—

6 (i) by inserting “and family members”  
7 after “distribute to, parents”; and

8 (ii) by striking “written parental in-  
9 volvement policy” and inserting “written  
10 parent and family engagement policy”;

11 (C) in paragraph (2)—

12 (i) by striking “parental involvement  
13 policy” and inserting “parent and family  
14 engagement policy”; and

15 (ii) by inserting “and family mem-  
16 bers” after “that applies to all parents”;  
17 and

18 (D) in paragraph (3)—

19 (i) by striking “school district-level  
20 parental involvement policy” and inserting  
21 “district-level parent and family engage-  
22 ment policy”; and

23 (ii) by inserting “and family members  
24 in all schools served by the local edu-

1           cational agency” after “policy that applies  
2           to all parents”;

3           (4) in subsection (c)—

4           (A) in paragraph (3), by striking “parental  
5           involvement policy” and inserting “parent and  
6           family engagement policy”;

7           (B) in paragraph (4)(B), by striking “the  
8           proficiency levels students are expected to  
9           meet” and inserting “the achievement levels of  
10          the challenging State academic standards”; and

11          (C) in paragraph (5), by striking “section  
12          1114(b)(2)” and inserting “section  
13          1113(c)(2)”;

14          (5) in subsection (d)—

15          (A) in the matter preceding paragraph (1),  
16          by striking “parental involvement policy” and  
17          inserting “parent and family engagement pol-  
18          icy”;

19          (B) in paragraph (1)—

20               (i) by striking “the State’s student  
21               academic achievement standards” and in-  
22               serting “the challenging State academic  
23               standards”; and



1 (ii) by striking “, such as monitoring  
2 attendance, homework completion, and tel-  
3 evision watching”; and

4 (C) in paragraph (2)—

5 (i) in subparagraph (B), by striking  
6 “and” after the semicolon;

7 (ii) in subparagraph (C), by striking  
8 the period and inserting “; and”; and

9 (iii) by adding at the end the fol-  
10 lowing:

11 “(D) ensuring regular two-way, meaningful  
12 communication between family members and  
13 school staff, to the extent practicable, in a lan-  
14 guage that family members can understand and  
15 access.”;

16 (6) in subsection (e)—

17 (A) in paragraph (1), by striking “the  
18 State’s academic content standards and State  
19 student academic achievement standards” and  
20 inserting “the challenging State academic  
21 standards”;

22 (B) in paragraph (2), by striking “tech-  
23 nology” and inserting “technology (including  
24 education about the harms of copyright pi-  
25 racy)”;

1 (C) in paragraph (3), by striking “pupil  
2 services personnel, principals” and inserting  
3 “specialized instructional support personnel,  
4 principals, and other school leaders”; and

5 (D) in paragraph (4), by striking “Head  
6 Start, Reading First, Early Reading First,  
7 Even Start, the Home Instruction Programs for  
8 Preschool Youngsters, the Parents as Teachers  
9 Program,” and inserting “other relevant Fed-  
10 eral, State, and local laws,”;

11 (7) by striking subsection (f) and inserting the  
12 following:

13 “(f) ACCESSIBILITY.—In carrying out the parent and  
14 family engagement requirements of this part, local edu-  
15 cational agencies and schools, to the extent practicable,  
16 shall provide opportunities for the full and informed par-  
17 ticipation of parents and family members (including par-  
18 ents and family members who are English learners, par-  
19 ents and family members with disabilities, and parents  
20 and family members of migratory children), including pro-  
21 viding information and school reports required under sec-  
22 tion 1111 in a format and, to the extent practicable, in  
23 a language such parents understand.”; and

1           (8) in subsection (h), by striking “parental in-  
2           volvement policies” and inserting “parent and family  
3           engagement policies”.

4 **SEC. 1006. PARTICIPATION OF CHILDREN ENROLLED IN**  
5 **PRIVATE SCHOOLS.**

6           Section 1116, as redesignated by section 1004(3), is  
7 amended—

8           (1) in subsection (a)—

9           (A) in paragraph (1)—

10                   (i) by striking “section 1115(b)” and  
11                   inserting “section 1113(d)(3)”; and

12                   (ii) by striking “sections 1118 and  
13                   1119” and inserting “section 1115”; and

14           (B) by striking paragraph (4) and insert-  
15           ing the following:

16           “(4) EXPENDITURES.—

17                   “(A) IN GENERAL.—Expenditures for edu-  
18                   cational services and other benefits to eligible  
19                   private school children shall be equal to the pro-  
20                   portion of funds allocated to participating  
21                   school attendance areas based on the number of  
22                   children from low-income families who attend  
23                   private schools.

1           “(B) TERM OF DETERMINATION.—The  
2 local educational agency may determine the eq-  
3 uitable share each year or every 2 years.

4           “(C) METHOD OF DETERMINATION.—The  
5 proportional share of funds shall be deter-  
6 mined—

7                   “(i) based on the total allocation re-  
8 ceived by the local educational agency; and

9                   “(ii) prior to any allowable expendi-  
10 tures or transfers by the local educational  
11 agency.”; and

12 (2) in subsection (b)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (E)—

15 (I) by striking “and” before “the  
16 proportion of funds”; and

17 (II) by inserting “, and how that  
18 proportion of funds is determined”  
19 after “such services”;

20 (ii) in subparagraph (F), by striking  
21 “section 1113(c)(1)” and inserting “sec-  
22 tion 1113(a)(3)”;

23 (iii) in subparagraph (G), by striking  
24 “and” after the semicolon;

1 (iv) in subparagraph (H), by striking  
 2 the period at the end and inserting “;  
 3 and”; and

4 (v) by adding at the end the following:

5 “(I) whether the agency shall  
 6 provide services directly or assign re-  
 7 sponsibility for the provision of serv-  
 8 ices to a separate government agency,  
 9 consortium, or entity, or to a third-  
 10 party contractor.”; and

11 (B) in paragraph (5)(A)—

12 (i) by striking “or” before “did not  
 13 give due consideration”; and

14 (ii) by inserting “, or did not make a  
 15 decision that treats the private school stu-  
 16 dents equitably as required by this section”  
 17 before the period at the end.

18 **SEC. 1007. SUPPLEMENT, NOT SUPPLANT.**

19 Section 1117, as redesignated by section 1004(3), is  
 20 amended by striking subsection (b) and inserting the fol-  
 21 lowing:

22 “(b) **FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-**  
 23 **PLANT, NON-FEDERAL FUNDS.—**

24 “(1) **IN GENERAL.—**A State educational agency  
 25 or local educational agency shall use Federal funds

1 received under this part only to supplement the  
2 funds that would, in the absence of such Federal  
3 funds, be made available from non-Federal sources  
4 for the education of students participating in pro-  
5 grams assisted under this part, and not to supplant  
6 such funds.

7 “(2) COMPLIANCE.—To demonstrate compli-  
8 ance with paragraph (1), a local educational agency  
9 shall demonstrate that the methodology used to allo-  
10 cate State and local funds to each school receiving  
11 assistance under this part ensures that such school  
12 receives all of the State and local funds it would oth-  
13 erwise receive if it were not receiving assistance  
14 under this part.

15 “(3) SPECIAL RULE.—No local educational  
16 agency shall be required to—

17 “(A) identify that an individual cost or  
18 service supported under this part is supple-  
19 mental; and

20 “(B) provide services under this part  
21 through a particular instructional method or in  
22 a particular instructional setting in order to  
23 demonstrate such agency’s compliance with  
24 paragraph (1).

1           “(4) PROHIBITION.—Nothing in this section  
2 shall be construed to authorize or permit the Sec-  
3 retary to establish any criterion that specifies, de-  
4 fines, or prescribes the specific methodology a local  
5 educational agency uses to allocate State and local  
6 funds to each school receiving assistance under this  
7 part.

8           “(5) TIMELINE.—A local educational agency—

9           “(A) shall meet the compliance require-  
10 ment under paragraph (2) not later than 2  
11 years after the date of enactment of the Every  
12 Child Achieves Act of 2015; and

13           “(B) may demonstrate compliance with the  
14 requirement under paragraph (1) before the  
15 end of such 2-year period using the method  
16 such local educational agency used on the day  
17 before the date of enactment of the Every Child  
18 Achieves Act of 2015.”.

19 **SEC. 1008. COORDINATION REQUIREMENTS.**

20       Section 1118, as redesignated by section 1004(3), is  
21 amended—

22       (1) in subsection (a), by striking “early child-  
23 hood development programs such as the Early Read-  
24 ing First program” and inserting “, early childhood  
25 education programs, including by developing agree-

1       ments with such Head Start agencies and other enti-  
2       ties to carry out such activities”; and

3               (2) in subsection (b)—

4                       (A) in the matter preceding paragraph (1),  
5                       by striking “early childhood development pro-  
6                       grams, such as the Early Reading First pro-  
7                       gram,” and inserting “early childhood edu-  
8                       cation programs”;

9                       (B) in paragraph (1), by striking “early  
10                      childhood development program such as the  
11                      Early Reading First program” and inserting  
12                      “early childhood education program”;

13                     (C) in paragraph (2), by striking “early  
14                     childhood development programs such as the  
15                     Early Reading First program” and inserting  
16                     “early childhood education programs”;

17                     (D) in paragraph (3), by striking “early  
18                     childhood development programs such as the  
19                     Early Reading First program” and inserting  
20                     “early childhood education programs”;

21                     (E) in paragraph (4)—

22                               (i) by striking “Early Reading First  
23                               program staff,”; and



1 (ii) by striking “early childhood devel-  
2 opment program” and inserting “early  
3 childhood education program”;

4 (F) in paragraph (5), by striking “and en-  
5 tities carrying out Early Reading First pro-  
6 grams”.

7 **SEC. 1009. GRANTS FOR THE OUTLYING AREAS AND THE**  
8 **SECRETARY OF THE INTERIOR.**

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

10 (1) in subsection (a), in the matter preceding  
11 paragraph (1), by striking “and 1125A(f)”; and

12 (2) in subsection (b)(3)(C)(ii), by striking  
13 “challenging State academic content standards” and  
14 inserting “challenging State academic standards”.

15 **SEC. 1010. ALLOCATIONS TO STATES.**

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

17 (1) by striking subsection (a) and inserting the  
18 following:

19 “(a) ALLOCATION FORMULA.—

20 “(1) INITIAL ALLOCATION.—For each of fiscal  
21 years 2016 through 2021 (referred to in this sub-  
22 section as the ‘current fiscal year’), the Secretary  
23 shall allocate \$17,000,000,000 of the amount appro-  
24 priated under section 1002(a) to carry out this part  
25 (or, if the total amount appropriated for this part is

1 equal to or less than \$17,000,000,000, all of such  
2 amount) in accordance with the following:

3 “(A) An amount equal to the amount  
4 made available to carry out section 1124 for fis-  
5 cal year 2015 shall be allocated in accordance  
6 with section 1124.

7 “(B) An amount equal to the amount  
8 made available to carry out section 1124A for  
9 fiscal year 2015 shall be allocated in accordance  
10 with section 1124A.

11 “(C) An amount equal to 100 percent of  
12 the amount, if any, by which the amount made  
13 available under this paragraph for the current  
14 fiscal year for which the determination is made  
15 exceeds the amount available to carry out sec-  
16 tions 1124 and 1124A for fiscal year 2001 shall  
17 be allocated in accordance with section 1125  
18 and 1125A.

19 “(2) ALLOCATIONS IN EXCESS OF  
20 \$17,000,000,000.—For each of the current fiscal years  
21 for which the amounts appropriated under section  
22 1002(a) to carry out this part exceed  
23 \$17,000,000,000, an amount equal to such excess  
24 amount shall be allocated in accordance with section  
25 1123.”;

1 (2) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) by striking “under this subpart”  
4 and inserting “under subsection (a)(1) for  
5 sections 1124, 1124A, 1125, and 1125A”;  
6 and

7 (ii) by striking “and 1125” and in-  
8 serting “1125, and 1125A”; and

9 (B) in paragraph (2)—

10 (i) by inserting “under subsection  
11 (a)(1)” after “become available”; and

12 (ii) by striking “and 1125” and in-  
13 serting “1125, and 1125A”;

14 (3) in subsection (c)(1), by inserting “and to  
15 the extent amounts under subsection (a)(1) are  
16 available” after “For each fiscal year”; and

17 (4) in subsection (d)(1), by striking “under this  
18 subpart” and inserting “under subsection (a)(1) for  
19 sections 1124, 1124A, 1125, and 1125A”.

20 **SEC. 1011. EQUITY GRANTS.**

21 Subpart 2 of part A of title I (20 U.S.C. 6331 et  
22 seq.) is amended by inserting after section 1122 the fol-  
23 lowing:

1 **“SEC. 1123. EQUITY GRANTS.**

2 “(a) AUTHORIZATION.—From funds appropriated  
3 under section 1002(a) for a fiscal year and available for  
4 allocation pursuant to section 1122(a)(2), the Secretary  
5 is authorized to make grants to States, from allotments  
6 under subsection (b), to carry out the programs and activi-  
7 ties of this part.

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

10 “(1) IN GENERAL.—

11 “(A) IN GENERAL.—Except as provided in  
12 subparagraphs (B) and (C), funds appropriated  
13 pursuant to subsection (a) for a fiscal year shall  
14 be allotted to each State based upon the num-  
15 ber of children counted under section 1124(c)  
16 in such State multiplied by the product of—

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

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

23 “(B) PUERTO RICO.—For each fiscal year,  
24 the Secretary shall allot to the Commonwealth  
25 of Puerto Rico an amount of the funds appro-  
26 priated under subsection (a) that bears the

1 same relation to the total amount of funds ap-  
2 propriated under such subsection as the amount  
3 that the Commonwealth of Puerto Rico received  
4 under this subpart for fiscal year 2015 bears to  
5 the total amount received by all States for such  
6 fiscal year.

7 “(C) STATE MINIMUM.—Notwithstanding  
8 any other provision of this section, except for  
9 subparagraph (B), from the total amount avail-  
10 able for any fiscal year to carry out this section,  
11 each State shall be allotted at least the lesser  
12 of—

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

16 “(ii) the average of—

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

19 “(II) 150 percent of the national  
20 average grant under this section per  
21 child described in section 1124(e),  
22 without application of a weighting fac-  
23 tor, multiplied by the State’s total  
24 number of children described in sec-

1                   tion 1124(c), without application of a  
2                   weighting factor.

3           “(2) EQUITY FACTOR.—

4                   “(A) DETERMINATION.—

5                           “(i) IN GENERAL.—Except as pro-  
6                   vided in subparagraph (B), the Secretary  
7                   shall determine the equity factor under  
8                   this section for each State in accordance  
9                   with clause (ii).

10                           “(ii) COMPUTATION.—

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

17                                   “(II) VARIATION.—In computing  
18                   coefficients of variation, the Secretary  
19                   shall weigh the variation between per-  
20                   pupil expenditures in each local edu-  
21                   cational agency and the average per-  
22                   pupil expenditures in the State ac-  
23                   cording to the number of pupils  
24                   served by the local educational agency.

1                   “(III) NUMBER OF PUPILS.—In  
2                   determining the number of pupils  
3                   under this paragraph served by each  
4                   local educational agency and in each  
5                   State, the Secretary shall multiply the  
6                   number of children counted under sec-  
7                   tion 1124(c) by a factor of 1.4.

8                   “(IV) ENROLLMENT REQUIRE-  
9                   MENT.—In computing coefficients of  
10                  variation, the Secretary shall include  
11                  only those local educational agencies  
12                  with an enrollment of more than 200  
13                  students.

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

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

1           “(1) DISTRIBUTION WITHIN LOCAL EDU-  
2           CATIONAL AGENCIES.—Within local educational  
3           agencies, funds allocated under this section shall be  
4           distributed to schools on a basis consistent with sec-  
5           tion 1113, and may only be used to carry out activi-  
6           ties under this part.

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

10           “(A) the number of children in the local  
11           educational agency counted under section  
12           1124(c), before application of the weighted  
13           child count described in subsection (d), is at  
14           least 10; and

15           “(B) if the number of children counted for  
16           grants under section 1124(c), before application  
17           of the weighted child count described in sub-  
18           section (d), is at least 5 percent of the total  
19           number of children aged 5 to 17 years, inclu-  
20           sive, in the school district of the local edu-  
21           cational agency.

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

24           “(1) IN GENERAL.—Funds received by States  
25           under this section for a fiscal year shall be allocated



1 within States to eligible local educational agencies on  
2 the basis of weighted child counts calculated in ac-  
3 cordance with paragraph (2), (3), or (4), as appro-  
4 priate for each State.

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

7 “(A) IN GENERAL.—In States with an eq-  
8 uity factor less than .10, the weighted child  
9 counts referred to in paragraph (1) for a fiscal  
10 year shall be the larger of the 2 amounts deter-  
11 mined under subparagraphs (B) and (C).

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

15 “(i) the number of children deter-  
16 mined under section 1124(c) for that local  
17 educational agency who constitute not  
18 more than 17.27 percent, inclusive, of the  
19 agency’s total population aged 5 to 17, in-  
20 clusive, multiplied by 1.0;

21 “(ii) the number of such children who  
22 constitute more than 17.27 percent, but  
23 not more than 23.48 percent, of such pop-  
24 ulation, multiplied by 1.75;

1           “(iii) the number of such children who  
2           constitute more than 23.48 percent, but  
3           not more than 29.11 percent, of such pop-  
4           ulation, multiplied by 2.5;

5           “(iv) the number of such children who  
6           constitute more than 29.11 percent, but  
7           not more than 36.10 percent, of such pop-  
8           ulation, multiplied by 3.25; and

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

12          “(C) BY NUMBER OF CHILDREN.—The  
13          amount referred to in subparagraph (A) is de-  
14          termined by adding—

15               “(i) the number of children deter-  
16               mined under section 1124(c) who con-  
17               stitute not more than 834, inclusive, of the  
18               agency’s total population aged 5 to 17, in-  
19               clusive, multiplied by 1.0;

20               “(ii) the number of such children be-  
21               tween 835 and 2,629, inclusive, in such  
22               population, multiplied by 1.5;

23               “(iii) the number of such children be-  
24               tween 2,630 and 7,668, inclusive, in such  
25               population, multiplied by 2.0; and

1           “(iv)(I) in the case of an agency that  
 2           is not a high poverty percentage local edu-  
 3           cational agency, the number of such chil-  
 4           dren in excess of 7,668 in such population,  
 5           multiplied by 2.0; or

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

8                   “(aa) the number of such chil-  
 9                   dren between 7,669 and 26,412, inclu-  
 10                  sive, in such population, multiplied by  
 11                  2.5; and

12                   “(bb) the number of such chil-  
 13                   dren in excess of 26,412 in such pop-  
 14                   ulation, multiplied by 3.0.

15           “(3) STATES WITH AN EQUITY FACTOR GREAT-  
 16           ER THAN OR EQUAL TO .10 AND LESS THAN .20.—

17                   “(A) IN GENERAL.—In States with an eq-  
 18                   uity factor greater than or equal to .10 and less  
 19                   than .20, the weighted child counts referred to  
 20                   in paragraph (1) for a fiscal year shall be the  
 21                   larger of the 2 amounts determined under sub-  
 22                   paragraphs (B) and (C).

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

1           “(i) the number of children deter-  
2           mined under section 1124(e) for that local  
3           educational agency who constitute not  
4           more than 17.27 percent, inclusive, of the  
5           agency’s total population aged 5 to 17, in-  
6           clusive, multiplied by 1.0;

7           “(ii) the number of such children who  
8           constitute more than 17.27 percent, but  
9           not more than 23.48 percent, of such pop-  
10          ulation, multiplied by 1.5;

11          “(iii) the number of such children who  
12          constitute more than 23.48 percent, but  
13          not more than 29.11 percent, of such pop-  
14          ulation, multiplied by 3.0;

15          “(iv) the number of such children who  
16          constitute more than 29.11 percent, but  
17          not more than 36.10 percent, of such pop-  
18          ulation, multiplied by 4.5; and

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

22          “(C) BY NUMBER OF CHILDREN.—The  
23          amount referred to in subparagraph (A) is de-  
24          termined by adding—

1           “(i) the number of children deter-  
2           mined under section 1124(c) who con-  
3           stitute not more than 834, inclusive, of the  
4           agency’s total population aged 5 to 17, in-  
5           clusive, multiplied by 1.0;

6           “(ii) the number of such children be-  
7           tween 835 and 2,629, inclusive, in such  
8           population, multiplied by 1.5;

9           “(iii) the number of such children be-  
10          tween 2,630 and 7,668, inclusive, in such  
11          population, multiplied by 2.25; and

12          “(iv)(I) in the case of an agency that  
13          is not a high poverty percentage local edu-  
14          cational agency, the number of such chil-  
15          dren in excess of 7,668 in such population,  
16          multiplied by 2.25; or

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

19                 “(aa) the number of such chil-  
20                 dren between 7,669 and 26,412, inclu-  
21                 sive, in such population, multiplied by  
22                 3.375; and

23                 “(bb) the number of such chil-  
24                 dren in excess of 26,412 in such pop-  
25                 ulation, multiplied by 4.5.

1           “(4) STATES WITH AN EQUITY FACTOR GREAT-  
2 ER THAN OR EQUAL TO .20.—

3           “(A) IN GENERAL.—In States with an eq-  
4 uity factor greater than or equal to .20, the  
5 weighted child counts referred to in paragraph  
6 (1) for a fiscal year shall be the larger of the  
7 2 amounts determined under subparagraphs  
8 (B) and (C).

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

12           “(i) the number of children deter-  
13 mined under section 1124(c) for that local  
14 educational agency who constitute not  
15 more than 17.27 percent, inclusive, of the  
16 agency’s total population aged 5 to 17, in-  
17 clusive, multiplied by 1.0;

18           “(ii) the number of such children who  
19 constitute more than 17.27 percent, but  
20 not more than 23.48 percent, of such pop-  
21 ulation, multiplied by 2.0;

22           “(iii) the number of such children who  
23 constitute more than 23.48 percent, but  
24 not more than 29.11 percent, of such pop-  
25 ulation, multiplied by 4.0;

1           “(iv) the number of such children who  
2           constitute more than 29.11 percent, but  
3           not more than 36.10 percent, of such pop-  
4           ulation, multiplied by 6.0; and

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

8           “(C) BY NUMBER OF CHILDREN.—The  
9           amount referred to in subparagraph (A) is de-  
10          termined by adding—

11          “(i) the number of children deter-  
12          mined under section 1124(c) who con-  
13          stitute not more than 834, inclusive, of the  
14          agency’s total population aged 5 to 17, in-  
15          clusive, multiplied by 1.0;

16          “(ii) the number of such children be-  
17          tween 835 and 2,629, inclusive, in such  
18          population, multiplied by 2.0;

19          “(iii) the number of such children be-  
20          tween 2,630 and 7,668, inclusive, in such  
21          population, multiplied by 3.0; and

22          “(iv)(I) in the case of an agency that  
23          is not a high poverty percentage local edu-  
24          cational agency, the number of such chil-

1           dren in excess of 7,668 in such population,  
2           multiplied by 3.0; or

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

5                   “(aa) the number of such chil-  
6                   dren between 7,669 and 26,412, inclu-  
7                   sive, in such population, multiplied by  
8                   4.5; and

9                   “(bb) the number of such chil-  
10                  dren in excess of 26,412 in such pop-  
11                  ulation, multiplied by 6.0.

12       “(e) MAINTENANCE OF EFFORT.—

13           “(1) IN GENERAL.—A State is entitled to re-  
14           ceive its full allotment of funds under this section  
15           for any fiscal year if the Secretary finds that the  
16           State’s fiscal effort per student or the aggregate ex-  
17           penditures of the State with respect to the provision  
18           of free public education by the State for the pre-  
19           ceding fiscal year was not less than 90 percent of  
20           the fiscal effort or aggregate expenditures for the  
21           second preceding fiscal year, subject to the require-  
22           ments of paragraph (2).

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



1           “(A) IN GENERAL.—The Secretary shall  
2 reduce the amount of the allotment of funds  
3 under this section in any fiscal year in the exact  
4 proportion by which a State fails to meet the  
5 requirement of paragraph (1) by falling below  
6 90 percent of both the fiscal effort per student  
7 and aggregate expenditures (using the measure  
8 most favorable to the State), if such State has  
9 also failed to meet such requirement (as deter-  
10 mined using the measure most favorable to the  
11 State) for 1 or more of the 5 immediately pre-  
12 ceding fiscal years.

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

17           “(3) WAIVER.—The Secretary may waive the  
18 requirements of this subsection if the Secretary de-  
19 termines that a waiver would be equitable due to—

20           “(A) exceptional or uncontrollable cir-  
21 cumstances, such as a natural disaster or a  
22 change in the organizational structure of the  
23 State; or

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

1       “(f) ADJUSTMENTS WHERE NECESSITATED BY AP-  
2 PROPRIATIONS.—

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

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

15          “(3) HOLD HARMLESS AMOUNTS.—Beginning  
16 with the second fiscal year for which amounts are  
17 appropriated to carry out this section, and if suffi-  
18 cient funds are available, the amount made available  
19 to each local educational agency under this section  
20 for a fiscal year shall be—

21           “(A) not less than 95 percent of the  
22 amount made available for the preceding fiscal  
23 year if the number of children counted under  
24 section 1124(c) is equal to or more than 30  
25 percent of the total number of children aged 5

1 to 17 years, inclusive, in the local educational  
2 agency;

3 “(B) not less than 90 percent of the  
4 amount made available for the preceding fiscal  
5 year if the percentage described in subpara-  
6 graph (A) is less than 30 percent and equal to  
7 or more than 15 percent; and

8 “(C) not less than 85 percent of the  
9 amount made available for the preceding fiscal  
10 year if the percentage described in subpara-  
11 graph (A) is less than 15 percent.

12 “(4) APPLICABILITY.—Notwithstanding any  
13 other provision of law, the Secretary shall not take  
14 into consideration the hold-harmless provisions of  
15 this subsection for any fiscal year for purposes of  
16 calculating State or local allocations for the fiscal  
17 year under any program administered by the Sec-  
18 retary other than a program authorized under this  
19 part.

20 “(g) DEFINITIONS.—In this section:

21 “(1) HIGH POVERTY PERCENTAGE LOCAL EDU-  
22 CATIONAL AGENCY.—The term ‘high poverty per-  
23 centage local educational agency’ means a local edu-  
24 cational agency for which the number of children de-  
25 termined under subsection (b) for a fiscal year is 20

1 percent or more of the total population aged 5 to 17,  
2 inclusive, of the local educational agency for such  
3 fiscal year.

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

7 **SEC. 1011A. ADEQUACY OF FUNDING RULE.**

8 Section 1125AA(b) (20 U.S.C. 6336(b)) is amended  
9 by striking “section 1122(a)” and inserting “section  
10 1122(a)(1)”.

11 **SEC. 1011B. EDUCATION FINANCE INCENTIVE GRANT PRO-**  
12 **GRAM.**

13 In section 1125A (20 U.S.C. 6337)—

14 (1) in subsection (a), by striking “under sub-  
15 section (f)” and inserting “under section 1002(a)  
16 and made available under section 1122(a)(1)”;

17 (2) in subsection (b), by striking “pursuant to  
18 subsection (f)” and inserting “made available for  
19 this section under section 1122(a)(1)”;

20 (3) in subsection (c), by redesignating subpara-  
21 graphs (A) and (B) as paragraphs (1) and (2), re-  
22 spectively;

23 (4) in subsection (d)(1)(A)(ii), by striking  
24 “clause (i)” and inserting “clause (i)”;

1           (5) by striking subsection (e) and inserting the  
2 following:

3           “(e) MAINTENANCE OF EFFORT.—

4           “(1) IN GENERAL.—A State is entitled to re-  
5 ceive its full allotment of funds under this section  
6 for any fiscal year if the Secretary finds that the  
7 State’s fiscal effort per student or the aggregate ex-  
8 penditures of the State with respect to the provision  
9 of free public education by the State for the pre-  
10 ceding fiscal year was not less than 90 percent of  
11 the fiscal effort or aggregate expenditures for the  
12 second preceding fiscal year, subject to the require-  
13 ments of paragraph (2).

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

16           “(A) IN GENERAL.—The Secretary shall  
17 reduce the amount of the allotment of funds  
18 under this section for any fiscal year in the  
19 exact proportion by which a State fails to meet  
20 the requirement of paragraph (1) by falling  
21 below 90 percent of both the fiscal effort per  
22 student and aggregate expenditures (using the  
23 measure most favorable to the State), if such  
24 State has also failed to meet such requirement  
25 (as determined using the measure most favor-

1           able to the State) for 1 or more of the 5 imme-  
2           diately preceding fiscal years.

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

7           “(3) WAIVER.—The Secretary may waive the  
8           requirements of this subsection if the Secretary de-  
9           termines that a waiver would be equitable due to—

10           “(A) exceptional or uncontrollable cir-  
11           cumstances, such as a natural disaster or a  
12           change in the organizational structure of the  
13           State; or

14           “(B) a precipitous decline in the financial  
15           resources of the State.”;

16           (6) by striking subsection (f);

17           (7) by redesignating subsection (g) as sub-  
18           section (f); and

19           (8) in subsection (f), as redesignated by para-  
20           graph (7)—

21           (A) in paragraph (1), by striking “under  
22           this section” and inserting “to carry out this  
23           section”; and

1 (B) in subsection (f)(3), in the matter pre-  
2 ceding subparagraph (A), by striking “shall be”  
3 and inserting “shall be—”.

4 **SEC. 1011C. SPECIAL ALLOCATION PROCEDURES.**

5 Section 1126 (20 U.S.C. 6338) is amended by strik-  
6 ing “sections 1124, 1124A, 1125, and 1125A” each place  
7 the term appears and inserting “sections 1123, 1124,  
8 1124A, 1125, and 1125A”.

9 **SEC. 1012. ACADEMIC ASSESSMENTS.**

10 Part B of title I (20 U.S.C. 6361 et seq.) is amended  
11 to read as follows:

12 **“PART B—ACADEMIC ASSESSMENTS**

13 **“SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND RE-**  
14 **LATED ACTIVITIES.**

15 “From amounts made available in accordance with  
16 section 1204, the Secretary shall make grants to States  
17 to enable the States to carry out 1 or more of the fol-  
18 lowing:

19 “(1) To pay the costs of the development of the  
20 State assessments and standards adopted under sec-  
21 tion 1111(b), which may include the costs of work-  
22 ing in voluntary partnerships with other States, at  
23 the sole discretion of each such State.

24 “(2) If a State has developed the assessments  
25 adopted under section 1111(b), to administer those

1 assessments or to carry out other assessment activi-  
2 ties described in this part, such as the following:

3 “(A) Expanding the range of appropriate  
4 accommodations available to children who are  
5 English learners and children with disabilities  
6 to improve the rates of inclusion in regular as-  
7 sessments of such children, including profes-  
8 sional development activities to improve the im-  
9 plementation of such accommodations in in-  
10 structional practice.

11 “(B) Developing challenging State aca-  
12 demic standards and aligned assessments in  
13 academic subjects for which standards and as-  
14 sessments are not required under section  
15 1111(b).

16 “(C) Developing or improving assessments  
17 of English language proficiency necessary to  
18 comply with section 1111(b)(2)(G).

19 “(D) Ensuring the continued validity and  
20 reliability of State assessments.

21 “(E) Refining State assessments to ensure  
22 their continued alignment with the challenging  
23 State academic standards and to improve the  
24 alignment of curricula and instructional mate-  
25 rials.



1           “(F) Developing or improving the quality,  
2           validity, and reliability of assessments for chil-  
3           dren who are English learners, including alter-  
4           native assessments aligned with the challenging  
5           State academic standards, testing accommoda-  
6           tions for children who are English learners, and  
7           assessments of English language proficiency.

8           “(G) Developing or improving balanced as-  
9           sessment systems that include summative, in-  
10          terim, and formative assessments, including  
11          supporting local educational agencies in devel-  
12          oping or improving such assessments.

13          “(H) At the discretion of the State, refin-  
14          ing science assessments required under section  
15          1111(b)(2) in order to integrate engineering de-  
16          sign skills and practices into such assessments.

17          “(I) Developing or improving models to  
18          measure and assess student growth on State as-  
19          sessments under section 1111(b)(2) and other  
20          assessments not required under section  
21          1111(b)(2).

22 **“SEC. 1202. GRANTS FOR ENHANCED ASSESSMENT INSTRU-**  
23 **MENTS.**

24          “(a) GRANT PROGRAM AUTHORIZED.—From  
25 amounts made available in accordance with section 1204,

1 the Secretary shall award, on a competitive basis, grants  
2 to State educational agencies that have submitted applica-  
3 tions at such time, in such manner, and containing such  
4 information as the Secretary may reasonably require,  
5 which demonstrate, to the satisfaction of the Secretary,  
6 that the requirements of this section will be met, for one  
7 of more of the following:

8           “(1) Allowing for collaboration with institutions  
9           of higher education, other research institutions, or  
10           other organizations to improve the quality, validity,  
11           and reliability of State academic assessments beyond  
12           the requirements for such assessments described in  
13           section 1111(b)(2).

14           “(2) Developing or improving assessments for  
15           students who are children with disabilities, including  
16           using the principles of universal design for learning,  
17           which may include developing assessments aligned to  
18           alternate academic achievement standards for stu-  
19           dents with the most significant cognitive disabilities  
20           described in section 1111(b)(2)(D).

21           “(3) Measuring student progress or academic  
22           growth over time, including by using multiple meas-  
23           ures, or developing or improving models to measure  
24           and assess growth on State assessments under sec-  
25           tion 1111(b)(2).

1           “(4) Evaluating student academic achievement  
2 through the development of comprehensive academic  
3 assessment instruments, such as performance and  
4 technology-based academic assessments that empha-  
5 size the mastery of standards and aligned com-  
6 petencies in a competency-based education model,  
7 technology-based academic assessments, computer  
8 adaptive assessments, and portfolios, projects, or ex-  
9 tended performance task assessments.

10           “(5) Designing the report cards and reports  
11 under section 1111(d) in an easily accessible, user-  
12 friendly manner that cross-tabulates student infor-  
13 mation by any category the State determines appro-  
14 priate, as long as such cross-tabulation—

15           “(A) does not reveal personally identifiable  
16 information about an individual student; and

17           “(B) is derived from existing State and  
18 local reporting requirements and data sources.

19           “(b) RULE OF CONSTRUCTION.—Nothing in para-  
20 graph (5) shall be construed as authorizing, requiring, or  
21 allowing any additional reporting requirements, data ele-  
22 ments, or information to be reported to the Secretary not  
23 otherwise explicitly authorized under this Act.

24           “(c) ANNUAL REPORT.—Each State educational  
25 agency receiving a grant under this section shall submit

1 an annual report to the Secretary describing its activities  
2 under the grant and the result of such activities.

3 “(d) PROHIBITION.—No funds provided under this  
4 section to the Secretary shall be used to mandate, direct,  
5 control, incentivize, or make financial awards conditioned  
6 upon a State (or a consortium of States) developing any  
7 assessment common to a number of States, including test-  
8 ing activities prohibited under section 9529.

9 **“SEC. 1203. AUDITS OF ASSESSMENT SYSTEMS.**

10 “(a) IN GENERAL.—From the amount reserved  
11 under section 1204(b)(1)(C) for a fiscal year, the Sec-  
12 retary shall make grants to States to enable the States  
13 to—

14 “(1) in the case of a grant awarded under this  
15 section to a State for the first time—

16 “(A) carry out audits of State assessment  
17 systems and ensure that local educational agen-  
18 cies carry out audits of local assessments under  
19 subsection (e)(1);

20 “(B) prepare and carry out the State plan  
21 under subsection (e)(6); and

22 “(C) award subgrants under subsection (f);  
23 and

1           “(2) in the case of a grant awarded under this  
2 section to a State that has previously received a  
3 grant under this section—

4                   “(A) carry out the State plan under sub-  
5 section (e)(6); and

6                   “(B) award subgrants under subsection  
7 (f).

8           “(b) MINIMUM AMOUNT.—Each State with an ap-  
9 proved application shall receive a grant amount of not less  
10 than \$1,500,000 per fiscal year.

11           “(c) REALLOCATION.—If a State chooses not to apply  
12 to receive a grant under this subsection, or if such State’s  
13 application under subsection (d) is disapproved by the Sec-  
14 retary, the Secretary shall reallocate such grant amount  
15 to other States with approved applications.

16           “(d) APPLICATION.—A State desiring to receive a  
17 grant under this section shall submit an application to the  
18 Secretary at such time, in such manner, and containing  
19 such information as the Secretary may require.

20           “(e) AUDITS OF STATE ASSESSMENT SYSTEMS AND  
21 LOCAL ASSESSMENTS.—

22                   “(1) AUDIT REQUIREMENTS.—Not later than 1  
23 year after a State receives a grant under this section  
24 for the first time, the State shall—

1           “(A) conduct an audit of the State assess-  
2           ment system;

3           “(B) ensure that each local educational  
4           agency under the State’s jurisdiction and re-  
5           ceiving funds under this Act—

6                   “(i) conducts an audit of each local  
7                   assessment administered by the local edu-  
8                   cational agency; and

9                   “(ii) submits the results of such audit  
10                  to the State; and

11           “(C) report the results of each State and  
12           local educational agency audit conducted under  
13           subparagraphs (A) and (B), in a format that  
14           is—

15                   “(i) publicly available, such as a wide-  
16                   ly accessible online platform; and

17                   “(ii) with appropriate accessibility  
18                   provisions for individuals with disabilities  
19                   and English learners.

20           “(2) RESOURCES FOR LOCAL EDUCATIONAL  
21           AGENCIES.—In carrying out paragraph (1)(B), each  
22           State shall develop and provide local educational  
23           agencies with resources, such as guidelines and pro-  
24           tocols, to assist the agencies in conducting and re-

1 porting the results of the audit required under such  
2 paragraph.

3 “(3) STATE ASSESSMENT SYSTEM DESCRIP-  
4 TION.—An audit of a State assessment system con-  
5 ducted under paragraph (1) shall include a descrip-  
6 tion of each State assessment carried out in the  
7 State, including—

8 “(A) the grade and subject matter as-  
9 sessed;

10 “(B) whether the assessment is required  
11 under section 1111(b)(2) or allowed under sec-  
12 tion 1111(b)(2)(D);

13 “(C) the annual cost to the State edu-  
14 cational agency involved in developing, pur-  
15 chasing, administering, and scoring the assess-  
16 ment;

17 “(D) the purpose for which the assessment  
18 was designed and the purpose for which the as-  
19 sessment is used, including assessments de-  
20 signed to contribute to systems of improvement  
21 of teaching and learning;

22 “(E) the time for disseminating assess-  
23 ment results;

1           “(F) a description of how the assessment  
2 is aligned with the challenging State academic  
3 standards under section 1111(b)(1);

4           “(G) a description of any State law or reg-  
5 ulation that established the requirement for the  
6 assessment;

7           “(H) the schedule and calendar for all  
8 State assessments given; and

9           “(I) a description of the State’s policies for  
10 inclusion of English learners and children with  
11 disabilities participating in assessments, includ-  
12 ing developing and promoting the use of appro-  
13 priate accommodations.

14           “(4) LOCAL ASSESSMENT DESCRIPTION.—An  
15 audit of a local assessment conducted under para-  
16 graph (1) shall include a description of the local as-  
17 sessment carried out by the local educational agency,  
18 including—

19           “(A) the descriptions listed in subpara-  
20 graphs (A), (D), and (E) of paragraph (3);

21           “(B) the annual cost to the local edu-  
22 cational agency of developing, purchasing, ad-  
23 ministering, and scoring the assessment;



1           “(C) the extent to which the assessment is  
2 aligned to the challenging State academic  
3 standards under section 1111(b)(1);

4           “(D) a description of any State or local  
5 law or regulation that establishes the require-  
6 ment for the assessment; and

7           “(E) in the case of a summative assess-  
8 ment that is used for accountability purposes,  
9 whether the assessment is valid and reliable and  
10 consistent with nationally recognized profes-  
11 sional and technical standards.

12           “(5) STAKEHOLDER FEEDBACK.—Each audit of  
13 a State assessment system or local assessment sys-  
14 tem conducted under subparagraph (A) or (B) of  
15 paragraph (1) shall include feedback on such system  
16 from education stakeholders, which shall cover infor-  
17 mation such as—

18           “(A) how educators, school leaders, and  
19 administrators use assessment data to improve  
20 and differentiate instruction;

21           “(B) the timing of release of assessment  
22 data;

23           “(C) the extent to which assessment data  
24 is presented in an accessible and understand-  
25 able format for educators, school leaders, par-

1           ents, students (if appropriate), and the commu-  
2           nity;

3           “(D) the opportunities, resources, and  
4           training educators and administrators are given  
5           to review assessment results and make effective  
6           use of assessment data;

7           “(E) the distribution of technological re-  
8           sources and personnel necessary to administer  
9           assessments;

10          “(F) the amount of time educators spend  
11          on assessment preparation;

12          “(G) the assessments that administrators,  
13          educators, parents, and students, if appropriate,  
14          do and do not find useful;

15          “(H) the amount of time students spend  
16          taking the assessments; and

17          “(I) other information as appropriate.

18          “(6) STATE PLAN ON AUDIT FINDINGS.—

19                 “(A) PREPARING THE STATE PLAN.—Not  
20                 later than 6 months after a State conducts an  
21                 audit under paragraph (1) and based on the re-  
22                 sults of such audit, the State shall, in coordina-  
23                 tion with the local educational agencies under  
24                 the jurisdiction of the State, prepare and sub-  
25                 mit to the Secretary a plan to improve and

1 streamline State assessment systems and local  
2 assessment systems, including through activities  
3 such as—

4 “(i) developing and maintaining lists  
5 of State and local assessments that—

6 “(I) align to the State’s content  
7 standards under section 1111(b)(1);

8 “(II) are valid, reliable, and re-  
9 main consistent with nationally recog-  
10 nized professional and technical  
11 standards; and

12 “(III) contribute to systems of  
13 continuous improvement for teaching  
14 and learning;

15 “(ii) eliminating any assessments that  
16 are not required under section 1111(b)(2)  
17 (such as buying out the remainder of pro-  
18 curement contracts with assessment devel-  
19 opers) that do not meet the contributing  
20 factors of high-quality assessments listed  
21 under subclauses (I) through (III) of  
22 clause (i);

23 “(iii) supporting the dissemination of  
24 best practices from local educational agen-  
25 cies or other States that have successfully

1 improved assessment quality and efficiency  
2 to improve teaching and learning;

3 “(iv) supporting local educational  
4 agencies or consortia of local educational  
5 agencies to carry out efforts to streamline  
6 local assessment systems and implementing  
7 a regular process of review and evaluation  
8 of assessment use in local educational  
9 agencies;

10 “(v) disseminating the assessment  
11 data in an accessible and understandable  
12 format for educators, parents, and fami-  
13 lies; and

14 “(vi) decreasing time between admin-  
15 istering such State assessments and releas-  
16 ing assessment data.

17 “(B) CARRY OUT THE STATE PLAN.—A  
18 State shall carry out a State plan as soon as  
19 practicable after the State prepares such State  
20 plan under subparagraph (A) and during each  
21 grant period of a grant described in subsection  
22 (a)(2) that is awarded to the State.

23 “(f) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-  
24 CIES.—

1           “(1) IN GENERAL.—From the amount awarded  
2 to a State under this section, the State shall reserve  
3 not less than 20 percent of funds to make subgrants  
4 to local educational agencies in the State, or con-  
5 sortia of such local educational agencies, based on  
6 demonstrated need in the agency’s or consortium’s  
7 application to improve assessment quality, use, and  
8 alignment with the challenging State academic  
9 standards under section 1111(b)(1).

10           “(2) LOCAL EDUCATIONAL AGENCY APPLICA-  
11 TION.—Each local educational agency, or consortium  
12 of local educational agencies, seeking a subgrant  
13 under this subsection shall submit an application to  
14 the State at such time, in such manner, and con-  
15 taining such other information as determined by the  
16 State. The application shall include a description of  
17 the agency’s or consortium’s needs to improve as-  
18 sessment quality, use, and alignment (as described  
19 in paragraph (1)).

20           “(3) USE OF FUNDS.—A subgrant awarded  
21 under this subsection to a local educational agency  
22 or consortium of such agencies may be used to—

23                   “(A) conduct an audit of local assessments  
24                   under subsection (e)(1)(B);

1           “(B) eliminate any assessments identified  
2 for elimination by such audit, such as by buying  
3 out the remainder of procurement contracts  
4 with assessment developers;

5           “(C) disseminate the best practices de-  
6 scribed in subsection (e)(6)(A)(ii);

7           “(D) improve the capacity of school leaders  
8 and educators to disseminate assessment data  
9 in an accessible and understandable format for  
10 parents and families, including for children with  
11 disabilities or English learners;

12           “(E) improve assessment delivery systems  
13 and schedules, including by increasing access to  
14 technology and exam proctors, where appro-  
15 priate;

16           “(F) hire instructional coaches, or promote  
17 educators who may receive increased compensa-  
18 tion to serve as instructional coaches, to sup-  
19 port educators to develop classroom-based as-  
20 sements, interpret assessment data, and de-  
21 sign instruction; and

22           “(G) provide for appropriate accommoda-  
23 tions to maximize inclusion of children with dis-  
24 abilities and English learners participating in  
25 assessments.

1 “(g) DEFINITIONS.—In this section:

2 “(1) LOCAL ASSESSMENT.—The term ‘local as-  
3 sessment’ means an academic assessment selected  
4 and carried out by a local educational agency that  
5 is separate from an assessment required by section  
6 1111(b)(2).

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

10 **“SEC. 1204. FUNDING.**

11 “(a) NATIONAL ASSESSMENT OF EDUCATIONAL  
12 PROGRESS.—For the purpose of administering the State  
13 assessments under the National Assessment of Edu-  
14 cational Progress, there are authorized to be appropriated  
15 such sums as may be necessary for fiscal years 2016  
16 through 2021.

17 “(b) ALLOTMENT OF APPROPRIATED FUNDS.—

18 “(1) IN GENERAL.—From amounts made avail-  
19 able for each fiscal year under subsection 1002(b)  
20 that are equal to or less than the amount described  
21 in section 1111(b)(2)(H), the Secretary shall—

22 “(A) reserve  $\frac{1}{2}$  of 1 percent for the Bu-  
23 reau of Indian Education;

24 “(B) reserve  $\frac{1}{2}$  of 1 percent for the out-  
25 lying areas;

1           “(C) reserve not more than 20 percent to  
2 carry out section 1203; and

3           “(D) from the remainder, allocate to each  
4 State for section 1201 an amount equal to—

5                   “(i) \$3,000,000; and

6                   “(ii) with respect to any amounts re-  
7 maining after the allocation is made under  
8 clause (i), an amount that bears the same  
9 relationship to such total remaining  
10 amounts as the number of students aged 5  
11 through 17 in the State (as determined by  
12 the Secretary on the basis of the most re-  
13 cent satisfactory data) bears to the total  
14 number of such students in all States.

15           “(2) AMOUNTS ABOVE TRIGGER AMOUNT.—Any  
16 amounts made available for a fiscal year under sub-  
17 section 1002(b) that are more than the amount de-  
18 scribed in section 1111(b)(2)(H) shall be made  
19 available as follows:

20                   “(A)(i) To award funds under section 1202  
21 to States selected for such grants, according to  
22 the quality, needs, and scope of the State appli-  
23 cation under that section.

24                   “(ii) In determining the grant amount  
25 under clause (i), the Secretary shall ensure that



1 a State's grant includes an amount that bears  
2 the same relationship to the total funds avail-  
3 able under this paragraph for the fiscal year as  
4 the number of students ages 5 through 17 in  
5 the State (as determined by the Secretary on  
6 the basis of the most recent satisfactory data)  
7 bears to the total number of such students in  
8 all States.

9 “(B) Any amounts remaining after the  
10 Secretary awards funds under subparagraph  
11 (A) shall be allocated to each State that did not  
12 receive a grant under such subparagraph, in an  
13 amount that bears the same relationship to the  
14 total funds available under this subparagraph  
15 as the number of students ages 5 through 17  
16 in the State (as determined by the Secretary on  
17 the basis of the most recent satisfactory data)  
18 bears to the total number of such students in  
19 all States.

20 “(c) STATE DEFINED.—In this section, the term  
21 ‘State’ means each of the 50 States, the District of Colum-  
22 bia, and the Commonwealth of Puerto Rico.

1 **“SEC. 1205. INNOVATIVE ASSESSMENT AND ACCOUNT-**  
2 **ABILITY DEMONSTRATION AUTHORITY.**

3 “(a) INNOVATIVE ASSESSMENT SYSTEM DEFINED.—

4 The term ‘innovative assessment system’ means a system  
5 of assessments that may include—

6 “(1) competency-based assessments,  
7 instructionally embedded assessments, interim as-  
8 sessments, cumulative year-end assessments, or per-  
9 formance-based assessments that combine into an  
10 annual summative determination for a student,  
11 which may be administered through computer adapt-  
12 ive assessments; and

13 “(2) assessments that validate when students  
14 are ready to demonstrate mastery or proficiency and  
15 allow for differentiated student support based on in-  
16 dividual learning needs.

17 “(b) DEMONSTRATION AUTHORITY.—

18 “(1) IN GENERAL.—The Secretary may provide  
19 a State educational agency, or a consortium of State  
20 educational agencies, in accordance with paragraph  
21 (3), with the authority to establish an innovative as-  
22 sessment system.

23 “(2) DEMONSTRATION PERIOD.—In accordance  
24 with the requirements described in subsection (c),  
25 each State educational agency, or consortium of  
26 State educational agencies, that submits an applica-

1       tion under this section shall propose in its applica-  
2       tion the period of time over which it desires to exer-  
3       cise the demonstration authority, except that such  
4       period shall not exceed 5 years.

5           “(3) INITIAL DEMONSTRATION AUTHORITY;  
6       PROGRESS REPORT; EXPANSION.—

7           “(A) INITIAL PERIOD.—During the first 3  
8       years of the demonstration authority under this  
9       section, the Secretary shall provide State edu-  
10      cational agencies, or consortia of State edu-  
11      cational agencies, subject to meeting the appli-  
12      cation requirements in subsection (c), with the  
13      authority described in paragraph (1).

14          “(B) LIMITATION.—During the first 3  
15      years of the demonstration authority under this  
16      section, the total number of participating State  
17      educational agencies, including those partici-  
18      pating in consortia, may not exceed 7, and not  
19      more than 4 State educational agencies may  
20      participate in a single consortium.

21          “(C) PROGRESS REPORT.—

22           “(i) IN GENERAL.—Not later than 90  
23      days after the end of the first 3 years of  
24      the initial demonstration period described  
25      in subparagraph (A), the Director of the

1 Institute of Education Sciences, in con-  
2 sultation with the Secretary, shall publish  
3 a report detailing the initial progress of  
4 the approved innovative assessment sys-  
5 tems prior to providing additional State  
6 educational agencies with the demonstra-  
7 tion authority described in paragraph (1).

8 “(ii) CRITERIA.—The progress report  
9 under clause (i) shall draw upon the an-  
10 nual information submitted by partici-  
11 pating States described in subsection  
12 (c)(2)(I) and examine the extent to  
13 which—

14 “(I) the innovative assessment  
15 systems have demonstrated progress  
16 for all students, including at-risk stu-  
17 dents, in relation to such measures  
18 as—

19 “(aa) student achievement  
20 and academic outcomes;

21 “(bb) graduation rates for  
22 high schools;

23 “(cc) retention rates of stu-  
24 dents in school; and

1                   “(dd) rates of remediation  
2                   for students;

3                   “(II) the innovative assessment  
4                   systems have facilitated progress in  
5                   relation to at least one other valid and  
6                   reliable indicator of quality, success,  
7                   or student support, such as those re-  
8                   ported annually by the State in ac-  
9                   cordance           with           section  
10                  1111(b)(3)(B)(ii)(IV);

11                  “(III) the State educational  
12                  agencies have solicited feedback from  
13                  teachers, principals, other school lead-  
14                  ers, and parents about their satisfac-  
15                  tion with the innovative assessment  
16                  system;

17                  “(IV) teachers, principals, and  
18                  other school leaders have dem-  
19                  onstrated a commitment and capacity  
20                  to implement or continue to imple-  
21                  ment the innovative assessment sys-  
22                  tems;

23                  “(V) the innovative assessment  
24                  systems have been developed in ac-  
25                  cordance with the requirements of

1 subsection (c), including substantial  
2 evidence that such systems meet such  
3 requirements; and

4 “(VI) each State participating in  
5 the demonstration authority has dem-  
6 onstrated that the same system of as-  
7 sessments was used to measure the  
8 achievement of all students that par-  
9 ticipated in the demonstration author-  
10 ity, and at least 95 percent of such  
11 students overall and in each of the  
12 categories of students, as defined in  
13 section 1111(b)(3)(A), were assessed  
14 under the innovative assessment sys-  
15 tem.

16 “(iii) USE OF REPORT.—Upon com-  
17 pletion of the progress report, the Sec-  
18 retary shall provide a response to the find-  
19 ings of the progress report, including a de-  
20 scription of how the findings of the report  
21 will be used—

22 “(I) to support participating  
23 State educational agencies through  
24 technical assistance; and

1           “(II) to inform the peer review  
2           process described in subsection (d) for  
3           advising the Secretary on the award-  
4           ing of the demonstration authority to  
5           the additional State educational agen-  
6           cies described in subparagraph (D).

7           “(iv) PUBLICLY AVAILABLE.—The  
8           Secretary shall make the progress report  
9           under this subparagraph and the response  
10          described in clause (iii) publicly available  
11          on the website of the Department.

12          “(v) PROHIBITION.—Nothing in this  
13          subparagraph shall be construed to author-  
14          ize the Secretary to require participating  
15          States to submit any additional informa-  
16          tion for the purposes of the progress report  
17          beyond what the State has already pro-  
18          vided in the annual report described in  
19          subsection (c)(2)(I).

20          “(D) EXPANSION OF THE DEMONSTRATION  
21          AUTHORITY.—Upon completion and publication  
22          of the report described in subparagraph (C)(iv),  
23          additional State educational agencies or con-  
24          sortia of State educational agencies may apply  
25          for the demonstration authority described in

1           this section without regard to the limitations  
2           described in subparagraph (B). Such State edu-  
3           cational agencies or consortia of State edu-  
4           cational agencies shall be subject to all of the  
5           same requirements of this section.

6           “(c) APPLICATION.—Consistent with the process de-  
7           scribed in subsection (d), a State educational agency, or  
8           consortium of State educational agencies, that desires to  
9           participate in the program of demonstration authority  
10          under this section shall submit an application to the Sec-  
11          retary at such time, in such manner, and containing such  
12          information as the Secretary may reasonably require.  
13          Such application shall include a description of the innova-  
14          tive assessment system, what experience the applicant has  
15          in implementing any components of the innovative assess-  
16          ment system, and the timeline over which the State pro-  
17          poses to exercise this authority. In addition, the applica-  
18          tion shall include the following:

19                 “(1) A demonstration that the innovative as-  
20                 sessment system will—

21                         “(A) meet all the requirements of section  
22                         1111(b)(2)(B), except the requirements of  
23                         clauses (i) and (v) of such section;

24                         “(B) be aligned to the standards under  
25                         section 1111(b)(1) and address the depth and



1 breadth of the challenging State academic  
2 standards under such section;

3 “(C) express student results or student  
4 competencies in terms consistent with the State  
5 aligned academic achievement standards;

6 “(D) be able to generate comparable, valid,  
7 and reliable results for all students and for each  
8 category of students described in section  
9 1111(b)(2)(B)(xi), compared to the results for  
10 such students on the State assessments under  
11 section 1111(b)(2);

12 “(E) be developed in collaboration with  
13 stakeholders representing the interests of chil-  
14 dren with disabilities, English learners, and  
15 other vulnerable children, educators, including  
16 teachers, principals, and other school leaders,  
17 local educational agencies, parents, and civil  
18 rights organizations in the State;

19 “(F) be accessible to all students, such as  
20 by incorporating the principles of universal de-  
21 sign for learning;

22 “(G) provide educators, students, and par-  
23 ents with timely data, disaggregated by each  
24 category of students described in section

1 1111(b)(2)(B)(xi), to inform and improve in-  
2 structional practice and student supports;

3 “(H) be able to identify which students are  
4 not making progress toward the State’s aca-  
5 demic achievement standards so that educators  
6 can provide instructional support and targeted  
7 intervention to all students to ensure every stu-  
8 dent is making progress;

9 “(I) measure the annual progress of not  
10 less than 95 percent of all students and stu-  
11 dents in each of the categories of students, as  
12 defined in section 1111(b)(3)(A), who are en-  
13 rolled in each school that is participating in the  
14 innovative assessment system and are required  
15 to take assessments;

16 “(J) generate an annual, summative  
17 achievement determination based on annual  
18 data for each individual student based on the  
19 challenging State academic standards under  
20 section 1111(b)(1) and be able to validly and  
21 reliably aggregate data from the innovative as-  
22 sessment system for purposes of accountability,  
23 consistent with the requirements of section  
24 1111(b)(3), and reporting, consistent with the  
25 requirements of section 1111(d); and

1           “(K) continue use of the high-quality  
2 statewide academic assessments required under  
3 section 1111(b)(2) if such assessments will be  
4 used for accountability purposes for the dura-  
5 tion of the demonstration.

6           “(2) A description of how the State educational  
7 agency will—

8           “(A) identify the distinct purposes for each  
9 assessment that is part of the innovative assess-  
10 ment system;

11           “(B) provide support and training to local  
12 educational agency and school staff to imple-  
13 ment the innovative assessment system de-  
14 scribed in this subsection;

15           “(C) inform parents of students in partici-  
16 pating local educational agencies about the in-  
17 novative assessment system at the beginning of  
18 each school year during which the innovative  
19 assessment system will be implemented;

20           “(D) engage and support teachers in devel-  
21 oping and scoring assessments that are part of  
22 the innovative assessment system, including  
23 through the use of high-quality professional de-  
24 velopment, standardized and calibrated scoring  
25 rubrics, and other strategies, consistent with

1 relevant nationally recognized professional and  
2 technical standards, to ensure inter-rater reli-  
3 ability and comparability;

4 “(E) acclimate students to the innovative  
5 assessment system;

6 “(F) ensure that students with the most  
7 significant cognitive disabilities may be assessed  
8 with alternate assessments consistent with sec-  
9 tion 1111(b)(2)(D);

10 “(G) if the State is proposing to admin-  
11 ister the innovative assessment system initially  
12 in a subset of local educational agencies, scale  
13 up the innovative assessment system to admin-  
14 ister such system statewide or with additional  
15 local educational agencies in the State’s pro-  
16 posed period of demonstration authority and 2-  
17 year extension period, if applicable, including  
18 the timeline that explains the process for scal-  
19 ing to statewide implementation by either the  
20 end of the State’s proposed period of dem-  
21 onstration authority or the 2-year extension pe-  
22 riod;

23 “(H) gather data, solicit regular feedback  
24 from educators and parents, and assess the re-  
25 sults of each year of the program of demonstra-

1           tion authority under this section, and respond  
2           by making needed changes to the innovative as-  
3           sessment system; and

4           “(I) report data from the innovative as-  
5           sessment system annually to the Secretary, in-  
6           cluding—

7                   “(i) demographics of participating  
8                   local educational agencies, if such system  
9                   is not statewide, and additional local edu-  
10                  cational agencies if added to the system  
11                  during the course of the State’s dem-  
12                  onstration or 2-year extension period, in-  
13                  cluding a description of how—

14                   “(I) the inclusion of additional  
15                   local educational agencies contributes  
16                   to progress toward achieving high-  
17                   quality and consistent implementation  
18                   across demographically diverse local  
19                   educational agencies throughout the  
20                   demonstration period; and

21                   “(II) by the end of the dem-  
22                   onstration authority, the participating  
23                   local educational agencies, as a group,  
24                   will be demographically similar to the  
25                   State as a whole;

1           “(ii) performance of all participating  
2 students and for each category of students,  
3 as defined in section 1111(b)(3)(A), on the  
4 innovative assessment, consistent with the  
5 requirements in section 1111(d);

6           “(iii) performance of all participating  
7 students in relation to at least one other  
8 valid and reliable indicator of quality, suc-  
9 cess, or student supports, such as those re-  
10 ported annually by the State in accordance  
11 with section 1111(b)(3)(B)(ii)(IV);

12           “(iv) feedback from teachers, prin-  
13 cipals, other school leaders, and parents  
14 about their satisfaction with the innovative  
15 assessment system; and

16           “(v) if such system is not statewide, a  
17 description of the State’s progress in scal-  
18 ing up the innovative assessment system to  
19 additional local educational agencies during  
20 the State’s period of demonstration author-  
21 ity, as described in subparagraph (G).

22           “(3) A description of the State educational  
23 agency’s plan to—

1           “(A) ensure that all students and each of  
2 the categories of students, as defined in section  
3 1111(b)(3)(A)—

4           “(i) are held to the same high stand-  
5 ard as other students in the State; and

6           “(ii) receive the instructional support  
7 needed to meet challenging State academic  
8 standards;

9           “(B) ensure that each local educational  
10 agency has the technological infrastructure to  
11 implement the innovative assessment system;  
12 and

13           “(C) hold all participating schools in the  
14 local educational agencies participating in the  
15 program of demonstration authority account-  
16 able for meeting the State’s expectations for  
17 student achievement.

18           “(4) If the innovative assessment system will  
19 initially be administered in a subset of local edu-  
20 cational agencies—

21           “(A) a description of the local educational  
22 agencies within the State educational agency  
23 that will participate, including what criteria the  
24 State has for approving any additional local

1 educational agencies to participate during the  
2 demonstration period;

3 “(B) assurances from such local edu-  
4 cational agencies that such agencies will comply  
5 with the requirements of this subsection; and

6 “(C) a description of how the State will—

7 “(i) ensure that the inclusion of addi-  
8 tional local educational agencies contrib-  
9 utes to progress toward achieving high-  
10 quality and consistent implementation  
11 across demographically diverse local edu-  
12 cational agencies throughout the dem-  
13 onstration authority; and

14 “(ii) ensure that the participating  
15 local educational agencies, as a group, will  
16 be demographically similar to the State as  
17 a whole by the end of the State’s period of  
18 demonstration authority.

19 “(d) PEER REVIEW.—The Secretary shall—

20 “(1) implement a peer review process to in-  
21 form—

22 “(A) the awarding of the demonstration  
23 authority under this section and the approval to  
24 operate the system for the purposes of para-



1 graphs (2) and (3) of section 1111(b), as de-  
2 scribed in subsection (h) of this section; and

3 “(B) determinations about whether the in-  
4 novative assessment system—

5 “(i) is comparable to the State assess-  
6 ments under section 1111(b)(2)(B)(v)(I),  
7 valid, reliable, of high technical quality,  
8 and consistent with relevant, nationally  
9 recognized professional and technical  
10 standards; and

11 “(ii) provides an unbiased, rational,  
12 and consistent determination of progress  
13 toward the goals described under section  
14 1111(b)(3)(B)(i) for all students;

15 “(2) ensure that the peer review team is com-  
16 prised of practitioners and experts who are knowl-  
17 edgeable about the innovative assessment being pro-  
18 posed for all students, including—

19 “(A) individuals with past experience de-  
20 veloping systems of assessment innovation that  
21 support all students, including English learners,  
22 children with disabilities, and disadvantaged  
23 students; and

1           “(B) individuals with experience imple-  
2           menting innovative State assessment and ac-  
3           countability systems;

4           “(3) make publicly available the applications  
5           submitted under subsection (c) and the peer review  
6           comments and recommendations regarding such ap-  
7           plications;

8           “(4) make a determination and inform the  
9           State regarding approval or disapproval of the appli-  
10          cation not later than 90 days after receipt of the  
11          complete application;

12          “(5) offer a State the opportunity to revise and  
13          resubmit its application within 60 days of a dis-  
14          approval determination under paragraph (4) to allow  
15          the State to submit additional evidence that the  
16          State’s application meets the requirements of subjec-  
17          tion (c); and

18          “(6) make a determination regarding applica-  
19          tion approval or disapproval of a resubmitted appli-  
20          cation under paragraph (5) not later than 45 days  
21          after receipt of the resubmitted application.

22          “(e) EXTENSION.—The Secretary may extend an au-  
23          thorization of demonstration authority under this section  
24          for an additional 2 years if the State educational agency  
25          demonstrates with evidence that the State educational

1 agency's innovative assessment system is continuing to  
2 meet the requirements of subsection (c), including—

3       “(1) demonstrating capacity to transition to  
4 statewide use by the end of a 2-year extension pe-  
5 riod; and

6       “(2) demonstrating that the participating local  
7 educational agencies, as a group, will be demo-  
8 graphically similar to the State as a whole by the  
9 end of a 2-year extension period.

10       “(f) USE OF INNOVATIVE ASSESSMENT SYSTEM.—A  
11 State may, during its approved demonstration period or  
12 2-year extension period, include results from the innova-  
13 tive assessment systems developed under this section in  
14 accountability determinations for each student in the par-  
15 ticipating local educational agencies instead of, or in addi-  
16 tion to, those from the assessment system under section  
17 1111(b)(2) if the State demonstrates that the State has  
18 met the requirements in subsection (c). The State shall  
19 continue to meet all other requirements of section  
20 1111(b)(3).

21       “(g) AUTHORITY WITHDRAWN.—The Secretary shall  
22 withdraw the authorization for demonstration authority  
23 provided to a State educational agency under this section  
24 and any participating local educational agency or the  
25 State as a whole shall return to the statewide assessment

1 system under section 1111(b)(2) if, at any point during  
2 a State’s approved period of demonstration or 2-year ex-  
3 tension period, the State educational agency cannot  
4 present to the Secretary a body of substantial evidence  
5 that the innovative assessment system developed under  
6 this section—

7           “(1) meets requirements of subsection (c);

8           “(2) includes all students attending schools par-  
9           ticipating in the demonstration authority, including  
10          each of the categories of students, as defined in sec-  
11          tion 1111(b)(3)(A), in the innovative assessment  
12          system demonstration;

13          “(3) provides an unbiased, rational, and con-  
14          sistent determination of progress toward the goals  
15          described under section 1111(b)(3)(B)(i) for all stu-  
16          dents, which are comparable to determinations under  
17          section 1111(b)(3)(B)(iii) across the State in which  
18          the local educational agencies are located;

19          “(4) presents a high-quality plan to transition  
20          to full statewide use of the innovative assessment  
21          system by the end of the State’s approved dem-  
22          onstration period and 2-year extension, if the inno-  
23          vative assessment system will initially be adminis-  
24          tered in a subset of local educational agencies; and

1           “(5) is comparable to the statewide assessments  
2 under section 1111(b)(2) in content coverage, dif-  
3 ficulty, and quality.

4           “(h) TRANSITION.—

5           “(1) IN GENERAL.—If, after a State’s approved  
6 demonstration and extension period, the State edu-  
7 cational agency has met all the requirements of this  
8 section, including having scaled the system up to  
9 statewide use, and demonstrated that such system is  
10 of high quality, the State shall be permitted to oper-  
11 ate the innovative assessment system approved  
12 under the program of demonstration authority under  
13 this section for the purposes of paragraphs (2) and  
14 (3) of section 1111(b). Such system shall be deemed  
15 of high quality if the Secretary, through the peer re-  
16 view process described in subsection (d), determines  
17 that the system has—

18           “(A) met all of the requirements of this  
19 section;

20           “(B) demonstrated progress for all stu-  
21 dents, including each of the categories of stu-  
22 dents defined in section 1111(b)(3)(A), in rela-  
23 tion to such measures as—

24           “(i) increasing student achievement  
25 and academic outcomes;

1           “(ii) increasing the 4-year adjusted  
2 cohort graduation rate or the extended-  
3 year adjusted cohort graduation rate for  
4 high schools;

5           “(iii) increasing retention rates of stu-  
6 dents in school; and

7           “(iv) increasing rates of remediation  
8 at institutions of higher education for par-  
9 ticipating students;

10          “(C) demonstrated progress in relation to  
11 at least one other valid and reliable indicator of  
12 quality, success, or student supports, such as  
13 those reported annually by the State in accord-  
14 ance with section 1111(b)(3)(B)(ii)(IV);

15          “(D) provided coherent and timely infor-  
16 mation about student attainment of the State’s  
17 challenging academic standards, including ob-  
18 jective measurement of academic achievement,  
19 knowledge, and skills that are valid, reliable,  
20 and consistent with relevant, nationally-recog-  
21 nized professional and technical standards;

22          “(E) solicited feedback from teachers,  
23 principals, other school leaders, and parents  
24 about their satisfaction with the innovative as-  
25 sessment system; and

1           “(F) demonstrated that the same system  
2           of assessments was used to measure the  
3           achievement of all students, and at least 95  
4           percent of such students overall and in each of  
5           the categories of students, as defined in section  
6           1111(b)(3)(A), were assessed under the innova-  
7           tive assessment system.

8           “(2) BASELINE.—For the purposes of the eval-  
9           uation described in paragraph (1), the baseline year  
10          shall be considered the first year of implementation  
11          of the innovative assessment system for each local  
12          educational agency.

13          “(3) WAIVER AUTHORITY.—If, at the conclu-  
14          sion of the State’s approved demonstration and ex-  
15          tension period, the State has met all of the require-  
16          ments of this section, except transition to full state-  
17          wide use for States that will initially administer an  
18          innovative assessment system in a subset of local  
19          educational agencies, and continues to comply with  
20          the other requirements of this section, and dem-  
21          onstrates a high-quality plan for transition to state-  
22          wide use in a reasonable period of time, the State  
23          may request, and the Secretary shall review such re-  
24          quest, a delay of the withdrawal of authority under  
25          subsection (g) for the purpose of providing the State

1 time necessary to implement the innovative assess-  
2 ment system statewide.

3 “(i) AVAILABLE FUNDS.—A State may use funds  
4 available under section 1201 to carry out this section.

5 “(j) RULE OF CONSTRUCTION.—A consortium of  
6 States may apply to participate in the program of dem-  
7 onstration authority under this section and the Secretary  
8 may provide each State member of such consortium with  
9 such authority if each such State member meets all of the  
10 requirements of this section. Such consortium shall be  
11 subject to the limitation described in subsection (b)(3)(B)  
12 during the initial 3 years of the demonstration authority.

13 “(k) DISSEMINATION OF BEST PRACTICES.—

14 “(1) IN GENERAL.—Following the publication  
15 of the progress report described in subsection  
16 (b)(3)(C), the Director of the Institute of Education  
17 Sciences, in consultation with the Secretary, shall  
18 collect and disseminate the best practices on the de-  
19 velopment and implementation of innovative assess-  
20 ment systems that meet the requirements of this  
21 section, including—

22 “(A) the development of summative assess-  
23 ments that meet the requirements of section  
24 1111(b)(2)(B), are comparable with statewide  
25 assessments, and include assessment tasks that



1 determine proficiency or mastery of State-ap-  
2 proved competencies aligned to challenging aca-  
3 demic standards;

4 “(B) the development of effective supports  
5 for local educational agencies and school staff  
6 to implement innovative assessment systems;

7 “(C) the development of effective engage-  
8 ment and support of teachers in developing and  
9 scoring assessments and the use of high-quality  
10 professional development;

11 “(D) the development of effective supports  
12 for all students, particularly each of the cat-  
13 egories of students, as defined in section  
14 1111(b)(3)(A), participating in the innovative  
15 assessment systems; and

16 “(E) the development of standardized and  
17 calibrated scoring rubrics, and other strategies,  
18 to ensure inter-rater reliability and com-  
19 parability of determinations of mastery or pro-  
20 ficiency across local educational agencies and  
21 the State.

22 “(2) PUBLICATION.—The Secretary shall make  
23 the information described in paragraph (1) available  
24 to the public on the website of the Department and

1 shall publish an update to the information not less  
2 often than once every 3 years.”.

3 **SEC. 1013. EDUCATION OF MIGRATORY CHILDREN.**

4 Part C of title I (20 U.S.C. 6391 et seq.) is amend-  
5 ed—

6 (1) in section 1301—

7 (A) in paragraph (2), by striking “State  
8 academic content and student academic achieve-  
9 ment standards” and inserting “challenging  
10 State academic standards”;

11 (B) in paragraph (4), by striking “State  
12 academic content and student academic achieve-  
13 ment standards” and inserting “State academic  
14 standards”; and

15 (C) in paragraph (5), by inserting “with-  
16 out the need for postsecondary remediation”  
17 after “employment”;

18 (2) in section 1303—

19 (A) by striking subsection (a) and insert-  
20 ing the following:

21 “(a) STATE ALLOCATIONS.—

22 “(1) BASE AMOUNT.—

23 “(A) IN GENERAL.—Except as provided in  
24 subsection (b) and subparagraph (B), each  
25 State (other than the Commonwealth of Puerto

1 Rico) is entitled to receive under this part, for  
2 fiscal year 2016 and succeeding fiscal years, an  
3 amount equal to—

4 “(i) the amount that such State re-  
5 ceived under this part for fiscal year 2002;  
6 plus

7 “(ii) the amount allocated to the State  
8 under paragraph (2).

9 “(B) NONPARTICIPATING STATES.—In the  
10 case of a State (other than the Commonwealth  
11 of Puerto Rico) that did not receive any funds  
12 for fiscal year 2002 under this part, the State  
13 shall receive, for fiscal year 2016 and suc-  
14 ceeding fiscal years, an amount equal to—

15 “(i) the amount that such State would  
16 have received under this part for fiscal  
17 year 2002 if its application under section  
18 1304 for the year had been approved; plus

19 “(ii) the amount allocated to the State  
20 under paragraph (2).

21 “(2) ALLOCATION OF ADDITIONAL AMOUNT.—

22 For fiscal year 2016 and succeeding fiscal years, the  
23 amount (if any) by which the funds appropriated to  
24 carry out this part for the year exceed such funds  
25 for fiscal year 2002 shall be allocated to a State

1 (other than the Commonwealth of Puerto Rico) so  
2 that the State receives an amount equal to—

3 “(A) the sum of—

4 “(i) the number of identified eligible  
5 migratory children, aged 3 through 21, re-  
6 siding in the State during the previous  
7 year; and

8 “(ii) the number of identified eligible  
9 migratory children, aged 3 through 21,  
10 who received services under this part in  
11 summer or intersession programs provided  
12 by the State during such year; multiplied  
13 by

14 “(B) 40 percent of the average per-pupil  
15 expenditure in the State, except that the  
16 amount determined under this subparagraph  
17 may not be less than 32 percent, or more than  
18 48 percent, of the average per-pupil expenditure  
19 in the United States.”;

20 (B) in subsection (b), by striking para-  
21 graph (2) and inserting the following:

22 “(2) MINIMUM PERCENTAGE.—The percentage  
23 in paragraph (1)(A) shall not be less than 85.0 per-  
24 cent.”;

25 (C) in subsection (c)—

1 (i) in paragraph (1)—

2 (I) by striking “(A) If, after”

3 and inserting the following:

4 “(A) IN GENERAL.—If, after”; and

5 (II) in subparagraph (B)—

6 (aa) by striking “If addi-

7 tional” and inserting “RE-

8 ALLOCATION.—If additional”;

9 and

10 (bb) by moving the margins

11 of such subparagraph 2 ems to

12 the right; and

13 (ii) in paragraph (2)—

14 (I) by striking “(A) The Sec-

15 retary” and inserting the following:

16 “(A) FURTHER REDUCTIONS.—The Sec-

17 retary”; and

18 (II) in subparagraph (B)—

19 (aa) by striking “The Sec-

20 retary” and inserting “RE-

21 ALLOCATION.—The Secretary”;

22 and

23 (bb) by moving the margins

24 of such subparagraph 2 ems to

25 the right; and

1 (D) in subsection (d)(3)(B), by striking  
2 “welfare or educational attainment” and insert-  
3 ing “academic achievement”; and

4 (E) in subsection (e)—

5 (i) in the matter preceding paragraph  
6 (1), by striking “estimated” and inserting  
7 “identified”; and

8 (ii) by striking “the Secretary shall”  
9 and all that follows through the period at  
10 the end and inserting “the Secretary shall  
11 use such information as the Secretary  
12 finds most accurately reflects the actual  
13 number of migratory children.”;

14 (3) in section 1304—

15 (A) in subsection (b)—

16 (i) in paragraph (1)—

17 (I) in the matter preceding sub-  
18 paragraph (A)—

19 (aa) by striking “special  
20 educational needs” and inserting  
21 “unique educational needs”; and

22 (bb) by inserting “and out-  
23 of-school migratory children”  
24 after “including preschool migra-  
25 tory children”;

1 (II) in subparagraph (B), by  
2 striking “part A or B of title III” and  
3 inserting “part A of title III”; and

4 (III) by striking subparagraph  
5 (D) and inserting the following:

6 “(D) measurable program objectives and  
7 outcomes;”;

8 (ii) in paragraph (2), by striking  
9 “challenging State academic content stand-  
10 ards and challenging State student aca-  
11 demic achievement standards” and insert-  
12 ing “challenging State academic stand-  
13 ards”;

14 (iii) in paragraph (3), by striking “,  
15 consistent with procedures the Secretary  
16 may require,”;

17 (iv) in paragraph (5), by inserting  
18 “and” after the semicolon;

19 (v) by striking paragraph (6); and

20 (vi) by redesignating paragraph (7) as  
21 paragraph (6);

22 (B) in subsection (c)—

23 (i) in the matter preceding paragraph  
24 (1), by striking “, satisfactory to the Sec-  
25 retary,”;

1 (ii) in paragraph (2), by striking “in  
2 a manner consistent with the objectives of  
3 section 1114, subsections (b) and (d) of  
4 section 1115, subsections (b) and (c) of  
5 section 1120A, and part I” and inserting  
6 “in a manner consistent with the objectives  
7 of section 1113(c), paragraphs (3) and (4)  
8 of section 1113(d), subsections (b) and (c)  
9 of section 1117, and part E”;

10 (iii) in paragraph (3)—

11 (I) in the matter before subpara-  
12 graph (A), by striking “parent advi-  
13 sory councils” and inserting “parents  
14 of migratory children, including par-  
15 ent advisory councils”; and

16 (II) by striking “section 1118”  
17 and inserting “section 1115”;

18 (iv) in paragraph (4), by inserting  
19 “and out-of-school migratory children”  
20 after “addressing the unmet educational  
21 needs of preschool migratory children”;

22 (v) in paragraph (6)—

23 (I) by striking “to the extent fea-  
24 sible,”;



1 (II) by striking subparagraph (C)  
2 and inserting the following:

3 “(C) evidence-based family literacy pro-  
4 grams;”; and

5 (III) in subparagraph (E), by in-  
6 serting “, without the need for post-  
7 secondary remediation” after “em-  
8 ployment”; and

9 (vi) in paragraph (7), by striking  
10 “paragraphs (1)(A) and (2)(B)(i) of sec-  
11 tion 1303(a), through such procedures as  
12 the Secretary may require” and inserting  
13 “section 1303(a)(2)(A)”;

14 (C) by striking subsection (d) and insert-  
15 ing the following:

16 “(d) PRIORITY FOR SERVICES.—In providing services  
17 with funds received under this part, each recipient of such  
18 funds shall give priority to migratory children who have  
19 made a qualifying move within the previous 1-year period  
20 and who—

21 “(1) are failing, or most at risk of failing, to  
22 meet the challenging State academic standards; or

23 “(2) have dropped out of school.”; and

1 (D) in subsection (e)(3), by striking “sec-  
2 ondary school students” and inserting “stu-  
3 dents”;

4 (4) in section 1305(b), by inserting “, to the ex-  
5 tent practicable,” after “may”;

6 (5) in section 1306—

7 (A) in subsection (a)(1)—

8 (i) by striking “special” both places  
9 the term appears and inserting “unique”;

10 (ii) in subparagraph (C), by striking  
11 “challenging State academic content stand-  
12 ards and challenging State student aca-  
13 demic achievement standards” and insert-  
14 ing “challenging State academic stand-  
15 ards”; and

16 (iii) in subparagraph (F), by striking  
17 “or B”; and

18 (B) in subsection (b)(4)—

19 (i) by striking “special” and inserting  
20 “unique”; and

21 (ii) by striking “section 1114” each  
22 place the term appears and inserting “sec-  
23 tion 1113(c)”;

24 (6) in section 1307—

1 (A) in the matter preceding paragraph (1),  
2 by striking “nonprofit”; and

3 (B) in paragraph (3), by striking “welfare  
4 or educational attainment” and inserting “edu-  
5 cational achievement”;

6 (7) in section 1308—

7 (A) in subsection (a)(1), by inserting  
8 “through” after “including”; and

9 (B) in subsection (b)—

10 (i) in paragraph (1), by striking “de-  
11 veloping effective methods for”;

12 (ii) in paragraph (2)—

13 (I) in subparagraph (A)—

14 (aa) in the matter preceding  
15 clause (i), in the first sentence—

16 (AA) by striking “en-  
17 sure the linkage of migrant  
18 student” and inserting  
19 “maintain”;

20 (BB) by striking “sys-  
21 tems” and inserting “sys-  
22 tem”;

23 (CC) by inserting  
24 “within and” before “among  
25 the States”; and

1 (DD) by striking “all  
2 migratory students” and in-  
3 sserting “all migratory chil-  
4 dren eligible under this  
5 part”;

6 (bb) in the matter preceding  
7 clause (i), by striking “The Sec-  
8 retary shall ensure” and all that  
9 follows through “maintain.”;

10 (cc) in the matter preceding  
11 clause (i), by striking “Such ele-  
12 ments” and inserting “Such in-  
13 formation”; and

14 (dd) in clause (ii), by strik-  
15 ing “required”;

16 (II) by redesignating subpara-  
17 graph (B) as subparagraph (C);

18 (III) by inserting after subpara-  
19 graph (A) the following:

20 “(B) CONSULTATION.—The Secretary  
21 shall maintain ongoing consultation with the  
22 States, local educational agencies, and other mi-  
23 gratory student service providers on—

24 “(i) the effectiveness of the system de-  
25 scribed in subparagraph (A); and

1 “(ii) the ongoing improvement of such  
2 system.”; and

3 (IV) in subparagraph (C), as re-  
4 designated by subclause (II)—

5 (aa) by striking “the pro-  
6 posed data elements” and insert-  
7 ing “any new proposed data ele-  
8 ments”; and

9 (bb) by striking “Such pub-  
10 lication shall occur not later than  
11 120 days after the date of enact-  
12 ment of the No Child Left Be-  
13 hind Act of 2001.”; and

14 (iii) by striking paragraph (4); and  
15 (8) in section 1309—

16 (A) in paragraph (1)(B), by striking “non-  
17 profit”; and

18 (B) by striking paragraph (2) and insert-  
19 ing the following:

20 “(2) **MIGRATORY AGRICULTURAL WORKER.—**

21 The term ‘migratory agricultural worker’ means an  
22 individual who made a qualifying move in the pre-  
23 ceding 36 months and, after doing so, engaged in  
24 new temporary or seasonal employment or personal  
25 subsistence in agriculture, which may be dairy work

1 or the initial processing of raw agricultural products.  
2 If an individual did not engage in such new employ-  
3 ment soon after a qualifying move, such individual  
4 may be considered a migratory agricultural worker if  
5 the individual actively sought new employment and  
6 has a recent history of moves for agricultural em-  
7 ployment.

8 “(3) MIGRATORY CHILD.—The term ‘migratory  
9 child’ means a child or youth who made a qualifying  
10 move in the preceding 36 months—

11 “(A) as a migratory agricultural worker or  
12 a migratory fisher; or

13 “(B) with, or to join, a parent or spouse  
14 who is a migratory agricultural worker or a mi-  
15 gratory fisher.

16 “(4) MIGRATORY FISHER.—The term ‘migra-  
17 tory fisher’ means an individual who made a quali-  
18 fying move in the preceding 36 months and, after  
19 doing so, engaged in new temporary or seasonal em-  
20 ployment or personal subsistence in fishing. If the  
21 individual did not engage in such new employment  
22 soon after the move, the individual may be consid-  
23 ered a migratory fisher if the individual actively  
24 sought new employment and has a recent history of  
25 moves for fishing work.

1           “(5) QUALIFYING MOVE.—The term ‘qualifying  
2 move’ means a move due to economic necessity—

3           “(A) from one residence to another resi-  
4 dence; and

5           “(B) from one school district to another  
6 school district, except—

7           “(i) in the case of a State that is com-  
8 prised of a single school district, wherein a  
9 qualifying move is from one administrative  
10 area to another within such district;

11           “(ii) in the case of a school district of  
12 more than 15,000 square miles, wherein a  
13 qualifying move is a distance of 20 miles  
14 or more to a temporary residence to en-  
15 gage in a fishing activity; or

16           “(iii) in a case in which another ex-  
17 ception applies, as defined by the Sec-  
18 retary.”.

19 **SEC. 1014. PREVENTION AND INTERVENTION PROGRAMS**  
20 **FOR CHILDREN AND YOUTH WHO ARE NE-**  
21 **GLECTED, DELINQUENT, OR AT-RISK.**

22           Part D of title I (20 U.S.C. 6421 et seq.) is amend-  
23 ed—

24           (1) in section 1401(a)—

25           (A) in paragraph (1)—

1 (i) by inserting “, tribal,” after  
2 “youth in local”; and

3 (ii) by striking “challenging State aca-  
4 demic content standards and challenging  
5 State student academic achievement stand-  
6 ards” and inserting “challenging State  
7 academic standards”; and

8 (B) in paragraph (3), by inserting “and  
9 the involvement of their families and commu-  
10 nities” after “to ensure their continued edu-  
11 cation”;

12 (2) in section 1412(b), by striking paragraph  
13 (2) and inserting the following:

14 “(2) MINIMUM PERCENTAGE.—The percentage  
15 in paragraph (1)(A) shall not be less than 85 per-  
16 cent.”;

17 (3) in section 1414—

18 (A) in subsection (a)—

19 (i) in paragraph (1)(B), by striking  
20 “from correctional facilities to locally oper-  
21 ated programs” and inserting “between  
22 correctional facilities and locally operated  
23 programs”; and

24 (ii) in paragraph (2)—

25 (I) in subparagraph (A)—



1           (aa) by striking “the pro-  
2           gram goals, objectives, and per-  
3           formance measures established  
4           by the State” and inserting “the  
5           program objectives and outcomes  
6           established by the State”; and

7           (bb) by striking “vocational”  
8           and inserting “career”;

9           (II) in subparagraph (B), by  
10          striking “and” after the semicolon;

11          (III) in subparagraph (C)—

12           (aa) in clause (i), by insert-  
13           ing “and” after the semicolon;

14           (bb) by striking clause (ii)  
15           and redesignating clause (iii) as  
16           clause (ii); and

17           (cc) by striking clause (iv);  
18          and

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

21           “(D) provide assurances that the State  
22          educational agency has established—

23           “(i) procedures to ensure the prompt  
24          re-enrollment of each student who has been  
25          placed in the juvenile justice system in sec-

1           ondary school or in a re-entry program  
2           that best meets the needs of the student,  
3           including the transfer of credits that such  
4           student earns during placement; and

5                   “(ii) opportunities for such students  
6           to participate in higher education or career  
7           pathways.”; and

8           (B) in subsection (c)—

9                   (i) in paragraph (1)—

10                           (I) by inserting “and respond to”  
11                           after “to assess”; and

12                           (II) by inserting “and, to the ex-  
13                           tent practicable, provide for an assess-  
14                           ment upon entry into a correctional  
15                           facility” after “to be served under this  
16                           subpart”;

17                   (ii) in paragraph (6)—

18                           (I) by striking “carry out the  
19                           evaluation requirements of section  
20                           9601 and how” and inserting “use”;

21                           (II) by inserting “under section  
22                           9601” after “recent evaluation”; and

23                           (III) by striking “will be used”;

24                   (iii) in paragraph (8)—

1 (I) by striking “vocational” and  
2 inserting “career”; and

3 (II) by striking “Public Law  
4 105–220” and inserting “the Work-  
5 force Innovation and Opportunity  
6 Act”;

7 (iv) in paragraph (9)—

8 (I) by inserting “and following”  
9 after “youth prior to”; and

10 (II) by inserting “and, to the ex-  
11 tent practicable, to ensure that transi-  
12 tion plans are in place” after “the  
13 local educational agency or alternative  
14 education program”;

15 (v) in paragraph (11), by striking  
16 “transition of children and youth from  
17 such facility or institution to” and insert-  
18 ing “transition of such children and youth  
19 between such facility or institution and”;

20 (vi) in paragraph (16), by inserting  
21 “and obtain a high school diploma” after  
22 “to encourage the children and youth to  
23 reenter school”;

1 (vii) in paragraph (17), by inserting  
2 “certified or licensed” after “provides an  
3 assurance that”;

4 (viii) in paragraph (18), by striking  
5 “and” after the semicolon;

6 (ix) in paragraph (19), by striking the  
7 period at the end and inserting “; and”;  
8 and

9 (x) by adding at the end the following:

10 “(20) describes how the State agency will, to  
11 the extent feasible, identify youth who have come in  
12 contact with both the child welfare system and juve-  
13 nile justice system and improve practices and expand  
14 the evidence-based intervention services to reduce  
15 school suspensions, expulsions, and referrals to law  
16 enforcement.”;

17 (4) in section 1415—

18 (A) in subsection (a)—

19 (i) in paragraph (1)(B)—

20 (I) by inserting “, without the  
21 need for remediation,” after “transi-  
22 tion”; and

23 (II) by striking “vocational or  
24 technical training” and inserting “ca-  
25 reer and technical education”; and

1 (ii) in paragraph (2)—

2 (I) by striking subparagraph (A),

3 and inserting the following:

4 “(A) may include—

5 “(i) the acquisition of equipment;

6 “(ii) pay-for-success initiatives that

7 produce a measurable, clearly defined out-

8 come that results in social benefit and di-

9 rect cost savings to the local, State, or

10 Federal Government; and

11 “(iii) providing targeted, evidence-

12 based services for youth who have come in

13 contact with both the child welfare system

14 and juvenile justice system;”;

15 (II) in subparagraph (B)—

16 (aa) in clause (i), by striking

17 “content standards and student

18 academic achievement”; and

19 (bb) in clause (iii)—

20 (AA) by striking “chal-

21 lenging State academic

22 achievement standards” and

23 inserting “challenging State

24 academic standards”; and

- 1 (BB) by inserting  
2 “and” after the semicolon;  
3 (III) in subparagraph (C)—  
4 (aa) by striking “section  
5 1120A” and inserting “section  
6 1117”; and  
7 (bb) by striking “; and” and  
8 inserting a period; and  
9 (IV) by striking subparagraph  
10 (D); and  
11 (B) in subsection (b), by striking “section  
12 1120A” and inserting “section 1117”;  
13 (5) in section 1416—  
14 (A) in paragraph (3)—  
15 (i) by striking “challenging State aca-  
16 demic content standards and student aca-  
17 demic achievement standards” and insert-  
18 ing “challenging State academic stand-  
19 ards”; and  
20 (ii) by striking “complete secondary  
21 school, attain a secondary diploma” and  
22 inserting “attain a high school diploma”;  
23 (B) in paragraph (4)—  
24 (i) by striking “pupil” and inserting  
25 “specialized instructional support”; and

1                   (ii) by inserting “and, to the extent  
2                   practicable, the development and imple-  
3                   mentation of transition plans” after “chil-  
4                   dren and youth described in paragraph  
5                   (1)”; and

6                   (C) in paragraph (6), by striking “student  
7                   progress” and inserting “and improve student  
8                   achievement”;

9                   (6) in section 1418(a)—

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

12                   “(1) projects that facilitate the transition of  
13                   children and youth between State-operated institu-  
14                   tions, or institutions in the State operated by the  
15                   Secretary of the Interior, and schools served by local  
16                   educational agencies or schools operated or funded  
17                   by the Bureau of Indian Education; or”; and

18                   (B) in paragraph (2)—

19                   (i) by striking “vocational” each place  
20                   the term appears and inserting “career”;  
21                   and

22                   (ii) in the matter preceding subpara-  
23                   graph (A)—

24                   (I) by striking “secondary” and  
25                   inserting “high”; and

1 (II) by inserting “, without the  
2 need for remediation,” after “re-  
3 entry”;

4 (7) in section 1419, by striking “for a fiscal  
5 year” and all that follows through “to provide” and  
6 inserting “for a fiscal year to provide”;

7 (8) in section 1421—

8 (A) in paragraph (1), by inserting “, with-  
9 out the need for remediation,” after “youth”;  
10 and

11 (B) in paragraph (3), by inserting “, in-  
12 cluding schools operated or funded by the Bu-  
13 reau of Indian Education,” after “local  
14 schools”;

15 (9) in section 1422(d)—

16 (A) by inserting “, which may include the  
17 nonacademic needs,” after “to meet the transi-  
18 tional and academic needs”; and

19 (B) by striking “impact on meeting the  
20 transitional” and inserting “impact on meeting  
21 such transitional”;

22 (10) in section 1423—

23 (A) in paragraph (2)(B), by inserting “,  
24 including such facilities operated by the Sec-



1           retary of the Interior and Indian tribes” after  
2           “the juvenile justice system”;

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

5           “(4) a description of the activities that the local  
6           educational agency will carry out to facilitate the  
7           successful transition of children and youth in locally  
8           operated institutions for neglected and delinquent  
9           children and other correctional institutions into  
10          schools served by the local educational agency or, as  
11          appropriate, into career and technical education and  
12          postsecondary education programs;”;

13                   (C) in paragraph (8), by inserting “and  
14          family members” after “will involve parents”;

15                   (D) in paragraph (9)—

16                           (i) by striking “vocational” and in-  
17                           serting “career”; and

18                           (ii) by striking “Public Law 105–  
19                           220” and inserting “the Workforce Inno-  
20                           vation and Opportunity Act”;

21                   (E) by striking paragraph (11) and insert-  
22          ing the following:

23           “(11) as appropriate, a description of how the  
24          local educational agency and schools will address the  
25          educational needs of children and youth who return

1 from institutions for neglected and delinquent chil-  
2 dren and youth or from correctional institutions and  
3 attend regular or alternative schools;” and

4 (F) in paragraph (12), by striking “par-  
5 ticipating schools” and inserting “the local edu-  
6 cational agency”;

7 (11) in section 1424—

8 (A) in paragraph (2), by striking “, includ-  
9 ing” and all that follows through “gang mem-  
10 bers”;

11 (B) in paragraph (4)—

12 (i) by striking “vocational” and in-  
13 serting “career”; and

14 (ii) by striking “and” after the semi-  
15 colon; and

16 (C) in paragraph (5), by striking the pe-  
17 riod at the end and inserting a semicolon; and

18 (D) by inserting the following after para-  
19 graph (5):

20 “(6) programs for at-risk Indian children and  
21 youth, including such children and youth in correc-  
22 tional facilities in the area served by the local edu-  
23 cational agency that are operated by the Secretary  
24 of the Interior or Indian tribes; and

1           “(7) pay-for-success initiatives that produce a  
2           measurable, clearly defined outcome that results in  
3           social benefit and direct cost savings to the local,  
4           State, or Federal government.”;

5           (12) in section 1425—

6           (A) in paragraph (4)—

7           (i) by inserting “and obtain a high  
8           school diploma” after “reenter school”;  
9           and

10          (ii) by striking “or seek a secondary  
11          school diploma or its recognized equiva-  
12          lent”;

13          (B) in paragraph (6), by striking “high  
14          academic achievement standards” and inserting  
15          “the challenging State academic standards”;

16          (C) in paragraph (9)—

17          (i) by striking “vocational” and in-  
18          serting “career”; and

19          (ii) by striking “Public Law 105-  
20          220” and inserting “the Workforce Inno-  
21          vation and Opportunity Act”;

22          (D) in paragraph (10), by striking “and”  
23          after the semicolon;

24          (E) in paragraph (11), by striking the pe-  
25          riod at the end and inserting a semicolon; and

1 (F) by adding at the end the following:

2 “(12) to the extent practicable, develop an ini-  
3 tial educational services and transition plan for each  
4 child or youth served under this subpart upon entry  
5 into the correctional facility, in partnership with the  
6 child’s or youth’s family members and the local edu-  
7 cational agency that most recently provided services  
8 to the child or youth (if applicable), consistent with  
9 section 1414(a)(1); and

10 “(13) consult with the local educational agency  
11 for a period jointly determined necessary by the cor-  
12 rectional facility and local educational agency upon  
13 discharge from that facility, to coordinate edu-  
14 cational services so as to minimize disruption to the  
15 child’s or youth’s achievement.”;

16 (13) in section 1426(2), by striking “sec-  
17 ondary” and inserting “high”;

18 (14) in section 1431(a)—

19 (A) by striking “secondary” each place the  
20 term appears and inserting “high”;

21 (B) in paragraph (1), by inserting “and to  
22 graduate from high school in the standard num-  
23 ber of years” after “educational achievement”;  
24 and

1 (C) in paragraph (3), by inserting “or  
2 school operated or funded by the Bureau of In-  
3 dian Education” after “local educational agen-  
4 cy”; and

5 (15) in section 1432(2)—

6 (A) by striking “has limited English pro-  
7 ficiency” and inserting “is an English learner”;  
8 and

9 (B) by striking “or has a high absenteeism  
10 rate at school.” and inserting “has a high ab-  
11 senteeism rate at school, or has other life condi-  
12 tions that make the individual at high risk for  
13 dependency or delinquency adjudication.”.

14 **SEC. 1015. GENERAL PROVISIONS.**

15 Title I (20 U.S.C. 6301 et seq.) is amended—

16 (1) by striking parts E, F, G, and H;

17 (2) by redesignating part I as part E;

18 (3) by striking sections 1907 and 1908;

19 (4) by redesignating sections 1901, 1902, 1903,  
20 1905, and 1906 as sections 1501, 1502, 1503, 1504,  
21 and 1505, respectively;

22 (5) in section 1501, as redesignated by para-  
23 graph (4)—

1 (A) in subsection (a), by inserting “, in ac-  
2 cordance with subsections (b) through (d),”  
3 after “may issue”;

4 (B) in subsection (b)—

5 (i) in paragraph (1), by inserting  
6 “principals, other school leaders (including  
7 charter school leaders),” after “teachers,”;

8 (ii) in paragraph (2), by adding at the  
9 end the following: “All information from  
10 such regional meetings and electronic ex-  
11 changes shall be made public in an easily  
12 accessible manner to interested parties.”;

13 (iii) in paragraph (3)(A), by striking  
14 “standards and assessments” and inserting  
15 “standards, assessments, the State ac-  
16 countability system under section  
17 1111(b)(3), school intervention and sup-  
18 port under section 1114, and the require-  
19 ment that funds be supplemented and not  
20 supplanted under section 1117;”;

21 (iv) by striking paragraph (4) and in-  
22 sserting the following:

23 “(4) PROCESS.—Such process shall not be sub-  
24 ject to the Federal Advisory Committee Act, but  
25 shall, unless otherwise provided as described in sub-

1 section (c), follow the provisions of the Negotiated  
2 Rulemaking Act of 1990 (5 U.S.C. 561 et seq.)”;  
3 and

4 (v) by striking paragraph (5) and in-  
5 serting the following:

6 “(5) EMERGENCY SITUATION.—In an emer-  
7 gency situation in which regulations to carry out this  
8 title must be issued within a very limited time to as-  
9 sist State educational agencies and local educational  
10 agencies with the operation of a program under this  
11 title, the Secretary may issue a proposed regulation  
12 without following such process but shall—

13 “(A) designate the proposed regulation as  
14 an emergency with an explanation of the emer-  
15 gency in a notice provided to Congress;

16 “(B) publish the duration of the comment  
17 and review period in such notice and in the  
18 Federal Register; and

19 “(C) conduct regional meetings to review  
20 such proposed regulation before issuing any  
21 final regulation.”;

22 (C) by redesignating subsection (c) as sub-  
23 section (d);

24 (D) by inserting after subsection (b) the  
25 following:

1       “(c) ALTERNATIVE PROCESS IF FAILURE TO REACH  
2 CONSENSUS.—If consensus, as defined in section 562 of  
3 title 5, United States Code, on any proposed regulation  
4 is not reached by the individuals selected under paragraph  
5 (3)(B) for the negotiated rulemaking process, or if the  
6 Secretary determines that a negotiated rulemaking pro-  
7 cess is unnecessary, the Secretary may propose a regulation  
8 in the following manner:

9           “(1) NOTICE TO CONGRESS.—Not less than 30  
10 days prior to issuing a notice of proposed rule-  
11 making in the Federal Register, the Secretary shall  
12 provide to the Committee on Health, Education,  
13 Labor, and Pensions of the Senate, the Committee  
14 on Education and the Workforce of the House of  
15 Representatives, and other relevant congressional  
16 committees, notice of the Secretary’s intent to issue  
17 a notice of proposed rulemaking that shall include—

18           “(A) a copy of the regulation to be pro-  
19 posed;

20           “(B) a justification of the need to issue a  
21 regulation;

22           “(C) the anticipated burden, including the  
23 time, cost, and paperwork burden, the regula-  
24 tions will impose on State educational agencies,



1 local educational agencies, schools, and other  
2 entities that may be impacted by the regulation;

3 “(D) the anticipated benefits to State edu-  
4 cational agencies, local educational agencies,  
5 schools, and other entities that may be im-  
6 pacted by the regulation;

7 “(E) any regulations that will be repealed  
8 when the new regulations are issued; and

9 “(F) an opportunity to comment on the in-  
10 formation in subparagraphs (A) through (E).

11 “(2) COMMENT PERIOD FOR CONGRESS.—The  
12 Secretary shall provide Congress with a 15-day pe-  
13 riod, beginning after the date on which the Secretary  
14 provided the notice of any proposed rulemaking to  
15 Congress under paragraph (1), to make comments  
16 on the proposed rule. After addressing all comments  
17 received from Congress during such period, the Sec-  
18 retary may proceed with the rulemaking process  
19 under section 553 of title 5, United States Code, as  
20 modified by this section.

21 “(3) PUBLIC COMMENT AND REVIEW PERIOD.—  
22 The public comment and review period for any pro-  
23 posed regulation shall be not less than 90 days un-  
24 less an emergency requires a shorter period, in

1       which case the Secretary shall comply with the proc-  
2       ess outlined in subsection (b)(5).

3           “(4) ASSESSMENT.—No regulation shall be  
4       made final after the comment and review period de-  
5       scribed in paragraph (3) until the Secretary has  
6       published in the Federal Register—

7           “(A) an assessment of the proposed regula-  
8       tion that—

9           “(i) includes a representative sam-  
10       pling of local educational agencies based on  
11       enrollment, geographic diversity (including  
12       suburban, urban, and rural local edu-  
13       cational agencies), and other factors im-  
14       pacted by the proposed regulation;

15          “(ii) addresses the burden, including  
16       the time, cost, and paperwork burden, that  
17       the regulation will impose on State edu-  
18       cational agencies, local educational agen-  
19       cies, schools, and other entities that may  
20       be impacted by the regulation;

21          “(iii) addresses the benefits to State  
22       educational agencies, local educational  
23       agencies, schools, and other entities that  
24       may be impacted by the regulation; and

1           “(iv) thoroughly addresses, based on  
2           the comments received during the comment  
3           and review period under paragraph (3),  
4           whether the rule is financially and oper-  
5           ationally viable at the local level; and

6           “(B) an explanation of how the entities de-  
7           scribed in subparagraph (A)(ii) may cover the  
8           cost of the burden assessed under such sub-  
9           paragraph.”; and

10           (E) by inserting after subsection (d), as re-  
11           designated by subparagraph (C), the following:

12           “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
13           tion affects the applicability of subchapter II of chapter  
14           5, and chapter 7, of title 5, United States Code (commonly  
15           known as the ‘Administrative Procedure Act’) or chapter  
16           8 of title 5, United States Code (commonly known as the  
17           ‘Congressional Review Act’).”;

18           (6) in section 1502(a), as redesignated by para-  
19           graph (4)—

20           (A) by striking “section 1901” and insert-  
21           ing “section 1501”; and

22           (B) by striking “or provides a written”  
23           and all that follows through the period at the  
24           end and inserting “or, where negotiated rule-

1 making is not pursued, shall conform to section  
2 1501(c).”; and

3 (7) in section 1503, as redesignated by para-  
4 graph (4)—

5 (A) in subsection (a)(2), by striking “stu-  
6 dent academic achievement” and inserting  
7 “academic”; and

8 (B) in subsection (b)(2)—

9 (i) in subparagraph (C), by striking “,  
10 including vocational educators”;

11 (ii) in subparagraph (F), by striking  
12 “and” after the semicolon; and

13 (iii) by striking subparagraph (G) and  
14 inserting the following:

15 “(G) specialized instructional support per-  
16 sonnel;

17 “(H) representatives of charter schools, as  
18 appropriate; and

19 “(I) paraprofessionals.”.

20 **SEC. 1016. REPORT ON SUBGROUP SAMPLE SIZE.**

21 (a) REPORT.—Not later than 90 days after the date  
22 of enactment of this Act, the Director of the Institute of  
23 Education Sciences shall publish a report on best practices  
24 for determining valid, reliable, and statistically significant  
25 minimum numbers of students for each of the categories

1 of students, as defined in section 1111(b)(3)(A) of the El-  
2 ementary and Secondary Education Act of 1965 (20  
3 U.S.C. 6311(b)(3)(A)) (as amended by this Act), for the  
4 purposes of inclusion as categories of students in an ac-  
5 countability system described in section 1111(b)(3) of the  
6 Elementary and Secondary Education Act of 1965 (20  
7 U.S.C. 6311(b)(3)) (as amended by this Act) and how  
8 such minimum number that is determined will not reveal  
9 personally identifiable information about students.

10 (b) PUBLIC DISSEMINATION.—The Director of the  
11 Institute of Education Sciences shall work with the De-  
12 partment of Education’s existing technical assistance pro-  
13 viders and dissemination networks to ensure that the re-  
14 port described under subsection (a) is widely dissemi-  
15 nated—

16 (1) to the public, State educational agencies,  
17 local educational agencies, and schools; and

18 (2) through electronic transfer and other  
19 means, such as posting the report on the website of  
20 the Institute of Education Sciences or in another  
21 relevant place.

1 **SEC. 1017. REPORT ON IMPLEMENTATION OF EDU-**  
2 **CATIONAL STABILITY OF CHILDREN IN FOS-**  
3 **TER CARE.**

4 Not later than 2 years after the date of enactment  
5 of this Act, the Secretary of Education and the Secretary  
6 of Health and Human Services shall submit to the appro-  
7 priate committees of Congress a report on the implemen-  
8 tation of section 1111(c)(1)(L) of the Elementary and  
9 Secondary Education Act of 1965 (20 U.S.C.  
10 6311(c)(1)(L)), including the progress made and the re-  
11 maining barriers relating to such implementation.

12 **SEC. 1018. STUDENT PRIVACY POLICY COMMITTEE.**

13 (a) ESTABLISHMENT OF A COMMITTEE ON STUDENT  
14 PRIVACY POLICY.—Not later than 60 days after the date  
15 of enactment of this Act, there is established a committee  
16 to be known as the “Student Privacy Policy Committee”  
17 (referred to in this section as the “Committee”).

18 (b) MEMBERSHIP.—

19 (1) COMPOSITION.—The Committee shall be  
20 composed of—

21 (A) 3 individuals appointed by the Sec-  
22 retary of Education;

23 (B) not less than 8 and not more than 13  
24 individuals appointed by the Comptroller Gen-  
25 eral of the United States, representing—

1 (i) experts in education data and stu-  
2 dent privacy;

3 (ii) educators and parents;

4 (iii) State and local government offi-  
5 cials responsible for managing student in-  
6 formation;

7 (iv) education technology leaders in  
8 the State or a local educational agency;

9 (v) experts with practical experience  
10 dealing with data privacy management at  
11 the State or local level;

12 (vi) experts with a background in aca-  
13 demia or research in data privacy and edu-  
14 cation data; and

15 (vii) education technology providers  
16 and education data storage providers; and

17 (C) 4 members appointed by—

18 (i) the majority leader of the Senate;

19 (ii) the minority leader of the Senate;

20 (iii) the Speaker of the House of Rep-  
21 resentatives; and

22 (iv) the minority leader of the House  
23 of Representatives.

24 (D) CHAIRPERSON.—The Committee shall  
25 select a Chairperson from among its members.

1           (E) VACANCIES.—Any vacancy in the  
2           Committee shall not affect the powers of the  
3           Committee and shall be filled in the same man-  
4           ner as an initial appointment described in sub-  
5           paragraphs (A) through (C).

6           (c) MEETINGS.—The Committee shall hold, at the  
7           call of the Chairperson, not less than 5 meetings before  
8           completing the study required under subsection (e) and  
9           the report required under subsection (f).

10          (d) PERSONNEL MATTERS.—

11           (1) COMPENSATION OF MEMBERS.—Each mem-  
12           ber of the Committee shall serve without compensa-  
13           tion in addition to any such compensation received  
14           for the member's service as an officer or employee  
15           of the United States, if applicable.

16           (2) TRAVEL EXPENSES.—The members of the  
17           Committee shall be allowed travel expenses, includ-  
18           ing per diem in lieu of subsistence, at rates author-  
19           ized for employees of agencies under subchapter 1 of  
20           chapter 57 of title 5, United States Code, while  
21           away from their homes or regular places of business  
22           in the performance of services for the Committee.

23           (e) DUTIES OF THE COMMITTEE.—



1           (1) STUDY.—The Committee shall conduct a  
2 study on the effectiveness of Federal laws and en-  
3 forcement mechanisms of—

4                   (A) student privacy; and

5                   (B) parental rights to student information.

6           (2) RECOMMENDATIONS.—Based on the find-  
7 ings of the study under paragraph (1), the Com-  
8 mittee shall develop recommendations addressing  
9 issues of student privacy and parental rights and  
10 how to improve and enforce Federal laws regarding  
11 student privacy and parental rights, including rec-  
12 ommendations that—

13                   (A) provide or update standard definitions,  
14 if needed, for relevant terms related to student  
15 privacy, including—

16                           (i) education record;

17                           (ii) personally identifiable information;

18                           (iii) aggregated, de-identified, or  
19 anonymized data;

20                           (iv) third-party; and

21                           (v) educational purpose;

22                   (B) identify—

23                           (i) which Federal laws should be up-  
24 dated; and

1                   (ii) the appropriate Federal enforce-  
2                   ment authority to execute the laws identi-  
3                   fied in clause (i);

4                   (C) address the sharing of data in an in-  
5                   creasingly technological world, including—

6                   (i) evaluations of protections in place  
7                   for student data when it is used for re-  
8                   search purposes;

9                   (ii) establishing best practices for any  
10                  entity that is charged with handling, or  
11                  that comes into contact with, student edu-  
12                  cation records;

13                  (iii) ensuring that identifiable data  
14                  cannot be used to target students for ad-  
15                  vertising or marketing purposes; and

16                  (iv) establishing best practices for  
17                  data deletion and minimization;

18                  (D) discuss transparency and parental ac-  
19                  cess to personal student information by estab-  
20                  lishing best practices for—

21                  (i) ensuring parental knowledge of  
22                  any entity that stores or accesses their stu-  
23                  dent’s information;

24                  (ii) parents to amend, delete, or mod-  
25                  ify their student’s information; and

1 (iii) a central designee in a State or a  
2 political subdivision of a State who can  
3 oversee transparency and serve as a point  
4 of contact for interested parties;

5 (E) establish best practices for the local  
6 entities who handle student privacy, which may  
7 include professional development for those who  
8 come into contact with identifiable data; and

9 (F) discuss how to improve coordination  
10 between Federal and State laws.

11 (f) REPORT.—Not later than 270 days after the date  
12 of enactment of this Act, the Committee shall prepare and  
13 submit a report to the Secretary of Education and to Con-  
14 gress containing the findings of the study under sub-  
15 section (e)(1) and the recommendations developed under  
16 subsection (e)(2).

17 **SEC. 1019. REPORT ON STUDENT HOME ACCESS TO DIGITAL**  
18 **LEARNING RESOURCES.**

19 (a) IN GENERAL.—Not later than 18 months after  
20 the date of enactment of this Act, the Director of the In-  
21 stitute of Education Sciences, in consultation with rel-  
22 evant Federal agencies, shall complete a national study on  
23 the educational trends and behaviors associated with ac-  
24 cess to digital learning resources outside of the classroom,

1 which shall include analysis of extant data and new sur-  
2 veys about students and teachers that provide—

3           (1) a description of the various locations from  
4 which students access the Internet and digital learn-  
5 ing resources outside of the classroom, including  
6 through an after-school or summer program, a li-  
7 brary, and at home;

8           (2) a description of the various devices and  
9 technology through which students access the Inter-  
10 net and digital learning resources outside of the  
11 classroom, including through a computer or mobile  
12 device;

13           (3) data associated with the number of students  
14 who lack home Internet access, disaggregated by—

15           (A) each of the categories of students, as  
16 defined in section 1111(b)(3)(A) of the Elemen-  
17 tary and Secondary Education Act of 1965;

18           (B) homeless students and children or  
19 youth in foster care; and

20           (C) students in geographically diverse  
21 areas, including urban, suburban, and rural  
22 areas;

23           (4) data associated with the barriers to stu-  
24 dents acquiring home Internet access;

1           (5) data associated with the proportion of edu-  
2           cators who assign homework or implement innova-  
3           tive learning models that require or are substantially  
4           augmented by a student having home Internet ac-  
5           cess and the frequency of the need for such access;

6           (6) a description of the learning behaviors asso-  
7           ciated with students who lack home Internet access,  
8           including—

9                   (A) student participation in the classroom,  
10                   including the ability to complete homework and  
11                   participate in innovative learning models;

12                   (B) student engagement, through such  
13                   measures as attendance rates and chronic ab-  
14                   senteism; and

15                   (C) a student's ability to apply for employ-  
16                   ment, postsecondary education, and financial  
17                   aid programs;

18           (7) an analysis of the how a student's lack of  
19           home Internet access impacts the instructional prac-  
20           tice of educators, including—

21                   (A) the extent to which educators alter in-  
22                   structional methods, resources, homework as-  
23                   signments, and curriculum in order to accom-  
24                   modate differing levels of home Internet access;  
25                   and

1           (B) strategies employed by educators,  
2           school leaders, and administrators to address  
3           the differing levels of home Internet access  
4           among students; and

5           (8) a description of the ways in which State  
6           educational agencies, local educational agencies,  
7           schools, and other entities, including through part-  
8           nerships, have developed effective means to provide  
9           students with Internet access outside of the school  
10          day.

11          (b) PUBLIC DISSEMINATION.—The Director of the  
12          Institute of Education Sciences shall widely disseminate  
13          the findings of the study under this section—

14               (1) in a timely fashion;

15               (2) in a form that is understandable, easily ac-  
16               cessible, and publicly available and usable, or adapt-  
17               able for use in, the improvement of educational prac-  
18               tice;

19               (3) through electronic transfer and other  
20               means, such as posting, as available, to the website  
21               of the Institute of Education Sciences, or the De-  
22               partment of Education; and

23               (4) to all State educational agencies and other  
24               recipients of funds under part D of title IV of the  
25               Elementary and Secondary Education Act of 1965.

1 (c) DEFINITION OF DIGITAL LEARNING.—In this  
2 section, the term “digital learning”—

3 (1) has the meaning given the term in section  
4 5702 of the Elementary and Secondary Education  
5 Act of 1965; and

6 (2) includes an educational practice that effec-  
7 tively uses technology to strengthen a student’s  
8 learning experience within and outside of the class-  
9 room and at home, which may include the use of  
10 digital learning content, video, software, and other  
11 resources that may be developed, as the Secretary of  
12 Education may determine.

13 **TITLE II—HIGH-QUALITY TEACH-**  
14 **ERS, PRINCIPALS, AND**  
15 **OTHER SCHOOL LEADERS**

16 **SEC. 2001. TRANSFER OF CERTAIN PROVISIONS.**

17 The Act (20 U.S.C. 6301 et seq.) is amended—

18 (1) by redesignating subpart 5 of part C of title  
19 II (20 U.S.C. 6731 et seq.) as subpart 3 of part F  
20 of title IX, as redesignated by section 9106(1), and  
21 moving that subpart to the end of part F of title IX;

22 (2) by redesignating sections 2361 through  
23 2368 as sections 9541 through 9548, respectively;

1           (3) in section 9546(b), as redesignated by para-  
2           graph (2), by striking the matter following para-  
3           graph (2) and inserting the following:

4           “(3) A State law that makes a limitation of li-  
5           ability inapplicable if the civil action was brought by  
6           an officer of a State or local government pursuant  
7           to State or local law.”;

8           (4) by redesignating subpart 4 of part D of title  
9           II as subpart 4 of part F of title IX, as redesignated  
10          by section 9106(1), and moving that subpart to fol-  
11          low subpart 3 of part F of title IX, as redesignated  
12          and moved by paragraph (1);

13          (5) by redesignating section 2441 as section  
14          9551; and

15          (6) by striking the subpart heading of subpart  
16          4 of part F of title IX, as redesignated by paragraph  
17          (4), and inserting the following:

18                   **“Subpart 4—Internet Safety”.**

19   **SEC. 2002. PREPARING, TRAINING, AND RECRUITING HIGH-**  
20                   **QUALITY TEACHERS, PRINCIPALS, AND**  
21                   **OTHER SCHOOL LEADERS.**

22          The Act (20 U.S.C. 6301 et seq.) is amended by  
23          striking title II (as amended by section 2001) and insert-  
24          ing the following:



1 **“TITLE II—PREPARING, TRAIN-**  
2 **ING, AND RECRUITING HIGH-**  
3 **QUALITY TEACHERS, PRIN-**  
4 **CIPALS, AND OTHER SCHOOL**  
5 **LEADERS**

6 **“SEC. 2001. PURPOSE.**

7 “The purpose of this title is to improve student aca-  
8 demic achievement by—

9 “(1) increasing the ability of local educational  
10 agencies, schools, teachers, principals, and other  
11 school leaders to provide a well-rounded and com-  
12 plete education for all students;

13 “(2) improving the quality and effectiveness of  
14 teachers, principals, and other school leaders;

15 “(3) increasing the number of teachers, prin-  
16 cipals, and other school leaders who are effective in  
17 improving student academic achievement in schools;  
18 and

19 “(4) ensuring that low-income and minority  
20 students are served by effective teachers, principals,  
21 and other school leaders and have access to a high-  
22 quality instructional program.

23 **“SEC. 2002. DEFINITIONS.**

24 “In this title:

1           “(1) SCHOOL LEADER RESIDENCY PROGRAM.—  
2           The term ‘school leader residency program’ means a  
3           school-based principal, school leader, or principal  
4           and school leader preparation program in which a  
5           prospective principal or school leader—

6                   “(A) for 1 academic year, engages in sus-  
7                   tained and rigorous clinical learning with sub-  
8                   stantial leadership responsibilities and an op-  
9                   portunity to practice and be evaluated in an au-  
10                  thentic school setting; and

11                  “(B) during that academic year—

12                          “(i) participates in evidence-based  
13                          coursework that is integrated with the clin-  
14                          ical residency experience; and

15                          “(ii) receives ongoing support from a  
16                          mentor principal or school leader who is ef-  
17                          fective.

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

21           “(3) TEACHER RESIDENCY PROGRAM.—The  
22           term ‘teacher residency program’ means a school-  
23           based teacher preparation program in which a pro-  
24           spective teacher—

1           “(A) for not less than 1 academic year,  
2 teaches alongside an effective teacher, as deter-  
3 mined by a teacher evaluation system imple-  
4 mented under part A (if applicable), who is the  
5 teacher of record for the classroom;

6           “(B) receives concurrent instruction during  
7 the year described in subparagraph (A)—

8           “(i) through courses that may be  
9 taught by local educational agency per-  
10 sonnel or by faculty of the teacher prepara-  
11 tion program; and

12           “(ii) in the teaching of the content  
13 area in which the teacher will become cer-  
14 tified or licensed; and

15           “(C) acquires effective teaching skills, as  
16 demonstrated through completion of a residency  
17 program, or other measure determined by the  
18 State, which may include a teacher performance  
19 assessment.

20 **“SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.**

21           “(a) GRANTS TO STATES AND LOCAL EDUCATIONAL  
22 AGENCIES.—For the purposes of carrying out part A  
23 (other than section 2105), there are authorized to be ap-  
24 propriated such sums as may be necessary for each of fis-  
25 cal years 2016 through 2021.

1       “(b) NATIONAL ACTIVITIES.—For the purposes of  
2 carrying out activities authorized under section 2105,  
3 there are authorized to be appropriated such sums as may  
4 be necessary for each of fiscal years 2016 through 2021.

5       “(c) TEACHER AND SCHOOL LEADER INCENTIVE  
6 PROGRAM.—For the purposes of carrying out part B,  
7 there are authorized to be appropriated such sums as may  
8 be necessary for each of fiscal years 2016 through 2021.

9       “(d) AMERICAN HISTORY AND CIVICS EDUCATION.—  
10 For the purposes of carrying out part C, there are author-  
11 ized to be appropriated such sums as may be necessary  
12 for each of fiscal years 2016 through 2021.

13       “(e) LITERACY EDUCATION FOR ALL, RESULTS FOR  
14 THE NATION.—For the purposes of carrying out part D,  
15 there are authorized to be appropriated such sums as may  
16 be necessary for each of fiscal years 2016 through 2021.

17       “(f) STEM INSTRUCTION AND STUDENT ACHIEVE-  
18 MENT.—For the purposes of carrying out part E, there  
19 are authorized to be appropriated such sums as may be  
20 necessary for each of fiscal years 2016 through 2021.

1       **“PART A—FUND FOR THE IMPROVEMENT OF**  
2                               **TEACHING AND LEARNING**

3       **“SEC. 2101. FORMULA GRANTS TO STATES.**

4           “(a) RESERVATION OF FUNDS.—From the total  
5 amount appropriated under section 2003(a) for a fiscal  
6 year, the Secretary shall reserve—

7                   “(1) one-half of 1 percent for allotments for the  
8 United States Virgin Islands, Guam, American  
9 Samoa, and the Commonwealth of the Northern  
10 Mariana Islands, to be distributed among those out-  
11 lying areas on the basis of their relative need, as de-  
12 termined by the Secretary, in accordance with the  
13 purpose of this title; and

14                   “(2) one-half of 1 percent for the Secretary of  
15 the Interior for programs under this part in schools  
16 operated or funded by the Bureau of Indian Edu-  
17 cation.

18       “(b) STATE ALLOTMENTS.—

19                   “(1) HOLD HARMLESS.—

20                               “(A) FISCAL YEARS 2016 THROUGH 2021.—  
21 For each of fiscal years 2016 through 2021,  
22 subject to paragraph (2) and subparagraph (C),  
23 from the funds appropriated under section  
24 2003(a) for a fiscal year that remain after the  
25 Secretary makes the reservations under sub-  
26 section (a), the Secretary shall allot to each

1 State an amount equal to the total amount that  
2 such State received for fiscal year 2001  
3 under—

4 “(i) section 2202(b) of this Act (as in  
5 effect on the day before the date of enact-  
6 ment of the No Child Left Behind Act of  
7 2001); and

8 “(ii) section 306 of the Department of  
9 Education Appropriations Act, 2001 (as  
10 enacted into law by section 1(a)(1) of Pub-  
11 lic Law 106–554).

12 “(B) RATABLE REDUCTION.—If the funds  
13 described in subparagraph (A) are insufficient  
14 to pay the full amounts that all States are eligi-  
15 ble to receive under subparagraph (A) for any  
16 fiscal year, the Secretary shall ratably reduce  
17 those amounts for the fiscal year.

18 “(C) PERCENTAGE REDUCTION.—For each  
19 of fiscal years 2016 through 2021, the amount  
20 in subparagraph (A) shall be reduced by a per-  
21 centage equal to the product of 14.29 percent  
22 and the number of years between the fiscal year  
23 for which the determination is being made and  
24 fiscal year 2015.

25 “(2) ALLOTMENT OF ADDITIONAL FUNDS.—

1           “(A) IN GENERAL.—Subject to subpara-  
2           graph (B), for any fiscal year for which the  
3           funds appropriated under section 2003(a) and  
4           not reserved under subsection (a) exceed the  
5           total amount required to make allotments under  
6           paragraph (1), the Secretary shall allot to each  
7           State the sum of—

8                   “(i) an amount that bears the same  
9                   relationship to 20 percent of the excess  
10                  amount as the number of individuals age 5  
11                  through 17 in the State, as determined by  
12                  the Secretary on the basis of the most re-  
13                  cent satisfactory data, bears to the number  
14                  of those individuals in all such States, as  
15                  so determined; and

16                  “(ii) an amount that bears the same  
17                  relationship to 80 percent of the excess  
18                  amount as the number of individuals age 5  
19                  through 17 from families with incomes  
20                  below the poverty line in the State, as de-  
21                  termined by the Secretary on the basis of  
22                  the most recent satisfactory data, bears to  
23                  the number of those individuals in all such  
24                  States, as so determined.

1           “(B) EXCEPTION.—No State receiving an  
2 allotment under subparagraph (A) may receive  
3 less than one-half of 1 percent of the total ex-  
4 cess amount allotted under such subparagraph  
5 for a fiscal year.

6           “(3) FISCAL YEAR 2022 AND SUCCEEDING FIS-  
7 CAL YEARS.—For fiscal year 2022 and each of the  
8 succeeding fiscal years, the Secretary shall allot  
9 funds appropriated under section 2003(a) and not  
10 reserved under subsection (a) to each State in ac-  
11 cordance with paragraph (2).

12           “(4) REALLOTMENT.—If any State does not  
13 apply for an allotment under this subsection for any  
14 fiscal year, the Secretary shall reallocate the amount of  
15 the allotment to the remaining States in accordance  
16 with this subsection.

17           “(c) STATE USE OF FUNDS.—

18           “(1) IN GENERAL.—Except as provided for  
19 under paragraph (3), each State that receives an al-  
20 lotment under subsection (b) for a fiscal year shall  
21 reserve not less than 95 percent of such allotment  
22 to make subgrants to local educational agencies for  
23 such fiscal year, as described in section 2102.

24           “(2) STATE ADMINISTRATION.—A State edu-  
25 cational agency may use not more than 1 percent of



1 the amount allotted to such State under subsection  
2 (b) for the administrative costs of carrying out such  
3 State educational agency's responsibilities under this  
4 part.

5       “(3) PRINCIPALS AND OTHER SCHOOL LEAD-  
6 ERS.—Notwithstanding paragraph (1) and in addi-  
7 tion to funds otherwise available for activities under  
8 paragraph (4), a State educational agency may re-  
9 serve not more than 3 percent of the amount re-  
10 served for subgrants to local educational agencies  
11 under paragraph (1) for activities for principals and  
12 other school leaders described in paragraph (4), if  
13 such reservation would not result in a lower alloca-  
14 tion to local educational agencies under section  
15 2102, as compared to such allocation for the pre-  
16 ceding fiscal year.

17       “(4) STATE ACTIVITIES.—

18       “(A) IN GENERAL.—The State educational  
19 agency for a State that receives an allotment  
20 under subsection (b) may use funds not re-  
21 served under paragraph (1) to carry out 1 or  
22 more of the activities described in subparagraph  
23 (B), which may be implemented in conjunction  
24 with a State agency of higher education (if such  
25 agencies are separate) and carried out through

1 a grant or contract with a for-profit or non-  
2 profit entity, including an institution of higher  
3 education.

4 “(B) TYPES OF STATE ACTIVITIES.—The  
5 activities described in this subparagraph are the  
6 following:

7 “(i) Reforming teacher, principal, and  
8 other school leader certification, recertifi-  
9 cation, licensing, or tenure systems or  
10 preparation program standards and ap-  
11 proval processes to ensure that—

12 “(I) teachers have the necessary  
13 subject-matter knowledge and teach-  
14 ing skills, as demonstrated through  
15 measures determined by the State,  
16 which may include teacher perform-  
17 ance assessments, in the academic  
18 subjects that the teachers teach to  
19 help students meet challenging State  
20 academic standards described in sec-  
21 tion 1111(b)(1);

22 “(II) principals and other school  
23 leaders have the instructional leader-  
24 ship skills to help teachers teach and

1 to help students meet such chal-  
2 lenging State academic standards; and

3 “(III) teacher certification or li-  
4 censing requirements are aligned with  
5 such challenging State academic  
6 standards.

7 “(ii) Developing, improving, or pro-  
8 viding assistance to local educational agen-  
9 cies to support the design and implementa-  
10 tion of teacher, principal, and other school  
11 leader evaluation and support systems that  
12 are based in part on evidence of student  
13 academic achievement, which may include  
14 student growth, and shall include multiple  
15 measures of educator performance and  
16 provide clear, timely, and useful feedback  
17 to teachers, principals, and other schools  
18 leaders, such as by—

19 “(I) developing and dissemi-  
20 nating high-quality evaluation tools,  
21 such as classroom observation rubrics,  
22 and methods, including training and  
23 auditing, for ensuring inter-rater reli-  
24 ability of evaluation results;

1                   “(II) developing and providing  
2                   training to principals, other school  
3                   leaders, coaches, mentors, and eval-  
4                   uators on how to accurately differen-  
5                   tiate performance, provide useful and  
6                   timely feedback, and use evaluation  
7                   results to inform decisionmaking  
8                   about professional development, im-  
9                   provement strategies, and personnel  
10                  decisions; and

11                  “(III) developing a system for  
12                  auditing the quality of evaluation and  
13                  support systems.

14                  “(iii) Improving equitable access to ef-  
15                  fective teachers, principals, and other  
16                  school leaders.

17                  “(iv) Carrying out programs that es-  
18                  tablish, expand, or improve alternative  
19                  routes for State certification of teachers  
20                  (especially for teachers of children with  
21                  disabilities, English learners, science, tech-  
22                  nology, engineering, mathematics, or other  
23                  areas where the State demonstrates a  
24                  shortage of educators), principals, and  
25                  other school leaders, for—

1                   “(I) individuals with a bacca-  
2                   laureate or master’s degree, or other  
3                   advanced degree;

4                   “(II) mid-career professionals  
5                   from other occupations;

6                   “(III) paraprofessionals;

7                   “(IV) former military personnel;

8                   and

9                   “(V) recent graduates of institu-  
10                  tions of higher education with records  
11                  of academic distinction who dem-  
12                  onstrate the potential to become high-  
13                  ly effective teachers, principals, or  
14                  other school leaders.

15                  “(v) Developing, improving, and im-  
16                  plementing mechanisms to assist local edu-  
17                  cational agencies and schools in effectively  
18                  recruiting and retaining teachers, prin-  
19                  cipals, and other school leaders who are ef-  
20                  fective in improving student academic  
21                  achievement, including highly effective  
22                  teachers from underrepresented minority  
23                  groups and teachers with disabilities, such  
24                  as through—

1           “(I) opportunities for a cadre of  
2           effective teachers to lead evidence-  
3           based professional development for  
4           their peers;

5           “(II) career opportunities for  
6           teachers to grow as leaders, including  
7           hybrid roles that allow teachers to vol-  
8           untarily serve as mentors or academic  
9           coaches while remaining in the class-  
10          room; and

11          “(III) providing training and  
12          support for teacher leaders and school  
13          leaders who are recruited as part of  
14          instructional leadership teams.

15          “(vi) Fulfilling the State educational  
16          agency’s responsibilities concerning proper  
17          and efficient administration and moni-  
18          toring of the programs carried out under  
19          this part, including provision of technical  
20          assistance to local educational agencies.

21          “(vii) Developing, or assisting local  
22          educational agencies in developing—

23                 “(I) teacher advancement initia-  
24                 tives that promote professional growth  
25                 and emphasize multiple career paths,

1 such as school leadership, mentoring,  
2 involvement with school intervention  
3 and support, and instructional coach-  
4 ing;

5 “(II) strategies that provide dif-  
6 ferential pay, or other incentives, to  
7 recruit and retain teachers in high-  
8 need academic subjects and teachers,  
9 principals, or other school leaders, in  
10 low-income schools and school dis-  
11 tricts, which may include perform-  
12 ance-based pay systems; and

13 “(III) new teacher, principal, and  
14 other school leader induction and  
15 mentoring programs that are evi-  
16 dence-based and designed to—

17 “(aa) improve classroom in-  
18 struction and student learning  
19 and achievement;

20 “(bb) increase the retention  
21 of effective teachers, principals,  
22 and other school leaders;

23 “(cc) improve school leader-  
24 ship to improve classroom in-

1 instruction and student learning  
2 and achievement; and

3 “(dd) provide opportunities  
4 for teachers, principals, and  
5 other school leaders who are ex-  
6 periented, are effective, and have  
7 demonstrated an ability to work  
8 with adult learners to be men-  
9 tors.

10 “(viii) Providing assistance to local  
11 educational agencies for—

12 “(I) the development and imple-  
13 mentation of high-quality professional  
14 development programs for principals  
15 that enable the principals to be effec-  
16 tive and prepare all students to meet  
17 the challenging State academic stand-  
18 ards described in section 1111(b)(1);  
19 and

20 “(II) the development and sup-  
21 port of other school leadership pro-  
22 grams to develop educational leaders.

23 “(ix) Supporting efforts to train  
24 teachers, principals, and other school lead-  
25 ers to effectively integrate technology into



1           curricula and instruction, which may in-  
2           clude blended learning projects that in-  
3           clude an element of online learning, com-  
4           bined with supervised learning time and  
5           student-led learning, in which the elements  
6           are connected to provide an integrated  
7           learning experience.

8           “(x) Providing training, technical as-  
9           sistance, and capacity-building to local  
10          educational agencies that receive a  
11          subgrant under this part.

12          “(xi) Supporting teacher, principal,  
13          and other school leader residency pro-  
14          grams.

15          “(xii) Reforming or improving teach-  
16          er, principal, and other school leader prep-  
17          aration programs.

18          “(xiii) Supporting the instructional  
19          services provided by effective school library  
20          programs.

21          “(xiv) Supporting the instructional  
22          services provided by athletic administra-  
23          tors, such as through professional develop-  
24          ment or relevant State certification or li-  
25          censure for such administrators.

1           “(xv) Developing, or assisting local  
2 educational agencies in developing, strate-  
3 gies that provide teachers, principals, and  
4 other school leaders with the skills, creden-  
5 tials, or certifications needed to educate all  
6 students in postsecondary education  
7 coursework through early college high  
8 school or dual or concurrent enrollment  
9 courses or programs.

10           “(xvi) Providing training for all school  
11 personnel, including teachers, principals,  
12 other school leaders, specialized instruc-  
13 tional support personnel, and paraprofes-  
14 sionals, regarding how to prevent and rec-  
15 ognize child sexual abuse.

16           “(xvii) Supporting principals, other  
17 school leaders, teachers, teacher leaders,  
18 paraprofessionals, early childhood edu-  
19 cation program directors, and other early  
20 childhood education program providers to  
21 participate in efforts to align and promote  
22 quality early learning experiences from  
23 prekindergarten through grade 3.

24           “(xviii) Developing and providing pro-  
25 fessional development and instructional

1 materials for science, technology, engineer-  
2 ing, and mathematics subjects, including  
3 computer science.

4 “(xix) Supporting the efforts and pro-  
5 fessional development of teachers, prin-  
6 cipals, and other school leaders to inte-  
7 grate academic and career and technical  
8 education content into instructional prac-  
9 tices, which may include—

10 “(I) integrating career and tech-  
11 nical education with advanced  
12 coursework, such as by allowing the  
13 acquisition of postsecondary credits,  
14 recognized postsecondary credentials,  
15 and industry-based credentials, by  
16 students while in high school; or

17 “(II) coordinating activities with  
18 employers and entities carrying out  
19 initiatives under other workforce de-  
20 velopment programs to identify State  
21 and regional workforce needs, such as  
22 through the development of State and  
23 local plans under title I of the Work-  
24 force Innovation and Opportunity Act  
25 (29 U.S.C. 3111 et seq);

1           “(xx) Supporting other activities iden-  
2           tified by the State that are evidence-based  
3           and that meet the purpose of this title.

4           “(xxi) Enabling States, as a consor-  
5           tium, to voluntarily develop a process that  
6           allows teachers who are licensed or cer-  
7           tified in a participating State to teach in  
8           other participating States without com-  
9           pleting additional licensure or certification  
10          requirements, except that nothing in this  
11          clause shall be construed to allow the Sec-  
12          retary to exercise any direction, super-  
13          vision, or control over State teacher licens-  
14          ing or certification requirements.

15          “(d) STATE PLAN.—

16           “(1) IN GENERAL.—In order to receive an allot-  
17          ment under this section for any fiscal year, a State  
18          shall submit a plan to the Secretary, at such time,  
19          in such manner, and containing such information as  
20          the Secretary may reasonably require.

21           “(2) CONTENTS.—Each plan described under  
22          paragraph (1) shall include the following:

23           “(A) A description of how the State edu-  
24          cational agency will use funds received under

1 this title for State-level activities described in  
2 subsection (c).

3 “(B) A description of the State’s system of  
4 certification, licensing, and professional growth  
5 and improvement, such as clinical experience  
6 for prospective educators, support for new edu-  
7 cators, professional development, professional  
8 growth and leadership opportunities, and com-  
9 pensation systems for teachers, principals, and  
10 other educators.

11 “(C) A description of how activities under  
12 this part are aligned with challenging State aca-  
13 demic standards and State assessments under  
14 section 1111, which may include, as appro-  
15 priate, relevant State early learning and devel-  
16 opmental guidelines, as required under section  
17 658E(c)(2)(T) of the Child Care and Develop-  
18 ment Block Grant Act of 1990 (42 U.S.C.  
19 9858c(c)(2)(T)).

20 “(D) A description of how the activities  
21 using funds under this part are expected to im-  
22 prove student achievement.

23 “(E) If a State educational agency plans  
24 to use funds under this part to improve equi-  
25 table access to effective teachers, principals,

1 and other school leaders, a description of how  
2 such funds will be used to meet the State’s  
3 commitment described in section 1111(c)(1)(F)  
4 to ensure equitable access to effective teachers,  
5 principals, and school leaders.

6 “(F) An assurance that the State edu-  
7 cational agency will monitor the implementation  
8 of activities under this part and provide tech-  
9 nical assistance to local educational agencies in  
10 carrying out such activities.

11 “(G) An assurance that the State edu-  
12 cational agency will work in consultation with  
13 the entity responsible for teacher and principal  
14 professional standards, certification, and licens-  
15 ing for the State, and encourage collaboration  
16 between educator preparation programs, the  
17 State, and local educational agencies to promote  
18 the readiness of new educators entering the  
19 profession.

20 “(H) A description of how the State edu-  
21 cational agency will improve the skills of teach-  
22 ers, principals, and other school leaders in order  
23 to enable them to identify students with specific  
24 learning needs, particularly students with dis-  
25 abilities, English learners, students who are

1           gifted and talented, and students with low lit-  
2           eracy levels, and provide instruction based on  
3           the needs of such students.

4           “(I) A description of how the State will use  
5           data and ongoing consultation with and input  
6           from teachers and teacher organizations, prin-  
7           cipals, other school leaders, specialized instruc-  
8           tional support personnel, parents, community  
9           partners, and (where applicable) institutions of  
10          higher education, to continually update and im-  
11          prove the activities supported under this part.

12          “(J) A description of actions the State  
13          may take to improve preparation programs and  
14          strengthen support for principals and other  
15          school leaders based on the needs of the State,  
16          as identified by the State educational agency.

17          “(3) CONSULTATION.—In developing the State  
18          plan under this subsection, a State shall—

19                 “(A) involve teachers, teacher organiza-  
20                 tions, principals, other school leaders, special-  
21                 ized instructional support personnel, parents,  
22                 community partners, and other organizations or  
23                 partners with relevant and demonstrated exper-  
24                 tise in programs and activities designed to meet  
25                 the purpose of this title;

1           “(B) seek advice from the individuals, or-  
2           organizations, or partners described in subpara-  
3           graph (A) regarding how best to improve the  
4           State’s activities to meet the purpose of this  
5           title; and

6           “(C) coordinate the State’s activities under  
7           this part with other related strategies, pro-  
8           grams, and activities being conducted in the  
9           State.

10          “(e) PROHIBITION.—Nothing in this section shall be  
11         construed to authorize the Secretary or any other officer  
12         or employee of the Federal Government to mandate, di-  
13         rect, or control any of the following:

14                 “(1) The development, improvement, or imple-  
15                 mentation of elements of any teacher, principal, or  
16                 school leader evaluation systems.

17                 “(2) Any State or local educational agency’s  
18                 definition of teacher, principal, or other school lead-  
19                 er effectiveness.

20                 “(3) Any teacher, principal, or other school  
21                 leader professional standards, certification, or licens-  
22                 ing.



1 **“SEC. 2102. SUBGRANTS TO LOCAL EDUCATIONAL AGEN-**  
2 **CIES.**

3 “(a) ALLOCATION OF FUNDS TO LOCAL EDU-  
4 CATIONAL AGENCIES.—

5 “(1) IN GENERAL.—From funds reserved by a  
6 State under section 2101(c)(1) for a fiscal year, the  
7 State, acting through the State educational agency,  
8 shall award subgrants to eligible local educational  
9 agencies from allocations described in paragraph (2).

10 “(2) ALLOCATION FORMULA.—From the funds  
11 described in paragraph (1), the State educational  
12 agency shall allocate to each of the eligible local edu-  
13 cational agencies in the State for a fiscal year the  
14 sum of—

15 “(A) an amount that bears the same rela-  
16 tionship to 20 percent of such funds for such  
17 fiscal year as the number of individuals aged 5  
18 through 17 in the geographic area served by the  
19 agency, as determined by the Secretary on the  
20 basis of the most recent satisfactory data, bears  
21 to the number of those individuals in the geo-  
22 graphic areas served by all eligible local edu-  
23 cational agencies in the State, as so determined;  
24 and

25 “(B) an amount that bears the same rela-  
26 tionship to 80 percent of the funds for such fis-

1 cal year as the number of individuals aged 5  
2 through 17 from families with incomes below  
3 the poverty line in the geographic area served  
4 by the agency, as determined by the Secretary  
5 on the basis of the most recent satisfactory  
6 data, bears to the number of those individuals  
7 in the geographic areas served by all the eligible  
8 local educational agencies in the State, as so  
9 determined.

10 “(3) ADMINISTRATIVE COSTS.—Of the amounts  
11 allocated to a local educational agency under para-  
12 graph (2), the local educational agency may use not  
13 more than 2 percent for the direct administrative  
14 costs of carrying out its responsibilities under this  
15 part.

16 “(4) RULE OF CONSTRUCTION.—Nothing in  
17 this section shall be construed to prohibit a consor-  
18 tium of local educational agencies that are des-  
19 ignated with a school locale code of 41, 42, or 43,  
20 or such local educational agencies designated with a  
21 school locale code of 41, 42, or 43 that work in co-  
22 operation with an educational service agency, from  
23 voluntarily combining allocations received under this  
24 part for the collective use of funding by the consor-  
25 tium for activities under this section.

1 “(b) LOCAL APPLICATIONS.—

2 “(1) IN GENERAL.—To be eligible to receive a  
3 subgrant under this section, a local educational  
4 agency shall conduct a needs assessment described  
5 in paragraph (2) and submit an application to the  
6 State educational agency at such time, in such man-  
7 ner, and containing such information as the State  
8 educational agency may reasonably require.

9 “(2) NEEDS ASSESSMENT.—

10 “(A) IN GENERAL.—To be eligible to re-  
11 ceive a subgrant under this section, a local edu-  
12 cational agency shall periodically conduct a  
13 comprehensive needs assessment of the local  
14 educational agency and of all schools served by  
15 the local educational agency.

16 “(B) REQUIREMENTS.—The needs assess-  
17 ment under subparagraph (A) shall be designed  
18 to determine the schools with the most acute  
19 staffing needs related to—

20 “(i) increasing the number of teach-  
21 ers, principals, and other school leaders  
22 who are effective in improving student aca-  
23 demic achievement;

24 “(ii) ensuring that low-income and mi-  
25 nority students are not disproportionately

1 served by ineffective teachers, principals,  
2 and other school leaders;

3 “(iii) ensuring that low-income and  
4 minority students have access to—

5 “(I) a high-quality instructional  
6 program (such as opportunities for  
7 high-quality postsecondary education  
8 coursework through an early college  
9 high school or a dual or concurrent  
10 enrollment program); and

11 “(II) class sizes that are appro-  
12 priate and evidence-based;

13 “(iv) hiring, retention, and advance-  
14 ment and leadership opportunities for ef-  
15 fective teachers, principals, and other  
16 school leaders;

17 “(v) supporting and developing all  
18 educators, including preschool, kinder-  
19 garten, elementary, middle, or high school  
20 teachers (including special education and  
21 career and technical education teachers),  
22 principals, other school leaders, early child-  
23 hood directors, specialized instructional  
24 support personnel, paraprofessionals, or

1 other staff members who provide or di-  
2 rectly support instruction;

3 “(vi) understanding and using data  
4 and assessments to improve student learn-  
5 ing and classroom practice;

6 “(vii) improving student behavior, in-  
7 cluding the response of teachers, prin-  
8 cipals, and other school leaders to student  
9 behavior, in the classroom and school, in-  
10 cluding the identification of early and ap-  
11 propriate interventions, which may include  
12 positive behavioral interventions and sup-  
13 ports;

14 “(viii) teaching students who are  
15 English learners, children who are in early  
16 childhood education programs, children  
17 with disabilities, American Indian children,  
18 Alaskan Native children, and gifted and  
19 talented students;

20 “(ix) ensuring that funds are used to  
21 support schools served by the local edu-  
22 cational agency that are identified under  
23 section 1114(a)(1)(A) and schools with  
24 high percentages or numbers of children  
25 counted under section 1124(c);

1           “(x) improving the academic and non-  
2           academic skills of all students that are es-  
3           sential for learning readiness and academic  
4           success; and

5           “(xi) any other evidence-based factors  
6           that the local educational agency deter-  
7           mines are appropriate to meet the needs of  
8           schools within the jurisdiction of the local  
9           educational agency and meet the purpose  
10          of this title.

11          “(3) CONSULTATION.—

12           “(A) IN GENERAL.—In conducting a needs  
13          assessment described in paragraph (2), a local  
14          educational agency shall—

15           “(i) involve teachers, teacher organi-  
16          zations, principals, and other school lead-  
17          ers, specialized instructional support per-  
18          sonnel, parents, community partners, and  
19          others with relevant and demonstrated ex-  
20          pertise in programs and activities designed  
21          to meet the purpose of this title; and

22           “(ii) take into account the activities  
23          that need to be conducted in order to give  
24          teachers, principals, and other school lead-  
25          ers the skills to provide students with the

1 opportunity to meet challenging State aca-  
2 demic standards described in section  
3 1111(b)(1).

4 “(B) CONTINUED CONSULTATION.—A local  
5 educational agency receiving a subgrant under  
6 this section shall consult with such individuals  
7 and organizations described in subparagraph  
8 (A) on an ongoing basis in order to—

9 “(i) seek advice regarding how best to  
10 improve the local educational agency’s ac-  
11 tivities to meet the purpose of this title;  
12 and

13 “(ii) coordinate the local educational  
14 agency’s activities under this part with  
15 other related strategies, programs, and ac-  
16 tivities being conducted in the community.

17 “(4) CONTENTS OF APPLICATION.—Each appli-  
18 cation submitted under paragraph (1) shall be based  
19 on the results of the needs assessment required  
20 under paragraph (2) and shall include the following:

21 “(A) A description of the results of the  
22 comprehensive needs assessment carried out  
23 under paragraph (2).

24 “(B) A description of the activities to be  
25 carried out by the local educational agency

1 under this section and how these activities will  
2 be aligned with the challenging State academic  
3 standards described in section 1111(b)(1).

4 “(C) A description of how such activities  
5 will comply with the principles of effectiveness  
6 described in section 2103(e).

7 “(D) A description of the activities, includ-  
8 ing professional development, that will be made  
9 available to meet needs identified by the needs  
10 assessment described in paragraph (2).

11 “(E) A description of the local educational  
12 agency’s systems of hiring and professional  
13 growth and improvement, such as induction for  
14 teachers, principals, and other school leaders.

15 “(F) A description of how the local edu-  
16 cational agency will support efforts to train  
17 teachers, principals, and other school leaders to  
18 effectively integrate technology into curricula  
19 and instruction.

20 “(G) A description of how the local edu-  
21 cational agency will prioritize funds to schools  
22 served by the agency that are identified under  
23 section 1114(a)(1)(A) and have the highest per-  
24 centage or number of children counted under  
25 section 1124(e).



1           “(H) Where a local educational agency has  
2 a significant number of schools identified under  
3 section 1114(a)(1)(A), as determined by the  
4 State, a description of how the local educational  
5 agency will seek the input of the State edu-  
6 cational agency in planning and implementing  
7 activities under this part.

8           “(I) A description of how the local edu-  
9 cational agency will increase and improve op-  
10 portunities for meaningful teacher leadership  
11 and for building the capacity of teachers.

12           “(J) An assurance that the local edu-  
13 cational agency will comply with section 9501  
14 (regarding participation by private school chil-  
15 dren and teachers).

16           “(K) An assurance that the local edu-  
17 cational agency will coordinate professional de-  
18 velopment activities authorized under this part  
19 with professional development activities pro-  
20 vided through other Federal, State, and local  
21 programs.

22 **“SEC. 2103. LOCAL USE OF FUNDS.**

23           “(a) IN GENERAL.—A local educational agency that  
24 receives a subgrant under section 2102 shall use the funds  
25 made available through the subgrant to develop, imple-

1 ment, and evaluate comprehensive, evidence-based pro-  
2 grams and activities described in subsection (b), which  
3 may be carried out through a grant or contract with a  
4 for-profit or nonprofit entity, in partnership with an insti-  
5 tution of higher education, or in partnership with an In-  
6 dian tribe or tribal organization (as defined under section  
7 4 of the Indian Self-Determination and Education Assist-  
8 ance Act (25 U.S.C. 450b)).

9 “(b) TYPES OF ACTIVITIES.—The activities described  
10 in this subsection—

11 “(1) shall meet the needs identified in the needs  
12 assessment described in section 2102(b)(2);

13 “(2) shall be in accordance with the purpose of  
14 this title, evidence-based, and consistent with the  
15 principles of effectiveness described in subsection  
16 (c);

17 “(3) shall address the learning needs of all stu-  
18 dents, including children with disabilities, English  
19 learners, and gifted and talented students; and

20 “(4) may include, among other programs and  
21 activities—

22 “(A) developing or improving a rigorous,  
23 transparent, and fair evaluation and support  
24 system for teachers, principals, and other school  
25 leaders that is based in part on evidence of stu-

1           dent achievement, which may include student  
2           growth, and shall include multiple measures of  
3           educator performance and provide clear, timely,  
4           and useful feedback to teachers, principals, and  
5           other schools leaders;

6           “(B) developing and implementing initia-  
7           tives to assist in recruiting, hiring, and retain-  
8           ing highly effective teachers, principals, and  
9           other school leaders, particularly in low-income  
10          schools with high percentages of ineffective  
11          teachers and high percentages of students who  
12          do not meet the challenging State academic  
13          standards described in section 1111(b)(1), to  
14          improve within-district equity in the distribu-  
15          tion of teachers, principals, and school leaders  
16          consistent with the requirements of section  
17          1111(c)(1)(F), such as initiatives that pro-  
18          vide—

19                 “(i) expert help in screening can-  
20                 didates and enabling early hiring;

21                 “(ii) differential and incentive pay for  
22                 teachers, principals, and other school lead-  
23                 ers in high-need academic subject areas  
24                 and specialty areas, which may include  
25                 performance-based pay systems;

1           “(iii) teacher, paraprofessional, prin-  
2           cipal, and other school leader advancement  
3           and professional growth, and an emphasis  
4           on leadership opportunities, multiple career  
5           paths and pay differentiation;

6           “(iv) new teacher, principal, and other  
7           school leader induction and mentoring pro-  
8           grams that are designed to—

9                   “(I) improve classroom instruc-  
10                  tion and student learning and achieve-  
11                  ment;

12                   “(II) increase the retention of ef-  
13                  fective teachers, principals, and other  
14                  school leaders;

15                   “(III) improve school leadership  
16                  to improve classroom instruction and  
17                  student learning and achievement;  
18                  and

19                   “(IV) provide opportunities for  
20                  mentor teachers, principals, and other  
21                  educators who are experienced, are ef-  
22                  fective, and have demonstrated an  
23                  ability to work with adult learners;

24                   “(v) the development and provision of  
25                  training for school leaders, coaches, men-

1           tors and evaluators on how to accurately  
2           differentiate performance, provide useful  
3           feedback, and use evaluation results to in-  
4           form decisionmaking about professional de-  
5           velopment, improvement strategies, and  
6           personnel decisions; and

7                   “(vi) a system for auditing the quality  
8                   of evaluation and support systems;

9                   “(C) recruiting qualified individuals from  
10                  other fields to become teachers, principals, or  
11                  other school leaders including mid-career pro-  
12                  fessionals from other occupations, former mili-  
13                  tary personnel, and recent graduates of institu-  
14                  tions of higher education with a record of aca-  
15                  demic distinction who demonstrate potential to  
16                  become effective teachers, principals, or other  
17                  school leaders;

18                   “(D) reducing class size to an evidence-  
19                   based level to improve student achievement  
20                   through the recruiting and hiring of additional  
21                   effective teachers;

22                   “(E) providing high-quality, personalized  
23                   professional development for teachers, instruc-  
24                   tional leadership teams, principals, and other  
25                   school leaders, focused on improving teaching

1 and student learning and achievement, includ-  
2 ing supporting efforts to train teachers, prin-  
3 cipals, and other school leaders to—

4 “(i) effectively integrate technology  
5 into curricula and instruction (including  
6 education about the harms of copyright pi-  
7 racy);

8 “(ii) use data from such technology to  
9 improve student achievement;

10 “(iii) effectively engage parents, fami-  
11 lies and community partners, and coordi-  
12 nate services between school and commu-  
13 nity;

14 “(iv) help all students develop the  
15 academic and nonacademic skills essential  
16 for learning readiness and academic suc-  
17 cess; and

18 “(v) develop policy with school, local  
19 educational agency, community, or State  
20 leaders;

21 “(F) developing programs and activities  
22 that increase the ability of teachers to effec-  
23 tively teach children with disabilities, including  
24 children with significant cognitive disabilities,  
25 which may include the use of multi-tier systems

1 of support and positive behavioral intervention  
2 and supports, and students who are English  
3 learners, so that such children with disabilities  
4 and students who are English learners can meet  
5 the challenging State academic standards de-  
6 scribed in section 1111(b)(1);

7 “(G) providing programs and activities to  
8 increase—

9 “(i) the knowledge base of teachers,  
10 principals, and other school leaders on in-  
11 struction in the early grades and on strate-  
12 gies to measure whether young children  
13 are progressing; and

14 “(ii) the ability of principals and other  
15 school leaders to support teachers, teacher  
16 leaders, early childhood educators, and  
17 other professionals to meet the needs of  
18 students through age 8, which may include  
19 providing joint professional learning and  
20 planning activities for school staff and edu-  
21 cators in preschool programs that address  
22 the transition to elementary school;

23 “(H) providing training, technical assist-  
24 ance, and capacity-building in local educational  
25 agencies to assist teachers and school leaders

1 with selecting and implementing formative as-  
2 sessments, designing classroom-based assess-  
3 ments, and using data from such assessments  
4 to improve instruction and student academic  
5 achievement, which may include providing addi-  
6 tional time for teachers to review student data  
7 and respond, as appropriate;

8 “(I) supporting teacher, principal, and  
9 school leader residency programs;

10 “(J) reforming or improving teacher, prin-  
11 cipal, and other school leader preparation pro-  
12 grams;

13 “(K) carrying out in-service training for  
14 school personnel in—

15 “(i) the techniques and supports need-  
16 ed for early identification of children with  
17 trauma histories, and children with, or at  
18 risk of, mental illness;

19 “(ii) the use of referral mechanisms  
20 that effectively link such children to appro-  
21 priate treatment and intervention services  
22 in the school and in the community, where  
23 appropriate; and

24 “(iii) forming partnerships between  
25 school-based mental health programs and



1 public or private mental health organiza-  
2 tions;

3 “(L) providing training to support the  
4 identification of students who are gifted and  
5 talented, including high-ability students who  
6 have not been formally identified for gifted edu-  
7 cation services, and implementing instructional  
8 practices that support the education of such  
9 students, such as—

10 “(i) early entrance to kindergarten;

11 “(ii) enrichment, acceleration, and  
12 curriculum compacting activities; and

13 “(iii) dual or concurrent enrollment in  
14 secondary school and postsecondary edu-  
15 cation;

16 “(M) supporting the instructional services  
17 provided by effective school library programs;

18 “(N) providing general liability insurance  
19 coverage for teachers related to actions per-  
20 formed in the scope of their duties;

21 “(O) providing training for all school per-  
22 sonnel, including teachers, principals, other  
23 school leaders, specialized instructional support  
24 personnel, and paraprofessionals, regarding how  
25 to prevent and recognize child sexual abuse;

1           “(P) developing and providing professional  
2 development and instructional materials for  
3 science, technology, engineering, and mathe-  
4 matics subjects, including computer science;

5           “(Q) providing training for teachers, prin-  
6 cipals, and other school leaders to address  
7 school climate issues such as school violence,  
8 bullying, harassment, drug and alcohol use and  
9 abuse, and rates of chronic absenteeism (includ-  
10 ing both excused and unexcused absences);

11           “(R) increasing time for common planning,  
12 within and across content areas and grade lev-  
13 els;

14           “(S) increasing opportunities for teacher-  
15 designed and implemented professional develop-  
16 ment activities, which may include opportunities  
17 for experiential learning through observation;

18           “(T) developing feedback mechanisms to  
19 improve school working conditions;

20           “(U) providing high-quality professional  
21 development for teachers, principals, and other  
22 school leaders on effective strategies to inte-  
23 grate rigorous academic content, career and  
24 technical education, and work-based learning, if  
25 appropriate, which may include providing com-

1 mon planning time, to help prepare students for  
2 postsecondary education and the workforce  
3 without the need for remediation;

4 “(V) providing educator training to in-  
5 crease students’ entrepreneurship skills; and

6 “(W) regularly conducting, and publicly re-  
7 porting the results of, an assessment and a plan  
8 to address such results, of educator support and  
9 working conditions that—

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

13 “(I) teacher and principal percep-  
14 tions of availability of high-quality  
15 professional development and instruc-  
16 tional materials;

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

20 “(III) the presence of high-qual-  
21 ity instructional leadership; and

22 “(IV) opportunities for profes-  
23 sional growth, such as career ladders  
24 and mentoring and induction pro-  
25 grams;

1                   “(ii) evaluates working conditions for  
2 teachers, leaders and other school per-  
3 sonnel, such as—

4                   “(I) school safety and climate;

5                   “(II) availability and use of com-  
6 mon planning time and opportunities  
7 to collaborate; and

8                   “(III) community engagement;  
9 and

10                  “(iii) is developed with teachers, lead-  
11 ers, other school personnel, parents, stu-  
12 dents, and the community; and

13                  “(X) carrying out other evidence-based ac-  
14 tivities identified by the local educational agen-  
15 cy that meet the purpose of this title.

16                  “(c) PRINCIPLES OF EFFECTIVENESS.—

17                  “(1) IN GENERAL.—For a program or activity  
18 supported with funds provided under this part to  
19 meet principles of effectiveness, such program or ac-  
20 tivity shall—

21                  “(A) be based on an assessment of objec-  
22 tive data regarding the need for programs and  
23 activities in the schools to be served to—

24                  “(i) increase the number of teachers,  
25 principals, and other school leaders who

1 are effective in improving student academic  
2 achievement;

3 “(ii) ensure that low-income and mi-  
4 nority students are served by effective  
5 teachers, principals, and other school lead-  
6 ers; and

7 “(iii) ensure that low-income and mi-  
8 nority students have access to a high-qual-  
9 ity instructional program;

10 “(B) be based on established and evidence-  
11 based criteria—

12 “(i) aimed at ensuring that all stu-  
13 dents receive a high-quality education  
14 taught by effective teachers and attend  
15 schools led by effective principals and other  
16 school leaders; and

17 “(ii) that result in improved student  
18 academic achievement in the school served  
19 by the program or activity; and

20 “(C) include meaningful and ongoing con-  
21 sultation with and input from teachers, teacher  
22 organizations, principals, other school leaders,  
23 specialized instructional support personnel, par-  
24 ents, community partners, and (where applica-  
25 ble) institutions of higher education, in the de-

1           velopment of the application and administration  
2           of the program or activity.

3           “(2) PERIODIC EVALUATION.—

4                   “(A) IN GENERAL.—A program or activity  
5           carried out under this section shall undergo a  
6           periodic evaluation to assess its progress toward  
7           achieving the goal of providing students with a  
8           high-quality education, taught by effective  
9           teachers, in schools led by effective principals  
10          and school leaders that results in improved stu-  
11          dent academic achievement.

12                   “(B) USE OF RESULTS.—The results of an  
13          evaluation described in subparagraph (A) shall  
14          be—

15                           “(i) used to refine, improve, and  
16                           strengthen the program or activity, and to  
17                           refine the criteria described in paragraph  
18                           (1)(B); and

19                           “(ii) made available to the public upon  
20                           request, with public notice of such avail-  
21                           ability provided.

22           “(3) PROHIBITION.—Nothing in this subsection  
23          shall be construed to authorize the Secretary or any  
24          other officer or employee of the Federal Government  
25          to mandate, direct, or control the principles of effec-

1       tiveness developed by local educational agencies  
2       under paragraph (1) or the specific programs or ac-  
3       tivities that will be implemented by a local edu-  
4       cational agency.

5       **“SEC. 2104. REPORTING.**

6       “(a) STATE REPORT.—Each State educational agen-  
7       cy receiving funds under this part shall annually submit  
8       to the Secretary a report that provides—

9               “(1) the number and percentage of teachers,  
10       principals, and other school leaders in the State and  
11       each local educational agency in the State who are  
12       licensed or certified, provided such information does  
13       not reveal personally identifiable information;

14               “(2) the first-time passing rate of teachers and  
15       principals in the State and each local educational  
16       agency in the State on teacher and principal licen-  
17       sure examinations, provided such information does  
18       not reveal personally identifiable information;

19               “(3) a description of how chosen professional  
20       development activities improved teacher and prin-  
21       cipal performance; and

22               “(4) if funds are used under this part to im-  
23       prove equitable access to teachers, principals, and  
24       other school leaders for low-income and minority

1 students, a description of how funds have been used  
2 to improve such access.

3 “(b) LOCAL EDUCATIONAL AGENCY REPORT.—Each  
4 local educational agency receiving funds under this part  
5 shall submit to the State educational agency such informa-  
6 tion as the State requires, which shall include the informa-  
7 tion described in subsection (a) for the local educational  
8 agency.

9 “(c) AVAILABILITY.—The reports and information  
10 provided under subsections (a) and (b) shall be made read-  
11 ily available to the public.

12 “(d) LIMITATION.—The reports and information pro-  
13 vided under subsections (a) and (b) shall not reveal per-  
14 sonally identifiable information about any individual.

15 **“SEC. 2105. NATIONAL ACTIVITIES OF DEMONSTRATED EF-**  
16 **ECTIVENESS.**

17 “(a) IN GENERAL.—From the funds appropriated  
18 under section 2003(b) to carry out this section, the Sec-  
19 retary—

20 “(1) shall reserve such funds as are necessary  
21 to carry out activities under subsection (b);

22 “(2) shall reserve not less than 40 percent of  
23 the funds appropriated under such section to carry  
24 out activities under subsection (c); and



1           “(3) shall reserve not less than 40 percent of  
2           such funds to carry out activities under subsection  
3           (d).

4           “(b) TECHNICAL ASSISTANCE AND NATIONAL EVAL-  
5           UATION.—From the funds reserved by the Secretary  
6           under subsection (a)(1), the Secretary—

7           “(1) shall establish, in a manner consistent  
8           with section 203 of the Educational Technical As-  
9           sistance Act of 2002, a comprehensive center on stu-  
10          dents at risk of not attaining full literacy skills due  
11          to a disability, which shall—

12           “(A) identify or develop free or low-cost  
13           evidence-based assessment tools for identifying  
14           students at risk of not attaining full literacy  
15           skills due to a disability, including dyslexia im-  
16           pacting reading and writing, or developmental  
17           delay impacting reading, writing, language  
18           processing, comprehension, or executive func-  
19           tioning;

20           “(B) identify evidence-based literacy in-  
21           struction, strategies, and accommodations, in-  
22           cluding assistive technology, designed to meet  
23           the specific needs of such students;

24           “(C) provide families of such students with  
25           information to assist such students;

1           “(D) identify or develop evidence-based  
2 professional development for teachers, para-  
3 professionals, principals, other school leaders,  
4 and specialized instructional support personnel  
5 to—

6           “(i) understand early indicators of  
7 students at risk of not attaining full lit-  
8 eracy skills due to a disability, including  
9 dyslexia impacting reading and writing, or  
10 developmental delay impacting reading,  
11 writing, language processing, comprehen-  
12 sion, or executive functioning;

13           “(ii) use evidence-based screening as-  
14 sessments for early identification of such  
15 students beginning not later than kinder-  
16 garten; and

17           “(iii) implement evidence-based in-  
18 struction designed to meet the specific  
19 needs of such students; and

20           “(E) disseminate the products of the com-  
21 prehensive center to regionally diverse State  
22 educational agencies, local educational agencies,  
23 regional educational agencies, and schools, in-  
24 cluding, as appropriate, through partnerships  
25 with other comprehensive centers established

1 under section 203 of the Educational Technical  
2 Assistance Act of 2002 and regional educational  
3 laboratories established under section 174 of  
4 the Education Sciences Reform Act of 2002;  
5 and

6 “(2) may—

7 “(A) provide technical assistance, which  
8 may be carried out directly or through grants  
9 or contracts, to States and local educational  
10 agencies carrying out activities under this part;  
11 and

12 “(B) carry out evaluations of activities by  
13 States and local educational agencies under this  
14 part, which shall be conducted by a third party  
15 or by the Institute of Education Sciences.

16 “(c) PROGRAMS OF NATIONAL SIGNIFICANCE.—

17 “(1) IN GENERAL.—From the funds reserved  
18 by the Secretary under subsection (a)(2), the Sec-  
19 retary shall award grants, on a competitive basis, to  
20 eligible entities for the purposes of—

21 “(A) providing teachers, principals, and  
22 other school leaders from nontraditional prepa-  
23 ration and certification routes or pathways to  
24 serve in traditionally underserved local edu-  
25 cational agencies;

1           “(B) providing evidence-based professional  
2           development activities that addresses literacy,  
3           numeracy, remedial, or other needs of local edu-  
4           cational agencies and the students the agencies  
5           serve;

6           “(C) providing teachers, principals, and  
7           other school leaders with professional develop-  
8           ment activities that enhance or enable the pro-  
9           vision of postsecondary coursework through  
10          dual or concurrent enrollment and early college  
11          high school settings across a local educational  
12          agency.

13          “(D) making freely available services and  
14          learning opportunities to local educational agen-  
15          cies, through partnerships and cooperative  
16          agreements or by making the services or oppor-  
17          tunities publicly accessible through electronic  
18          means; or

19          “(E) providing teachers, principals, and  
20          other school leaders with evidence-based profes-  
21          sional enhancement activities, which may in-  
22          clude activities that lead to an advanced creden-  
23          tial.

24          “(2) PROGRAM PERIODS AND DIVERSITY OF  
25          PROJECTS.—

1           “(A) IN GENERAL.—A grant awarded by  
2 the Secretary to an eligible entity under this  
3 subsection shall be for a period of not more  
4 than 3 years.

5           “(B) RENEWAL.—The Secretary may  
6 renew a grant awarded under this subsection  
7 for 1 additional 2-year period.

8           “(C) DIVERSITY OF PROJECTS.—In award-  
9 ing grants under this subsection, the Secretary  
10 shall ensure that, to the extent practicable,  
11 grants are distributed among eligible entities  
12 that will serve geographically diverse areas, in-  
13 cluding urban, suburban, and rural areas.

14           “(D) LIMITATION.—The Secretary shall  
15 not award more than 1 grant under this sub-  
16 section to an eligible entity during a grant com-  
17 petition.

18           “(3) COST-SHARING.—

19           “(A) IN GENERAL.—An eligible entity that  
20 receives a grant under this subsection shall pro-  
21 vide, from non-Federal sources, not less than  
22 25 percent of the funds for the total cost for  
23 each year of activities carried out under this  
24 subsection.

1           “(B) ACCEPTABLE CONTRIBUTIONS.—An  
2           eligible entity that receives a grant under this  
3           subsection may meet the requirement of sub-  
4           paragraph (A) by providing contributions in  
5           cash or in kind, fairly evaluated, including  
6           plant, equipment, and services.

7           “(C) WAIVERS.—The Secretary may waive  
8           or modify the requirement of subparagraph (A)  
9           in cases of demonstrated financial hardship.

10          “(4) APPLICATIONS.—In order to receive a  
11          grant under this subsection, an eligible entity shall  
12          submit an application to the Secretary at such time,  
13          in such manner, and containing such information as  
14          the Secretary may reasonably require. Such applica-  
15          tion shall include, at a minimum, a certification that  
16          the services provided by an eligible entity under the  
17          grant to a local educational agency or to a school  
18          served by the local educational agency will not result  
19          in direct fees for participating students or parents.

20          “(5) DEFINITION OF ELIGIBLE ENTITY.—In  
21          this subsection, the term ‘eligible entity’ means—

22                 “(A) an institution of higher education  
23                 that provides course materials or resources that  
24                 are evidence-based in increasing academic

1 achievement, graduation rates, or rates of post-  
2 secondary education matriculation;

3 “(B) a national nonprofit entity with a  
4 demonstrated record of raising student aca-  
5 demic achievement, graduation rates, and rates  
6 of higher education attendance, matriculation,  
7 or completion, or of effectiveness in providing  
8 preparation and professional development ac-  
9 tivities and programs for teachers, principals,  
10 and other school leaders; or

11 “(C) a partnership consisting of—

12 “(i) 1 or more entities described in  
13 subparagraph (A) or (B); and

14 “(ii) a for-profit entity.

15 “(d) SCHOOL LEADER RECRUITMENT AND SUPPORT  
16 PROGRAMS.—

17 “(1) IN GENERAL.—From the funds reserved  
18 by the Secretary under subsection (a)(3), the Sec-  
19 retary shall award grants, on a competitive basis, to  
20 eligible entities to enable such entities to improve  
21 the recruitment, preparation, placement, support,  
22 and retention of effective principals and other school  
23 leaders in high-need schools, which may include—

24 “(A) developing or implementing leader-  
25 ship training programs designed to prepare and

1 support principals and other school leaders in  
2 high-need schools, including through new or al-  
3 ternative pathways and school leader residency  
4 programs;

5 “(B) developing or implementing programs  
6 or activities for recruiting, selecting, and devel-  
7 oping aspiring or current principals and other  
8 school leaders to serve in high-need schools;

9 “(C) developing or implementing programs  
10 for recruiting, developing, and placing school  
11 leaders to improve schools identified for inter-  
12 vention and support under section  
13 1114(a)(1)(A), including through cohort-based  
14 activities that build effective instructional and  
15 school leadership teams and develop a school  
16 culture, design, instructional program, and pro-  
17 fessional development program focused on im-  
18 proving student learning;

19 “(D) providing continuous professional de-  
20 velopment for principals and other school lead-  
21 ers in high-need schools;

22 “(E) developing and disseminating infor-  
23 mation on best practices and strategies for ef-  
24 fective school leadership in high-need schools,  
25 such as training and supporting principals to



1 identify, develop, and maintain school leader-  
2 ship teams using various leadership models; and

3 “(F) other evidence-based programs or ac-  
4 tivities described in section 2101(e)(3) or sec-  
5 tion 2103(b)(4) focused on principals and other  
6 school leaders in high-need schools.

7 “(2) PROGRAM PERIODS AND DIVERSITY OF  
8 PROJECTS.—

9 “(A) IN GENERAL.—A grant awarded by  
10 the Secretary to an eligible entity under this  
11 subsection shall be for a period of not more  
12 than 5 years.

13 “(B) RENEWAL.—The Secretary may  
14 renew a grant awarded under this subsection  
15 for 1 additional 2-year period.

16 “(C) DIVERSITY OF PROJECTS.—In award-  
17 ing grants under this subsection, the Secretary  
18 shall ensure that, to the extent practicable,  
19 grants are distributed among eligible entities  
20 that will serve geographically diverse areas, in-  
21 cluding urban, suburban, and rural areas.

22 “(D) LIMITATION.—The Secretary shall  
23 not award more than 1 grant under this sub-  
24 section to an eligible entity during a grant com-  
25 petition.

1           “(3) COST-SHARING.—

2                   “(A) IN GENERAL.—An eligible entity that  
3 receives a grant under this subsection shall pro-  
4 vide, from non-Federal sources, not less than  
5 25 percent of the funds for the total cost for  
6 each year of activities carried out under this  
7 subsection.

8                   “(B) ACCEPTABLE CONTRIBUTIONS.—An  
9 eligible entity that receives a grant under this  
10 subsection may meet the requirement of sub-  
11 paragraph (A) by providing contributions in  
12 cash or in-kind, fairly evaluated, including  
13 plant, equipment, and services.

14                   “(C) WAIVERS.—The Secretary may waive  
15 or modify the requirement of subparagraph (A)  
16 in cases of demonstrated financial hardship.

17           “(4) APPLICATIONS.—An eligible entity that de-  
18 sires a grant under this subsection shall submit to  
19 the Secretary an application at such time, in such  
20 manner, and accompanied by such information as  
21 the Secretary may require.

22                   “(5) PRIORITY.—In awarding grants under this  
23 subsection, the Secretary shall give priority to an eli-  
24 gible entity with a record of preparing or developing  
25 principals who—

1           “(A) have improved school-level student  
2 outcomes;

3           “(B) have become principals in high-need  
4 schools; and

5           “(C) remain principals in high-need schools  
6 for multiple years.

7           “(6) DEFINITIONS.—In this subsection—

8           “(A) the term ‘eligible entity’ means—

9           “(i) a local educational agency, includ-  
10 ing an educational service agency, that  
11 serves a high-need school or a consortium  
12 of such agencies;

13           “(ii) a State educational agency or a  
14 consortium of such agencies;

15           “(iii) a State educational agency in  
16 partnership with 1 or more local edu-  
17 cational agencies or educational service  
18 agencies that serve a high-need school; or

19           “(iv) an entity described in clause (i),  
20 (ii), or (iii) in partnership with 1 or more  
21 nonprofit organizations or institutions of  
22 higher education; and

23           “(B) the term ‘high-need school’ means—

24           “(i) an elementary school in which not  
25 less than 50 percent of the enrolled stu-

1           dents are from families with incomes below  
2           the poverty line; or

3                   “(ii) a high school in which not less  
4           than 40 percent of the enrolled students  
5           are from families with incomes below the  
6           poverty line.

7 **“SEC. 2106. SUPPLEMENT, NOT SUPPLANT.**

8           “Funds made available under this part shall be used  
9   to supplement, and not supplant, non-Federal funds that  
10 would otherwise be used for activities authorized under  
11 this part.

12           **“PART B—TEACHER AND SCHOOL LEADER**  
13                   **INCENTIVE PROGRAM**

14 **“SEC. 2201. PURPOSES; DEFINITIONS.**

15           “(a) PURPOSES.—The purposes of this part are—

16                   “(1) to assist States, local educational agencies,  
17           and nonprofit organizations to develop, implement,  
18           improve, or expand comprehensive performance-  
19           based compensation systems or human capital man-  
20           agement systems for teachers, principals, and other  
21           school leaders (especially for teachers, principals,  
22           and other school leaders in high-need schools) who  
23           raise student academic achievement and close the  
24           achievement gap between high- and low-performing  
25           students; and

1           “(2) to study and review performance-based  
2           compensation systems or human capital manage-  
3           ment systems for teachers, principals, and other  
4           school leaders to evaluate the effectiveness, fairness,  
5           quality, consistency, and reliability of the systems.

6           “(b) DEFINITIONS.—In this part:

7           “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
8           tity’ means—

9           “(A) a local educational agency, including  
10           a charter school that is a local educational  
11           agency, or a consortium of local educational  
12           agencies;

13           “(B) a State educational agency or other  
14           State agency designated by the chief executive  
15           of a State to participate under this part; or

16           “(C) a partnership consisting of—

17           “(i) 1 or more agencies described in  
18           subparagraph (A) or (B); and

19           “(ii) at least 1 nonprofit or for-profit  
20           entity.

21           “(2) HIGH-NEED SCHOOL.—The term ‘high-  
22           need school’ means a public elementary school or  
23           secondary school that is located in an area in which  
24           the percentage of students from families with in-  
25           comes below the poverty line is 30 percent or more.

1           “(3) HUMAN CAPITAL MANAGEMENT SYSTEM.—

2           The term ‘human capital management system’  
3           means a system—

4                   “(A) by which a local educational agency  
5                   makes and implements human capital decisions,  
6                   such as decisions on preparation, recruitment,  
7                   hiring, placement, retention, dismissal, com-  
8                   pensation, professional development, tenure,  
9                   and promotion; and

10                   “(B) that includes a performance-based  
11                   compensation system.

12           “(4) PERFORMANCE-BASED COMPENSATION  
13           SYSTEM.—The term ‘performance-based compensa-  
14           tion system’ means a system of compensation for  
15           teachers, principals, and other school leaders that—

16                   “(A) differentiates levels of compensation  
17                   based in part on measurable increases in stu-  
18                   dent academic achievement; and

19                   “(B) may include—

20                           “(i) differentiated levels of compensa-  
21                           tion, which may include bonus pay, on the  
22                           basis of the employment responsibilities  
23                           and success of effective teachers, prin-  
24                           cipals, and other school leaders in hard-to-

1 staff schools or high-need subject areas;  
2 and

3 “(ii) recognition of the skills and  
4 knowledge of teachers, principals, and  
5 other school leaders as demonstrated  
6 through—

7 “(I) successful fulfillment of ad-  
8 ditional responsibilities or job func-  
9 tions, such as teacher leadership roles;  
10 and

11 “(II) evidence of professional  
12 achievement and mastery of content  
13 knowledge and superior teaching and  
14 leadership skills.

15 **“SEC. 2202. TEACHER AND SCHOOL LEADER INCENTIVE**  
16 **FUND GRANTS.**

17 “(a) GRANTS AUTHORIZED.—From the amounts ap-  
18 propriated to carry out this part, the Secretary shall  
19 award grants, on a competitive basis, to eligible entities  
20 to enable the eligible entities to develop, implement, im-  
21 prove, or expand performance-based compensation sys-  
22 tems or human capital management systems, in schools  
23 served by the eligible entity.

24 “(b) DURATION OF GRANTS.—

1           “(1) IN GENERAL.—A grant awarded under  
2 this part shall be for a period of not more than 3  
3 years.

4           “(2) RENEWAL.—The Secretary may renew a  
5 grant awarded under this part for a period of up to  
6 2 years if the grantee demonstrates to the Secretary  
7 that the grantee is effectively utilizing funds. Such  
8 renewal may include allowing the grantee to scale up  
9 or replicate the successful program.

10           “(3) LIMITATION.—A local educational agency  
11 may receive (whether individually or as part of a  
12 consortium or partnership) a grant under this part  
13 only twice, as of the date of enactment of the Every  
14 Child Achieves Act of 2015.

15           “(c) APPLICATIONS.—An eligible entity desiring a  
16 grant under this part shall submit an application to the  
17 Secretary, at such time, in such manner, and containing  
18 such information as the Secretary may reasonably require.  
19 The application shall include—

20           “(1) a description of the performance-based  
21 compensation system or human capital management  
22 system that the eligible entity proposes to develop,  
23 implement, improve, or expand through the grant;

24           “(2) a description of the most pressing gaps or  
25 insufficiencies in student access to effective teachers



1 and school leaders in high-need schools, including  
2 gaps or inequities in how effective teachers and  
3 school leaders are distributed across the local edu-  
4 cational agency, as identified using factors such as  
5 data on school resources, staffing patterns, school  
6 environment, educator support systems, and other  
7 school-level factors;

8 “(3) a description and evidence of the support  
9 and commitment from teachers, principals, and  
10 other school leaders, which may include charter  
11 school leaders, in the school (including organizations  
12 representing teachers, principals, and other school  
13 leaders), the community, and the local educational  
14 agency to the activities proposed under the grant;

15 “(4) a description of how the eligible entity will  
16 develop and implement a fair, rigorous, valid, reli-  
17 able, and objective process to evaluate teacher, prin-  
18 cipal, school leader, and student performance under  
19 the system that is based in part on measures of stu-  
20 dent academic achievement, including the baseline  
21 performance against which evaluations of improved  
22 performance will be made;

23 “(5) a description of the local educational agen-  
24 cies or schools to be served under the grant, includ-  
25 ing such student academic achievement, demo-

1 graphic, and socioeconomic information as the Sec-  
2 retary may request;

3 “(6) a description of the quality of teachers,  
4 principals, and other school leaders in the local edu-  
5 cational agency and the schools to be served under  
6 the grant and the extent to which the system will in-  
7 crease the quality of teachers, principals, and other  
8 school leaders in a high-need school;

9 “(7) a description of how the eligible entity will  
10 use grant funds under this part in each year of the  
11 grant, including a timeline for implementation of  
12 such activities;

13 “(8) a description of how the eligible entity will  
14 continue the activities assisted under the grant after  
15 the grant period ends;

16 “(9) a description of the State, local, or other  
17 public or private funds that will be used to supple-  
18 ment the grant, including funds under part A, and  
19 sustain the activities assisted under the grant at the  
20 end of the grant period;

21 “(10) a description of—

22 “(A) the rationale for the project;

23 “(B) how the proposed activities are evi-  
24 dence-based; and

1           “(C) if applicable, the prior experience of  
2           the eligible entity in developing and imple-  
3           menting such activities; and

4           “(11) a description of how activities funded  
5           under this part will be evaluated, monitored, and  
6           publically reported.

7           “(d) AWARD BASIS.—

8           “(1) PRIORITY.—In awarding a grant under  
9           this part, the Secretary shall give priority to an eli-  
10          gible entity that concentrates the activities proposed  
11          to be assisted under the grant on teachers, prin-  
12          cipals, and other school leaders serving in high-need  
13          schools.

14          “(2) EQUITABLE DISTRIBUTION.—To the ex-  
15          tent practicable, the Secretary shall ensure an equi-  
16          table geographic distribution of grants under this  
17          part, including the distribution of such grants be-  
18          tween rural and urban areas.

19          “(e) USE OF FUNDS.—

20          “(1) IN GENERAL.—An eligible entity that re-  
21          ceives a grant under this part shall use the grant  
22          funds to develop, implement, improve, or expand, in  
23          collaboration with teachers, principals, other school  
24          leaders, and members of the public, a performance-

1 based compensation system or human capital man-  
2 agement system consistent with this part.

3 “(2) AUTHORIZED ACTIVITIES.—Grant funds  
4 under this part may be used for the following:

5 “(A) Developing or improving an evalua-  
6 tion and support system, including as part of a  
7 human capital management system as applica-  
8 ble, that—

9 “(i) reflects clear and fair measures of  
10 teacher, principal, and other school leader  
11 performance, based in part on dem-  
12 onstrated improvement in student aca-  
13 demic achievement; and

14 “(ii) provides teachers, principals, and  
15 other school leaders with ongoing, differen-  
16 tiated, targeted, and personalized support  
17 and feedback for improvement, including  
18 professional development opportunities de-  
19 signed to increase effectiveness.

20 “(B) Conducting outreach within a local  
21 educational agency or a State to gain input on  
22 how to construct an evaluation system described  
23 in subparagraph (A) and to develop support for  
24 the evaluation system, including by training ap-  
25 propriate personnel in how to observe and

1 evaluate teachers, principals, and other school  
2 leaders.

3 “(C) Providing principals and other school  
4 leaders with—

5 “(i) balanced autonomy to make  
6 budgeting, scheduling, and other school-  
7 level decisions in a manner that meets the  
8 needs of the school without compromising  
9 the intent or essential components of the  
10 policies of the local educational agency or  
11 State; and

12 “(ii) authority to make staffing deci-  
13 sions that meet the needs of the school,  
14 such as building an instructional leader-  
15 ship team that includes teacher leaders or  
16 offering opportunities for teams or pairs of  
17 effective teachers or candidates to teach or  
18 start teaching in high-need schools to-  
19 gether.

20 “(D) Implementing, as part of a com-  
21 prehensive performance-based compensation  
22 system, a differentiated salary structure, which  
23 may include bonuses and stipends, to—

24 “(i) teachers who—

1                   “(I)(aa) teach in high-need  
2 schools; or

3                   “(bb) teach in high-need subjects;

4                   “(II) raise student academic  
5 achievement; or

6                   “(III) take on additional leader-  
7 ship responsibilities; or

8                   “(ii) principals and other school lead-  
9 ers who serve in high-need schools and  
10 raise student academic achievement in the  
11 schools.

12                  “(E) Improving the local educational agen-  
13 cy’s system and process for the recruitment, se-  
14 lection, placement, and retention of effective  
15 teachers and school leaders in high-need  
16 schools, such as by improving local educational  
17 agency policies and procedures to ensure that  
18 high-need schools are competitive and timely  
19 in—

20                   “(i) attracting, hiring, and retaining  
21 effective educators;

22                   “(ii) offering bonuses or higher sala-  
23 ries to effective teachers; or

24                   “(iii) establishing or strengthening  
25 residency programs.

1           “(F) Instituting career advancement op-  
2           portunities characterized by increased responsi-  
3           bility and pay that reward and recognize effec-  
4           tive teachers and school leaders in high-need  
5           schools and enable them to expand their leader-  
6           ship and results, such as through teacher-led  
7           professional development, mentoring, coaching,  
8           hybrid roles, administrative duties, and career  
9           ladders.

10          “(f) MATCHING REQUIREMENT.—Each eligible entity  
11          that receives a grant under this part shall provide, from  
12          non-Federal sources, an amount equal to 50 percent of  
13          the amount of the grant (which may be provided in cash  
14          or in-kind) to carry out the activities supported by the  
15          grant.

16          “(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds  
17          provided under this part shall be used to supplement, not  
18          supplant, other Federal or State funds available to carry  
19          out activities described in this part.

20          **“SEC. 2203. REPORTS.**

21          “(a) ACTIVITIES SUMMARY.—Each eligible entity re-  
22          ceiving a grant under this part shall provide to the Sec-  
23          retary a summary of the activities assisted under the  
24          grant.

1       “(b) REPORT.—The Secretary shall provide to Con-  
2 gress an annual report on the implementation of the pro-  
3 gram carried out under this part, including—

4           “(1) information on eligible entities that re-  
5 ceived grant funds under this part, including—

6               “(A) information provided by eligible enti-  
7 ties to the Secretary in the applications sub-  
8 mitted under section 2202(c);

9               “(B) the summaries received under sub-  
10 section (a); and

11               “(C) grant award amounts; and

12           “(2) student academic achievement and, as ap-  
13 plicable, growth data from the schools participating  
14 in the programs supported under the grant.

15       “(c) EVALUATION AND TECHNICAL ASSISTANCE.—

16           “(1) RESERVATION OF FUNDS.—Of the total  
17 amount reserved under section 2003(c) for this part  
18 for a fiscal year, the Secretary may reserve for such  
19 fiscal year not more than 1 percent for the cost of  
20 the evaluation under paragraph (2) and for technical  
21 assistance in carrying out this part.

22           “(2) EVALUATION.—From amounts reserved  
23 under paragraph (1), the Secretary, acting through  
24 the Director of the Institute of Education Sciences,  
25 shall carry out an independent evaluation to meas-



1 ure the effectiveness of the program assisted under  
2 this part.

3 “(3) CONTENTS.—The evaluation under para-  
4 graph (2) shall measure—

5 “(A) the effectiveness of the program in  
6 improving student academic achievement;

7 “(B) the satisfaction of the participating  
8 teachers, principals, and other school leaders;  
9 and

10 “(C) the extent to which the program as-  
11 sisted the eligible entities in recruiting and re-  
12 taining high-quality teachers, principals, and  
13 other school leaders, especially in high-need  
14 subject areas.”.

15 **SEC. 2003. AMERICAN HISTORY AND CIVICS EDUCATION.**

16 Title II (20 U.S.C. 6601 et seq.), as amended by sec-  
17 tion 2002, is further amended by adding at the end the  
18 following:

19 **“PART C—AMERICAN HISTORY AND CIVICS**  
20 **EDUCATION**

21 **“SEC. 2301. PROGRAM AUTHORIZED.**

22 “(a) IN GENERAL.—From amounts appropriated to  
23 carry out this part, the Secretary is authorized to carry  
24 out an American history and civics education program to  
25 improve—

1 “(1) the quality of American history, civics, and  
2 government education by educating students about  
3 the history and principles of the Constitution of the  
4 United States, including the Bill of Rights; and

5 “(2) the quality of the teaching of American  
6 history, civics, and government in elementary schools  
7 and secondary schools, including the teaching of tra-  
8 ditional American history.

9 “(b) FUNDING ALLOTMENT.—From amounts made  
10 available under section 2305 for a fiscal year, the Sec-  
11 retary shall—

12 “(1) use not less than 85 percent for activities  
13 under section 2302;

14 “(2) use not less than 10 percent for activities  
15 under section 2303; and

16 “(3) use not more than 5 percent for activities  
17 under section 2304.

18 **“SEC. 2302. TEACHING OF TRADITIONAL AMERICAN HIS-**  
19 **TORY.**

20 “(a) IN GENERAL.—From the amounts reserved by  
21 the Secretary under section 2301(b)(1), the Secretary  
22 shall award grants, on a competitive basis, to local edu-  
23 cational agencies—

24 “(1) to carry out activities to promote the  
25 teaching of traditional American history in elemen-

1 tary schools and secondary schools as a separate  
2 academic subject (not as a component of social stud-  
3 ies); and

4 “(2) for the development, implementation, and  
5 strengthening of programs to teach traditional  
6 American history as a separate academic subject  
7 (not as a component of social studies) within ele-  
8 mentary school and secondary school curricula, in-  
9 cluding the implementation of activities—

10 “(A) to improve the quality of instruction;

11 and

12 “(B) to provide professional development  
13 and teacher education activities with respect to  
14 American history.

15 “(b) REQUIRED PARTNERSHIP.—A local educational  
16 agency that receives a grant under subsection (a) shall  
17 carry out activities under the grant in partnership with  
18 1 or more of the following:

19 “(1) An institution of higher education.

20 “(2) A nonprofit history or humanities organi-  
21 zation.

22 “(3) A library or museum.

23 “(c) APPLICATION.—To be eligible to receive a grant  
24 under this section, a local educational agency shall submit  
25 an application to the Secretary at such time, in such man-

1 ner, and containing such information as the Secretary may  
2 reasonably require.

3 “(d) GRANT TERMS.—Grants awarded under sub-  
4 section (a) shall be for a term of not more than 5 years.

5 **“SEC. 2303. PRESIDENTIAL AND CONGRESSIONAL ACADE-**  
6 **EMIES FOR AMERICAN HISTORY AND CIVICS.**

7 “(a) IN GENERAL.—From the amounts reserved  
8 under section 2301(b)(2), the Secretary shall award not  
9 more than 12 grants, on a competitive basis, to—

10 “(1) eligible entities to establish Presidential  
11 Academies for the Teaching of American History  
12 and Civics (in this section referred to as the ‘Presi-  
13 dential Academies’) in accordance with subsection  
14 (e); and

15 “(2) eligible entities to establish Congressional  
16 Academies for Students of American History and  
17 Civics (in this section referred to as the ‘Congres-  
18 sional Academies’) in accordance with subsection (f).

19 “(b) APPLICATION.—An eligible entity that desires to  
20 receive a grant under subsection (a) shall submit an appli-  
21 cation to the Secretary at such time, in such manner, and  
22 containing such information as the Secretary may reason-  
23 ably require.

24 “(c) ELIGIBLE ENTITY.—The term ‘eligible entity’  
25 under this section means—

1           “(1) an institution of higher education or non-  
2           profit educational organization, museum, library, or  
3           research center with demonstrated expertise in his-  
4           torical methodology or the teaching of American his-  
5           tory and civics; or

6           “(2) a consortium of entities described in para-  
7           graph (1).

8           “(d) GRANT TERMS.—Grants awarded to eligible en-  
9           tities under subsection (a) shall be for a term of not more  
10          than 5 years.

11          “(e) PRESIDENTIAL ACADEMIES.—

12           “(1) USE OF FUNDS.—Each eligible entity that  
13           receives a grant under subsection (a)(1) shall use  
14           the grant funds to establish a Presidential Academy  
15           that offers a seminar or institute for teachers of  
16           American history and civics, which—

17                   “(A) provides intensive professional devel-  
18                   opment opportunities for teachers of American  
19                   history and civics to strengthen such teachers’  
20                   knowledge of the subjects of American history  
21                   and civics;

22                   “(B) is led by a team of primary scholars  
23                   and core teachers who are accomplished in the  
24                   field of American history and civics;

1           “(C) is conducted during the summer or  
2           other appropriate time; and

3           “(D) is of not less than 2 weeks and not  
4           more than 6 weeks in duration.

5           “(2) SELECTION OF TEACHERS.—Each year,  
6           each Presidential Academy shall select between 50  
7           and 300 teachers of American history and civics  
8           from public or private elementary schools and sec-  
9           ondary schools to attend the seminar or institute  
10          under paragraph (1).

11          “(3) TEACHER STIPENDS.—Each teacher se-  
12          lected to participate in a seminar or institute under  
13          this subsection shall be awarded a fixed stipend  
14          based on the length of the seminar or institute to  
15          ensure that such teacher does not incur personal  
16          costs associated with the teacher’s participation in  
17          the seminar or institute.

18          “(4) PRIORITY.—In awarding grants under this  
19          subsection, the Secretary shall give priority to eligi-  
20          ble entities that coordinate or align their activities  
21          with the National Park Service National Centennial  
22          Parks initiative to develop innovative and com-  
23          prehensive programs using the resources of the Na-  
24          tional Parks.

25          “(f) CONGRESSIONAL ACADEMIES.—

1           “(1) USE OF FUNDS.—Each eligible entity that  
2 receives a grant under subsection (a)(2) shall use  
3 the grant funds to establish a Congressional Acad-  
4 emy that offers a seminar or institute for out-  
5 standing students of American history and civics,  
6 which—

7           “(A) broadens and deepens such students’  
8 understanding of American history and civics;

9           “(B) is led by a team of primary scholars  
10 and core teachers who are accomplished in the  
11 field of American history and civics;

12           “(C) is conducted during the summer or  
13 other appropriate time; and

14           “(D) is of not less than 2 weeks and not  
15 more than 6 weeks in duration.

16           “(2) SELECTION OF STUDENTS.—

17           “(A) IN GENERAL.—Each year, each Con-  
18 gressional Academy shall select between 100  
19 and 300 eligible students to attend the seminar  
20 or institute under paragraph (1).

21           “(B) ELIGIBLE STUDENTS.—A student  
22 shall be eligible to attend a seminar or institute  
23 offered by a Congressional Academy under this  
24 subsection if the student—

1                   “(i) is recommended by the student’s  
2                   secondary school principal or other school  
3                   leader to attend the seminar or institute;  
4                   and

5                   “(ii) will be a junior or senior in the  
6                   academic year following attendance at the  
7                   seminar or institute.

8                   “(3) STUDENT STIPENDS.—Each student se-  
9                   lected to participate in a seminar or institute under  
10                  this subsection shall be awarded a fixed stipend  
11                  based on the length of the seminar or institute to  
12                  ensure that such student does not incur personal  
13                  costs associated with the student’s participation in  
14                  the seminar or institute.

15                  “(g) MATCHING FUNDS.—

16                  “(1) IN GENERAL.—An eligible entity that re-  
17                  ceives funds under subsection (a) shall provide, to-  
18                  ward the cost of the activities assisted under the  
19                  grant, from non-Federal sources, an amount equal  
20                  to 100 percent of the amount of the grant.

21                  “(2) WAIVER.—The Secretary may waive all or  
22                  part of the matching requirement described in para-  
23                  graph (1) for any fiscal year for an eligible entity if  
24                  the Secretary determines that applying the matching  
25                  requirement would result in serious hardship or an



1 inability to carry out the activities described in sub-  
2 section (e) or (f).

3 **“SEC. 2304. NATIONAL ACTIVITIES.**

4 “(a) PURPOSE.—The purpose of this section is to  
5 promote new and existing evidence-based strategies to en-  
6 courage innovative American history, civics and govern-  
7 ment, and geography instruction, learning strategies, and  
8 professional development activities and programs for  
9 teachers, principals, and other school leaders, particularly  
10 such instruction, strategies, activities, and programs that  
11 benefit low-income students and underserved populations.

12 “(b) IN GENERAL.—From the funds reserved by the  
13 Secretary under section 2301(b)(3), the Secretary shall  
14 award grants, on a competitive basis, to eligible entities  
15 for the purposes of—

16 “(1) expanding, developing, implementing, eval-  
17 uating, and disseminating for voluntary use, innova-  
18 tive, evidenced-based approaches or professional de-  
19 velopment programs in American history, civics and  
20 government, and geography, which may include—

21 “(A) hands-on civic engagement activities  
22 for teachers and low-income students; and

23 “(B) programs that educate students  
24 about the history and principles of the Con-  
25 stitution of the United States, including the Bill

1 of Rights and that demonstrate scalability, ac-  
2 countability, and a focus on underserved popu-  
3 lations; and

4 “(2) developing other innovative approaches  
5 that—

6 “(A) improve the quality of student  
7 achievement in, and teaching of, American his-  
8 tory, civics and government, and geography, in  
9 elementary schools and secondary schools; and

10 “(B) demonstrate innovation, scalability,  
11 accountability, and a focus on underserved pop-  
12 ulations.

13 “(c) PROGRAM PERIODS AND DIVERSITY OF  
14 PROJECTS.—

15 “(1) IN GENERAL.—A grant awarded by the  
16 Secretary to an eligible entity under this section  
17 shall be for a period of not more than 3 years.

18 “(2) RENEWAL.—The Secretary may renew a  
19 grant awarded under this section for 1 additional 2-  
20 year period.

21 “(3) DIVERSITY OF PROJECTS.—In awarding  
22 grants under this section, the Secretary shall ensure  
23 that, to the extent practicable, grants are distributed  
24 among eligible entities that will serve geographically

1       diverse areas, including urban, suburban, and rural  
2       areas.

3       “(d) APPLICATIONS.—In order to receive a grant  
4       under this section, an eligible entity shall submit an appli-  
5       cation to the Secretary at such time, in such manner, and  
6       containing such information as the Secretary may reason-  
7       ably require.

8       “(e) ELIGIBLE ENTITY.—In this section, the term  
9       ‘eligible entity’ means an institution of higher education  
10      or other nonprofit or for-profit organization with dem-  
11      onstrated expertise in the development of evidence-based  
12      approaches for improving the quality of American history,  
13      geography, and civics learning and teaching.

14      **“SEC. 2305. AUTHORIZATION OF APPROPRIATIONS.**

15      “‘There are authorized to be appropriated to carry out  
16      this part such sums as may be necessary for fiscal years  
17      2016 through 2021.’”.

18      **SEC. 2004. LITERACY EDUCATION.**

19      Title II (20 U.S.C. 6601 et seq.), as amended by sec-  
20      tions 2001 through 2003, is further amended by adding  
21      at the end the following:

22      **“PART D—LITERACY EDUCATION FOR ALL,**  
23      **RESULTS FOR THE NATION**

24      **“SEC. 2401. PURPOSES; DEFINITIONS.**

25      “(a) PURPOSES.—The purposes of this part are—

1           “(1) to improve student academic achievement  
2           in reading and writing by providing Federal support  
3           to States to develop, revise, or update comprehensive  
4           literacy instruction plans that, when implemented,  
5           ensure high-quality instruction and effective strate-  
6           gies in reading and writing from early education  
7           through grade 12; and

8           “(2) for States to provide targeted subgrants to  
9           State-designated early childhood education programs  
10          and local educational agencies and their public or  
11          private partners to implement evidenced-based pro-  
12          grams that ensure high-quality comprehensive lit-  
13          eracy instruction for students most in need.

14          “(b) DEFINITIONS.—In this part:

15           “(1) COMPREHENSIVE LITERACY INSTRU-  
16           TION.—The term ‘comprehensive literacy instruc-  
17           tion’ means instruction that—

18                   “(A) includes developmentally appropriate,  
19                   contextually explicit, and systematic instruction,  
20                   and frequent practice, in reading and writing  
21                   across content areas;

22                   “(B) includes age-appropriate, explicit, sys-  
23                   tematic, and intentional instruction in phono-  
24                   logical awareness, phonic decoding, vocabulary,

1 language structure, reading fluency, and read-  
2 ing comprehension;

3 “(C) includes age-appropriate, explicit in-  
4 struction in writing, including opportunities for  
5 children to write with clear purposes, with crit-  
6 ical reasoning appropriate to the topic and pur-  
7 pose, and with specific instruction and feedback  
8 from instructional staff;

9 “(D) makes available and uses diverse,  
10 high-quality print materials that reflect the  
11 reading and development levels, and interests,  
12 of children;

13 “(E) uses differentiated instructional ap-  
14 proaches, including individual and small group  
15 instruction and discussion;

16 “(F) provides opportunities for children to  
17 use language with peers and adults in order to  
18 develop language skills, including developing vo-  
19 cabulary;

20 “(G) includes frequent practice of reading  
21 and writing strategies;

22 “(H) uses age-appropriate, valid, and reli-  
23 able screening assessments, diagnostic assess-  
24 ments, formative assessment processes, and  
25 summative assessments to identify a child’s

1 learning needs, to inform instruction, and to  
2 monitor the child’s progress and the effects of  
3 instruction;

4 “(I) uses strategies to enhance children’s  
5 motivation to read and write and children’s en-  
6 gagement in self-directed learning;

7 “(J) incorporates the principles of uni-  
8 versal design for learning;

9 “(K) depends on teachers’ collaboration in  
10 planning, instruction, and assessing a child’s  
11 progress and on continuous professional learn-  
12 ing; and

13 “(L) links literacy instruction to the chal-  
14 lenging State academic standards under section  
15 1111(b)(1), including the ability to navigate,  
16 understand, and write about, complex print and  
17 digital subject matter.

18 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
19 tity’ means an entity that serves a high percentage  
20 of high-need schools and consists of—

21 “(A) one or more local educational agen-  
22 cies that—

23 “(i) have the highest number or pro-  
24 portion of children who are counted under

1 section 1124(c), in comparison to other  
2 local educational agencies in the State;

3 “(ii) are among the local educational  
4 agencies in the State with the highest  
5 number or percentages of children reading  
6 or writing below grade level, based on the  
7 most currently available State academic as-  
8 sessment data under section 1111(b)(2); or

9 “(iii) serve a significant number or  
10 percentage of schools that are identified  
11 under section 1114(a)(1)(A);

12 “(B) one or more State-designated early  
13 childhood education programs, which may in-  
14 clude home-based literacy programs for pre-  
15 school aged children, that have a demonstrated  
16 record of providing comprehensive literacy in-  
17 struction for the age group such program pro-  
18 poses to serve; or

19 “(C) a local educational agency, described  
20 in subparagraph (A), or consortium of such  
21 local educational agencies, or a State-designated  
22 early childhood education program, which may  
23 include home-based literacy programs for pre-  
24 school aged children, acting in partnership with  
25 1 or more public or private nonprofit organiza-

1 tions or agencies (which may include State-des-  
2 igned early childhood education programs)  
3 that have a demonstrated record of effective-  
4 ness in—

5 “(i) improving literacy achievement of  
6 children, consistent with the purposes of  
7 their participation, from birth through  
8 grade 12; and

9 “(ii) providing professional develop-  
10 ment in comprehensive literacy instruction.

11 “(3) HIGH-NEED SCHOOL.—

12 “(A) IN GENERAL.—The term ‘high-need  
13 school’ means—

14 “(i) an elementary school or middle  
15 school in which not less than 50 percent of  
16 the enrolled students are children from  
17 low-income families; or

18 “(ii) a high school in which not less  
19 than 40 percent of the enrolled students  
20 are children from low-income families,  
21 which may be calculated using comparable  
22 data from the schools that feed into the  
23 high school.



1           “(B) LOW-INCOME FAMILY.—For purposes  
2 of subparagraph (A), the term ‘low-income fam-  
3 ily’ means a family—

4           “(i) in which the children are eligible  
5 for a free or reduced price lunch under the  
6 Richard B. Russell National School Lunch  
7 Act (42 U.S.C. 1751 et seq.);

8           “(ii) receiving assistance under the  
9 program of block grants to States for tem-  
10 porary assistance for needy families estab-  
11 lished under part A of title IV of the So-  
12 cial Security Act (42 U.S.C. 601 et seq.);

13 or

14           “(iii) in which the children are eligible  
15 to receive medical assistance under the  
16 Medicaid program under title XIX of the  
17 Social Security Act (42 U.S.C. 1396 et  
18 seq.).

19 **“SEC. 2402. COMPREHENSIVE LITERACY STATE DEVELOP-**  
20 **MENT GRANTS.**

21           “(a) GRANTS AUTHORIZED.—From the amounts ap-  
22 propriated to carry out this part and not reserved under  
23 subsection (b), the Secretary shall award grants, on a  
24 competitive basis, to State educational agencies to enable  
25 the State educational agencies to—

1           “(1) provide subgrants to eligible entities serv-  
2           ing a diversity of geographic areas, giving priority to  
3           entities serving greater numbers or percentages of  
4           disadvantaged children; and

5           “(2) develop or enhance comprehensive literacy  
6           instruction plans that ensure high-quality instruction  
7           and effective strategies in reading and writing for  
8           children from early childhood education through  
9           grade 12, including English learners and children  
10          with disabilities.

11          “(b) RESERVATION.—From the amounts appro-  
12          priated to carry out this part for a fiscal year, the Sec-  
13          retary shall reserve—

14                 “(1) not more than a total of 5 percent for na-  
15                 tional activities including a national evaluation, tech-  
16                 nical assistance and training, data collection, and re-  
17                 porting;

18                 “(2) one-half of 1 percent for the Secretary of  
19                 the Interior to carry out a program described in this  
20                 part at schools operated or funded by the Bureau of  
21                 Indian Education; and

22                 “(3) one-half of 1 percent for the outlying areas  
23                 to carry out a program under this part.

24          “(c) DURATION OF GRANTS.—A grant awarded  
25          under this part shall be for a period of not more than

1 5 years. Such grant may be renewed for an additional 2-  
2 year period upon the termination of the initial period of  
3 the grant if the grant recipient demonstrates to the satis-  
4 faction of the Secretary that—

5 “(1) the State has made adequate progress; and

6 “(2) renewing the grant for an additional 2-  
7 year period is necessary to carry out the objectives  
8 of the grant described in subsection (d).

9 “(d) STATE APPLICATIONS.—

10 “(1) IN GENERAL.—A State educational agency  
11 desiring a grant under this part shall submit an ap-  
12 plication to the Secretary, at such time and in such  
13 manner as the Secretary may require. The State  
14 educational agency shall collaborate with the State  
15 agency responsible for administering early childhood  
16 education programs and the State agency respon-  
17 sible for administering child care programs in the  
18 State in writing and implementing the early child-  
19 hood education portion of the grant application  
20 under this subsection.

21 “(2) CONTENTS.—An application described in  
22 paragraph (1) shall include, at a minimum, the fol-  
23 lowing:

24 “(A) A needs assessment that analyzes lit-  
25 eracy needs across the State and in high-need

1 schools and local educational agencies that  
2 serve high-need schools, including identifying  
3 the most pressing gaps in literacy proficiency  
4 and inequities in student access to effective  
5 teachers of literacy, considering each of the cat-  
6 gories of students, as defined in section  
7 1111(b)(3)(A).

8 “(B) A description of how the State edu-  
9 cational agency, in collaboration with the State  
10 literacy team, if applicable, will develop a State  
11 comprehensive literacy instruction plan or will  
12 revise and update an already existing State  
13 comprehensive literacy instruction plan.

14 “(C) An implementation plan that includes  
15 a description of how the State educational agen-  
16 cy will carry out the State activities described  
17 in subsection (e).

18 “(D) An assurance that the State edu-  
19 cational agency will use implementation grant  
20 funds described in subsection (e)(1) for com-  
21 prehensive literacy instruction programs as fol-  
22 lows:

23 “(i) Not less than 15 percent of such  
24 grant funds shall be used for State and  
25 local programs and activities pertaining to

1 children from birth through kindergarten  
2 entry.

3 “(ii) Not less than 40 percent of such  
4 grant funds shall be used for State and  
5 local programs and activities, allocated eq-  
6 uitably among the grades of kindergarten  
7 through grade 5.

8 “(iii) Not less than 40 percent of such  
9 grant funds shall be used for State and  
10 local programs and activities, allocated eq-  
11 uitably among grades 6 through 12.

12 “(E) An assurance that the State edu-  
13 cational agency will give priority in awarding a  
14 subgrant under section 2403 to an eligible enti-  
15 ty that—

16 “(i) serves children from birth  
17 through age 5 who are from families with  
18 income levels at or below 200 percent of  
19 the Federal poverty line; or

20 “(ii) is a local educational agency  
21 serving a high number or percentage of  
22 high-need schools.

23 “(e) STATE ACTIVITIES.—

24 “(1) IN GENERAL.—A State educational agency  
25 receiving a grant under this section shall use not

1 less than 95 percent of such grant funds to award  
2 subgrants to eligible entities, based on their needs  
3 assessment and a competitive application process.

4 “(2) RESERVATION.—A State educational agen-  
5 cy receiving a grant under this section may reserve  
6 not more than 5 percent for activities identified  
7 through the needs assessment and comprehensive lit-  
8 eracy plan described in subparagraphs (A) and (B)  
9 of subsection (d)(2), including the following activi-  
10 ties:

11 “(A) Providing technical assistance, or en-  
12 gaging qualified providers to provide technical  
13 assistance, to eligible entities to enable the eligi-  
14 ble entities to design and implement literacy  
15 programs.

16 “(B) Coordinating with institutions of  
17 higher education in the State to provide rec-  
18 ommendations to strengthen and enhance pre-  
19 service courses for students preparing to teach  
20 children from birth through grade 12 in ex-  
21 plicit, systematic, and intensive instruction in  
22 evidence-based literacy methods.

23 “(C) Reviewing and updating, in collabora-  
24 tion with teachers, statewide educational and  
25 professional organizations representing teach-

1           ers, and statewide educational and professional  
2           organizations representing institutions of higher  
3           education, State licensure or certification stand-  
4           ards in the area of literacy instruction in early  
5           education through grade 12.

6           “(D) Making publicly available, including  
7           on the State educational agency’s website, in-  
8           formation on promising instructional practices  
9           to improve child literacy achievement.

10           “(E) Administering and monitoring the  
11           implementation of subgrants by eligible entities.

12           “(3) ADDITIONAL USES.—After carrying out  
13           the activities described in paragraphs (1) and (2), a  
14           State educational agency may use any remaining  
15           amount to carry out 1 or more of the following ac-  
16           tivities:

17           “(A) Developing literacy coach training  
18           programs and training literacy coaches.

19           “(B) Administration and evaluation of ac-  
20           tivities carried out under this part.

21   **“SEC. 2403. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-**  
22                           **PORT OF BIRTH THROUGH KINDERGARTEN**  
23                           **ENTRY LITERACY.**

24           “(a) SUBGRANTS.—

1           “(1) IN GENERAL.—A State educational agency  
2 receiving a grant under this part shall, in consulta-  
3 tion with the State agencies responsible for admin-  
4 istering early childhood education programs and  
5 services, including the State agency responsible for  
6 administering child care programs, and, if applica-  
7 ble, the State Advisory Council on Early Childhood  
8 Education and Care designated or established pursu-  
9 ant to section 642B(b)(1)(A)(i) of the Head Start  
10 Act (42 U.S.C. 9837b(b)(1)(A)(i))), use a portion of  
11 the grant funds, in accordance with section  
12 2402(d)(2)(D)(i), to award subgrants, on a competi-  
13 tive basis, to eligible entities to enable the eligible  
14 entities to support high-quality early literacy initia-  
15 tives for children from birth through kindergarten  
16 entry.

17           “(2) DURATION.—The term of a subgrant  
18 under this section shall be determined by the State  
19 educational agency awarding the subgrant and shall  
20 in no case exceed 5 years.

21           “(3) SUFFICIENT SIZE AND SCOPE.—Each  
22 subgrant awarded under this section shall be of suf-  
23 ficient size and scope to allow the eligible entity to  
24 carry out high-quality early literacy initiatives for  
25 children from birth through kindergarten entry.



1       “(b) LOCAL APPLICATIONS.—An eligible entity desir-  
2 ing to receive a subgrant under this section shall submit  
3 an application to the State educational agency, at such  
4 time, in such manner, and containing such information as  
5 the State educational agency may require. Such applica-  
6 tion shall include a description of—

7               “(1) how the subgrant funds will be used to en-  
8 hance the language and literacy development and  
9 school readiness of children, from birth through kin-  
10 dergarten entry, in early childhood education pro-  
11 grams, which shall include an analysis of data that  
12 support the proposed use of subgrant funds;

13               “(2) how the subgrant funds will be used to  
14 prepare and provide ongoing assistance to staff in  
15 the programs, through high-quality professional de-  
16 velopment;

17               “(3) how the activities assisted under the  
18 subgrant will be coordinated with comprehensive lit-  
19 eracy instruction at the kindergarten through grade  
20 12 levels;

21               “(4) how the subgrant funds will be used to  
22 evaluate the success of the activities assisted under  
23 the subgrant in enhancing the early language and  
24 literacy development of children from birth through  
25 kindergarten entry; and

1           “(5) such other information as the State edu-  
2           cational agency may require.

3           “(c) LOCAL USES OF FUNDS.—An eligible entity that  
4           receives a subgrant under this section shall use the  
5           subgrant funds, consistent with the entity’s approved ap-  
6           plication under subsection (b), to—

7           “(1) carry out high-quality professional develop-  
8           ment opportunities for early childhood educators,  
9           teachers, principals, other school leaders, paraprofes-  
10          sionals, specialized instructional support personnel,  
11          and instructional leaders;

12          “(2) train providers and personnel to develop  
13          and administer high-quality early childhood edu-  
14          cation literacy initiatives; and

15          “(3) coordinate the involvement of families,  
16          early childhood education program staff, principals,  
17          other school leaders, specialized instructional sup-  
18          port personnel (as appropriate), and teachers in lit-  
19          eracy development of children served under the  
20          subgrant.

21 **“SEC. 2404. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-**  
22 **PORT OF KINDERGARTEN THROUGH GRADE**  
23 **12 LITERACY.**

24          “(a) SUBGRANTS TO ELIGIBLE ENTITIES.—

1           “(1) SUBGRANTS.—A State educational agency  
2 receiving a grant under this part shall use a portion  
3 of the grant funds, in accordance with clauses (ii)  
4 and (iii) of section 2402(d)(2)(D), to award sub-  
5 grants, on a competitive basis, to eligible entities to  
6 enable the eligible entities to carry out the author-  
7 ized activities described in subsections (b) and (c).

8           “(2) DURATION.—The term of a subgrant  
9 under this section shall be determined by the State  
10 educational agency awarding the subgrant and shall  
11 in no case exceed 5 years.

12           “(3) SUFFICIENT SIZE AND SCOPE.—A State  
13 educational agency shall award subgrants under this  
14 section of sufficient size and scope to allow the eligi-  
15 ble entities to carry out high-quality comprehensive  
16 literacy instruction in each grade level for which the  
17 subgrant funds are provided.

18           “(4) LOCAL APPLICATIONS.—An eligible entity  
19 desiring to receive a subgrant under this section  
20 shall submit an application to the State educational  
21 agency at such time, in such manner, and containing  
22 such information as the State educational agency  
23 may require. Such application shall include, for each  
24 school that the eligible entity identifies as partici-

1       pating in a subgrant program under this section, the  
2       following information:

3               “(A) A description of the eligible entity’s  
4               needs assessment conducted to identify how  
5               subgrant funds will be used to inform and im-  
6               prove comprehensive literacy instruction at the  
7               school.

8               “(B) How the school, the local educational  
9               agency, or a provider of high-quality profes-  
10              sional development will provide ongoing high-  
11              quality professional development to all teachers,  
12              principals, other school leaders, specialized in-  
13              structional support personnel (as appropriate),  
14              and other instructional leaders served by the  
15              school.

16              “(C) How the school will identify children  
17              in need of literacy interventions or other sup-  
18              port services.

19              “(D) An explanation of how the school will  
20              integrate comprehensive literacy instruction into  
21              core academic subjects.

22              “(E) A description of how the school will  
23              coordinate comprehensive literacy instruction  
24              with early childhood education and after-school

1 programs and activities in the area served by  
2 the local educational agency.

3 “(b) LOCAL USES OF FUNDS FOR KINDERGARTEN  
4 THROUGH GRADE 5.—An eligible entity that receives a  
5 subgrant under this section shall use the subgrant funds  
6 to carry out the following activities pertaining to children  
7 in kindergarten through grade 5:

8 “(1) Developing and implementing a com-  
9 prehensive literacy instruction plan across content  
10 areas for such children that—

11 “(A) serves the needs of all children, in-  
12 cluding children with disabilities and English  
13 learners, especially children who are reading or  
14 writing below grade level;

15 “(B) provides intensive, supplemental, ac-  
16 celerated, and explicit intervention and support  
17 in reading and writing for children whose lit-  
18 eracy skills are below grade level; and

19 “(C) supports activities that are provided  
20 primarily during the regular school day but  
21 which may be augmented by after-school and  
22 out-of-school time instruction.

23 “(2) Providing high-quality professional devel-  
24 opment opportunities for teachers, literacy coaches,  
25 literacy specialists, English as a second language

1 specialists (as appropriate), principals, other school  
2 leaders, specialized instructional support personnel,  
3 school librarians, paraprofessionals, and other pro-  
4 gram staff.

5 “(3) Training principals, specialized instruc-  
6 tional support personnel, and other school district  
7 personnel to support, develop, administer, and evalu-  
8 ate high-quality kindergarten through grade 5 lit-  
9 eracy initiatives.

10 “(4) Coordinating the involvement of early  
11 childhood education program staff, principals, other  
12 instructional leaders, teachers, teacher literacy  
13 teams, English as a second language specialists (as  
14 appropriate), special educators, school personnel,  
15 and specialized instructional support personnel (as  
16 appropriate) in the literacy development of children  
17 served under this subsection.

18 “(5) Engaging families and encouraging family  
19 literacy experiences and practices to support literacy  
20 development.

21 “(c) LOCAL USES OF FUNDS FOR GRADES 6  
22 THROUGH 12.—An eligible entity that receives a subgrant  
23 under this section shall use subgrant funds to carry out  
24 the following activities pertaining to children in grades 6  
25 through 12:

1           “(1) Developing and implementing a com-  
2           prehensive literacy instruction plan described in sub-  
3           section (b)(1) for children in grades 6 through 12.

4           “(2) Training principals, specialized instruction  
5           support personnel, school librarians, and other  
6           school district personnel to support, develop, admin-  
7           ister, and evaluate high-quality comprehensive lit-  
8           eracy instruction initiatives for grades 6 through 12.

9           “(3) Assessing the quality of adolescent com-  
10          prehensive literacy instruction in core academic sub-  
11          jects, and career and technical education subjects  
12          where such career and technical education subjects  
13          provide for the integration of core academic subjects.

14          “(4) Providing time for teachers to meet to  
15          plan evidence-based adolescent comprehensive lit-  
16          eracy instruction in core academic subjects, and ca-  
17          reer and technical education subjects where such ca-  
18          reer and technical education subjects provide for the  
19          integration of core academic subjects.

20          “(5) Coordinating the involvement of principals,  
21          other instructional leaders, teachers, teacher literacy  
22          teams, English as a second language specialists (as  
23          appropriate), paraprofessionals, special educators,  
24          specialized instructional support personnel (as ap-

1       appropriate), and school personnel in the literacy de-  
2       velopment of children served under this subsection.

3       “(d) ALLOWABLE USES.—An eligible entity that re-  
4       ceives a subgrant under this section may, in addition to  
5       carrying out the activities described in subsection (b) or  
6       (c), use subgrant funds to carry out the following activities  
7       pertaining to children in kindergarten through grade 12:

8               “(1) Recruiting, placing, training, and compen-  
9       sating literacy coaches.

10              “(2) Connecting out-of-school learning opportu-  
11       nities to in-school learning in order to improve the  
12       literacy achievement of the children.

13              “(3) Training families and caregivers to sup-  
14       port the improvement of adolescent literacy.

15              “(4) Providing for a multitier system of sup-  
16       port.

17              “(5) Forming a school literacy leadership team  
18       to help implement, assess, and identify necessary  
19       changes to the literacy initiatives in 1 or more  
20       schools to ensure success.

21              “(6) Providing time for teachers (and other lit-  
22       eracy staff, as appropriate, such as school librarians  
23       or specialized instructional support personnel) to  
24       meet to plan comprehensive literacy instruction.



1 **“SEC. 2405. NATIONAL EVALUATION AND INFORMATION**  
2 **DISSEMINATION.**

3 “(a) NATIONAL EVALUATION.—From funds reserved  
4 under section 2402(b)(1), the Director of the Institute of  
5 Education Sciences shall conduct a national evaluation of  
6 the grant and subgrant programs assisted under this part.  
7 Such evaluation shall include evidence-based research that  
8 applies rigorous and systematic procedures to obtain valid  
9 knowledge relevant to the implementation and effect of the  
10 programs and shall directly coordinate with individual  
11 State evaluations of the programs’ implementation and  
12 impact.

13 “(b) PROGRAM IMPROVEMENT.—The Secretary  
14 shall—

15 “(1) provide the findings of the evaluation con-  
16 ducted under this section to State educational agen-  
17 cies and subgrant recipients for use in program im-  
18 provement;

19 “(2) make such findings publicly available, in-  
20 cluding on the websites of the Department and the  
21 Institute of Education Sciences; and

22 “(3) submit such findings to the Committee on  
23 Health, Education, Labor, and Pensions of the Sen-  
24 ate and the Committee on Education and the Work-  
25 force of the House of Representatives.

1 **“SEC. 2406. SUPPLEMENT, NOT SUPPLANT.**

2 “Grant funds provided under this part shall be used  
3 to supplement, and not supplant, other Federal or State  
4 funds available to carry out activities described in this  
5 part.”.

6 **SEC. 2005. IMPROVING SCIENCE, TECHNOLOGY, ENGINEER-**  
7 **ING, AND MATHEMATICS INSTRUCTION AND**  
8 **STUDENT ACHIEVEMENT.**

9 Title II (20 U.S.C. 6601 et seq.), as amended by sec-  
10 tions 2001 through 2004, is further amended by adding  
11 at the end the following:

12 **“PART E—IMPROVING SCIENCE, TECHNOLOGY,**  
13 **ENGINEERING, AND MATHEMATICS IN-**  
14 **STRUCTION AND STUDENT ACHIEVEMENT**

15 **“SEC. 2501. PURPOSE.**

16 “The purpose of this part is to improve student aca-  
17 demic achievement in science, technology, engineering, and  
18 mathematics, including computer science, by—

19 “(1) improving instruction in such subjects  
20 through grade 12;

21 “(2) improving student engagement in, and in-  
22 creasing student access to, such subjects, including  
23 for students from groups underrepresented in such  
24 subjects, such as female students, minority students,  
25 English learners, children with disabilities, and eco-  
26 nomically disadvantaged students;

1           “(3) improving the quality and effectiveness of  
2           classroom instruction by recruiting, training, and  
3           supporting highly rated teachers and providing ro-  
4           bust tools and supports for students and teachers in  
5           such subjects;

6           “(4) increasing student access to high-quality  
7           informal and after-school programs that target the  
8           identified subjects and improving the coordination of  
9           such programs with classroom instruction in the  
10          identified subjects; and

11          “(5) closing student achievement gaps, and pre-  
12          paring more students to be college and career ready,  
13          in such subjects.

14 **“SEC. 2502. DEFINITIONS.**

15          “‘In this part:

16                 “(1) ELIGIBLE SUBGRANTEE.—The term ‘eligi-  
17                 ble subgrantee’ means—

18                         “(A) a high-need local educational agency;

19                         “(B) an educational service agency serving  
20                         more than 1 high-need local educational agency;

21                         “(C) a consortium of high-need local edu-  
22                         cational agencies; or

23                         “(D) an entity described in subparagraph  
24                         (A) or (C) of paragraph (2) that has signed a  
25                         memorandum of agreement with an entity de-

1           scribed in subparagraph (A), (B), or (C) of this  
2           paragraph to implement the requirements of  
3           this part in partnership with such entity.

4           “(2) OUTSIDE PARTNER.—The term ‘outside  
5           partner’ means an entity that has expertise and a  
6           demonstrated record of success in improving student  
7           learning and engagement in the identified subjects  
8           described in section 2504(b)(2), including any of the  
9           following:

10                   “(A) A nonprofit or community-based or-  
11                   ganization, which may include a cultural organi-  
12                   zation, such as a museum or learning center.

13                   “(B) A business.

14                   “(C) An institution of higher education.

15                   “(D) An educational service agency.

16           “(3) STEM-FOCUSED SPECIALTY SCHOOL.—  
17           The term ‘STEM-focused specialty school’ means a  
18           school, or a dedicated program within a school, that  
19           engages students in rigorous, relevant, and inte-  
20           grated learning experiences focused on science, tech-  
21           nology, engineering, and mathematics, which include  
22           authentic school-wide research.

23           “(4) STEM MASTER TEACHER CORPS.—The  
24           term ‘STEM master teacher corps’ means a State-  
25           led effort to elevate the status of the science, tech-

1 nology, engineering, and mathematics teaching pro-  
2 fession by recognizing, rewarding, attracting, and re-  
3 taining outstanding science, technology, engineering,  
4 and mathematics teachers, particularly in high-need  
5 and rural schools, by—

6 “(A) selecting candidates to be master  
7 teachers in the corps on the basis of—

8 “(i) content knowledge based on a  
9 screening examination; and

10 “(ii) pedagogical knowledge of and  
11 success in teaching;

12 “(B) offering such teachers opportunities  
13 to—

14 “(i) work with one another in schol-  
15 arly communities;

16 “(ii) participate in and lead high-qual-  
17 ity professional development; and

18 “(C) providing such teachers with addi-  
19 tional appropriate and substantial compensation  
20 for the work described in subparagraph (B) and  
21 in the master teacher community.

22 **“SEC. 2503. GRANTS; ALLOTMENTS.**

23 “(a) IN GENERAL.—From amounts made available to  
24 carry out this part for a fiscal year, the Secretary shall  
25 award grants to State educational agencies, through allot-

1 ments described in subsection (b), to enable State edu-  
2 cational agencies to carry out the activities described in  
3 section 2505.

4 “(b) DISTRIBUTION OF FUNDS.—

5 “(1) IN GENERAL.—Subject to paragraph (2),  
6 for each fiscal year, the Secretary shall allot to each  
7 State—

8 “(A) an amount that bears the same rela-  
9 tionship to 35 percent of the amount available  
10 to carry out this part for such year, as the  
11 number of individuals ages 5 through 17 in the  
12 State, as determined by the Secretary on the  
13 basis of the most recent satisfactory data, bears  
14 to the number of those individuals in all such  
15 States, as so determined; and

16 “(B) an amount that bears the same rela-  
17 tionship to 65 percent of the amount available  
18 to carry out this part for such year as the num-  
19 ber of individuals ages 5 through 17 from fami-  
20 lies with incomes below the poverty line in the  
21 State, as determined by the Secretary on the  
22 basis of the most recent satisfactory data, bears  
23 to the number of those individuals in all such  
24 States, as so determined.

1           “(2) FUNDING MINIMUM.—No State receiving  
2           an allotment under this subsection may receive less  
3           than one-half of 1 percent of the total amount allot-  
4           ted under paragraph (1) for a fiscal year.

5           “(c) REALLOTMENT OF UNUSED FUNDS.—If a State  
6           does not successfully apply for an allotment under this  
7           part, the Secretary shall reallocate the amount of the State’s  
8           allotment to the remaining States in accordance with this  
9           section.

10   **“SEC. 2504. APPLICATIONS.**

11           “(a) IN GENERAL.—Each State desiring an allotment  
12           under section 2503(b) shall submit an application to the  
13           Secretary at such time, in such manner, and accompanied  
14           by such information as the Secretary may require.

15           “(b) CONTENTS.—At a minimum, an application sub-  
16           mitted under subsection (a) shall include the following:

17                   “(1) A description of the needs, including as-  
18                   sets, identified by the State educational agency  
19                   based on a State analysis, which shall include—

20                           “(A) an analysis of science, technology, en-  
21                           gineering, and mathematics education quality  
22                           and outcomes in the State, which may include  
23                           results from a pre-existing analysis;

1           “(B) labor market information regarding  
2           the industry and business workforce needs with-  
3           in the State;

4           “(C) information on student exposure to  
5           and retention in science, technology, engineer-  
6           ing, and mathematics fields, including among  
7           low-income and underrepresented groups, which  
8           may include results from a pre-existing anal-  
9           ysis; and

10           “(D) an analysis of the quality of pre-serv-  
11           ice preparation at all public institutions of high-  
12           er education (including alternative pathways to  
13           teacher licensure or certification) for individuals  
14           preparing to teach science, technology, engi-  
15           neering, and mathematics subjects in the State.

16           “(2) An identification of the specific subjects  
17           that the State educational agency will address  
18           through the activities described in section 2505, con-  
19           sistent with the needs identified under paragraph (1)  
20           (referred to in this part as ‘identified subjects’).

21           “(3) A description, in a manner that addresses  
22           any needs identified under paragraph (1), of—

23           “(A) how grant funds will be used by the  
24           State educational agency to improve instruction  
25           in the identified subjects;



1           “(B) the process that the State educational  
2           agency will use for awarding subgrants, includ-  
3           ing how relevant stakeholders will be involved;

4           “(C) how the State’s proposed project will  
5           ensure increased access for students who are  
6           members of groups underrepresented in science,  
7           technology, engineering, and mathematics sub-  
8           ject fields (which may include female students,  
9           minority students, English learners, children  
10          with disabilities, and economically disadvan-  
11          taged students) to high-quality courses in 1 or  
12          more of the identified subjects; and

13          “(D) how the State educational agency will  
14          continue to involve stakeholders in education re-  
15          form efforts related to science, technology, engi-  
16          neering, and mathematics instruction.

17 **“SEC. 2505. AUTHORIZED ACTIVITIES.**

18          “(a) **REQUIRED ACTIVITIES.**—Each State edu-  
19          cational agency that receives an allotment under this part  
20          shall use the grant funds reserved under subsection (d)(2)  
21          to carry out each of the following activities:

22               “(1) Increasing access for students through  
23               grade 12 who are members of groups underrep-  
24               resented in science, technology, engineering, and  
25               mathematics subject fields, such as female students,

1 minority students, English learners, children with  
2 disabilities, and economically disadvantaged stu-  
3 dents, to high-quality courses in the identified sub-  
4 jects.

5 “(2) Implementing evidence-based programs of  
6 instruction based on high-quality standards and as-  
7 sessments in the identified subjects.

8 “(3) Providing professional development and  
9 other comprehensive systems of support for teachers  
10 and school leaders to promote high-quality instruc-  
11 tion and instructional leadership in the identified  
12 subjects.

13 “(b) PERMISSIBLE ACTIVITIES.—Each State edu-  
14 cational agency that receives an allotment under this part  
15 may use the grant funds reserved under subsection (d)(2)  
16 to carry out 1 or more of the following activities:

17 “(1) Recruiting qualified teachers and instruc-  
18 tional leaders who are trained in identified subjects,  
19 including teachers who have transitioned into the  
20 teaching profession from a careers in the science,  
21 technology, engineering, and mathematics fields.

22 “(2) Providing induction and mentoring serv-  
23 ices to new teachers in identified subjects.

24 “(3) Developing instructional supports for iden-  
25 tified subjects, such as curricula and assessments,

1 which shall be evidence-based and aligned with chal-  
2 lenging State academic standards under section  
3 1111(b)(1).

4 “(4) Supporting the development of a State-  
5 wide STEM master teacher corps.

6 “(c) SUBGRANTS.—

7 “(1) IN GENERAL.—Each State educational  
8 agency that receives a grant under this part shall  
9 use the amounts not reserved under subsection (d)  
10 to award subgrants, on a competitive basis, to eligi-  
11 ble subgrantees to enable the eligible subgrantees to  
12 carry out the activities described in paragraph (4).

13 “(2) MINIMUM SUBGRANT.—A State edu-  
14 cational agency shall award subgrants under this  
15 subsection that are of sufficient size and scope to  
16 support high-quality, evidence-based, effective pro-  
17 grams that are consistent with the purpose of this  
18 part.

19 “(3) SUBGRANTEE APPLICATION.—

20 “(A) IN GENERAL.—Each eligible sub-  
21 grantee desiring a subgrant under this sub-  
22 section shall submit an application to the State  
23 educational agency at such time, in such man-  
24 ner, and accompanied by such information as  
25 the State educational agency may require.

1           “(B) CONTENTS OF SUBGRANTEE APPLI-  
2           CATION.—At a minimum, the application de-  
3           scribed in subparagraph (A) shall include the  
4           following:

5                   “(i) A description of the activities that  
6                   the eligible subgrantee will carry out, and  
7                   how such activities will improve teaching  
8                   and student academic achievement in the  
9                   State’s identified subjects.

10                   “(ii) A description of how the eligible  
11                   subgrantee will use funds provided under  
12                   this subsection to serve students and  
13                   teachers in high-need schools.

14                   “(iii) A description of how the eligible  
15                   subgrantee will use funds provided under  
16                   this subsection for services and activities to  
17                   increase access for students who are mem-  
18                   bers of groups underrepresented in science,  
19                   technology, engineering, and mathematics  
20                   subject fields, which may include female  
21                   students, minority students, English learn-  
22                   ers, children with disabilities, and economi-  
23                   cally disadvantaged students, to high-qual-  
24                   ity courses in 1 or more of the State’s  
25                   identified subjects. Such activities and

1 services may include after-school activities  
2 or other informal learning opportunities  
3 designed to encourage interest and develop  
4 skills in 1 or more of such subjects.

5 “(iv) A description of how funds pro-  
6 vided under this subsection will be coordi-  
7 nated with other Federal, State, and local  
8 programs and activities, including career  
9 and technical education programs author-  
10 ized under the Carl D. Perkins Career and  
11 Technical Education Act of 2006.

12 “(v) If the eligible subgrantee is work-  
13 ing with outside partners, a description of  
14 how such outside partners will be involved  
15 in improving instruction and increasing ac-  
16 cess to high-quality learning experiences in  
17 the State’s identified subjects.

18 “(4) SUBGRANTEE USE OF FUNDS.—

19 “(A) REQUIRED USE OF FUNDS.—Each  
20 subgrantee under this subsection shall use the  
21 subgrant funds to carry out activities for stu-  
22 dents through grade 12, as described in the  
23 subgrantee’s application, which shall include—

24 “(i) high-quality teacher and instruc-  
25 tional leader recruitment, support, and

1 evaluation in the State’s identified sub-  
2 jects;

3 “(ii) professional development, which  
4 may include development and support for  
5 instructional coaches, to enable teachers  
6 and instructional leaders to increase stu-  
7 dent achievement in identified subjects;

8 “(iii) activities to—

9 “(I) improve the content knowl-  
10 edge of teachers in the State’s identi-  
11 fied subjects;

12 “(II) facilitate professional col-  
13 laboration, which may include pro-  
14 viding time for such collaborations  
15 with school personnel, after-school  
16 program personnel, and personnel of  
17 informal programs that target the  
18 identified subjects; and

19 “(III) improve the integration of  
20 informal and after-school programs  
21 that target the identified subjects with  
22 classroom instruction, such as through  
23 the use of strategic partnerships with  
24 science, technology, engineering, and  
25 mathematics researchers, and other

1 professionals from relevant fields who  
2 may be able to assist in activities fo-  
3 cused in science, technology, engineer-  
4 ing, and mathematics; and

5 “(iv) the development, adoption, and  
6 improvement of high-quality curricula and  
7 instructional supports that—

8 “(I) are aligned with the chal-  
9 lenging State academic standards  
10 under section 1111(b)(1); and

11 “(II) the eligible subgrantee will  
12 use to improve student academic  
13 achievement in the identified subjects.

14 “(B) ALLOWABLE USE OF FUNDS.—In ad-  
15 dition to the required activities described in  
16 subparagraph (A), each eligible subgrantee that  
17 receives a subgrant under this subsection may  
18 also use the subgrant funds to—

19 “(i) support the participation of low-  
20 income students in nonprofit competitions  
21 related to science, technology, engineering,  
22 and mathematics subjects (such as robot-  
23 ics, science research, invention, mathe-  
24 matics, computer science, and technology  
25 competitions);

1           “(ii) broaden secondary school stu-  
2 dents’ access to, and interest in, careers  
3 that require academic preparation in 1 or  
4 more identified subjects;

5           “(iii) broaden the access of secondary  
6 school students to early college high school  
7 or dual or concurrent enrollment courses in  
8 science, technology, engineering, or mathe-  
9 matics subjects, including providing profes-  
10 sional development to teachers and leaders  
11 related to this work;

12           “(iv) broaden student access to  
13 mentorship, tutoring, and after-school ac-  
14 tivities or other informal learning opportu-  
15 nities designed to encourage interest and  
16 develop skills in 1 or more of the State’s  
17 identified subjects;

18           “(v) partner with established after-  
19 school and science, technology, engineering,  
20 and mathematics networks to provide tech-  
21 nical assistance to after-school programs to  
22 improve their practice, such as through de-  
23 veloping quality standards and appropriate  
24 learning outcomes for science, technology,



1 engineering, and mathematics program-  
2 ming in after-school programs;

3 “(vi) provide hands-on learning and  
4 exposure to science, technology, engineer-  
5 ing, and mathematics research facilities  
6 and businesses through in-person or virtual  
7 distance-learning experiences;

8 “(vii) partner with current or recently  
9 retired science, technology, engineering,  
10 and mathematics professionals to engage  
11 students and teachers in instruction in  
12 such subjects;

13 “(viii) tailor and integrate educational  
14 resources developed by Federal agencies,  
15 as appropriate, to improve student achieve-  
16 ment in science, technology, engineering,  
17 and mathematics;

18 “(ix) support the use of field-based or  
19 service learning that enables students to  
20 use the local environment and community  
21 as a learning resource and to enhance the  
22 students’ understanding of the identified  
23 subjects through environmental science  
24 education; and

1           “(x) address science, technology, engi-  
2           neering, and mathematics needs identified  
3           in the State plan under section 102 of the  
4           Workforce Innovation and Opportunity Act  
5           (29 U.S.C. 3112), or by a local workforce  
6           development board under section 107(d),  
7           or in the local plan submitted under sec-  
8           tion 108, of such Act (29 U.S.C. 3122(d),  
9           3123), for the State, local area (as defined  
10          in section 3 of such Act (29 U.S.C. 3102)),  
11          or region (as so defined) that the eligible  
12          subgrantee is serving; and

13          “(xi) support the creation and en-  
14          hancement of STEM-focused specialty  
15          schools that improve student academic  
16          achievement in science, technology, engi-  
17          neering, and mathematics, including com-  
18          puter science, and prepare more students  
19          to be ready for postsecondary education  
20          and careers in such subjects.

21          “(C) MATCHING FUNDS.—A State may re-  
22          quire an eligible subgrantee receiving a  
23          subgrant under this subsection to demonstrate  
24          that such subgrantee has obtained a commit-  
25          ment from 1 or more outside partners to match,

1 using non-Federal funds, a portion of the  
2 amount of subgrant funds, in an amount deter-  
3 mined by the State.

4 “(d) STATE ACTIVITIES.—

5 “(1) IN GENERAL.—Each State educational  
6 agency that receives an allotment under this part  
7 may use not more than 5 percent of grant funds  
8 for—

9 “(A) administrative costs;

10 “(B) monitoring the implementation of  
11 subgrants;

12 “(C) providing technical assistance to eligi-  
13 ble subgrantees; and

14 “(D) evaluating subgrants in coordination  
15 with the evaluation described in section  
16 2506(c).

17 “(2) RESERVATION.—Each State educational  
18 agency that receives an allotment under this part  
19 shall reserve not less than 15 and not more than 20  
20 percent of grant funds, inclusive of the amount de-  
21 scribed in paragraph (1), for additional State activi-  
22 ties, consistent with subsections (a) and (b).

1 **“SEC. 2506. PERFORMANCE METRICS; REPORT; EVALUA-**  
2 **TION.**

3 “(a) ESTABLISHMENT OF PERFORMANCE  
4 METRICS.—The Secretary, acting through the Director of  
5 the Institute of Education Sciences, shall establish per-  
6 formance metrics to evaluate the effectiveness of the ac-  
7 tivities carried out under this part.

8 “(b) ANNUAL REPORT.—Each State educational  
9 agency that receives an allotment under this part shall  
10 prepare and submit an annual report to the Secretary,  
11 which shall include information relevant to the perform-  
12 ance metrics described in subsection (a).

13 “(c) EVALUATION AND MANAGEMENT.—The Sec-  
14 retary shall—

15 “(1) acting through the Director of the Insti-  
16 tute of Education Sciences, and in consultation with  
17 the Director of the National Science Foundation—

18 “(A) evaluate the implementation and im-  
19 pact of the activities supported under this part,  
20 including progress measured by the metrics es-  
21 tablished under subsection (a); and

22 “(B) identify best practices to improve in-  
23 struction in science, technology, engineering,  
24 and mathematics subjects;

25 “(2) disseminate, in consultation with the Na-  
26 tional Science Foundation, research on best prac-

1 tices to improve instruction in science, technology,  
2 engineering, and mathematics subjects;

3 “(3) ensure that the Department is taking ap-  
4 propriate action to—

5 “(A) identify all activities being supported  
6 under this part; and

7 “(B) avoid unnecessary duplication of ef-  
8 forts between the activities being supported  
9 under this part and other programmatic activi-  
10 ties supported by the Department or by other  
11 Federal agencies; and

12 “(4) develop a rigorous system to—

13 “(A) identify the science, technology, engi-  
14 neering, and mathematics education-specific  
15 needs of States and stakeholders receiving  
16 funds through subgrants under this part;

17 “(B) make public and widely disseminate  
18 programmatic activities relating to science,  
19 technology, engineering, and mathematics that  
20 are supported by the Department or by other  
21 Federal agencies; and

22 “(C) develop plans for aligning the pro-  
23 grammatic activities supported by the Depart-  
24 ment and other Federal agencies with the State  
25 and stakeholder needs.

1 **“SEC. 2507. SUPPLEMENT NOT SUPPLANT.**

2 “Funds received under this part shall be used to sup-  
3 plement, and not supplant, funds that would otherwise be  
4 used for activities authorized under this part.

5 **“SEC. 2508. REPORT ON CYBERSECURITY EDUCATION.**

6 “Not later than June 1, 2016, the Secretary, acting  
7 through the Director of the Institute of Education  
8 Sciences, shall submit to the Committee on Armed Serv-  
9 ices and the Committee on Health, Education, Labor, and  
10 Pensions of the Senate and the Committee on Armed  
11 Services and the Committee on Education and the Work-  
12 force of the House of Representatives, a report describing  
13 whether secondary and postsecondary education programs  
14 are meeting the need of public and private sectors for  
15 cyberdefense. Such report shall include—

16 “(1) an assessment of the shortfalls in current  
17 secondary and postsecondary education needed to  
18 develop cybersecurity professionals, and rec-  
19 ommendations to address such shortfalls;

20 “(2) an assessment of successful secondary and  
21 postsecondary programs that produce competent cy-  
22 bersecurity professionals; and

23 “(3) recommendations of subjects to be covered  
24 by elementary schools and secondary schools to bet-  
25 ter prepare students for postsecondary cybersecurity  
26 education.”.

1 **SEC. 2006. GENERAL PROVISIONS.**

2 Title II (20 U.S.C. 6601 et seq.), as amended by sec-  
3 tions 2001 through 2005, is further amended by adding  
4 at the end the following:

5 **“PART F—GENERAL PROVISIONS**

6 **“SEC. 2601. RULES OF CONSTRUCTION.**

7 “(a) PROHIBITION AGAINST FEDERAL MANDATES,  
8 DIRECTION, OR CONTROL.—Nothing in this title shall be  
9 construed to authorize the Secretary or any other officer  
10 or employee of the Federal Government to mandate, di-  
11 rect, or control a State, local educational agency, or  
12 school’s—

13 “(1) instructional content or materials, cur-  
14 riculum, program of instruction, academic stand-  
15 ards, or academic assessments;

16 “(2) teacher, principal, or other school leader  
17 evaluation system;

18 “(3) specific definition of teacher, principal, or  
19 other school leader effectiveness; or

20 “(4) teacher, principal, or other school leader  
21 professional standards, certification, or licensing.

22 “(b) SCHOOL OR DISTRICT EMPLOYEES.—Nothing in  
23 this title shall be construed to alter or otherwise affect  
24 the rights, remedies, and procedures afforded school or  
25 school district employees under Federal, State, or local  
26 laws (including applicable regulations or court orders) or

1 under the terms of collective bargaining agreements,  
2 memoranda of understanding, or other agreements be-  
3 tween such employees and their employers.”.

4 **TITLE III—LANGUAGE INSTRU-**  
5 **CTION FOR ENGLISH LEARN-**  
6 **ERS AND IMMIGRANT STU-**  
7 **DENTS**

8 **SEC. 3001. GENERAL PROVISIONS.**

9 Title III (20 U.S.C. 6801 et seq.) is amended—

10 (1) in the title heading, by striking “**LIM-**  
11 **ITED ENGLISH PROFICIENT**” and inserting  
12 “**ENGLISH LEARNERS**”;

13 (2) in part A—

14 (A) by striking section 3122;

15 (B) redesignating sections 3123, 3124,  
16 3125, 3126, 3127, 3128, and 3129 as sections  
17 3122, 3123, 3124, 3125, 3126, 3127, and  
18 3128, respectively; and

19 (C) by striking subpart 4;

20 (3) by striking part B;

21 (4) by redesignating part C as part B; and

22 (5) in part B, as redesignated by paragraph  
23 (4)—

24 (A) by redesignating section 3301 as sec-  
25 tion 3201;



1 (B) by striking section 3302; and  
2 (C) by redesignating sections 3303 and  
3 3304 as sections 3202 and 3203, respectively.

4 **SEC. 3002. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 3001 (20 U.S.C. 6801) is amended to read  
6 as follows:

7 **“SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

8 “There are authorized to be appropriated to carry out  
9 this title such sums as may be necessary for each of fiscal  
10 years 2016 through 2021.”.

11 **SEC. 3003. ENGLISH LANGUAGE ACQUISITION, LANGUAGE**  
12 **ENHANCEMENT, AND ACADEMIC ACHIEVE-**  
13 **MENT.**

14 Part A of title III (20 U.S.C. 6811 et seq.) is amend-  
15 ed—

16 (1) in section 3102, by striking paragraphs (1)  
17 through (9) and inserting the following:

18 “(1) to help ensure that English learners, in-  
19 cluding immigrant children and youth, attain  
20 English proficiency, and develop high levels of aca-  
21 demic achievement in English;

22 “(2) to assist all English learners, including im-  
23 migrant children and youth, to achieve at high levels  
24 in academic subjects so that children who are  
25 English learners can meet the same challenging

1 State academic standards that all children are ex-  
2 pected to meet, consistent with section 1111(b)(1);

3 “(3) to assist early childhood educators, teach-  
4 ers, principals and other school leaders, State edu-  
5 cational agencies, and local educational agencies in  
6 establishing, implementing, and sustaining effective  
7 language instruction educational programs designed  
8 to assist in teaching English learners, including im-  
9 migrant children and youth;

10 “(4) to assist early childhood educators, teach-  
11 ers, principals and other school leaders, State edu-  
12 cational agencies, and local educational agencies to  
13 develop and enhance their capacity to provide effec-  
14 tive instruction programs designed to prepare  
15 English learners, including immigrant children and  
16 youth, to enter all-English instruction settings;

17 “(5) to promote parental, family, and commu-  
18 nity participation in language instruction edu-  
19 cational programs for the parents, families, and  
20 communities of English learners; and

21 “(6) to provide incentives to grantees to imple-  
22 ment policies and practices that will lead to signifi-  
23 cant improvements in the instruction and achieve-  
24 ment of English learners.”;

25 (2) in section 3111—

1 (A) in subsection (b)—

2 (i) in paragraph (2), by striking sub-  
3 paragraphs (A) through (D) and inserting  
4 the following:

5 “(A) Establishing and implementing, with  
6 timely and meaningful consultation with local  
7 educational agencies representing the geo-  
8 graphic diversity of the State, standardized  
9 statewide entrance and exit procedures, includ-  
10 ing a requirement that all students who may be  
11 English learners are assessed for such status  
12 within 30 days of enrollment in a school in the  
13 State.

14 “(B) Providing effective teacher and prin-  
15 cipal preparation, professional development ac-  
16 tivities, and other evidence-based activities re-  
17 lated to the education of English learners,  
18 which may include assisting teachers, prin-  
19 cipals, and other educators in—

20 “(i) meeting State and local certifi-  
21 cation and licensing requirements for  
22 teaching English learners; and

23 “(ii) improving teaching skills in  
24 meeting the diverse needs of English learn-  
25 ers, including how to implement effective

1           programs and curricula on teaching  
2           English learners.

3           “(C) Planning, evaluation, administration,  
4           and interagency coordination related to the sub-  
5           grants referred to in paragraph (1).

6           “(D) Providing technical assistance and  
7           other forms of assistance to eligible entities that  
8           are receiving subgrants from a State edu-  
9           cational agency under this subpart, including  
10          assistance in—

11               “(i) identifying and implementing ef-  
12               fective language instruction educational  
13               programs and curricula for teaching  
14               English learners, including those in early  
15               childhood settings;

16               “(ii) helping English learners meet  
17               the same State academic standards that all  
18               children are expected to meet;

19               “(iii) identifying or developing, and  
20               implementing, measures of English pro-  
21               ficiency; and

22               “(iv) strengthening and increasing  
23               parent, family, and community engagement  
24               in programs that serve English learners.

1           “(E) Providing recognition, which may in-  
2           clude providing financial awards, to recipients  
3           of subgrants under section 3115 that have sig-  
4           nificantly improved the achievement and  
5           progress of English learners in meeting—

6                   “(i) annual timelines and goals for  
7                   progress established under section  
8                   1111(c)(1)(K) based on the State’s  
9                   English language proficiency assessment  
10                  under section 1111(b)(2)(G); and

11                   “(ii) the challenging State academic  
12                   standards described in section  
13                   1111(b)(1).”; and

14                  (ii) in paragraph (3)—

15                   (I) in the heading, by inserting  
16                   “DIRECT” before “ADMINISTRATIVE”;  
17                   and

18                   (II) by inserting “direct” before  
19                   “administrative costs”; and

20                  (B) in subsection (c)—

21                   (i) in paragraph (1)—

22                   (I) in the matter preceding sub-  
23                   paragraph (A), by striking “section  
24                   3001(a)” and inserting “section  
25                   3001”;

- 1 (II) in subparagraph (B), by in-  
2 sserting “and” after the semicolon;
- 3 (III) in subparagraph (C)—
- 4 (aa) by striking “3303”  
5 both places it appears and insert-  
6 ing “3202”;
- 7 (bb) by striking “not more  
8 than 0.5 percent of such amount  
9 shall be reserved for evaluation  
10 activities conducted by the Sec-  
11 retary and”; and
- 12 (cc) by striking “; and” and  
13 inserting a period; and
- 14 (IV) by striking subparagraph  
15 (D);
- 16 (ii) by striking paragraphs (2) and  
17 (4);
- 18 (iii) by redesignating paragraph (3) as  
19 paragraph (2);
- 20 (iv) in paragraph (2)(A), as redesign-  
21 nated by clause (iii)—
- 22 (I) in the matter preceding clause  
23 (i), by striking “section 3001(a)” and  
24 inserting “section 3001”; and

1 (II) in clause (i), by striking  
2 “limited English proficient” and all  
3 that follows through “States;” and in-  
4 serting “English learners in the State  
5 bears to the number of English learn-  
6 ers in all States, as determined by the  
7 Secretary under paragraph (3);”; and  
8 (v) by adding at the end the following:

9 “(3) USE OF DATA FOR DETERMINATIONS.—In  
10 making State allotments under paragraph (2)(A) for  
11 each fiscal year, the Secretary shall—

12 “(A) determine the number of English  
13 learners in a State and in all States, using the  
14 most accurate, up-to-date data, which shall  
15 be—

16 “(i) data available from the American  
17 Community Survey conducted by the De-  
18 partment of Commerce, which may be  
19 multiyear estimates;

20 “(ii) the number of students being as-  
21 sessed for English language proficiency,  
22 based on the State’s English language pro-  
23 ficiency assessment under section  
24 1111(b)(2)(G), which may be multiyear es-  
25 timates; or

1           “(iii) a combination of data available  
2           under clauses (i) and (ii); and

3           “(B) determine the number of immigrant  
4           children and youth in the State and in all  
5           States based only on data available from the  
6           American Community Survey conducted by the  
7           Department of Commerce, which may be  
8           multiyear estimates.”;

9           (3) in section 3113—

10           (A) in subsection (a), by inserting “reason-  
11           ably” before “require”;

12           (B) in subsection (b)—

13           (i) in paragraph (1), by striking  
14           “making” and inserting “awarding”; and

15           (ii) by striking paragraphs (2)  
16           through (6) and inserting the following:

17           “(2) describe how the agency will establish and  
18           implement, with timely and meaningful consultation  
19           with local educational agencies representing the geo-  
20           graphic diversity of the State, standardized, state-  
21           wide entrance and exit procedures, including an as-  
22           surance that all students who may be English learn-  
23           ers are assessed for such status within 30 days of  
24           enrollment in a school in the State;

25           “(3) provide an assurance that—



1           “(A) the agency will ensure that eligible  
2 entities receiving a subgrant under this subpart  
3 comply with the requirement in section  
4 1111(b)(2)(B)(ix) to annually assess in English  
5 all English learners who have been in the  
6 United States for 3 or more years;

7           “(B) the agency will ensure that eligible  
8 entities receiving a subgrant under this subpart  
9 annually assess the English proficiency of all  
10 English learners participating in a program  
11 funded under this subpart, consistent with sec-  
12 tion 1111(b)(2)(G);

13           “(C) in awarding subgrants under section  
14 3114, the agency will address the needs of  
15 school systems of all sizes and in all geographic  
16 areas, including school systems with rural and  
17 urban schools;

18           “(D) subgrants to eligible entities under  
19 section 3114(d)(1) will be of sufficient size and  
20 scope to allow such entities to carry out effec-  
21 tive language instruction educational programs  
22 for English learners;

23           “(E) the agency will require an eligible en-  
24 tity receiving a subgrant under this subpart to  
25 use the subgrant in ways that will build such

1 recipient’s capacity to continue to offer effective  
2 language instruction educational programs that  
3 assist English learners in meeting challenging  
4 State academic standards described in section  
5 1111(b)(1);

6 “(F) the agency will monitor each eligible  
7 entity receiving a subgrant under this subpart  
8 for compliance with applicable Federal fiscal re-  
9 quirements; and

10 “(G) the plan has been developed in con-  
11 sultation with local educational agencies, teach-  
12 ers, administrators of programs implemented  
13 under this subpart, parents of English learners,  
14 and other relevant stakeholders;

15 “(4) describe how the agency will coordinate its  
16 programs and activities under this subpart with  
17 other programs and activities under this Act and  
18 other Acts, as appropriate;

19 “(5) describe how each eligible entity will be  
20 given the flexibility to teach English learners—

21 “(A) using a high-quality, effective lan-  
22 guage instruction curriculum for teaching  
23 English learners; and

24 “(B) in the manner the eligible entities de-  
25 termine to be the most effective;

1           “(6) describe how the agency will assist eligible  
2 entities in meeting—

3           “(A) annual timelines and goals for  
4 progress established under section  
5 1111(c)(1)(K) based on the State’s English lan-  
6 guage proficiency assessment under section  
7 1111(b)(2)(G); and

8           “(B) the challenging State academic stand-  
9 ards described in section 1111(b)(1);

10          “(7) describe how the agency will assist eligible  
11 entities in decreasing the number of English learners  
12 who have not yet acquired English proficiency within  
13 5 years of their initial classification as an English  
14 learner;

15          “(8) describe how the agency will ensure that  
16 the unique needs of the State’s population of  
17 English learners and immigrant children and youth  
18 are being addressed; and

19          “(9) describe how the agency will monitor and  
20 evaluate the progress of each eligible entity receiving  
21 funds under this subpart toward meeting the  
22 timelines and goals for English proficiency required  
23 under section 1111(c)(1)(K) and the steps the State  
24 will take to further assist eligible entities if such  
25 strategies funded under this part are not effective in

1 making such progress and meeting academic goals  
2 established under section 1111(b)(3)(B)(i) for  
3 English learners, such as providing technical assist-  
4 ance and modifying such strategies.”;

5 (C) in subsection (d)(2)(B), by striking  
6 “part” and inserting “subpart”; and

7 (D) in subsection (f), by striking “, objec-  
8 tives,”;

9 (4) in section 3114—

10 (A) in subsection (a)—

11 (i) by striking “section 3111(c)(3)”  
12 and inserting “section 3111(c)(2)”; and

13 (ii) by striking “limited English pro-  
14 ficient children” both places the term ap-  
15 pears and inserting “English learners”;  
16 and

17 (B) in subsection (d)(1)—

18 (i) by striking “section 3111(c)(3)”  
19 and inserting “section 3111(c)(2)”; and

20 (ii) by striking “preceding the fiscal  
21 year”;

22 (5) by striking section 3115 and inserting the  
23 following:

1 **“SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.**

2       “(a) PURPOSES OF SUBGRANTS.—A State edu-  
3 cational agency may make a subgrant to an eligible entity  
4 from funds received by the agency under this subpart only  
5 if the entity agrees to expend the funds to improve the  
6 education of English learners by assisting the children to  
7 learn English and meet the challenging State academic  
8 standards described in section 1111(b)(1). In carrying out  
9 activities with such funds, the eligible entity shall use ef-  
10 fective approaches and methodologies for teaching English  
11 learners and immigrant children and youth for the fol-  
12 lowing purposes:

13           “(1) Developing and implementing new lan-  
14 guage instruction educational programs and aca-  
15 demic content instruction programs for English  
16 learners and immigrant children and youth, includ-  
17 ing early childhood education programs, elementary  
18 school programs, and secondary school programs.

19           “(2) Carrying out highly focused, innovative, lo-  
20 cally designed activities to expand or enhance exist-  
21 ing language instruction educational programs and  
22 academic content instruction programs for English  
23 learners and immigrant children and youth.

24           “(3) Implementing, within an individual school,  
25 schoolwide programs for restructuring, reforming,  
26 and upgrading all relevant programs, activities, and

1 operations relating to language instruction edu-  
2 cational programs and academic content instruction  
3 for English learners and immigrant children and  
4 youth.

5 “(4) Implementing, within the entire jurisdic-  
6 tion of a local educational agency, agency-wide pro-  
7 grams for restructuring, reforming, and upgrading  
8 all relevant programs, activities, and operations re-  
9 lating to language instruction educational programs  
10 and academic content instruction for English learn-  
11 ers and immigrant children and youth.

12 “(b) DIRECT ADMINISTRATIVE EXPENSES.—Each el-  
13 igible entity receiving funds under section 3114(a) for a  
14 fiscal year may use not more than 2 percent of such funds  
15 for the cost of administering this subpart.

16 “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-  
17 ble entity receiving funds under section 3114(a) shall use  
18 the funds—

19 “(1) to increase the English language pro-  
20 ficiency of English learners by providing effective  
21 language instruction educational programs that meet  
22 the needs of English learners and are based on high-  
23 quality research demonstrating success in increas-  
24 ing—

25 “(A) English language proficiency; and

1           “(B) student academic achievement;

2           “(2) to provide effective professional develop-  
3           ment to classroom teachers (including teachers in  
4           classroom settings that are not the settings of lan-  
5           guage instruction educational programs), principals,  
6           other school leaders, administrators, and other  
7           school or community-based organizational personnel,  
8           that is—

9           “(A) designed to improve the instruction  
10           and assessment of English learners;

11           “(B) designed to enhance the ability of  
12           such teachers, principals, and other school lead-  
13           ers to understand and implement appropriate  
14           curricula, assessment practices, and instruction  
15           strategies for English learners;

16           “(C) effective in increasing children’s  
17           English language proficiency or substantially  
18           increasing the subject matter knowledge, teach-  
19           ing knowledge, and teaching skills of such  
20           teachers; and

21           “(D) of sufficient intensity and duration  
22           (which shall not include activities such as 1-day  
23           or short-term workshops and conferences) to  
24           have a positive and lasting impact on the teach-  
25           ers’ performance in the classroom, except that

1           this subparagraph shall not apply to an activity  
2           that is one component of a long-term, com-  
3           prehensive professional development plan estab-  
4           lished by a teacher and the teacher’s supervisor  
5           based on an assessment of the needs of the  
6           teacher, the supervisor, the students of the  
7           teacher, and any local educational agency em-  
8           ploying the teacher, as appropriate; and

9           “(3) to provide and implement effective parent,  
10          family, and community engagement activities in  
11          order to enhance or supplement language instruction  
12          educational programs for English Learners.

13          “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sub-  
14          ject to subsection (c), an eligible entity receiving funds  
15          under section 3114(a) may use the funds to achieve 1 of  
16          the purposes described in subsection (a) by undertaking  
17          1 or more of the following activities:

18                 “(1) Upgrading program objectives and effec-  
19                 tive instructional strategies.

20                 “(2) Improving the instructional program for  
21                 English learners by identifying, acquiring, and up-  
22                 grading curricula, instruction materials, educational  
23                 software, and assessment procedures.

24                 “(3) Providing to English learners—



1           “(A) tutorials and academic or career and  
2           technical education;

3           “(B) intensified instruction, which may in-  
4           clude linguistically responsive materials; and

5           “(C) bilingual paraprofessionals, which  
6           may include interpreters and translators.

7           “(4) Developing and implementing effective pre-  
8           school, elementary school, or secondary school lan-  
9           guage instruction educational programs that are co-  
10          ordinated with other relevant programs and services.

11          “(5) Improving the English language pro-  
12          ficiency and academic achievement of English learn-  
13          ers.

14          “(6) Providing community participation pro-  
15          grams, family literacy services, and parent and fam-  
16          ily outreach and training activities to English learn-  
17          ers and their families—

18               “(A) to improve the English language  
19               skills of English learners; and

20               “(B) to assist parents and families in help-  
21               ing their children to improve their academic  
22               achievement and becoming active participants  
23               in the education of their children.

1           “(7) Improving the instruction of English learn-  
2           ers, including English learners with a disability, by  
3           providing for—

4                   “(A) the acquisition or development of  
5                   educational technology or instructional mate-  
6                   rials;

7                   “(B) access to, and participation in, elec-  
8                   tronic networks for materials, training, and  
9                   communication; and

10                   “(C) incorporation of the resources de-  
11                   scribed in subparagraphs (A) and (B) into cur-  
12                   ricula and programs, such as those funded  
13                   under this subpart.

14           “(8) Carrying out other activities that are con-  
15           sistent with the purposes of this section.

16           “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-  
17           STANTIAL INCREASES IN IMMIGRANT CHILDREN AND  
18           YOUTH.—

19                   “(1) IN GENERAL.—An eligible entity receiving  
20                   funds under section 3114(d)(1) shall use the funds  
21                   to pay for activities that provide enhanced instruc-  
22                   tional opportunities for immigrant children and  
23                   youth, which may include—

24                           “(A) family literacy, parent and family  
25                           outreach, and training activities designed to as-

1           sist parents and families to become active par-  
2           ticipants in the education of their children;

3           “(B) recruitment of, and support for per-  
4           sonnel, including early childhood educators,  
5           teachers, paraprofessionals who have been spe-  
6           cifically trained, or are being trained, to provide  
7           services to immigrant children and youth;

8           “(C) provision of tutorials, mentoring, and  
9           academic or career counseling for immigrant  
10          children and youth;

11          “(D) identification and acquisition of cur-  
12          ricular materials, educational software, and  
13          technologies to be used in the program carried  
14          out with funds;

15          “(E) basic instruction services that are di-  
16          rectly attributable to the presence of immigrant  
17          children and youth in the local educational  
18          agency involved, including the payment of costs  
19          of providing additional classroom supplies, costs  
20          of transportation, or such other costs as are di-  
21          rectly attributable to such additional basic in-  
22          structional services;

23          “(F) other instructional services that are  
24          designed to assist immigrant children and youth  
25          to achieve in elementary schools and secondary

1 schools in the United States, such as programs  
2 of introduction to the educational system and  
3 civics education; and

4 “(G) activities, coordinated with commu-  
5 nity-based organizations, institutions of higher  
6 education, private sector entities, or other enti-  
7 ties with expertise in working with immigrants,  
8 to assist parents and families of immigrant chil-  
9 dren and youth by offering comprehensive com-  
10 munity services.

11 “(2) DURATION OF SUBGRANTS.—The duration  
12 of a subgrant made by a State educational agency  
13 under section 3114(d)(1) shall be determined by the  
14 agency in its discretion.

15 “(f) SELECTION OF METHOD OF INSTRUCTION.—

16 “(1) IN GENERAL.—To receive a subgrant from  
17 a State educational agency under this subpart, an el-  
18 igible entity shall select one or more methods or  
19 forms of effective instruction to be used in the pro-  
20 grams and activities undertaken by the entity to as-  
21 sist English learners to attain English language pro-  
22 ficiency and meet challenging State academic stand-  
23 ards described in section 1111(b)(1).

24 “(2) CONSISTENCY.—Such selection shall be  
25 consistent with sections 3124 through 3126.

1 “(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds  
2 made available under this subpart shall be used so as to  
3 supplement the level of Federal, State, and local public  
4 funds that, in the absence of such availability, would have  
5 been expended for programs for English learners and im-  
6 migrant children and youth and in no case to supplant  
7 such Federal, State, and local public funds.”;

8 (6) in section 3116—

9 (A) in subsection (b), by striking para-  
10 graphs (1) through (6) and inserting the fol-  
11 lowing:

12 “(1) describe the high-quality programs and ac-  
13 tivities proposed to be developed, implemented, and  
14 administered under the subgrant and how these ac-  
15 tivities will help English learners increase their  
16 English language proficiency and meet the chal-  
17 lenging State academic standards described in sec-  
18 tion 1111(b)(1);

19 “(2) describe how the eligible entity will ensure  
20 that elementary schools and secondary schools re-  
21 ceiving funds under this subpart assist English  
22 learners in meeting—

23 “(A) annual timelines and goals for  
24 progress established under 1111(c)(1)(K) based

1 on the State’s English language proficiency as-  
2 sessment under section 1111(b)(2)(G); and

3 “(B) the challenging State academic stand-  
4 ards described in section 1111(b)(1);

5 “(3) describe how the eligible entity will pro-  
6 mote parent, family, and community engagement in  
7 the education of English learners;

8 “(4) describe how language instruction edu-  
9 cational programs carried out under the subgrant  
10 will ensure that English learners being served by the  
11 programs develop English proficiency and dem-  
12 onstrate such proficiency through academic content  
13 mastery;

14 “(5) contain assurances that—

15 “(A) each local educational agency that is  
16 included in the eligible entity is complying with  
17 section 1112(d)(2) prior to, and throughout,  
18 each school year as of the date of application,  
19 and will continue to comply with such section  
20 throughout each school year for which the grant  
21 is received;

22 “(B) the eligible entity complies with any  
23 State law, including State constitutional law,  
24 regarding the education of English learners,  
25 consistent with sections 3125 and 3126;

1           “(C) the eligible entity has based its pro-  
2           posed plan on high-quality research on teaching  
3           English learners;

4           “(D) the eligible entity consulted with  
5           teachers, researchers, school administrators,  
6           parents and family members, community mem-  
7           bers, public or private entities, and institutions  
8           of higher education, in developing and imple-  
9           menting such plan; and

10           “(E) the eligible entity will, if applicable,  
11           coordinate activities and share relevant data  
12           under the plan with local Head Start and Early  
13           Head Start agencies, including migrant and  
14           seasonal Head Start agencies, and other early  
15           childhood education providers.”;

16           (B) in subsection (c), by striking “limited  
17           English proficient children” and inserting  
18           “English learners”; and

19           (C) by striking subsection (d);

20           (7) by striking section 3121 and inserting the  
21           following:

22   **“SEC. 3121. REPORTING.**

23           “(a) IN GENERAL.—Each eligible entity that receives  
24           a subgrant from a State educational agency under subpart  
25           1 shall provide such agency, at the conclusion of every sec-

1 ond fiscal year during which the subgrant is received, with  
2 a report, in a form prescribed by the agency, on the activi-  
3 ties conducted and children served under such subpart  
4 that includes—

5           “(1) a description of the programs and activi-  
6 ties conducted by the entity with funds received  
7 under subpart 1 during the 2 immediately preceding  
8 fiscal years;

9           “(2) the number and percentage of English  
10 learners in the programs and activities who meet the  
11 annual State-determined goals for progress estab-  
12 lished under section 1111(c)(1)(K), including  
13 disaggregated, at a minimum, by—

14                   “(A) long-term English learners; and

15                   “(B) English learners with a disability;

16           “(3) the number and percentage of English  
17 learners in the programs and activities attaining  
18 English language proficiency based on State English  
19 language proficiency standards established under  
20 section 1111(b)(1)(F) by the end of each school  
21 year, as determined by the State’s English language  
22 proficiency assessment under section 1111(b)(2)(G);

23           “(4) the number and percentage of English  
24 learners who exit the language instruction edu-



1 cational programs based on their attainment of  
2 English language proficiency;

3 “(5) the number and percentage of English  
4 learners meeting challenging State academic stand-  
5 ards described in section 1111(b)(1) for each of the  
6 4 years after such children are no longer receiving  
7 services under this part, including disaggregated, at  
8 a minimum, by—

9 “(A) long-term English learners; and

10 “(B) English learners with a disability;

11 “(6) the number and percentage of English  
12 learners who have not attained English language  
13 proficiency within 5 years of initial classification as  
14 an English learner; and

15 “(7) any other information as the State edu-  
16 cational agency may require.

17 “(b) REPORT.—A report provided by an eligible enti-  
18 ty under subsection (a) shall be used by the entity and  
19 the State educational agency for improvement or pro-  
20 grams and activities under this part.

21 “(c) SPECIAL RULE FOR SPECIALLY QUALIFIED  
22 AGENCIES.—Each specially qualified agency receiving a  
23 grant under this part shall provide the reports described  
24 in subsection (a) to the Secretary subject to the same re-  
25 quirements as apply to eligible entities providing such

1 evaluations to State educational agencies under such sub-  
2 section.”;

3 (8) in section 3122, as redesignated by section  
4 3001(2)—

5 (A) in subsection (a)—

6 (i) by striking “evaluations” and in-  
7 serting “reports”; and

8 (ii) by striking “children who are lim-  
9 ited English proficient” and inserting  
10 “English learners”; and

11 (B) in subsection (b)—

12 (i) in paragraph (1)—

13 (I) by striking “limited English  
14 proficient children” and inserting  
15 “English learners”; and

16 (II) by striking “children who are  
17 limited English proficient” and insert-  
18 ing “English learners”;

19 (ii) in paragraph (4), by striking “sec-  
20 tion 3111(b)(2)(C)” and inserting “section  
21 3111(b)(2)(D)”;

22 (iii) in paragraph (6), by striking  
23 “major findings of scientifically based re-  
24 search carried out under this part” and in-  
25 serting “findings of the evaluation related

1 to English learners carried out under sec-  
2 tion 9601”;

3 (iv) in paragraph (8)—

4 (I) by striking “of limited  
5 English proficient children” and in-  
6 serting “of English learners”; and

7 (II) by striking “into classrooms  
8 where instruction is not tailored for  
9 limited English proficient children”;  
10 and

11 (v) in paragraph (9), by striking  
12 “title” and inserting “part”;

13 (9) in section 3123, as redesignated by section  
14 3001(2)—

15 (A) by striking “children of limited  
16 English proficiency” and inserting “English  
17 learners”; and

18 (B) by striking “limited English proficient  
19 children” and inserting “English learners”;

20 (10) in section 3124, as redesignated by section  
21 3001(2)—

22 (A) in paragraph (1), by striking “limited  
23 English proficient children” and inserting  
24 “English learners”; and

1 (B) in paragraph (2), by striking “limited  
2 English proficient children” and inserting  
3 “English learners”;

4 (11) in section 3128, as redesignated by section  
5 3001(2), by striking “limited English proficient chil-  
6 dren” and inserting “English learners”; and

7 (12) by striking section 3131 and inserting the  
8 following:

9 **“SEC. 3131. NATIONAL PROFESSIONAL DEVELOPMENT**  
10 **PROJECT.**

11 “The Secretary shall use funds made available under  
12 section 3111(c)(1)(C) to award grants on a competitive  
13 basis, for a period of not more than 5 years, to institutions  
14 of higher education or public or private entities with rel-  
15 evant experience and capacity (in consortia with State  
16 educational agencies or local educational agencies) to pro-  
17 vide for professional development, capacity building, or  
18 evidence-based activities that will improve classroom in-  
19 struction for English learners and assist educational per-  
20 sonnel working with such children to meet high profes-  
21 sional standards, including standards for certification and  
22 licensure as teachers who work in language instruction  
23 educational programs or serve English learners. Grants  
24 awarded under this section may be used—

1           “(1) for preservice or inservice effective profes-  
2           sional development programs that will assist local  
3           schools and may assist institutions of higher edu-  
4           cation to upgrade the qualifications and skills of  
5           educational personnel who are not certified or li-  
6           censed, especially educational paraprofessionals, and  
7           for other activities to increase teacher and school  
8           leader effectiveness;

9           “(2) for the development of curricula or other  
10          instructional strategies appropriate to the needs of  
11          the consortia participants involved;

12          “(3) to support strategies that strengthen and  
13          increase parent, family, and community member en-  
14          gagement in the education of English learners;

15          “(4) to develop, share, and disseminate effective  
16          practices in the instruction of English learners and  
17          in increasing the student academic achievement of  
18          English learners, such as through the use of tech-  
19          nology-based programs;

20          “(5) in conjunction with other Federal need-  
21          based student financial assistance programs, for fi-  
22          nancial assistance, and costs related to tuition, fees,  
23          and books for enrolling in courses required to com-  
24          plete the degree involved, to meet certification or li-  
25          censing requirements for teachers who work in lan-

1 guage instruction educational programs or serve  
2 English learners; and

3 “(6) as appropriate, to support strategies that  
4 promote school readiness of English learners and  
5 their transition from early childhood education pro-  
6 grams, such as Head Start or State-run preschool  
7 programs to elementary school programs.”.

8 **SEC. 3004. OTHER PROVISIONS.**

9 Part B of title III, as redesignated by section  
10 3001(4), is amended—

11 (1) in section 3201, as redesignated by section  
12 3001(5)—

13 (A) by striking paragraphs (3), (4), and  
14 (5);

15 (B) by inserting after paragraph (2) the  
16 following:

17 “(3) **ELIGIBLE ENTITY.**—The term ‘eligible en-  
18 tity’ means—

19 “(A) one or more local educational agen-  
20 cies; or

21 “(B) one or more local educational agen-  
22 cies, in collaboration with an institution of high-  
23 er education, educational service agency, com-  
24 munity-based organization, or State educational  
25 agency.

1           “(4) ENGLISH LEARNER WITH A DISABILITY.—  
2           The term ‘English learner with a disability’ means  
3           an English learner who is also a child with a dis-  
4           ability, as that term is defined in section 602 of the  
5           Individuals with Disabilities Education Act.”;

6           (C) by redesignating paragraphs (6)  
7           through (8) as paragraphs (5) through (7), re-  
8           spectively;

9           (D) in paragraph (7)(A), as redesignated  
10          by subparagraph (C), by striking “a limited  
11          English proficient child” and inserting “an  
12          English learner”;

13          (E) by inserting after paragraph (7) the  
14          following:

15          “(8) LONG-TERM ENGLISH LEARNER.—The  
16          term ‘long-term English learner’ means an English  
17          learner who has attended schools in the United  
18          States for not less than 5 years and who has not yet  
19          exited from English learner status by the culmina-  
20          tion of the fifth year of services.”; and

21          (F) in paragraph (13), by striking “, as  
22          defined in section 3141,”; and

23          (2) in section 3202, as redesignated by section  
24          3001(5)—

1 (A) in the matter preceding paragraph (1),  
2 by striking “limited English proficient children”  
3 and inserting “English learners”; and

4 (B) in paragraph (4)—

5 (i) in subparagraph (A), by striking  
6 “limited English proficient children” and  
7 inserting “English learners, including  
8 English learners with a disability (as de-  
9 fined in section 3141), that includes infor-  
10 mation on best practices on instructing  
11 and serving English learners”; and

12 (ii) in subparagraph (B), by striking  
13 “limited English proficient children” and  
14 inserting “English learners”; and

15 (3) in section 3203, as redesignated by section  
16 3001(5)—

17 (A) by striking “limited English proficient  
18 individuals” and inserting “English learners”;  
19 and

20 (B) by striking “limited English proficient  
21 children” and inserting “English learners”.

22 **SEC. 3005. AMERICAN COMMUNITY SURVEY RESEARCH.**

23 (a) STUDY.—The Director of the Institute of Edu-  
24 cation Sciences and the Secretary of Education, in con-  
25 sultation with the Director of the Bureau of the Census,



1 shall conduct research on the accuracy of the American  
2 Community Survey language items for assessing popu-  
3 lation prevalence of English learner children and youth,  
4 including—

5 (1) the strength of such survey’s association  
6 with more comprehensive English language pro-  
7 ficiency measures;

8 (2) the effects on responses of situational, cul-  
9 tural, demographic, and socioeconomic factors;

10 (3) placement of the item in the questionnaire;  
11 and

12 (4) the ability of adult responders to make  
13 English language proficiency distinctions.

14 (b) IMPLEMENTATION.—The Director of the Bureau  
15 of the Census shall use the results of the study described  
16 in subsection (a) to improve the accuracy of the American  
17 Community Survey language items for assessing popu-  
18 lation prevalence of English learner students.

## 19 **TITLE IV—SAFE AND HEALTHY** 20 **STUDENTS**

### 21 **SEC. 4001. GENERAL PROVISIONS.**

22 Title IV (20 U.S.C. 7101 et seq.) is amended—

23 (1) by redesignating subpart 3 of part A as  
24 subpart 5 of part F of title IX, as redesignated by  
25 section 9106(1), and moving that subpart to follow

1 subpart 4 of part F of title IX, as redesignated by  
2 sections 2001 and 9106(1);

3 (2) by redesignating section 4141 as section  
4 9561;

5 (3) by redesignating section 4155 as section  
6 9537 and moving that section so as to follow section  
7 9536;

8 (4) by redesignating part C as subpart 6 of  
9 part F of title IX, as redesignated by section  
10 9106(1), and moving that subpart to follow subpart  
11 5 of part F of title IX, as redesignated by section  
12 9106(1) and paragraph (1);

13 (5) by redesignating sections 4301, 4302, 4303,  
14 and 4304, as sections 9571, 9572, 9573, and 9574,  
15 respectively; and

16 (6) by striking the title heading and inserting  
17 the following:

18 **“TITLE IV—SAFE AND HEALTHY**  
19 **STUDENTS”.**

20 **SEC. 4002. GRANTS TO STATES AND LOCAL EDUCATIONAL**  
21 **AGENCIES.**

22 Part A of title IV (20 U.S.C. 7101 et seq.) is amend-  
23 ed to read as follows:

1       **“PART A—GRANTS TO STATES AND LOCAL**  
2                           **EDUCATIONAL AGENCIES**

3   **“SEC. 4101. PURPOSE.**

4       “The purpose of this part is to improve students’  
5 safety, health, well-being, and academic achievement dur-  
6 ing and after the school day by—

7           “(1) increasing the capacity of local educational  
8 agencies, schools, and local communities to improve  
9 conditions for learning through the creation of safe,  
10 healthy, supportive, and drug-free environments;

11           “(2) carrying out programs designed to improve  
12 school safety and promote students’ physical and  
13 mental health and well-being;

14           “(3) preventing and reducing substance use and  
15 abuse, school violence, harassment, and bullying; and

16           “(4) strengthening parent and community en-  
17 gagement to ensure a healthy, safe, and supportive  
18 school environment.

19   **“SEC. 4102. DEFINITIONS.**

20       “In this part:

21           “(1) CONTROLLED SUBSTANCE.—The term  
22 ‘controlled substance’ means a drug or other sub-  
23 stance identified under Schedule I, II, III, IV, or V  
24 in section 202(c) of the Controlled Substances Act  
25 (21 U.S.C. 812(c)).

1           “(2) DRUG.—The term ‘drug’ includes con-  
2           trolled substances, the illegal use of alcohol or to-  
3           bacco (including smokeless tobacco products and  
4           electronic cigarettes), and the harmful, abusive, or  
5           addictive use of substances, including inhalants and  
6           anabolic steroids.

7           “(3) DRUG AND VIOLENCE PREVENTION.—The  
8           term ‘drug and violence prevention’ means—

9                   “(A) with respect to drugs, prevention,  
10                   early intervention, rehabilitation referral, recov-  
11                   ery support services, or education related to the  
12                   illegal use of drugs, such as raising awareness  
13                   about the evidence-based consequences of drug  
14                   use; and

15                   “(B) with respect to violence, the pro-  
16                   motion of school safety, such that students and  
17                   school personnel are free from violent and dis-  
18                   ruptive acts, including sexual harassment and  
19                   abuse, and victimization associated with preju-  
20                   dice and intolerance, on school premises, going  
21                   to and from school, and at school-sponsored ac-  
22                   tivities, through the creation and maintenance  
23                   of a school environment that is free of weapons  
24                   and fosters individual responsibility and respect  
25                   for the rights of others.

1           “(4) SCHOOL-BASED MENTAL HEALTH SERV-  
2           ICES PROVIDER.—The term ‘school-based mental  
3           health services provider’ includes a State licensed or  
4           State certified school counselor, school psychologist,  
5           school social worker, or other State licensed or cer-  
6           tified mental health professional qualified under  
7           State law to provide such mental health services to  
8           children and adolescents, including children in early  
9           childhood education programs.

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

13   **“SEC. 4103. FORMULA GRANTS TO STATES.**

14           “(a) RESERVATIONS.—From the total amount appro-  
15           priated under section 4108 for a fiscal year, the Secretary  
16           shall reserve—

17           “(1) not more than 5 percent for national ac-  
18           tivities, which the Secretary may carry out directly  
19           or through grants, contracts, or agreements with  
20           public or private entities or individuals, or other  
21           Federal agencies, such as providing technical assist-  
22           ance to States and local educational agencies car-  
23           rying out activities under this part or conducting a  
24           national evaluation;

1           “(2) one-half of 1 percent for allotments for the  
2 United States Virgin Islands, Guam, American  
3 Samoa, and the Commonwealth of the Northern  
4 Mariana Islands, to be distributed among those out-  
5 lying areas on the basis of their relative need, as de-  
6 termined by the Secretary, in accordance with the  
7 purpose of this part;

8           “(3) one-half of 1 percent for the Secretary of  
9 the Interior for programs under this part in schools  
10 operated or funded by the Bureau of Indian Edu-  
11 cation; and

12           “(4) such funds as may be necessary for the  
13 Project School Emergency Response to Violence pro-  
14 gram (referred to as ‘Project SERV’), which is au-  
15 thorized to provide education-related services to local  
16 educational agencies and institutions of higher edu-  
17 cation in which the learning environment has been  
18 disrupted due to a violent or traumatic crisis, and  
19 which funds shall remain available for obligation  
20 until expended.

21           “(b) STATE ALLOTMENTS.—

22           “(1) ALLOTMENT.—

23           “(A) IN GENERAL.—In accordance with  
24 subparagraph (B), the Secretary shall allot  
25 among each of the States the total amount

1           made available to carry out this part for any  
2           fiscal year and not reserved under subsection  
3           (a).

4           “(B) DETERMINATION OF STATE ALLOT-  
5           MENT AMOUNTS.—Subject to paragraph (2),  
6           the Secretary shall allot the amount made avail-  
7           able under subparagraph (A) for a fiscal year  
8           among the States in proportion to the number  
9           of individuals, aged 5 to 17, who reside within  
10          the State and are from families with incomes  
11          below the poverty line for the most recent fiscal  
12          year for which satisfactory data are available,  
13          compared to the number of such individuals  
14          who reside in all such States for that fiscal  
15          year.

16          “(2) SMALL STATE MINIMUM.—No State receiv-  
17          ing an allotment under paragraph (1) shall receive  
18          less than one-half of 1 percent of the total amount  
19          allotted under such paragraph.

20          “(3) PUERTO RICO.—The amount allotted  
21          under subparagraph (A) to the Commonwealth of  
22          Puerto Rico for a fiscal year may not exceed one-  
23          half of 1 percent of the total amount allotted under  
24          such subparagraph.

1           “(4) REALLOTMENT.—If a State does not re-  
2           ceive an allotment under this part for a fiscal year,  
3           the Secretary shall reallocate the amount of the State’s  
4           allotment to the remaining States in accordance with  
5           this section.

6           “(c) STATE USE OF FUNDS.—

7           “(1) IN GENERAL.—Each State that receives an  
8           allotment under this section shall reserve not less  
9           than 95 percent of the amount allotted to such State  
10          under subsection (b), for each fiscal year, for sub-  
11          grants to local educational agencies, which may in-  
12          clude consortia of such agencies, under section 4104.

13          “(2) STATE ADMINISTRATION.—A State edu-  
14          cational agency shall use not more than 1 percent of  
15          the amount made available to the State under sub-  
16          section (b) for the administrative costs of carrying  
17          out its responsibilities under this part.

18          “(3) STATE ACTIVITIES.—A State educational  
19          agency shall use the amount made available to the  
20          State under subsection (b) and not reserved under  
21          paragraph (1) for activities and programs designed  
22          to meet the purposes of this part, which—

23                  “(A) shall include—

24                          “(i) providing training, technical as-  
25                          sistance, and capacity building to local



1 educational agencies that are recipients of  
2 a subgrant under section 4104, which may  
3 include identifying and disseminating best  
4 practices for professional development and  
5 capacity building for teachers, administra-  
6 tors, and specialized instructional support  
7 personnel in schools that are served by  
8 local educational agencies under this part;  
9 and

10 “(ii) publicly reporting on how funds  
11 made available under this part are being  
12 expended by local educational agencies  
13 under section 4104; and

14 “(B) may include—

15 “(i) identifying and eliminating State  
16 barriers to the coordination and integra-  
17 tion of programs, initiatives, and funding  
18 streams that meet the purposes of this  
19 part, so that local educational agencies can  
20 better coordinate with other agencies,  
21 schools and community-based services and  
22 programs;

23 “(ii) assisting local educational agen-  
24 cies to expand access to or coordination of  
25 resources for school-based counseling and

1 mental health programs, such as through  
2 school-based mental health services part-  
3 nership programs described in section  
4 4105(a)(4)(C);

5 “(iii) supporting programs and activi-  
6 ties that offer a variety of well-rounded  
7 educational experiences to students;

8 “(iv) supporting activities that pro-  
9 mote physical and mental health and well-  
10 being for students and staff;

11 “(v) designing and implementing a  
12 grant process for local entities that wish to  
13 use funds to reduce exclusionary discipline  
14 practices in elementary schools and sec-  
15 ondary schools, in a manner consistent  
16 with State or federally identified best prac-  
17 tices on the subject;

18 “(vi) assisting in the creation of a  
19 continuum of evidence-based or promising  
20 practices in the reduction of juvenile delin-  
21 quency;

22 “(vii) promoting gender equity in edu-  
23 cation by supporting local educational  
24 agencies in meeting the requirements of

1 title IX of the Education Amendments of  
2 1972 (20 U.S.C. 1681 et seq.);

3 “(viii) providing local educational  
4 agencies with evidence-based resources—

5 “(I) addressing—

6 “(aa) student athletic safety,  
7 such as developing a plan for  
8 concussion safety and recovery  
9 practices (which may include  
10 policies that prohibit student ath-  
11 letes suspected of having a con-  
12 cussion from returning to play  
13 the same day);

14 “(bb) cardiac conditions  
15 such as cardiomyopathy; and

16 “(cc) exposure to excessive  
17 heat and humidity; and

18 “(II) relating to the development  
19 of recommended guidelines for an  
20 emergency action plan for youth ath-  
21 letics;

22 “(ix) designing and implementing evi-  
23 dence-based mental health awareness train-  
24 ing programs for the purposes of—

1                   “(I) recognizing the signs and  
2                   symptoms of mental illness;

3                   “(II) providing education to  
4                   school personnel regarding resources  
5                   available in the community for stu-  
6                   dents with mental illnesses and other  
7                   relevant resources relating to mental  
8                   health; or

9                   “(III) providing education to  
10                  school personal regarding the safe de-  
11                  escalation of crisis situations involving  
12                  a student with a mental illness; and

13                  “(x) other activities identified by the  
14                  State that meet the purposes of this part.

15                  “(d) STATE PLAN.—

16                   “(1) IN GENERAL.—In order to receive an allot-  
17                   ment under this section for any fiscal year, a State  
18                   shall submit a plan to the Secretary, at such time  
19                   and in such manner as the Secretary may reason-  
20                   ably require.

21                   “(2) CONTENTS.—Each plan submitted by a  
22                   State under this section shall include the following:

23                           “(A) A description of how the State edu-  
24                           cational agency will use funds received under  
25                           this part for State-level activities.

1           “(B) A description of program objectives  
2           and outcomes for activities under this part.

3           “(C) An assurance that the State edu-  
4           cational agency will review existing resources  
5           and programs across the State and will coordi-  
6           nate any new plans and resources under this  
7           part with such existing programs and resources.

8           “(D) An assurance that the State edu-  
9           cational agency will monitor the implementation  
10          of activities under this part and provide tech-  
11          nical assistance to local educational agencies in  
12          carrying out such activities.

13          “(3) ANNUAL REPORT.—Each State receiving a  
14          grant under this part shall annually prepare and  
15          submit a report to the Secretary, which shall in-  
16          clude—

17                 “(A) how the State and local educational  
18                 agencies used funds provided under this part;  
19                 and

20                 “(B) the degree to which the State and  
21                 local educational agencies have made progress  
22                 toward meeting the objectives and outcomes de-  
23                 scribed in the plan submitted by the State  
24                 under paragraph (2)(B).

25          “(e) PROJECT SERV.—

1           “(1) ADDITIONAL USE OF FUNDS.—Funds  
2 available under subsection (a)(4) for extended serv-  
3 ices grants under the Project School Emergency Re-  
4 sponse to Violence program (referred to in this sub-  
5 section as the ‘Project SERV program’) may be  
6 used by a local educational agency or institution of  
7 higher education receiving such grant to initiate or  
8 strengthen violence prevention activities, as part of  
9 the activities designed to restore the learning envi-  
10 ronment that was disrupted by the violent or trau-  
11 matic crisis in response to which the grant was  
12 awarded, and as provided in this subsection.

13           “(2) APPLICATION PROCESS.—

14           “(A) IN GENERAL.—A local educational  
15 agency or institution of higher education desir-  
16 ing to use a portion of extended services grant  
17 funds under the Project SERV program to ini-  
18 tiate or strengthen a violence prevention activity  
19 shall—

20           “(i) submit, in an application that  
21 meets all requirements of the Secretary for  
22 the Project SERV program, the informa-  
23 tion described in subparagraph (B); or

24           “(ii) in the case of a local educational  
25 agency or institution of higher education

1           that has already received an extended serv-  
2           ices grant under the Project SERV pro-  
3           gram, submit an addition to the original  
4           application that includes the information  
5           described in subparagraph (B).

6           “(B) APPLICATION REQUIREMENTS.—The  
7           information required under this subparagraph  
8           is the following:

9                   “(i) A demonstration that there is a  
10                  continued disruption or a substantial risk  
11                  of disruption to the learning environment  
12                  that would be addressed by such activity.

13                  “(ii) An explanation of the proposed  
14                  activity designed to restore and preserve  
15                  the learning environment.

16                  “(iii) A budget and budget narrative  
17                  for the proposed activity.

18           “(3) AWARD BASIS.—Any award of funds under  
19           the Project SERV program for violence prevention  
20           activities under this subsection shall be subject to  
21           the discretion of the Secretary and the availability of  
22           funds.

23           “(4) PROHIBITED USE.—No funds provided to  
24           a local educational agency or institution of higher  
25           education under the Project SERV program for vio-

1 lence prevention activities may be used for construc-  
2 tion, renovation, or repair of a facility or for the per-  
3 manent infrastructure of the local educational agen-  
4 cy or institution.

5 **“SEC. 4104. SUBGRANTS TO LOCAL EDUCATIONAL AGEN-**  
6 **CIES.**

7 “(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-  
8 CIES.—

9 “(1) IN GENERAL.—A State that receives an al-  
10 lotment under this part for a fiscal year shall pro-  
11 vide the amount made available under section  
12 4103(c)(1) for subgrants to local educational agen-  
13 cies, which may include consortia of such agencies,  
14 in accordance with this section.

15 “(2) FUNDS TO LOCAL EDUCATIONAL AGEN-  
16 CIES.—From the funds reserved by a State under  
17 section 4103(c)(1), the State shall allocate to each  
18 local educational agency or consortium of such agen-  
19 cies in the State an amount that bears the same re-  
20 lationship to such funds as the number of individ-  
21 uals aged 5 to 17 from families with incomes below  
22 the poverty line in the geographic area served by the  
23 agency, as determined by the Secretary on the basis  
24 of the most recent satisfactory data, bears to the  
25 number of such individuals in the geographic areas



1 served by all the local educational agencies in the  
2 State, as so determined.

3 “(3) ADMINISTRATIVE COSTS.—Of the amount  
4 received under paragraph (2), a local educational  
5 agency or consortium of such agencies may use not  
6 more than 2 percent for the direct administrative  
7 costs of carrying out its responsibilities under this  
8 part.

9 “(b) LOCAL APPLICATIONS.—

10 “(1) IN GENERAL.—To be eligible to receive a  
11 subgrant under this section, a local educational  
12 agency or consortium of such agencies shall submit  
13 an application to the State educational agency at  
14 such time, in such manner, and containing such in-  
15 formation as the State educational agency may rea-  
16 sonably require.

17 “(2) CONSULTATION.—

18 “(A) IN GENERAL.—A local educational  
19 agency or consortium of such agencies shall  
20 conduct a needs assessment described in para-  
21 graph (3), and develop its application, through  
22 consultation with parents, teachers, principals,  
23 school leaders, specialized instructional support  
24 personnel, early childhood educators, students,  
25 community-based organizations, local govern-

1           ment representatives (which may include a local  
2           law enforcement agency, local juvenile court,  
3           local child welfare agency, or local public hous-  
4           ing agency), Indian tribes or tribal organiza-  
5           tions (if applicable) that may be located in the  
6           region served by the local educational agency,  
7           and others with relevant and demonstrated ex-  
8           pertise in programs and activities designed to  
9           meet the purpose of this part.

10           “(B) CONTINUED CONSULTATION.—On an  
11           ongoing basis, the local educational agency or  
12           consortium of such agencies shall consult with  
13           the individuals and organizations described in  
14           subparagraph (A) in order to seek advice re-  
15           garding how best—

16                   “(i) to improve the local activities in  
17                   order to meet the purpose of this part; and

18                   “(ii) to coordinate such activities  
19                   under this part with other related strate-  
20                   gies, programs, and activities being con-  
21                   ducted in the community.

22           “(3) NEEDS ASSESSMENT.—

23                   “(A) IN GENERAL.—To be eligible to re-  
24                   ceive a subgrant under this section, a local edu-  
25                   cational agency or consortium of such agencies

1 shall conduct a comprehensive needs assessment  
2 of the local educational agency or agencies pro-  
3 posed to be served and of all schools within the  
4 jurisdiction of the local educational agency or  
5 agencies proposed to be served.

6 “(B) REQUIREMENTS.—In conducting the  
7 needs assessment required under subparagraph  
8 (A), the local educational agency or consortium  
9 of such agencies shall—

10 “(i) take into account applicable and  
11 available school-level data on indicators or  
12 measures of school quality, climate and  
13 safety, and discipline, including those de-  
14 scribed in section 1111(d)(1)(C)(v); and

15 “(ii) take into account risk factors in  
16 the community, school, family, or peer-in-  
17 dividual domains that—

18 “(I) are known through prospec-  
19 tive, longitudinal research efforts to  
20 be predictive of drug use, violent be-  
21 havior, harassment, disciplinary  
22 issues, and to have an effect on the  
23 physical and mental health and well-  
24 being of youth in the school and com-  
25 munity; and

1                   “(II) may include using available  
2                   State and local data on incidence,  
3                   prevalence, and perception of such  
4                   risk factors.

5                   “(4) CONTENTS.—Each application submitted  
6                   under this subsection shall be based on the needs as-  
7                   sessment described in paragraph (3) and shall in-  
8                   clude the following:

9                   “(A) The results of the needs assessment  
10                  described in paragraph (3) and an identification  
11                  of each school that will be served by a subgrant  
12                  under this section.

13                  “(B) A description of the activities that  
14                  the local educational agency or consortium of  
15                  such agencies will carry out under this part and  
16                  how these activities are aligned with the results  
17                  of the needs assessment conducted under para-  
18                  graph (3).

19                  “(C) A description of the performance in-  
20                  dicators that the local educational agency or  
21                  consortium of such agencies will use to evaluate  
22                  the effectiveness of the activities carried out  
23                  under this section.

24                  “(D) a description of the programs or ac-  
25                  tivities that the local educational agency or con-

1 consortium of such agencies will carry out under  
2 this part to assist schools in facilitating safe re-  
3 lationship behavior between and among stu-  
4 dents, as determined necessary by the local edu-  
5 cational agency to meet the purposes of this  
6 part and which may include—

7 “(i) providing age-appropriate edu-  
8 cation and training, and

9 “(ii) improving instructional practices  
10 on developing effective communication  
11 skills, and on how to recognize and prevent  
12 coercion, violence, or abuse, including teen  
13 and dating violence, stalking, domestic  
14 abuse, and sexual violence and harassment.

15 “(E) An assurance that such activities will  
16 comply with the principles of effectiveness de-  
17 scribed in section 4105(b), and foster a healthy,  
18 safe, and supportive school environment that  
19 improves students’ safety, health, and well-  
20 being during and after the school day.

21 “(F) An assurance that the local edu-  
22 cational agency or consortium of such agencies  
23 will prioritize the distribution of funds to  
24 schools served by the local educational agency  
25 or consortium of such agencies that—

1           “(i) are among the schools with the  
2           greatest needs as identified through the  
3           needs assessment conducted under para-  
4           graph (3);

5           “(ii) have the highest percentages or  
6           numbers of children counted under section  
7           1124(c);

8           “(iii) are identified under section  
9           1114(a)(1)(A); or

10          “(iv) are identified as a persistently  
11          dangerous public elementary school or sec-  
12          ondary school under section 9532.

13          “(G) An assurance that the local edu-  
14          cational agency or consortium of such agencies  
15          will comply with section 9501 (regarding equi-  
16          table participation by private school children  
17          and teachers).

18 **“SEC. 4105. LOCAL EDUCATIONAL AGENCY AUTHORIZED**  
19 **ACTIVITIES.**

20          “(a) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—A  
21          local educational agency or consortium of such agencies  
22          that receives a subgrant under section 4104 shall use the  
23          subgrant funds to develop, implement, and evaluate com-  
24          prehensive programs and activities, which are coordinated  
25          with other schools and community-based services and pro-

1 grams and may be conducted in partnership with non-  
2 profit organizations with a demonstrated record of success  
3 in implementing activities, that are in accordance with the  
4 purpose of this part and—

5           “(1) foster safe, healthy, supportive, and drug-  
6 free environments that support student academic  
7 achievement;

8           “(2) are consistent with the principles of effec-  
9 tiveness described in subsection (b);

10           “(3) promote the involvement of parents in the  
11 activity or program, as appropriate; and

12           “(4) may include, among other programs and  
13 activities—

14           “(A) drug and violence prevention activi-  
15 ties and programs (including programs to edu-  
16 cate students against the use of alcohol, to-  
17 bacco, marijuana, smokeless tobacco products,  
18 and electronic cigarettes), including professional  
19 development and training for school and spe-  
20 cialized instructional support personnel and in-  
21 terested community members in prevention,  
22 education, early identification, and intervention  
23 mentoring, recovery support services, and,  
24 where appropriate, rehabilitation referral, as re-  
25 lated to drug and violence prevention;

1           “(B) programs that support extended  
2 learning opportunities, including before- and  
3 after-school programs and activities, programs  
4 during summer recess periods, and expanded  
5 learning time;

6           “(C) in accordance with subsections (c)  
7 and (d), school-based mental health services, in-  
8 cluding early identification of mental-health  
9 symptoms, drug use and violence, and appro-  
10 priate referrals to direct individual or group  
11 counseling services provided by qualified school  
12 or community-based mental health services pro-  
13 viders;

14           “(D) in accordance with subsections (c)  
15 and (d), school-based mental health services  
16 partnership programs that—

17           “(i) are conducted in partnership with  
18 a public or private mental-health entity or  
19 health care entity, which may also include  
20 a child welfare agency, family-based mental  
21 health entity, trauma network, or other  
22 community-based entity; and

23           “(ii) provide comprehensive school-  
24 based mental health services and supports  
25 and staff development for school and com-



1 community personnel working in the school  
2 that are based on trauma-informed and  
3 evidence practices, are coordinated (where  
4 appropriate) with early intervening services  
5 carried out under the Individuals with Dis-  
6 abilities Education Act, are provided by  
7 qualified mental and behavioral health pro-  
8 fessionals who are certified or licensed by  
9 the State involved and practicing within  
10 their area of expertise, and may include—

11 “(I) the early identification of so-  
12 cial, emotional, or behavioral prob-  
13 lems, or substance use disorders, and  
14 the provision of early intervening serv-  
15 ices;

16 “(II) notwithstanding section  
17 4107, the treatment or referral for  
18 treatment of students with social,  
19 emotional, or behavioral health prob-  
20 lems, or substance use disorders;

21 “(III) the development and im-  
22 plementation of programs to assist  
23 children in dealing with trauma and  
24 violence; and

1                   “(IV) the development of mecha-  
2                   nisms, based on best practices, for  
3                   children to report incidents of violence  
4                   or plans by other children or adults to  
5                   commit violence;

6                   “(E) emergency planning and intervention  
7                   services following traumatic crisis events;

8                   “(F) programs that train school personnel  
9                   to identify warning signs of youth drug abuse  
10                  and suicide;

11                  “(G) mentoring programs and activities for  
12                  children who—

13                       “(i) are at risk of academic failure,  
14                       dropping out of school, or involvement in  
15                       criminal or delinquent activities, drug use  
16                       and abuse; or

17                       “(ii) lack strong positive role models;

18                       “(H) early childhood, elementary school,  
19                       and secondary school counseling programs, in-  
20                       cluding college and career guidance programs,  
21                       such as—

22                               “(i) postsecondary education and ca-  
23                               reer awareness and exploration activities;

24                               “(ii) efforts to enhance the use of in-  
25                               formation about local workforce needs in

1 postsecondary education and career guid-  
2 ance programs, which may include training  
3 counselors to effectively utilize labor mar-  
4 ket information in assisting students with  
5 postsecondary education and career plan-  
6 ning;

7 “(iii) the development of personalized  
8 learning plans for students; and

9 “(iv) financial literacy and Federal fi-  
10 nancial aid awareness activities;

11 “(I) programs or activities that support a  
12 healthy, active lifestyle, including nutritional  
13 education and regular, structured physical edu-  
14 cation programs for early childhood, elementary  
15 school, and secondary school students;

16 “(J) implementation of schoolwide positive  
17 behavioral interventions and supports, including  
18 through coordination with similar activities car-  
19 ried out under the Individuals with Disabilities  
20 Education Act, in order to improve academic  
21 outcomes for students and reduce the need for  
22 suspensions, expulsions, and other actions that  
23 remove students from instruction;

1           “(K) programs and activities that offer a  
2 variety of well-rounded educational experience  
3 for students, such as those that—

4           “(i) use music and the arts as tools to  
5 promote constructive student engagement,  
6 problem solving, and conflict resolution;

7           “(ii) further students’ understanding  
8 and knowledge of computer science from  
9 elementary school through secondary  
10 school; or

11           “(iii) promote volunteerism and com-  
12 munity service;

13           “(L) systems of high-capacity, integrated  
14 student supports;

15           “(M) strategies that establish learning en-  
16 vironments to further students’ academic and  
17 nonacademic skills essential for school readiness  
18 and academic success, such as by providing in-  
19 tegrated systems of student and family supports  
20 and building teacher, principal, and other  
21 school leader capacity;

22           “(N) bullying and harassment prevention  
23 programs or activities, including professional  
24 development and training for school and spe-  
25 cialized instructional support personnel in the

1 prevention, early identification, and early inter-  
2 vention, as related to bullying and harassment;

3 “(O) programs or activities designed to in-  
4 crease school safety and improve school climate,  
5 which may include training for school personnel  
6 related to conflict prevention and resolution  
7 practices and raising awareness of issues such  
8 as—

9 “(i) suicide prevention;

10 “(ii) effective and trauma-informed  
11 practices in classroom management;

12 “(iii) crisis management techniques;

13 “(iv) conflict resolution practices;

14 “(v) human trafficking (defined, for  
15 purposes of this subparagraph, as an act  
16 or practice described in paragraph (9) or  
17 (10) of section 103 of the Trafficking Vic-  
18 tims Protection Act of 2000 (22 U.S.C.  
19 7102)); and

20 “(vi) school-based violence prevention  
21 strategies;

22 “(P) programs or activities that integrate  
23 health and safety practices into school or ath-  
24 letic programs, such as developing a plan for  
25 concussion safety and recovery or cardiac safety

1 or implementing an excessive heat action plan  
2 to be used during school-sponsored athletic ac-  
3 tivities;

4 “(Q) pay-for-success initiatives that  
5 produce a measurable, clearly defined outcome  
6 that results in social benefit and direct cost sav-  
7 ings to the local, State, or Federal Government;

8 “(R) programs or activities to connect  
9 youth who are involved in, or are at risk of in-  
10 volvement in, juvenile delinquency or street  
11 gang activity to evidence-based and promising  
12 prevention and intervention practices related to  
13 juvenile delinquency and criminal street gang  
14 activity;

15 “(S) child sexual abuse awareness and pre-  
16 vention programs or activities, such as pro-  
17 grams or activities designed to provide—

18 “(i) age-appropriate and develop-  
19 mentally-appropriate instruction for early  
20 childhood education program, elementary  
21 school, and secondary school students in  
22 child sexual abuse awareness and preven-  
23 tion, including how to recognize child sex-  
24 ual abuse and how to safely report child  
25 sexual abuse; and

1           “(ii) information to parents and  
2           guardians of early childhood education pro-  
3           gram, elementary school, and secondary  
4           school students about child sexual abuse  
5           awareness and prevention, including how  
6           to recognize child sexual abuse and how to  
7           discuss child sexual abuse with a child;

8           “(T) the development and implementation  
9           of a school asthma management plan;

10           “(U) assisting schools in educating chil-  
11           dren facing substance abuse in the home, which  
12           may include providing professional development,  
13           training, and technical assistance to elementary  
14           schools and secondary schools that serve com-  
15           munities with high rates of substance abuse;

16           “(V) instructional and support activities  
17           and programs, such as activities and programs  
18           addressing chronic disease management, led by  
19           school nurses, nurse practitioners, social work-  
20           ers, and other appropriate specialists or profes-  
21           sionals to help maintain the well-being of stu-  
22           dents;

23           “(W) programs and activities that facili-  
24           tate safe relationship behavior between and  
25           among students;

1           “(X) designating a site resource coordi-  
2 nator at a school or local educational agency to  
3 provide a variety of services, such as—

4                   “(i) establishing partnerships within  
5 the community to provide resources and  
6 support for schools;

7                   “(ii) ensuring all service and commu-  
8 nity partners are aligned with the aca-  
9 demic expectations of a community school  
10 in order to improve student success; and

11                   “(iii) strengthening relationships be-  
12 tween schools and communities; and

13           “(Y) other activities and programs identi-  
14 fied as necessary by the local educational agen-  
15 cy through the needs assessment conducted  
16 under section 4104(b)(3) that will increase stu-  
17 dent achievement and otherwise meet the pur-  
18 pose of this part.

19           “(b) PRINCIPLES OF EFFECTIVENESS.—

20                   “(1) IN GENERAL.—For a program or activity  
21 developed or carried out under this part to meet  
22 principles of effectiveness, such program or activity  
23 shall—

24                   “(A) be based upon an assessment of ob-  
25 jective data regarding the need for programs



1 and activities in the early childhood, elementary  
2 school, secondary school, or community to be  
3 served to—

4 “(i) improve school safety and pro-  
5 mote students’ physical and mental health  
6 and well-being, healthy eating and nutri-  
7 tion, and physical fitness; and

8 “(ii) strengthen parent and commu-  
9 nity engagement to ensure a healthy, safe,  
10 and supportive school environment;

11 “(B) be based upon established State re-  
12 quirements and evidence-based criteria aimed at  
13 ensuring a healthy, safe, and supportive school  
14 environment for students in the early childhood,  
15 elementary school, secondary school, or commu-  
16 nity that will be served by the program; and

17 “(C) include meaningful and ongoing con-  
18 sultation with and input from teachers, prin-  
19 cipals, school leaders, and parents in the devel-  
20 opment of the application and administration of  
21 the program or activity.

22 “(2) PERIODIC EVALUATION.—

23 “(A) IN GENERAL.—The program or activ-  
24 ity shall undergo a periodic independent, third-  
25 party evaluation to assess the extent to which

1 the program or activity has helped the local  
2 educational agency or school provide students  
3 with a healthy, safe, and supportive school envi-  
4 ronment that promotes school safety and stu-  
5 dents' physical and mental health and well-  
6 being.

7 “(B) USE OF RESULTS.—The local edu-  
8 cational agency or consortium of such agencies  
9 shall ensure that the results of the periodic  
10 evaluations described under subparagraph (A)  
11 are—

12 “(i) used to refine, improve, and  
13 strengthen the program or activity, and to  
14 refine locally determined criteria described  
15 under paragraph (1)(B); and

16 “(ii) made available to the public and  
17 the State.

18 “(3) PROHIBITION.—Nothing in this subsection  
19 shall be construed to authorize the Secretary or any  
20 other officer or employee of the Federal Government  
21 to mandate, direct, or control, the principles of effec-  
22 tiveness developed or utilized by a local educational  
23 agency under this subsection.

24 “(c) PARENTAL CONSENT.—

1           “(1) IN GENERAL.—Each local educational  
2 agency receiving a subgrant under this part shall ob-  
3 tain prior written, informed consent from the parent  
4 of each child who is under 18 years of age to partici-  
5 pate in any mental-health assessment service or  
6 treatment that is funded under this part and con-  
7 ducted in connection with an elementary school or  
8 secondary school under this part.

9           “(2) EXCEPTION.—Notwithstanding paragraph  
10 (1), the written, informed consent described in such  
11 paragraph shall not be required in—

12                   “(A) an emergency, where it is necessary  
13 to protect the immediate health and safety of  
14 the student, other students, or school personnel;  
15 or

16                   “(B) other instances where parental con-  
17 sent cannot be reasonably obtained, as defined  
18 by the Secretary.

19           “(d) PRIVACY.—Each local educational agency receiv-  
20 ing a subgrant under this part shall ensure that student  
21 mental health records are accorded the privacy protections  
22 provided under section 444 of the General Education Pro-  
23 visions Act (20 U.S.C. 1232g) (commonly referred to as  
24 the ‘Family Educational Rights and Privacy Act of 1974’).

1 **“SEC. 4106. SUPPLEMENT, NOT SUPPLANT.**

2 “Funds made available under this part shall be used  
3 to supplement, and not supplant, non-Federal funds that  
4 would otherwise be used for activities authorized under  
5 this part.

6 **“SEC. 4107. PROHIBITIONS.**

7 “(a) PROHIBITED USE OF FUNDS.—No funds under  
8 this part may be used for—

9 “(1) construction; or

10 “(2) medical services or drug treatment or re-  
11 habilitation, except for integrated student supports  
12 or referral to treatment for impacted students,  
13 which may include students who are victims of, or  
14 witnesses to, crime or who illegally use drugs.

15 “(b) PROHIBITION ON MANDATORY MEDICATION.—  
16 No child shall be required to obtain a prescription for a  
17 substance covered by the Controlled Substances Act (21  
18 U.S.C. 801 et seq.) as a condition of receiving an evalua-  
19 tion, services, or attending a school receiving assistance  
20 under this part.

21 **“SEC. 4108. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated to carry out  
23 this part such sums as may be necessary for each of fiscal  
24 years 2016 through 2021.”.

1 **SEC. 4003. 21ST CENTURY COMMUNITY LEARNING CEN-**  
2 **TERS.**

3 (a) PROGRAM AUTHORIZED.—Part B of title IV (20  
4 U.S.C. 7171 et seq.) is amended to read as follows:

5 **“PART B—21ST CENTURY COMMUNITY LEARNING**  
6 **CENTERS**

7 **“SEC. 4201. PURPOSE; DEFINITIONS.**

8 “(a) PURPOSE.—The purpose of this part is to pro-  
9 vide opportunities for communities to establish or expand  
10 activities in community learning centers that—

11 “(1) provide opportunities for academic enrich-  
12 ment, including providing tutorial services to help  
13 students, particularly students who attend low-per-  
14 forming schools, to meet challenging State academic  
15 standards described in section 1111(b)(1);

16 “(2) offer students a broad array of additional  
17 services, programs, and activities, such as youth de-  
18 velopment activities, service learning, nutrition and  
19 health education, drug and violence prevention pro-  
20 grams, counseling programs, art, music, physical fit-  
21 ness and wellness programs, technology education  
22 programs, financial literacy programs, environmental  
23 literacy programs, mathematics, science, career and  
24 technical programs, internship or apprenticeship  
25 programs, and other ties to an in-demand industry  
26 sector or occupation for high school students that

1 are designed to reinforce and complement the reg-  
2 ular academic program of participating students;  
3 and

4 “(3) offer families of students served by com-  
5 munity learning centers opportunities for active and  
6 meaningful engagement in their children’s education,  
7 including opportunities for literacy and related edu-  
8 cational development.

9 “(b) DEFINITIONS.—In this part:

10 “(1) COMMUNITY LEARNING CENTER.—The  
11 term ‘community learning center’ means an entity  
12 that—

13 “(A) assists students to meet challenging  
14 State academic standards described in section  
15 1111(b)(1) by providing the students with aca-  
16 demic enrichment activities and a broad array  
17 of other activities (such as programs and activi-  
18 ties described in subsection (a)(2)) during non-  
19 school hours or periods when school is not in  
20 session (such as before and after school or dur-  
21 ing summer recess) that—

22 “(i) reinforce and complement the  
23 regular academic programs of the schools  
24 attended by the students served; and

1                   “(ii) are targeted to the students’ aca-  
2                   demic needs and aligned with the instruc-  
3                   tion students receive during the school day;  
4                   and

5                   “(B) offers families of students served by  
6                   such center opportunities for literacy, and re-  
7                   lated educational development and opportunities  
8                   for active and meaningful engagement in their  
9                   children’s education.

10                  “(2) COVERED PROGRAM.—The term ‘covered  
11                  program’ means a program for which —

12                         “(A) the Secretary made a grant under  
13                         part B of title IV (as such part was in effect  
14                         on the day before the date of enactment of the  
15                         Every Child Achieves Act of 2015); and

16                         “(B) the grant period had not ended on  
17                         that date of enactment.

18                  “(3) ELIGIBLE ENTITY.—The term ‘eligible en-  
19                  tity’ means a local educational agency, community-  
20                  based organization, Indian tribe or tribal organiza-  
21                  tion (as such terms are defined in section 4 of the  
22                  Indian Self-Determination and Education Act (25  
23                  U.S.C. 450b)), another public or private entity, or a  
24                  consortium of 2 or more such agencies, organiza-  
25                  tions, or entities.

1           “(4) EXTERNAL ORGANIZATION.—The term ‘ex-  
2           ternal organization’ means—

3                   “(A) a nonprofit organization with a  
4                   record of success in running or working with  
5                   after school programs; or

6                   “(B) in the case of a community where  
7                   there is no such organization, a nonprofit orga-  
8                   nization in the community that enters into a  
9                   formal agreement or partnership with an orga-  
10                  nization described in subparagraph (A) to re-  
11                  ceive mentoring and guidance.

12           “(5) RIGOROUS PEER-REVIEW PROCESS.—The  
13           term ‘rigorous peer-review process’ means a process  
14           by which—

15                   “(A) employees of a State educational  
16                   agency who are familiar with the 21st century  
17                   community learning center program under this  
18                   part review all applications that the State re-  
19                   ceives for awards under this part for complete-  
20                   ness and applicant eligibility;

21                   “(B) the State educational agency selects  
22                   peer reviewers for such applications, who  
23                   shall—

24                           “(i) be selected for their expertise in  
25                           providing effective academic, enrichment,



1 youth development, and related services to  
2 children; and

3 “(ii) not include any applicant, or rep-  
4 resentative of an applicant, that has sub-  
5 mitted an application under this part for  
6 the current application period; and

7 “(C) the peer reviewers described in sub-  
8 paragraph (B) review and rate the applications  
9 to determine the extent to which the applica-  
10 tions meet the requirements under sections  
11 4204(b) and 4205.

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

15 **“SEC. 4202. ALLOTMENTS TO STATES.**

16 “(a) RESERVATION.—From the funds appropriated  
17 under section 4206 for any fiscal year, the Secretary shall  
18 reserve—

19 “(1) such amounts as may be necessary to  
20 make continuation awards to grant recipients under  
21 covered programs (under the terms of those grants);

22 “(2) not more than 1 percent for national ac-  
23 tivities, which the Secretary may carry out directly  
24 or through grants and contracts, such as providing  
25 technical assistance to eligible entities carrying out

1 programs under this part or conducting a national  
2 evaluation; and

3 “(3) not more than 1 percent for payments to  
4 the outlying areas and the Bureau of Indian Affairs,  
5 to be allotted in accordance with their respective  
6 needs for assistance under this part, as determined  
7 by the Secretary, to enable the outlying areas and  
8 the Bureau to carry out the purpose of this part.

9 “(b) STATE ALLOTMENTS.—

10 “(1) DETERMINATION.—From the funds appro-  
11 priated under section 4206 for any fiscal year and  
12 remaining after the Secretary makes reservations  
13 under subsection (a), the Secretary shall allot to  
14 each State for the fiscal year an amount that bears  
15 the same relationship to the remainder as the  
16 amount the State received under subpart 2 of part  
17 A of title I for the preceding fiscal year bears to the  
18 amount all States received under that subpart for  
19 the preceding fiscal year, except that no State shall  
20 receive less than an amount equal to one-half of 1  
21 percent of the total amount made available to all  
22 States under this subsection.

23 “(2) REALLOTMENT OF UNUSED FUNDS.—If a  
24 State does not receive an allotment under this part  
25 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 part.

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 93 percent of the amount allotted to such State  
7 under subsection (b), for each fiscal year for awards  
8 to eligible entities under section 4204.

9 “(2) STATE ADMINISTRATION.—A State edu-  
10 cational agency may use not more than 2 percent of  
11 the amount made available to the State under sub-  
12 section (b) for—

13 “(A) the administrative costs of carrying  
14 out its responsibilities under this part;

15 “(B) establishing and implementing a rig-  
16 orous peer-review process for subgrant applica-  
17 tions described in section 4204(b) (including  
18 consultation with the Governor and other State  
19 agencies responsible for administering youth de-  
20 velopment programs and adult learning activi-  
21 ties); and

22 “(C) awarding of funds to eligible entities  
23 (in consultation with the Governor and other  
24 State agencies responsible for administering

1 youth development programs and adult learning  
2 activities).

3 “(3) STATE ACTIVITIES.—A State educational  
4 agency may use not more than 5 percent of the  
5 amount made available to the State under subsection  
6 (b) for the following activities:

7 “(A) Monitoring and evaluation of pro-  
8 grams and activities assisted under this part.

9 “(B) Providing capacity building, training,  
10 and technical assistance under this part.

11 “(C) Comprehensive evaluation (directly,  
12 or through a grant or contract) of the effective-  
13 ness of programs and activities assisted under  
14 this part.

15 “(D) Providing training and technical as-  
16 sistance to eligible entities that are applicants  
17 for or recipients of awards under this part.

18 “(E) Ensuring that any eligible entity that  
19 receives an award under this part from the  
20 State aligns the activities provided by the pro-  
21 gram with State academic standards.

22 “(F) Ensuring that any such eligible entity  
23 identifies and partners with external organiza-  
24 tions, if available, in the community.

1           “(G) Working with teachers, principals,  
2           parents, the local workforce, the local commu-  
3           nity, and other stakeholders to review and im-  
4           prove State policies and practices to support the  
5           implementation of effective programs under this  
6           part.

7           “(H) Coordinating funds received under  
8           this part with other Federal and State funds to  
9           implement high-quality programs.

10           “(I) Providing a list of prescreened exter-  
11           nal organizations, as described in section  
12           4203(a)(11).

13 **“SEC. 4203. STATE APPLICATION.**

14           “(a) IN GENERAL.—In order to receive an allotment  
15           under section 4202 for any fiscal year, a State shall sub-  
16           mit to the Secretary, at such time as the Secretary may  
17           require, an application that—

18           “(1) designates the State educational agency as  
19           the agency responsible for the administration and  
20           supervision of programs assisted under this part;

21           “(2) describes how the State educational agency  
22           will use funds received under this part, including  
23           funds reserved for State-level activities;

24           “(3) contains an assurance that the State edu-  
25           cational agency—

1           “(A) will make awards under this part to  
2           eligible entities that serve students who pri-  
3           marily attend schools that have been identified  
4           under section 1114(a)(1)(A) and other schools  
5           determined by the local educational agency to  
6           be in need of intervention and support and the  
7           families of such students; and

8           “(B) will further give priority to eligible  
9           entities that propose in the application to serve  
10          students described in subclauses (I) and (II) of  
11          section 4204(i)(1)(A)(i);

12          “(4) describes the procedures and criteria the  
13          State educational agency will use for reviewing appli-  
14          cations and awarding funds to eligible entities on a  
15          competitive basis, which shall include procedures and  
16          criteria that take into consideration the likelihood  
17          that a proposed community learning center will help  
18          participating students meet State and local content  
19          and student academic achievement standards;

20          “(5) describes how the State educational agency  
21          will ensure that awards made under this part are—

22                 “(A) of sufficient size and scope to support  
23                 high-quality, effective programs that are con-  
24                 sistent with the purpose of this part; and

1           “(B) in amounts that are consistent with  
2           section 4204(h);

3           “(6) describes the steps the State educational  
4           agency will take to ensure that programs implement  
5           effective strategies, including providing ongoing  
6           technical assistance and training, evaluation, dis-  
7           semination of promising practices, and coordination  
8           of professional development for staff in specific con-  
9           tent areas as well as youth development;

10          “(7) describes how programs under this part  
11          will be coordinated with programs under this Act,  
12          and other programs as appropriate;

13          “(8) contains an assurance that the State edu-  
14          cational agency—

15               “(A) will make awards for programs for a  
16               period of not less than 3 years and not more  
17               than 5 years; and

18               “(B) will require each eligible entity seek-  
19               ing such an award to submit a plan describing  
20               how the activities to be funded through the  
21               award will continue after funding under this  
22               part ends;

23          “(9) contains an assurance that funds appro-  
24          priated to carry out this part will be used to supple-  
25          ment, and not supplant, other Federal, State, and

1 local public funds expended to provide programs and  
2 activities authorized under this part and other simi-  
3 lar programs;

4 “(10) contains an assurance that the State edu-  
5 cational agency will require eligible entities to de-  
6 scribe in their applications under section 4204(b)  
7 how the transportation needs of participating stu-  
8 dents will be addressed;

9 “(11) describes how the State will prescreen ex-  
10 ternal organizations that could provide assistance in  
11 carrying out the activities under this part, and de-  
12 velop and make available to eligible entities a list of  
13 external organizations that successfully completed  
14 the prescreening process;

15 “(12) provides—

16 “(A) an assurance that the application was  
17 developed in consultation and coordination with  
18 appropriate State officials, including the chief  
19 State school officer, and other State agencies  
20 administering before- and after-school (or sum-  
21 mer school) programs, the heads of the State  
22 health and mental health agencies or their des-  
23 ignees, statewide after-school networks (where  
24 applicable) and representatives of teachers, local



1 educational agencies, and community-based or-  
2 ganizations; and

3 “(B) a description of any other representa-  
4 tives of teachers, parents, students, or the busi-  
5 ness community that the State has selected to  
6 assist in the development of the application, if  
7 applicable;

8 “(13) describes the results of the State’s needs  
9 and resources assessment for before- and after-  
10 school activities, which shall be based on the results  
11 of on-going State evaluation activities;

12 “(14) describes how the State educational agen-  
13 cy will evaluate the effectiveness of programs and  
14 activities carried out under this part, which shall in-  
15 clude, at a minimum—

16 “(A) a description of the performance indi-  
17 cators and performance measures that will be  
18 used to evaluate programs and activities with  
19 emphasis on alignment with the regular aca-  
20 demic program of the school and the academic  
21 needs of participating students, including per-  
22 formance indicators and measures that—

23 “(i) are able to track student success  
24 and improvement over time;

1           “(ii) include State assessment results  
2           and other indicators of student success and  
3           improvement, such as improved attendance  
4           during the school day, better classroom  
5           grades, regular (or consistent) program at-  
6           tendance, and on-time advancement to the  
7           next grade level; and

8           “(iii) for high school students, may in-  
9           clude indicators such as career com-  
10          petencies, successful completion of intern-  
11          ships or apprenticeships, or work-based  
12          learning opportunities;

13          “(B) a description of how data collected  
14          for the purposes of subparagraph (A) will be  
15          collected; and

16          “(C) public dissemination of the evalua-  
17          tions of programs and activities carried out  
18          under this part; and

19          “(15) provides for timely public notice of intent  
20          to file an application and an assurance that the ap-  
21          plication will be available for public review after sub-  
22          mission.

23          “(b) DEEMED APPROVAL.—An application submitted  
24          by a State educational agency pursuant to subsection (a)  
25          shall be deemed to be approved by the Secretary unless

1 the Secretary makes a written determination, prior to the  
2 expiration of the 120-day period beginning on the date on  
3 which the Secretary received the application, that the ap-  
4 plication is not in compliance with this part.

5 “(c) DISAPPROVAL.—The Secretary shall not finally  
6 disapprove the application, except after giving the State  
7 educational agency notice and an opportunity for a hear-  
8 ing.

9 “(d) NOTIFICATION.—If the Secretary finds that the  
10 application is not in compliance, in whole or in part, with  
11 this part, the Secretary shall—

12 “(1) give the State educational agency notice  
13 and an opportunity for a hearing; and

14 “(2) notify the State educational agency of the  
15 finding of noncompliance and, in such notification—

16 “(A) cite the specific provisions in the ap-  
17 plication that are not in compliance; and

18 “(B) request additional information, only  
19 as to the noncompliant provisions, needed to  
20 make the application compliant.

21 “(e) RESPONSE.—If the State educational agency re-  
22 sponds to the Secretary’s notification described in sub-  
23 section (d)(2) during the 45-day period beginning on the  
24 date on which the agency received the notification, and  
25 resubmits the application with the requested information

1 described in subsection (d)(2)(B), the Secretary shall ap-  
2 prove or disapprove such application prior to the later of—

3 “(1) the expiration of the 45-day period begin-  
4 ning on the date on which the application is resub-  
5 mitted; or

6 “(2) the expiration of the 120-day period de-  
7 scribed in subsection (b).

8 “(f) FAILURE TO RESPOND.—If the State edu-  
9 cational agency does not respond to the Secretary’s notifi-  
10 cation described in subsection (d)(2) during the 45-day pe-  
11 riod beginning on the date on which the agency received  
12 the notification, such application shall be deemed to be  
13 disapproved.

14 “(g) LIMITATION.—The Secretary may not impose a  
15 priority or preference for States or eligible entities that  
16 seek to use funds made available under this part to extend  
17 the regular school day.

18 **“SEC. 4204. LOCAL COMPETITIVE SUBGRANT PROGRAM.**

19 “(a) IN GENERAL.—

20 “(1) COMMUNITY LEARNING CENTERS.—A  
21 State that receives funds under this part for a fiscal  
22 year shall provide the amount made available under  
23 section 4202(c)(1) to award subgrants to eligible en-  
24 tities for community learning centers in accordance  
25 with this part.

1           “(2) EXPANDED LEARNING PROGRAM ACTIVI-  
2           TIES.—A State that receives funds under this part  
3           for a fiscal year may also use funds under section  
4           4202(e)(1) to support those enrichment and engag-  
5           ing academic activities described in section 4205(a)  
6           that—

7                   “(A) are included as part of an expanded  
8                   learning program that provide students at least  
9                   300 additional program hours before, during, or  
10                  after the traditional school day;

11                  “(B) supplement but do not supplant  
12                  school day requirements; and

13                  “(C) are awarded to entities that meet the  
14                  requirements of subsection (i).

15           “(b) APPLICATION.—

16                   “(1) IN GENERAL.—To be eligible to receive a  
17                   subgrant under this part, an eligible entity shall sub-  
18                   mit an application to the State educational agency  
19                   at such time, in such manner, and including such in-  
20                   formation as the State educational agency may rea-  
21                   sonably require.

22                   “(2) CONTENTS.—Each application submitted  
23                   under paragraph (1) shall include—

24                           “(A) a description of the activities to be  
25                           funded, including—

1           “(i) an assurance that the program  
2           will take place in a safe and easily acces-  
3           sible facility;

4           “(ii) a description of how students  
5           participating in the program carried out by  
6           the community learning center will travel  
7           safely to and from the center and home, if  
8           applicable; and

9           “(iii) a description of how the eligible  
10          entity will disseminate information about  
11          the community learning center (including  
12          its location) to the community in a manner  
13          that is understandable and accessible;

14          “(B) a description of how such activities  
15          are expected to improve student academic  
16          achievement as well as overall student success;

17          “(C) a demonstration of how the proposed  
18          program will coordinate Federal, State, and  
19          local programs and make the most effective use  
20          of public resources;

21          “(D) an assurance that the proposed pro-  
22          gram was developed and will be carried out—

23                 “(i) in active collaboration with the  
24                 schools the students attend (including  
25                 through the sharing of relevant student

1 data among the schools), all participants in  
2 the eligible entity, and any partnership en-  
3 tities described in subparagraph (H), while  
4 complying with applicable laws relating to  
5 privacy and confidentiality; and

6 “(ii) in alignment with State and local  
7 content and student academic achievement  
8 standards;

9 “(E) a description of how the activities will  
10 meet the measures of effectiveness described in  
11 section 4205(b);

12 “(F) an assurance that the program will  
13 target students who primarily attend schools el-  
14 igible for schoolwide programs under section  
15 1113(b) and the families of such students;

16 “(G) an assurance that subgrant funds  
17 under this part will be used to increase the level  
18 of State, local, and other non-Federal funds  
19 that would, in the absence of funds under this  
20 part, be made available for programs and activi-  
21 ties authorized under this part, and in no case  
22 supplant Federal, State, local, or non-Federal  
23 funds;

24 “(H) a description of the partnership be-  
25 tween a local educational agency, a community-

1 based organization, and another public entity or  
2 private entity, if appropriate;

3 “(I) an evaluation of the community needs  
4 and available resources for the community  
5 learning center and a description of how the  
6 program proposed to be carried out in the cen-  
7 ter will address those needs (including the  
8 needs of working families);

9 “(J) a demonstration that the eligible enti-  
10 ty will use best practices, including research or  
11 evidence-based practices, to provide educational  
12 and related activities that will complement and  
13 enhance academic performance, achievement,  
14 postsecondary and workforce preparation, and  
15 positive youth development of the students;

16 “(K) a description of a preliminary plan  
17 for how the community learning center will con-  
18 tinue after funding under this part ends;

19 “(L) an assurance that the community will  
20 be given notice of an intent to submit an appli-  
21 cation and that the application and any waiver  
22 request will be available for public review after  
23 submission of the application;

24 “(M) if the eligible entity plans to use vol-  
25 unteers in activities carried out through the



1 community learning center, a description of how  
2 the eligible entity will encourage and use appro-  
3 priately qualified persons to serve as the volun-  
4 teers; and

5 “(N) such other information and assur-  
6 ances as the State educational agency may rea-  
7 sonably require.

8 “(c) APPROVAL OF CERTAIN APPLICATIONS.—The  
9 State educational agency may approve an application  
10 under this part for a program to be located in a facility  
11 other than an elementary school or secondary school only  
12 if the program will be at least as available and accessible  
13 to the students to be served as if the program were located  
14 in an elementary school or secondary school.

15 “(d) PERMISSIVE LOCAL MATCH.—

16 “(1) IN GENERAL.—A State educational agency  
17 may require an eligible entity to match subgrant  
18 funds awarded under this part, except that such  
19 match may not exceed the amount of the subgrant  
20 and may not be derived from other Federal or State  
21 funds.

22 “(2) SLIDING SCALE.—The amount of a match  
23 under paragraph (1) shall be established based on a  
24 sliding scale that takes into account—

1           “(A) the relative poverty of the population  
2           to be targeted by the eligible entity; and

3           “(B) the ability of the eligible entity to ob-  
4           tain such matching funds.

5           “(3) IN-KIND CONTRIBUTIONS.—Each State  
6           educational agency that requires an eligible entity to  
7           match funds under this subsection shall permit the  
8           eligible entity to provide all or any portion of such  
9           match in the form of in-kind contributions.

10          “(4) CONSIDERATION.—Notwithstanding this  
11          subsection, a State educational agency shall not con-  
12          sider an eligible entity’s ability to match funds when  
13          determining which eligible entities will receive sub-  
14          grants under this part.

15          “(e) PEER REVIEW.—In reviewing local applications  
16          under this part, a State educational agency shall use a  
17          rigorous peer-review process or other methods of ensuring  
18          the quality of such applications.

19          “(f) GEOGRAPHIC DIVERSITY.—To the extent prac-  
20          ticable, a State educational agency shall distribute  
21          subgrant funds under this part equitably among geo-  
22          graphic areas within the State, including urban and rural  
23          communities.

1       “(g) DURATION OF AWARDS.—Subgrants under this  
2 part shall be awarded for a period of not less than 3 years  
3 and not more than 5 years.

4       “(h) AMOUNT OF AWARDS.—A subgrant awarded  
5 under this part may not be made in an amount that is  
6 less than \$50,000.

7       “(i) PRIORITY.—

8               “(1) IN GENERAL.—In awarding subgrants  
9 under this part, a State educational agency shall  
10 give priority to applications—

11                       “(A) proposing to target services to—

12                               “(i) students who primarily attend  
13 schools that—

14                                       “(I) have been identified under  
15 section 1114(a) and other schools de-  
16 termined by the local educational  
17 agency to be in need of intervention  
18 and support to improve student aca-  
19 demic achievement and other out-  
20 comes; and

21                                       “(II) enroll students who may be  
22 at risk for academic failure, dropping  
23 out of school, involvement in criminal  
24 or delinquent activities, or who lack  
25 strong positive role models; and

1                   “(ii) the families of students described  
2                   in clause (i);

3                   “(B) submitted jointly by eligible entities  
4                   consisting of not less than 1—

5                   “(i) local educational agency receiving  
6                   funds under part A of title I; and

7                   “(ii) another eligible entity; and

8                   “(C) demonstrating that the activities pro-  
9                   posed in the application—

10                   “(i) are, as of the date of the submis-  
11                   sion of the application, not accessible to  
12                   students who would be served; or

13                   “(ii) would expand accessibility to  
14                   high-quality services that may be available  
15                   in the community.

16                   “(2) SPECIAL RULE.—The State educational  
17                   agency shall provide the same priority under para-  
18                   graph (1) to an application submitted by a local edu-  
19                   cational agency if the local educational agency dem-  
20                   onstrates that it is unable to partner with a commu-  
21                   nity-based organization in reasonable geographic  
22                   proximity and of sufficient quality to meet the re-  
23                   quirements of this part.

24                   “(3) LIMITATION.—A State educational agency  
25                   may not impose a priority or preference for eligible

1 entities that seek to use funds made available under  
2 this part to extend the regular school day.

3 “(j) RENEWABILITY OF AWARDS.—A State edu-  
4 cational agency may renew a subgrant provided under this  
5 part to an eligible entity, based on the eligible entity’s per-  
6 formance during the original subgrant period.

7 **“SEC. 4205. LOCAL ACTIVITIES.**

8 “(a) AUTHORIZED ACTIVITIES.—Each eligible entity  
9 that receives an award under section 4204 may use the  
10 award funds to carry out a broad array of activities that  
11 advance student academic achievement and support stu-  
12 dent success, including—

13 “(1) academic enrichment learning programs,  
14 mentoring programs, remedial education activities,  
15 and tutoring services, that are aligned with—

16 “(A) State and local content and student  
17 academic achievement standards; and

18 “(B) local curricula that are designed to  
19 improve student academic achievement;

20 “(2) core academic subject education activities,  
21 including such activities that enable students to be  
22 eligible for credit recovery or attainment;

23 “(3) literacy education programs, including fi-  
24 nancial literacy programs and environmental literacy  
25 programs;

1           “(4) programs that support a healthy, active  
2 lifestyle, including nutritional education and regular,  
3 structured physical activity programs;

4           “(5) services for individuals with disabilities;

5           “(6) programs that provide after-school activi-  
6 ties for students who are English learners that em-  
7 phasize language skills and academic achievement;

8           “(7) cultural programs;

9           “(8) telecommunications and technology edu-  
10 cation programs;

11          “(9) expanded library service hours;

12          “(10) parenting skills programs that promote  
13 parental involvement and family literacy;

14          “(11) programs that provide assistance to stu-  
15 dents who have been truant, suspended, or expelled  
16 to allow the students to improve their academic  
17 achievement;

18          “(12) drug and violence prevention programs  
19 and counseling programs;

20          “(13) programs that build skills in science,  
21 technology, engineering, and mathematics (referred  
22 to in this paragraph as ‘STEM’) and that foster in-  
23 novation in learning by supporting nontraditional  
24 STEM education teaching methods; and

1           “(14) programs that partner with in-demand  
2 fields of the local workforce or build career com-  
3 petencies and career readiness and ensure that local  
4 workforce and career readiness skills are aligned  
5 with the Carl D. Perkins Career and Technical Edu-  
6 cation Act of 2006 and the Workforce Innovation  
7 and Opportunity Act.

8           “(b) MEASURES OF EFFECTIVENESS.—

9           “(1) IN GENERAL.—For a program or activity  
10 developed pursuant to this part to meet the meas-  
11 ures of effectiveness, monitored by the State edu-  
12 cational agency as described in section 4203(a)(14),  
13 such program or activity shall—

14           “(A) be based upon an assessment of ob-  
15 jective data regarding the need for before- and  
16 after-school programs (including during sum-  
17 mer recess periods) and activities in the schools  
18 and communities;

19           “(B) be based upon an established set of  
20 performance measures aimed at ensuring the  
21 availability of high-quality academic enrichment  
22 opportunities;

23           “(C) if appropriate, be based upon evi-  
24 dence-based research that the program or activ-

1           ity will help students meet the State and local  
2           student academic achievement standards;

3           “(D) ensure that measures of student suc-  
4           cess align with the regular academic program of  
5           the school and the academic needs of partici-  
6           pating students and include performance indica-  
7           tors and measures described in section  
8           4203(a)(14)(A); and

9           “(E) collect the data necessary for the  
10          measures of student success described in sub-  
11          paragraph (D).

12         “(2) PERIODIC EVALUATION.—

13           “(A) IN GENERAL.—The program or activ-  
14           ity shall undergo a periodic evaluation in con-  
15           junction with the State educational agency’s  
16           overall evaluation plan as described in section  
17           4203(a)(14), to assess the program’s progress  
18           toward achieving the goal of providing high-  
19           quality opportunities for academic enrichment  
20           and overall student success.

21           “(B) USE OF RESULTS.—The results of  
22           evaluations under subparagraph (A) shall be—

23                 “(i) used to refine, improve, and  
24                 strengthen the program or activity, and to  
25                 refine the performance measures;



1           “(ii) made available to the public upon  
2           request, with public notice of such avail-  
3           ability provided; and

4           “(iii) used by the State to determine  
5           whether a subgrant is eligible to be re-  
6           newed under section 4204(j).

7   **“SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.**

8           “There are authorized to be appropriated to carry out  
9   this part such sums as may be necessary for each of fiscal  
10   years 2016 through 2021.”.

11       (b) TRANSITION.—The recipient of a multiyear grant  
12   award under part B of title IV of the Elementary and Sec-  
13   ondary Education Act of 1965 (20 U.S.C. 7171 et seq.),  
14   as such Act was in effect on the day before the date of  
15   enactment of this Act, shall continue to receive funds in  
16   accordance with the terms and conditions of such award.

17   **SEC. 4004. ELEMENTARY SCHOOL AND SECONDARY**  
18                   **SCHOOL COUNSELING PROGRAMS.**

19       Title IV (20 U.S.C. 7101 et seq.), as amended by  
20   section 4001, is further amended by inserting after part  
21   B the following:

1           **“PART C—ELEMENTARY SCHOOL AND**  
2           **SECONDARY SCHOOL COUNSELING PROGRAMS**  
3   **“SEC. 4301. ELEMENTARY SCHOOL AND SECONDARY**  
4           **SCHOOL COUNSELING PROGRAMS.**

5           “(a) GRANTS AUTHORIZED.—

6                   “(1) IN GENERAL.—The Secretary is authorized  
7           to award grants to eligible entities to enable such  
8           agencies to establish or expand elementary school  
9           and secondary school counseling programs that com-  
10          ply with the requirements of subsection (c).

11                   “(2) SPECIAL CONSIDERATION.—In awarding  
12          grants under this section, the Secretary shall—

13                           “(A) give special consideration to applica-  
14          tions describing programs that—

15                                   “(i) demonstrate the greatest need for  
16                                   new or additional counseling services  
17                                   among children in the schools served by  
18                                   the eligible entity, in part by providing in-  
19                                   formation on current ratios, as of the date  
20                                   of application for a grant under this sec-  
21                                   tion, of students to school counselors, stu-  
22                                   dents to school social workers, and stu-  
23                                   dents to school psychologists;

24                                   “(ii) propose promising and innovative  
25                                   approaches for initiating or expanding  
26                                   school counseling; and

1           “(iii) show strong potential for rep-  
2 lication and dissemination; and

3           “(B) give priority to—

4           “(i) schools that serve students in  
5 rural and remote areas;

6           “(ii) schools in need of intervention  
7 and support and schools that are the per-  
8 sistent lowest-achieving schools; or

9           “(iii) schools with a high percentage  
10 of students aged 5 through 17 who—

11           “(I) are in poverty, as counted in  
12 the most recent census data approved  
13 by the Secretary;

14           “(II) are eligible for a free or re-  
15 duced price lunch under the Richard  
16 B. Russell National School Lunch Act  
17 (42 U.S.C. 1751 et seq.);

18           “(III) are in families receiving  
19 assistance under the State program  
20 funded under part A of title IV of the  
21 Social Security Act; or

22           “(IV) are eligible to receive med-  
23 ical assistance under the Medicaid  
24 program.

1           “(3) **EQUITABLE DISTRIBUTION.**—In awarding  
2 grants under this section, the Secretary shall ensure  
3 an equitable geographic distribution among the re-  
4 gions of the United States and among eligible enti-  
5 ties located in urban, rural, and suburban areas.

6           “(4) **DURATION.**—A grant under this section  
7 shall be awarded for a period not to exceed 3 years.

8           “(5) **MAXIMUM GRANT.**—A grant awarded  
9 under this section shall not exceed \$400,000 for any  
10 fiscal year.

11          “(b) **APPLICATIONS.**—

12           “(1) **IN GENERAL.**—Each eligible entity desir-  
13 ing a grant under this section shall submit an appli-  
14 cation to the Secretary at such time, in such man-  
15 ner, and accompanied by such information as the  
16 Secretary may reasonably require.

17           “(2) **CONTENTS.**—Each application for a grant  
18 under this section shall—

19           “(A) describe the school population to be  
20 targeted by the program, the particular coun-  
21 seling needs of such population, and the current  
22 school counseling resources available for meet-  
23 ing such needs;

24           “(B) include the information described in  
25 subparagraphs (B) through (D) of section

1           4104(b)(4), with respect to the grant under this  
2           part;

3           “(C) document that the eligible entity has  
4           personnel qualified to develop, implement, and  
5           administer the program; and

6           “(D) document how the eligible entity will  
7           engage in meaningful consultation with parents  
8           and families in the development of such pro-  
9           gram.

10          “(c) USE OF FUNDS.—Each eligible entity receiving  
11 a grant under this part shall use grant funds to develop,  
12 implement, and evaluate comprehensive, evidence-based,  
13 school counseling programs through activities that incor-  
14 porate evidence-based practices, such as—

15           “(1) the implementation of a comprehensive  
16 school counseling program to meet the counseling  
17 and educational needs of all students;

18           “(2) increasing the range, availability, quantity,  
19 and quality of counseling services, provided by quali-  
20 fied school counselors, school psychologists, school  
21 social workers, and other qualified school-based men-  
22 tal health services providers, in the elementary  
23 schools and secondary schools of the eligible entity;

24           “(3) the implementation of innovative ap-  
25 proaches to increase children’s understanding of

1 peer and family relationships, peer and family inter-  
2 action, work and self, decisionmaking, or academic  
3 and career planning;

4 “(4) the implementation of academic, postsec-  
5 ondary education and career planning programs;

6 “(5) the initiation of partnerships with commu-  
7 nity groups, social service agencies, or other public  
8 or private non-profit entities in collaborative efforts  
9 to enhance the program and promote school-linked  
10 integration of services, as long as the eligible entity  
11 documents how such partnership supplements, not  
12 supplants, existing school-employed school-based  
13 mental health services providers and services, in ac-  
14 cordance with subsection (f);

15 “(6) the implementation of a team approach to  
16 school counseling in the schools served by the eligible  
17 entity by working toward ratios of school counselors,  
18 school social workers, and school psychologists to  
19 students recommended to enable such personnel to  
20 effectively address the needs of students; and

21 “(7) any other activity determined necessary by  
22 the eligible entity that meets the purpose of this  
23 part.

24 “(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not  
25 more than 4 percent of the amounts made available under

1 this section for any fiscal year may be used for administra-  
2 tive costs to carry out this section.

3 “(e) REPORT.—Not later than 2 years after assist-  
4 ance is made available to eligible entities under subsection  
5 (a), the Secretary shall make publicly available a report—

6 “(1) evaluating the programs assisted pursuant  
7 to each grant under this section; and

8 “(2) outlining the information from eligible en-  
9 tities regarding the ratios of students to—

10 “(A) school counselors;

11 “(B) school social workers; and

12 “(C) school psychologists.

13 “(f) SUPPLEMENT, NOT SUPPLANT.—Funds made  
14 available under this section shall be used to supplement,  
15 and not supplant, other Federal, State, or local funds used  
16 for providing school-based counseling and mental health  
17 services to students.

18 “(g) DEFINITIONS.—In this section:

19 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
20 tity’ means—

21 “(A) a local educational agency;

22 “(B) an educational service agency serving  
23 more than 1 local educational agency; or

24 “(C) a consortium of local educational  
25 agencies.

1           “(2) SCHOOL-BASED MENTAL HEALTH SERV-  
2           ICES PROVIDER.—The term ‘school-based mental  
3           health services provider’ has the meaning given the  
4           term in section 4102.

5           “(3) SCHOOL COUNSELOR.—The term ‘school  
6           counselor’ means an individual who meets the cri-  
7           teria for licensure or certification as a school coun-  
8           selor in the State where the individual is employed.

9           “(4) SCHOOL PSYCHOLOGIST.—The term  
10          ‘school psychologist’ means an individual who is li-  
11          censed or certified in school psychology by the State  
12          in which the individual is employed.

13          “(5) SCHOOL SOCIAL WORKER.—The term  
14          ‘school social worker’ means an individual who is li-  
15          censed or certified as a school social worker for the  
16          State in which the individual is employed.

17          “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
18          are authorized to be appropriated to carry out this section  
19          such sums as may be necessary for each of fiscal years  
20          2016 through 2021.”.

21       **SEC. 4005. PHYSICAL EDUCATION PROGRAM.**

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



1       **“PART D—PHYSICAL EDUCATION PROGRAM**

2       **“SEC. 4401. PURPOSE.**

3           “The purpose of this part is to award grants and con-  
4 tracts to initiate, expand, and improve physical education  
5 programs for all students in kindergarten through grade  
6 12.

7       **“SEC. 4402. PROGRAM AUTHORIZED.**

8           “(a) AUTHORIZATION.—From amounts made avail-  
9 able to carry out this part, the Secretary is authorized to  
10 award grants or contracts to local educational agencies  
11 and community-based organizations to pay the Federal  
12 share of the costs of initiating, expanding, and improving  
13 physical education programs (including after-school pro-  
14 grams) for students in kindergarten through grade 12,  
15 by—

16           “(1) providing materials and support to enable  
17 students to participate actively in physical education  
18 activities; and

19           “(2) providing funds for staff and teacher  
20 training and education relating to physical edu-  
21 cation.

22           “(b) PROGRAM ELEMENTS.—A physical education  
23 program that receives assistance under this part may pro-  
24 vide for 1 or more of the following:

1           “(1) Fitness education and assessment to help  
2 students understand, improve, or maintain their  
3 physical well-being.

4           “(2) Instruction in a variety of motor skills and  
5 physical activities designed to enhance the physical,  
6 mental, and social or emotional development of every  
7 student.

8           “(3) Development of, and instruction in, cog-  
9 nitive concepts about motor skill and physical fitness  
10 that support a lifelong healthy lifestyle.

11           “(4) Opportunities to develop positive social  
12 and cooperative skills through physical activity par-  
13 ticipation.

14           “(5) Instruction in healthy eating habits and  
15 good nutrition.

16           “(6) Opportunities for professional development  
17 for teachers of physical education to stay abreast of  
18 the latest research, issues, and trends in the field of  
19 physical education.

20           “(c) SPECIAL RULE.—For purposes of this part, ex-  
21 tracurricular activities, such as team sports and Reserve  
22 Officers’ Training Corps program activities, shall not be  
23 considered as part of the curriculum of a physical edu-  
24 cation program assisted under this part.

1 **“SEC. 4403. APPLICATIONS.**

2 “(a) SUBMISSION.—Each local educational agency or  
3 community-based organization desiring a grant or con-  
4 tract under this part shall submit to the Secretary an ap-  
5 plication that contains a plan to initiate, expand, or im-  
6 prove physical education programs in order to make  
7 progress toward meeting State standards for physical edu-  
8 cation.

9 “(b) PRIVATE SCHOOL AND HOME-SCHOOLED STU-  
10 DENTS.—An application for a grant or contract under this  
11 part may provide for the participation, in the activities  
12 funded under this part, of—

13 “(1) students enrolled in private nonprofit ele-  
14 mentary schools or secondary schools, and their par-  
15 ents and teachers; or

16 “(2) home-schooled students, and their parents  
17 and teachers.

18 **“SEC. 4404. REQUIREMENTS.**

19 “(a) ANNUAL REPORT TO THE SECRETARY.—In  
20 order to continue receiving funding after the first year of  
21 a multiyear grant or contract under this part, the adminis-  
22 trator of the grant or contract for the local educational  
23 agency or community-based organization shall submit to  
24 the Secretary an annual report that—

25 “(1) describes the activities conducted during  
26 the preceding year; and

1           “(2) demonstrates that progress has been made  
2           toward meeting State standards for physical edu-  
3           cation.

4           “(b) ADMINISTRATIVE EXPENSES.—Not more than 5  
5           percent of the funds made available under this part to a  
6           local educational agency or community-based organization  
7           for any fiscal year may be used for administrative ex-  
8           penses.

9           **“SEC. 4405. ADMINISTRATIVE PROVISIONS.**

10          “(a) FEDERAL SHARE.—The Federal share under  
11          this part may not exceed—

12                 “(1) 90 percent of the total cost of a program  
13                 for the first year for which the program receives as-  
14                 sistance under this part; and

15                 “(2) 75 percent of such cost for the second and  
16                 each subsequent such year.

17          “(b) PROPORTIONALITY.—To the extent practicable,  
18          the Secretary shall ensure that grants awarded under this  
19          part are equitably distributed among local educational  
20          agencies, and community-based organizations, serving  
21          urban and rural areas.

22          “(c) REPORT TO CONGRESS.—Not later than June  
23          1, 2017, the Secretary shall submit a report to Congress  
24          that—

1           “(1) describes the programs assisted under this  
2 part;

3           “(2) documents the success of such programs in  
4 improving physical fitness; and

5           “(3) makes such recommendations as the Sec-  
6 retary determines appropriate for the continuation  
7 and improvement of the programs assisted under  
8 this part.

9           “(d) AVAILABILITY OF FUNDS.—Amounts made  
10 available to the Secretary to carry out this part shall re-  
11 main available until expended.

12 **“SEC. 4406. SUPPLEMENT, NOT SUPPLANT.**

13           “Funds made available under this part shall be used  
14 to supplement, and not supplant, any other Federal, State,  
15 or local funds available for physical education activities.

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

17           “There are authorized to be appropriated to carry out  
18 this part such sums as may be necessary for each of fiscal  
19 years 2016 through 2021.”.

20 **SEC. 4006. FAMILY ENGAGEMENT IN EDUCATION PRO-**  
21 **GRAMS.**

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

1 **“PART E—FAMILY ENGAGEMENT IN EDUCATION**  
2 **PROGRAMS**

3 **“SEC. 4501. PURPOSES.**

4 “The purposes of this part 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 1115 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. 4502. GRANTS AUTHORIZED.**

10          “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—  
11          From the amount appropriated under section 4506, the  
12          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. 4503. 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) A description of the steps the applicant  
10 will take to target services to low-income students  
11 and parents.

12 “(6) An assurance that the applicant will—

13 “(A) establish a special advisory com-  
14 mittee, the membership of which includes—

15 “(i) parents, who shall constitute a  
16 majority of the members of the special ad-  
17 visory committee;

18 “(ii) representatives of education pro-  
19 fessionals with expertise in improving serv-  
20 ices for disadvantaged children;

21 “(iii) representatives of local elemen-  
22 tary schools and secondary schools, includ-  
23 ing students;

24 “(iv) representatives of the business  
25 community; and

1           “(v) representatives of State edu-  
2           cational agencies and local educational  
3           agencies;

4           “(B) use not less than 65 percent of the  
5           funds received under this part in each fiscal  
6           year to serve local educational agencies, schools,  
7           and community-based organizations that serve  
8           high concentrations of disadvantaged students,  
9           including English learners, minorities, parents  
10          of students with disabilities, parents of home-  
11          less students, foster parents and students, and  
12          parents of migratory students;

13          “(C) operate a Statewide Family Engage-  
14          ment Center of sufficient size, scope, and qual-  
15          ity to ensure that the Center is adequate to  
16          serve the State educational agency, local edu-  
17          cational agencies, and community-based organi-  
18          zations;

19          “(D) ensure that the Statewide Family  
20          Engagement Center will retain staff with the  
21          requisite training and experience to serve par-  
22          ents in the State;

23          “(E) serve urban, suburban, and rural  
24          local educational agencies and schools;

25          “(F) work with—

1                   “(i) other Statewide Family Engage-  
2                   ment Centers assisted under this subpart;  
3                   and

4                   “(ii) parent training and information  
5                   centers and community parent resource  
6                   centers assisted under sections 671 and  
7                   672 of the Individuals with Disabilities  
8                   Education Act;

9                   “(G) use not less than 30 percent of the  
10                  funds received under this part for each fiscal  
11                  year to establish or expand technical assistance  
12                  for evidence-based parent education programs;

13                  “(H) provide assistance to State edu-  
14                  cational agencies and local educational agencies  
15                  and community-based organizations that sup-  
16                  port family members in supporting student aca-  
17                  demic achievement;

18                  “(I) work with State educational agencies,  
19                  local educational agencies, schools, educators,  
20                  and parents to determine parental needs and  
21                  the best means for delivery of services to ad-  
22                  dress such needs;

23                  “(J) conduct sufficient outreach to assist  
24                  parents, including parents who the applicant

1           may have a difficult time engaging with a  
2           school or local educational agency; and

3           “(K) conduct outreach to low-income stu-  
4           dents and parents, including low-income stu-  
5           dents and parents who are not proficient in  
6           English.

7   **“SEC. 4504. USES OF FUNDS.**

8           “(a) IN GENERAL.—Grantees shall use grant funds  
9           received under this part, based on the needs determined  
10          under section 4503, to provide training and technical as-  
11          sistance to State educational agencies, local educational  
12          agencies, and organizations that support family-school  
13          partnerships, and activities, services, and training for local  
14          educational agencies, school leaders, educators, and par-  
15          ents—

16               “(1) to assist parents in participating effectively  
17          in their children’s education and to help their chil-  
18          dren meet State standards, such as assisting par-  
19          ents—

20               “(A) to engage in activities that will im-  
21          prove student academic achievement, including  
22          understanding how they can support learning in  
23          the classroom with activities at home and in  
24          afterschool and extracurricular programs;

1           “(B) to communicate effectively with their  
2 children, teachers, school leaders, counselors,  
3 administrators, and other school personnel;

4           “(C) to become active participants in the  
5 development, implementation, and review of  
6 school-parent compacts, family engagement in  
7 education policies, and school planning and im-  
8 provement;

9           “(D) to participate in the design and pro-  
10 vision of assistance to students who are not  
11 making academic progress;

12           “(E) to participate in State and local deci-  
13 sionmaking;

14           “(F) to train other parents; and

15           “(G) to help the parents learn and use  
16 technology applied in their children’s education;

17           “(2) to develop and implement, in partnership  
18 with the State educational agency, statewide family  
19 engagement in education policy and systemic initia-  
20 tives that will provide for a continuum of services to  
21 remove barriers for family engagement in education  
22 and support school reform efforts; and

23           “(3) to develop and implement parental involve-  
24 ment policies under this Act.

1       “(b) MATCHING FUNDS FOR GRANT RENEWAL.—  
2 For each fiscal year after the first fiscal year for which  
3 an organization or consortium receives assistance under  
4 this section, the organization or consortium shall dem-  
5 onstrate in the application that a portion of the services  
6 provided by the organization or consortium is supported  
7 through non-Federal contributions, which may be in cash  
8 or in-kind.

9       “(c) TECHNICAL ASSISTANCE.—The Secretary shall  
10 reserve not more than 2 percent of the funds appropriated  
11 under section 4506 to carry out this part to provide tech-  
12 nical assistance, by competitive grant or contract, for the  
13 establishment, development, and coordination of Statewide  
14 Family Engagement Centers.

15       “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
16 tion shall be construed to prohibit a Statewide Family En-  
17 gagement Center from—

18               “(1) having its employees or agents meet with  
19 a parent at a site that is not on school grounds; or

20               “(2) working with another agency that serves  
21 children.

22       “(e) PARENTAL RIGHTS.—Notwithstanding any  
23 other provision of this section—

24               “(1) no person (including a parent who edu-  
25 cates a child at home, a public school parent, or a

1 private school parent) shall be required to partici-  
 2 pate in any program of parent education or develop-  
 3 mental screening under this section; and

4 “(2) no program or center assisted under this  
 5 section shall take any action that infringes in any  
 6 manner on the right of parents to direct the edu-  
 7 cation of their children.

8 **“SEC. 4505. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

9 “The Secretary of the Interior, in consultation with  
 10 the Secretary of Education, shall establish, or enter into  
 11 contracts and cooperative agreements with local tribes,  
 12 tribal organizations, or Indian nonprofit parent organiza-  
 13 tions to establish and operate Family Engagement Cen-  
 14 ters.

15 **“SEC. 4506. AUTHORIZATION OF APPROPRIATIONS.**

16 “There are authorized to be appropriated to carry out  
 17 this part such sums as may be necessary for fiscal years  
 18 2016 through 2021.””

19 **TITLE V—EMPOWERING PAR-**  
 20 **ENTS AND EXPANDING OP-**  
 21 **PORTUNITY THROUGH INNO-**  
 22 **VATION**

23 **SEC. 5001. GENERAL PROVISIONS.**

24 Title V (20 U.S.C. 7201 et seq.) is amended—

1 (1) by striking the title heading and inserting  
2 **“EMPOWERING PARENTS AND EX-**  
3 **PANDING OPPORTUNITY THROUGH IN-**  
4 **NOVATION”**;

5 (2) by striking part A;

6 (3) by striking subparts 2 and 3 of part B;

7 (4) by striking part D;

8 (5) by redesignating parts B and C as parts A  
9 and B, respectively;

10 (6) in part A, as redesignated by paragraph  
11 (5), by striking **“Subpart 1—Charter School**  
12 **Programs”**;

13 (7) by redesignating sections 5201 through  
14 5211 as sections 5101 through 5111, respectively;

15 (8) by redesignating sections 5301 through  
16 5307 as sections 5201 through 5207, respectively;

17 (9) by striking sections 5308 and 5310; and

18 (10) by redesignating sections 5309 and 5311  
19 as sections 5208 and 5209, respectively.

20 **SEC. 5002. PUBLIC CHARTER SCHOOLS.**

21 Part A of title V (20 U.S.C. 7221 et seq.), as redesignig-  
22 nated by section 5001(5), is amended—

23 (1) by striking sections 5101 through 5105, as  
24 redesignated by section 5001(7), and inserting the  
25 following:



1 **“SEC. 5101. PURPOSE.**

2 “It is the purpose of this part to—

3 “(1) provide financial assistance for the plan-  
4 ning, program design, and initial implementation of  
5 charter schools;

6 “(2) increase the number of high-quality char-  
7 ter schools available to students across the United  
8 States;

9 “(3) evaluate the impact of such schools on stu-  
10 dent achievement, families, and communities, and  
11 share best practices among charter schools and other  
12 public schools;

13 “(4) encourage States to provide support to  
14 charter schools for facilities financing in an amount  
15 more nearly commensurate to the amount the States  
16 have typically provided for traditional public schools;

17 “(5) expand opportunities for children with dis-  
18 abilities, students who are English learners, and  
19 other traditionally underserved students to attend  
20 charter schools and meet the challenging State aca-  
21 demic standards under section 1111(b)(1); and

22 “(6) support efforts to strengthen the charter  
23 school authorizing process to improve performance  
24 management, including transparency, monitoring, in-  
25 cluding financial audits, and evaluation of such  
26 schools.

1 **“SEC. 5102. PROGRAM AUTHORIZED.**

2 “(a) IN GENERAL.—The Secretary is authorized to  
3 carry out a charter school program that supports charter  
4 schools that serve early childhood, elementary school, and  
5 secondary school students by—

6 “(1) supporting the startup of charter schools,  
7 the replication of high-quality charter schools, and  
8 the expansion of high-quality charter schools;

9 “(2) assisting charter schools in accessing cred-  
10 it to acquire and renovate facilities for school use;  
11 and

12 “(3) carrying out national activities to sup-  
13 port—

14 “(A) the startup of charter schools, the  
15 replication of high-quality charter schools, and  
16 the expansion of high-quality charter schools;

17 “(B) the dissemination of best practices of  
18 charter schools for all schools;

19 “(C) the evaluation of the impact of the  
20 charter school program under this part on  
21 schools participating in such program; and

22 “(D) stronger charter school authorizing.

23 “(b) FUNDING ALLOTMENT.—From the amount  
24 made available under section 5111 for a fiscal year, the  
25 Secretary shall—

1           “(1) reserve 12.5 percent to support charter  
2 school facilities assistance under section 5104;

3           “(2) reserve not less than 25 percent to carry  
4 out national activities under section 5105; and

5           “(3) use the remaining amount after the res-  
6 ervations under paragraphs (1) and (2) to carry out  
7 section 5103.

8           “(c) **PRIOR GRANTS AND SUBGRANTS.**—The recipi-  
9 ent of a grant or subgrant under this part (as such part  
10 was in effect on the day before the date of enactment of  
11 the Every Child Achieves Act of 2015) shall continue to  
12 receive funds in accordance with the terms and conditions  
13 of such grant or subgrant.

14 **“SEC. 5103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**  
15 **SCHOOLS.**

16           “(a) **STATE ENTITY DEFINED.**—For purposes of this  
17 section, the term ‘State entity’ means—

18           “(1) a State educational agency;

19           “(2) a State charter school board;

20           “(3) a Governor of a State; or

21           “(4) a charter school support organization.

22           “(b) **PROGRAM AUTHORIZED.**—From the amount  
23 available under section 5102(b)(3), the Secretary shall  
24 award, on a competitive basis, grants to State entities hav-

1 ing applications approved under subsection (f) to enable  
2 such entities to—

3 “(1) award subgrants to eligible applicants to  
4 enable such eligible applicants to—

5 “(A) open new charter schools;

6 “(B) replicate high-quality charter school  
7 models; or

8 “(C) expand high-quality charter schools;  
9 and

10 “(2) provide technical assistance to eligible ap-  
11 plicants and authorized public chartering agencies in  
12 carrying out the activities described in paragraph  
13 (1), and work with authorized public chartering  
14 agencies in the State to improve authorizing quality,  
15 including developing capacity for, and conducting,  
16 fiscal oversight and auditing of charter schools.

17 “(c) STATE ENTITY USES OF FUNDS.—

18 “(1) IN GENERAL.—A State entity receiving a  
19 grant under this section shall—

20 “(A) use not less than 90 percent of the  
21 grant funds to award subgrants to eligible ap-  
22 plicants, in accordance with the quality charter  
23 school program described in the State entity’s  
24 application pursuant to subsection (f), for the

1 purposes described in subparagraphs (A)  
2 through (C) of subsection (b)(1);

3 “(B) reserve not less than 7 percent of  
4 such funds to carry out the activities described  
5 in subsection (b)(2); and

6 “(C) reserve not more than 3 percent of  
7 such funds for administrative costs, which may  
8 include the administrative costs of providing  
9 technical assistance.

10 “(2) CONTRACTS AND GRANTS.—A State entity  
11 may use a grant received under this section to carry  
12 out the activities described in paragraph (1)(B) di-  
13 rectly or through grants, contracts, or cooperative  
14 agreements.

15 “(3) RULES OF CONSTRUCTION.—

16 “(A) USE OF LOTTERY MECHANISMS.—  
17 Nothing in this Act shall prohibit the Secretary  
18 from awarding grants to State entities, or State  
19 entities from awarding subgrants to eligible ap-  
20 plicants, that use a weighted lottery, or an  
21 equivalent lottery mechanism, to give better  
22 chances for school admission to all or a subset  
23 of educationally disadvantaged students if—

24 “(i) the use of a weighted lottery in  
25 favor of such students is not prohibited by

1 State law, and such State law is consistent  
2 with the laws described in section  
3 5110(2)(G); and

4 “(ii) such weighted lottery is not used  
5 for the purpose of creating schools exclu-  
6 sively to serve a particular subset of stu-  
7 dents.

8 “(B) STUDENTS WITH SPECIAL NEEDS.—  
9 Nothing in this paragraph shall be construed to  
10 prohibit schools from specializing in providing  
11 specific services for students with a dem-  
12 onstrated need for such services, such as stu-  
13 dents who need specialized instruction in read-  
14 ing, spelling, or writing.

15 “(d) PROGRAM PERIODS; PEER REVIEW; DISTRIBU-  
16 TION OF SUBGRANTS; WAIVERS.—

17 “(1) PROGRAM PERIODS.—

18 “(A) GRANTS.—A grant awarded by the  
19 Secretary to a State entity under this section  
20 shall be for a period of not more than 3 years,  
21 and may be renewed by the Secretary for one  
22 additional 2-year period.

23 “(B) SUBGRANTS.—A subgrant awarded  
24 by a State entity under this section—

1           “(i) shall be for a period of not more  
2           than 3 years, of which an eligible applicant  
3           may use not more than 18 months for  
4           planning and program design; and

5           “(ii) may be renewed by the State en-  
6           tity for one additional 2-year period.

7           “(2) PEER REVIEW.—The Secretary, and each  
8           State entity awarding subgrants under this section,  
9           shall use a peer-review process to review applications  
10          for assistance under this section.

11          “(3) DISTRIBUTION OF SUBGRANTS.—Each  
12          State entity awarding subgrants under this section  
13          shall award subgrants in a manner that, to the ex-  
14          tent practicable and applicable, ensures that such  
15          subgrants—

16                 “(A) prioritize eligible applicants that plan  
17                 to serve a significant number of students from  
18                 low-income families;

19                 “(B) are distributed throughout different  
20                 areas, including urban, suburban, and rural  
21                 areas; and

22                 “(C) will assist charter schools rep-  
23                 resenting a variety of educational approaches.

24          “(4) WAIVERS.—The Secretary may waive any  
25          statutory or regulatory requirement over which the

1 Secretary exercises administrative authority under  
2 this Act with respect to charter schools supported  
3 under this part, except any such requirement relat-  
4 ing to the elements of a charter school described in  
5 section 5110(2), if—

6 “(A) the waiver is requested in an ap-  
7 proved application under this section; and

8 “(B) the Secretary determines that grant-  
9 ing such waiver will promote the purpose of this  
10 part.

11 “(e) LIMITATIONS.—

12 “(1) GRANTS.—A State entity may not receive  
13 more than 1 grant under this section at a time.

14 “(2) SUBGRANTS.—An eligible applicant may  
15 not receive more than 1 subgrant under this section  
16 for each individual charter school for each grant pe-  
17 riod or renewal period, unless the eligible applicant  
18 demonstrates to the State entity that such individual  
19 charter school has demonstrated a strong track  
20 record of positive results over the course of the  
21 grant period regarding the elements described in  
22 subparagraphs (A) and (D) of section 5110(8).

23 “(f) APPLICATIONS.—A State entity desiring to re-  
24 ceive a grant under this section shall submit an application  
25 to the Secretary at such time and in such manner as the



1 Secretary may require. The application shall include the  
2 following:

3           “(1) DESCRIPTION OF PROGRAM.—A descrip-  
4 tion of the State entity’s objectives in running a  
5 quality charter school program under this section  
6 and how the objectives of the program will be car-  
7 ried out, including—

8                   “(A) a description of how the State entity  
9 will—

10                           “(i) support the opening of new char-  
11 ter schools and, if applicable, the replica-  
12 tion of high-quality charter schools and the  
13 expansion of high-quality charter schools,  
14 including the proposed number of charter  
15 schools to be opened, replicated, or ex-  
16 panded under the State entity’s program;

17                           “(ii) inform eligible charter schools,  
18 developers, and authorized public char-  
19 tering agencies of the availability of funds  
20 under the program;

21                           “(iii) work with eligible applicants to  
22 ensure that the eligible applicants access  
23 all Federal funds that such applicants are  
24 eligible to receive, and help the charter  
25 schools supported by the applicants and

1 the students attending those charter  
2 schools—

3 “(I) participate in the Federal  
4 programs in which the schools and  
5 students are eligible to participate;  
6 and

7 “(II) receive the commensurate  
8 share of Federal funds the schools  
9 and students are eligible to receive  
10 under such programs;

11 “(iv) in the case of a State entity that  
12 is not a State educational agency—

13 “(I) work with the State edu-  
14 cational agency and the charter  
15 schools in the State to maximize char-  
16 ter school participation in Federal and  
17 State programs for charter schools;  
18 and

19 “(II) work with the State edu-  
20 cational agency to operate the State  
21 entity’s program under this section, if  
22 applicable;

23 “(v) ensure that each eligible appli-  
24 cant that receives a subgrant under the  
25 State entity’s program—

1           “(I) is opening or expanding  
2           schools that meet the definition of a  
3           charter school under section 5110;  
4           and

5           “(II) is prepared to continue to  
6           operate such charter schools once the  
7           subgrant funds under this section are  
8           no longer available;

9           “(vi) support charter schools in local  
10          educational agencies with schools that have  
11          been identified by the State under section  
12          1114(a)(1)(A);

13          “(vii) work with charter schools to  
14          promote inclusion of all students and sup-  
15          port all students upon enrollment in order  
16          to promote retention of students in the  
17          school;

18          “(viii) work with charter schools on  
19          recruitment practices, including efforts to  
20          engage groups that may otherwise have  
21          limited opportunities to attend charter  
22          schools;

23          “(ix) share best and promising prac-  
24          tices among charter schools and other pub-  
25          lic schools;

1           “(x) ensure that charter schools re-  
2           ceiving funds under the State entity’s pro-  
3           gram meet the educational needs of their  
4           students, including children with disabil-  
5           ities and students who are English learn-  
6           ers; and

7           “(xi) support efforts to increase char-  
8           ter school quality initiatives, including  
9           meeting the quality authorizing elements  
10          described in paragraph (2)(D);

11          “(B) a description of how the State will  
12          monitor and hold authorized public chartering  
13          agencies accountable to ensure high-quality au-  
14          thorizing activity, such as by establishing au-  
15          thorizing standards and by approving, re-  
16          approving, and revoking the authority of an au-  
17          thorized public chartering agency based on the  
18          performance of the charter schools authorized  
19          by such agency in the areas of student achieve-  
20          ment, student safety, financial and operational  
21          management, and compliance with all applicable  
22          statutes, except that nothing in this subpara-  
23          graph shall be construed to require a State to  
24          alter State law, policies, or procedures regard-

1           ing State practices for holding accountable au-  
2           thorized public chartering agencies;

3           “(C) a description of the extent to which  
4           the State entity—

5                 “(i) is able to meet and carry out the  
6                 priorities described in subsection (g)(2);

7                 “(ii) is working to develop or  
8                 strengthen a cohesive statewide system to  
9                 support the opening of new charter schools  
10                and, if applicable, the replication of high-  
11                quality charter schools, and the expansion  
12                of high-quality charter schools; and

13                “(iii) will solicit and consider input  
14                from parents and other members of the  
15                community on the implementation and op-  
16                eration of each charter school receiving  
17                funds under the State entity’s charter  
18                school program under this section;

19           “(D) a description of how the State entity  
20           will award subgrants, on a competitive basis, in-  
21           cluding—

22                 “(i) a description of the application  
23                 each eligible applicant desiring to receive a  
24                 subgrant will be required to submit, which  
25                 application shall include—

1           “(I) a description of the roles  
2           and responsibilities of eligible appli-  
3           cants, and of any charter management  
4           organizations or other organizations  
5           with which the eligible applicant will  
6           partner to open charter schools, in-  
7           cluding the administrative and con-  
8           tractual roles and responsibilities of  
9           such partners;

10           “(II) a description of the quality  
11           controls agreed to between the eligible  
12           applicant and the authorized public  
13           chartering agency involved, such as a  
14           contract or performance agreement,  
15           financial audits to ensure adequate  
16           fiscal oversight, how a school’s per-  
17           formance on the State’s accountability  
18           system and impact on student  
19           achievement (which may include stu-  
20           dent academic growth) will be one of  
21           the most important factors for re-  
22           newal or revocation of the school’s  
23           charter, and procedures to be followed  
24           in the case of the closure or dissolu-  
25           tion of a charter school;

1           “(III) a description of how the  
2           autonomy and flexibility granted to a  
3           charter school is consistent with the  
4           definition of a charter school in sec-  
5           tion 5110;

6           “(IV) a description of the eligible  
7           applicant’s planned activities and ex-  
8           penditures of subgrant funds for pur-  
9           poses of opening a new charter school,  
10          replicating a high-quality charter  
11          school, or expanding a high-quality  
12          charter school, and how the eligible  
13          applicant will maintain fiscal sustain-  
14          ability after the end of the subgrant  
15          period; and

16          “(V) a description of how the eli-  
17          gible applicant will ensure that each  
18          charter school the eligible applicant  
19          operates will engage parents as part-  
20          ners in the education of their children;  
21          and

22          “(ii) a description of how the State  
23          entity will review applications from eligible  
24          applicants;

1           “(E) in the case of a State entity that  
2 partners with an outside organization to carry  
3 out the entity’s quality charter school program,  
4 in whole or in part, a description of the roles  
5 and responsibilities of the partner;

6           “(F) a description of how the State entity  
7 will help the charter schools receiving funds  
8 under the State entity’s program address the  
9 transportation needs of the schools’ students;  
10 and

11           “(G) a description of how the State in  
12 which the State entity is located addresses  
13 charter schools in the State’s open meetings  
14 and open records laws.

15           “(2) ASSURANCES.—Assurances that—

16           “(A) each charter school receiving funds  
17 through the State entity’s program will have a  
18 high degree of autonomy over budget and oper-  
19 ations, including autonomy over personnel deci-  
20 sions;

21           “(B) the State entity will support charter  
22 schools in meeting the educational needs of  
23 their students, as described in paragraph  
24 (1)(A)(x);



1           “(C) the State entity will ensure that the  
2 authorized public chartering agency of any  
3 charter school that receives funds under the en-  
4 tity’s program—

5           “(i) ensures that the charter school  
6 under the authority of such agency is  
7 meeting the requirements of this Act, part  
8 B of the Individuals with Disabilities Edu-  
9 cation Act, title VI of the Civil Rights Act  
10 of 1964, and section 504 of the Rehabilita-  
11 tion Act of 1973; and

12           “(ii) adequately monitors and provides  
13 adequate technical assistance to each char-  
14 ter school under the authority of such  
15 agency in recruiting, enrolling, retaining,  
16 and meeting the needs of all students, in-  
17 cluding children with disabilities and stu-  
18 dents who are English learners;

19           “(D) the State entity will promote quality  
20 authorizing, consistent with State law, such as  
21 through providing technical assistance to sup-  
22 port each authorized public chartering agency  
23 in the State to improve such agency’s ability to  
24 monitor the charter schools authorized by the  
25 agency, including by—

1           “(i) using annual performance data,  
2           which may include graduation rates and  
3           student academic growth data, as appro-  
4           priate, to measure a school’s progress to-  
5           ward becoming a high-quality charter  
6           school;

7           “(ii) reviewing the schools’ inde-  
8           pendent, annual audits of financial state-  
9           ments conducted in accordance with gen-  
10          erally accepted accounting principles, and  
11          ensuring that any such audits are pub-  
12          lically reported; and

13          “(iii) holding charter schools account-  
14          able to the academic, financial, and oper-  
15          ational quality controls agreed to between  
16          the charter school and the authorized pub-  
17          lic chartering agency involved, such as  
18          through renewal, non-renewal, or revoca-  
19          tion of the school’s charter; and

20          “(E) the State entity will ensure that each  
21          charter school in the State makes publicly avail-  
22          able, consistent with the dissemination require-  
23          ments of the annual State report card, includ-  
24          ing on the website of the school, information to  
25          help parents make informed decisions about the

1 education options available to their children, in-  
2 cluding information on the educational pro-  
3 gram, student support services, parent contract  
4 requirements (as applicable), including any fi-  
5 nancial obligations or fees, enrollment criteria  
6 (as applicable), and annual performance and  
7 enrollment data for each of the categories of  
8 students, as defined in section 1111(b)(3)(A).

9 “(3) REQUESTS FOR WAIVERS.—

10 “(A) FEDERAL STATUTE AND REGULA-  
11 TION.—A request and justification for waivers  
12 of any Federal statutory or regulatory provi-  
13 sions that the State entity believes are nec-  
14 essary for the successful operation of the char-  
15 ter schools that will receive funds under the en-  
16 tity’s program under this section.

17 “(B) STATE AND LOCAL RULES.—A de-  
18 scription of any State or local rules, generally  
19 applicable to public schools, that will be waived,  
20 or otherwise not apply, to such schools or, in  
21 the case of a State entity defined in subsection  
22 (a)(4), a description of how the State entity will  
23 work with the State to request necessary waiv-  
24 ers, if applicable.

25 “(g) SELECTION CRITERIA; PRIORITY.—

1           “(1) SELECTION CRITERIA.—The Secretary  
2 shall award grants to State entities under this sec-  
3 tion on the basis of the quality of the applications  
4 submitted under subsection (f), after taking into  
5 consideration—

6           “(A) the degree of flexibility afforded by  
7 the State’s public charter school law and how  
8 the State entity will work to maximize the flexi-  
9 bility provided to charter schools under such  
10 law;

11           “(B) the proposed number of new charter  
12 schools to be opened, and, if applicable, the  
13 number of high-quality charter schools to be  
14 replicated or expanded under the program, and  
15 the number of new students to be served by  
16 such schools;

17           “(C) the likelihood that the schools opened,  
18 replicated, or expanded by eligible applicants re-  
19 ceiving subgrant funds will increase the aca-  
20 demic achievement of the school’s students and  
21 progress toward becoming high-quality charter  
22 schools;

23           “(D) the quality of the State entity’s plan  
24 to—

1           “(i) monitor the eligible applicants re-  
2           ceiving subgrants under the State entity’s  
3           program; and

4           “(ii) provide technical assistance and  
5           support for—

6                   “(I) the eligible applicants receiv-  
7                   ing subgrants under the State entity’s  
8                   program; and

9                   “(II) quality authorizing efforts  
10                  in the State; and

11           “(E) the State entity’s plan to solicit and  
12           consider input from parents and other members  
13           of the community on the implementation and  
14           operation of the charter schools in the State.

15           “(2) PRIORITY.—In awarding grants under this  
16           section, the Secretary shall give priority to a State  
17           entity to the extent that the entity meets the fol-  
18           lowing criteria:

19                   “(A) The State entity is located in a State  
20           that—

21                   “(i) allows at least one entity that is  
22                   not the local educational agency to be an  
23                   authorized public chartering agency for  
24                   each developer seeking to open a charter  
25                   school in the State; or

1           “(ii) in the case of a State in which  
2           local educational agencies are the only au-  
3           thorized public chartering agencies, the  
4           State has an appeals process for the denial  
5           of an application for a charter school.

6           “(B) The State entity is located in a State  
7           that ensures that charter schools receive equi-  
8           table financing, as compared to traditional pub-  
9           lic schools, in a prompt manner.

10           “(C) The State entity is located in a State  
11           that provides charter schools one or more of the  
12           following:

13                   “(i) Funding for facilities.

14                   “(ii) Assistance with facilities acquisi-  
15                   tion.

16                   “(iii) Access to public facilities.

17                   “(iv) The ability to share in bonds or  
18                   mill levies.

19                   “(v) The right of first refusal to pur-  
20                   chase public school buildings.

21                   “(vi) Low- or no-cost leasing privi-  
22                   leges.

23           “(D) The State entity is located in a State  
24           that uses best practices from charter schools to

1 help improve struggling schools and local edu-  
2 cational agencies.

3 “(E) The State entity supports charter  
4 schools that support at-risk students through  
5 activities such as dropout prevention or dropout  
6 recovery.

7 “(F) The State entity ensures that each  
8 charter school has a high degree of autonomy  
9 over the charter school’s budget and operations,  
10 including autonomy over personnel decisions.

11 “(G) The State entity has taken steps to  
12 ensure that all authorizing public chartering  
13 agencies implement best practices for charter  
14 school authorizing.

15 “(h) LOCAL USES OF FUNDS.—An eligible applicant  
16 receiving a subgrant under this section shall use such  
17 funds to carry out activities related to opening a new char-  
18 ter school, replicating a high-quality charter school, or ex-  
19 panding a high-quality charter school, which may in-  
20 clude—

21 “(1) supporting the acquisition, expansion, or  
22 preparation of a charter school building to meet in-  
23 creasing enrollment needs, including financing the  
24 development of a new building and ensuring that a

1 school building complies with applicable statutes and  
2 regulations;

3 “(2) paying costs associated with hiring addi-  
4 tional teachers to serve additional students;

5 “(3) providing transportation to students to  
6 and from the charter school;

7 “(4) providing instructional materials, imple-  
8 menting teacher and principal or other school leader  
9 professional development programs, and hiring addi-  
10 tional nonteaching staff;

11 “(5) supporting any necessary activities that as-  
12 sist the charter school in carrying out this section,  
13 such as preparing individuals to serve as members of  
14 the charter school’s board; and

15 “(6) providing early childhood education pro-  
16 grams for children, including direct support to, and  
17 coordination with, school- or community-based early  
18 childhood education programs.

19 “(i) REPORTING REQUIREMENTS.—Each State entity  
20 receiving a grant under this section shall submit to the  
21 Secretary, at the end of the third year of the grant period  
22 and at the end of any renewal period, a report that in-  
23 cludes the following:

24 “(1) The number of students served by each  
25 subgrant awarded under this section and, if applica-



1 ble, the number of new students served during each  
2 year of the grant period.

3 “(2) The number and amount of subgrants  
4 awarded under this section to carry out each of the  
5 following:

6 “(A) The opening of new charter schools.

7 “(B) The replication of high-quality char-  
8 ter schools.

9 “(C) The expansion of high-quality charter  
10 schools.

11 “(3) The progress the State entity made toward  
12 meeting the priorities described in subparagraphs  
13 (E) through (G) of subsection (g)(2).

14 “(4) A description of—

15 “(A) how the State entity complied with,  
16 and ensured that eligible applicants complied  
17 with, the assurances described in the State enti-  
18 ty’s application;

19 “(B) how the State entity worked with au-  
20 thorized public chartering agencies, and how  
21 the agencies worked with the management com-  
22 pany or leadership of the schools that receive  
23 subgrant funds, if applicable; and

24 “(C) how each recipient of a subgrant  
25 under this section uses the subgrant funds on

1           early childhood education programs described in  
2           subsection (h)(6), if such recipient chooses to  
3           use such funds on such programs.

4 **“SEC. 5104. FACILITIES FINANCING ASSISTANCE.**

5           “(a) GRANTS TO ELIGIBLE ENTITIES.—

6           “(1) IN GENERAL.—From the amount reserved  
7           under section 5102(b)(1), the Secretary shall use  
8           not less than 50 percent to award not less than 3  
9           grants, on a competitive basis, to eligible entities  
10          that have the highest-quality applications approved  
11          under subsection (d) to demonstrate innovative  
12          methods of helping charter schools to address the  
13          cost of acquiring, constructing, and renovating facili-  
14          ties by enhancing the availability of loans or bond fi-  
15          nancing.

16          “(2) ELIGIBLE ENTITY DEFINED.—For the  
17          purposes of this section, the term ‘eligible entity’  
18          means—

19                  “(A) a public entity, such as a State or  
20                  local governmental entity;

21                  “(B) a private nonprofit entity; or

22                  “(C) a consortium of entities described in  
23                  subparagraphs (A) and (B).

24          “(b) GRANTEE SELECTION.—The Secretary shall  
25          evaluate each application submitted under subsection (d),

1 and shall determine whether the application is sufficient  
2 to merit approval.

3 “(c) GRANT CHARACTERISTICS.—Grants under sub-  
4 section (a) shall be of sufficient size, scope, and quality  
5 so as to ensure an effective demonstration of an innovative  
6 means of enhancing credit for the financing of charter  
7 school acquisition, construction, or renovation.

8 “(d) APPLICATIONS.—

9 “(1) IN GENERAL.—An eligible entity desiring  
10 to receive a grant under this section shall submit an  
11 application to the Secretary in such form as the Sec-  
12 retary may reasonably require.

13 “(2) CONTENTS.—An application submitted  
14 under paragraph (1) shall contain—

15 “(A) a statement identifying the activities  
16 that the eligible entity proposes to carry out  
17 with funds received under subsection (a), in-  
18 cluding how the eligible entity will determine  
19 which charter schools will receive assistance,  
20 and how much and what types of assistance  
21 charter schools will receive;

22 “(B) a description of the involvement of  
23 charter schools in the application’s development  
24 and the design of the proposed activities;

1           “(C) a description of the eligible entity’s  
2 expertise in capital market financing;

3           “(D) a description of how the proposed ac-  
4 tivities will leverage the maximum amount of  
5 private-sector financing capital relative to the  
6 amount of government funding used and other-  
7 wise enhance credit available to charter schools,  
8 including how the entity will offer a combina-  
9 tion of rates and terms more favorable than the  
10 rates and terms that a charter school could re-  
11 ceive without assistance from the entity under  
12 this section;

13           “(E) a description of how the eligible enti-  
14 ty possesses sufficient expertise in education to  
15 evaluate the likelihood of success of a charter  
16 school program for which facilities financing is  
17 sought; and

18           “(F) in the case of an application sub-  
19 mitted by a State governmental entity, a de-  
20 scription of the actions that the entity has  
21 taken, or will take, to ensure that charter  
22 schools within the State receive the funding  
23 that charter schools need to have adequate fa-  
24 cilities.

1       “(e) CHARTER SCHOOL OBJECTIVES.—An eligible  
2 entity receiving a grant under this section shall use the  
3 funds deposited in the reserve account established under  
4 subsection (f) to assist one or more charter schools to ac-  
5 cess private-sector capital to accomplish one or more of  
6 the following objectives:

7           “(1) The acquisition (by purchase, lease, dona-  
8 tion, or otherwise) of an interest (including an inter-  
9 est held by a third party for the benefit of a charter  
10 school) in improved or unimproved real property  
11 that is necessary to commence or continue the oper-  
12 ation of a charter school.

13           “(2) The construction of new facilities, includ-  
14 ing predevelopment costs, or the renovation, repair,  
15 or alteration of existing facilities, necessary to com-  
16 mence or continue the operation of a charter school.

17           “(3) The predevelopment costs that are re-  
18 quired to assess sites for purposes of paragraph (1)  
19 or (2) and that are necessary to commence or con-  
20 tinue the operation of a charter school.

21       “(f) RESERVE ACCOUNT.—

22           “(1) USE OF FUNDS.—To assist charter schools  
23 in accomplishing the objectives described in sub-  
24 section (e), an eligible entity receiving a grant under  
25 subsection (a) shall, in accordance with State and

1 local law, directly or indirectly, alone or in collabora-  
2 tion with others, deposit the funds received under  
3 subsection (a) (other than funds used for adminis-  
4 trative costs in accordance with subsection (g)) in a  
5 reserve account established and maintained by the  
6 eligible entity for this purpose. Amounts deposited in  
7 such account shall be used by the eligible entity for  
8 one or more of the following purposes:

9 “(A) Guaranteeing, insuring, and rein-  
10 suring bonds, notes, evidences of debt, loans,  
11 and interests therein, the proceeds of which are  
12 used for an objective described in subsection  
13 (e).

14 “(B) Guaranteeing and insuring leases of  
15 personal and real property for an objective de-  
16 scribed in such subsection.

17 “(C) Facilitating financing by identifying  
18 potential lending sources, encouraging private  
19 lending, and other similar activities that di-  
20 rectly promote lending to, or for the benefit of,  
21 charter schools.

22 “(D) Facilitating the issuance of bonds by  
23 charter schools, or by other public entities for  
24 the benefit of charter schools, by providing  
25 technical, administrative, and other appropriate

1 assistance (including the recruitment of bond  
2 counsel, underwriters, and potential investors  
3 and the consolidation of multiple charter school  
4 projects within a single bond issue).

5 “(2) INVESTMENT.—Funds received under this  
6 section and deposited in the reserve account estab-  
7 lished under paragraph (1) shall be invested in obli-  
8 gations issued or guaranteed by the United States or  
9 a State, or in other similarly low-risk securities.

10 “(3) REINVESTMENT OF EARNINGS.—Any earn-  
11 ings on funds received under subsection (a) shall be  
12 deposited in the reserve account established under  
13 paragraph (1) and used in accordance with this sub-  
14 section.

15 “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An  
16 eligible entity may use not more than 2.5 percent of the  
17 funds received under subsection (a) for the administrative  
18 costs of carrying out its responsibilities under this section  
19 (excluding subsection (k)).

20 “(h) AUDITS AND REPORTS.—

21 “(1) FINANCIAL RECORD MAINTENANCE AND  
22 AUDIT.—The financial records of each eligible entity  
23 receiving a grant under subsection (a) shall be main-  
24 tained in accordance with generally accepted ac-

1 counting principles and shall be subject to an annual  
2 audit by an independent public accountant.

3 “(2) REPORTS.—

4 “(A) GRANTEE ANNUAL REPORTS.—Each  
5 eligible entity receiving a grant under sub-  
6 section (a) annually shall submit to the Sec-  
7 retary a report of the entity’s operations and  
8 activities under this section.

9 “(B) CONTENTS.—Each annual report  
10 submitted under subparagraph (A) shall in-  
11 clude—

12 “(i) a copy of the most recent finan-  
13 cial statements, and any accompanying  
14 opinion on such statements, prepared by  
15 the independent public accountant review-  
16 ing the financial records of the eligible en-  
17 tity;

18 “(ii) a copy of any report made on an  
19 audit of the financial records of the eligible  
20 entity that was conducted under paragraph  
21 (1) during the reporting period;

22 “(iii) an evaluation by the eligible en-  
23 tity of the effectiveness of its use of the  
24 Federal funds provided under subsection  
25 (a) in leveraging private funds;



1           “(iv) a listing and description of the  
2 charter schools served during the reporting  
3 period, including the amount of funds used  
4 by each school, the type of project facili-  
5 tated by the grant, and the type of assist-  
6 ance provided to the charter schools;

7           “(v) a description of the activities car-  
8 ried out by the eligible entity to assist  
9 charter schools in meeting the objectives  
10 set forth in subsection (e); and

11           “(vi) a description of the characteris-  
12 tics of lenders and other financial institu-  
13 tions participating in the activities carried  
14 out by the eligible entity under this section  
15 (excluding subsection (k)) during the re-  
16 porting period.

17           “(C) SECRETARIAL REPORT.—The Sec-  
18 retary shall review the reports submitted under  
19 subparagraph (A) and shall provide a com-  
20 prehensive annual report to Congress on the ac-  
21 tivities conducted under this section (excluding  
22 subsection (k)).

23           “(i) NO FULL FAITH AND CREDIT FOR GRANTEE  
24 OBLIGATION.—No financial obligation of an eligible entity  
25 entered into pursuant to this section (such as an obliga-

1 tion under a guarantee, bond, note, evidence of debt, or  
2 loan) shall be an obligation of, or guaranteed in any re-  
3 spect by, the United States. The full faith and credit of  
4 the United States is not pledged to the payment of funds  
5 that may be required to be paid under any obligation made  
6 by an eligible entity pursuant to any provision of this sec-  
7 tion.

8 “(j) RECOVERY OF FUNDS.—

9 “(1) IN GENERAL.—The Secretary, in accord-  
10 ance with chapter 37 of title 31, United States  
11 Code, shall collect—

12 “(A) all of the funds in a reserve account  
13 established by an eligible entity under sub-  
14 section (f)(1) if the Secretary determines, not  
15 earlier than 2 years after the date on which the  
16 eligible entity first received funds under this  
17 section (excluding subsection (k)), that the eli-  
18 gible entity has failed to make substantial  
19 progress in carrying out the purposes described  
20 in subsection (f)(1); or

21 “(B) all or a portion of the funds in a re-  
22 serve account established by an eligible entity  
23 under subsection (f)(1) if the Secretary deter-  
24 mines that the eligible entity has permanently  
25 ceased to use all or a portion of the funds in

1           such account to accomplish any purpose de-  
2           scribed in such subsection.

3           “(2) EXERCISE OF AUTHORITY.—The Secretary  
4           shall not exercise the authority provided in para-  
5           graph (1) to collect from any eligible entity any  
6           funds that are being properly used to achieve one or  
7           more of the purposes described in subsection (f)(1).

8           “(3) CONSTRUCTION.—This subsection shall  
9           not be construed to impair or affect the authority of  
10          the Secretary to recover funds under part D of the  
11          General Education Provisions Act.

12          “(k) PER-PUPIL FACILITIES AID PROGRAM.—

13                 “(1) DEFINITION OF PER-PUPIL FACILITIES AID  
14                 PROGRAM.—In this subsection, the term ‘per-pupil  
15                 facilities aid program’ means a program in which a  
16                 State makes payments, on a per-pupil basis, to char-  
17                 ter schools to provide the schools with financing—

18                         “(A) that is dedicated solely to funding  
19                         charter school facilities; or

20                         “(B) a portion of which is dedicated for  
21                         funding charter school facilities.

22          “(2) GRANTS.—

23                 “(A) IN GENERAL.—From the amount re-  
24                 served under section 5102(b)(1) and remaining  
25                 after the Secretary makes grants under sub-

1 section (a), the Secretary shall make grants, on  
2 a competitive basis, to States to pay for the  
3 Federal share of the cost of establishing or en-  
4 hancing, and administering, per-pupil facilities  
5 aid programs.

6 “(B) PERIOD.—The Secretary shall award  
7 grants under this subsection for periods of not  
8 more than 5 years.

9 “(C) FEDERAL SHARE.—The Federal  
10 share of the cost described in subparagraph (A)  
11 for a per-pupil facilities aid program shall be  
12 not more than—

13 “(i) 90 percent of the cost, for the  
14 first fiscal year for which the program re-  
15 ceives assistance under this subsection;

16 “(ii) 80 percent for the second such  
17 year;

18 “(iii) 60 percent for the third such  
19 year;

20 “(iv) 40 percent for the fourth such  
21 year; and

22 “(v) 20 percent for the fifth such  
23 year.

24 “(D) STATE SHARE.—A State receiving a  
25 grant under this subsection may partner with 1

1 or more organizations, and such organizations  
2 may provide not more than 50 percent of the  
3 State share of the cost of establishing or en-  
4 hancing, and administering, the per-pupil facili-  
5 ties aid program.

6 “(E) MULTIPLE GRANTS.—A State may  
7 receive more than 1 grant under this sub-  
8 section, so long as the amount of such grant  
9 funds provided to charter schools increases with  
10 each successive grant.

11 “(3) USE OF FUNDS.—

12 “(A) IN GENERAL.—A State that receives  
13 a grant under this subsection shall use the  
14 funds made available through the grant to es-  
15 tablish or enhance, and administer, a per-pupil  
16 facilities aid program for charter schools in the  
17 State of the applicant.

18 “(B) EVALUATIONS; TECHNICAL ASSIST-  
19 ANCE; DISSEMINATION.—From the amount  
20 made available to a State through a grant  
21 under this subsection for a fiscal year, the State  
22 may reserve not more than 5 percent to carry  
23 out evaluations, to provide technical assistance,  
24 and to disseminate information.

1           “(C) SUPPLEMENT, NOT SUPPLANT.—In  
2 accordance with the method of determination  
3 described in section 1117, funds made available  
4 under this subsection shall be used to supple-  
5 ment, and not supplant, State and local public  
6 funds expended to provide per-pupil facilities  
7 aid programs, operations financing programs,  
8 or other programs, for charter schools.

9           “(4) REQUIREMENTS.—

10           “(A) VOLUNTARY PARTICIPATION.—No  
11 State may be required to participate in a pro-  
12 gram carried out under this subsection.

13           “(B) STATE LAW.—

14           “(i) IN GENERAL.—To be eligible to  
15 receive a grant under this subsection, a  
16 State shall establish or enhance, and ad-  
17 minister, a per-pupil facilities aid program  
18 for charter schools in the State, that—

19                   “(I) is specified in State law; and

20                   “(II) provides annual financing,  
21 on a per-pupil basis, for charter  
22 school facilities.

23           “(ii) SPECIAL RULE.—A State that is  
24 required under State law to provide its  
25 charter schools with access to adequate fa-

1           cility space may be eligible to receive a  
2           grant under this subsection if the State  
3           agrees to use the funds to develop a per-  
4           pupil facilities aid program consistent with  
5           the requirements of this subsection.

6           “(5) APPLICATIONS.—To be eligible to receive a  
7           grant under this subsection, a State shall submit an  
8           application to the Secretary at such time, in such  
9           manner, and containing such information as the Sec-  
10          retary may require.

11 **“SEC. 5105. NATIONAL ACTIVITIES.**

12          “(a) IN GENERAL.—From the amount reserved  
13          under section 5102(b)(2), the Secretary shall—

14               “(1) use not less than 80 percent of such funds  
15               to award grants in accordance with subsection (b);  
16               and

17               “(2) use the remainder of such funds to—

18                       “(A) disseminate technical assistance to  
19                       State entities in awarding subgrants under sec-  
20                       tion 5103(b)(1)(A);

21                       “(B) disseminate best practices regarding  
22                       public charter schools;

23                       “(C) evaluate the impact of the charter  
24                       school program carried out under this part, in-  
25                       cluding the impact on student achievement; and

1           “(D) award grants, on a competitive basis,  
2           for the purpose of carrying out the activities de-  
3           scribed in section 5103(h), to eligible applicants  
4           that desire to open a charter school, replicate a  
5           high-quality charter school, or expand a high-  
6           quality charter school in—

7                   “(i) a State that did not apply for a  
8                   grant under section 5103; or

9                   “(ii) a State that did not receive a  
10                  grant under section 5103.

11          “(b) GRANTS FOR THE REPLICATION AND EXPAN-  
12          SION OF HIGH-QUALITY CHARTER SCHOOLS.—The Sec-  
13          retary shall make grants, on a competitive basis, to eligible  
14          entities having applications approved under paragraph (2)  
15          to enable such entities to replicate a high-quality charter  
16          school or expand a high-quality charter school.

17          “(1) DEFINITION OF ELIGIBLE ENTITY.—For  
18          purposes of this subsection, the term ‘eligible entity’  
19          means—

20                   “(A) a charter management organization  
21                   that, at the time of the application, operates or  
22                   manages one or more high-quality charter  
23                   schools; or



1           “(B) a nonprofit organization that oversees  
2           and coordinates the activities of a group of such  
3           charter management organizations.

4           “(2) APPLICATION REQUIREMENTS.—An eligi-  
5           ble entity desiring to receive a grant under this sub-  
6           section shall submit an application to the Secretary  
7           at such time and in such manner as the Secretary  
8           may require. The application shall include the fol-  
9           lowing:

10           “(A) A description of the eligible entity’s  
11           objectives for implementing a high-quality char-  
12           ter school program with funding under this sub-  
13           section, including a description of the proposed  
14           number of high-quality charter schools to be  
15           replicated or expanded with funding under this  
16           subsection.

17           “(B) A description of the educational pro-  
18           gram that the eligible entity will implement in  
19           the charter schools that the eligible entity pro-  
20           poses to replicate or expand, including informa-  
21           tion on how the program will enable all stu-  
22           dents to meet the challenging State academic  
23           standards under section 1111(b)(1), the grade  
24           levels or ages of students who will be served,

1 and the instructional practices that will be  
2 used.

3 “(C) A multi-year financial and operating  
4 model for the eligible entity, including a de-  
5 scription of how the operation of the charter  
6 schools to be replicated or expanded will be sus-  
7 tained after the grant under this subsection has  
8 ended.

9 “(D) A description of how the eligible enti-  
10 ty will inform all students in the community, in-  
11 cluding children with disabilities, students who  
12 are English learners, and other educationally  
13 disadvantaged students, about the charter  
14 schools to be replicated or expanded with fund-  
15 ing under this subsection.

16 “(E) For each charter school currently op-  
17 erated or managed by the eligible entity—

18 “(i) student assessment results for all  
19 students and for each category of students  
20 described in section 1111(b)(2)(B)(xi); and

21 “(ii) attendance and student retention  
22 rates for the most recently completed  
23 school year and, if applicable, the most re-  
24 cent available 4-year adjusted cohort grad-  
25 uation rates and extended-year adjusted

1 cohort graduation rates (as such rates  
2 were calculated on the day before enact-  
3 ment of the Every Child Achieves Act of  
4 2015).

5 “(F) Information on any significant com-  
6 pliance issues encountered, within the last 3  
7 years, by any school operated or managed by  
8 the eligible entity, including in the areas of stu-  
9 dent safety and financial management.

10 “(G) A request and justification for any  
11 waivers of Federal statutory or regulatory re-  
12 quirements that the eligible entity believes are  
13 necessary for the successful operation of the  
14 charter schools to be replicated or expanded  
15 with funding under this subsection.

16 “(3) SELECTION CRITERIA.—The Secretary  
17 shall select eligible entities to receive grants under  
18 this subsection, on the basis of the quality of the ap-  
19 plications submitted under paragraph (2), after tak-  
20 ing into consideration such factors as—

21 “(A) the degree to which the eligible entity  
22 has demonstrated success in increasing aca-  
23 demic achievement and attainment for all stu-  
24 dents attending the charter schools the eligible  
25 entity operates or manages;

1           “(B) the degree to which the eligible entity  
2 has demonstrated success in increasing aca-  
3 demic achievement and attainment for each of  
4 the categories of students, as defined in section  
5 1111(b)(3)(A);

6           “(C) the quality of the eligible entity’s fi-  
7 nancial and operating model as described under  
8 paragraph (2)(C), including the quality of the  
9 eligible entity’s plan for sustaining the oper-  
10 ation of the charter schools to be replicated or  
11 expanded after the grant under this subsection  
12 has ended;

13           “(D) a determination that the eligible enti-  
14 ty has not operated or managed a significant  
15 proportion of charter schools that—

16                   “(i) have been closed;

17                   “(ii) have had a school charter re-  
18 voked due to problems with statutory or  
19 regulatory compliance; or

20                   “(iii) have had the school’s affiliation  
21 with the eligible entity revoked; and

22           “(E) a determination that the eligible enti-  
23 ty has not experienced significant problems with  
24 statutory or regulatory compliance that could  
25 lead to the revocation of a school’s charter.

1           “(4) PRIORITY.—In awarding grants under this  
2 section, the Secretary shall give priority to eligible  
3 entities that operate or manage charter schools that,  
4 in the aggregate, serve students at least 60 percent  
5 of whom are eligible for a free or reduced price  
6 lunch under the Richard B. Russell National School  
7 Lunch Act.

8           “(5) TERMS AND CONDITIONS.—Except as oth-  
9 erwise provided in this subsection, grants awarded  
10 under subsection (a)(2)(D) and this subsection shall  
11 have the same terms and conditions as grants  
12 awarded to State entities under section 5103.”;

13           (2) in section 5106 (20 U.S.C. 7221e), as re-  
14 designated by section 5001(7), by adding at the end  
15 the following:

16           “(c) NEW OR SIGNIFICANTLY EXPANDING CHARTER  
17 SCHOOLS.—For purposes of implementing the hold harm-  
18 less protections in sections 1122(c) and 1125A(g)(3) for  
19 a newly opened or significantly expanded charter school  
20 under subsection (a), a State educational agency shall cal-  
21 culate a hold-harmless base for the prior year that, as ap-  
22 plicable, reflects the new or significantly expanded enroll-  
23 ment of the charter school.”;

24           (3) in section 5108 (20 U.S.C. 7221g), as re-  
25 designated by section 5001(7), by inserting “as

1 quickly as possible and” before “to the extent prac-  
2 ticable”;

3 (4) in section 5110 (20 U.S.C. 7221i), as redesi-  
4 gnated by section 5001(7)—

5 (A) by redesignating paragraphs (1), (2),  
6 and (3) as paragraphs (2), (5), and (6), respec-  
7 tively;

8 (B) by redesignating paragraph (4) as  
9 paragraph (1), and moving such paragraph so  
10 as to precede paragraph (2), as redesignated by  
11 subparagraph (A);

12 (C) in paragraph (2), as redesignated by  
13 subparagraph (A)—

14 (i) in subparagraph (G), by striking “,  
15 and part B” and inserting “, the Ameri-  
16 cans with Disabilities Act of 1990 (42  
17 U.S.C. 12101 et seq.), section 444 of the  
18 General Education Provisions Act (20  
19 U.S.C. 1232g) (commonly referred to as  
20 the ‘Family Educational Rights and Pri-  
21 vacy Act of 1974’), and part B”;

22 (ii) by striking subparagraph (H) and  
23 inserting the following:

24 “(H) is a school to which parents choose to  
25 send their children, and that—

1           “(i) admits students on the basis of a  
2 lottery, if more students apply for admis-  
3 sion than can be accommodated; or

4           “(ii) in the case of a school that has  
5 an affiliated charter school (such as a  
6 school that is part of the same network of  
7 schools), automatically enrolls students  
8 who are enrolled in the immediate prior  
9 grade level of the affiliated charter school  
10 and, for any additional student openings or  
11 student openings created through regular  
12 attrition in student enrollment in the affili-  
13 ated charter school and the enrolling  
14 school, admits students on the basis of a  
15 lottery as described in clause (i);”;

16           (iii) by striking subparagraph (I) and  
17 inserting the following:

18           “(I) agrees to comply with the same Fed-  
19 eral and State audit requirements as do other  
20 elementary schools and secondary schools in the  
21 State, unless such State audit requirements are  
22 waived by the State;”;

23           (iv) in subparagraph (K), by striking  
24 “and” at the end;

1 (v) in subparagraph (L), by striking  
2 the period at the end and inserting “;  
3 and”; and

4 (vi) by adding at the end the fol-  
5 lowing:

6 “(M) may serve students in early  
7 childhood education programs or post-  
8 secondary students.”;

9 (D) by inserting after paragraph (2), as  
10 redesignated by subparagraph (A), the fol-  
11 lowing:

12 “(3) CHARTER MANAGEMENT ORGANIZATION.—  
13 The term ‘charter management organization’ means  
14 a nonprofit organization that operates or manages  
15 multiple charter schools by centralizing or sharing  
16 certain functions or resources.

17 “(4) CHARTER SCHOOL SUPPORT ORGANIZA-  
18 TION.—The term ‘charter school support organiza-  
19 tion’ means a nonprofit, nongovernmental entity that  
20 is not an authorized public chartering agency and  
21 provides, on a statewide basis—

22 “(A) assistance to developers during the  
23 planning, program design, and initial implemen-  
24 tation of a charter school; and



1           “(B) technical assistance to operating  
2 charter schools.”;

3           (E) in paragraph (6)(B), as redesignated  
4 by subparagraph (A), by striking “under sec-  
5 tion 5203(d)(3)”;

6           (F) by adding at the end the following:

7           “(7) EXPANSION OF A HIGH-QUALITY CHARTER  
8 SCHOOL.—The term ‘expansion of a high-quality  
9 charter school’ means increasing the enrollment at a  
10 high-quality charter school by not less than 50 per-  
11 cent or adding 2 or more grades to a high-quality  
12 charter school.

13           “(8) HIGH-QUALITY CHARTER SCHOOL.—The  
14 term ‘high-quality charter school’ means a charter  
15 school that—

16           “(A) shows evidence of strong academic re-  
17 sults, which may include strong student aca-  
18 demic growth, as determined by a State;

19           “(B) has no significant issues in the areas  
20 of student safety, financial and operational  
21 management, or statutory or regulatory compli-  
22 ance;

23           “(C) has demonstrated success in signifi-  
24 cantly increasing student academic achieve-  
25 ment, including graduation rates where applica-

1           ble, for all students served by the charter  
2           school; and

3           “(D) has demonstrated success in increas-  
4           ing student academic achievement, including  
5           graduation rates where applicable, for each of  
6           the categories of students, as defined in section  
7           1111(b)(3)(A), except that such demonstration  
8           is not required in a case in which the number  
9           of students in a group is insufficient to yield  
10          statistically reliable information or the results  
11          would reveal personally identifiable information  
12          about an individual student.

13          “(9) REPLICATION OF A HIGH-QUALITY CHAR-  
14          TER SCHOOL.—The term ‘replication of a high-qual-  
15          ity charter school’ means the opening of a charter  
16          school—

17                 “(A) under an existing charter or an addi-  
18                 tional charter, if permitted by State law;

19                 “(B) based on the model of a high-quality  
20                 charter school; and

21                 “(C) that will be operated or managed by  
22                 the same nonprofit organization that operates  
23                 or manages such high-quality charter school  
24                 under an existing charter.”; and

1           (5) by striking section 5111 (20 U.S.C. 7221j),  
2           as redesignated by section 5001(7), and inserting  
3           the following:

4   **“SEC. 5111. AUTHORIZATION OF APPROPRIATIONS.**

5           “There are authorized to be appropriated to carry out  
6 this part such sums as may be necessary for each of fiscal  
7 years 2016 through 2021.”.

8   **SEC. 5003. MAGNET SCHOOLS ASSISTANCE.**

9           Part B of title V (20 U.S.C. 7231 et seq.), as redesignig-  
10 nated by section 5001(5), is amended—

11           (1) in section 5201(b), as redesignated by sec-  
12 tion 5001(8)—

13           (A) in paragraph (1)—

14           (i) by inserting “and the increase of  
15 socioeconomic integration” before “in ele-  
16 mentary schools and secondary schools”;  
17 and

18           (ii) by inserting “low-income and” be-  
19 fore “minority students”;

20           (B) in paragraph (2)—

21           (i) by striking “and implementation”  
22 and inserting “, implementation, and ex-  
23 pansion”; and

24           (ii) by striking “content standards  
25 and student academic achievement stand-

1           ards” and inserting “standards under sec-  
2           tion 1111(b)(1)”;

3           (C) in paragraph (3), by striking “and de-  
4           sign” and inserting “, design, and expansion”;

5           (D) in paragraph (4), by striking “voca-  
6           tional” and inserting “career”; and

7           (E) in paragraph (6), by striking “produc-  
8           tive employment” and inserting “to enter into  
9           the workforce without the need for postsec-  
10          ondary education”;

11          (2) in section 5202, as redesignated by section  
12          5001(8), by striking “backgrounds” and inserting “,  
13          ethnic, and socioeconomic backgrounds”;

14          (3) in section 5205(b), as redesignated by sec-  
15          tion 5001(8)—

16               (A) in paragraph (1)—

17                   (i) in subparagraph (A), by inserting  
18                   “any available evidence on” before “how  
19                   the proposed magnet school programs”;

20                   (ii) in subparagraph (B), by inserting  
21                   “, including any evidence available to sup-  
22                   port such description” before the semi-  
23                   colon;

1 (iii) by redesignating subparagraphs  
2 (D) and (E) as subparagraphs (E) and  
3 (F), respectively; and

4 (iv) by inserting after subparagraph  
5 (C) the following:

6 “(D) how the applicant will assess, mon-  
7 itor, and evaluate the impact of the activities  
8 funded under this part on student achievement  
9 and integration;”; and

10 (B) in paragraph (2)—

11 (i) in the matter preceding subpara-  
12 graph (A), by striking “will”;

13 (ii) in subparagraph (A)—

14 (I) by inserting “will” before  
15 “use grant funds”; and

16 (II) by striking “section  
17 5301(b)” and inserting “section  
18 5201(b)”;

19 (iii) in subparagraph (B), by striking  
20 “employ highly qualified” and inserting  
21 “will employ effective”;

22 (iv) in subparagraph (C), by striking  
23 “not engage in” and inserting “is not cur-  
24 rently engaging in and will not engage in”;

1 (v) in subparagraph (D), by inserting  
2 “will” before carry out; and

3 (vi) in subparagraph (E), by inserting  
4 “will” before “give students”;

5 (4) in section 5206, as redesignated by section  
6 5001(8), by striking paragraph (2) and inserting the  
7 following:

8 “(2) propose to—

9 “(A) carry out a new, evidence-based mag-  
10 net school program;

11 “(B) significantly revise an existing mag-  
12 net school program, using evidence-based meth-  
13 ods and practices, as available; or

14 “(C) expand an existing magnet school  
15 program that has a demonstrated record of suc-  
16 cess in increasing student academic achieve-  
17 ment, reducing isolation of minority groups,  
18 and increasing socioeconomic integration; and”;

19 (5) in section 5207, as redesignated by section  
20 5001(8)—

21 (A) in subsection (a)—

22 (i) in paragraph (3), by striking “who  
23 are highly qualified”;

24 (ii) in paragraph (6), by striking  
25 “and” at the end;

1 (iii) in paragraph (7), by striking the  
2 period and inserting “; and”; and

3 (iv) by adding at the end the fol-  
4 lowing:

5 “(8) to enable the local educational agency, or  
6 consortium of such agencies, or other organizations  
7 partnered with such agency or consortium, to estab-  
8 lish, expand, or strengthen inter-district and regional  
9 magnet programs.”; and

10 (B) in subsection (b), by striking “the  
11 State’s challenging academic content” and all  
12 that follows through the period and inserting  
13 “the challenging State academic standards  
14 under section 1111(b)(1) or are directly related  
15 to improving student academic, career, or tech-  
16 nological skills and professional skills.”;

17 (6) in section 5208, as redesignated by section  
18 5001(10)—

19 (A) in subsection (a), by striking “for a  
20 period” and all that follows through the period  
21 and inserting “for an initial period of not more  
22 than 3 fiscal years, and may be renewed for not  
23 more than an additional 2 years if the Sec-  
24 retary finds that the recipient of a grant under  
25 this part is achieving the intended outcomes of

1 the grant and shows improvement in increasing  
2 student academic achievement, reducing minor-  
3 ity group isolation, and increasing socio-  
4 economic integration, or other indicators of suc-  
5 cess established by the Secretary.”; and

6 (B) in subsection (d), by striking “July”  
7 and inserting “June”; and

8 (7) in section 5209, as redesignated by section  
9 5001(10)—

10 (A) in subsection (a), by striking  
11 “\$125,000,000” and all that follows through  
12 the period and inserting “such sums as may be  
13 necessary for each of fiscal years 2016 through  
14 2021.”;

15 (B) by redesignating subsection (b) as sub-  
16 section (c); and

17 (C) by inserting after subsection (a) the  
18 following:

19 “(b) RESERVATION FOR TECHNICAL ASSISTANCE.—  
20 The Secretary may reserve not more than 1 percent of  
21 the funds appropriated under subsection (a) for any fiscal  
22 year to provide technical assistance and carry out dissemi-  
23 nation projects with respect to magnet school programs  
24 assisted under this part.”.



1 **SEC. 5004. SUPPORTING HIGH-ABILITY LEARNERS AND**  
2 **LEARNING.**

3 Title V (20 U.S.C. 7201 et seq.), as amended by sec-  
4 tion 5001, is further amended by inserting after part B  
5 the following:

6 **“PART C—SUPPORTING HIGH-ABILITY LEARNERS**  
7 **AND LEARNING**

8 **“SEC. 5301. SHORT TITLE.**

9 “This part may be cited as the ‘Jacob K. Javits Gift-  
10 ed and Talented Students Education Act of 2015’.

11 **“SEC. 5302. PURPOSE.**

12 “The purpose of this part is to initiate a coordinated  
13 program of evidence-based research, demonstration  
14 projects, innovative strategies, and similar activities de-  
15 signed to build and enhance the ability of elementary  
16 schools and secondary schools nationwide to meet the spe-  
17 cial educational needs of gifted and talented students.

18 **“SEC. 5303. RULE OF CONSTRUCTION.**

19 “Nothing in this part shall be construed to prohibit  
20 a recipient of funds under this part from serving gifted  
21 and talented students simultaneously with students with  
22 similar educational needs, in the same educational set-  
23 tings, where appropriate.

24 **“SEC. 5304. AUTHORIZED PROGRAMS.**

25 “(a) ESTABLISHMENT OF PROGRAM.—

1           “(1) IN GENERAL.—The Secretary (after con-  
2           sultation with experts in the field of the education  
3           of gifted and talented students) is authorized to  
4           make grants to, or enter into contracts with, State  
5           educational agencies, local educational agencies, in-  
6           stitutions of higher education, other public agencies,  
7           and other private agencies and organizations to as-  
8           sist such agencies, institutions, and organizations in  
9           carrying out programs or projects authorized by this  
10          part that are designed to meet the educational needs  
11          of gifted and talented students, including the train-  
12          ing of personnel in the education of gifted and tal-  
13          ented students and in the use, where appropriate, of  
14          gifted and talented services, materials, and methods  
15          for all students.

16           “(2) APPLICATION.—Each entity seeking assist-  
17          ance under this part shall submit an application to  
18          the Secretary at such time, in such manner, and  
19          containing such information as the Secretary may  
20          reasonably require. Each such application shall de-  
21          scribe how—

22                   “(A) the proposed gifted and talented serv-  
23                   ices, materials, and methods can be adapted, if  
24                   appropriate, for use by all students; and

1           “(B) the proposed programs can be evalu-  
2           ated.

3           “(b) USE OF FUNDS.—Programs and projects as-  
4           sisted under this section may include each of the following:

5           “(1) Conducting evidence-based research on  
6           methods and techniques for identifying and teaching  
7           gifted and talented students and for using gifted and  
8           talented programs and methods to serve all students.

9           “(2) Establishing and operating model projects  
10          and exemplary programs for serving gifted and tal-  
11          ented students, including innovative methods for  
12          identifying and educating students who may not be  
13          served by traditional gifted and talented programs  
14          (such as summer programs, mentoring programs,  
15          service learning programs, and cooperative programs  
16          involving business, industry, and education).

17          “(3) Implementing innovative strategies, such  
18          as cooperative learning, peer tutoring, and service  
19          learning.

20          “(4) Carrying out programs of technical assist-  
21          ance and information dissemination, including as-  
22          sistance and information with respect to how gifted  
23          and talented programs and methods, where appro-  
24          priate, may be adapted for use by all students.

1       “(c) SPECIAL RULE.—To the extent that the amount  
2 of funds appropriated to carry out this part for a fiscal  
3 year beginning with fiscal year 2016 exceed the amount  
4 of \$7,500,000, the Secretary shall use such excess funds  
5 to award grants, on a competitive basis, to State edu-  
6 cational agencies, local educational agencies, or both, to  
7 implement activities described in subsection (b).

8       “(d) CENTER FOR RESEARCH AND DEVELOPMENT.—

9           “(1) IN GENERAL.—The Secretary (after con-  
10 sultation with experts in the field of the education  
11 of gifted and talented students) shall establish a Na-  
12 tional Research Center for the Education of Gifted  
13 and Talented Children and Youth through grants to,  
14 or contracts with, one or more institutions of higher  
15 education or State educational agencies, or a com-  
16 bination or consortium of such institutions and  
17 agencies and other public or private agencies and or-  
18 ganizations, for the purpose of carrying out activities  
19 described in subsection (b).

20           “(2) DIRECTOR.—The National Center shall be  
21 headed by a Director. The Secretary may authorize  
22 the Director to carry out such functions of the Na-  
23 tional Center as may be agreed upon through ar-  
24 rangements with institutions of higher education,  
25 State educational agencies, local educational agen-

1       cies, or other public or private agencies and organi-  
2       zations.

3           “(3) FUNDING.—For each fiscal year, the Sec-  
4       retary may use not more than \$2,250,000 to carry  
5       out this subsection.

6           “(e) COORDINATION.—Evidence-based activities sup-  
7       ported under this part—

8           “(1) shall be carried out in consultation with  
9       the Institute of Education Sciences to ensure that  
10      such activities are coordinated with and enhance the  
11      research and development activities supported by the  
12      Institute; and

13          “(2) may include collaborative evidence-based  
14      activities which are jointly funded and carried out  
15      with such Institute.

16   **“SEC. 5305. PROGRAM PRIORITIES.**

17          “(a) GENERAL PRIORITY.—In carrying out this part,  
18      the Secretary shall give highest priority to programs and  
19      projects designed to develop new information that—

20          “(1) improves the capability of schools to plan,  
21      conduct, and improve programs to identify and serve  
22      gifted and talented students; and

23          “(2) assists schools in the identification of, and  
24      provision of services to, gifted and talented students  
25      (including economically disadvantaged individuals,

1 individuals who are English learners, and children  
2 with disabilities) who may not be identified and  
3 served through traditional assessment methods.

4 “(b) SERVICE PRIORITY.—The Secretary shall ensure  
5 that not less than 50 percent of the applications approved  
6 under section 5304(a)(2) in a fiscal year address the pri-  
7 ority described in subsection (a)(2).

8 **“SEC. 5306. GENERAL PROVISIONS.**

9 “(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN  
10 AND TEACHERS.—In making grants and entering into  
11 contracts under this part, the Secretary shall ensure,  
12 where appropriate, that provision is made for the equitable  
13 participation of students and teachers in private nonprofit  
14 elementary schools and secondary schools, including the  
15 participation of teachers and other personnel in profes-  
16 sional development programs serving such students.

17 “(b) REVIEW, DISSEMINATION, AND EVALUATION.—  
18 The Secretary shall—

19 “(1) use a peer-review process in reviewing ap-  
20 plications under this part;

21 “(2) ensure that information on the activities  
22 and results of programs and projects funded under  
23 this part is disseminated to appropriate State edu-  
24 cational agencies, local educational agencies, and

1 other appropriate organizations, including nonprofit  
2 private organizations; and

3 “(3) evaluate the effectiveness of programs  
4 under this part in accordance with section 9601, in  
5 terms of the impact on students traditionally served  
6 in separate gifted and talented programs and on  
7 other students, and submit the results of such eval-  
8 uation to Congress not later than 2 years after the  
9 date of enactment of the Every Child Achieves Act  
10 of 2015.

11 “(c) PROGRAM OPERATIONS.—The Secretary shall  
12 ensure that the programs under this part are administered  
13 within the Department by a person who has recognized  
14 professional qualifications and experience in the field of  
15 the education of gifted and talented students and who  
16 shall—

17 “(1) administer and coordinate the programs  
18 authorized under this part;

19 “(2) serve as a focal point of national leader-  
20 ship and information on the educational needs of  
21 gifted and talented students and the availability of  
22 educational services and programs designed to meet  
23 such needs;

1           “(3) assist the Director of the Institute of Edu-  
 2           cation Sciences in identifying research priorities that  
 3           reflect the needs of gifted and talented students; and

4           “(4) disseminate, and consult on, the informa-  
 5           tion developed under this part with other offices  
 6           within the Department.

7   **“SEC. 5307. AUTHORIZATION OF APPROPRIATIONS.**

8           “‘There are authorized to be appropriated to carry out  
 9           this part such sums as may be necessary for each of fiscal  
 10          years 2016 through 2021.’”.

11   **SEC. 5005. EDUCATION INNOVATION AND RESEARCH.**

12          Title V (20 U.S.C. 7201 et seq.), as amended by sec-  
 13          tion 5001, is further amended by inserting after part C,  
 14          as added by section 5004, the following:

15           **“PART D—EDUCATION INNOVATION AND**  
 16   **RESEARCH**

17   **“SEC. 5401. GRANTS FOR EDUCATION INNOVATION AND RE-**  
 18   **SEARCH.**

19          “(a) PROGRAM AUTHORIZED.—From funds appro-  
 20          priated under subsection (e), the Secretary shall make  
 21          grants to eligible entities for the development, implemen-  
 22          tation, replication, or scaling and rigorous testing of entre-  
 23          preneurial, evidence-based, field-initiated innovations to  
 24          improve student achievement and attainment for high-  
 25          need students, including—



1           “(1) early-phase grants to fund the develop-  
2           ment, implementation, and feasibility testing of a  
3           program that prior research suggests has promise,  
4           for the purpose of determining whether the program  
5           can successfully improve student achievement or at-  
6           tainment for high-need students;

7           “(2) mid-phase grants to fund implementation  
8           and a rigorous evaluation of a program that has  
9           been successfully implemented under an early-phase  
10          grant or other effort meeting similar criteria, for the  
11          purpose of measuring the program’s impact and cost  
12          effectiveness, if possible using existing administra-  
13          tive data; or

14          “(3) expansion grants to fund implementation  
15          and a rigorous replication evaluation of a program  
16          that has been found to produce sizable, important  
17          impacts under a mid-phase grant or other effort  
18          meeting similar criteria, for the purpose of deter-  
19          mining whether such impacts can be successfully re-  
20          produced and sustained over time, and identifying  
21          the conditions in which the program is most effec-  
22          tive.

23          “(b) ELIGIBLE ENTITY.—In this section, the term  
24          ‘eligible entity’ means any of the following:

25                 “(1) A local educational agency.

1           “(2) A State educational agency.

2           “(3) A consortium of State educational agencies  
3 or local educational agencies.

4           “(4) A State educational agency or a local edu-  
5 cational agency, in partnership with—

6                 “(A) a nonprofit organization;

7                 “(B) a small business;

8                 “(C) a charter management organization;

9                 “(D) an educational service agency; or

10                “(E) an institution of higher education.

11           “(c) RURAL AREAS.—In awarding grants under sub-  
12 section (a), the Secretary shall ensure that not less than  
13 25 percent of the funds for any fiscal year are awarded  
14 for projects that meet both of the following requirements:

15                “(1) The grantee is—

16                   “(A) a local educational agency with an  
17 urban-centric district locale code of 32, 33, 41,  
18 42, or 43, as determined by the Secretary;

19                   “(B) a consortium of such local edu-  
20 cational agencies; or

21                   “(C) an educational service agency or a  
22 nonprofit organization in partnership with such  
23 a local educational agency.

24           “(2) A majority of the schools to be served by  
25 the project are designated with a school locale code

1 of 32, 33, 41, 42, or 43, or a combination of such  
2 codes, as determined by the Secretary.

3 “(d) MATCHING FUNDS.—In order to receive a grant  
4 under subsection (a), an eligible entity shall demonstrate  
5 that the eligible entity will provide matching funds in an  
6 amount equal to 10 percent of the funds provided under  
7 a grant under this part, except that the Secretary may  
8 waive the matching funds requirement, on a case-by-case  
9 basis, upon a showing of exceptional circumstances, such  
10 as—

11 “(1) the difficulty of raising matching funds for  
12 a project to serve a rural area;

13 “(2) the difficulty of raising matching funds in  
14 areas with a concentration of local educational agen-  
15 cies or schools with a high percentage of students  
16 aged 5 through 17—

17 “(A) who are in poverty, as counted in the  
18 most recent census data approved by the Sec-  
19 retary;

20 “(B) who are eligible for a free or reduced  
21 priced lunch under the Richard B. Russell Na-  
22 tional School Lunch Act;

23 “(C) whose families receive assistance  
24 under the State program funded under part A

1 of title IV of the Social Security Act (42 U.S.C.  
2 601 et seq.); or

3 “(D) who are eligible to receive medical as-  
4 sistance under the Medicaid program; and

5 “(3) the difficulty of raising funds in des-  
6 ignated tribal areas.

7 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated to carry out this section  
9 such sums as may be necessary for each of fiscal years  
10 2016 through 2021.”.

11 **SEC. 5006. ACCELERATED LEARNING.**

12 Title V (20 U.S.C. 7201 et seq.), as amended by sec-  
13 tion 5001, is further amended by inserting after part D,  
14 as added by section 5005, the following:

15 **“PART E—ACCELERATED LEARNING**

16 **“SEC. 5501. SHORT TITLE.**

17 “This part may be cited as the ‘Accelerated Learning  
18 Act of 2015’.

19 **“SEC. 5502. PURPOSES.**

20 “The purposes of this part are—

21 “(1) to raise student academic achievement  
22 through accelerated learning programs, including  
23 Advanced Placement and International Baccalaureate  
24 programs, dual or concurrent enrollment  
25 programs, and early college high schools that provide

1 postsecondary-level instruction, examinations, or se-  
2 quences of courses that are widely accepted for cred-  
3 it at institutions of higher education;

4 “(2) to increase the number of students attend-  
5 ing high-need schools who enroll and succeed in ac-  
6 celerated learning courses, accelerated learning ex-  
7 aminations, dual or concurrent enrollment programs,  
8 and early college high school courses;

9 “(3) to support efforts by States and local edu-  
10 cational agencies to increase the availability of, and  
11 enrollment in, accelerated learning courses, pre-ac-  
12 celerated learning courses, dual or concurrent enroll-  
13 ment programs, and early college high school courses  
14 in high-need schools; and

15 “(4) to provide high-quality professional devel-  
16 opment for teachers of accelerated learning courses,  
17 pre-accelerated learning courses, dual or concurrent  
18 enrollment programs, and early college high school  
19 courses in high-need schools.

20 **“SEC. 5503. FUNDING DISTRIBUTION RULE.**

21 “From amounts appropriated under section 5508 for  
22 a fiscal year, the Secretary shall give priority to funding  
23 activities under section 5504 and shall distribute any re-  
24 maining funds under section 5505.

1 **“SEC. 5504. ACCELERATED LEARNING EXAMINATION FEE**  
2 **PROGRAM.**

3 “(a) GRANTS AUTHORIZED.—From amounts made  
4 available under section 5503 for a fiscal year, the Sec-  
5 retary shall award grants to State educational agencies  
6 having applications approved under this section to enable  
7 the State educational agencies to reimburse low-income  
8 students to cover part or all of the costs of accelerated  
9 learning examination fees, if the low-income students—

10 “(1) are enrolled in accelerated learning  
11 courses; and

12 “(2) plan to take accelerated learning examina-  
13 tions.

14 “(b) AWARD BASIS.—In determining the amount of  
15 the grant awarded to a State educational agency under  
16 this section for a fiscal year, the Secretary shall consider  
17 the number of children eligible to be counted under section  
18 1124(c) in the State in relation to the number of such  
19 children so counted in all States.

20 “(c) INFORMATION DISSEMINATION.—A State edu-  
21 cational agency that is awarded a grant under this section  
22 shall make publicly available information regarding the  
23 availability of accelerated learning examination fee pay-  
24 ments under this section, and shall disseminate such infor-  
25 mation to eligible high school students and parents, in-  
26 cluding through high school teachers and counselors.

1       “(d) APPLICATIONS.—Each State educational agency  
2 desiring to receive a grant under this section shall submit  
3 an application to the Secretary at such time, in such man-  
4 ner, and containing such information as the Secretary may  
5 require. At a minimum, each State educational agency ap-  
6 plication shall—

7           “(1) describe the accelerated learning examina-  
8 tion fees the State educational agency will pay on  
9 behalf of low-income students in the State from  
10 grant funds awarded under this section;

11           “(2) provide an assurance that any grant funds  
12 awarded under this section will be used only to pay  
13 for accelerated learning examination fees; and

14           “(3) contain such information as the Secretary  
15 may require to demonstrate that the State edu-  
16 cational agency will ensure that a student is eligible  
17 for payments authorized under this section, includ-  
18 ing ensuring that the student is a low-income stu-  
19 dent.

20       “(e) REGULATIONS.—The Secretary shall prescribe  
21 such regulations as are necessary to carry out this section.

22       “(f) REPORT.—

23           “(1) IN GENERAL.—Each State educational  
24 agency awarded a grant under this section shall,  
25 with respect to each accelerated learning course sub-

1       ject, annually report to the Secretary the following  
2       data for the preceding year:

3               “(A) The number of students in the State  
4               who are taking an accelerated learning course  
5               in such subject.

6               “(B) The number of accelerated learning  
7               examinations taken by students in the State  
8               who have taken an accelerated learning course  
9               in such subject.

10              “(C) The number of students in the State  
11              scoring at each level on accelerated learning ex-  
12              aminations in such subject, disaggregated by  
13              race, ethnicity, sex, English proficiency status,  
14              and socioeconomic status.

15              “(D) Demographic information regarding  
16              students in the State taking accelerated learn-  
17              ing courses and accelerated learning examina-  
18              tions in such subject, disaggregated by race,  
19              ethnicity, sex, English proficiency status, and  
20              socioeconomic status.

21              “(2) REPORT TO CONGRESS.—The Secretary  
22              shall annually compile the information received from  
23              each State educational agency under paragraph (1)  
24              and report to the authorizing committees of Con-  
25              gress regarding the information.



1 “(g) BUREAU OF INDIAN EDUCATION AS STATE  
2 EDUCATIONAL AGENCY.—For purposes of this section,  
3 the Bureau of Indian Education shall be treated as a State  
4 educational agency.

5 **“SEC. 5505. ACCELERATED LEARNING INCENTIVE PRO-**  
6 **GRAM GRANTS.**

7 “(a) GRANTS AUTHORIZED.—

8 “(1) IN GENERAL.—From amounts made avail-  
9 able under section 5503 for a fiscal year, the Sec-  
10 retary shall award grants, on a competitive basis, to  
11 eligible entities to enable such entities to carry out  
12 the authorized activities described in subsection (e).

13 “(2) DURATION, RENEWAL, AND PAYMENTS.—

14 “(A) DURATION.—The Secretary shall  
15 award a grant under this section for a period  
16 of not more than 3 years.

17 “(B) RENEWAL.—The Secretary may  
18 renew a grant awarded under this section for  
19 an additional period of not more than 2 years,  
20 if an eligible entity—

21 “(i) is achieving the objectives of the  
22 grant; and

23 “(ii) has shown improvement against  
24 baseline data on the performance measures

1           described in subparagraphs (A) through  
2           (E) of subsection (g)(1).

3           “(b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-  
4 tion, the term ‘eligible entity’ means—

5           “(1) a State educational agency;

6           “(2) a local educational agency; or

7           “(3) a partnership consisting of—

8           “(A) a national, regional, or statewide non-  
9 profit organization, with expertise and experi-  
10 ence in providing accelerated learning course  
11 services, dual or concurrent enrollment pro-  
12 grams, and early college high school courses;  
13 and

14           “(B) a State educational agency or local  
15 educational agency.

16           “(c) APPLICATION.—

17           “(1) IN GENERAL.—Each eligible entity desir-  
18 ing a grant under this section shall submit an appli-  
19 cation to the Secretary at such time, in such man-  
20 ner, and containing such information as the Sec-  
21 retary may require.

22           “(2) CONTENTS.—The application shall, at a  
23 minimum, include a description of—

1           “(A) the goals and objectives for the  
2 project supported by the grant under this sec-  
3 tion, including—

4                   “(i) increasing the number of teachers  
5 serving high-need schools who are qualified  
6 to teach accelerated learning courses, dual  
7 or concurrent enrollment programs, and  
8 early college high school courses;

9                   “(ii) increasing the number of acceler-  
10 ated learning courses, dual or concurrent  
11 enrollment programs, and early college  
12 high school courses that are offered at  
13 high-need schools; and

14                   “(iii) increasing the number of stu-  
15 dents attending a high-need school, par-  
16 ticularly low-income students, who enroll  
17 and succeed in—

18                           “(I) accelerated learning courses;

19                           “(II) if offered by the school,  
20 pre-accelerated learning courses;

21                           “(III) dual or concurrent enroll-  
22 ment programs; and

23                           “(IV) early college high school  
24 courses;

1           “(B) how the eligible entity will ensure  
2 that students have access to courses that will  
3 prepare them to enroll and succeed in acceler-  
4 ated learning courses, pre-accelerated learning  
5 courses, dual or concurrent enrollment pro-  
6 grams, and early college high school courses;

7           “(C) how the eligible entity will provide  
8 professional development for teachers that will  
9 further the goals and objectives of the grant  
10 project;

11           “(D) how the eligible entity will ensure  
12 that teachers serving high-need schools are  
13 qualified to teach accelerated learning courses,  
14 dual or concurrent enrollment programs, and  
15 early college high school courses;

16           “(E) how the eligible entity will provide for  
17 the involvement of business and community or-  
18 ganizations and other entities, including institu-  
19 tions of higher education, in carrying out the  
20 activities described in subsection (e);

21           “(F) how the eligible entity will use funds  
22 received under this section; and

23           “(G) how the eligible entity will evaluate  
24 the success of the grant project.

1       “(d) PRIORITY.—In awarding grants under this sec-  
2 tion, the Secretary shall give priority to applications from  
3 eligible entities that propose to carry out activities in a  
4 local educational agency that is eligible under the small  
5 rural school achievement program or the rural and low-  
6 income school program authorized under subpart 1 or 2  
7 of part B of title VI.

8       “(e) AUTHORIZED ACTIVITIES.—Each eligible entity  
9 that receives a grant under this section may use grant  
10 funds for—

11           “(1) high-quality teacher professional develop-  
12 ment, in order to expand the pool of teachers in the  
13 participating State, local educational agency, or  
14 high-need school who are qualified to teach acceler-  
15 ated learning courses, dual or concurrent enrollment  
16 programs, and early college high school courses, in-  
17 cluding through innovative models such as online  
18 academies and training institutes;

19           “(2) high-quality teacher and counselor profes-  
20 sional development to prepare students for success  
21 in accelerated learning courses, dual or concurrent  
22 enrollment programs, and early college high school  
23 courses;

24           “(3) coordination and articulation between  
25 grade levels to prepare students to enroll and suc-

1       ceed in accelerated learning courses, dual or concur-  
2       rent enrollment programs, and early college high  
3       school courses;

4           “(4) the purchase of instructional materials for  
5       accelerated learning courses, dual or concurrent en-  
6       rollment programs, and early college high school  
7       courses;

8           “(5) activities to increase the availability of,  
9       and participation in, online accelerated learning  
10      courses, dual or concurrent enrollment programs,  
11      and early college high school courses;

12          “(6) carrying out the requirements of sub-  
13      section (g); or

14          “(7) in the case of an eligible entity described  
15      in subsection (b)(1), awarding subgrants to local  
16      educational agencies to enable the local educational  
17      agencies to carry out authorized activities described  
18      in paragraphs (1) through (6).

19          “(f) CONTRACTS.—An eligible entity that is awarded  
20      a grant to provide online courses under this section may  
21      enter into a contract with an organization to provide accel-  
22      erated learning courses, dual or concurrent enrollment  
23      programs, and early college high school courses, including  
24      contracting for necessary support services.

1       “(g) COLLECTING AND REPORTING REQUIRE-  
2 MENTS.—

3           “(1) REPORT.—Each eligible entity receiving a  
4 grant under this section shall collect and report to  
5 the Secretary annually such data regarding the re-  
6 sults of the grant as the Secretary may reasonably  
7 require, including—

8           “(A) the number of students served by the  
9 eligible entity enrolling in accelerated learning  
10 courses, pre-accelerated learning courses, dual  
11 or concurrent enrollment programs, and early  
12 college high school courses, disaggregated by  
13 grade level of the student, and the grades re-  
14 ceived by such students in the courses;

15           “(B) the number of students taking an ac-  
16 celerated learning examination and the distribu-  
17 tion of scores on those examinations,  
18 disaggregated by the grade level of the student  
19 at the time of examination;

20           “(C) the number of teachers who, as of the  
21 date of the report, are receiving training to  
22 teach accelerated learning courses, dual or con-  
23 current enrollment programs, and early college  
24 high school courses, and will teach such courses  
25 in the next school year;

1           “(D) the number of teachers becoming  
2           qualified to teach accelerated learning courses,  
3           dual or concurrent enrollment programs, and  
4           early college high school courses; and

5           “(E) the number of qualified teachers who  
6           are teaching accelerated learning courses, dual  
7           or concurrent enrollment programs, and early  
8           college high school courses in high-need schools  
9           served by the eligible entity.

10          “(2) REPORTING OF DATA.—Each eligible enti-  
11          ty receiving a grant under this section shall report  
12          the data required under paragraph (1)—

13                 “(A) disaggregated by subject area;

14                 “(B) in the case of student data,  
15                 disaggregated in the same manner as informa-  
16                 tion is disaggregated under section  
17                 1111(b)(2)(B)(xi); and

18                 “(C) in a manner that allows for an as-  
19                 sessment of the effectiveness of the grant pro-  
20                 gram.

21          “(h) EVALUATION.—The Secretary, acting through  
22          the Director of the Institute of Education Sciences, shall,  
23          in consultation with the relevant program office at the De-  
24          partment, evaluate the implementation and impact of the  
25          activities supported under this section, including progress



1 as measured by the performance measures established  
2 under subparagraphs (A) through (E) of subsection  
3 (g)(1).

4 “(i) MATCHING REQUIREMENT.—

5 “(1) IN GENERAL.—Each eligible entity that re-  
6 ceives a grant under this section shall provide to-  
7 ward the cost of the activities assisted under the  
8 grant, from non-Federal sources, an amount equal  
9 to 100 percent of the amount of the grant, except  
10 that an eligible entity that is a high-need local edu-  
11 cational agency, as determined by the Secretary,  
12 shall provide an amount equal to not more than 50  
13 percent of the amount of the grant.

14 “(2) MATCHING FUNDS.—The eligible entity  
15 may provide the matching funds described in para-  
16 graph (1) in cash or in kind, fairly evaluated, but  
17 may not provide more than 50 percent of the match-  
18 ing funds in kind. The eligible entity may provide  
19 the matching funds from State, local, or private  
20 sources.

21 “(3) WAIVER.—The Secretary may waive all or  
22 part of the matching requirement described in para-  
23 graph (1) for any fiscal year for an eligible entity if  
24 the Secretary determines that applying the matching  
25 requirement to such eligible entity would result in

1 serious hardship or an inability to carry out the au-  
2 thorized activities described in subsection (e).

3 **“SEC. 5506. SUPPLEMENT, NOT SUPPLANT.**

4 “Grant funds provided under this part shall supple-  
5 ment, and not supplant, other non-Federal funds that are  
6 available to assist low-income students to pay for the cost  
7 of accelerated learning fees or to expand access to acceler-  
8 ated learning and pre-accelerated learning courses.

9 **“SEC. 5507. DEFINITIONS.**

10 “In this part:

11 “(1) ACCELERATED LEARNING COURSE.—The  
12 term ‘accelerated learning course’ means—

13 “(A) a course of postsecondary-level in-  
14 struction provided to middle or high school stu-  
15 dents, terminating in an Advanced Placement  
16 or International Baccalaureate examination; or

17 “(B) another highly rigorous, evidence-  
18 based, postsecondary preparatory program ter-  
19 minating in—

20 “(i) an examination or sequence of  
21 courses that are widely accepted for credit  
22 at institutions of higher education; or

23 “(ii) another examination or sequence  
24 of courses approved by the Secretary.

1           “(2) ACCELERATED LEARNING EXAMINA-  
2           TION.—The term ‘accelerated learning examination’  
3           means an Advanced Placement examination adminis-  
4           tered by the College Board, an International Bacca-  
5           laureate examination administered by the Inter-  
6           national Baccalaureate, an examination that is wide-  
7           ly accepted for college credit, or another such exam-  
8           ination approved by the Secretary.

9           “(3) HIGH-NEED SCHOOL.—The term ‘high-  
10          need school’ means a high school—

11           “(A) with a demonstrated need for Ad-  
12          vanced Placement or International Bacca-  
13          laureate courses, dual or concurrent enrollment  
14          programs, or early college high school courses;  
15          and

16           “(B) that—

17           “(i) has a high concentration of low-  
18          income students; or

19           “(ii) is a local educational agency that  
20          is eligible, as determined by the Secretary,  
21          under the small, rural school achievement  
22          program, or the rural and low-income  
23          school program, authorized under subpart  
24          1 or 2 of part B of title VI.

1           “(4) **LOW-INCOME STUDENT.**—The term ‘low-  
 2           income student’ means a student who is eligible for  
 3           a free or reduced price lunch under the school lunch  
 4           program established under the Richard B. Russell  
 5           National School Lunch Act (42 U.S.C. 1751 et  
 6           seq.).

7           **“SEC. 5508. AUTHORIZATION OF APPROPRIATIONS.**

8           “‘There are authorized to be appropriated to carry out  
 9           this part such sums as may be necessary for each of fiscal  
 10          years 2016 through 2021.’”.

11          **SEC. 5007. READY-TO-LEARN TELEVISION.**

12          Title V (20 U.S.C. 7201 et seq.), as amended by sec-  
 13          tion 5001, is further amended by inserting after part E,  
 14          as added by section 5006, the following:

15                 **“PART F—READY-TO-LEARN TELEVISION**

16                 **“SEC. 5601. READY-TO-LEARN.**

17                 “(a) **PROGRAM AUTHORIZED; READY-TO-LEARN.**—

18                         “(1) **IN GENERAL.**—The Secretary is authorized  
 19                         to award grants to, or enter into contracts or coop-  
 20                         erative agreements with, eligible entities described in  
 21                         paragraph (3) to enable such entities—

22                                 “(A) to develop, produce, and distribute  
 23                                 educational and instructional video program-  
 24                                 ming for preschool and elementary school chil-

1           dren and their parents in order to facilitate stu-  
2           dent academic achievement;

3           “(B) to facilitate the development, directly  
4           or through contracts with producers of chil-  
5           dren’s and family educational television pro-  
6           gramming, of educational programming for pre-  
7           school and elementary school children, and the  
8           accompanying support materials and services  
9           that promote the effective use of such program-  
10          ming;

11          “(C) to facilitate the development of pro-  
12          gramming and digital content containing  
13          Ready-to-Learn-based children’s programming  
14          and resources for parents and caregivers that is  
15          specially designed for nationwide distribution  
16          over public television stations’ digital broad-  
17          casting channels and the Internet;

18          “(D) to contract with entities (such as  
19          public telecommunications entities) so that pro-  
20          grams developed under this section are dissemi-  
21          nated and distributed to the widest possible au-  
22          dience appropriate to be served by the program-  
23          ming, and through the use of the most appro-  
24          priate distribution technologies; and

1           “(E) to develop and disseminate education  
2           and training materials, including interactive  
3           programs and programs adaptable to distance  
4           learning technologies, that are designed—

5                   “(i) to promote school readiness; and

6                   “(ii) to promote the effective use of  
7           materials developed under subparagraphs  
8           (B) and (C) among parents, teachers,  
9           Head Start providers, providers of family  
10          literacy services, child care providers, early  
11          childhood development personnel, elemen-  
12          tary school teachers, public libraries, and  
13          after-school program personnel caring for  
14          preschool and elementary school children.

15          “(2) AVAILABILITY.—In awarding or entering  
16          into grants, contracts, or cooperative agreements  
17          under this section, the Secretary shall ensure that  
18          eligible entities make programming widely available,  
19          with support materials as appropriate, to young chil-  
20          dren, parents, child care workers, Head Start pro-  
21          viders, and providers of family literacy services to in-  
22          crease the effective use of such programming.

23          “(3) ELIGIBLE ENTITIES.—To be eligible to re-  
24          ceive a grant, contract, or cooperative agreement  
25          under this section, an entity shall be a public tele-

1       communications entity that is able to demonstrate  
2       each of the following:

3               “(A) A capacity for the development and  
4               national distribution of educational and instruc-  
5               tional television programming of high quality  
6               that is accessible by a large majority of dis-  
7               advantaged preschool and elementary school  
8               children.

9               “(B) A capacity to contract with the pro-  
10              ducers of children’s television programming for  
11              the purpose of developing educational television  
12              programming of high quality.

13             “(C) A capacity, consistent with the enti-  
14             ty’s mission and nonprofit nature, to negotiate  
15             such contracts in a manner that returns to the  
16             entity an appropriate share of any ancillary in-  
17             come from sales of any program-related prod-  
18             ucts.

19             “(D) A capacity to localize programming  
20             and materials to meet specific State and local  
21             needs and to provide educational outreach at  
22             the local level.

23             “(4) COORDINATION OF ACTIVITIES.—An entity  
24             receiving a grant, contract, or cooperative agreement

1 under this section shall consult with the Secretary  
2 and the Secretary of Health and Human Services—

3 “(A) to maximize the utilization of quality  
4 educational programming by preschool and ele-  
5 mentary school children, and make such pro-  
6 gramming widely available to federally funded  
7 programs serving such populations; and

8 “(B) to coordinate activities with Federal  
9 programs that have major training components  
10 for early childhood development, including pro-  
11 grams under the Head Start Act (42 U.S.C.  
12 9831 et seq.) and State training activities fund-  
13 ed under the Child Care and Development  
14 Block Grant Act of 1990 (42 U.S.C. 9858 et  
15 seq.), regarding the availability and utilization  
16 of materials developed under paragraph (1)(E)  
17 to enhance parent and child care provider skills  
18 in early childhood development and education.

19 “(b) APPLICATIONS.—To be eligible to receive a  
20 grant, contract, or cooperative agreement under sub-  
21 section (a), an entity shall submit to the Secretary an ap-  
22 plication at such time, in such manner, and containing  
23 such information as the Secretary may reasonably require.

24 “(c) REPORTS AND EVALUATIONS.—



1           “(1) ANNUAL REPORT TO THE SECRETARY.—  
2           An entity receiving a grant, contract, or cooperative  
3           agreement under this section shall prepare and sub-  
4           mit to the Secretary an annual report that contains  
5           such information as the Secretary may require. At  
6           a minimum, the report shall describe the program  
7           activities undertaken with funds received under the  
8           grant, contract, or cooperative agreement, including  
9           each of the following:

10                   “(A) The programming that has been de-  
11                   veloped, directly or indirectly, by the eligible en-  
12                   tity, and the target population of the programs  
13                   developed.

14                   “(B) The support and training materials  
15                   that have been developed to accompany the pro-  
16                   gramming, and the method by which the mate-  
17                   rials are distributed to consumers and users of  
18                   the programming.

19                   “(C) The means by which programming  
20                   developed under this section has been distrib-  
21                   uted, including the distance learning tech-  
22                   nologies that have been utilized to make pro-  
23                   gramming available, and the geographic dis-  
24                   tribution achieved through such technologies.

1           “(D) The initiatives undertaken by the en-  
2           tity to develop public-private partnerships to se-  
3           cure non-Federal support for the development,  
4           distribution, and broadcast of educational and  
5           instructional programming.

6           “(2) REPORT TO CONGRESS.—The Secretary  
7           shall prepare and submit to the Committee on  
8           Health, Education, Labor, and Pensions of the Sen-  
9           ate and the Committee on Education and the Work-  
10          force of the House of Representatives a biannual re-  
11          port that includes the following:

12                 “(A) A summary of the activities assisted  
13                 under subsection (a).

14                 “(B) A description of the education and  
15                 training materials made available under sub-  
16                 section (a)(1)(E), the manner in which outreach  
17                 has been conducted to inform parents and child  
18                 care providers of the availability of such mate-  
19                 rials, and the manner in which such materials  
20                 have been distributed in accordance with such  
21                 subsection.

22           “(d) ADMINISTRATIVE COSTS.—An entity that re-  
23           ceives a grant, contract, or cooperative agreement under  
24           this section may use up to 5 percent of the amount re-  
25           ceived under the grant, contract, or agreement for the nor-

1 mal and customary expenses of administering the grant,  
 2 contract, or agreement.

3 “(e) **FUNDING RULE.**—Not less than 60 percent of  
 4 the amount appropriated under subsection (f) for each fis-  
 5 cal year shall be used to carry out activities under sub-  
 6 paragraphs (B) through (D) of subsection (a)(1).

7 “(f) **AUTHORIZATION OF APPROPRIATIONS.**—There  
 8 are authorized to be appropriated to carry out this part  
 9 such sums as may be necessary for each of fiscal years  
 10 2016 through 2021.”.

11 **SEC. 5008. INNOVATIVE TECHNOLOGY EXPANDS CHIL-**  
 12 **DREN’S HORIZONS (I-TECH).**

13 Title V (20 U.S.C. 7201 et seq.), as amended by sec-  
 14 tion 5001, is further amended by inserting after part F,  
 15 as added by section 5007, the following:

16 **“PART G—INNOVATIVE TECHNOLOGY EXPANDS**  
 17 **CHILDREN’S HORIZONS (I-TECH)**

18 **“SEC. 5701. PURPOSES.**

19 “The purposes of this part are—

20 “(1) to improve the achievement, academic  
 21 growth, and college and career readiness of all stu-  
 22 dents;

23 “(2) to ensure that all students have access to  
 24 personalized, rigorous learning experiences that are  
 25 supported through technology;

1           “(3) to ensure that educators have the knowl-  
2           edge and skills to use technology, including com-  
3           puter-based assessments and blended learning strat-  
4           egies, to personalize learning;

5           “(4) to ensure that local educational agency  
6           and school leaders have the skills required to imple-  
7           ment, and support school- and district-wide ap-  
8           proaches for using technology to inform instruction,  
9           support teacher collaboration, and personalize learn-  
10          ing;

11          “(5) to ensure that students in rural, remote,  
12          and underserved areas have the resources to take  
13          advantage of high-quality digital learning experi-  
14          ences, digital resources, and access to online courses  
15          taught by effective educators;

16          “(6) to ensure that students have increased ac-  
17          cess to online dual or concurrent enrollment oppor-  
18          tunities, career and technical courses, and programs  
19          leading to a recognized postsecondary credential (as  
20          defined in section 3 of the Workforce Innovation and  
21          Opportunity Act (29 U.S.C. 3102)), and courses  
22          taught by educators, including advanced coursework;  
23          and

24          “(7) to ensure that State educational agencies,  
25          local educational agencies, elementary schools, and

1 secondary schools have the technological capacity,  
2 infrastructure, and technical support necessary to  
3 meet purposes described in paragraphs (1) through  
4 (6).

5 **“SEC. 5702. DEFINITIONS.**

6 “In this part:

7 “(1) DIGITAL LEARNING.—The term ‘digital  
8 learning’ means any instructional practice that effec-  
9 tively uses technology to strengthen a student’s  
10 learning experience and encompasses a wide spec-  
11 trum of tools and practices, including—

12 “(A) interactive learning resources that en-  
13 gage students in academic content;

14 “(B) access to online databases and other  
15 primary source documents;

16 “(C) the use of data, data analytics, and  
17 information to personalize learning and provide  
18 targeted supplementary instruction;

19 “(D) student collaboration with content ex-  
20 perts and peers;

21 “(E) online and computer-based assess-  
22 ments;

23 “(F) digital learning content, software, or  
24 simulations;

25 “(G) access to online courses;

1           “(H) mobile devices for learning in school  
2           and at home;

3           “(I) learning environments that allow for  
4           rich collaboration and communication;

5           “(J) hybrid or blended learning, which oc-  
6           curs under direct instructor supervision at a  
7           school or other location away from home and,  
8           at least in part, through online delivery of in-  
9           struction with some element of student control  
10          over time, place, path, or pace;

11          “(K) access to online course opportunities  
12          for students in rural or remote areas; and

13          “(L) discovery, modification, and sharing  
14          of openly licensed digital learning materials.

15          “(2) ELIGIBLE TECHNOLOGY.—The term ‘eligi-  
16          ble technology’ means modern computer, and com-  
17          munication technology software, services, or tools,  
18          including computer or mobile devices, whether for  
19          use in school or at home, software applications, sys-  
20          tems and platforms, digital learning content, and re-  
21          lated services, supports, and strategies, which may  
22          include strategies to assist eligible children without  
23          adequate Internet access at home to complete home-  
24          work.

1           “(3) TECHNOLOGY READINESS SURVEY.—The  
2 term ‘technology readiness survey’ means a survey  
3 completed by a local educational agency that pro-  
4 vides standardized information on the quantity and  
5 types of technology infrastructure and access avail-  
6 able to the students and in the community served by  
7 the local educational agency, including computer de-  
8 vices, access to school libraries, Internet connectivity  
9 (including Internet access outside of the school day),  
10 operating systems, related network infrastructure,  
11 data systems, educator professional learning needs  
12 and priorities, and data security.

13           “(4) UNIVERSAL DESIGN FOR LEARNING.—The  
14 term ‘universal design for learning’ has the meaning  
15 given the term in section 103 of the Higher Edu-  
16 cation Act of 1965 (20 U.S.C. 1003).

17 **“SEC. 5702A. RESTRICTION.**

18           “Funds awarded under this part shall not be used  
19 to address the networking needs of an entity that is eligi-  
20 ble to receive support under the E-rate program.

21 **“SEC. 5703. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.**

22           “(a) IN GENERAL.—From the amounts appropriated  
23 under section 5708, the Secretary may reserve not more  
24 than 1.5 percent for national activities to support grantees  
25 and shall award the remainder to State educational agen-

1 cies to strengthen State and local technological infrastruc-  
2 ture and professional learning that supports digital learn-  
3 ing through State activities under section 5705(c) and  
4 local activities under section 5706(c).

5 “(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—

6 “(1) RESERVATIONS.—From the amounts ap-  
7 propriated under section 5708 for any fiscal year,  
8 the Secretary shall reserve—

9 “(A) three-fourths of 1 percent for the  
10 Secretary of the Interior to provide assistance  
11 under this part for schools operated or funded  
12 by the Bureau of Indian Education; and

13 “(B) 1 percent to provide assistance under  
14 this part to the outlying areas.

15 “(2) GRANT ALLOTMENTS.—From the amounts  
16 appropriated under section 5708 for any fiscal year  
17 and remaining after the Secretary makes reserva-  
18 tions under paragraph (1), the Secretary shall make  
19 a grant for the fiscal year to each State educational  
20 agency with an approved application under section  
21 5704 in an amount that bears the same relationship  
22 to such remainder as the amount the State edu-  
23 cational agency received under part A of title I for  
24 such year bears to the amount all State educational



1 agencies with an approved application under section  
2 5704 received under such part for such year.

3 “(c) MINIMUM.—The amount of a grant to a State  
4 educational agency under subsection (b)(2) for a fiscal  
5 year shall not be less than one-half of 1 percent of the  
6 total amount made available for grants to all State edu-  
7 cational agencies under such subsection for such year.

8 “(d) REALLOTMENT OF UNUSED FUNDS.—If any  
9 State educational agency does not apply for a grant under  
10 section 5704 for a fiscal year, or does not use the State  
11 educational agency’s entire grant allotment under sub-  
12 section (b)(2) for such year, the Secretary shall reallocate the  
13 amount of the State educational agency’s grant, or the un-  
14 used portion of the grant allotment, to the remaining  
15 State educational agencies that use their entire grant  
16 amounts under subsection (b)(2) for such year.

17 “(e) MATCHING FUNDS.—

18 “(1) IN GENERAL.—A State educational agency  
19 that receives a grant under subsection (b)(2) shall  
20 provide matching funds, from non-Federal sources,  
21 in an amount equal to 10 percent of the amount of  
22 grant funds provided to the State educational agency  
23 to carry out the activities supported by the grant.  
24 Such matching funds may be provided in cash or in  
25 kind, except that any such in kind contributions

1 shall be provided for the purpose of supporting the  
2 State educational agency's activities under section  
3 5705(c).

4 “(2) WAIVER.—The Secretary may waive the  
5 matching requirement under paragraph (1) for a  
6 State educational agency that demonstrates that  
7 such requirement imposes an undue financial hard-  
8 ship on the State educational agency.

9 **“SEC. 5704. STATE APPLICATIONS.**

10 “(a) APPLICATION.—To receive a grant under section  
11 5703(b)(2), a State educational agency shall submit to the  
12 Secretary an application at such time and in such manner  
13 as the Secretary may require and containing the informa-  
14 tion described in subsection (b).

15 “(b) CONTENTS.—Each application submitted under  
16 subsection (a) shall include the following:

17 “(1) A description of how the State educational  
18 agency will meet the following goals:

19 “(A) Use technology to ensure that all stu-  
20 dents achieve college and career readiness and  
21 digital literacy, including by providing high-  
22 quality education opportunities to economically  
23 or geographically isolated student populations.

1           “(B) Provide educators, school leaders,  
2           and administrators with the professional learn-  
3           ing tools, devices, content, and resources to—

4                   “(i) personalize learning to improve  
5           student academic achievement; and

6                   “(ii) discover, adapt, and share rel-  
7           evant high-quality open educational re-  
8           sources.

9           “(C) Enable local educational agencies to  
10          build technological capacity and infrastructure.

11          “(2) An assurance that each local educational  
12          awarded a subgrant under this part has conducted  
13          a technology readiness survey and will take steps to  
14          address the identified readiness gaps not later than  
15          3 years after the completion of the survey by the  
16          local educational agency.

17          “(3) An assurance that the State educational  
18          agency will ensure that the State educational agen-  
19          cy’s technology systems and school-based technology  
20          systems are interoperable.

21          “(4) An assurance that the State educational  
22          agency will consider making content widely available  
23          through open educational resources when making  
24          purchasing decisions with funds received under this  
25          part.

1           “(5) A description of how the State educational  
2 agency will award subgrants to local educational  
3 agencies under section 5706.

4           “(6) A description of the process, activities, and  
5 performance measures that the State educational  
6 agency will use to evaluate the impact and effective-  
7 ness of the grant and subgrant funds awarded under  
8 this part across the State and in each local edu-  
9 cational agency.

10           “(7) An assurance that the State educational  
11 agency consulted with local educational agencies in  
12 the development of the State educational agency’s  
13 application under this subsection.

14           “(8) An assurance that the State educational  
15 agency will provide matching funds as required  
16 under section 5703(e).

17           “(9) An assurance that the State educational  
18 agency will protect the privacy and safety of stu-  
19 dents and teachers, consistent with requirements of  
20 section 444 of the General Education Provisions Act  
21 (20 U.S.C. 1232g) (commonly known as the ‘Family  
22 Educational Rights and Privacy Act of 1974’) and  
23 section 445 of the General Education Provisions Act  
24 (20 U.S.C. 1232h).

1           “(10) An assurance that funds made available  
2           under this part shall be used to supplement, and not  
3           supplant, any other Federal, State, or local funds  
4           that would otherwise be available to carry out the  
5           activities assisted under this part.

6   **“SEC. 5705. STATE USE OF GRANT FUNDS.**

7           “(a) RESERVATION FOR SUBGRANTS TO SUPPORT  
8   TECHNOLOGY INFRASTRUCTURE.—Each State edu-  
9   cational agency that receives a grant under section  
10 5703(b)(2) shall expend not less than 90 percent of the  
11 grant amount for each fiscal year to award subgrants to  
12 local educational agencies in accordance with section  
13 5706.

14          “(b) RESERVATION FOR STATE ACTIVITIES.—

15           “(1) IN GENERAL.—A State educational agency  
16           shall reserve not more than 10 percent of the grant  
17           received under section 5703(b)(2) for the State ac-  
18           tivities described in subsection (c).

19           “(2) GRANT ADMINISTRATION.—

20           “(A) IN GENERAL.—Subject to subpara-  
21           graph (B), of the amount reserved by a State  
22           educational agency under paragraph (1), the  
23           State educational agency may reserve for the  
24           administration of the grant under this part not  
25           more than—

1           “(i) 1 percent in the case of a State  
2           educational agency awarding subgrants  
3           under section 5706(a)(1); or

4           “(ii) 3 percent in the case of a State  
5           educational agency awarding subgrants  
6           under section 5706(a)(2).

7           “(B) SPECIAL RULE.—Notwithstanding  
8           subparagraph (A), a State educational agency  
9           that forms a State purchasing consortium  
10          under subsection (d)—

11          “(i) may reserve an additional 1 per-  
12          cent to carry out the activities described in  
13          subsection (d)(1); and

14          “(ii) may reserve amounts in addition  
15          to the percentage described in clause (i) if  
16          the State purchasing consortium receives  
17          direct approval from the local educational  
18          agencies receiving subgrants under section  
19          5706(a) from the State educational agency  
20          prior to reserving more than the additional  
21          percentage authorized under clause (i).

22          “(c) STATE ACTIVITIES.—A State educational agency  
23          may use funds described in subsection (b) to carry out  
24          each of the following:

1           “(1) Except for the awarding of subgrants in  
2 accordance with section 5706, activities described in  
3 the State educational agency’s application under sec-  
4 tion 5704(b).

5           “(2) Providing technical assistance to local edu-  
6 cational agencies to—

7               “(A) identify and address technology readi-  
8 ness needs, as determined by the technology  
9 readiness surveys;

10              “(B) use technology, consistent with the  
11 principles of universal design for learning, to  
12 support the learning needs of all students, in-  
13 cluding children with disabilities and English  
14 learners;

15              “(C) build capacity for principals and local  
16 educational agency administrators to support  
17 teachers in using data and technology to im-  
18 prove teaching and personalize learning;

19              “(D) ensure that contractual requirements  
20 for third parties that have access to student  
21 data, its storage, or provide analytics on stu-  
22 dent data provide privacy protections consistent  
23 with the requirements of section 444 of the  
24 General Education Provisions Act (20 U.S.C.

1           1232g) (commonly known as the ‘Family Edu-  
2           educational Rights and Privacy Act of 1974’); and

3           “(E) provide tools and processes to sup-  
4           port the creation, modification, and distribution  
5           of open educational resources.

6           “(3) Developing or utilizing evidence-based or  
7           innovative strategies for the delivery of specialized or  
8           rigorous academic courses and curricula through the  
9           use of technology, including digital learning tech-  
10          nologies and assistive technology.

11          “(4) Integrating and coordinating activities  
12          under this part with other educational resources and  
13          programs across the State.

14          “(5) Disseminating information, including mak-  
15          ing publicly available on the website of the State  
16          educational agency, promising practices to improve  
17          technology instruction, best practices for data secu-  
18          rity, and acquiring and implementing technology  
19          tools and applications.

20          “(6) Ensuring that teachers, paraprofessionals,  
21          school librarians and media personnel, specialized in-  
22          structional support personnel, and administrators  
23          possess the knowledge and skills to use technology to  
24          meet the goals described in section 5704(b)(1).



1           “(7) Coordinating with teacher, principal, and  
2 other school leader preparation programs to ensure  
3 that preservice teachers, principals, and other school  
4 leaders have the skills to implement digital learning  
5 programs effectively.

6           “(8) Supporting schools in rural and remote  
7 areas to expand access to high-quality digital learn-  
8 ing opportunities.

9           “(d) PURCHASING CONSORTIA.—

10           “(1) IN GENERAL.—A State educational agency  
11 receiving a grant under section 5703(b)(2) may—

12           “(A) form a State purchasing consortium  
13 with 1 or more State educational agencies re-  
14 ceiving such a grant to carry out the State ac-  
15 tivities described in subsection (c), including  
16 purchasing eligible technology;

17           “(B) encourage local educational agencies  
18 to form a local purchasing consortium under  
19 section 5706(e)(4); and

20           “(C) promote pricing opportunities to local  
21 educational agencies for the purchase of eligible  
22 technology that are—

23           “(i) negotiated by the State edu-  
24 cational agency or the State purchasing

1 consortium of the State educational agen-  
2 cy; and

3 “(ii) available to such local edu-  
4 cational agencies.

5 “(2) RESTRICTIONS.—A State educational  
6 agency receiving a grant under section 5703(b)(2)  
7 shall not—

8 “(A) except for promoting the pricing op-  
9 portunities described in paragraph (1)(C), make  
10 recommendations to local educational agencies  
11 for, or require, use of any specific commercial  
12 products and services by local educational agen-  
13 cies;

14 “(B) require local educational agencies to  
15 participate in a State purchasing consortia or  
16 local purchasing consortia; or

17 “(C) use more than the amount reserved  
18 under subsection (b) to carry out the activities  
19 described in paragraph (1), unless the State  
20 educational agency receives approval in accord-  
21 ance with subsection (b)(2)(B).

22 **“SEC. 5706. LOCAL SUBGRANTS.**

23 “(a) SUBGRANTS.—

24 “(1) GRANTS TO LOCAL EDUCATIONAL AGEN-  
25 CIES.—From the grant funds provided under section

1 5703(b)(2) to a State educational agency that are  
2 remaining after the State educational agency makes  
3 reservations under section 5705(b) for any fiscal  
4 year and subject to paragraph (2), the State edu-  
5 cational agency shall award subgrants for the fiscal  
6 year to local educational agencies served by the  
7 State educational agency and with an approved ap-  
8 plication under subsection (b) by allotting to each  
9 such local educational agency an amount that bears  
10 the same relationship to the remainder as the  
11 amount received by the local educational agency  
12 under part A of title I for such year bears to the  
13 amount received by all such local educational agen-  
14 cies under such part for such year, except that no  
15 local educational agency may receive less than  
16 \$20,000 for a year.

17 “(2) COMPETITIVE GRANTS TO LOCAL EDU-  
18 CATIONAL AGENCIES.—If the amount of funds ap-  
19 propriated under section 5708 is less than  
20 \$300,000,000 for any fiscal year, a State edu-  
21 cational agency—

22 “(A) shall not award subgrants under  
23 paragraph (1); and

24 “(B) shall—

1           “(i) award subgrants, on a competi-  
2           tive basis, to local educational agencies  
3           based on the quality of applications sub-  
4           mitted under subsection (b), including—

5                   “(I) the level of technology readi-  
6                   ness, as determined by the technology  
7                   readiness surveys completed by local  
8                   educational agencies submitting such  
9                   applications; and

10                   “(II) the technology plans de-  
11                   scribed in subsection (b)(3) and how  
12                   the local educational agencies with  
13                   such plans will carry out the align-  
14                   ment and coordination described in  
15                   such subsection;

16           “(ii) give priority to local educational  
17           agencies that have demonstrated substan-  
18           tial need for assistance in acquiring and  
19           using technology, based on the agency’s  
20           technology readiness survey; and

21                   “(iii) give priority to schools that  
22                   serve students in rural and remote areas,  
23                   schools identified under section 1114 as in  
24                   need of intervention and support and the  
25                   persistently lowest-achieving schools, or

1 schools with a high percentage of students  
2 aged 5 through 17 who are in poverty, as  
3 counted in the most recent census data ap-  
4 proved by the Secretary, who are eligible  
5 for a free or reduced priced lunch under  
6 the Richard B. Russell National School  
7 Lunch Act, in families receiving assistance  
8 under the State program funded under  
9 part A of title IV of the Social Security  
10 Act, or eligible to receive medical assist-  
11 ance under the Medicaid program.

12 “(3) DEFINITION OF LOCAL EDUCATIONAL  
13 AGENCY FOR CERTAIN FISCAL YEARS.—For pur-  
14 poses of awarding subgrants under paragraph (2),  
15 the term ‘local educational agency’ means—

16 “(A) a local educational agency;

17 “(B) an educational service agency; or

18 “(C) a local educational agency and an  
19 educational service agency.

20 “(b) APPLICATION.—A local educational agency that  
21 desires to receive a subgrant under subsection (a) shall  
22 submit an application to the State at such time, in such  
23 manner, and accompanied by such information as the  
24 State educational agency may require, such as—

1           “(1) a description of how the local educational  
2 agency will carry out the goals described in subpara-  
3 graphs (A) through (C) of section 5704(b)(1);

4           “(2) a description of the results of the tech-  
5 nology readiness survey completed by the local edu-  
6 cational agency and a description of the plan for the  
7 local educational agency to meet the goals described  
8 in paragraph (1) within 3 years of completing the  
9 survey;

10          “(3) a description of the local educational agen-  
11 cy’s technology plan to carry out paragraphs (1) and  
12 (2) and how the agency will align and coordinate the  
13 activities under this section with other activities  
14 across the local educational agency;

15          “(4) a description of the team of educators who  
16 will coordinate and carry out the activities under  
17 this section, including individuals with responsibility  
18 and expertise in instructional technology, teachers  
19 who specialize in supporting students who are chil-  
20 dren with disabilities and English learners, other  
21 school leaders, school librarians and media per-  
22 sonnel, technology officers, and staff responsible for  
23 assessments and data;

24          “(5) a description of how the local educational  
25 agency will build capacity for principals, other school

1 leaders, and local educational agency administrators  
2 to support teachers in developing data literacy skills  
3 and in implementing digital tools to support teach-  
4 ing and learning;

5 “(6) a description of how the local educational  
6 agency will procure content and ensure content qual-  
7 ity; and

8 “(7) an assurance that the local educational  
9 agency will protect the privacy and safety of stu-  
10 dents and teachers, consistent with requirements  
11 section 444 of the General Education Provisions Act  
12 (20 U.S.C. 1232g) (commonly known as the ‘Family  
13 Educational Rights and Privacy Act of 1974’).

14 “(c) USE OF FUNDS.—

15 “(1) PROFESSIONAL DEVELOPMENT IN DIGITAL  
16 LEARNING.—Subject to paragraph (3), a local edu-  
17 cational agency receiving a subgrant under sub-  
18 section (a) shall use not less than 50 percent of such  
19 funds to carry out professional development in dig-  
20 ital learning for teachers, principals, other school  
21 leaders, paraprofessionals, school librarians and  
22 media personnel, specialized instructional support  
23 personnel, technology coordinators, and administra-  
24 tors in the use of technology to support student  
25 learning.

1           “(2) TECHNOLOGY INFRASTRUCTURE.—Subject  
2 to paragraph (3), a local educational agency receiv-  
3 ing a subgrant under subsection (a) shall use not  
4 less than 25 percent of such funds to support activi-  
5 ties for the acquisition of eligible technology needed  
6 to—

7           “(A) except for the activities described in  
8 paragraph (1), carry out activities described in  
9 the application submitted under subsection (b),  
10 including purchasing devices, equipment, and  
11 software applications; and

12           “(B) address readiness shortfalls identified  
13 under the technology readiness survey com-  
14 pleted by the local educational agency.

15           “(3) MODIFICATION OF FUNDING ALLOCA-  
16 TIONS.—A State educational agency may authorize a  
17 local educational agency to modify the percentage of  
18 the local educational agency’s subgrant funds re-  
19 quired to carry out the activities described in para-  
20 graph (1) or (2) if the local educational agency dem-  
21 onstrates that such modification will assist the local  
22 educational agency in more effectively carrying out  
23 such activities.



1           “(4) PURCHASING CONSORTIUM.—Local edu-  
2           cational agencies receiving subgrants under sub-  
3           section (a) may—

4                   “(A) form a local purchasing consortium  
5                   with other such local educational agencies to  
6                   carry out the activities described in this sub-  
7                   section, including purchasing eligible tech-  
8                   nology; and

9                   “(B) use such funds for purchasing eligible  
10                  technology through a State purchasing consor-  
11                  tium under section 5705(d).

12           “(5) BLENDED LEARNING PROJECTS.—

13                   “(A) IN GENERAL.—A local educational  
14                   agency receiving a subgrant under subsection  
15                   (a) may use such funds to carry out a blended  
16                   learning project, which shall include at least 1  
17                   of the following activities:

18                           “(i) Planning activities, which may in-  
19                           clude development of new instructional  
20                           models (including blended learning tech-  
21                           nology software and platforms), the pur-  
22                           chase of digital instructional resources, ini-  
23                           tial professional development activities, and  
24                           one-time information technology purchases,  
25                           except that such expenditures may not in-

1           clude expenditures related to significant  
2           construction or renovation of facilities.

3           “(ii) Ongoing professional develop-  
4           ment for teachers, principals, other school  
5           leaders, or other personnel involved in the  
6           project that is designed to support the im-  
7           plementation and academic success of the  
8           project.

9           “(B) NON-FEDERAL MATCH.—A local edu-  
10          cational agency that carries out a blended  
11          learning project under this paragraph shall pro-  
12          vide non-Federal matching funds equal to not  
13          less than 10 percent of the amount of funds  
14          used to carry out such project.

15          “(C) DEFINITION OF BLENDED LEARN-  
16          ING.—In this paragraph, the term ‘blended  
17          learning’ means a formal education program  
18          that leverages both technology-based and face-  
19          to-face instructional approaches that—

20                 “(i) include an element of online or  
21                 digital learning, combined with supervised  
22                 learning time, and student-led learning, in  
23                 which the elements are connected to pro-  
24                 vide an integrated learning experience; and

1                   “(ii) where students are provided  
2                   some control over time, path, or pace.

3 **“SEC. 5707. REPORTING.**

4           “(a) LOCAL EDUCATIONAL AGENCIES.—Each local  
5 educational agency receiving a subgrant under section  
6 5706 shall submit to the State educational agency that  
7 awarded such subgrant an annual report the meets the  
8 requirements of subsection (c).

9           “(b) STATE EDUCATIONAL AGENCIES.—Each State  
10 educational agency receiving a grant under section  
11 5703(b)(2) shall submit to the Secretary an annual report  
12 that meets the requirements of subsection (c).

13           “(c) REPORT REQUIREMENTS.—A report submitted  
14 under subsection (a) or (b) shall include, at a minimum,  
15 a description of—

16                   “(1) the status of the State educational agen-  
17 cy’s plan described in section 5704(b) or the local  
18 education agency’s technology plan under section  
19 5706(b)(3), as applicable;

20                   “(2) the categories of eligible technology ac-  
21 quired with funds under this part and how such  
22 technology is being used;

23                   “(3) the professional learning activities funded  
24 under this part, including types of activities and en-  
25 tities involved in providing such professional learning

1 to classroom teachers and other staff, such as school  
2 librarians; and

3 “(4) the types of programs funded under this  
4 part.

5 **“SEC. 5708. AUTHORIZATION.**

6 “There are authorized to be appropriated such sums  
7 as may be necessary to carry out this part.”.

8 **SEC. 5009. LITERACY AND ARTS EDUCATION.**

9 Title V (20 U.S.C. 7201 et seq.), as amended by sec-  
10 tion 5001, is further amended by inserting after part G,  
11 as added by section 5008, the following:

12 **“PART H—LITERACY AND ARTS EDUCATION**

13 **“SEC. 5801. LITERACY AND ARTS EDUCATION.**

14 “(a) IN GENERAL.—From funds made available  
15 under subsection (c), the Secretary may award grants,  
16 contracts, or cooperative agreements, on a competitive  
17 basis, to eligible entities for the purposes of promoting—

18 “(1) arts education for disadvantaged students  
19 and students who are children with disabilities,  
20 through activities such as—

21 “(A) professional development for arts  
22 educators, teachers, and principals;

23 “(B) development and dissemination of in-  
24 structional materials and arts-based educational

1 programming, including online resources, in  
2 multiple arts disciplines; and

3 “(C) community and national outreach ac-  
4 tivities that strengthen and expand partnerships  
5 among schools, local educational agencies, com-  
6 munities, or national centers for the arts; and

7 “(2) literacy programs that support the devel-  
8 opment of literacy skills in low-income communities,  
9 including—

10 “(A) developing and enhancing effective  
11 school library programs, which may include pro-  
12 viding professional development for school li-  
13 brarians, books, and up-to-date materials to  
14 low-income schools;

15 “(B) early literacy services, including pedi-  
16 atric literacy programs through which, during  
17 well-child visits, medical providers trained in re-  
18 search-based methods of early language and lit-  
19 eracy promotion provide developmentally appro-  
20 priate books and recommendations to parents to  
21 encourage them to read aloud to their children  
22 starting in infancy; and

23 “(C) programs that provide high-quality  
24 books on a regular basis to children and adoles-  
25 cents from disadvantaged communities to in-

1           crease reading motivation, performance, and  
2           frequency.

3           “(b) DEFINITIONS.—In this section:

4           “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
5           tity’ means—

6                   “(A) a local educational agency in which  
7                   20 percent or more of the students served by  
8                   the local educational agency are from families  
9                   with an income below the poverty line;

10                   “(B) a consortium of such local edu-  
11                   cational agencies; or

12                   “(C) an eligible national nonprofit organi-  
13                   zation.

14           “(2) ELIGIBLE NATIONAL NONPROFIT ORGANI-  
15           ZATION.—The term ‘eligible national nonprofit orga-  
16           nization’ means an organization of national scope  
17           that—

18                   “(A) is supported by staff, which may in-  
19                   clude volunteers, or affiliates at the State and  
20                   local levels; and

21                   “(B) demonstrates effectiveness or high-  
22                   quality plans for addressing childhood literacy  
23                   activities for the population targeted by the  
24                   grant.

1       “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to carry out this section  
 3 such sums as may be necessary for each of fiscal years  
 4 2016 through 2021.”.

5 **SEC. 5010. EARLY LEARNING ALIGNMENT AND IMPROVE-**  
 6 **MENT GRANTS.**

7       Title V (20 U.S.C. 7201 et seq.), as amended by sec-  
 8 tion 5001, is further amended by inserting after part H,  
 9 as added by section 5009, the following:

10 **“PART I—EARLY LEARNING ALIGNMENT AND**  
 11 **IMPROVEMENT GRANTS**

12 **“SEC. 5901. PURPOSES; DEFINITIONS.**

13       “(a) PURPOSES.—The purposes of this part are to  
 14 assist States with—

15               “(1) more efficiently using existing Federal re-  
 16 sources to improve, strengthen, and expand existing  
 17 high-quality early childhood education, as deter-  
 18 mined by the State;

19               “(2) coordinating existing funding streams and  
 20 delivery models to promote—

21                       “(A) program quality, while maintaining  
 22 services;

23                       “(B) parental choice among high-quality  
 24 early childhood education program providers;  
 25 and

1           “(C) early care and learning access for  
2           children from birth to kindergarten entry; and

3           “(3) improving access for children from low-in-  
4           come families to high-quality early childhood edu-  
5           cation programs in order to enhance school readi-  
6           ness.

7           “(b) DEFINITIONS.—In this part:

8           “(1) CENTER OF EXCELLENCE.—The term  
9           ‘Center of Excellence’ means a local public or private  
10          nonprofit agency, including a community-based or  
11          faith-based organization, or a for-profit agency,  
12          within a community, that provides early learning  
13          and care services in the State, including the use of  
14          best practices for—

15                 “(A) achieving school readiness, including  
16                 the development of early literacy and mathe-  
17                 matics skills;

18                 “(B) acquisition of English language skills;  
19                 and

20                 “(C) providing high-quality comprehensive  
21                 services for eligible children and their families.

22           “(2) ELIGIBLE CHILD.—The term ‘eligible  
23           child’ means an individual—

24                 “(A) who is less than 6 years of age; and



1           “(B) whose family income does not ex-  
2       ceed—

3           “(i) 200 percent of the poverty line;

4           “(ii) 85 percent of the State median  
5       income for a family of the same size, and  
6       whose family assets do not exceed  
7       \$1,000,000 (as certified by a member of  
8       such family); or

9           “(iii) a State-determined threshold for  
10       eligibility that does not exceed the thresh-  
11       olds in clauses (i) and (ii).

12       “(3) ELIGIBLE PARTNERSHIP.—The term ‘eligi-  
13       ble partnership’ means a partnership that, at a min-  
14       imum, includes, as applicable and appropriate, the  
15       State Advisory Council on Early Childhood Edu-  
16       cation and Care established under section 642B(b)  
17       of the Head Start Act, and all of the following part-  
18       ners, which may be represented on the Council:

19           “(A) One or more public and private (in-  
20       cluding nonprofit or for-profit) providers of  
21       early childhood education that serve eligible  
22       children residing in the State and meet applica-  
23       ble standards of licensing and quality as deter-  
24       mined by the State.

1           “(B) One or more Head Start agencies,  
2           which may include Early Head Start, migrant  
3           and seasonal Head Start, and Indian Head  
4           Start agencies that serve eligible children resid-  
5           ing in the State.

6           “(C) The State educational agency.

7           “(D) Other relevant State agencies with  
8           oversight of preschool, early education, and  
9           child care in the State.

10          “(E) One or more local educational agen-  
11          cies in the State.

12          “(F) One or more institutions of higher  
13          education in the State.

14          “(G) One or more representatives of busi-  
15          ness in the State.

16          “(4) INSTITUTION OF HIGHER EDUCATION.—  
17          The term ‘institution of higher education’ has the  
18          meanings given the term in section 101 and sub-  
19          paragraphs (A) and (B) of section 102(a)(1) of the  
20          Higher Education Act of 1965.

21      **“SEC. 5902. EARLY LEARNING ALIGNMENT AND IMPROVE-  
22          MENT GRANTS.**

23          “(a) GRANTS AUTHORIZED.—

24                  “(1) IN GENERAL.—From amounts made avail-  
25                  able under section 5903, the Secretary, in consulta-

1 tion with the Secretary of Health and Human Serv-  
2 ices, shall award grants, on a competitive basis, to  
3 States to enable the States to carry out the activities  
4 described in subsection (d).

5 “(2) RESERVATION FOR STATES SERVING  
6 RURAL AREAS.—From the amounts appropriated  
7 under section 5903 for a fiscal year, the Secretary  
8 shall reserve not less than 30 percent for grants to  
9 States that propose to carry out the activities de-  
10 scribed in subsection (d) for eligible children living  
11 in rural areas. The Secretary shall reduce the  
12 amount described in the preceding sentence if the  
13 Secretary does not receive a sufficient number of ap-  
14 plications that are deserving of a grant under this  
15 part for such purpose.

16 “(3) RESERVATION FOR EVALUATION.—From  
17 the amounts appropriated under section 5903 for a  
18 fiscal year, the Secretary shall reserve one-half of 1  
19 percent to conduct, in consultation with the Sec-  
20 retary of Health and Human Services, an evaluation  
21 to determine whether grants under this part are—

22 “(A) improving efficiency in the use of  
23 Federal funds for early childhood education  
24 programs;

1           “(B) improving coordination across Fed-  
2           eral early childhood education programs; and

3           “(C) increasing the availability of, and ac-  
4           cess to, high-quality early childhood education  
5           programs for eligible children.

6           “(3) PRIORITY.—In awarding grants under this  
7           section, the Secretary shall give priority to a State  
8           that will use funds under this grant to focus on eli-  
9           gible children—

10           “(A) who are 3 and 4 years of age; and

11           “(B) whose family income does not exceed  
12           130 percent of the poverty line.

13           “(4) DURATION OF GRANTS.—A grant awarded  
14           under this section shall be for a period of not more  
15           than 3 years and may not be renewed by the Sec-  
16           retary.

17           “(5) LIMITATION.—

18           “(A) IN GENERAL.—Except as provided in  
19           subparagraph (B), a State may receive a grant  
20           under this section once.

21           “(B) EXCEPTION.—Notwithstanding sub-  
22           paragraph (A), a State may receive more than  
23           1 grant under this section only—

1           “(i) if the State is proposing, for such  
2 additional grants, to carry out activities for  
3 eligible children living in rural areas; or

4           “(ii) after all States, which meet the  
5 requirements and have submitted an appli-  
6 cation under this section, have received a  
7 grant, to the extent that funds for a grant  
8 are still available.

9           “(6) **EQUITABLE DISTRIBUTION.**—To the ex-  
10 tent practicable, the Secretary shall ensure an equi-  
11 table geographic distribution of grants under this  
12 section.

13           “(b) **STATE REQUIREMENTS.**—

14           “(1) **LEAD AGENCY.**—

15           “(A) **DESIGNATION.**—A State desiring a  
16 grant under this section shall designate an  
17 agency (which may be an appropriate collabo-  
18 rative agency) or establish a joint interagency  
19 office, that complies with the requirements of  
20 subparagraph (B), to serve as a lead agency for  
21 the State under this section.

22           “(B) **DUTIES.**—The lead agency des-  
23 igned under subparagraph (A) shall—

24           “(i) administer, directly or through  
25 other governmental or nongovernmental

1 agencies, the Federal assistance received  
2 under this section by the State;

3 “(ii) develop the application submitted  
4 to the Secretary under subsection (c); and

5 “(iii) coordinate the provision of ac-  
6 tivities under this section with existing  
7 Federal, State, and local early childhood  
8 education programs.

9 “(2) PARTNERS.—In order to be eligible for a  
10 grant under this section, a State shall partner with  
11 an eligible partnership.

12 “(3) MATCHING REQUIREMENT.—Each State  
13 that receives a grant under this part shall provide  
14 from Federal or non-Federal sources (which may be  
15 provided in cash or in kind) to carry out the activi-  
16 ties supported by the grant, an amount equal to—

17 “(A) 30 percent of the amount of the  
18 grant in the first year of such grant; and

19 “(B) not less than 30 percent of the  
20 amount of the grant in each of the second and  
21 third years of such grant, respectively.

22 “(c) APPLICATIONS.—A State desiring a grant under  
23 this section shall submit an application at such time, in  
24 such manner, and containing such information as the Sec-

1 retary may reasonably require. The application shall in-  
2 clude—

3           “(1) an identification of the lead agency that  
4 the Governor of the State has appointed to be re-  
5 sponsible for the grant under this section;

6           “(2) a description of the eligible partnership re-  
7 quired under subsection (b)(2), which will assist the  
8 State in developing the plan and implementing the  
9 activities under this part;

10           “(3) to the extent practicable, the unduplicated  
11 counts of the number of eligible children served  
12 using existing Federal, State, and local resources  
13 and programs that the State will coordinate to meet  
14 the purposes of this part, including—

15           “(A) programs carried out under the Head  
16 Start Act, including the Early Head Start pro-  
17 grams carried out under such Act;

18           “(B) programs carried out under section  
19 619 and parts B and C of the Individuals with  
20 Disabilities Education Act;

21           “(C) child care programs carried out under  
22 the Child Care and Development Block Grant  
23 Act of 1990 (42 U.S.C. 9858 et seq.) or section  
24 418 of the Social Security Act (42 U.S.C. 618);

1           “(D) other Federal, State, local, and In-  
2           dian tribe or tribal organization programs of  
3           early learning, childhood education, child care,  
4           and development in the State; and

5           “(E) as applicable—

6           “(i) programs carried out under other  
7           provisions of this Act;

8           “(ii) programs carried out under sub-  
9           title A of title XX of the Social Security  
10          Act (42 U.S.C. 1397 et seq.);

11          “(iii) programs carried out under the  
12          Community Services Block Grant Act (42  
13          U.S.C. 9901 et seq.);

14          “(iv) programs serving homeless chil-  
15          dren and services of local educational agen-  
16          cy liaisons for homeless children and  
17          youths designated under section  
18          722(g)(1)(J)(ii) of the McKinney-Vento  
19          Homeless Assistance Act (42 U.S.C.  
20          11432(g)(1)(J)(ii));

21          “(v) State agencies and programs  
22          serving children in foster care and the fos-  
23          ter families of such children; and

24          “(vi) child care programs funded  
25          through State veterans affairs offices;



1           “(4) a description of how the State proposes to  
2           coordinate such resources and programs identified  
3           under paragraph (3) in order to meet the purposes  
4           of this part;

5           “(5) a description of how the State will identify  
6           early childhood education program providers that  
7           demonstrate a high level of quality;

8           “(6) a description of how the State will define  
9           eligible children, in accordance with section  
10          5901(b)(2);

11          “(7) a description of how the State will expand  
12          access to existing high-quality early learning and  
13          care for eligible children in the State or, if no high-  
14          quality early learning and care is accessible for eligi-  
15          ble children, expand access to high-quality early  
16          learning and care for such children;

17          “(8) in the case of a State that has elected to  
18          use funds under this section to designate Centers of  
19          Excellence—

20                 “(A) an assurance that the State will des-  
21                 ignate an entity, such as an agency, an institu-  
22                 tion of higher education, a consortium of local  
23                 educational agencies or Head Start centers, or  
24                 another entity, to designate early childhood  
25                 education programs as Centers of Excellence;

1           “(B) an assurance that the designee will  
2 meet the definition of a Center of Excellence;

3           “(C) a description of the process by which  
4 an entity that carries out an early childhood  
5 education program would be designated as a  
6 Center of Excellence, including evidence that  
7 the early childhood education program involved  
8 has demonstrated excellence in program deliv-  
9 ery in a manner designed to improve the school  
10 readiness of children who have participated in  
11 the program; and

12           “(D) a description of how the State will  
13 assist Centers of Excellence in the dissemina-  
14 tion of best practices;

15           “(9) a description of the measurable outcomes  
16 and anticipated levels of performance for such out-  
17 comes, as determined by the State, in the areas of  
18 program coordination, program quality improvement,  
19 and increased access to high-quality programs, that  
20 the State will use to evaluate the coordinated state-  
21 wide or locally implemented system of voluntary  
22 early care and learning supported by the grant;

23           “(10) an assurance that the State will provide  
24 technical assistance to partners on methods by which  
25 Federal and State early learning and care funding

1 can be coordinated and lead to cost-saving and effi-  
2 ciencies strategies, such as through entities admin-  
3 istering shared services, and other methods that will  
4 enhance the quality of the early childhood education  
5 programs in the State;

6 “(11) a description of how the State will sus-  
7 tain early learning and care activities coordinated  
8 under this section, including for rural areas in the  
9 State, if applicable, once grant funding is no longer  
10 available under this section;

11 “(12) a description of the process that the  
12 State proposes to use to collect and disseminate, to  
13 parents and the general public, consumer informa-  
14 tion that will promote informed early learning and  
15 care choices in the State;

16 “(13) a description of how the State will serve  
17 eligible children residing in rural areas, if applicable;

18 “(14) a description of how the State will sup-  
19 port, through the use of professional development,  
20 early childhood education programs that maintain  
21 disciplinary policies that do not include expulsion or  
22 suspension of participating children, except as a last  
23 resort in extraordinary circumstances where—

24 “(A) there is a determination of a serious  
25 safety threat; and

1           “(B) policies are in place to provide appro-  
2           priate alternative early educational services to  
3           expelled or suspended children while they are  
4           out of school; and

5           “(15) an assurance that funds made available  
6           under this part shall be used to supplement, and not  
7           supplant, any other Federal, State, or local funds  
8           that would otherwise be available to carry out the  
9           activities assisted under this part.

10          “(d) USE OF FUNDS.—

11           “(1) IN GENERAL.—A State that receives a  
12           grant under this part shall use the grant funds to  
13           develop, implement, or improve a coordinated state-  
14           wide or locally implemented system of voluntary  
15           early care and learning, which includes a plan—

16           “(A) for coordinating funding available  
17           through existing Federal, State, and local  
18           sources; and

19           “(B) that is designed in collaboration with  
20           an eligible partnership.

21           “(2) AUTHORIZED ACTIVITIES.—Grant funds  
22           under this section may be used for the following:

23           “(A) Aligning existing Federal, State, and  
24           local funding and resources with a statewide or  
25           locally designed system for delivering high-qual-

1           ity early learning and care for eligible children  
2           in the State, including developing evidence-  
3           based practices to improve staff quality, in-  
4           structional programming, and time in program  
5           which may include the use of shared services  
6           models.

7           “(B) Analyzing needs for expanded access  
8           to existing high-quality early childhood edu-  
9           cation programs in the State, including child  
10          care, preschool, and Early Head Start, Head  
11          Start, and special education for all children,  
12          particularly low-income children.

13          “(C) Developing or expanding eligible part-  
14          nerships to—

15               “(i) expand access for eligible children  
16               to existing high-quality providers or pro-  
17               grams or, if no high-quality early learning  
18               and care is accessible for eligible children,  
19               expand access to high-quality early learn-  
20               ing and care for eligible children;

21               “(ii) share best practices; and

22               “(iii) ensure that parents have max-  
23               imum choices in selecting the providers  
24               that meet their individual needs, consistent  
25               with State and local laws.

1           “(D) Developing or expanding Centers of  
2 Excellence for the purposes of—

3           “(i) disseminating best practices for  
4 achieving early academic success in the  
5 State, including best practices for—

6           “(I) achieving school readiness,  
7 including developing early literacy and  
8 mathematics skills;

9           “(II) the acquisition of the  
10 English language for English learners;  
11 or

12           “(III) providing high-quality  
13 comprehensive services to low-income  
14 and at-risk children and their fami-  
15 lies;

16           “(ii) coordinating early education,  
17 child care, and other social services avail-  
18 able in the State and local communities for  
19 low-income and at-risk children and fami-  
20 lies; or

21           “(iii) providing effective transitions  
22 between preschool programs and elemen-  
23 tary schools, including by facilitating ongo-  
24 ing communication between early education  
25 and elementary school teachers and by im-

1           proving the ability of teachers to work ef-  
2           fectively with low-income and at-risk chil-  
3           dren and their families.

4           “(E) Expanding existing high-quality early  
5           education and care for infants and toddlers or,  
6           if no high-quality early education and care is  
7           accessible for infants and toddlers, expand ac-  
8           cess to high-quality education and care.

9           “(F) Developing, implementing, or coordi-  
10          nating programs or strategies determined by  
11          the State to increase the involvement of the  
12          parents and family of an eligible child in the  
13          education of the child, such as programs or  
14          strategies that—

15               “(i) encourage effective ongoing com-  
16               munication between such children and the  
17               parents and families of such children, early  
18               childhood education providers, early learn-  
19               ing administrators, and other early child-  
20               hood education personnel; and

21               “(ii) promote active participation of  
22               parents, families, and communities as part-  
23               ners in the education of such children.

24          “(G) Carrying out other strategies deter-  
25          mined by the State to improve access to, and

1 expand the overall quality of, a coordinated  
2 State or locally designed system of voluntary  
3 early learning and care services in the State,  
4 such as pay for success initiatives that promote  
5 coordination among existing programs and meet  
6 the purposes of this part.

7 “(3) PRIORITY.—The activities implemented by  
8 a State under this subsection shall prioritize paren-  
9 tal choice of providers and evidence-based practices  
10 for improving early learning program quality and ac-  
11 cess, to the extent permitted under State and local  
12 law.

13 “(e) REPORTING.—A State that receives a grant  
14 under this part shall submit to the Secretary, at such time  
15 and in such manner as the Secretary may reasonably re-  
16 quire, an annual report that includes—

17 “(1) the number and percentage of children  
18 who are served in high-quality early childhood edu-  
19 cation programs, as identified by the State, during  
20 each year of the grant duration using funds from—

21 “(A) only this part, as applicable;

22 “(B) the Child Care and Development  
23 Block Grant Act of 1990 (42 U.S.C. 9858 et  
24 seq.) or section 418 of the Social Security Act  
25 (42 U.S.C. 618);



1           “(C) the Head Start Act; and

2           “(D) other public and private providers, as  
3           applicable;

4           “(2) the quality improvements undertaken at  
5           the State level;

6           “(3) the extent to which funds are being blend-  
7           ed with other public and private funding;

8           “(4) the progress made regarding the measur-  
9           able outcomes and the anticipated levels of perform-  
10          ance selected by the State under subsection (c)(9);  
11          and

12          “(5) any other ways in which funds are used to  
13          meet the purposes of this part.

14          “(f) REPORT TO CONGRESS.—The Secretary, in con-  
15          sultation with the Secretary of Health and Human Serv-  
16          ices, shall prepare and submit to the Committee on  
17          Health, Education, Labor, and Pensions of the Senate and  
18          the Committee on Education and the Workforce of the  
19          House of Representatives a biennial report containing the  
20          information described in subsection (e) for all States re-  
21          ceiving funds under this part.

22          “(g) LIMITATIONS ON FEDERAL INTERFERENCE.—  
23          Nothing in this part shall be construed to authorize the  
24          Secretary to establish any criterion that specifies, defines,  
25          or prescribes—

1           “(1) early learning and development guidelines,  
2 standards, or specific assessments, including the  
3 standards or measures that States use to develop,  
4 implement, or improve such guidelines, standards, or  
5 assessments;

6           “(2) specific measures or indicators of quality  
7 early learning and care, including—

8                   “(A) the systems that States use to assess  
9 the quality of early childhood education pro-  
10 grams and providers, school readiness, and  
11 achievement; and

12                   “(B) the term ‘high-quality’ early learning  
13 or care;

14           “(3) early learning or preschool curriculum,  
15 program of instruction, or instructional content;

16           “(4) teacher and staff qualifications and sala-  
17 ries;

18           “(5) class sizes and child-to-instructional staff  
19 ratios; and

20           “(6) any aspect or parameter of a teacher, prin-  
21 cipal, other school leader, or staff evaluation system  
22 within a State or local educational agency.

1 **“SEC. 5903. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out  
3 this part such sums as may be necessary for each of fiscal  
4 years 2016 through 2021.”

5 **“PART J—INNOVATION SCHOOLS**

6 **DEMONSTRATION AUTHORITY**

7 **“SEC. 5910. INNOVATION SCHOOLS.**

8 “(a) PURPOSE.—The purpose of the flexibility au-  
9 thority under this part is to provide local educational  
10 agencies with the flexibility to create locally-designed inno-  
11 vation schools in order to achieve increased autonomy and  
12 support for innovation schools.

13 “(b) DEFINITIONS.—In this part:

14 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
15 tity’ means a local educational agency that receives  
16 a local flexibility agreement under this part.

17 “(2) ELIGIBLE STATE EDUCATIONAL AGEN-  
18 CY.—The term ‘eligible State educational agency’  
19 means a State educational agency that has adopted  
20 policies or procedures that allow the development,  
21 consideration, and approval of innovation school  
22 plans, consistent with the provisions of this part.

23 “(3) INNOVATION SCHOOL.—The term ‘innova-  
24 tion school’ means a public school that—

25 “(A) is established for the purpose of gen-  
26 erating enhanced opportunities for students to

1 learn and achieve through increased educator  
2 and school-level professional autonomy and  
3 flexibility;

4 “(B) is a collaborative initiative enjoying  
5 strong buy-in, pursuant to subparagraphs (F)  
6 and (G) of subsection (f)(1), from key stake-  
7 holders, including parents, education employees,  
8 and representatives of such employees, where  
9 applicable;

10 “(C) ensures equitable access for all stu-  
11 dent populations;

12 “(D) operates with the same degree of  
13 transparency and is held to the same account-  
14 ability standards applicable to other schools in  
15 the school district served by the local edu-  
16 cational agency that serves the innovation  
17 school; and

18 “(E) is not a magnet school.

19 “(c) AUTHORITY.—

20 “(1) IN GENERAL.—Except as provided in para-  
21 graph (2), the Secretary is authorized to allow eligi-  
22 ble State educational agencies to receive flexibility  
23 authority to provide local educational agencies with  
24 flexibility agreements if such eligible State edu-  
25 cational agencies—

1           “(A) demonstrate that flexibility agree-  
2           ments are necessary for the successful operation  
3           of innovation schools; and

4           “(B) provide a description of any State or  
5           local rules, generally applicable to public  
6           schools, that will be waived, or otherwise not  
7           apply, to innovation schools.

8           “(2) EXCEPTION.—Flexibility authority and  
9           flexibility agreements shall not be granted under  
10          paragraph (1) with respect to any provision under  
11          part B of the Individuals with Disabilities Education  
12          Act, title VI of the Civil Rights Act of 1964, or sec-  
13          tion 504 of the Rehabilitation Act of 1973.

14          “(d) SELECTION OF LOCAL EDUCATIONAL AGEN-  
15          CIES.—Each eligible State educational agency receiving  
16          flexibility authority under subsection (c) shall, to the ex-  
17          tent practicable and applicable, ensure that local flexibility  
18          agreements made with eligible entities—

19                 “(1) prioritize local educational agencies that—

20                         “(A) serve the largest numbers or percent-  
21                         ages of students from low-income families; or

22                         “(B) will use the provided flexibility for in-  
23                         novative strategies in schools identified as in  
24                         need of intervention and support under section  
25                         1114; and

1           “(2) are geographically diverse, including pro-  
2           vided to local educational agencies serving urban,  
3           suburban, or rural areas.

4           “(e) STATE APPLICATIONS AND REQUIREMENTS.—

5           “(1) IN GENERAL.—An eligible State edu-  
6           cational agency desiring to receive flexibility author-  
7           ity under this part shall submit an application to the  
8           Secretary at such time and in such manner as the  
9           Secretary may require. The application shall include  
10          the following:

11           “(A) DESCRIPTION OF PROGRAM.—A de-  
12          scription of the eligible State educational agen-  
13          cy’s objectives in supporting innovation schools,  
14          and how the objectives of the program will be  
15          carried out, including—

16           “(i) a description of how the State  
17          educational agency will—

18           “(I) support the success of inno-  
19          vation schools;

20           “(II) inform local educational  
21          agencies, communities, and schools of  
22          the opportunity for local flexibility  
23          agreements under this part;

24           “(III) work with eligible entities  
25          to ensure that innovation schools ac-

1           cess all Federal, State, and local  
2           funds such schools are eligible to re-  
3           ceive;

4           “(IV) work with eligible entities  
5           to ensure that innovation schools re-  
6           ceive waivers to all Federal, State,  
7           and local laws necessary to implement  
8           innovation schools’ innovation plans;

9           “(V) ensure each eligible entity  
10          works with innovation schools to en-  
11          sure inclusion of all students and pro-  
12          mote retention of students in the  
13          school; and

14          “(VI) share best and promising  
15          practices among innovation schools  
16          and other schools;

17          “(ii) a description of how the State  
18          educational agency will actively monitor  
19          each eligible entity in a local flexibility  
20          agreement to hold innovation schools ac-  
21          countable to ensure a high-quality edu-  
22          cation, including by approving, re-approv-  
23          ing, and revoking the innovation plan and  
24          its attendant flexibility based on the per-  
25          formance of the innovation school, in the

1 areas of student achievement, student safe-  
2 ty, financial management, and compliance  
3 with all applicable statutes; and

4 “(iii) a description of how the State  
5 educational agency will approve local flexi-  
6 bility agreements, including—

7 “(I) a description of the applica-  
8 tion each local educational agency de-  
9 siring to enter into such a flexibility  
10 agreement will submit, which applica-  
11 tion shall include—

12 “(aa) the school innovation  
13 plan;

14 “(bb) a description of the  
15 roles and responsibilities of local  
16 educational agencies and of any  
17 other organizations with which  
18 the local educational agency will  
19 partner to open innovation  
20 schools, including administrative  
21 and contractual roles and respon-  
22 sibilities;

23 “(cc) a description of the  
24 quality controls that will be used  
25 by the local educational agency,



1 such as a contract or perform-  
2 ance agreement that includes a  
3 school's performance in the  
4 State's academic accountability  
5 system and impact on student  
6 achievement;

7 “(dd) a description of the  
8 planned activities to be carried  
9 out under the flexibility agree-  
10 ment; and

11 “(ee) a description of waiv-  
12 ers and other flexibility needed to  
13 implement the school innovation  
14 plan; and

15 “(II) a description of how the  
16 State educational agency will review  
17 applications from local educational  
18 agencies.

19 “(B) STATE ASSURANCES.—Assurances  
20 from the State educational agency that—

21 “(i) each eligible entity will ensure  
22 that innovation schools have a high degree  
23 of autonomy over budget and operations;

24 “(ii) the State educational agency—

1           “(I) and each eligible entity en-  
2           tering into a local flexibility agree-  
3           ment under this section will ensure  
4           that each innovation school that re-  
5           ceives funds under the entity’s pro-  
6           gram is meeting the requirements of  
7           this Act, part B of the Individuals  
8           with Disabilities Education Act, title  
9           VI of the Civil Rights Act of 1964,  
10          and section 504 of the Rehabilitation  
11          Act of 1973; and

12           “(II) will ensure that each eligi-  
13          ble entity adequately monitors and  
14          provides adequate technical assistance  
15          to each innovation school in recruit-  
16          ing, enrolling, and meeting the needs  
17          of all students, including children with  
18          disabilities and English learners;

19           “(iii) the State educational agency will  
20          ensure that the eligible entity will monitor  
21          innovation schools, including by—

22           “(I) using annual performance  
23          data, including graduation rates and  
24          student academic achievement data,  
25          as appropriate;

1                   “(II) if applicable, reviewing the  
2                   schools’ independent, annual audits of  
3                   financial statements conducted in ac-  
4                   cordance with generally accepted ac-  
5                   counting principles, and ensuring any  
6                   such audits are publically reported;  
7                   and

8                   “(III) holding innovation schools  
9                   accountable to the academic, financial,  
10                  and operational quality controls out-  
11                  lined in the innovation plan, such as  
12                  through renewal, non-renewal, or rev-  
13                  ocation of the school’s innovation  
14                  plan;

15                  “(iv) the State educational agency will  
16                  ensure that, to the greatest extent possible,  
17                  State and local rules, generally applicable  
18                  to public schools, will be waived, or other-  
19                  wise not apply, to the extent necessary, to  
20                  innovation plans at each innovation school;

21                  “(v) eligible entities will ensure that  
22                  each innovation school makes publicly  
23                  available information to help parents make  
24                  informed decisions about the education op-  
25                  tions available to their children, including

1 information on the educational program,  
2 student support services, and annual per-  
3 formance and enrollment data for students  
4 in the innovation school; and

5 “(vi) the State educational agency  
6 consulted with local educational agencies,  
7 schools, teachers, principals, other school  
8 leaders, and parents in developing the  
9 State application.

10 “(2) ADDITIONAL ELEMENTS.—The provisions  
11 of peer review, approval, determination, demonstra-  
12 tion, revision, disapproval, limitations, public review,  
13 and additional information applicable to State plans  
14 under paragraphs (3), (4), (5), (6), (7), and (8)(B)  
15 of section 1111(a) shall apply in the same manner  
16 to State applications submitted under this sub-  
17 section.

18 “(f) LOCAL EDUCATIONAL AGENCY APPLICATIONS  
19 AND REQUIREMENTS.—A local educational agency that  
20 desires to enter into a local flexibility agreement shall sub-  
21 mit to the State educational agency such information that  
22 the State educational agency shall require, including—

23 “(1) the plans for all approved innovation  
24 schools to be served by the local educational agency,  
25 which shall include—

1           “(A) a statement of the innovations  
2 school’s mission and why designation as an in-  
3 novation school would enhance the school’s abil-  
4 ity to achieve its mission;

5           “(B) a description of the innovations the  
6 public school would implement, which may in-  
7 clude, innovations in school staffing, curriculum  
8 and assessment, class scheduling and size, use  
9 of financial and other resources, and faculty re-  
10 cruitment, employment, evaluation, compensa-  
11 tion, and extracurricular activities;

12           “(C) if the innovation school seeks to es-  
13 tablish an advisory board, a description of—

14               “(i) the membership of the board  
15               (which may include representatives of  
16 teachers, parents, students, the local edu-  
17 cational agency, the State educational  
18 agency, the business community, institu-  
19 tions of higher education, or other commu-  
20 nity representatives);

21               “(ii) its responsibilities in designing  
22 and furthering the mission of the innova-  
23 tion school; and

1           “(iii) how the board will ensure co-  
2           ordination with the local educational agen-  
3           cy and State educational agency;

4           “(D) a listing of the programs, policies, or  
5           operational documents within the public school  
6           that would be affected by the public school’s  
7           identified innovations and the manner in which  
8           they would be affected, which shall include—

9           “(i) the research-based educational  
10          program the school would implement;

11          “(ii) the length of school day and  
12          school year at the school;

13          “(iii) the student engagement policies  
14          to be implemented at the school;

15          “(iv) the school’s instruction and as-  
16          sessment plan;

17          “(v) the school’s plan to use data,  
18          evaluation, and professional learning to im-  
19          prove student achievement;

20          “(vi) the proposed budget for the  
21          school;

22          “(vii) the proposed staffing plan or  
23          staff compensation model for the school;  
24          and

1           “(viii) the professional development  
2           needs of leaders and staff to implement the  
3           program and how those needs will be ad-  
4           dressed;

5           “(E) an identification of the improvements  
6           in academic performance that the school ex-  
7           pects to achieve in implementing the innova-  
8           tions;

9           “(F) evidence that a majority of the ad-  
10          ministrators employed at the public school sup-  
11          port the request for designation as an innova-  
12          tion school;

13          “(G) evidence that not less than two-thirds  
14          of the regularly employed employees at the  
15          school vote by secret ballot to approve the  
16          school’s innovation school plan;

17          “(H) evidence that the school has strong  
18          parental support, demonstrated in a manner de-  
19          termined appropriate by the State educational  
20          agency;

21          “(I) a description of any regulatory or pol-  
22          icy requirements that would need to be waived  
23          for the public school to implement its identified  
24          innovations; and

1           “(J) any additional information required  
2           by the local educational agency in which the in-  
3           novation plan would be implemented;

4           “(2) a description of any rules or regulations  
5           that the local educational agency will waive in order  
6           to provide autonomy to the innovation schools and  
7           why waiving such regulations will benefit students;

8           “(3) a description of any State regulations that  
9           the local educational agency seeks to waive in order  
10          to provide autonomy to innovation schools, and why  
11          waiving such regulations will benefit students; and

12          “(4) a description of the process that the local  
13          educational agency will use to regularly review the  
14          progress of innovation schools, including student  
15          performance and performance in the State’s ac-  
16          countability system and decide whether to revoke or  
17          continue the innovation school’s autonomy.

18          “(g) TEACHER CERTIFICATION REQUIREMENTS.—

19                 “(1) IN GENERAL.—Notwithstanding any other  
20                 provision of this part, except as provided under  
21                 paragraph (2), not more than 5 percent of the  
22                 teachers in an innovation school granted flexibility  
23                 under this part may be unlicensed or uncertified at  
24                 any one time. Such unlicensed or uncertified teach-



1       ers shall become licensed or certified within 3 years  
2       of being hired.

3           “(2)     STATE     REQUIREMENTS.—Innovation  
4       schools located in a State with a more lenient teach-  
5       er license or certification requirement than the re-  
6       quirement described in paragraph (1) may hire  
7       teachers in accordance with State teacher license or  
8       certification requirements.

9           “(h)   REPORTING   REQUIREMENTS   AND   ASSESS-  
10   MENTS.—

11           “(1)   REPORTING.—Each eligible State edu-  
12       cational agency receiving the flexibility authority  
13       granted by the Secretary under this section shall  
14       submit to the Secretary, at the end of the third year  
15       of the demonstration period and at the end of any  
16       renewal period, a report that includes the following:

17           “(A)   The number of students served by  
18       each innovation school under this part and, if  
19       applicable, the number of new students served  
20       during each year of the demonstration period,  
21       expressed as a total number and as a percent-  
22       age of the students enrolled in the State and  
23       relevant local educational agencies.

24           “(B)   The number of innovation schools  
25       served under this part.

1           “(C) An overview of the innovations imple-  
2           mented in the innovation schools and the inno-  
3           vation school zones in the districts of innova-  
4           tion.

5           “(D) An overview of the academic perform-  
6           ance of the students served in innovation  
7           schools, including a comparison between the  
8           students’ academic performance before and  
9           since implementation of the innovations.

10          “(2) EVALUATION.—The Director of the Insti-  
11          tute of Education Sciences (or a comparable, inde-  
12          pendent research organization) shall conduct an  
13          evaluation of the program under this part after year  
14          3 and 5 of the program and every 2 years thereafter.

15          “(i) RULE OF CONSTRUCTION AND PROHIBITIONS.—

16                 “(1) RULE OF CONSTRUCTION REGARDING EM-  
17                 PLOYMENT.—Nothing in this part shall be construed  
18                 to alter or otherwise affect the rights, remedies, and  
19                 procedures afforded school or school district employ-  
20                 ees under Federal, State or local laws (including ap-  
21                 plicable regulations or court orders) or under the  
22                 terms of collective bargaining agreements, memo-  
23                 randa of understanding, or other agreements be-  
24                 tween such employees and their employers.

1           “(2) PROHIBITION ON FEDERAL INTER-  
 2           FERENCE WITH STATE AND LOCAL DECISIONS.—  
 3           Nothing in this part shall be construed to permit the  
 4           Secretary to establish any criterion that specifies,  
 5           defines, or prescribes the terms governing innovation  
 6           schools served under this part.

7           “(j) DURATION OF FLEXIBILITY DEMONSTRATION  
 8           AUTHORITY AND AGREEMENTS.—

9           “(1) FLEXIBILITY DEMONSTRATION AUTHOR-  
 10           ITY.—Flexibility demonstration authority under this  
 11           part shall be awarded for a period that shall not ex-  
 12           ceed 5 fiscal years, and may be renewed by the Sec-  
 13           retary for 1 additional 2-year period.

14           “(2) LOCAL FLEXIBILITY AGREEMENTS.—Local  
 15           flexibility agreements awarded by an eligible State  
 16           educational agency under this part shall be for a pe-  
 17           riod of not more than 5 years.”.

18   **SEC. 5011. FULL-SERVICE COMMUNITY SCHOOLS.**

19           Title V (20 U.S.C. 7201 et seq.) is amended by add-  
 20           ing at the end the following:

21   **“PART K—FULL-SERVICE COMMUNITY SCHOOLS**

22   **“SEC. 5911. SHORT TITLE.**

23           “‘This part may be cited as the ‘Full-Service Commu-  
 24           nity Schools Act of 2015’

1 **“SEC. 5912. PURPOSES.**

2 “The purposes of this title are to—

3 “(1) improve student learning and development  
4 by providing supports for students that enable them  
5 to graduate college- and career-ready;

6 “(2) provide support for the planning, imple-  
7 mentation, and operation of full-service community  
8 schools;

9 “(3) improve the coordination and integration,  
10 accessibility, and effectiveness of services for chil-  
11 dren and families, particularly for students attend-  
12 ing high-poverty schools, including high-poverty  
13 rural schools;

14 “(4) enable educators and school personnel to  
15 complement and enrich efforts to improve academic  
16 achievement and other results;

17 “(5) ensure that children have the physical, so-  
18 cial, and emotional well-being to come to school  
19 ready to engage in the learning process every day;

20 “(6) promote and enable family and community  
21 engagement in the education of children;

22 “(7) enable more efficient use of Federal, State,  
23 local, and private sector resources that serve chil-  
24 dren and families;

25 “(8) facilitate the coordination and integration  
26 of programs and services operated by community-

1 based organizations, nonprofit organizations, and  
2 State, local, and tribal governments;

3 “(9) engage students as resources to their com-  
4 munities; and

5 “(10) engage the business community and other  
6 community organizations as partners in the develop-  
7 ment and operation of full-service community  
8 schools.

9 **“SEC. 5913. DEFINITION OF FULL-SERVICE COMMUNITY**  
10 **SCHOOL.**

11 “In this part, the term ‘full-service community school’  
12 means a public elementary school or secondary school  
13 that—

14 “(1) participates in a community-based effort to  
15 coordinate and integrate educational, developmental,  
16 family, health, and other comprehensive services  
17 through community-based organizations and public  
18 and private partnerships; and

19 “(2) provides access to such services to stu-  
20 dents, families, and the community, such as access  
21 during the school year (including before- and after-  
22 school hours and weekends), as well as during the  
23 summer.

1 **“SEC. 5914. LOCAL PROGRAMS.**

2       “(a) GRANTS.—The Secretary may award grants to  
3 eligible entities to assist public elementary schools or sec-  
4 ondary schools to function as full-service community  
5 schools.

6       “(b) USE OF FUNDS.—Grants awarded under this  
7 section shall be used to—

8           “(1) coordinate not less than 3 existing quali-  
9 fied services and provide not less than 2 additional  
10 qualified services at 2 or more public elementary  
11 schools or secondary schools;

12           “(2) integrate multiple services into a com-  
13 prehensive, coordinated continuum supported by re-  
14 search-based activities which achieve the perform-  
15 ance goals established under subsection (c)(4)(E) to  
16 meet the holistic needs of children; and

17           “(3) if applicable, coordinate and integrate  
18 services provided by community-based organizations  
19 and government agencies with services provided by  
20 specialized instructional support personnel.

21       “(c) APPLICATION.—To seek a grant under this sec-  
22 tion, an eligible entity shall submit an application to the  
23 Secretary at such time and in such manner as the Sec-  
24 retary may require. The Secretary shall require that each  
25 such application include the following:

26           “(1) A description of the eligible entity.

1           “(2) A memorandum of understanding among  
2 all partner entities that will assist the eligible entity  
3 to coordinate and provide qualified services and that  
4 describes the roles the partner entities will assume.

5           “(3) A description of the capacity of the eligible  
6 entity to coordinate and provide qualified services at  
7 2 or more full-service community schools.

8           “(4) A comprehensive plan that includes de-  
9 scriptions of the following:

10           “(A) The student, family, and school com-  
11 munity to be served, including information  
12 about demographic characteristics that include  
13 major racial and ethnic groups, median family  
14 income, percentage of students eligible for free-  
15 and reduced-price lunch under the Richard B.  
16 Russell National School Lunch Act, and other  
17 information.

18           “(B) A needs assessment that identifies  
19 the academic, physical, social, emotional, health,  
20 mental health, and other needs of students,  
21 families, and community residents.

22           “(C) A community assets assessment  
23 which identifies existing resources, as of the  
24 date of the assessment, that could be aligned.

1           “(D) The most appropriate metric to de-  
2           scribe the plan’s reach within a community  
3           using either—

4                   “(i) the number of families and stu-  
5                   dents to be served, and the frequency of  
6                   services; or

7                   “(ii) the proportion of families and  
8                   students to be served, and the frequency of  
9                   services.

10           “(E) Yearly measurable performance goals,  
11           including an increase in the percentage of fami-  
12           lies and students targeted for services each year  
13           of the program, which are consistent with the  
14           following objectives:

15                   “(i) Children are ready for school.

16                   “(ii) Students are engaged and  
17                   achieving academically.

18                   “(iii) Students are physically, men-  
19                   tally, socially, and emotionally healthy.

20                   “(iv) Schools and neighborhoods are  
21                   safe and provide a positive climate for  
22                   learning that is free from bullying or har-  
23                   assment.

24                   “(v) Families are supportive and en-  
25                   gaged in their children’s education.



1           “(vi) Students and families are pre-  
2           pared for postsecondary education and  
3           21st century careers.

4           “(vii) Students are contributing to  
5           their communities.

6           “(F) Performance measures to monitor  
7           progress toward attainment of the goals estab-  
8           lished under subparagraph (E), including a  
9           combination of the following, to the extent ap-  
10          plicable:

11           “(i) Multiple objective measures of  
12           student achievement, including assess-  
13           ments, classroom grades, and other means  
14           of assessing student performance.

15           “(ii) Attendance (including absences  
16           related to illness and truancy) and chronic  
17           absenteeism rates.

18           “(iii) Disciplinary actions against stu-  
19           dents, including suspensions and expul-  
20           sions.

21           “(iv) Access to health care and treat-  
22           ment of illnesses demonstrated to impact  
23           academic achievement.

24           “(v) Performance in making progress  
25           toward intervention services goals as estab-

1 lished by specialized instructional support  
2 personnel.

3 “(vi) Participation rates by parents  
4 and family members in school-sanctioned  
5 activities and activities that occur as a re-  
6 sult of community and school collaboration,  
7 as well as activities intended to support  
8 adult education and workforce develop-  
9 ment.

10 “(vii) Number and percentage of stu-  
11 dents and family members provided serv-  
12 ices under this part.

13 “(viii) Valid measures of postsec-  
14 ondary education and career readiness.

15 “(ix) Service-learning and community  
16 service participation rates.

17 “(x) Student satisfaction surveys.

18 “(G) Qualified services, including existing  
19 and additional qualified services, to be coordi-  
20 nated and provided by the eligible entity and its  
21 partner entities, including an explanation of—

22 “(i) why such services have been se-  
23 lected;

24 “(ii) how such services will improve  
25 student academic achievement; and

1                   “(iii) how such services will address  
2                   performance goals established under sub-  
3                   paragraph (E).

4                   “(H) Plans to ensure that each site has  
5                   full-time coordination of qualified services at  
6                   each full-service community school, including  
7                   coordination with the specialized instructional  
8                   support personnel employed prior to the receipt  
9                   of the grant.

10                  “(I) Planning, coordination, management,  
11                  and oversight of qualified services at each  
12                  school to be served, including the role of the  
13                  school principal, partner entities, parents, and  
14                  members of the community.

15                  “(J) Funding sources for qualified services  
16                  to be coordinated and provided at each school  
17                  to be served, including whether such funding is  
18                  derived from a grant under this section or from  
19                  other Federal, State, local, or private sources.

20                  “(K) Plans for professional development  
21                  for personnel managing, coordinating, or deliv-  
22                  ering qualified services at the schools to be  
23                  served.

1           “(L) Plans for joint utilization and mainte-  
2 nance of school facilities by the eligible entity  
3 and its partner entities.

4           “(M) How the eligible entity and its part-  
5 ner entities will focus services on schools eligible  
6 for a schoolwide program under section  
7 1113(c).

8           “(N) Plans for periodic evaluation based  
9 upon attainment of the performance measures  
10 described in subparagraph (F).

11           “(O) How the qualified services will meet  
12 the principles of effectiveness described in sub-  
13 section (d).

14           “(5) A plan for sustaining the programs and  
15 services outlined in this part.

16           “(d) PRINCIPLES OF EFFECTIVENESS.—For a pro-  
17 gram developed pursuant to this section to meet principles  
18 of effectiveness, such program shall be based upon—

19           “(1) an assessment of objective data regarding  
20 the need for the establishment of a full-service com-  
21 munity school and qualified services at each school  
22 to be served and in the community involved;

23           “(2) an established set of performance meas-  
24 ures aimed at ensuring the availability and effective-  
25 ness of high-quality services; and

1           “(3) if appropriate, scientifically based research  
2           that provides evidence that the qualified services in-  
3           volved will help students meet State and local stu-  
4           dent academic achievement standards.

5           “(e) PRIORITY.—In awarding grants under this sec-  
6           tion, the Secretary shall give priority to eligible entities  
7           that—

8           “(1)(A) will serve a minimum of 2 or more full-  
9           service community schools eligible for a schoolwide  
10          program under section 1113(c), as part of a  
11          community- or district-wide strategy; or

12          “(B) include a local educational agency that  
13          satisfies the requirements of—

14                 “(i) subparagraph (A) or (B) of section  
15                 6211(b)(1); or

16                 “(ii) subparagraphs (A) and (B) of section  
17                 6221(b)(1); and

18          “(2) will be connected to a consortium com-  
19          prised of a broad representation of stakeholders, or  
20          a consortium demonstrating a history of effective-  
21          ness.

22          “(f) GRANT PERIOD.—Each grant awarded under  
23          this section shall be for a period of 5 years and may be  
24          renewed at the discretion of the Secretary based on the  
25          eligible entity’s demonstrated effectiveness in meeting the

1 performance goals and measures established under sub-  
2 paragraphs (E) and (F) of subsection (c)(4).

3 “(g) PLANNING.—The Secretary may authorize an el-  
4 igible entity to use grant funds under this section for plan-  
5 ning purposes in an amount not greater than 10 percent  
6 of the total grant amount.

7 “(h) MINIMUM AMOUNT.—The Secretary may not  
8 award a grant to an eligible entity under this section in  
9 an amount that is less than \$75,000 for each year of the  
10 5-year grant period.

11 “(i) DEFINITIONS.—In this section:

12 “(1) ADDITIONAL QUALIFIED SERVICES.—The  
13 term ‘additional qualified services’ means qualified  
14 services directly funded under this part.

15 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
16 tity’ means a consortium of 1 or more local edu-  
17 cational agencies and 1 or more community-based  
18 organizations, nonprofit organizations, or other pub-  
19 lic or private entities.

20 “(3) EXISTING QUALIFIED SERVICES.—The  
21 term ‘existing qualified services’ means qualified  
22 services already being financed, as of the time of the  
23 application, by Federal, State, local, or private  
24 sources, or volunteer activities being supported as of

1 such time by civic, business, faith-based, social, or  
2 other similar organizations.

3 “(4) QUALIFIED SERVICES.—The term ‘quali-  
4 fied services’ means any of the following:

5 “(A) Early childhood education.

6 “(B) Remedial education activities and en-  
7 richment activities, including expanded learning  
8 time.

9 “(C) Summer or after-school enrichment  
10 and learning experiences.

11 “(D) Programs under the Head Start Act,  
12 including Early Head Start programs.

13 “(E) Nurse home visitation services.

14 “(F) Teacher home visiting.

15 “(G) Programs that promote parental in-  
16 volvement and family literacy.

17 “(H) Mentoring and other youth develop-  
18 ment programs, including peer mentoring and  
19 conflict mediation.

20 “(I) Parent leadership development activi-  
21 ties.

22 “(J) Parenting education activities.

23 “(K) Child care services.

24 “(L) Community service and service-learn-  
25 ing opportunities.

1           “(M) Developmentally appropriate physical  
2           education.

3           “(N) Programs that provide assistance to  
4           students who have been truant, suspended, or  
5           expelled.

6           “(O) Job training, internship opportuni-  
7           ties, and career counseling services.

8           “(P) Nutrition services.

9           “(Q) Primary health and dental care.

10          “(R) Mental health counseling services.

11          “(S) Adult education, including instruction  
12          in English as a second language.

13          “(T) Juvenile crime prevention and reha-  
14          bilitation programs.

15          “(U) Specialized instructional support  
16          services.

17          “(V) Homeless prevention services.

18          “(W) Other services consistent with this  
19          part.

20 **“SEC. 5915. STATE PROGRAMS.**

21          “(a) GRANTS.—The Secretary may award grants to  
22          State collaboratives to support the development of full-  
23          service community school programs in accordance with  
24          this section.



1       “(b) USE OF FUNDS.—Grants awarded under this  
2 section shall be used only for the following:

3           “(1) Developing a State comprehensive results  
4 and indicators framework to implement full-service  
5 community schools, consistent with performance  
6 goals described in section 5914(c)(4)(E).

7           “(2) Planning, coordinating, and expanding the  
8 development of full-service community schools in the  
9 State, particularly such schools in high-poverty local  
10 educational agencies, including high-poverty rural  
11 local educational agencies.

12           “(3) Providing technical assistance and training  
13 for full-service community schools, including profes-  
14 sional development for personnel and creation of  
15 data collection and evaluation systems.

16           “(4) Collecting, evaluating, and reporting data  
17 about the progress of full-service community schools.

18           “(5) Evaluating the impact of Federal and  
19 State policies and guidelines on the ability of eligible  
20 entities (as defined in section 5914(i)) to integrate  
21 Federal and State programs at full-service commu-  
22 nity schools, and taking action to make necessary  
23 changes.

24       “(c) APPLICATION.—To seek a grant under this sec-  
25 tion, a State collaborative shall submit an application to

1 the Secretary at such time and in such manner as the  
2 Secretary may require. The Secretary shall require that  
3 each such application include the following:

4           “(1) A memorandum of understanding among  
5 all governmental agencies and nonprofit organiza-  
6 tions that will participate as members of the State  
7 collaborative.

8           “(2) A description of the expertise of each  
9 member of the State collaborative—

10                   “(A) in coordinating Federal and State  
11 programs across multiple agencies;

12                   “(B) in working with and developing the  
13 capacity of full-service community schools; and

14                   “(C) in working with high-poverty schools  
15 or rural schools and local educational agencies.

16           “(3) A comprehensive plan describing how the  
17 grant will be used to plan, coordinate, and expand  
18 the delivery of services at full-service community  
19 schools.

20           “(4) A comprehensive accountability plan that  
21 will be used to demonstrate effectiveness, including  
22 the measurable performance goals of the program  
23 and performance measures to monitor progress and  
24 assess services’ impact on students and families and  
25 academic achievement.

1           “(5) An explanation of how the State collabo-  
2           rative will work to ensure State policies and guide-  
3           lines can support the development of full-service  
4           community schools, as well as provide technical as-  
5           sistance and training, including professional develop-  
6           ment, for full-service community schools.

7           “(6) An explanation of how the State will col-  
8           lect and evaluate information on full-service commu-  
9           nity schools.

10          “(d) GRANT PERIOD.—Each grant awarded under  
11 this section shall be for a period of 5 years.

12          “(e) MINIMUM AMOUNT.—The Secretary may not  
13 award a grant to a State collaborative under this section  
14 in an amount that is less than \$500,000 for each year  
15 of the 5-year grant period.

16          “(f) DEFINITIONS.—For purposes of this section:

17           “(1) STATE.—The term ‘State’ includes the  
18 several States, the District of Columbia, the Com-  
19 monwealth of Puerto Rico, the Commonwealth of the  
20 Northern Mariana Islands, American Samoa, Guam,  
21 the United States Virgin Islands, and any other ter-  
22 ritory or possession of the United States.

23           “(2) STATE COLLABORATIVE.—The term ‘State  
24 collaborative’ means a collaborative of a State edu-  
25 cational agency and not less than 2 other govern-

1 mental agencies or nonprofit organizations that pro-  
2 vide services to children and families.

3 **“SEC. 5916. ADVISORY COMMITTEE.**

4 “(a) ESTABLISHMENT.—There is hereby established  
5 an advisory committee to be known as the ‘Full-Service  
6 Community Schools Advisory Committee’ (in this section  
7 referred to as the ‘Advisory Committee’).

8 “(b) DUTIES.—Subject to subsection (c), the Advi-  
9 sory Committee shall—

10 “(1) consult with the Secretary on the develop-  
11 ment and implementation of programs under this  
12 part;

13 “(2) identify strategies to improve the coordina-  
14 tion of Federal programs in support of full-service  
15 community schools; and

16 “(3) issue an annual report to Congress on ef-  
17 forts under this part, including a description of—

18 “(A) the results of local and national eval-  
19 uations of such efforts; and

20 “(B) the scope of services being coordi-  
21 nated under this part.

22 “(c) CONSULTATION.—In carrying out its duties  
23 under this section, the Advisory Committee shall consult  
24 annually with eligible entities awarded grants under sec-  
25 tion 5914, State collaboratives awarded grants under sec-

1 tion 5915, and other entities with expertise in operating  
2 full-service community schools.

3 “(d) MEMBERS.—The Advisory Committee shall con-  
4 sist of 5 members as follows:

5 “(1) The Secretary of Education (or the Sec-  
6 retary’s delegate).

7 “(2) The Attorney General of the United States  
8 (or the Attorney General’s delegate).

9 “(3) The Secretary of Agriculture (or the Sec-  
10 retary’s delegate).

11 “(4) The Secretary of Health and Human Serv-  
12 ices (or the Secretary’s delegate).

13 “(5) The Secretary of Labor (or the Secretary’s  
14 delegate).

15 **“SEC. 5917. GENERAL PROVISIONS.**

16 “(a) TECHNICAL ASSISTANCE.—The Secretary, di-  
17 rectly or through grants, shall provide such technical as-  
18 sistance as may be appropriate to accomplish the purposes  
19 of this part.

20 “(b) EVALUATIONS BY SECRETARY.—The Secretary  
21 shall conduct evaluations on the effectiveness of grants  
22 under sections 5914 and 5915 in achieving the purposes  
23 of this part.

24 “(c) EVALUATIONS BY GRANTEES.—The Secretary  
25 shall require each recipient of a grant under this part—

1           “(1) to conduct periodic evaluations of the  
2           progress achieved with the grant toward achieving  
3           the purposes of this part;

4           “(2) to use such evaluations to refine and im-  
5           prove activities conducted with the grant and the  
6           performance measures for such activities; and

7           “(3) to make the results of such evaluations  
8           publicly available, including by providing public no-  
9           tice of such availability.

10          “(d) CONSTRUCTION CLAUSE.—Nothing in this part  
11          shall be construed to alter or otherwise affect the rights,  
12          remedies, and procedures afforded school or school district  
13          employees under Federal, State, or local laws (including  
14          applicable regulations or court orders) or under the terms  
15          of collective bargaining agreements, memoranda of under-  
16          standing, or other agreements between such employees  
17          and their employers.

18          “(e) SUPPLEMENT, NOT SUPPLANT.—Funds made  
19          available to a grantee under this part may be used only  
20          to supplement, and not supplant, any other Federal, State,  
21          or local funds that would otherwise be available to carry  
22          out the activities assisted under this part.

23          “(f) MATCHING FUNDS.—

24                 “(1) IN GENERAL.—The Secretary shall require  
25                 each recipient of a grant under this part to provide

1 matching funds from non-Federal sources in an  
2 amount determined under paragraph (2).

3 “(2) DETERMINATION OF AMOUNT OF  
4 MATCH.—

5 “(A) SLIDING SCALE.—Subject to subpara-  
6 graph (B), the Secretary shall determine the  
7 amount of matching funds to be required of a  
8 grantee under this subsection based on a sliding  
9 fee scale that takes into account—

10 “(i) the relative poverty of the popu-  
11 lation to be targeted by the grantee; and

12 “(ii) the ability of the grantee to ob-  
13 tain such matching funds.

14 “(B) MAXIMUM AMOUNT.—The Secretary  
15 may not require any grantee under this part to  
16 provide matching funds in an amount that ex-  
17 ceeds the amount of the grant award.

18 “(3) IN-KIND CONTRIBUTIONS.—The Secretary  
19 shall permit grantees under this part to match funds  
20 in whole or in part with in-kind contributions.

21 “(4) CONSIDERATION.—Notwithstanding this  
22 subsection, the Secretary shall not consider an appli-  
23 cant’s ability to match funds when determining  
24 which applicants will receive grants under this part.

1 “(g) SPECIAL RULE.—Entities receiving funds under  
2 this part shall comply with all existing Federal statutes  
3 that prohibit discrimination.

4 **“SEC. 5918. AUTHORIZATION OF APPROPRIATIONS.**

5 “(a) IN GENERAL.—There are authorized to be ap-  
6 propriated to carry out this part such sums as may be  
7 necessary for each of fiscal years 2016 through 2021.

8 “(b) ALLOCATION.—Of the amounts appropriated to  
9 carry out this part for each fiscal year—

10 “(1) 85 percent shall be for section 5914, and  
11 of the funds available for new grants awarded under  
12 such section after the date of enactment of the  
13 Every Child Achieves Act of 2015, not less than 10  
14 percent of such funds shall be made available for  
15 local educational agencies that satisfy the require-  
16 ments of—

17 “(A) subparagraph (A) or (B) of section  
18 6211(b)(1); or

19 “(B) subparagraphs (A) and (B) of section  
20 6221(b)(1);

21 “(2) 10 percent shall be for section 5915; and

22 “(3) 5 percent shall be for subsections (a) and  
23 (b) of section 5917, of which not less than \$500,000  
24 shall be for technical assistance under section  
25 5917(a).”.



1 **SEC. 5012. PROMISE NEIGHBORHOODS.**

2 Title V (20 U.S.C. 7201 et seq.), as amended by sec-  
3 tion 5001, is further amended by inserting after part I,  
4 as added by section 5010, the following:

5 **“PART L—PROMISE NEIGHBORHOODS**

6 **“SEC. 5920. SHORT TITLE.**

7 “This part may be cited as the ‘Promise Neighbor-  
8 hoods Act of 2015’.

9 **“SEC. 5921. PURPOSE.**

10 “The purpose of this part is to significantly improve  
11 the academic and developmental outcomes of children liv-  
12 ing in our Nation’s most distressed communities, including  
13 ensuring school readiness, high school graduation, and col-  
14 lege and career readiness for such children, and access to  
15 a community-based continuum of high-quality services.

16 **“SEC. 5922. PIPELINE SERVICES DEFINED.**

17 “In this part, the term ‘pipeline services’ means a  
18 continuum of supports and services for children from birth  
19 through college entry, college success, and career attain-  
20 ment, including, at a minimum, strategies to address  
21 through services or programs (including integrated stu-  
22 dent supports) the following:

23 “(1) High-quality early learning opportunities.

24 “(2) High-quality schools and out-of-school-time  
25 programs and strategies.

1           “(3) Support for a child’s transition to elemen-  
2           tary school, support for a child’s transition from ele-  
3           mentary school to middle school, from middle school  
4           to high school, and from high school into and  
5           through college and into the workforce, including  
6           any comprehensive readiness assessment as deemed  
7           necessary.

8           “(4) Family and community engagement.

9           “(5) Family and student supports, which may  
10          be provided within the school building.

11          “(6) Activities that support college and career  
12          readiness.

13          “(7) Community-based support for students  
14          who have attended the schools in the pipeline, or  
15          students who are members of the community, facili-  
16          tating their continued connection to the community  
17          and success in college and the workforce.

18 **“SEC. 5923. PROGRAM AUTHORIZED.**

19          “(a) IN GENERAL.—

20                 “(1) PROGRAM AUTHORIZED.—From amounts  
21                 appropriated to carry out this part, the Secretary  
22                 shall award grants, on a competitive basis, to eligible  
23                 entities to implement a comprehensive, evidence-  
24                 based continuum of coordinated services that meet  
25                 the purpose of this part by carrying out the activi-

1 ties in neighborhoods with high concentrations of  
2 low-income individuals and multiple signs of distress,  
3 which may include poverty, childhood obesity rates,  
4 academic failure, and rates of juvenile delinquency,  
5 adjudication, or incarceration, and persistently low-  
6 achieving schools or schools with an achievement  
7 gap.

8 “(2) SUFFICIENT SIZE AND SCOPE.—Each  
9 grant awarded under this part shall be of sufficient  
10 size and scope to allow the eligible entity to carry  
11 out the purpose of this part.

12 “(b) DURATION.—A grant awarded under this part  
13 shall be for a period of not more than 5 years, and may  
14 be renewed for an additional period of not more than 5  
15 years.

16 “(c) CONTINUED FUNDING.—Continued funding of a  
17 grant under this part, including a grant renewed under  
18 subsection (b), after the third year of the grant period  
19 shall be contingent on the eligible entity’s progress toward  
20 meeting the performance metrics described in section  
21 5918(a).

22 “(d) MATCHING REQUIREMENT.—

23 “(1) IN GENERAL.—Each eligible entity receiv-  
24 ing a grant under this part shall contribute match-  
25 ing funds in an amount equal to not less than 100

1       percent of the amount of the grant. Such matching  
2       funds shall come from Federal, State, local, and pri-  
3       vate sources.

4           “(2) PRIVATE SOURCES.—The Secretary shall  
5       require that a portion of the matching funds come  
6       from private sources, which may include in-kind do-  
7       nations.

8           “(3) ADJUSTMENT.—The Secretary may adjust  
9       the matching funds requirement for applicants that  
10      demonstrate high need, including applicants from  
11      rural areas or applicant that wish to provide services  
12      on tribal lands.

13          “(e) FINANCIAL HARDSHIP WAIVER.—The Secretary  
14      may waive or reduce, on a case-by-case basis, the matching  
15      requirement described in subsection (d), including the re-  
16      quirement for funds for private sources for a period of  
17      1 year at a time, if the eligible entity demonstrates signifi-  
18      cant financial hardship.

19          “(f) RESERVATION FOR RURAL AREAS.—From the  
20      amounts appropriated to carry out this part for a fiscal  
21      year, the Secretary shall reserve not less than 20 percent  
22      for eligible entities that propose to carry out the activities  
23      described in section 5916 in rural areas. The Secretary  
24      shall reduce the amount described in the preceding sen-  
25      tence if the Secretary does not receive a sufficient number

1 of applications that are deserving of a grant under this  
2 part for such purpose.

3 **“SEC. 5924. ELIGIBLE ENTITIES.**

4 “In this part, the term ‘eligible entity’ means—

5 “(1) an institution of higher education, as de-  
6 fined in section 102 of the Higher Education Act of  
7 1965;

8 “(2) an Indian tribe or tribal organization, as  
9 defined under section 4 of the Indian Self-Deter-  
10 mination and Education Assistance Act (25 U.S.C.  
11 450b); or

12 “(3) one or more nonprofit entities working in  
13 formal partnership with not less than 1 of the fol-  
14 lowing entities:

15 “(A) A high-need local educational agency.

16 “(B) An institution of higher education, as  
17 defined in section 102 of the Higher Education  
18 Act of 1965.

19 “(C) The office of a chief elected official of  
20 a unit of local government.

21 “(D) An Indian tribe or tribal organiza-  
22 tion, as defined under section 4 of the Indian  
23 Self-Determination and Education Assistance  
24 Act (25 U.S.C. 450b).

1 **“SEC. 5925. APPLICATION REQUIREMENTS.**

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

6       “(b) CONTENTS OF APPLICATION.—At a minimum,  
7 an application described in subsection (a) shall include the  
8 following:

9           “(1) A plan to significantly improve the aca-  
10 demic outcomes of children living in a neighborhood  
11 that is served by the eligible entity, by providing  
12 pipeline services that address the needs of children  
13 in the neighborhood, as identified by the needs anal-  
14 ysis described in paragraph (4), and supported by  
15 evidence-based practices.

16           “(2) A description of the neighborhood that the  
17 eligible entity will serve.

18           “(3) Measurable annual goals for the outcomes  
19 of the grant, including performance goals, in accord-  
20 ance with the metrics described in section 5918(a),  
21 for each year of the grant.

22           “(4) An analysis of the needs and assets, in-  
23 cluding size and scope of population affected of the  
24 neighborhood identified in paragraph (1), includ-  
25 ing—

1           “(A) a description of the process through  
2           which the needs analysis was produced, includ-  
3           ing a description of how parents, family, and  
4           community members were engaged in such  
5           analysis;

6           “(B) an analysis of community assets and  
7           collaborative efforts, including programs already  
8           provided from Federal and non-Federal sources,  
9           within, or accessible to, the neighborhood, in-  
10          cluding, at a minimum, early learning, family  
11          and student supports, local businesses, and in-  
12          stitutions of higher education;

13          “(C) the steps that the eligible entity is  
14          taking, at the time of the application, to ad-  
15          dress the needs identified in the needs analysis;  
16          and

17          “(D) any barriers the eligible entity, public  
18          agencies, and other community-based organiza-  
19          tions have faced in meeting such needs.

20          “(5) A description of all data that the entity  
21          used to identify the pipeline services to be provided  
22          and how the eligible entity will collect data on chil-  
23          dren served by each pipeline service and increase the  
24          percentage of children served over time.

1           “(6) A description of the process used to de-  
2       velop the application, including the involvement of  
3       family and community members.

4           “(7) A description of how the pipeline services  
5       will facilitate the coordination of the following activi-  
6       ties:

7                   “(A) Providing high-quality early learning  
8                   opportunities for children, including by pro-  
9                   viding opportunities for families and expectant  
10                  parents to acquire the skills to promote early  
11                  learning and child development, and ensuring  
12                  appropriate screening, diagnostic assessments,  
13                  and referrals for children with disabilities and  
14                  developmental delays, consistent with the Indi-  
15                  viduals with Disabilities Education Act, where  
16                  applicable.

17                   “(B) Supporting, enhancing, operating, or  
18                   expanding rigorous and comprehensive evi-  
19                   dence-based education reforms, which may in-  
20                   clude high-quality academic programs, ex-  
21                   panded learning time, and programs and activi-  
22                   ties to prepare students for college admissions  
23                   and success.

24                   “(C) Supporting partnerships between  
25                   schools and other community resources with an



1 integrated focus on academics and other social,  
2 health, and familial supports.

3 “(D) Providing social, health, nutrition,  
4 and mental health services and supports, in-  
5 cluding referrals for essential healthcare and  
6 preventative screenings, for children, family,  
7 and community members, which may include  
8 services provided within the school building.

9 “(E) Supporting evidence-based programs  
10 that assist students through school transitions,  
11 which may include expanding access to college  
12 courses for and college enrollment aide or guid-  
13 ance, and other supports for at-risk youth.

14 “(8) A description of the strategies that will be  
15 used to provide pipeline services (including a de-  
16 scription of which programs and services will be pro-  
17 vided to children, family members, community mem-  
18 bers, and children not attending schools or programs  
19 operated by the eligible entity or its partner pro-  
20 viders) to support the purpose of this part.

21 “(9) An explanation of the process the eligible  
22 entity will use to establish and maintain family and  
23 community engagement, including involving rep-  
24 resentative participation by the members of such  
25 neighborhood in the planning and implementation of

1 the activities of each grant awarded under this part,  
2 and the provision of strategies and practices to as-  
3 sist family and community members in actively sup-  
4 porting student achievement and child development,  
5 providing services for students, families, and com-  
6 munities within the school building, and collabora-  
7 tion with institutions of higher education, workforce  
8 development centers, and employers to align expecta-  
9 tions and programming with college and career read-  
10 iness.

11 “(10) An explanation of how the eligible entity  
12 will continuously evaluate and improve the con-  
13 tinuum of high-quality pipeline services to provide  
14 for continuous program improvement and potential  
15 expansion.

16 “(11) An identification of the fiscal agent,  
17 which may be any entity described in section 5914  
18 (not including paragraph (2) of such section).

19 “(c) MEMORANDUM OF UNDERSTANDING.—An eligi-  
20 ble entity, as part of the application described in this sec-  
21 tion, shall submit a preliminary memorandum of under-  
22 standing, signed by each partner entity or agency. The  
23 preliminary memorandum of understanding shall describe,  
24 at a minimum—

1           “(1) each partner’s financial and programmatic  
2           commitment with respect to the strategies described  
3           in the application, including an identification of the  
4           fiscal agent;

5           “(2) each partner’s long-term commitment to  
6           providing pipeline services that, at a minimum, ac-  
7           counts for the cost of supporting the continuum of  
8           supports and services (including a plan for how to  
9           support services and activities after grant funds are  
10          no longer available) and potential changes in local  
11          government;

12          “(3) each partner’s mission and the plan that  
13          will govern the work that the partners do together;

14          “(4) each partner’s long-term commitment to  
15          supporting the continuum of supports and services  
16          through data collection, monitoring, reporting, and  
17          sharing; and

18          “(5) each partner’s commitment to ensure  
19          sound fiscal management and controls, including evi-  
20          dence of a system of supports and personnel.

21 **“SEC. 5926. USE OF FUNDS.**

22          “(a) IN GENERAL.—Each eligible entity that receives  
23 a grant under this part shall use the grant funds to—

24               “(1) support planning activities to develop and  
25               implement pipeline services;

1           “(2) implement the pipeline services, as de-  
2           scribed in the application under section 5915; and

3           “(3) continuously evaluate the success of the  
4           program and improve the program based on data  
5           and outcomes.

6           “(b) SPECIAL RULES.—

7           “(1) FUNDS FOR PIPELINE SERVICES.—Each  
8           eligible entity that receives a grant under this part,  
9           for the first and second year of the grant, shall use  
10          not less than 50 percent of the grant funds to carry  
11          out the activities described in subsection (a)(1).

12          “(2) OPERATIONAL FLEXIBILITY.—Each eligi-  
13          ble entity that operates a school in a neighborhood  
14          served by a grant program under this part shall pro-  
15          vide such school with the operational flexibility, in-  
16          cluding autonomy over staff, time, and budget, need-  
17          ed to effectively carry out the activities described in  
18          the application under section 5915.

19          “(3) LIMITATION ON USE OF FUNDS FOR  
20          EARLY CHILDHOOD EDUCATION PROGRAMS.—Funds  
21          under this part that are used to improve early child-  
22          hood education programs shall not be used to carry  
23          out any of the following activities:

24                  “(A) Assessments that provide rewards or  
25                  sanctions for individual children or teachers.

1           “(B) A single assessment that is used as  
2           the primary or sole method for assessing pro-  
3           gram effectiveness.

4           “(C) Evaluating children, other than for  
5           the purposes of improving instruction, class-  
6           room environment, professional development, or  
7           parent and family engagement, or program im-  
8           provement.

9   **“SEC. 5927. REPORT AND PUBLICLY AVAILABLE DATA.**

10          “(a) REPORT.—Each eligible entity that receives a  
11          grant under this part shall prepare and submit an annual  
12          report to the Secretary, which shall include—

13                 “(1) information about the number and per-  
14                 centage of children in the neighborhood who are  
15                 served by the grant program, including a description  
16                 of the number and percentage of children accessing  
17                 each support or service offered as part of the pipe-  
18                 line services; and

19                 “(2) information relating to the performance  
20                 metrics described in section 5918(a); and

21          “(b) PUBLICLY AVAILABLE DATA.—Each eligible en-  
22          tity that receives a grant under this part shall make pub-  
23          licly available, including through electronic means, the in-  
24          formation described in subsection (a). To the extent prac-  
25          ticable, such information shall be provided in a form and

1 language accessible to parents and families in the neigh-  
2 borhood, and such information shall be a part of statewide  
3 longitudinal data systems.

4 **“SEC. 5928. PERFORMANCE ACCOUNTABILITY AND EVALUA-**  
5 **TION.**

6 “(a) **PERFORMANCE METRICS.**—Each eligible entity  
7 that receives a grant under this part shall collect data on  
8 performance indicators of pipeline services and family and  
9 student supports and report the results to the Secretary,  
10 who shall use the results as a consideration in continuing  
11 grants after the third year and in awarding grant renew-  
12 als. The indicators shall address the entity’s progress to-  
13 ward meeting the goals of this part to significantly im-  
14 prove the academic and developmental outcomes of chil-  
15 dren living in our Nation’s most distressed communities  
16 from birth through college and career entry, including en-  
17 suring school readiness, high school graduation, and col-  
18 lege and career readiness for such children, through the  
19 use of data-driven decision making and access to a com-  
20 munity-based continuum of high-quality services, begin-  
21 ning at birth.

22 “(b) **EVALUATION.**—The Secretary shall evaluate the  
23 implementation and impact of the activities funded under  
24 this part, in accordance with section 9601.

1 **“SEC. 5929. NATIONAL ACTIVITIES.**

2 “From the amounts appropriated to carry out this  
3 part for a fiscal year, in addition to the amounts that may  
4 be reserved in accordance with section 9601, the Secretary  
5 may reserve not more than 8 percent for national activi-  
6 ties, which may include research, technical assistance, pro-  
7 fessional development, dissemination of best practices, and  
8 other activities consistent with the purposes of this part.

9 **“SEC. 5930. AUTHORIZATION OF APPROPRIATIONS.**

10 “There are authorized to be appropriated to carry out  
11 this part such sums as may be necessary for each of fiscal  
12 years 2016 through 2021.”.

13 **TITLE VI—INNOVATION AND**  
14 **FLEXIBILITY**

15 **SEC. 6001. PURPOSES.**

16 Title VI (20 U.S.C. 7301 et seq.) is amended by in-  
17 serting before part A of title VI, the following:

18 **“SEC. 6001. PURPOSES.**

19 “The purposes of this title are—

20 “(1) to support State and local innovation in  
21 preparing all students to meet challenging State aca-  
22 demic standards under section 1111(b);

23 “(2) to provide States and local educational  
24 agencies with maximum flexibility in using Federal  
25 funds provided under this Act; and

26 “(3) to support education in rural areas.”.

1 **SEC. 6002. IMPROVING ACADEMIC ACHIEVEMENT.**

2 Part A of title VI (20 U.S.C. 7301 et seq.) is amend-  
3 ed—

4 (1) by striking subparts 1 and 4;

5 (2) by redesignating subpart 2 as subpart 1;

6 (3) by redesignating sections 6121 through  
7 6123 as sections 6111 through 6113, respectively;

8 (4) in section 6113, as redesignated by para-  
9 graph (3)—

10 (A) in subsection (a)—

11 (i) in paragraph (1)—

12 (I) in the matter preceding sub-  
13 paragraph (A), by striking “not more  
14 than 50 percent of the nonadministra-  
15 tive State funds” and inserting “all,  
16 or any lesser amount, of State funds”;  
17 and

18 (II) by striking subparagraphs  
19 (A) through (D) and inserting the fol-  
20 lowing:

21 “(A) Part A of title II.

22 “(B) Part A of title IV.

23 “(C) Part G of title V.”; and

24 (ii) in paragraph (2), by striking “and  
25 subject to the 50 percent limitation de-  
26 scribed in paragraph (1)”;



1 (B) in subsection (b)—

2 (i) in paragraph (1)—

3 (I) in subparagraph (A), by strik-  
4 ing “(except” and all that follows  
5 through “subparagraph (C))” and in-  
6 sserting “may transfer all, or any less-  
7 er amount, of the funds allocated to  
8 it”;

9 (II) by striking subparagraph  
10 (B);

11 (III) by redesignating subpara-  
12 graph (C) as subparagraph (B); and

13 (IV) in subparagraph (B), as re-  
14 designating by subclause (III), by  
15 striking “and subject to the percent-  
16 age limitation described in subpara-  
17 graph (A) or (B), as applicable”; and

18 (ii) in paragraph (2)—

19 (I) by striking “subparagraph  
20 (A), (B), or (C)” and inserting “sub-  
21 subparagraph (A) or (B)”; and

22 (II) by striking subparagraphs  
23 (A) through (D) and inserting the fol-  
24 lowing:

25 “(A) Part A of title II.

1 “(B) Part A of title IV.

2 “(C) Part G of title V.”; and

3 (5) by striking subpart 3 and inserting the fol-  
4 lowing:

5 **“Subpart 2—Weighted Student Funding Flexibility**  
6 **Pilot Program**

7 **“SEC. 6121. WEIGHTED STUDENT FUNDING FLEXIBILITY**  
8 **PILOT PROGRAM.**

9 “(a) PURPOSE.—The purpose of the pilot program  
10 under this section is to provide local educational agencies  
11 with flexibility to consolidate Federal, State, and local  
12 funding in order to create a single school funding system  
13 based on weighted per-pupil allocations for low-income and  
14 otherwise disadvantaged students.

15 “(b) AUTHORITY.—The Secretary may, on a competi-  
16 tive basis, enter into local flexibility demonstration agree-  
17 ments—

18 “(1) for not more than 2 years with local edu-  
19 cational agencies that are selected under subsection  
20 (c) and submit proposed agreements that meet the  
21 requirements of subsection (d); and

22 “(2) under which such agencies may consolidate  
23 and use funds in accordance with subsection (d) in  
24 order to develop and implement a school funding

1 system based on weighted per-pupil allocations for  
2 low-income and otherwise disadvantaged students.

3 “(c) SELECTION OF LOCAL EDUCATIONAL AGEN-  
4 CIES.—

5 “(1) IN GENERAL.—The Secretary may enter  
6 into local flexibility demonstration agreements with  
7 not more than 25 local educational agencies, reflect-  
8 ing the size and geographic diversity of all such  
9 agencies nationwide to the maximum extent feasible.

10 “(2) SELECTION.—Each local educational agen-  
11 cy shall be selected on a competitive basis from  
12 among those local educational agencies that—

13 “(A) submit a proposed local flexibility  
14 demonstration agreement under subsection (d)  
15 to the Secretary;

16 “(B) demonstrate to the satisfaction of the  
17 Secretary that the agreement meets the require-  
18 ments of subsection (d); and

19 “(C) agree to meet the continued dem-  
20 onstration requirements under subsection (e).

21 “(d) REQUIRED TERMS OF LOCAL FLEXIBILITY  
22 DEMONSTRATION AGREEMENT.—

23 “(1) APPLICATION.—Each local educational  
24 agency that desires to participate in the pilot pro-  
25 gram under this section shall submit, at such time,

1 in such form, and including such information as the  
2 Secretary may prescribe, an application to enter into  
3 a local flexibility demonstration agreement with the  
4 Secretary in order to develop and implement a  
5 school funding system based on weighted per-pupil  
6 allocations that meets the requirements of this sec-  
7 tion, including—

8 “(A) a description of the school funding  
9 system based on weighted per-pupil allocations,  
10 including how the system will meet the require-  
11 ments under paragraph (2);

12 “(B) a list of funding sources, including el-  
13 igible Federal funds the local educational agen-  
14 cy will include in such system;

15 “(C) a description of the amount and per-  
16 centage of total local educational agency fund-  
17 ing, including State, local, and eligible Federal  
18 funds, that will be allocated through such sys-  
19 tem;

20 “(D) the per-pupil expenditures (including  
21 actual personnel expenditures, including staff  
22 salary differentials for years of employment,  
23 and actual nonpersonnel expenditures) of State  
24 and local funds for each school served by the  
25 agency for the preceding fiscal year;

1           “(E) the per-pupil amount of eligible Fed-  
2           eral funds each school served by the agency,  
3           disaggregated by program, received in the pre-  
4           ceding fiscal year;

5           “(F) a description of how the system will  
6           continue to ensure that any eligible Federal  
7           funds allocated through the system will con-  
8           tinue to meet the purposes of each Federal  
9           funding stream, including serving students from  
10          low-income families, English learners, migratory  
11          children, and children who are neglected, delin-  
12          quent, or at risk, as applicable;

13          “(G) a description of how the local edu-  
14          cational agency will develop and employ a  
15          weighted student funding system to support  
16          public elementary schools and secondary schools  
17          in order to improve the academic achievement  
18          of students, including low-income students, the  
19          lowest-achieving students, English learners, and  
20          students with disabilities;

21          “(H) an assurance that the local edu-  
22          cational agency developed and will implement  
23          the local flexibility demonstration agreement in  
24          consultation with teachers, principals, other  
25          school leaders, administrators of Federal pro-

1           grams impacted by the agreement, parents, civil  
2           rights leaders, and other relevant stakeholders;

3           “(I) an assurance that the local edu-  
4           cational agency will use fiscal control and sound  
5           accountability procedures that ensure proper  
6           disbursement of, and accounting for, eligible  
7           Federal funds consolidated and used under such  
8           system;

9           “(J) an assurance that the local edu-  
10          cational agency will continue to meet the fiscal  
11          provisions in section 1117 and the requirements  
12          under section 9501; and

13          “(K) an assurance that the local edu-  
14          cational agency will meet the requirements of  
15          all applicable Federal civil rights laws in car-  
16          rying out the agreement and in consolidating  
17          and using funds under the agreement.

18          “(2) REQUIREMENTS OF SYSTEM.—A local edu-  
19          cational agency’s school funding system based on  
20          weighted per-pupil allocations shall meet each of the  
21          following requirements:

22                 “(A) The system shall—

23                         “(i) allocate a significant portion of  
24                         funds, including State, local, and eligible  
25                         Federal funds, to the school level through

1 a formula that determines per-pupil  
2 weighted amounts based on individual stu-  
3 dent characteristics;

4 “(ii) use weights or allocation  
5 amounts that allocate substantially more  
6 funding to students from low-income fami-  
7 lies and English learners than to other stu-  
8 dents; and

9 “(iii) demonstrate to the Secretary  
10 that each high-poverty school received at  
11 least as much total per-pupil funding, in-  
12 cluding from Federal, State, and local  
13 sources, for low-income students and at  
14 least as much total per-pupil funding, in-  
15 cluding from Federal, State, and local  
16 sources, for English learners as the school  
17 received in the year prior to carrying out  
18 the pilot program.

19 “(B) The system shall be used to allocate  
20 a significant portion, including all school-level  
21 personnel expenditures for instructional staff  
22 and nonpersonnel expenditures, but not less  
23 than 65 percent, of all the local educational  
24 agency’s local and State funds to schools.

1           “(C) After allocating funds through the  
2           school funding system, the local educational  
3           agency shall charge schools for the per-pupil ex-  
4           penditures of Federal, State, and local funds,  
5           including actual personnel expenditures for in-  
6           structional staff and actual nonpersonnel ex-  
7           penditures.

8           “(D) The system may include weights or  
9           allocation amounts according to other charac-  
10          teristics.

11          “(e) CONTINUED DEMONSTRATION.—Each local edu-  
12          cational agency that is selected to participate in the pilot  
13          program under this section shall annually—

14               “(1) demonstrate to the Secretary that no high-  
15               poverty school served by the agency received less  
16               total per-pupil funding, including from Federal,  
17               State, and local sources, for low-income students or  
18               less total per-pupil funding, including from Federal,  
19               State, and local sources, for English learners than  
20               the school received in the previous year;

21               “(2) make public and report to the Secretary  
22               the per-pupil expenditures (including actual per-  
23               sonnel expenditures that include staff salary dif-  
24               ferentials for years of employment, and actual non-  
25               personnel expenditures) of State, local, and Federal



1 funds for each school served by the agency, and  
2 disaggregated by student poverty quartile and by mi-  
3 nority student quartile for the preceding fiscal year;  
4 and

5 “(3) make public the total number of students  
6 enrolled in each school served by the agency and the  
7 number of students enrolled in each such school  
8 disaggregated by each of the categories of students,  
9 as defined in section 1111(b)(3)(A).

10 “(f) ELIGIBLE FEDERAL FUNDS.—In this section,  
11 the term ‘eligible Federal funds’ means funds received by  
12 a local educational agency under titles I, II, III, and IV  
13 of this Act.

14 “(g) LIMITATIONS ON ADMINISTRATIVE EXPENDI-  
15 TURES.—Each local educational agency that has entered  
16 into a local flexibility demonstration agreement with the  
17 Secretary under this section may use, for administrative  
18 purposes, from eligible Federal funds not more than the  
19 percentage of funds allowed for such purpose under any  
20 of titles I, II, III, or IV.

21 “(h) PEER REVIEW.—The Secretary may establish a  
22 peer-review process to assist in the review of a proposed  
23 local flexibility demonstration agreement.

24 “(i) NONCOMPLIANCE.—The Secretary may, after  
25 providing notice and an opportunity for a hearing (includ-

1 ing the opportunity to provide information as provided for  
2 in subsection (j)), terminate a local flexibility demonstra-  
3 tion agreement under this section if there is evidence that  
4 the local educational agency has failed to comply with the  
5 terms of the agreement and the requirements under sub-  
6 sections (d) and (e).

7       “(j) EVIDENCE.—If a local educational agency be-  
8 lieves that the Secretary’s determination under subsection  
9 (i) is in error for statistical or other substantive reasons,  
10 the local educational agency may provide supporting evi-  
11 dence to the Secretary, and the Secretary shall consider  
12 that evidence before making a final termination deter-  
13 mination.

14       “(k) PROGRAM EVALUATION.—From the amount re-  
15 served for evaluation activities in section 9601, the Sec-  
16 retary, acting through the Director of the Institute of  
17 Education Sciences, shall, in consultation with the rel-  
18 evant program office at the Department, evaluate the im-  
19 plementation and impact of the local flexibility demonstra-  
20 tion agreements under this section, consistent with section  
21 9601 and specifically on improving the equitable distribu-  
22 tion of State and local funding and increasing student  
23 achievement.

24       “(l) RENEWAL OF LOCAL FLEXIBILITY DEMONSTRA-  
25 TION AGREEMENT.—The Secretary may renew for addi-

1 tional 3-year terms a local flexibility demonstration agree-  
 2 ment under this section if—

3           “(1) the local educational agency has met the  
 4 requirements under subsections (d)(2) and (e) and  
 5 agrees to and has a high likelihood of continuing to  
 6 meet such requirements; and

7           “(2) the Secretary determines that renewing  
 8 the local flexibility demonstration agreement is in  
 9 the interest of students served under titles I and III,  
 10 including students from low-income families, English  
 11 learners, migratory children, and children who are  
 12 neglected, delinquent, or at risk.

13           “(m) DEFINITION OF HIGH-POVERTY SCHOOL.—In  
 14 this section, the term ‘high-poverty school’ means a school  
 15 that is in the highest 2 quartiles of schools served by a  
 16 local educational agency, based on the percentage of en-  
 17 rolled students from low-income families.”.

18 **SEC. 6003. RURAL EDUCATION INITIATIVE.**

19           Part B of title VI (20 U.S.C. 7341 et seq.) is amend-  
 20 ed—

21           (1) in section 6211—

22                   (A) in subsection (a)(1), by striking sub-  
 23 paragraphs (A) through (E) and inserting the  
 24 following:

25                           “(A) Part A of title I.

1 “(B) Part A of title II.

2 “(C) Title III.

3 “(D) Part A or B of title IV.

4 “(E) Part G of title V.”;

5 (B) in subsection (b)(1)—

6 (i) in subparagraph (A)(ii), by strik-  
7 ing “7 or 8, as determined by the Sec-  
8 retary; or” and inserting “41, 42, or 43, as  
9 determined by the Secretary.”;

10 (ii) in subparagraph (B), by striking  
11 the period at the end and inserting “; or”;  
12 and

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

15 “(C) the local educational agency is a  
16 member of an educational service agency that  
17 does not receive funds under this subpart and  
18 the local educational agency meets the require-  
19 ments of this part.”; and

20 (C) in subsection (e), by striking para-  
21 graphs (1) through (3) and inserting the fol-  
22 lowing:

23 “(1) Part A of title II.

24 “(2) Part A of title IV.

25 “(3) Part G of Title V.”;

1 (2) in section 6212—

2 (A) in subsection (a), by striking para-  
3 graphs (1) through (5) and inserting the fol-  
4 lowing:

5 “(1) Part A of title I.

6 “(2) Part A of title II.

7 “(3) Title III.

8 “(4) Part A or B of title IV.

9 “(5) Part G of title V.”;

10 (B) in subsection (b)—

11 (i) by striking paragraph (1) and in-  
12 serting the following:

13 “(1) ALLOCATION.—

14 “(A) IN GENERAL.—Except as provided in  
15 paragraphs (3) and (4), the Secretary shall  
16 award a grant under subsection (a) to a local  
17 educational agency eligible under section  
18 6211(b) for a fiscal year in an amount equal to  
19 the initial amount determined under paragraph  
20 (2) for the fiscal year minus the total amount  
21 received by the agency under the provisions of  
22 law described in section 6211(c) for the pre-  
23 ceding fiscal year.

24 “(B) SPECIAL DETERMINATION.—For a  
25 local educational agency that is eligible under

1 section 6211 and is a member of an educational  
2 service agency, the Secretary may determine the  
3 award amount by subtracting from the initial  
4 amount determined under paragraph (2), an  
5 amount that is equal to that local educational  
6 agency's per-pupil share of the total amount re-  
7 ceived by the educational service agency under  
8 titles II and IV, as long as a determination  
9 under this subparagraph would not dispropor-  
10 tionately affect any State.”;

11 (ii) by striking paragraph (2) and in-  
12 serting the following:

13 “(2) DETERMINATION OF INITIAL AMOUNT.—

14 “(A) IN GENERAL.—The initial amount re-  
15 ferred to in paragraph (1) is equal to \$100  
16 multiplied by the total number of students in  
17 excess of 50 students, in average daily attend-  
18 ance at the schools served by the local edu-  
19 cational agency, plus \$20,000, except that the  
20 initial amount may not exceed \$60,000.

21 “(B) SPECIAL RULE.—For any fiscal year  
22 for which the amount made available to carry  
23 out this part is \$252,000,000 or more, subpara-  
24 graph (A) shall be applied—

1           “(i) by substituting ‘\$25,000’ for  
2           ‘\$20,000’; and

3           “(ii) by substituting ‘\$80,000’ for  
4           ‘\$60,000.’; and

5           (iii) by adding at the end the fol-  
6           lowing:

7           “(4) HOLD HARMLESS.—For a local edu-  
8           cational agency that is not eligible under this sub-  
9           part but met the eligibility requirements under sec-  
10          tion 6211(b) as such section was in effect on the day  
11          before the date of enactment of the Every Child  
12          Achieves Act of 2015, the agency shall receive—

13           “(A) for fiscal year 2016, 75 percent of  
14           the amount such agency received for fiscal year  
15           2015;

16           “(B) for fiscal year 2017, 50 percent of  
17           the amount such agency received for fiscal year  
18           2015; and

19           “(C) for fiscal year 2018, 25 percent of  
20           the amount such agency received for fiscal year  
21           2015.”; and

22           (C) by striking subsection (d);

23           (3) by striking section 6213 and inserting the  
24          following:

1 **“SEC. 6213. ACADEMIC ACHIEVEMENT ASSESSMENTS.**

2 “Each local educational agency that uses or receives  
3 funds under this subpart for a fiscal year shall administer  
4 an assessment that is consistent with section  
5 1111(b)(2).”;

6 (4) in section 6221—

7 (A) in subsection (b)(1)(B), by striking “6,  
8 7, or 8” and inserting “32, 33, 41, 42, or 43”;  
9 and

10 (B) in subsection (c)(1), by striking “Bu-  
11 reau of Indian Affairs” and inserting “Bureau  
12 of Indian Education”;

13 (5) in section 6222(a), by striking paragraphs  
14 (1) through (7) and inserting the following:

15 “(1) Activities authorized under part A of title  
16 I.

17 “(2) Activities authorized under part A of title  
18 II.

19 “(3) Activities authorized under title III.

20 “(4) Activities authorized under part A of title  
21 IV.

22 “(5) Parental involvement activities.

23 “(6) Activities authorized under part G of title  
24 V.”;

25 (6) in section 6223—



1           (A) in subsection (a), by striking “at such  
2           time, in such manner, and accompanied by such  
3           information” and inserting “at such time and  
4           in such manner”; and

5           (B) by striking subsection (b) and insert-  
6           ing the following:

7           “(b) CONTENTS.—Each application submitted under  
8           subsection (a) shall include information on—

9           “(1) program objectives and outcomes for ac-  
10           tivities under this subpart, including how the State  
11           educational agency or specially qualified agency will  
12           use funds to help all students meet the challenging  
13           State academic standards under section 1111(b);

14           “(2) if the State educational agency or specially  
15           qualified agency will competitively award grants to  
16           eligible local educational agencies, as described in  
17           section 6221(b)(2)(A), the application under the sec-  
18           tion shall include—

19           “(A) the methods and criteria the State  
20           educational agency or specially qualified agency  
21           will use for reviewing applications and awarding  
22           funds to local educational agencies on a com-  
23           petitive basis; and

24           “(B) how the State educational agency or  
25           specially qualified agency will notify eligible

1 local educational agencies of the grant competi-  
2 tion; and

3 “(3) a description of how the State educational  
4 agency or specially qualified agency will provide  
5 technical assistance to eligible local educational  
6 agencies to help such agencies implement the activi-  
7 ties described in section 6222.”;

8 (7) in section 6224—

9 (A) in subsection (a)—

10 (i) in the matter preceding paragraph  
11 (1), by inserting “or specially qualified  
12 agency” after “Each State educational  
13 agency”;

14 (ii) by striking paragraph (1) and in-  
15 serting the following:

16 “(1) if the report is submitted by a State edu-  
17 cational agency, the method the State educational  
18 agency used to award grants to eligible local edu-  
19 cational agencies, and to provide assistance to  
20 schools, under this subpart;” and

21 (iii) by striking paragraph (3) and in-  
22 serting the following:

23 “(3) the degree to which progress has been  
24 made toward meeting the objectives and outcomes  
25 described in the application submitted under section

1       6223, including having all students in the State or  
2       the area served by the specially qualified agency, as  
3       applicable, meet the challenging State academic  
4       standards under section 1111(b).”;

5               (B) by striking subsection (b) and (c) and  
6       inserting the following:

7       “(b) REPORT TO CONGRESS.—The Secretary shall  
8       prepare a summary of the reports under subsection (a)  
9       and submit a biennial report to the Committee on Health,  
10       Education, Labor, and Pensions of the Senate and the  
11       Committee on Education and the Workforce of the House  
12       of Representatives.”;

13              (C) by redesignating subsection (d) as sub-  
14       section (e);

15              (D) in subsection (e), as redesignated by  
16       subparagraph (C), by striking “assessment that  
17       is consistent with section 1111(b)(3)” and in-  
18       serting “assessment that is consistent with sec-  
19       tion 1111(b)(2)”;

20              (E) by striking subsection (e);

21       (8) by inserting after section 6224 the fol-  
22       lowing:

23       **“SEC. 6225. CHOICE OF PARTICIPATION.**

24       “(a) IN GENERAL.—If a local educational agency is  
25       eligible for funding under both subparts 1 and 2 of this

1 part, such local educational agency may receive funds  
2 under either subpart 1 or subpart 2 for a fiscal year, but  
3 may not receive funds under both subparts for such fiscal  
4 year.

5 “(b) NOTIFICATION.—A local educational agency eli-  
6 gible for funding under both subparts 1 and 2 of this part  
7 shall notify the Secretary and the State educational agen-  
8 cy under which of such subparts the local educational  
9 agency intends to receive funds for a fiscal year by a date  
10 that is established by the Secretary for the notification.”;  
11 and

12 (9) in section 6234, by striking “\$300,000,000  
13 for fiscal year 2002 and such sums as may be nec-  
14 essary for each of the 5 succeeding fiscal years,”  
15 and inserting “such sums as may be necessary for  
16 each of the fiscal years 2016 through 2021,”.

17 **SEC. 6004. GENERAL PROVISIONS.**

18 Part C of title VI (20 U.S.C. 7371) is amended to  
19 read as follows:

20 **“PART C—GENERAL PROVISIONS**

21 **“SEC. 6301. PROHIBITION AGAINST FEDERAL MANDATES,**  
22 **DIRECTION, OR CONTROL.**

23 “Nothing in this title shall be construed to authorize  
24 an officer or employee of the Federal Government to man-  
25 date, direct, or control a State, local educational agency,

1 or school's specific instructional content, academic stand-  
2 ards and assessments, curriculum, or program of instruc-  
3 tion, as a condition of eligibility to receive funds under  
4 this Act.

5 **“SEC. 6302. RULE OF CONSTRUCTION ON EQUALIZED**  
6 **SPENDING.**

7 “Nothing in this title shall be construed to mandate  
8 equalized spending per pupil for a State, local educational  
9 agency, or school.”.

10 **SEC. 6005. REVIEW RELATING TO RURAL LOCAL EDU-**  
11 **CATIONAL AGENCIES.**

12 (a) REVIEW AND REPORT.—Not later than 18  
13 months after the date of enactment of this Act, the Sec-  
14 retary of Education shall—

15 (1) review the organization, structure, and  
16 process and procedures of the Department of Edu-  
17 cation for administering its programs and developing  
18 policy and regulations, in order to—

19 (A) assess the methods and manner  
20 through which, and the extent to which, the De-  
21 partment of Education takes into account, con-  
22 siders input from, and addresses the unique  
23 needs and characteristics of rural schools and  
24 rural local educational agencies; and

1           (B) determine actions that the Department  
2           of Education can take to meaningfully increase  
3           the consideration and participation of rural  
4           schools and rural local educational agencies in  
5           the development and execution of the processes,  
6           procedures, policies, and regulations of the De-  
7           partment of Education;

8           (2) make public a preliminary report containing  
9           the information described under paragraph (1) and  
10          provide Congress and the public with 60 days to  
11          comment on the proposed actions under paragraph  
12          (1)(B); and

13          (3) taking into account comments submitted  
14          under paragraph (2), issue a final report to the  
15          Committee on Health, Education, Labor, and Pen-  
16          sions of the Senate, which shall describe the final ac-  
17          tions developed pursuant to paragraph (1)(B).

18          (b) IMPLEMENTATION.—Not later than 2 years after  
19          the date of enactment of this Act, the Secretary of Edu-  
20          cation shall—

21               (1) implement each action described in the re-  
22               port under subsection (a)(3); or

23               (2) provide a written explanation to the Com-  
24               mittee on Health, Education, Labor, and Pensions  
25               of the Senate and the Committee on Education and

1 the Workforce of the House of Representatives of  
2 why the action was not carried out.

3 **TITLE VII—INDIAN, NATIVE HA-**  
4 **WAIAN, AND ALASKA NATIVE**  
5 **EDUCATION**

6 **SEC. 7001. INDIAN EDUCATION.**

7 Part A of title VII (20 U.S.C. 7401 et seq.) is amend-  
8 ed—

9 (1) by striking section 7102 and inserting the  
10 following:

11 **“SEC. 7102. PURPOSE.**

12 “It is the purpose of this part to support the efforts  
13 of local educational agencies, Indian tribes and organiza-  
14 tions, postsecondary institutions, and other entities—

15 “(1) to ensure the academic achievement of  
16 American Indian and Alaska Native students by  
17 meeting their unique cultural, language, and edu-  
18 cational needs, consistent with section 1111;

19 “(2) to ensure that American Indian and Alas-  
20 ka Native students gain knowledge and under-  
21 standing of Native communities, languages, tribal  
22 histories, traditions, and cultures; and

23 “(3) to ensure that teachers, principals, other  
24 school leaders, and other staff who serve American  
25 Indian and Alaska Native students have the ability

1 to provide effective instruction and supports to such  
2 students.”;

3 (2) by striking section 7111 and inserting the  
4 following:

5 **“SEC. 7111. PURPOSE.**

6 “It is the purpose of this subpart to support local  
7 educational agencies in developing elementary school and  
8 secondary school programs for American Indian and Alas-  
9 ka Native students that are designed to—

10 “(1) meet the unique cultural, language, and  
11 educational needs of such students; and

12 “(2) ensure that all students meet the chal-  
13 lenging State academic standards adopted under sec-  
14 tion 1111(b).”;

15 (3) in section 7112—

16 (A) by striking subsection (a) and insert-  
17 ing the following:

18 “(a) IN GENERAL.—The Secretary may make grants,  
19 from allocations made under section 7113, and in accord-  
20 ance with this section and section 7113, to—

21 “(1) local educational agencies;

22 “(2) Indian tribes; and

23 “(3) consortia of 2 or more local educational  
24 agencies, Indian tribes, Indian organizations, or In-  
25 dian community-based organizations, provided that



1 each local educational agency participating in such a  
2 consortium—

3 “(A) provides an assurance that the eligi-  
4 ble Indian children served by such local edu-  
5 cational agency receive the services of the pro-  
6 grams funded under this subpart; and

7 “(B) is subject to all the requirements, as-  
8 surances, and obligations applicable to local  
9 educational agencies under this subpart.”;

10 (B) in subsection (b)—

11 (i) in paragraph (1), by striking “A  
12 local educational agency shall” and insert-  
13 ing “Subject to paragraph (2), a local edu-  
14 cational agency shall”;

15 (ii) by redesignating paragraph (2) as  
16 paragraph (3); and

17 (iii) by inserting after paragraph (1)  
18 the following:

19 “(2) COOPERATIVE AGREEMENTS.—A local edu-  
20 cational agency may enter into a cooperative agree-  
21 ment with an Indian tribe under this subpart if such  
22 Indian tribe—

23 “(A) represents not less than 25 percent of  
24 the eligible Indian children who are served by  
25 such local educational agency; and

1           “(B) requests that the local educational  
2           agency enter into a cooperative agreement  
3           under this subpart.”; and

4           (C) by striking subsection (c) and inserting  
5           the following:

6           “(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

7           “(1) IN GENERAL.—If a local educational agen-  
8           cy that is otherwise eligible for a grant under this  
9           subpart does not establish a committee under section  
10          7114(e)(4) for such grant, an Indian tribe, an In-  
11          dian organization, or a consortium of such entities,  
12          that represents more than one-half of the eligible In-  
13          dian children who are served by such local edu-  
14          cational agency may apply for such grant.

15          “(2) UNAFFILIATED INDIAN TRIBES.—An In-  
16          dian tribe that operates a public school and that is  
17          not affiliated with either a local educational agency  
18          or the Bureau of Indian Education shall be eligible  
19          to apply for a grant under this subpart.

20          “(3) SPECIAL RULE.—

21          “(A) IN GENERAL.—The Secretary shall  
22          treat each Indian tribe, Indian organization, or  
23          consortium of such entities applying for a grant  
24          pursuant to paragraph (1) or (2) as if such  
25          tribe, Indian organization, or consortium were a

1 local educational agency for purposes of this  
2 subpart.

3 “(B) EXCEPTIONS.—Notwithstanding sub-  
4 paragraph (A), such Indian tribe, Indian orga-  
5 nization, or consortium shall not be subject to  
6 the requirements of subsections (b)(7) or (c)(4)  
7 of section 7114 or section 7118(c) or 7119.

8 “(4) ASSURANCE TO SERVE ALL INDIAN CHIL-  
9 DREN.—An Indian tribe, Indian organization, or  
10 consortium of such entities that is eligible to apply  
11 for a grant under paragraph (1) shall include, in the  
12 application required under section 7114, an assur-  
13 ance that the entity will use the grant funds to pro-  
14 vide services to all Indian students served by the  
15 local educational agency.

16 “(d) INDIAN COMMUNITY-BASED ORGANIZATION.—

17 “(1) IN GENERAL.—If no local educational  
18 agency pursuant to subsection (b), and no Indian  
19 tribe, Indian organization, or consortium pursuant  
20 to subsection (c), applies for a grant under this sub-  
21 part, an Indian community-based organization serv-  
22 ing the community of the local educational agency  
23 may apply for such grant.

24 “(2) APPLICABILITY OF SPECIAL RULE.—The  
25 Secretary shall apply the special rule in subsection

1 (c)(3) to an Indian community-based organization  
2 applying or receiving a grant under paragraph (1) in  
3 the same manner as such rule applies to an Indian  
4 tribe, Indian organization, or consortium.

5 “(3) DEFINITION OF INDIAN COMMUNITY-  
6 BASED ORGANIZATION.—In this subsection, the term  
7 ‘Indian community-based organization’ means any  
8 organization that—

9 “(A) is composed primarily of Indian par-  
10 ents and community members, tribal govern-  
11 ment education officials, and tribal members  
12 from a specific community;

13 “(B) assists in the social, cultural, and  
14 educational development of Indians in such  
15 community;

16 “(C) meets the unique cultural, language,  
17 and academic needs of Indian students; and

18 “(D) demonstrates organizational capacity  
19 to manage the grant.

20 “(e) CONSORTIA.—

21 “(1) IN GENERAL.—A local educational agency,  
22 Indian tribe, or Indian organization that meets the  
23 eligibility requirements under this section may form  
24 a consortium with other eligible local educational  
25 agencies, Indian tribes, or Indian organizations for

1 the purpose of obtaining grants and operating pro-  
2 grams under this subpart.

3 “(2) REQUIREMENTS.—In any case where 2 or  
4 more local educational agencies, Indian tribes, or In-  
5 dian organizations that are eligible under subsection  
6 (b) form or participate in a consortium to obtain a  
7 grant, or operate a program, under this subpart,  
8 each local educational agency, Indian tribe, and In-  
9 dian organization participating in such a consortium  
10 shall—

11 “(A) provide, in the application submitted  
12 under section 7114, an assurance that the eligi-  
13 ble Indian children served by such local edu-  
14 cational agency, Indian tribe, and Indian orga-  
15 nization will receive the services of the pro-  
16 grams funded under this subpart; and

17 “(B) agree to be subject to all require-  
18 ments, assurances, and obligations applicable to  
19 a local educational agency, Indian tribe, and In-  
20 dian organization receiving a grant under this  
21 subpart.”;

22 (4) in section 7113—

23 (A) in subsection (b)(1), by striking “Bu-  
24 reau of Indian Affairs” and inserting “Bureau  
25 of Indian Education”; and

1 (B) in subsection (d)—

2 (i) in the subsection heading, by strik-  
3 ing “INDIAN AFFAIRS” and inserting “IN-  
4 DIAN EDUCATION”; and

5 (ii) in paragraph (1)(A)(i), by striking  
6 “Bureau of Indian Affairs” and inserting  
7 “Bureau of Indian Education”;

8 (5) in section 7114—

9 (A) in subsection (a), by inserting “Indian  
10 tribe, or consortia as described in section  
11 7113(b)(2)” after “Each local educational  
12 agency,”;

13 (B) in subsection (b)—

14 (i) in paragraph (2)—

15 (I) in subparagraph (A), by strik-  
16 ing “is consistent with the State and  
17 local plans” and inserting “supports  
18 the State, tribal, and local plans”; and

19 (II) by striking subparagraph (B)  
20 and inserting the following:

21 “(B) includes program objectives and out-  
22 comes for activities under this subpart that are  
23 based on the same challenging State academic  
24 standards developed by the State under title I  
25 for all students;”;

1 (ii) by striking paragraph (3) and in-  
2 serting the following:

3 “(3) explains how the local educational agency,  
4 tribe, or consortium will use funds made available  
5 under this subpart to supplement other Federal,  
6 State, and local programs that meet the needs of  
7 such students;”;

8 (iii) in paragraph (5)(B), by striking  
9 “and” after the semicolon;

10 (iv) in paragraph (6)—

11 (I) in subparagraph (B)—

12 (aa) in clause (i), by striking  
13 “and” after the semicolon; and

14 (bb) by adding at the end  
15 the following:

16 “(iii) the Indian tribes whose children  
17 are served by the local educational agency,  
18 consistent with section 444 of the General  
19 Education Provisions Act (20 U.S.C.  
20 1232g) (commonly referred to as the  
21 ‘Family Educational Rights and Privacy  
22 Act of 1974’); and”;

23 (II) in subparagraph (C), by  
24 striking the period at the end and in-  
25 serting “; and”; and

1 (v) by adding at the end the following:

2 “(7) describes the process the local educational  
3 agency used to collaborate with Indian tribes located  
4 in the community in the development of the com-  
5 prehensive programs and the actions taken as a re-  
6 sult of such collaboration.”;

7 (C) in subsection (c)—

8 (i) in paragraph (1), by striking “the  
9 education of Indian children,” and insert-  
10 ing “services and activities consistent with  
11 those described in this subpart,”;

12 (ii) in paragraph (2)—

13 (I) in subparagraph (A), by strik-  
14 ing “and” after the semicolon;

15 (II) in subparagraph (B), by  
16 striking “served by such agency;” and  
17 inserting “served by such agency, and  
18 meet program objectives and outcomes  
19 for activities under this subpart;  
20 and”;

21 (III) by adding at the end the  
22 following:

23 “(C) determine the extent to which such  
24 activities address the unique cultural, language,  
25 and educational needs of Indian students;”;



1 (iii) in paragraph (3)(C)—

2 (I) by inserting “representatives  
3 of Indian tribes on Indian lands lo-  
4 cated within 50 miles of any school  
5 that the agency will serve if such tribe  
6 has any children in such school,” after  
7 “parents of Indian children and teach-  
8 ers,”; and

9 (II) by striking “and” after the  
10 semicolon;

11 (iv) in paragraph (4)—

12 (I) in subparagraph (A)—

13 (aa) in clause (i), by insert-  
14 ing “and family members” after  
15 “parents”;

16 (bb) by redesignating  
17 clauses (ii) and (iii) as clauses  
18 (iii) and (iv), respectively; and

19 (cc) by inserting after clause  
20 (i) the following:

21 “(ii) representatives of Indian tribes  
22 on Indian lands located within 50 miles of  
23 any school that the agency will serve if  
24 such tribe has any children in such  
25 school;”;

1 (II) by striking subparagraph (B)  
2 and inserting the following:

3 “(B) a majority of whose members are  
4 parents and family members of Indian children  
5 and representatives of Indian tribes described  
6 in subparagraph (A)(ii), as applicable;”;

7 (III) in subparagraph (C), by in-  
8 serting “and family members” after “,  
9 parents”;

10 (IV) in subparagraph (D)(ii), by  
11 striking “and” after the semicolon;

12 (V) in subparagraph (E), by  
13 striking the period at the end and in-  
14 serting “; and”;

15 (VI) by adding at the end the fol-  
16 lowing:

17 “(F) that will determine the extent to  
18 which the activities of the local educational  
19 agency will address the unique cultural, lin-  
20 guistic, and educational needs of Indian stu-  
21 dents;”;

22 (v) by adding at the end the following:

23 “(5) the local educational agency will coordinate  
24 activities under this title with other Federal pro-

1       grams supporting educational and related services  
2       administered by such agency;

3           “(6) the local educational agency conducted  
4       outreach to parents and family members to meet the  
5       requirements under this paragraph; and

6           “(7) the local educational agency will use funds  
7       received under this subpart only for activities de-  
8       scribed and authorized in this subpart.”; and

9           (D) by adding at the end the following:

10       “(d) **OUTREACH.**—The Secretary shall monitor the  
11       applications for grants under this subpart to identify eligi-  
12       ble local educational agencies and schools operated by the  
13       Bureau of Indian Education that have not applied for such  
14       grants, and shall undertake appropriate outreach activities  
15       to encourage and assist eligible entities to submit applica-  
16       tions for such grants.

17       “(e) **TECHNICAL ASSISTANCE.**—The Secretary shall,  
18       directly or by contract, provide technical assistance to a  
19       local educational agency or Bureau of Indian Education  
20       school upon request (in addition to any technical assist-  
21       ance available under other provisions of this Act or avail-  
22       able through the Institute of Education Sciences) to sup-  
23       port the services and activities provided under this sub-  
24       part, including technical assistance for—

1           “(1) the development of applications under this  
2 subpart;

3           “(2) improvement in the quality of implementa-  
4 tion, content, and evaluation of activities supported  
5 under this subpart; and

6           “(3) integration of activities under this subpart  
7 with other educational activities carried out by the  
8 local educational agency.”;

9           (6) in section 7115—

10           (A) in subsection (a)—

11           (i) in paragraph (1), by inserting  
12 “solely for the services and activities de-  
13 scribed in such application” after “under  
14 section 7114(a)”;

15           (ii) in paragraph (2), by inserting “to  
16 be responsive to the unique learning styles  
17 of Indian and Alaska Native children”  
18 after “Indian students”;

19           (B) by striking subsection (b) and insert-  
20 ing the following:

21           “(b) PARTICULAR ACTIVITIES.—The services and ac-  
22 tivities referred to in subsection (a) may include—

23           “(1) activities that support Native American  
24 language programs and Native American language

1 restoration programs, which may be taught by tradi-  
2 tional leaders;

3 “(2) culturally related activities that support  
4 the program described in the application submitted  
5 by the local educational agency;

6 “(3) high-quality early childhood and family  
7 programs that emphasize school readiness;

8 “(4) enrichment programs that focus on prob-  
9 lem solving and cognitive skills development and di-  
10 rectly support the attainment of challenging State  
11 academic standards described in 1111(b);

12 “(5) integrated educational services in combina-  
13 tion with other programs that meet the needs of In-  
14 dian children and their families, including programs  
15 that promote parental involvement in school activi-  
16 ties and increase student achievement;

17 “(6) career preparation activities to enable In-  
18 dian students to participate in programs such as the  
19 programs supported by the Carl D. Perkins Career  
20 and Technical Education Act of 2006, including pro-  
21 grams for tech-prep education, mentoring, and ap-  
22 prenticeship;

23 “(7) activities to educate individuals so as to  
24 prevent violence, suicide, and substance abuse;

1           “(8) the acquisition of equipment, but only if  
2 the acquisition of the equipment is essential to  
3 achieve the purpose described in section 7111;

4           “(9) activities that promote the incorporation of  
5 culturally responsive teaching and learning strategies  
6 into the educational program of the local educational  
7 agency;

8           “(10) family literacy services;

9           “(11) activities that recognize and support the  
10 unique cultural and educational needs of Indian chil-  
11 dren, and incorporate appropriately qualified tribal  
12 elders and seniors; and

13           “(12) dropout prevention strategies and strate-  
14 gies to—

15           “(A) meet the educational needs of at-risk  
16 Indian students in correctional facilities; and

17           “(B) support Indian students who are  
18 transitioning from such facilities to schools  
19 served by local educational agencies.”;

20           (C) in subsection (c)—

21           (i) in paragraph (1), by striking  
22 “and” after the semicolon;

23           (ii) in paragraph (2), by striking the  
24 period and inserting “; and”; and

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

3 “(3) the local educational agency identifies in  
4 its application how the use of such funds in a  
5 schoolwide program will provide benefits to Indian  
6 students.”; and

7 (D) by adding at the end the following:

8 “(e) LIMITATION ON USE OF FUNDS.—Funds pro-  
9 vided to a grantee under this subpart may not be used  
10 for long-distance travel expenses for training activities  
11 available locally or regionally.”;

12 (7) in section 7116—

13 (A) in subsection (g)—

14 (i) by striking “No Child Left Behind  
15 Act of 2001” and inserting “Every Child  
16 Achieves Act of 2015”;

17 (ii) by inserting “the Secretary of  
18 Health and Human Services,” after “the  
19 Secretary of the Interior,”; and

20 (iii) by inserting “and coordination”  
21 after “providing for the implementation”;  
22 and

23 (B) in subsection (o)—

24 (i) in paragraph (1), by striking “Not  
25 later than 2 years after the date of enact-

1           ment of the No Child Left Behind Act of  
2           2001,” and inserting “Not later than 2  
3           years after date of enactment of the Every  
4           Child Achieves Act of 2015, and every 5  
5           years thereafter,”; and

6                   (ii) by striking paragraph (2) and in-  
7           serting the following:

8           “(2) CONTENTS.—The report required under  
9           paragraph (1) shall identify—

10                   “(A) any statutory barriers to the ability  
11           of participants to more effectively integrate  
12           their education and related services to Indian  
13           students in a manner consistent with the objec-  
14           tives of this section; and

15                   “(B) the effective practices for program in-  
16           tegration that result in increased student  
17           achievement, graduation rates, and other rel-  
18           evant outcomes for Indian students.”;

19           (8) in section 7117—

20                   (A) in subsection (b)(1)—

21                           (i) in subparagraph (A)(ii), by insert-  
22           ing “or membership” after “the enroll-  
23           ment”; and

24                           (ii) in subparagraph (B), by inserting  
25           “or membership” after “the enrollment”;



1 (B) by striking subsection (e) and insert-  
2 ing the following:

3 “(e) DOCUMENTATION.—

4 “(1) IN GENERAL.—For purposes of deter-  
5 mining whether a child is eligible to be counted for  
6 the purpose of computing the amount of a grant  
7 award under section 7113, the membership of the  
8 child, or any parent or grandparent of the child, in  
9 a tribe or band of Indians (as so defined) may be  
10 established by proof other than an enrollment num-  
11 ber, notwithstanding the availability of an enroll-  
12 ment number for a member of such tribe or band.  
13 Nothing in subsection (b) shall be construed to re-  
14 quire the furnishing of an enrollment number.

15 “(2) NO NEW OR DUPLICATE DETERMINA-  
16 TIONS.—Once a child is determined to be an Indian  
17 eligible to be counted for such grant award, the local  
18 educational agency shall maintain a record of such  
19 determination and shall not require a new or dupli-  
20 cate determination to be made for such child for a  
21 subsequent application for a grant under this sub-  
22 part.

23 “(3) PREVIOUSLY FILED FORMS.—An Indian  
24 student eligibility form that was on file as required  
25 by this section on the day before the date of enact-

1       ment of the Every Child Achieves Act of 2015 and  
2       that met the requirements of this section, as this  
3       section was in effect on the day before the date of  
4       enactment of such Act, shall remain valid for such  
5       Indian student.”;

6               (C) in subsection (g), by striking “Bureau  
7       of Indian Affairs” and inserting “Bureau of In-  
8       dian Education”; and

9               (D) by adding at the end the following:

10       “(i) TECHNICAL ASSISTANCE.—The Secretary shall,  
11       directly or through contract, provide technical assistance  
12       to a local educational agency or Bureau of Indian Edu-  
13       cation school upon request, in addition to any technical  
14       assistance available under section 1114 or available  
15       through the Institute of Education Sciences, to support  
16       the services and activities described under this section, in-  
17       cluding for the—

18               “(1) development of applications under this sec-  
19       tion;

20               “(2) improvement in the quality of implementa-  
21       tion, content of activities, and evaluation of activities  
22       supported under this subpart;

23               “(3) integration of activities under this title  
24       with other educational activities established by the  
25       local educational agency; and

1           “(4) coordination of activities under this title  
2 with programs administered by each Federal agency  
3 providing grants for the provision of educational and  
4 related services and sharing of best practices.”;

5           (9) in section 7118, by striking subsection (c)  
6 and inserting the following:

7           “(c) REDUCTION OF PAYMENT FOR FAILURE TO  
8 MAINTAIN FISCAL EFFORT.—Each local educational  
9 agency shall maintain fiscal effort in accordance with sec-  
10 tion 9521 or be subject to reduced payments under this  
11 subpart in accordance with such section 9521.”;

12           (10) in section 7121—

13           (A) by striking the section header and in-  
14 serting the following:

15 **“SEC. 7121. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-  
16 TIES FOR INDIAN CHILDREN AND YOUTH.”;**

17           (B) in subsection (a)—

18           (i) in paragraph (1), by inserting  
19 “and youth” after “Indian children”; and

20           (ii) in paragraph (2)(B), by inserting  
21 “and youth” after “Alaska Native chil-  
22 dren”;

23           (C) in subsection (b), by striking “Indian  
24 institution (including an Indian institution of  
25 higher education)” and inserting “a Tribal Col-

1 lege or University (as defined in section 316(b)  
2 of the Higher Education Act of 1965)”;

3 (D) in subsection (c)—

4 (i) in paragraph (1)—

5 (I) in subparagraph (A), by in-  
6 serting “and youth” after “disadvan-  
7 taged children”;

8 (II) in subparagraph (B), by in-  
9 serting “and youth” after “such chil-  
10 dren”;

11 (III) in subparagraph (D), by in-  
12 serting “and youth” after “Indian  
13 children”;

14 (IV) in subparagraph (E), by in-  
15 serting “and youth” after “Indian  
16 children” both places the term ap-  
17 pears;

18 (V) by striking subparagraph (G)  
19 and inserting the following:

20 “(G) high-quality early childhood education  
21 programs that are effective in preparing young  
22 children to be making sufficient academic  
23 progress by the end of grade 3, including kin-  
24 dergarten and prekindergarten programs, fam-  
25 ily-based preschool programs that emphasize

1 school readiness, and the provision of services  
2 to Indian children with disabilities;” and

3 (VI) in subparagraph (L)—

4 (aa) by striking “appropriately qualified tribal elders  
5 and seniors” and inserting “traditional leaders”; and

6 (bb) by inserting “and  
7 youth” after “Indian children”;

8 (ii) in paragraph (2), by striking  
9 “Professional development” and inserting  
10 “High-quality professional development”;

11 (E) in subsection (d)—

12 (i) in paragraph (1)(C), by striking  
13 “make a grant payment for a grant de-  
14 scribed in this paragraph to an eligible en-  
15 tity after the initial year of the multiyear  
16 grant only if the Secretary determines”  
17 and inserting “award grants for an initial  
18 period of not more than 3 years and may  
19 renew such grants for not more than an  
20 additional 2 years if the Secretary deter-  
21 mines”; and

22 (ii) in paragraph (3)(B)—

1 (I) in clause (i), by striking “par-  
2 ents of Indian children” and inserting  
3 “parents and family of Indian chil-  
4 dren”; and

5 (II) in clause (iii), by striking  
6 “information demonstrating that the  
7 proposed program for the activities is  
8 a scientifically based research pro-  
9 gram” and inserting “evidence dem-  
10 onstrating that the proposed program  
11 is an evidence-based program”; and

12 (F) by adding at the end the following:

13 “(f) CONTINUATION.—Notwithstanding any other  
14 provision of this section, a grantee that is carrying out  
15 activities pursuant to a grant awarded under this section  
16 prior to the date of enactment of the Every Child Achieves  
17 Act of 2015 may continue to carry out such activities after  
18 such date of enactment under such grant in accordance  
19 with the terms of such grant award.”;

20 (11) in section 7122—

21 (A) in subsection (a)—

22 (i) in the subsection heading, by strik-  
23 ing “PURPOSES” and inserting “PUR-  
24 POSE”;

1 (ii) in the matter preceding paragraph  
2 (1), by striking “The purposes of this sec-  
3 tion are” and inserting “The purpose of  
4 this section is”;

5 (iii) in paragraph (1), by striking “in-  
6 dividuals in teaching or other education  
7 professions that serve Indian people” and  
8 inserting “or Alaska Native teachers and  
9 administrators serving Indian or Alaska  
10 Native students”;

11 (iv) in paragraph (2)—

12 (I) by inserting “and support”  
13 after “to provide training”;

14 (II) by inserting “or Alaska Na-  
15 tive” after “Indian”;

16 (III) by striking “teachers, ad-  
17 ministrators, teacher aides” and in-  
18 serting “effective teachers, principals,  
19 other school leaders, administrators,  
20 teacher aides, counselors”;

21 (IV) by striking “ancillary edu-  
22 cational personnel” and inserting  
23 “specialized instructional support per-  
24 sonnel”; and

1 (V) by striking “and” after the  
2 semicolon;

3 (v) in paragraph (3)—

4 (I) by inserting “or Alaska Na-  
5 tive” after “Indian”; and

6 (II) by striking the period at the  
7 end and inserting “; and”; and

8 (vi) by adding at the end the fol-  
9 lowing:

10 “(4) to develop and implement initiatives to  
11 promote retention of effective teachers, principals,  
12 and school leaders who have a record of success in  
13 helping low-achieving Indian or Alaska Native stu-  
14 dents improve their academic achievement, out-  
15 comes, and preparation for postsecondary education  
16 or the workforce without the need for postsecondary  
17 remediation.”;

18 (B) in subsection (b)—

19 (i) in paragraph (1), by striking “in-  
20 cluding an Indian institution of higher  
21 education” and inserting “including a  
22 Tribal College or University, as defined in  
23 section 316(b) of the Higher Education  
24 Act of 1965”; and



1                   (ii) in paragraph (4), by inserting “in  
2                   a consortium with at least one Tribal Col-  
3                   lege or University, as defined in section  
4                   316(b) of the Higher Education Act of  
5                   1965, where feasible” before the period at  
6                   the end;

7                   (C) in subsection (d)—

8                   (i) in paragraph (1)—

9                   (I) in the first sentence—

10                   (aa) by inserting “or Alaska  
11                   Native” after “Indian”; and

12                   (bb) by striking “purposes”  
13                   and inserting “purpose”; and

14                   (II) by striking the second sen-  
15                   tence and inserting “Such activities  
16                   may include—”

17                   “(A) continuing education programs,  
18                   symposia, workshops, and conferences;

19                   “(B) teacher mentoring programs, profes-  
20                   sional guidance, and instructional support pro-  
21                   vided by educators, local tribal elders, or cul-  
22                   tural experts, as appropriate for teachers dur-  
23                   ing their first 3 years of employment as teach-  
24                   ers;

25                   “(C) direct financial support; and

1           “(D) programs designed to train tribal el-  
2           ders and cultural experts to assist those per-  
3           sonnel referenced in subsection (a)(2), as ap-  
4           propriate, with relevant Native language and  
5           cultural mentoring, guidance, and support.”;  
6           and

7                       (ii) in paragraph (2), by adding at the  
8           end the following:

9           “(C)    CONTINUATION.—Notwithstanding  
10           any other provision of this section, a grantee  
11           that is carrying out activities pursuant to a  
12           grant awarded under this section prior to the  
13           date of enactment of the Every Child Achieves  
14           Act of 2015 may continue to carry out such ac-  
15           tivities under such grant in accordance with the  
16           terms of that award.”;

17                       (D) by striking subsection (e) and insert-  
18           ing the following:

19           “(e) APPLICATION.—Each eligible entity desiring a  
20           grant under this section shall submit an application to the  
21           Secretary at such time, in such manner, and accompanied  
22           by such information, as the Secretary may reasonably re-  
23           quire. At a minimum, an application under this section  
24           shall describe how the eligible entity will—

1           “(1) recruit qualified Indian or Alaska Native  
2 individuals, such as students who may not be of tra-  
3 ditional college age, to become teachers, principals,  
4 or school leaders;

5           “(2) use funds made available under the grant  
6 to support the recruitment, preparation, and profes-  
7 sional development of Indian or Alaska Native teach-  
8 ers or principals in local educational agencies that  
9 serve a high proportion of Indian or Alaska Native  
10 students; and

11           “(3) assist participants in meeting the require-  
12 ments under subsection (h).”;

13           (E) in subsection (f)—

14                 (i) by redesignating paragraphs (1)  
15 and (2) as paragraphs (2) and (3), respec-  
16 tively;

17                 (ii) by inserting before paragraph (2),  
18 as redesignated by clause (i), the following:

19           “(1) may give priority to tribally chartered and  
20 federally chartered institutions of higher edu-  
21 cation;”;

22                 (iii) in paragraph (3), as redesignated  
23 by clause (i), by striking “basis of” and all  
24 that follows through the period at the end  
25 and inserting “basis of the length of any

1 period for which the eligible entity has re-  
2 ceived a grant.”;

3 (F) by striking subsection (g) and insert-  
4 ing the following:

5 “(g) GRANT PERIOD.—The Secretary shall award  
6 grants under this section for an initial period of not more  
7 than 3 years, and may renew such grants for an additional  
8 period of not more than 2 years if the Secretary finds that  
9 the grantee is achieving the objectives of the grant.”; and

10 (G) in subsection (h)(1)(A)(ii), by striking  
11 “people” and inserting “students in a local edu-  
12 cational agency that serves a high proportion of  
13 Indian or Alaska Native students”;

14 (12) by striking section 7135 and inserting the  
15 following:

16 **“SEC. 7135. GRANTS TO TRIBES FOR EDUCATION ADMINIS-**  
17 **TRATIVE PLANNING, DEVELOPMENT, AND CO-**  
18 **ORDINATION.**

19 “(a) IN GENERAL.—The Secretary may award grants  
20 under this section to eligible applicants to enable the eligi-  
21 ble applicants to—

22 “(1) promote tribal self-determination in edu-  
23 cation;

24 “(2) improve the academic achievement of In-  
25 dian children and youth; and

1           “(3) promote the coordination and collaboration  
2 of tribal educational agencies with State and local  
3 educational agencies to meet the unique educational  
4 and culturally related academic needs of Indian stu-  
5 dents.

6           “(b) DEFINITIONS.—In this section:

7           “(1) ELIGIBLE APPLICANT.—In this section,  
8 the term ‘eligible applicant’ means—

9           “(A) an Indian tribe or tribal organization  
10 approved by an Indian tribe; or

11           “(B) a tribal educational agency.

12           “(2) INDIAN TRIBE.—The term ‘Indian tribe’  
13 means a federally recognized tribe or a State-recog-  
14 nized tribe.

15           “(3) TRIBAL EDUCATIONAL AGENCY.—The  
16 term ‘tribal educational agency’ means the agency,  
17 department, or instrumentality of an Indian tribe  
18 that is primarily responsible for supporting tribal  
19 students’ elementary and secondary education.

20           “(c) GRANT PROGRAM.—The Secretary may award  
21 grants to—

22           “(1) eligible applicants described under sub-  
23 section (b)(1)(A) to plan and develop a tribal edu-  
24 cational agency, if the tribe or organization has no

1 current tribal educational agency, for a period of not  
2 more than 1 year; and

3 “(2) eligible applicants described under sub-  
4 section (b)(1)(B), for a period of not more than 3  
5 years, in order to—

6 “(A) directly administer education pro-  
7 grams, including formula grant programs under  
8 this Act, consistent with State law and under a  
9 written agreement between the parties;

10 “(B) build capacity to administer and co-  
11 ordinate such education programs, and to im-  
12 prove the relationship and coordination between  
13 such applicants and the State educational agen-  
14 cies and local educational agencies that educate  
15 students from the tribe;

16 “(C) receive training and support from the  
17 State educational agency and local educational  
18 agency, in areas such as data collection and  
19 analysis, grants management and monitoring,  
20 fiscal accountability, and other areas as needed;

21 “(D) train and support the State edu-  
22 cational agency and local educational agency in  
23 areas related to tribal history, language, or cul-  
24 ture;

1           “(E) build on existing activities or re-  
2           sources rather than replacing other funds; and

3           “(F) carry out other activities, subject to  
4           the approval of the Secretary.

5           “(d) GRANT APPLICATION.—

6           “(1) IN GENERAL.—Each eligible applicant de-  
7           siring a grant under this section shall submit an ap-  
8           plication to the Secretary at such time, in such man-  
9           ner, containing such information, and consistent  
10          with such criteria, as the Secretary may reasonably  
11          prescribe.

12          “(2) CONTENTS.—Each application described in  
13          paragraph (1) shall contain—

14               “(A) a statement describing the activities  
15               to be conducted, and the objectives to be  
16               achieved, under the grant;

17               “(B) a description of the method to be  
18               used for evaluating the effectiveness of the ac-  
19               tivities for which assistance is sought and for  
20               determining whether such objectives are  
21               achieved; and

22               “(C) for applications for activities under  
23               subsection (c)(2), evidence of—

24                       “(i) a preliminary agreement with the  
25                       appropriate State educational agency, 1 or

1 more local educational agencies, or both  
2 the State educational agency and a local  
3 educational agency; and

4 “(ii) existing capacity as a tribal edu-  
5 cational agency.

6 “(3) APPROVAL.—The Secretary may approve  
7 an application submitted by an eligible applicant  
8 under this subsection only if the Secretary is satis-  
9 fied that such application, including any documenta-  
10 tion submitted with the application—

11 “(A) demonstrates that the eligible appli-  
12 cant has consulted with other education enti-  
13 ties, if any, within the territorial jurisdiction of  
14 the applicant that will be affected by the activi-  
15 ties to be conducted under the grant;

16 “(B) provides for consultation with such  
17 other education entities in the operation and  
18 evaluation of the activities conducted under the  
19 grant; and

20 “(C) demonstrates that there will be ade-  
21 quate resources provided under this section or  
22 from other sources to complete the activities for  
23 which assistance is sought.

24 “(e) RESTRICTIONS.—



1           “(1) IN GENERAL.—A tribe may not receive  
2 funds under this section if such tribe receives funds  
3 under section 1140 of the Education Amendments of  
4 1978.

5           “(2) DIRECT SERVICES.—No funds under this  
6 section may be used to provide direct services.

7           “(f) SUPPLEMENT, NOT SUPPLANT.—Funds under  
8 this section shall be used to supplement, and not supplant,  
9 other Federal, State, and local programs that meet the  
10 needs of tribal students.”;

11           (13) in section 7141(b)(1), by inserting “and  
12 the Secretary of the Interior” after “advise the Sec-  
13 retary”;

14           (14) in section 7151, by adding at the end the  
15 following:

16           “(4) TRADITIONAL LEADERS.—The term ‘tradi-  
17 tional leaders’ has the meaning given the term in  
18 section 103 of the Native American Languages Act  
19 (25 U.S.C. 2902).”; and

20           (15) in section 7152—

21           (A) in subsection (a), by striking  
22 “\$96,400,000 for fiscal year 2002 and such  
23 sums as may be necessary for each of the 5  
24 succeeding fiscal years” and inserting “such

1           sums as may be necessary for each of fiscal  
2           years 2016 through 2021”; and

3           (B) in subsection (b) by striking  
4           “\$24,000,000 for fiscal year 2002 and such  
5           sums as may be necessary for each of the 5  
6           succeeding fiscal years” and inserting “such  
7           sums as may be necessary for each of fiscal  
8           years 2016 through 2021”.

9   **SEC. 7002. NATIVE HAWAIIAN EDUCATION.**

10          Part B of title VII (20 U.S.C. 7511 et seq.) is amend-  
11   ed—

12           (1) in section 7202, by striking paragraphs (14)  
13   through (21);

14           (2) by striking section 7204 and inserting the  
15   following:

16   **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.**

17          “(a) GRANT AUTHORIZED.—In order to better effec-  
18   tuate the purposes of this part through the coordination  
19   of educational and related services and programs available  
20   to Native Hawaiians, including those programs that re-  
21   ceive funding under this part, the Secretary shall award  
22   a grant to the education council described under sub-  
23   section (b).

24          “(b) EDUCATION COUNCIL.—

1           “(1) ELIGIBILITY.—To be eligible to receive the  
2 grant under subsection (a), the council shall be an  
3 education council (referred to in this section as the  
4 ‘Education Council’) that meets the requirements of  
5 this subsection.

6           “(2) COMPOSITION.—The Education Council  
7 shall consist of 15 members, of whom—

8                   “(A) 1 shall be the President of the Uni-  
9 versity of Hawaii (or a designee);

10                   “(B) 1 shall be the Governor of the State  
11 of Hawaii (or a designee);

12                   “(C) 1 shall be the Superintendent of the  
13 State of Hawaii Department of Education (or a  
14 designee);

15                   “(D) 1 shall be the chairperson of the Of-  
16 fice of Hawaiian Affairs (or a designee);

17                   “(E) 1 shall be the executive director of  
18 Hawaii’s Charter School Network (or a des-  
19 ignee);

20                   “(F) 1 shall be the chief executive officer  
21 of the Kamehameha Schools (or a designee);

22                   “(G) 1 shall be the Chief Executive Officer  
23 of the Queen Liliuokalani Trust (or a designee);

1           “(H) 1 shall be a member, selected by the  
2 other members of the Education Council, who  
3 represents a private grant-making entity;

4           “(I) 1 shall be the Mayor of the County of  
5 Hawaii (or a designee);

6           “(J) 1 shall be the Mayor of Maui County  
7 (or a designee from the Island of Maui);

8           “(K) 1 shall be the Mayor of the County  
9 of Kauai (or a designee);

10          “(L) 1 shall be appointed by the Mayor of  
11 Maui County from the Island of Molokai or the  
12 Island of Lanai;

13          “(M) 1 shall be the Mayor of the City and  
14 County of Honolulu (or a designee);

15          “(N) 1 shall be the chairperson of the Ha-  
16 waiian Homes Commission (or a designee); and

17          “(O) 1 shall be the chairperson of the Ha-  
18 waii Workforce Development Council (or a des-  
19 ignee representing the private sector).

20          “(3) REQUIREMENTS.—Any designee serving on  
21 the Education Council shall demonstrate, as deter-  
22 mined by the individual who appointed such designee  
23 with input from the Native Hawaiian community,  
24 not less than 5 years of experience as a consumer  
25 or provider of Native Hawaiian educational or cul-

1 tural activities, with traditional cultural experience  
2 given due consideration.

3 “(4) LIMITATION.—A member (including a des-  
4 ignee), while serving on the Education Council, shall  
5 not be a direct recipient or administrator of grant  
6 funds that are awarded under this part.

7 “(5) TERM OF MEMBERS.—A member who is a  
8 designee shall serve for a term of not more than 4  
9 years.

10 “(6) CHAIR; VICE CHAIR.—

11 “(A) SELECTION.—The Education Council  
12 shall select a Chairperson and a Vice-Chair-  
13 person from among the members of the Edu-  
14 cation Council.

15 “(B) TERM LIMITS.—The Chairperson and  
16 Vice-Chairperson shall each serve for a 2-year  
17 term.

18 “(7) ADMINISTRATIVE PROVISIONS RELATING  
19 TO EDUCATION COUNCIL.—The Education Council  
20 shall meet at the call of the Chairperson of the  
21 Council, or upon request by a majority of the mem-  
22 bers of the Education Council, but in any event not  
23 less often than every 120 days.

24 “(8) NO COMPENSATION.—None of the funds  
25 made available through the grant may be used to

1 provide compensation to any member of the Edu-  
2 cation Council or member of a working group estab-  
3 lished by the Education Council, for functions de-  
4 scribed in this section.

5 “(c) USE OF FUNDS FOR COORDINATION ACTIVI-  
6 TIES.—The Education Council shall use funds made avail-  
7 able through a grant under subsection (a) to carry out  
8 each of the following activities:

9 “(1) Providing advice about the coordination of,  
10 and serving as a clearinghouse for, the educational  
11 and related services and programs available to Na-  
12 tive Hawaiians, including the programs assisted  
13 under this part.

14 “(2) Assessing the extent to which such services  
15 and programs meet the needs of Native Hawaiians,  
16 and collecting data on the status of Native Hawaiian  
17 education.

18 “(3) Providing direction and guidance, through  
19 the issuance of reports and recommendations, to ap-  
20 propriate Federal, State, and local agencies in order  
21 to focus and improve the use of resources, including  
22 resources made available under this part, relating to  
23 Native Hawaiian education, and serving, where ap-  
24 propriate, in an advisory capacity.

1           “(4) Awarding grants, if such grants enable the  
2 Education Council to carry out the activities de-  
3 scribed in paragraphs (1) through (3).

4           “(5) Hiring an executive director, who shall as-  
5 sist in executing the duties and powers of the Edu-  
6 cation Council, as described in subsection (d).

7           “(d) USE OF FUNDS FOR TECHNICAL ASSIST-  
8 ANCE.—The Education Council shall use funds made  
9 available through a grant under subsection (a) to—

10           “(1) provide technical assistance to Native Ha-  
11 waiian organizations that are grantees or potential  
12 grantees under this part;

13           “(2) obtain from such grantees information and  
14 data regarding grants awarded under this part, in-  
15 cluding information and data about—

16           “(A) the effectiveness of such grantees in  
17 meeting the educational priorities established by  
18 the Education Council, as described in para-  
19 graph (6)(D), using metrics related to these  
20 priorities; and

21           “(B) the effectiveness of such grantees in  
22 carrying out any of the activities described in  
23 paragraphs (2) and (3) of section 7205(a) that  
24 are related to the specific goals and purposes of

1           each grantee’s grant project, using metrics re-  
2           lated to these priorities;

3           “(3) assess and define the educational needs of  
4           Native Hawaiians;

5           “(4) assess the programs and services available  
6           to address the educational needs of Native Hawai-  
7           ians;

8           “(5) assess and evaluate the individual and ag-  
9           gregate impact achieved by grantees under this part  
10          in improving Native Hawaiian educational perform-  
11          ance and meeting the goals of this part, using  
12          metrics related to these goals; and

13          “(6) prepare and submit to the Secretary, at  
14          the end of each calendar year, an annual report that  
15          contains—

16                 “(A) a description of the activities of the  
17                 Education Council during the calendar year;

18                 “(B) a description of significant barriers to  
19                 achieving the goals of this part;

20                 “(C) a summary of each community con-  
21                 sultation session described in subsection (e);  
22                 and

23                 “(D) recommendations to establish prior-  
24                 ities for funding under this part, based on an  
25                 assessment of—



1                   “(i) the educational needs of Native  
2                   Hawaiians;

3                   “(ii) programs and services available  
4                   to address such needs;

5                   “(iii) the effectiveness of programs in  
6                   improving the educational performance of  
7                   Native Hawaiian students to help such stu-  
8                   dents meet challenging State academic  
9                   standards under section 1111(b)(1); and

10                   “(iv) priorities for funding in specific  
11                   geographic communities.

12           “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-  
13           TIONS.—The Education Council shall use funds made  
14           available through the grant under subsection (a) to hold  
15           not less than 1 community consultation each year on each  
16           of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and  
17           Kauai, at which—

18                   “(1) not less than 3 members of the Education  
19                   Council shall be in attendance;

20                   “(2) the Education Council shall gather com-  
21                   munity input regarding—

22                           “(A) current grantees under this part, as  
23                           of the date of the consultation;

24                           “(B) priorities and needs of Native Hawai-  
25                           ians; and

1           “(C) other Native Hawaiian education  
2           issues; and

3           “(3) the Education Council shall report to the  
4           community on the outcomes of the activities sup-  
5           ported by grants awarded under this part.

6           “(f) FUNDING.—For each fiscal year, the Secretary  
7           shall use the amount described in section 7205(c)(2), to  
8           make a payment under the grant. Funds made available  
9           through the grant shall remain available until expended.”;

10           (3) in section 7205—

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

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

14           (ii) by redesignating subparagraph  
15           (D) as subparagraph (E); and

16           (iii) by inserting after subparagraph  
17           (C) the following:

18           “(D) charter schools; and”; and

19           (B) in subsection (c)—

20           (i) in paragraph (1), by striking “for  
21           fiscal year 2002 and each of the 5 suc-  
22           ceeding 5 fiscal years” and inserting “for  
23           each of fiscal years 2016 through 2021”;  
24           and

1 (ii) in paragraph (2), by striking “for  
2 fiscal year 2002 and each of the 5 suc-  
3 ceeding fiscal years” and inserting “for  
4 each of fiscal years 2016 through 2021”;  
5 and

6 (4) in section 7207—

7 (A) by redesignating paragraphs (1)  
8 through (6) as paragraphs (2) through (7), re-  
9 spectively; and

10 (B) by inserting before paragraph (2), as  
11 redesignated by subparagraph (A), the fol-  
12 lowing:

13 “(1) COMMUNITY CONSULTATION.—The term  
14 ‘community consultation’ means a public gath-  
15 ering—

16 “(A) to discuss Native Hawaiian education  
17 concerns; and

18 “(B) about which the public has been given  
19 not less than 30 days notice.”.

20 **SEC. 7003. ALASKA NATIVE EDUCATION.**

21 Part C of title VII (20 U.S.C. 7541 et seq.) is amend-  
22 ed—

23 (1) in section 7302, by striking paragraphs (1)  
24 through (7) and inserting the following:

1           “(1) It is the policy of the Federal Government  
2           to maximize the leadership of and participation by  
3           Alaska Native peoples in the planning and the man-  
4           agement of Alaska Native education programs and  
5           to support efforts developed by and undertaken with-  
6           in the Alaska Native community to improve edu-  
7           cational opportunity for all students.

8           “(2) Many Alaska Native children enter and  
9           exit school with serious educational disadvantages.

10          “(3) Overcoming the magnitude of the geo-  
11          graphic challenges, historical inequities, and other  
12          barriers to successfully improving educational out-  
13          comes for Alaska Native students in rural, village,  
14          and urban settings is challenging. Significant dis-  
15          parities between academic achievement of Alaska  
16          Native students and non-Native students continues,  
17          including lower graduation rates, increased school  
18          dropout rates, and lower achievement scores on  
19          standardized tests.

20          “(4) The preservation of Alaska Native cultures  
21          and languages and the integration of Alaska Native  
22          cultures and languages into education, positive iden-  
23          tity development for Alaska Native students, and  
24          local, place-based, and culture-based programming  
25          are critical to the attainment of educational success

1 and the long-term well-being of Alaska Native stu-  
2 dents.

3 “(5) Improving educational outcomes for Alaska  
4 Native students increases access to employment op-  
5 portunities.

6 “(6) The programs and activities authorized  
7 under this part should be led by Alaska Native enti-  
8 ties as a means of increasing Alaska Native parent  
9 and community involvement in the promotion of aca-  
10 demic success of Alaska Native students.

11 “(7) The Federal Government should lend sup-  
12 port to efforts developed by and undertaken within  
13 the Alaska Native community to improve educational  
14 opportunity for Alaska Native students. In 1983,  
15 pursuant to Public Law 98–63, Alaska ceased to re-  
16 ceive educational funding from the Bureau of Indian  
17 Affairs. The Bureau of Indian Education does not  
18 operate any schools in Alaska, nor operate or fund  
19 Alaska Native education programs. The program  
20 under this part supports the Federal trust responsi-  
21 bility of the United States to Alaska Natives.”;

22 (2) in section 7303—

23 (A) in paragraph (1), by inserting “and  
24 address” after “To recognize”;

25 (B) by striking paragraph (3);

1           (C) by redesignating paragraph (2) as  
2           paragraph (4) and paragraph (4) as paragraph  
3           (5);

4           (D) by inserting after paragraph (1) the  
5           following:

6           “(2) To recognize the role of Alaska Native lan-  
7           guages and cultures in the educational success and  
8           long-term well-being of Alaska Native students.

9           “(3) To integrate Alaska Native cultures and  
10          languages into education, develop Alaska Native stu-  
11          dents’ positive identity, and support local place-  
12          based and culture-based curriculum and program-  
13          ming.”;

14          (E) in paragraph (4), as redesignated by  
15          subparagraph (C), by striking “of supplemental  
16          educational programs to benefit Alaska Na-  
17          tives.” and inserting “, management, and ex-  
18          pansion of effective educational programs to  
19          benefit Alaska Native peoples.”; and

20          (F) by adding at the end the following:

21          “(6) To ensure the maximum participation by  
22          Alaska Native educators and leaders in the planning,  
23          development, implementation, management, and  
24          evaluation of programs designed to serve Alaska Na-  
25          tive students, and to ensure that Alaska Native

1 tribes and tribal organizations play a meaningful  
2 role in providing supplemental educational services  
3 to Alaska Native students.”;

4 (3) by striking section 7304 and inserting the  
5 following:

6 **“SEC. 7304. PROGRAM AUTHORIZED.**

7 “(a) GENERAL AUTHORITY.—

8 “(1) GRANTS AND CONTRACTS.—The Secretary  
9 is authorized to make grants to, or enter into con-  
10 tracts with, any of the following to carry out the  
11 purposes of this part:

12 “(A) Alaska Native tribes, Alaska Native  
13 tribal organizations, or Alaska Native regional  
14 nonprofit corporations with experience oper-  
15 ating programs that fulfill the purposes of this  
16 part.

17 “(B) Alaska Native tribes, Alaska Native  
18 tribal organizations, or Alaska Native regional  
19 nonprofit corporations without such experience  
20 that are in partnership with—

21 “(i) a State educational agency or a  
22 local educational agency; or

23 “(ii) Indian tribes, tribal organiza-  
24 tions, or Alaska Native regional nonprofit

1 corporations that operate programs that  
2 fulfill the purposes of this part.

3 “(C) An entity located in Alaska, and pre-  
4 dominately governed by Alaska Natives, that  
5 does not meet the definition of an Alaska Na-  
6 tive tribe, an Alaska Native tribal organization,  
7 or an Alaska Native regional nonprofit corpora-  
8 tion, under this part, provided that the entity—

9 “(i) has experience operating pro-  
10 grams that fulfill the purposes of this part;  
11 and

12 “(ii) is granted an official charter or  
13 sanction, as prescribed in section 4 of the  
14 Indian Self-Determination and Education  
15 Assistance Act (25 U.S.C. 450b), from at  
16 least one Alaska Native tribe or Alaska  
17 Native tribal organization to carry out pro-  
18 grams that meet the purposes of this part.

19 “(2) MULTI-YEAR AWARDS.—The recipient of a  
20 multi-year award under this part, as this part was  
21 in effect prior to the date of enactment of the Every  
22 Child Achieves Act of 2015, shall be eligible to re-  
23 ceive continuation funds in accordance with the  
24 terms of that award.



1           “(3) MANDATORY ACTIVITIES.—Activities pro-  
2           vided through the programs carried out under this  
3           part shall include the following:

4                   “(A) The development and implementation  
5                   of plans, methods, strategies and activities to  
6                   improve the educational outcomes of Alaska  
7                   Native peoples.

8                   “(B) The collection of data to assist in the  
9                   evaluation of the programs carried out under  
10                  this part.

11           “(4) PERMISSIBLE ACTIVITIES.—Activities pro-  
12           vided through programs carried out under this part  
13           may include the following:

14                   “(A) The development of curricula and  
15                   programs that address the educational needs of  
16                   Alaska Native students, including the following:

17                           “(i) Curriculum materials that reflect  
18                           the cultural diversity, languages, history,  
19                           or the contributions of Alaska Native peo-  
20                           ple.

21                           “(ii) Instructional programs that  
22                           make use of Alaska Native languages and  
23                           cultures.

24                           “(iii) Networks that develop, test, and  
25                           disseminate best practices and introduce

1           successful programs, materials, and tech-  
2           niques to meet the educational needs of  
3           Alaska Native students in urban and rural  
4           schools.

5           “(iv) Methods to evaluate teachers’ in-  
6           clusion of diverse Alaska Native cultures in  
7           their lesson plans.

8           “(B) Training and professional develop-  
9           ment activities for educators, including the fol-  
10          lowing:

11           “(i) Pre-service and in-service training  
12           and professional development programs to  
13           prepare teachers to develop appreciation  
14           for and understanding of Alaska Native  
15           history, cultures, values, and ways of  
16           knowing and learning in order to effec-  
17           tively address the cultural diversity and  
18           unique needs of Alaska Native students  
19           and incorporate them into lesson plans and  
20           teaching methods.

21           “(ii) Recruitment and preparation of  
22           teachers who are Alaska Native.

23           “(iii) Programs that will lead to the  
24           certification and licensing of Alaska Native

1 teachers, principals, other school leaders,  
2 and superintendents.

3 “(C) Early childhood and parenting edu-  
4 cation activities designed to improve the school  
5 readiness of Alaska Native children, including—

6 “(i) the development and operation of  
7 home visiting programs for Alaska Native  
8 preschool children, to ensure the active in-  
9 volvement of parents in their children’s  
10 education from the earliest ages;

11 “(ii) training, education, and support,  
12 including in-home visitation, for parents  
13 and caregivers of Alaska Native children to  
14 improve parenting and caregiving skills  
15 (including skills relating to discipline and  
16 cognitive development, reading readiness,  
17 observation, storytelling, and critical think-  
18 ing);

19 “(iii) family literacy services;

20 “(iv) activities carried out under the  
21 Head Start Act;

22 “(v) programs for parents and their  
23 infants, from the prenatal period of the in-  
24 fant through age 3;

1           “(vi) early childhood education pro-  
2           grams; and

3           “(vii) Native language immersion  
4           within early childhood, Head Start, or pre-  
5           school programs.

6           “(D) The development and operation of  
7           student enrichment programs, including those  
8           in science, technology, engineering, and mathe-  
9           matics that—

10           “(i) are designed to prepare Alaska  
11           Native students to excel in such subjects;

12           “(ii) provide appropriate support serv-  
13           ices to enable such students to benefit  
14           from the programs; and

15           “(iii) include activities that recognize  
16           and support the unique cultural and edu-  
17           cational needs of Alaska Native children  
18           and incorporate appropriately qualified  
19           Alaska Native elders and other tradition  
20           bearers.

21           “(E) Research and data collection activi-  
22           ties to determine the educational status and  
23           needs of Alaska Native children and adults and  
24           other such research and evaluation activities re-  
25           lated to programs funded under this part.

1           “(F) Activities designed to increase Alaska  
2 Native students’ graduation rates and assist  
3 Alaska Native students to be prepared for post-  
4 secondary education or the workforce without  
5 the need for postsecondary remediation, such  
6 as—

7                   “(i) remedial and enrichment pro-  
8 grams;

9                   “(ii) culturally based education pro-  
10 grams such as—

11                           “(I) programs of study and other  
12 instruction in Alaska Native history  
13 and ways of living to share the rich  
14 and diverse cultures of Alaska Native  
15 peoples among Alaska Native youth  
16 and elders, non-Native students and  
17 teachers, and the larger community;

18                           “(II) instructing Alaska Native  
19 youth in leadership, communication,  
20 and Native culture, arts, and lan-  
21 guages;

22                           “(III) inter-generational learning  
23 and internship opportunities to Alaska  
24 Native youth and young adults;

1                   “(IV) cultural immersion activi-  
2                   ties;

3                   “(V) culturally informed cur-  
4                   ricula intended to preserve and pro-  
5                   mote Alaska Native culture;

6                   “(VI) Native language instruc-  
7                   tion and immersion activities;

8                   “(VII) school-within-a-school  
9                   model programs; and

10                  “(VIII) college preparation and  
11                  career planning; and

12                  “(iii) holistic school or community-  
13                  based support services to enable such stu-  
14                  dents to benefit from the supplemental  
15                  programs offered, including those that ad-  
16                  dress family instability, school climate,  
17                  trauma, safety, and nonacademic learning.

18                  “(G) The establishment or operation of  
19                  Native language immersion nests or schools.

20                  “(H) Student and teacher exchange pro-  
21                  grams, cross-cultural immersion programs, and  
22                  culture camps designed to build mutual respect  
23                  and understanding among participants.

24                  “(I) Education programs for at-risk urban  
25                  Alaska Native students that are designed to im-

1           prove academic proficiency and graduation  
2           rates, utilize strategies otherwise permissible  
3           under this part, and incorporate a strong data  
4           collection and continuous evaluation component.

5           “(J) Strategies designed to increase par-  
6           ents’ involvement in their children’s education.

7           “(K) Programs and strategies that provide  
8           technical assistance and support to schools and  
9           communities to engage adults in promoting the  
10          academic progress and overall well-being of  
11          Alaska Native people, such as through—

12                 “(i) strength-based approaches to  
13                 child and youth development;

14                 “(ii) positive youth-adult relation-  
15                 ships; and

16                 “(iii) improved conditions for learning  
17                 (school climate, student connection to  
18                 school and community), and increased con-  
19                 nections between schools and families.

20          “(L) Career preparation activities to en-  
21          able Alaska Native children and adults to pre-  
22          pare for meaningful employment, including pro-  
23          grams providing tech-prep, mentoring, training,  
24          and apprenticeship activities.

1           “(M) Provision of operational support and  
2           purchasing of equipment, to develop regional  
3           vocational schools in rural areas of Alaska, in-  
4           cluding boarding schools, for Alaska Native stu-  
5           dents in grades 9 through 12, or at higher lev-  
6           els of education, to provide the students with  
7           necessary resources to prepare for skilled em-  
8           ployment opportunities.

9           “(N) Regional leadership academies that  
10          demonstrate effectiveness in building respect  
11          and understanding, and fostering a sense of  
12          Alaska Native identity to promote their pursuit  
13          of and success in completing higher education  
14          or career training.

15          “(O) Other activities, consistent with the  
16          purposes of this part, to meet the educational  
17          needs of Alaska Native children and adults.

18          “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
19          are authorized to be appropriated to carry out this section  
20          such sums as may be necessary for each of fiscal years  
21          2016 through 2021.”;

22          (4) by striking section 7305 and inserting the  
23          following:



1 **“SEC. 7305. FUNDS FOR ADMINISTRATIVE PURPOSES.**

2 “Not more than 5 percent of funds provided to an  
3 award recipient under this part for any fiscal year may  
4 be used for administrative purposes.”; and

5 (5) in section 7306—

6 (A) in paragraph (1), by inserting “(43  
7 U.S.C. 1602(b)) and includes the descendants  
8 of individuals so defined” after “Settlement  
9 Act”;

10 (B) by striking paragraph (2); and

11 (C) by inserting after paragraph (1) the  
12 following:

13 “(2) ALASKA NATIVE TRIBE.—The term ‘Alas-  
14 ka Native tribe’ has the meaning given the term ‘In-  
15 dian tribe’ in section 4 of the Indian Self-Deter-  
16 mination and Education Assistance Act (25 U.S.C.  
17 450b), except that the term applies only to Indian  
18 tribes in Alaska.

19 “(3) ALASKA NATIVE TRIBAL ORGANIZATION.—  
20 The term ‘Alaska Native tribal organization’ has the  
21 meaning given the term ‘tribal organization’ in sec-  
22 tion 4 of the Indian Self-Determination and Edu-  
23 cation Assistance Act, (25 U.S.C. 450b), except that  
24 the term applies only to tribal organizations in Alas-  
25 ka.

1           “(4) ALASKA NATIVE REGIONAL NONPROFIT  
 2 CORPORATION.—The term ‘Alaska Native regional  
 3 nonprofit corporation’ means an organization listed  
 4 in clauses (i) through (xii) of section 419(4)(B) of  
 5 the Social Security Act (42 U.S.C. 619(4)(B)(i)-  
 6 (xii)), or the successor of an entity so listed.”.

7 **SEC. 7004. NATIVE AMERICAN LANGUAGE IMMERSION**  
 8 **SCHOOLS AND PROGRAMS.**

9           Title VII (20 U.S.C. 7401) is further amended by  
 10 adding at the end the following:

11 **“PART D—NATIVE AMERICAN AND ALASKA NA-**  
 12 **TIVE LANGUAGE IMMERSION SCHOOLS AND**  
 13 **PROGRAMS**

14 **“SEC. 7401. NATIVE AMERICAN AND ALASKA NATIVE LAN-**  
 15 **GUAGE IMMERSION SCHOOLS AND PRO-**  
 16 **GRAMS.**

17           “(a) PURPOSES.—The purposes of this section are—

18           “(1) to establish a grant program to support  
 19 schools that use Native American and Alaska Native  
 20 languages as the primary language of instruction;

21           “(2) to maintain, protect, and promote the  
 22 rights and freedom of Native Americans and Alaska  
 23 Natives to use, practice, maintain, and revitalize  
 24 their languages, as envisioned in the Native Amer-  
 25 ican Languages Act (25 U.S.C. 2901 et seq.); and

1           “(3) to support the Nation’s First Peoples’ ef-  
2           forts to maintain and revitalize their languages and  
3           cultures, and to improve student outcomes within  
4           Native American and Alaska Native communities.

5           “(b) PROGRAM AUTHORIZED.—

6           “(1) IN GENERAL.—From the amounts made  
7           available to carry out this part, the Secretary may  
8           award grants to eligible entities to develop and  
9           maintain, or to improve and expand, programs that  
10          support schools, including prekindergarten through  
11          postsecondary education sites and streams, using  
12          Native American and Alaska Native languages as  
13          the primary language of instruction.

14          “(2) ELIGIBLE ENTITIES.—In this section, the  
15          term ‘eligible entity’ means any of the following enti-  
16          ties that has a plan to develop and maintain, or to  
17          improve and expand, programs that support the en-  
18          tity’s use of Native American or Alaska Native lan-  
19          guages as the primary language of instruction:

20                  “(A) An Indian tribe.

21                  “(B) A Tribal College or University (as de-  
22                  fined in section 316 of the Higher Education  
23                  Act of 1965).

24                  “(C) A tribal education agency.

1           “(D) A local educational agency, including  
2           a public charter school that is a local edu-  
3           cational agency under State law.

4           “(E) A school operated by the Bureau of  
5           Indian Education.

6           “(F) An Alaska Native Regional Corpora-  
7           tion (as defined in section 3 of the Alaska Na-  
8           tive Claims Settlement Act (43 U.S.C. 1602)).

9           “(G) A private, tribal, or Alaska Native  
10          nonprofit organization.

11       “(c) APPLICATION.—

12           “(1) IN GENERAL.—An eligible entity that de-  
13          sires to receive a grant under this section shall sub-  
14          mit an application to the Secretary at such time, in  
15          such manner, and containing such information as  
16          the Secretary may require, including the following:

17           “(A) The name of the Native American or  
18          Alaska Native language to be used for instruc-  
19          tion at the school supported by the eligible enti-  
20          ty.

21           “(B) The number of students attending  
22          such school.

23           “(C) The number of present hours of in-  
24          struction in or through 1 or more Native Amer-

1           ican or Alaska Native languages being provided  
2           to targeted students at such school, if any.

3           “(D) A description of how the applicant  
4           will—

5                   “(i) use the funds provided to meet  
6                   the purposes of this part;

7                   “(ii) implement the activities de-  
8                   scribed in subsection (f);

9                   “(iii) ensure the implementation of  
10                  rigorous academic content; and

11                  “(iv) ensure that students progress to-  
12                  wards high-level fluency goals.

13           “(E) Information regarding the school’s  
14           organizational governance or affiliations, includ-  
15           ing information about—

16                   “(i) the school governing entity (such  
17                   as a local educational agency, tribal edu-  
18                   cation agency or department, charter orga-  
19                   nization, private organization, or other  
20                   governing entity);

21                   “(ii) the school’s accreditation status;

22                   “(iii) any partnerships with institu-  
23                   tions of higher education; and

24                   “(iv) any indigenous language school-  
25                   ing and research cooperatives.

1           “(F) An assurance that—

2                   “(i) the school is engaged in meeting  
3           State or tribally designated proficiency lev-  
4           els for students, as may be required by ap-  
5           plicable Federal, State, or tribal law;

6                   “(ii) the school provides assessments  
7           of students using the Native American or  
8           Alaska Native language of instruction,  
9           where possible;

10                   “(iii) the qualifications of all instruc-  
11           tional and leadership personnel at such  
12           school is sufficient to deliver high-quality  
13           education through the Native American or  
14           Alaska Native language used in the school;  
15           and

16                   “(iv) the school will collect and report  
17           to the public data relative to student  
18           achievement and, if appropriate, rates of  
19           high school graduation, career readiness,  
20           and enrollment in postsecondary education  
21           or job training programs, of students who  
22           are enrolled in the school’s programs.

23                   “(2) LIMITATION.—The Secretary shall not give  
24           a priority in awarding grants under this part based  
25           on the information described in paragraph (1)(E).

1           “(3) SUBMISSION OF CERTIFICATION.—

2           “(A) IN GENERAL.—An eligible entity that  
3 is a public elementary school or secondary  
4 school (including a public charter school) or a  
5 non-tribal for-profit or nonprofit organization  
6 shall submit, along with the application require-  
7 ments described in paragraph (1), a certifi-  
8 cation described in subparagraph (B) indicating  
9 that the school has the capacity to provide edu-  
10 cation primarily through a Native American or  
11 Alaska Native language and that there are suf-  
12 ficient speakers of the target language at the  
13 school or available to be hired by the school.

14           “(B) CERTIFICATION.—The certification  
15 described in subparagraph (A) shall be from  
16 one of the following entities, on whose land the  
17 school is located, that is an entity served by  
18 such school, or that is an entity whose members  
19 (as defined by that entity) are served by the  
20 school:

21           “(i) A Tribal College or University (as  
22 defined in section 316 of the Higher Edu-  
23 cation Act of 1965).

24           “(ii) A federally recognized Indian  
25 tribe or tribal organization.

1                   “(iii) An Alaska Native Regional Cor-  
2                   poration or an Alaska Native nonprofit or-  
3                   ganization.

4                   “(iv) A Native Hawaiian organization.

5           “(d) AWARDING OF GRANTS.—In awarding grants  
6 under this section, the Secretary shall—

7                   “(1) determine the amount of each grant and  
8                   the duration of each grant, which shall not exceed  
9                   3 years; and

10                   “(2) ensure, to the maximum extent feasible,  
11                   that diversity in languages is represented.

12           “(e) ACTIVITIES AUTHORIZED.—

13                   “(1) REQUIRED ACTIVITIES.—An eligible entity  
14                   that receives a grant under this section shall use  
15                   such funds to carry out the following activities:

16                           “(A) Supporting Native American or Alas-  
17                           ka Native language education and development.

18                           “(B) Providing professional development  
19                           for teachers and, as appropriate, staff and ad-  
20                           ministrators to strengthen the overall language  
21                           and academic goals of the school that will be  
22                           served by the grant program.

23                           “(C) Carrying out other activities that pro-  
24                           mote the maintenance and revitalization of the



1 Native American or Alaska Native language rel-  
2 evant to the grant program.

3 “(2) ALLOWABLE ACTIVITIES.—An eligible enti-  
4 ty that receives a grant under this section may use  
5 such funds to carry out the following activities:

6 “(A) Developing or refining curriculum, in-  
7 cluding teaching materials and activities, as ap-  
8 propriate.

9 “(B) Creating or refining assessments  
10 written in the Native American or Alaska Na-  
11 tive language of instruction that measure stu-  
12 dent proficiency and that are aligned with State  
13 or tribal academic standards.

14 “(f) REPORT TO SECRETARY.—Each eligible entity  
15 that receives a grant under this part shall provide an an-  
16 nual report to the Secretary in such form and manner as  
17 the Secretary may require.

18 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated to carry out this section  
20 such sums as may be necessary for fiscal years 2016  
21 through 2021.”.

22 **SEC. 7005. IMPROVING INDIAN STUDENT DATA COLLEC-**  
23 **TION, REPORTING, AND ANALYSIS.**

24 (a) IN GENERAL.—The Comptroller General, in con-  
25 sultation with the Secretary of Education, the Secretary

1 of the Interior, and tribal communities, shall carry out a  
2 study that examines the following:

3 (1) The representation, at the time of the  
4 study, of Indian students in national, State, local,  
5 and tribal educational reporting required by law.

6 (2) The varying ways that individuals are iden-  
7 tified as American Indian and Alaska Native (for ex-  
8 ample, such as through self-reporting or tribal en-  
9 rollment records) at the time of the study, by na-  
10 tional, State, local, and tribal educational reporting  
11 systems, and the impact that such variation has on  
12 data analysis or statistical trend comparability  
13 across such systems.

14 (3) How reporting of data within the Indian  
15 student population can be improved to facilitate  
16 comparisons between—

17 (A) Indian students living in urban and  
18 rural settings;

19 (B) Indian students living in tribal com-  
20 munities, areas with large Indian populations,  
21 and in areas with a low percentage of Indian  
22 population; and

23 (C) any other classifications that the  
24 Comptroller General determines are significant.

1           (4) The timeliness of Indian student record  
2 transfer between schools and other entities or indi-  
3 viduals who may receive student records in accord-  
4 ance with the requirements of section 444 of the  
5 General Education Provisions Act ((20  
6 U.S.C.1232g); commonly referred to as the “Family  
7 Educational Rights and Privacy Act of 1974”).

8           (5) The effectiveness and usefulness for paren-  
9 tal, student, Federal, State, tribal, and local edu-  
10 cational stakeholders of the findings and structure of  
11 the National Indian Education Study conducted by  
12 the National Center for Education Statistics in con-  
13 junction with the National Assessment of Edu-  
14 cational Progress described under section 303 of the  
15 National Assessment of Educational Progress Au-  
16 thorization Act (20 U.S.C. 9622).

17           (6) Any other areas of Indian student data col-  
18 lection, reporting, and analysis, as determined by the  
19 Comptroller General.

20 (b) REPORTING.—

21           (1) RECIPIENTS.—The Comptroller General  
22 shall prepare and submit reports setting forth the  
23 conclusions of the study described in subsection (a),  
24 in accordance with subsection (c), to each of the fol-  
25 lowing:

1           (A) The Committee on Indian Affairs of  
2           the Senate.

3           (B) The Committee on Health, Education,  
4           Labor, and Pensions of the Senate.

5           (C) The Committee on Education and the  
6           Workforce of the House of Representatives.

7           (D) The Subcommittee on Indian, Insular,  
8           and Alaska Native Affairs of the House of Rep-  
9           resentatives.

10          (2) FUTURE LEGISLATION.—The Comptroller  
11          General shall include in the reports described in sub-  
12          section (b) recommendations to inform future legis-  
13          lation regarding the collection, reporting, and anal-  
14          ysis of Indian student data.

15          (c) TIMEFRAME.—The Comptroller General shall—

16           (1) submit not less than 1 report addressing 1  
17           or more of the areas identified in paragraphs (1)  
18           through (6) of subsection (a) not later than 18  
19           months after the enactment of this section; and

20           (2) submit any other reports necessary to ad-  
21           dress the areas identified in paragraphs (1) through  
22           (6) of subsection (a) not later than 5 years after the  
23           enactment of this section.

1 **SEC. 7006. REPORT ON ELEMENTARY AND SECONDARY**  
2 **EDUCATION IN RURAL OR POVERTY AREAS**  
3 **OF INDIAN COUNTRY.**

4 (a) IN GENERAL.—By not later than 90 days after  
5 the date of enactment of this Act, the Secretary of Edu-  
6 cation, in collaboration with the Secretary of the Interior,  
7 shall conduct a study regarding elementary and secondary  
8 education in rural or poverty areas of Indian country.

9 (b) REPORT.—By not later than 270 days after the  
10 date of enactment of this Act, the Secretary of Education,  
11 in collaboration with the Secretary of the Interior, shall  
12 prepare and submit to Congress a report on the study de-  
13 scribed in subsection (a) that—

14 (1) includes the findings of the study;

15 (2) identifies barriers to autonomy that Indian  
16 tribes have within elementary schools and secondary  
17 schools funded or operated by the Bureau of Indian  
18 Education;

19 (3) identifies recruitment and retention options  
20 for highly effective teachers and school administra-  
21 tors for elementary school and secondary schools in  
22 rural or poverty areas of Indian country;

23 (4) identifies the limitations in funding sources  
24 and flexibility for such schools; and

25 (5) provides strategies on how to increase high  
26 school graduation rates in such schools, in order to

1 increase the high school graduation rate for students  
2 at such schools.

3 (c) DEFINITIONS.—In this section:

4 (1) ESEA DEFINITIONS.—The terms “elemen-  
5 tary school”, “high school”, and “secondary school”  
6 shall have the meanings given the terms in section  
7 9101 of the Elementary and Secondary Education  
8 Act of 1965 (20 U.S.C. 7801).

9 (2) INDIAN COUNTRY.—The term “Indian coun-  
10 try” has the meaning given the term in section 1151  
11 of title 18, United States Code.

12 (3) INDIAN TRIBE.—The term “Indian tribe”  
13 has the meaning given the term in section 4 of the  
14 Indian Self-Determination and Education Assistance  
15 Act (25 U.S.C. 450b).

16 **SEC. 7007. REPORT ON RESPONSES TO INDIAN STUDENT**  
17 **SUICIDES.**

18 (a) PREPARATION.—

19 (1) IN GENERAL.—The Secretary of Education,  
20 in coordination with the Secretary of the Interior  
21 and the Secretary of Health and Human Services,  
22 shall prepare a report on efforts to address out-  
23 breaks of suicides among elementary school and sec-  
24 ondary school students (referred to in this section as  
25 “student suicides”) that occurred within 1 year prior

1 to the date of enactment of this Act in Indian coun-  
2 try (as defined in section 1151 of title 18, United  
3 States Code).

4 (2) CONTENTS.—The report shall include infor-  
5 mation on—

6 (A) the Federal response to the occurrence  
7 of high numbers of student suicides in Indian  
8 country (as so defined);

9 (B) a list of Federal resources available to  
10 prevent and respond to outbreaks of student  
11 suicides, including the availability and use of  
12 tele-behavioral health care;

13 (C) any barriers to timely implementation  
14 of programs or interagency collaboration re-  
15 garding student suicides;

16 (D) interagency collaboration efforts to  
17 streamline access to programs regarding stu-  
18 dent suicides, including information on how the  
19 Department of Education, the Department of  
20 the Interior, and the Department of Health and  
21 Human Services work together on administra-  
22 tion of such programs;

23 (E) recommendations to improve or con-  
24 solidate resources or programs described in sub-  
25 paragraph (B) or (D); and

1 (F) feedback from Indian tribes to the  
2 Federal response described in subparagraph  
3 (A).

4 (b) SUBMISSION.—Not later than 90 days after the  
5 date of enactment of this Act, the Secretary of Education  
6 shall submit the report described in subsection (a) to the  
7 appropriate committees of Congress.

## 8 **TITLE VIII—IMPACT AID**

### 9 **SEC. 8001. PURPOSE.**

10 Section 8001 (20 U.S.C. 7701) is amended in the  
11 matter preceding paragraph (1), by striking “challenging  
12 State standards” and inserting “the same challenging  
13 State academic standards”.

### 14 **SEC. 8002. AMENDMENT TO IMPACT AID IMPROVEMENT** 15 **ACT OF 2012.**

16 Section 563(c) of the National Defense Authorization  
17 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.  
18 1748; 20 U.S.C. 7702 note) is amended—

19 (1) by striking paragraphs (1) and (4); and

20 (2) by redesignating paragraphs (2) and (3) as  
21 paragraphs (1) and (2), respectively.

### 22 **SEC. 8003. PAYMENTS RELATING TO FEDERAL ACQUISI-** 23 **TION OF REAL PROPERTY.**

24 Section 8002 (20 U.S.C. 7702) is amended—



1           (1) in subsection (b)(3), by striking subpara-  
2 graph (B) and inserting the following:

3           “(B) SPECIAL RULE.—In the case of Fed-  
4 eral property eligible under this section that is  
5 within the boundaries of 2 or more local edu-  
6 cational agencies that are eligible under this  
7 section, any of such agencies may ask the Sec-  
8 retary to calculate (and the Secretary shall cal-  
9 culate) the taxable value of the eligible Federal  
10 property that is within its boundaries by—

11           “(i) first calculating the per-acre  
12 value of the eligible Federal property sepa-  
13 rately for each eligible local educational  
14 agency that shared the Federal property,  
15 as provided in subparagraph (A)(ii);

16           “(ii) then averaging the resulting per-  
17 acre values of the eligible Federal property  
18 from each eligible local educational agency  
19 that shares the Federal property; and

20           “(iii) then applying the average per-  
21 acre value to determine the total taxable  
22 value of the eligible Federal property under  
23 subparagraph (A)(iii) for the requesting  
24 local educational agency.”;

1           (2) in subsection (e)(2), by adding at the end  
2           the following: “For each fiscal year beginning with  
3           fiscal year 2015, the Secretary shall treat local edu-  
4           cational agencies chartered in 1871 having more  
5           than 70 percent of the county in Federal ownership  
6           as meeting the eligibility requirements of subpara-  
7           graphs (A) and (C) of subsection (a)(1). For each  
8           fiscal year beginning with fiscal year 2015, the Sec-  
9           retary shall treat local educational agencies that  
10          serve a county chartered or formed in 1734 having  
11          more than 24 percent of the county in Federal own-  
12          ership as meeting the eligibility requirements of sub-  
13          paragraphs (A) and (C) of subsection (a)(1).”;

14          (3) by striking subsection (f) and inserting the  
15          following:

16          “(f) SPECIAL RULE.—Beginning with fiscal year  
17          2015, a local educational agency shall be deemed to meet  
18          the requirements of subsection (a)(1)(C) if the agency was  
19          eligible under paragraph (1) or (3) of this subsection, as  
20          such subsection was in effect on the day before the date  
21          of enactment of the Every Child Achieves Act of 2015.”;

22          (4) in subsection (h)(4), by striking “For each  
23          local educational agency that received a payment  
24          under this section for fiscal year 2010 through the  
25          fiscal year in which the Impact Aid Improvement

1 Act of 2012 is enacted” and inserting “For each  
2 local educational agency that received a payment  
3 under this section for fiscal year 2010 or any suc-  
4 ceeding fiscal year”;

5 (5) by striking subsection (k); and

6 (6) by redesignating subsections (l), (m), and  
7 (n), as subsections (j), (k), and (l), respectively.

8 **SEC. 8004. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**  
9 **NECTED CHILDREN.**

10 Section 8003 (20 U.S.C. 7703) is amended—

11 (1) in subsection (a)(5)(A), by striking “to be  
12 children” and all that follows through the period at  
13 the end and inserting “or under lease of off-base  
14 property under subchapter IV of chapter 169 of title  
15 10, United States Code, to be children described  
16 under paragraph (1)(B), if the property described  
17 is—”

18 “(i) within the fenced security perim-  
19 eter of the military facility; or

20 “(ii) attached to, and under any type  
21 of force protection agreement with, the  
22 military installation upon which such hous-  
23 ing is situated;”.

24 (2) in subsection (b)—

25 (A) in paragraph (1)—

1 (i) by striking subparagraph (E); and  
2 (ii) by redesignating subparagraphs  
3 (F) and (G) as subparagraphs (E) and  
4 (F), respectively;

5 (B) in paragraph (2), by striking subpara-  
6 graphs (B) through (H) and inserting the fol-  
7 lowing:

8 “(B) ELIGIBILITY FOR HEAVILY IMPACTED  
9 LOCAL EDUCATIONAL AGENCIES.—

10 “(i) IN GENERAL.—A heavily im-  
11 pacted local educational agency is eligible  
12 to receive a basic support payment under  
13 subparagraph (A) with respect to a num-  
14 ber of children determined under sub-  
15 section (a)(1) if the agency—

16 “(I) is a local educational agen-  
17 cy—

18 “(aa) whose boundaries are  
19 the same as a Federal military  
20 installation or an island property  
21 designated by the Secretary of  
22 the Interior to be property that is  
23 held in trust by the Federal Gov-  
24 ernment; and

1                   “(bb) that has no taxing au-  
2                   thority;

3                   “(II) is a local educational agen-  
4                   cy that—

5                   “(aa) has an enrollment of  
6                   children described in subsection  
7                   (a)(1) that constitutes a percent-  
8                   age of the total student enroll-  
9                   ment of the agency that is not  
10                  less than 45 percent;

11                  “(bb) has a per-pupil ex-  
12                  penditure that is less than—

13                  “(AA) for an agency  
14                  that has a total student en-  
15                  rollment of 500 or more stu-  
16                  dents, 125 percent of the av-  
17                  erage per-pupil expenditure  
18                  of the State in which the  
19                  agency is located; or

20                  “(BB) for any agency  
21                  that has a total student en-  
22                  rollment less than 500, 150  
23                  percent of the average per-  
24                  pupil expenditure of the  
25                  State in which the agency is

1 located or the average per-  
2 pupil expenditure of 3 or  
3 more comparable local edu-  
4 cational agencies in the  
5 State in which the agency is  
6 located; and  
7 “(cc) is an agency that—  
8 “(AA) has a tax rate  
9 for general fund purposes  
10 that is not less than 95 per-  
11 cent of the average tax rate  
12 for general fund purposes of  
13 comparable local educational  
14 agencies in the State; or  
15 “(BB) was eligible to  
16 receive a payment under this  
17 subsection for fiscal year  
18 2013 and is located in a  
19 State that by State law has  
20 eliminated ad valorem tax as  
21 a revenue for local edu-  
22 cational agencies;  
23 “(III) is a local educational agen-  
24 cy that—

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“(aa) has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State; and

“(bb)(AA) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 30 percent; or

“(BB) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent, and for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced

1 price lunch under the Richard B.  
2 Russell National School Lunch  
3 Act constitutes a percentage of  
4 the total student enrollment of  
5 the agency that is not less than  
6 65 percent;

7 “(IV) is a local educational agen-  
8 cy that has a total student enrollment  
9 of not less than 25,000 students, of  
10 which—

11 “(aa) not less than 50 per-  
12 cent are children described in  
13 subsection (a)(1); and

14 “(bb) not less than 5,000 of  
15 such children are children de-  
16 scribed in subparagraphs (A) and  
17 (B) of subsection (a)(1); or

18 “(V) is a local educational agency  
19 that—

20 “(aa) has an enrollment of  
21 children described in subsection  
22 (a)(1) including, for purposes of  
23 determining eligibility, those chil-  
24 dren described in subparagraphs  
25 (F) and (G) of such subsection,



1 that is not less than 35 percent  
2 of the total student enrollment of  
3 the agency;

4 “(bb) has a per-pupil ex-  
5 penditure that is less than the  
6 average per-pupil expenditure of  
7 the State in which the agency is  
8 located or the average per-pupil  
9 expenditure of all States (which-  
10 ever average per-pupil expendi-  
11 ture is greater), except that a  
12 local educational agency with a  
13 total student enrollment of less  
14 than 350 students shall be  
15 deemed to have satisfied such  
16 per-pupil expenditure require-  
17 ment, and has a tax rate for gen-  
18 eral fund purposes which is not  
19 less than 95 percent of the aver-  
20 age tax rate for general fund  
21 purposes of local educational  
22 agencies in the State; and

23 “(cc) was eligible to receive  
24 assistance under subparagraph  
25 (A) for fiscal year 2001.

1 “(ii) LOSS OF ELIGIBILITY.—

2 “(I) IN GENERAL.—Subject to  
3 subclause (II), a heavily impacted  
4 local educational agency that met the  
5 requirements of clause (i) for a fiscal  
6 year shall be ineligible to receive a  
7 basic support payment under subpara-  
8 graph (A) if the agency fails to meet  
9 the requirements of clause (i) for a  
10 subsequent fiscal year, except that  
11 such agency shall continue to receive  
12 a basic support payment under this  
13 paragraph for the fiscal year for  
14 which the ineligibility determination is  
15 made.

16 “(II) LOSS OF ELIGIBILITY DUE  
17 TO FALLING BELOW 95 PERCENT OF  
18 THE AVERAGE TAX RATE FOR GEN-  
19 ERAL FUND PURPOSES.—In a case of  
20 a heavily impacted local educational  
21 agency that is eligible to receive a  
22 basic support payment under subpara-  
23 graph (A), but that has had, for 2  
24 consecutive fiscal years, a tax rate for  
25 general fund purposes that falls below

1 95 percent of the average tax rate for  
2 general fund purposes of comparable  
3 local educational agencies in the  
4 State, such agency shall be deter-  
5 mined to be ineligible under clause (i)  
6 and ineligible to receive a basic sup-  
7 port payment under subparagraph (A)  
8 for each fiscal year succeeding such 2  
9 consecutive fiscal years for which the  
10 agency has such a tax rate for general  
11 fund purposes, and until the fiscal  
12 year for which the agency resumes  
13 such eligibility in accordance with  
14 clause (iii).

15 “(III) TAKEN OVER BY STATE  
16 BOARD OF EDUCATION.—In the case  
17 of a heavily impacted local educational  
18 agency that is eligible to receive a  
19 basic support payment under subpara-  
20 graph (A), but that has been taken  
21 over by a State board of education in  
22 2 previous years, such agency shall be  
23 deemed to maintain heavily impacted  
24 status for 2 fiscal years following the

1 date of enactment of the Every Child  
2 Achieves Act of 2015.

3 “(iii) RESUMPTION OF ELIGIBILITY.—

4 A heavily impacted local educational agen-  
5 cy described in clause (i) that becomes in-  
6 eligible under such clause for 1 or more  
7 fiscal years may resume eligibility for a  
8 basic support payment under this para-  
9 graph for a subsequent fiscal year only if  
10 the agency meets the requirements of  
11 clause (i) for that subsequent fiscal year,  
12 except that such agency shall not receive a  
13 basic support payment under this para-  
14 graph until the fiscal year succeeding the  
15 fiscal year for which the eligibility deter-  
16 mination is made.

17 “(C) MAXIMUM AMOUNT FOR HEAVILY IM-  
18 PACTED LOCAL EDUCATIONAL AGENCIES.—

19 “(i) IN GENERAL.—Except as pro-  
20 vided in subparagraph (D), the maximum  
21 amount that a heavily impacted local edu-  
22 cational agency is eligible to receive under  
23 this paragraph for any fiscal year is the  
24 sum of the total weighted student units, as  
25 computed under subsection (a)(2) and sub-

1           ject to clause (ii), multiplied by the greater  
2           of—

3                   “(I) four-fifths of the average  
4                   per-pupil expenditure of the State in  
5                   which the local educational agency is  
6                   located for the third fiscal year pre-  
7                   ceding the fiscal year for which the  
8                   determination is made; or

9                   “(II) four-fifths of the average  
10                  per-pupil expenditure of all of the  
11                  States for the third fiscal year pre-  
12                  ceding the fiscal year for which the  
13                  determination is made.

14                  “(ii) CALCULATION OF WEIGHTED  
15                  STUDENT UNITS.—

16                   “(I) IN GENERAL.—

17                           “(aa) IN GENERAL.—For a  
18                           local educational agency in which  
19                           35 percent or more of the total  
20                           student enrollment of the schools  
21                           of the agency are children de-  
22                           scribed in subparagraph (D) or  
23                           (E) (or a combination thereof) of  
24                           subsection (a)(1), and that has  
25                           an enrollment of children de-

1           scribed in subparagraph (A), (B),  
2           or (C) of such subsection equal  
3           to at least 10 percent of the  
4           agency's total enrollment, the  
5           Secretary shall calculate the  
6           weighted student units of those  
7           children described in subpara-  
8           graph (D) or (E) of such sub-  
9           section by multiplying the num-  
10          ber of such children by a factor  
11          of 0.55.

12           “(bb)    EXCEPTION.—Not-  
13          withstanding item (aa), a local  
14          educational agency that received  
15          a payment under this paragraph  
16          for fiscal year 2013 shall not be  
17          required to have an enrollment of  
18          children described in subpara-  
19          graph (A), (B), or (C) of sub-  
20          section (a)(1) equal to at least 10  
21          percent of the agency's total en-  
22          rollment and shall be eligible for  
23          the student weight as provided  
24          for in item (aa).

1                   “(II) ENROLLMENT OF 100 OR  
2                   FEWER CHILDREN.—For a local edu-  
3                   cational agency that has an enroll-  
4                   ment of 100 or fewer children de-  
5                   scribed in subsection (a)(1), the Sec-  
6                   retary shall calculate the total number  
7                   of weighted student units for purposes  
8                   of subsection (a)(2) by multiplying the  
9                   number of such children by a factor of  
10                  1.75.

11                  “(III) ENROLLMENT OF MORE  
12                  THAN 100 CHILDREN BUT LESS THAN  
13                  1000.—For a local educational agency  
14                  that is not described under subpara-  
15                  graph (B)(i)(I) and has an enrollment  
16                  of more than 100 but not more than  
17                  1,000 children described in subsection  
18                  (a)(1), the Secretary shall calculate  
19                  the total number of weighted student  
20                  units for purposes of subsection (a)(2)  
21                  by multiplying the number of such  
22                  children by a factor of 1.25.

23                  “(D) MAXIMUM AMOUNT FOR LARGE  
24                  HEAVILY IMPACTED LOCAL EDUCATIONAL  
25                  AGENCIES.—

1 “(i) IN GENERAL.—

2 “(I) IN GENERAL.—Subject to  
3 clause (ii), the maximum amount that  
4 a heavily impacted local educational  
5 agency described in subclause (II) is  
6 eligible to receive under this para-  
7 graph for any fiscal year shall be de-  
8 termined in accordance with the for-  
9 mula described in paragraph (1)(C).

10 “(II) HEAVILY IMPACTED LOCAL  
11 EDUCATIONAL AGENCY.—A heavily  
12 impacted local educational agency de-  
13 scribed in this subclause is a local  
14 educational agency that has a total  
15 student enrollment of not less than  
16 25,000 students, of which not less  
17 than 50 percent are children described  
18 in subsection (a)(1) and not less than  
19 5,000 of such children are children  
20 described in subparagraphs (A) and  
21 (B) of subsection (a)(1).

22 “(ii) FACTOR.—For purposes of calcu-  
23 lating the maximum amount described in  
24 clause (i), the factor used in determining  
25 the weighted student units under sub-



1 section (a)(2) with respect to children de-  
2 scribed in subparagraphs (A) and (B) of  
3 subsection (a)(1) shall be 1.35.

4 “(E) DATA.—For purposes of providing  
5 assistance under this paragraph the Secretary  
6 shall use student, revenue, expenditure, and tax  
7 data from the third fiscal year preceding the  
8 fiscal year for which the local educational agen-  
9 cy is applying for assistance under this para-  
10 graph.

11 “(F) DETERMINATION OF AVERAGE TAX  
12 RATES FOR GENERAL FUND PURPOSES.—

13 “(i) IN GENERAL.—Except as pro-  
14 vided in clause (ii), for the purpose of de-  
15 termining the average tax rates for general  
16 fund purposes for local educational agen-  
17 cies in a State under this paragraph, the  
18 Secretary shall use either—

19 “(I) the average tax rate for gen-  
20 eral fund purposes for comparable  
21 local educational agencies, as deter-  
22 mined by the Secretary in regulations;  
23 or

1           “(II) the average tax rate of all  
2           the local educational agencies in the  
3           State.

4           “(ii) FISCAL YEARS 2010–2015.—

5           “(I) IN GENERAL.—For fiscal  
6           years 2010 through 2015, any local  
7           educational agency that was found in-  
8           eligible to receive a payment under  
9           subparagraph (A) because the Sec-  
10          retary determined that it failed to  
11          meet the average tax rate requirement  
12          for general fund purposes in subpara-  
13          graph (B)(i)(II)(cc)(AA), shall be con-  
14          sidered to have met that requirement,  
15          if its State determined, through an al-  
16          ternate calculation of average tax  
17          rates for general fund purposes, that  
18          such local educational agency met  
19          that requirement.

20          “(II) SUBSEQUENT FISCAL  
21          YEARS AFTER 2015.—For any suc-  
22          ceeding fiscal year after 2015, any  
23          local educational agency identified in  
24          subclause (I) may continue to have its  
25          State use that alternate methodology

1 to calculate whether the average tax  
2 rate requirement for general fund  
3 purposes under subparagraph  
4 (B)(i)(II)(cc)(AA) is met.

5 “(III) AVAILABILITY OF  
6 FUNDS.—Notwithstanding any other  
7 provision of law limiting the period  
8 during which the Secretary may obli-  
9 gate funds appropriated for any fiscal  
10 year after 2012, the Secretary shall  
11 reserve an amount equal to a total of  
12 \$14,000,000 from funds that remain  
13 unobligated under this section from  
14 fiscal years 2013 or 2014 in order to  
15 make payments under this clause for  
16 fiscal years 2011 through 2014.

17 “(G) ELIGIBILITY FOR HEAVILY IMPACTED  
18 LOCAL EDUCATIONAL AGENCIES AFFECTED BY  
19 PRIVATIZATION OF MILITARY HOUSING.—

20 “(i) ELIGIBILITY.—For any fiscal  
21 year, a heavily impacted local educational  
22 agency that received a basic support pay-  
23 ment under this paragraph for the prior  
24 fiscal year, but is ineligible for such pay-  
25 ment for the current fiscal year under sub-

1 paragraph (B), (C), or (D), as the case  
2 may be, due to of the conversion of mili-  
3 tary housing units to private housing de-  
4 scribed in clause (iii), or as the direct re-  
5 sult of base realignment and closure or  
6 modularization as determined by the Sec-  
7 retary of Defense and force structure  
8 change or force relocation, shall be deemed  
9 to meet the eligibility requirements under  
10 subparagraph (B) or (C), as the case may  
11 be, for the period during which the housing  
12 units are undergoing such conversion or  
13 during such time as activities associated  
14 with base closure and realignment,  
15 modularization, force structure change, or  
16 force relocation are ongoing.

17 “(ii) AMOUNT OF PAYMENT.—The  
18 amount of a payment to a heavily impacted  
19 local educational agency for a fiscal year  
20 by reason of the application of clause (i),  
21 and calculated in accordance with subpara-  
22 graph (C) or (D), as the case may be, shall  
23 be based on the number of children in av-  
24 erage daily attendance in the schools of  
25 such agency for the fiscal year and under

1 the same provisions of subparagraph (C)  
2 or (D) under which the agency was paid  
3 during the prior fiscal year.

4 “(iii) CONVERSION OF MILITARY  
5 HOUSING UNITS TO PRIVATE HOUSING DE-  
6 SCRIBED.—For purposes of clause (i),  
7 ‘conversion of military housing units to  
8 private housing’ means the conversion of  
9 military housing units to private housing  
10 units pursuant to subchapter IV of chapter  
11 169 of title 10, United States Code, or  
12 pursuant to any other related provision of  
13 law.”; and

14 (C) in paragraph (3)—

15 (i) in subparagraph (B), by striking  
16 clause (iii) and inserting the following:

17 “(iii) In the case of a local educational  
18 agency providing a free public education to stu-  
19 dents enrolled in kindergarten through grade  
20 12, that enrolls students described in subpara-  
21 graphs (A), (B), and (D) of subsection (a)(1)  
22 only in grades 9 through 12, and that received  
23 a final payment in fiscal year 2009 calculated  
24 under this paragraph (as this paragraph was in  
25 effect on the day before the date of enactment

1 of the Every Child Achieves Act of 2015) for  
2 students in grades 9 through 12, the Secretary  
3 shall, in calculating the agency’s payment, con-  
4 sider only that portion of such agency’s total  
5 enrollment of students in grades 9 through 12  
6 when calculating the percentage under clause  
7 (i)(I) and only that portion of the total current  
8 expenditures attributed to the operation of  
9 grades 9 through 12 in such agency when cal-  
10 culating the percentage under clause (i)(II).”;

11 (ii) in subparagraph (C), by striking  
12 “subparagraph (D) or (E) of paragraph  
13 (2),” and inserting “subparagraph (C) or  
14 (D) of paragraph (2)”; and

15 (iii) by striking subparagraph (D) and  
16 inserting the following:

17 “(D) RATABLE DISTRIBUTION.—For fiscal  
18 years described in subparagraph (A), for which  
19 the sums available exceed the amount required  
20 to pay each local educational agency 100 per-  
21 cent of its threshold payment, the Secretary  
22 shall distribute the excess sums to each eligible  
23 local educational agency that has not received  
24 its full amount computed under paragraphs (1)  
25 or (2) (as the case may be) by multiplying—

1           “(i) a percentage, the denominator of  
2           which is the difference between the full  
3           amount computed under paragraph (1) or  
4           (2) (as the case may be) for all local edu-  
5           cational agencies and the amount of the  
6           threshold payment (as calculated under  
7           subparagraphs (B) and (C)) of all local  
8           educational agencies, and the numerator of  
9           which is the aggregate of the excess sums,  
10          by

11          “(ii) the difference between the full  
12          amount computed under paragraph (1) or  
13          (2) (as the case may be) for the agency  
14          and the amount of the threshold payment  
15          (as calculated under subparagraphs (B) or  
16          (C)) of the agency, except that no local  
17          educational agency shall receive more than  
18          100 percent of the maximum payment cal-  
19          culated under subparagraphs (C) or (D) of  
20          paragraph (2).

21          “(E) INSUFFICIENT PAYMENTS.—For each  
22          fiscal year described in subparagraph (A) for  
23          which the sums appropriated are insufficient to  
24          pay each local educational agency all of the  
25          local educational agency’s threshold payment

1 described in subparagraph (B), the Secretary  
2 shall ratably reduce the payment to each local  
3 educational agency under this paragraph.

4 “(F) PROVISION OF TAX RATE AND RE-  
5 SULTING PERCENTAGE.—The Secretary shall  
6 provide the local educational agency’s tax rate  
7 and the resulting percentage to each eligible  
8 local educational agency immediately following  
9 the payments of funds under paragraph (2).”;  
10 and

11 (D) in paragraph (4)(B), by striking “sub-  
12 paragraph (D) or (E)” and inserting “subpara-  
13 graph (C) or (D)”;

14 (3) in subsection (c), by striking paragraph (2)  
15 and inserting the following:

16 “(2) EXCEPTION.—Calculation of payments for  
17 a local educational agency shall be based on data  
18 from the fiscal year for which the agency is making  
19 an application for payment if such agency—

20 “(A) is newly established by a State, for  
21 the first year of operation of such agency only;

22 “(B) was eligible to receive a payment  
23 under this section for the previous fiscal year  
24 and has had an overall increase in enrollment  
25 (as determined by the Secretary in consultation



1 with the Secretary of Defense, the Secretary of  
2 Interior, or the heads of other Federal agen-  
3 cies)—

4 “(i) of not less than 10 percent, or  
5 100 students, of children described in—

6 “(I) subparagraph (A), (B), (C),  
7 or (D) of subsection (a)(1); or

8 “(II) subparagraphs (F) and (G)  
9 of subsection (a)(1), but only to the  
10 extent such children are civilian de-  
11 pendents of employees of the Depart-  
12 ment of Defense or the Department of  
13 Interior; and

14 “(ii) that is the direct result of closure  
15 or realignment of military installations  
16 under the base closure process or the relo-  
17 cation of members of the Armed Forces  
18 and civilian employees of the Department  
19 of Defense as part of the force structure  
20 changes or movements of units or per-  
21 sonnel between military installations or be-  
22 cause of actions initiated by the Secretary  
23 of the Interior or the head of another Fed-  
24 eral agency; or

1           “(C) was eligible to receive a payment  
2 under this section for the previous fiscal year  
3 and has had an increase in enrollment (as de-  
4 termined by the Secretary)—

5           “(i) of not less than 10 percent of  
6 children described in subsection (a)(1) or  
7 not less than 100 of such children; and

8           “(ii) that is the direct result of the  
9 closure of a local educational agency that  
10 received a payment under subsection (b)(1)  
11 or (b)(2) in the previous fiscal year.”;

12 (4) in subsection (d)—

13           (A) in the subsection heading, by striking  
14 “CHILDREN” and inserting “STUDENTS”;

15           (B) in paragraph (1), by striking “chil-  
16 dren” both places the term appears and insert-  
17 ing “students”; and

18           (C) in paragraph (2), by striking “chil-  
19 dren” and inserting “students”;

20 (5) in subsection (e)—

21           (A) by striking paragraphs (1) and (2) and  
22 inserting the following:

23           “(1) IN GENERAL.—

24           “(A) IN GENERAL.—In the case of any  
25 local educational agency whose payment under

1 subsection (b) for a fiscal year is determined to  
2 be reduced by an amount greater than  
3 \$5,000,000 or by 20 percent, as compared to  
4 the amount received for the previous fiscal year,  
5 the Secretary shall, subject to subparagraph  
6 (B), pay a local educational agency, for each of  
7 the 3 years following the reduction under sub-  
8 section (b), the amount determined under sub-  
9 paragraph (B).

10 “(B) AMOUNT OF REDUCTION.—Subject to  
11 subparagraph (C), a local educational agency  
12 described in subparagraph (A) shall receive—

13 “(i) for the first year for which the re-  
14 duced payment is determined, an amount  
15 that is not less than 90 percent of the total  
16 amount that the local educational agency  
17 received under paragraph (1) or (2) of sub-  
18 section (b) for the fiscal year prior to the  
19 reduction (referred to in this paragraph as  
20 the ‘base year’);

21 “(ii) for the second year following  
22 such reduction, an amount that is not less  
23 than 85 percent of the total amount that  
24 the local educational agency received under

1 paragraph (1) or (2) of subsection (b) for  
2 the base year; and

3 “(iii) for the third year following such  
4 reduction, an amount that is not less than  
5 80 percent of the total amount that the  
6 local educational agency received under  
7 paragraph (1) or (2) of subsection (b) for  
8 the base year.

9 “(C) SPECIAL RULE.—For any fiscal year  
10 for which a local educational agency would be  
11 subject to a reduced payment under clause (ii)  
12 or (iii) of subparagraph (B), but the total  
13 amount of the payment for which the local edu-  
14 cational agency is eligible under subsection (b)  
15 for that fiscal year is greater than the amount  
16 that initially subjected the local educational  
17 agency to the requirements of this subsection,  
18 the Secretary shall pay the greater amount to  
19 the local educational agency for such year.”;  
20 and

21 (B) by redesignating paragraph (3) as  
22 paragraph (2); and  
23 (6) by striking subsection (g).

1 **SEC. 8005. POLICIES AND PROCEDURES RELATING TO**  
2 **CHILDREN RESIDING ON INDIAN LANDS.**

3 Section 8004(e)(9) (20 U.S.C. 7704(e)(9)) is amend-  
4 ed by striking “Affairs” both places the term appears and  
5 inserting “Education”.

6 **SEC. 8006. APPLICATION FOR PAYMENTS UNDER SECTIONS**  
7 **8002 AND 8003.**

8 Section 8005 (20 U.S.C. 7705) is amended—

9 (1) in subsection (b), in the matter preceding  
10 paragraph (1), by striking “, and shall contain such  
11 information,”;

12 (2) by redesignating subsections (c) and (d) as  
13 subsections (d) and (e), respectively;

14 (3) by inserting after subsection (b) the fol-  
15 lowing:

16 “(c) **STUDENT COUNT.**—In collecting information to  
17 determine the eligibility of a local educational agency and  
18 the number of federally connected children for the local  
19 educational agency, the Secretary shall, in addition to any  
20 options provided under section 222.35 of title 34, Code  
21 of Federal Regulations, or a successor regulation, allow  
22 a local educational agency to count the number of such  
23 children served by the agency as of the date by which the  
24 agency requires all students to register for the school year  
25 of the fiscal year for which the application is filed.”; and

1           (4) in subsection (d), by striking “subsection  
2           (e)” and inserting “subsection (d)” each place the  
3           term appears.

4 **SEC. 8007. CONSTRUCTION.**

5           Section 8007 (20 U.S.C. 7707(b)) is amended—

6           (1) in subsection (a)—

7                   (A) in paragraph (1), by striking “section  
8                   8014(e)” and inserting “section 8014(d)”; and

9                   (B) in paragraph (3)—

10                           (i) in subparagraph (A)(i)—

11                                   (I) by redesignating the first sub-  
12                                   clause (II) as subclause (I); and

13                                   (II) by striking “section 8014(e)”  
14                                   and inserting “section 8014(d)”; and

15                           (ii) in subparagraph (B)(i)(I), by  
16                           striking “section 8014(e)” and inserting  
17                           “section 8014(d)”; and

18           (2) in subsection (b)—

19                   (A) in paragraph (1), in the matter pre-  
20                   ceding subparagraph (A), by striking “section  
21                   8014(e)” and inserting “section 8014(d)”; and

22                   (B) in paragraph (3)(C)(i)(I), by adding at  
23                   the end the following:

24                                   “(cc) Not less than 10 percent of  
25                                   the property in the agency is exempt

1 from State and local taxation under  
2 Federal law.”; and

3 (C) in paragraph (6), by striking subpara-  
4 graph (F).

5 **SEC. 8008. FACILITIES.**

6 Section 8008(a) (20 U.S.C. 7708) is amended by  
7 striking “section 8014(f)” and inserting “section  
8 8014(e)”.

9 **SEC. 8009. STATE CONSIDERATION OF PAYMENTS IN PRO-**  
10 **VIDING STATE AID.**

11 Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is  
12 amended by striking “and contain the information”.

13 **SEC. 8010. DEFINITIONS.**

14 Section 8013(5)(A) (20 U.S.C. 7713(5)(A)) is  
15 amended—

16 (1) in clause (ii), by striking subclause (III)  
17 and inserting the following:

18 “(III) conveyed at any time under the  
19 Alaska Native Claims Settlement Act to a  
20 Native individual, Native group, or village  
21 or regional corporation (including single  
22 family occupancy properties that may have  
23 been subsequently sold or leased to a third  
24 party), except that property that is con-  
25 veyed under such Act—

1                   “(aa) that is not taxed is, for the  
2                   purposes of this paragraph, consid-  
3                   ered tax-exempt due to Federal law;  
4                   and

5                   “(bb) is considered Federal prop-  
6                   erty for the purpose of this paragraph  
7                   if the property is located within a Re-  
8                   gional Educational Attendance Area”;  
9                   and

10                   (2) in clause (iii)—

11                   (A) in subclause (II), by striking “Stewart  
12                   B. McKinney Homeless Assistance Act” and in-  
13                   serting “McKinney-Vento Homeless Assistance  
14                   Act (42 U.S.C. 11411)”; and

15                   (B) by striking subclause (III) and insert-  
16                   ing the following:

17                   “(III) used for affordable housing as-  
18                   sisted under the Native American Housing  
19                   Assistance and Self-Determination Act of  
20                   1996 (25 U.S.C. 4101 et seq.); or”.

21 **SEC. 8011. AUTHORIZATION OF APPROPRIATIONS.**

22                   Section 8014 (20 U.S.C. 7714) is amended—

23                   (1) in subsection (a), by striking “\$32,000,000  
24                   for fiscal year 2000 and such sums as may be nec-  
25                   essary for each of the seven succeeding fiscal years”



1 and inserting “such sums as may be necessary for  
2 each of fiscal years 2016 through 2021”;

3 (2) in subsection (b), by striking  
4 “\$809,400,000 for fiscal year 2000 and such sums  
5 as may be necessary for each of the seven succeeding  
6 fiscal years” and inserting “such sums as may be  
7 necessary for each of fiscal years 2016 through  
8 2021”;

9 (3) in subsection (c), by striking “\$50,000,000  
10 for fiscal year 2000 and such sums as may be nec-  
11 essary for each of the seven succeeding fiscal years”  
12 and inserting “such sums as may be necessary for  
13 each of fiscal years 2016 through 2021”;

14 (4) by redesignating subsections (e) and (f) as  
15 subsections (d) and (e), respectively;

16 (5) in subsection (d), as redesignated by para-  
17 graph (4), by striking “\$10,052,000 for fiscal year  
18 2000 and such sums as may be necessary for fiscal  
19 year 2001, \$150,000,000 for fiscal year 2002, and  
20 such sums as may be necessary for each of the five  
21 succeeding fiscal years” and inserting “such sums as  
22 may be necessary for each of fiscal years 2016  
23 through 2021”; and

24 (6) in subsection (e), as redesignated by para-  
25 graph (4), by striking “\$5,000,000 for fiscal year

1 2000 and such sums as may be necessary for each  
 2 of the seven succeeding fiscal years” and inserting  
 3 “such sums as may be necessary for each of fiscal  
 4 years 2016 through 2021”.

5 **TITLE IX—GENERAL**  
 6 **PROVISIONS**

7 **SEC. 9101. DEFINITIONS.**

8 Section 9101 (20 U.S.C. 7801) is amended—

9 (1) by striking paragraphs (3), (19), (23), (35),  
 10 (36), (37), and (42);

11 (2) by redesignating paragraphs (1), (2), (17),  
 12 (18), (20), (21), (22),(24), (25), (26), (27), (28),  
 13 (29), (30), (31), (32), (33), (34), (38), (39), (41),  
 14 and (43) as paragraphs (2), (3), (20), (21), (26),  
 15 (27), (28), (30), (22), (31), (32), (34), (35), (36),  
 16 (38), (39), (40), (41), (43), (44), (47) and (48), re-  
 17 spectively, and by transferring such paragraph (22),  
 18 as so redesignated, so as to follow such paragraph  
 19 (21), as so redesignated;

20 (3) by inserting before paragraph (2), as redес-  
 21 igned by paragraph (2), the following:

22 “(1) 4-YEAR ADJUSTED COHORT GRADUATION  
 23 RATE.—The term ‘4-year adjusted cohort graduation  
 24 rate’ has the meaning given the term ‘four-year ad-  
 25 justed cohort graduation rate’ in section

1 200.19(b)(1) of title 34, Code of Federal Regula-  
2 tions, as such section was in effect on November 28,  
3 2008.”;

4 (4) by striking paragraph (11) and inserting  
5 the following:

6 “(11) CORE ACADEMIC SUBJECTS.—The term  
7 ‘core academic subjects’ means English, reading or  
8 language arts, writing, science, technology, engineer-  
9 ing, mathematics, foreign languages, civics and gov-  
10 ernment, economics, arts, history, geography, com-  
11 puter science, music, career and technical education,  
12 health, and physical education, and any other sub-  
13 ject as determined by the State or local educational  
14 agency.”;

15 (5) in paragraph (13)—

16 (A) by striking subparagraphs (B), (E),  
17 (G), and (K);

18 (B) by redesignating subparagraphs (C),  
19 (D), (F), (H), (I), (J), and (L), as subpara-  
20 graphs (B), (C), (D), (E), (F), (G), and (I), re-  
21 spectively; and

22 (C) by inserting after subparagraph (G),  
23 as redesignated by subparagraph (B), the fol-  
24 lowing:

25 “(H) part G of title V; and”;

1           (6) by inserting after paragraph (16) the fol-  
2           lowing:

3           “(17) DUAL OR CONCURRENT ENROLLMENT.—  
4           The term ‘dual or concurrent enrollment’ means a  
5           course or program provided by an institution of  
6           higher education through which a student who has  
7           not graduated from high school with a regular high  
8           school diploma is able to earn postsecondary credit.

9           “(18) EARLY CHILDHOOD EDUCATION PRO-  
10          GRAM.—The term ‘early childhood education pro-  
11          gram’ has the meaning given the term in section 103  
12          of the Higher Education Act of 1965.

13          “(19) EARLY COLLEGE HIGH SCHOOL.—The  
14          term ‘early college high school’ means a formal part-  
15          nership between at least one local educational agency  
16          and at least one institution of higher education that  
17          allows participants to simultaneously complete re-  
18          quirements toward earning a regular high school di-  
19          ploma and earn not less than 12 transferable credits  
20          as part of an organized course of study toward a  
21          postsecondary degree or credential at no cost to the  
22          participant or participant’s family.”.

23          (7) in paragraph (22), as redesignated and  
24          moved by paragraph (2)—

1 (A) in the paragraph heading, by striking  
2 “LIMITED ENGLISH PROFICIENT” and inserting  
3 “ENGLISH LEARNER”;

4 (B) in the matter preceding subparagraph  
5 (A), by striking “limited English proficient”  
6 and inserting “English learner”; and

7 (C) in subparagraph (D)(i), by striking  
8 “State’s proficient level of achievement on State  
9 assessments described in section 1111(b)(3)”  
10 and inserting “challenging State academic  
11 standards described in section 1111(b)(1)”;

12 (8) by inserting after paragraph (22), as trans-  
13 ferred and redesignated by paragraph (2), the fol-  
14 lowing:

15 “(23) EVIDENCE-BASED.—

16 “(A) IN GENERAL.—Except as provided in  
17 subparagraph (B), the term ‘evidence-based’,  
18 when used with respect to an activity, means an  
19 activity that—

20 “(i) demonstrates a statistically sig-  
21 nificant effect on improving student out-  
22 comes or other relevant outcomes based  
23 on—

1                   “(I) strong evidence from at least  
2                   1 well-designed and well-implemented  
3                   experimental study;

4                   “(II) moderate evidence from at  
5                   least 1 well-designed and well-imple-  
6                   mented quasi-experimental study; or

7                   “(III) promising evidence from at  
8                   least 1 well-designed and well-imple-  
9                   mented correlational study with statis-  
10                  tical controls for selection bias; or

11                  “(ii)(I) demonstrates a rationale that  
12                  is based on high-quality research findings  
13                  that such activity is likely to improve stu-  
14                  dent outcomes or other relevant outcomes;  
15                  and

16                  “(II) includes ongoing efforts to ex-  
17                  amine the effects of such activity.

18                  “(B) DEFINITION FOR PART A OF TITLE  
19                  I.—For purposes of part A of title I, the term  
20                  ‘evidence-based’, when used with respect to an  
21                  activity, means an activity that meets the re-  
22                  quirements of subclause (I) or (II) of subpara-  
23                  graph (A)(i).

24                  “(24) EXPANDED LEARNING TIME.—The term  
25                  ‘expanded learning time’ means using a longer

1 school day, week, or year schedule to significantly  
2 increase the total number of school hours, in order  
3 to include additional time for—

4 “(A) instruction and enrichment in core  
5 academic subjects, other academic subjects, and  
6 other activities that contribute to a well-round-  
7 ed education; and

8 “(B) instructional and support staff to col-  
9 laborate, plan, and engage in professional devel-  
10 opment (including professional development on  
11 family and community engagement) within and  
12 across grades and subjects.

13 “(25) EXTENDED-YEAR ADJUSTED COHORT  
14 GRADUATION RATE.—The term ‘extended-year ad-  
15 justed cohort graduation rate’ has the meaning given  
16 the term in section 200.19(b)(1)(v) of title 34, Code  
17 of Federal Regulations, as such section was in effect  
18 on November 28, 2008.”;

19 (9) by inserting after paragraph (28), as redes-  
20 ignated by paragraph (2), the following:

21 “(29) HIGH SCHOOL.—The term ‘high school’  
22 means a secondary school that—

23 “(A) grants a diploma, as defined by the  
24 State; and

25 “(B) includes, at least, grade 12.”;

1           (10) in paragraph (31), as redesignated by  
2 paragraph (2), in subparagraph (C)—

3           (A) in the subparagraph heading, by strik-  
4 ing “BIA” and inserting “BIE”; and

5           (B) by striking “Affairs” both places the  
6 term appears and inserting “Education”;

7           (11) by inserting after paragraph (32), as re-  
8 designated by paragraph (2), the following:

9           “(33) MULTI-TIER SYSTEM OF SUPPORTS.—The  
10 term ‘multi-tier system of supports’ means a com-  
11 prehensive continuum of evidence-based, system-wide  
12 practices to support a rapid response to academic  
13 and behavioral needs, with frequent data-based mon-  
14 itoring for instructional decisionmaking.”;

15           (12) in paragraph (35), as redesignated by  
16 paragraph (2), by striking “pupil services” and in-  
17 serting “specialized instructional support”;

18           (13) in paragraph (36), as redesignated by  
19 paragraph (2), by striking “includes the freely asso-  
20 ciated states” and all that follows through the period  
21 at the end and inserting “includes the Republic of  
22 Palau except during any period for which the Sec-  
23 retary determines that a Compact of Free Associa-  
24 tion is in effect that contains provisions for edu-



1 cation assistance prohibiting the assistance provided  
2 under this Act.”;

3 (14) by inserting after paragraph (36), as re-  
4 designated by paragraph (2), the following:

5 “(37) PARAPROFESSIONAL.—The term ‘para-  
6 professional’, also known as a ‘paraeducator’, in-  
7 cludes an education assistant and instructional as-  
8 sistant.”.

9 (15) in paragraph (39), as redesignated by  
10 paragraph (2)—

11 (A) in subparagraph (C), by inserting  
12 “and” after the semicolon; and

13 (B) in subparagraph (D), by striking “sec-  
14 tion 1118” and inserting “section 1115”;

15 (16) by striking paragraph (41), as redesi-  
16 gnated by paragraph (2), and inserting the following:

17 “(41) PROFESSIONAL DEVELOPMENT.—The  
18 term ‘professional development’ means activities  
19 that—

20 “(A) are an integral part of school and  
21 local educational agency strategies for providing  
22 educators (including teachers, principals, other  
23 school leaders, specialized instructional support  
24 personnel, paraprofessionals, and, as applicable,  
25 early childhood educators) with the knowledge

1 and skills necessary to enable students to suc-  
2 ceed in the core academic subjects and to meet  
3 challenging State academic standards; and

4 “(B) are sustained (not stand-alone, 1-day,  
5 or short term workshops), intensive, collabo-  
6 rative, job-embedded, data-driven, classroom-fo-  
7 cused, and may include activities that—

8 “(i) improve and increase teachers’—

9 “(I) knowledge of the academic  
10 subjects the teachers teach;

11 “(II) understanding of how stu-  
12 dents learn; and

13 “(III) ability to analyze student  
14 work and achievement from multiple  
15 sources, including how to adjust in-  
16 structional strategies, assessments,  
17 and materials based on such analysis;

18 “(ii) are an integral part of broad  
19 schoolwide and districtwide educational im-  
20 provement plans;

21 “(iii) allow personalized plans for each  
22 educator to address the educator’s specific  
23 needs identified in observation or other  
24 feedback;

1           “(iv) improve classroom management  
2 skills;

3           “(v) support the recruiting, hiring,  
4 and training of effective teachers, including  
5 teachers who became certified through  
6 State and local alternative routes to certifi-  
7 cation;

8           “(vi) advance teacher understanding  
9 of—

10                   “(I) effective instructional strate-  
11 gies that are evidence-based; and

12                   “(II) strategies for improving  
13 student academic achievement or sub-  
14 stantially increasing the knowledge  
15 and teaching skills of teachers;

16           “(vii) are aligned with, and directly  
17 related to academic goals of the school or  
18 local educational agency;

19           “(viii) are developed with extensive  
20 participation of teachers, principals, other  
21 school leaders, parents, representatives of  
22 Indian tribes (as applicable), and adminis-  
23 trators of schools to be served under this  
24 Act;

1           “(ix) are designed to give teachers of  
2 children who are English learners, and  
3 other teachers and instructional staff, the  
4 knowledge and skills to provide instruction  
5 and appropriate language and academic  
6 support services to those children, includ-  
7 ing the appropriate use of curricula and  
8 assessments;

9           “(x) to the extent appropriate, provide  
10 training for teachers, principals, and other  
11 school leaders in the use of technology (in-  
12 cluding education about the harms of copy-  
13 right piracy), so that technology and tech-  
14 nology applications are effectively used in  
15 the classroom to improve teaching and  
16 learning in the curricula and academic  
17 subjects in which the teachers teach;

18           “(xi) 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 professional development;

24           “(xii) are designed to give teachers of  
25 children with disabilities or children with

1 developmental delays, and other teachers  
2 and instructional staff, the knowledge and  
3 skills to provide instruction and academic  
4 support services, to those children, includ-  
5 ing positive behavioral interventions and  
6 supports, multi-tiered systems of supports,  
7 and use of accommodations;

8 “(xiii) include instruction in the use of  
9 data and assessments to inform and in-  
10 struct classroom practice;

11 “(xiv) include instruction in ways that  
12 teachers, principals, other school leaders,  
13 specialized instructional support personnel,  
14 and school administrators may work more  
15 effectively with parents and families;

16 “(xv) involve the forming of partner-  
17 ships with institutions of higher education,  
18 including, as applicable, Tribal Colleges  
19 and Universities as defined in section  
20 316(b) of the Higher Education Act of  
21 1965 (20 U.S.C. 1059c (b)), to establish  
22 school-based teacher, principal, and other  
23 school leader training programs that pro-  
24 vide prospective teachers, novice teachers,  
25 principals, and other school leaders with an

1 opportunity to work under the guidance of  
2 experienced teachers, principals, other  
3 school leaders, and faculty of such institu-  
4 tions;

5 “(xvi) create programs to enable para-  
6 professionals (assisting teachers employed  
7 by a local educational agency receiving as-  
8 sistance under part A of title I) to obtain  
9 the education necessary for those para-  
10 professionals to become certified and li-  
11 censed teachers;

12 “(xvii) provide follow-up training to  
13 teachers who have participated in activities  
14 described in this paragraph that are de-  
15 signed to ensure that the knowledge and  
16 skills learned by the teachers are imple-  
17 mented in the classroom; and

18 “(xviii) where applicable and practical,  
19 provide jointly for school staff and other  
20 early childhood education program pro-  
21 viders, to address the transition to elemen-  
22 tary school, including issues related to  
23 school readiness.”;

24 (17) by inserting after paragraph (41), as re-  
25 designated by paragraph (2), the following:

1           “(42) SCHOOL LEADER.—The term ‘school  
2 leader’ means a principal, assistant principal, or  
3 other individual who is—

4           “(A) an employee or officer of an elemen-  
5 tary school or secondary school, local edu-  
6 cational agency, or other entity operating an el-  
7 ementary school or secondary school; and

8           “(B) responsible for the daily instructional  
9 leadership and managerial operations in the ele-  
10 mentary school or secondary school building.”;

11           (18) by inserting after paragraph (44), as re-  
12 designated by paragraph (2), the following:

13           “(45) SPECIALIZED INSTRUCTIONAL SUPPORT  
14 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT  
15 SERVICES.—

16           “(A) SPECIALIZED INSTRUCTIONAL SUP-  
17 PORT PERSONNEL.—The term ‘specialized in-  
18 structional support personnel’ means —

19           “(i) school counselors, school social  
20 workers, and school psychologists; and

21           “(ii) other qualified professional per-  
22 sonnel, such as school nurses, speech lan-  
23 guage pathologists, and school librarians  
24 involved in providing assessment, diag-  
25 nosis, counseling, educational, therapeutic,

1           and other necessary services (including re-  
2           lated services as that term is defined in  
3           section 602 of the Individuals with Disabil-  
4           ities Education Act) as part of a com-  
5           prehensive program to meet student needs.

6           “(B) SPECIALIZED INSTRUCTIONAL SUP-  
7           PORT SERVICES.—The term ‘specialized instruc-  
8           tional support services’ means the services pro-  
9           vided by specialized instructional support per-  
10          sonnel.”;

11          (19) by inserting after paragraph (48), as re-  
12          designated by paragraph (2), the following:

13          “(49) UNIVERSAL DESIGN FOR LEARNING.—  
14          The term ‘universal design for learning’ has the  
15          meaning given the term in section 103 of the Higher  
16          Education Act of 1965.”; and

17          (20) by striking the undesignated paragraph be-  
18          tween paragraphs (45), as added by paragraph (18),  
19          and (47), as redesignated by paragraph (2), and in-  
20          serting the following:

21          “(46) 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           “(47) MIDDLE GRADES.—The term middle  
2           grades means any of grades 5 through 8.”.

3 **SEC. 9102. APPLICABILITY TO BUREAU OF INDIAN EDU-**  
4           **CATION OPERATED SCHOOLS.**

5           Section 9103 (20 U.S.C. 7803) is amended—

6           (1) in the section heading, by striking “**BU-**  
7           **REAU OF INDIAN AFFAIRS**” and inserting “**BU-**  
8           **REAU OF INDIAN EDUCATION**”; and

9           (2) by striking “Bureau of Indian Affairs” each  
10          place the term appears and inserting “Bureau of In-  
11          dian Education”.

12 **SEC. 9102A. CONSOLIDATION OF STATE ADMINISTRATIVE**  
13           **FUNDS FOR ELEMENTARY AND SECONDARY**  
14           **EDUCATION PROGRAMS.**

15          Section 9201(b)(2) (20 U.S.C. 7821 (b)(2)) is  
16          amended—

17          (1) in subparagraph (G), by striking “and”  
18          after the semicolon;

19          (2) in subparagraph (H), by striking the period  
20          and inserting “; and”; and

21          (3) by adding at the end the following:

22                 “(I) implementation of fiscal support  
23                 teams that provide technical fiscal support as-  
24                 sistance, which shall include evaluating fiscal,

1 administrative, and staffing functions, and any  
2 other key operational function.”.

3 **SEC. 9102B. CONSOLIDATION OF FUNDS FOR LOCAL ADMIN-**  
4 **ISTRATION.**

5 Section 9203(d) (20 U.S.C. 7823(d)) is amended to  
6 read as follows:

7 “(d) USES OF ADMINISTRATIVE FUNDS.—

8 “(1) IN GENERAL.—A local educational agency  
9 that consolidates administrative funds under this  
10 section may use the consolidated funds for the ad-  
11 ministration of the programs and for uses, at the  
12 school district and school levels, comparable to those  
13 described in section 9201(b)(2).

14 “(2) FISCAL SUPPORT TEAMS.—A local edu-  
15 cational agency that uses funds as described in  
16 9201(b)(2)(I) may contribute State or local funds to  
17 expand the reach of such support without violating  
18 any supplement, not supplant requirement of any  
19 program contributing administrative funds.”.

20 **SEC. 9103. CONSOLIDATION OF FUNDS FOR LOCAL ADMIN-**  
21 **ISTRATION.**

22 Section 9203(b) (20 U.S.C. 7823(b)) is amended by  
23 striking “Within 1 year after the date of enactment of the  
24 No Child Left Behind Act of 2001, a State” and inserting  
25 “A State”.

1 **SEC. 9104. RURAL CONSOLIDATED PLAN.**

2 Section 9305 (20 U.S.C. 7845) is amended by adding  
3 at the end the following:

4 “(e) RURAL CONSOLIDATED PLAN.—

5 “(1) IN GENERAL.—Two or more eligible local  
6 educational agencies, a consortium of eligible local  
7 educational service agencies, or an educational serv-  
8 ice agency on behalf of eligible local educational  
9 agencies may submit plans or applications for 1 or  
10 more covered programs to the State educational  
11 agency on a consolidated basis, if each eligible local  
12 educational agency impacted elects to participate in  
13 the joint application or elects to allow the edu-  
14 cational service agency to apply on its behalf.

15 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
16 CY.—For the purposes of this subsection, the term  
17 ‘eligible local educational agency’ means a local edu-  
18 cational agency that is an eligible local educational  
19 agency under part B of title VI.”

20 **SEC. 9105. WAIVERS OF STATUTORY AND REGULATORY RE-**  
21 **QUIREMENTS.**

22 Section 9401 (20 U.S.C. 7861) is amended—

23 (1) by striking subsection (a) and inserting the  
24 following:

25 “(a) IN GENERAL.—

1           “(1) REQUEST FOR WAIVER BY STATE OR IN-  
2           DIAN TRIBE.—A State educational agency or Indian  
3           tribe that receives funds under a program authorized  
4           under this Act may submit a request to the Sec-  
5           retary to waive any statutory or regulatory require-  
6           ment of this Act.

7           “(2) LOCAL EDUCATIONAL AGENCY AND  
8           SCHOOL REQUESTS SUBMITTED THROUGH THE  
9           STATE.—

10           “(A) REQUEST FOR WAIVER BY LOCAL  
11           EDUCATIONAL AGENCY.—A local educational  
12           agency that receives funds under a program au-  
13           thorized under this Act and desires a waiver of  
14           any statutory or regulatory requirement of this  
15           Act shall submit a request containing the infor-  
16           mation described in subsection (b)(1) to the ap-  
17           propriate State educational agency. The State  
18           educational agency may then submit the request  
19           to the Secretary if the State educational agency  
20           determines the waiver appropriate.

21           “(B) REQUEST FOR WAIVER BY SCHOOL.—  
22           An elementary school or secondary school that  
23           desires a waiver of any statutory or regulatory  
24           requirement of this Act shall submit a request  
25           containing the information described in sub-

1 section (b)(1) to the local educational agency  
2 serving the school. The local educational agency  
3 may then submit the request to the State edu-  
4 cational agency in accordance with subpara-  
5 graph (A) if the local educational agency deter-  
6 mines the waiver appropriate.

7 “(3) RECEIPT OF WAIVER.—Except as provided  
8 in subsection (b)(4) or (c), the Secretary may waive  
9 any statutory or regulatory requirement of this Act  
10 for which a waiver request is submitted to the Sec-  
11 retary pursuant to this subsection.”;

12 (2) in subsection (b)—

13 (A) in paragraph (1)—

14 (i) in the matter preceding subpara-  
15 graph (A)—

16 (I) by striking “, local edu-  
17 cational agency,” and inserting “, act-  
18 ing on its own behalf or on behalf of  
19 a local educational agency in accord-  
20 ance with subsection (a)(2),”; and

21 (II) by inserting “, which shall  
22 include a plan” after “to the Sec-  
23 retary”; and

24 (ii) by striking subparagraphs (C) and  
25 (D) and inserting the following:

1           “(C) describes the methods the State edu-  
2           cational agency, local educational agency, or In-  
3           dian tribe will use to monitor and regularly  
4           evaluate the effectiveness of the implementation  
5           of the plan;

6           “(D) includes only information directly re-  
7           lated to the waiver request on how the State  
8           educational agency, local educational agency, or  
9           Indian tribe will maintain and improve trans-  
10          parency in reporting to parents and the public  
11          on student achievement and school perform-  
12          ance, including the achievement of students ac-  
13          cording to each category of students described  
14          in section 1111(b)(2)(B)(xi); and”;

15          (B) in paragraph (2)(B)(i)(II), by striking  
16          “(on behalf of, and based on the requests of,  
17          local educational agencies)” and inserting “(on  
18          behalf of those agencies or on behalf of, and  
19          based on the requests of, local educational  
20          agencies in the State)”;

21          (C) in paragraph (3)—

22                  (i) in subparagraph (A)—

23                          (I) in the matter preceding clause  
24                          (i), by inserting “or on behalf of local  
25                          educational agencies in the State

1 under subsection (a)(2),” after “act-  
2 ing on its own behalf,”; and

3 (II) in clause (i)—

4 (aa) by striking “all inter-  
5 ested local educational agencies”  
6 and inserting “any interested  
7 local educational agency”; and

8 (bb) by inserting “, to the  
9 extent that the request impacts  
10 the local educational agency” be-  
11 fore the semicolon at the end;  
12 and

13 (ii) in subparagraph (B)(i), by strik-  
14 ing “reviewed by the State educational  
15 agency” and inserting “reviewed and ap-  
16 proved by the State educational agency in  
17 accordance with subsection (a)(2) before  
18 being submitted to the Secretary”; and

19 (D) by adding at the end the following:

20 “(4) WAIVER DETERMINATION, DEMONSTRA-  
21 TION, AND REVISION.—

22 “(A) IN GENERAL.—The Secretary shall  
23 issue a written determination regarding the ap-  
24 proval or disapproval of a waiver request not  
25 more than 90 days after the date on which such

1 request is submitted, unless the Secretary de-  
2 termines and demonstrates that—

3 “(i) the waiver request does not meet  
4 the requirements of this section; or

5 “(ii) the waiver is not permitted under  
6 subsection (c).

7 “(B) WAIVER DETERMINATION AND REVI-  
8 SION.—If the Secretary determines and dem-  
9 onstrates that the waiver request does not meet  
10 the requirements of this section, the Secretary  
11 shall—

12 “(i) immediately—

13 “(I) notify the State educational  
14 agency, local educational agency  
15 (through the State educational agen-  
16 cy), or Indian tribe, as applicable, of  
17 such determination; and

18 “(II) provide detailed reasons for  
19 such determination in writing and in  
20 a public manner, such as posting to  
21 the Department’s website in a clear  
22 and easily accessible manner;

23 “(ii) offer the State educational agen-  
24 cy, local educational agency (through the  
25 State educational agency), or Indian tribe



1 an opportunity to revise and resubmit the  
2 waiver request by a date that is not more  
3 than 60 days after the date of such deter-  
4 mination; and

5 “(iii) if the Secretary determines that  
6 the resubmission does not meet the re-  
7 quirements of this section, at the request  
8 of the State educational agency, local edu-  
9 cational agency, or Indian tribe, conduct a  
10 public hearing not more than 30 days after  
11 the date of such resubmission.

12 “(C) WAIVER DISAPPROVAL.—The Sec-  
13 retary may disapprove a waiver request if—

14 “(i) the State educational agency,  
15 local educational agency, or Indian tribe  
16 has been notified and offered an oppor-  
17 tunity to revise and resubmit the waiver  
18 request, as described under clauses (i) and  
19 (ii) of subparagraph (B); and

20 “(ii) the State educational agency,  
21 local educational agency (through the State  
22 educational agency), or Indian tribe—

23 “(I) does not revise and resubmit  
24 the waiver request; or

1                   “(II) revises and resubmits the  
2                   waiver request, and the Secretary de-  
3                   termines that such waiver request  
4                   does not meet the requirements of this  
5                   section after a hearing conducted  
6                   under subparagraph (B)(iii).

7                   “(D) EXTERNAL CONDITIONS.—The Sec-  
8                   retary shall not disapprove a waiver request  
9                   under this section based on conditions outside  
10                  the scope of the waiver request.”;

11                  (3) in subsection (c)—

12                   (A) in paragraph (8), by striking “subpart  
13                   1 of part B of title V” and inserting “part A  
14                   of title V”; and

15                   (B) in paragraph (10), by striking “sub-  
16                   sections (a) and (b) of section 1113” and insert  
17                   “section 1113(a)” both places the term ap-  
18                   pears;

19                  (4) in subsection (d)—

20                   (A) in the subsection heading, by adding “;  
21                   LIMITATIONS” after “WAIVER”; and

22                   (B) by adding at the end the following:

23                   “(3) SPECIFIC LIMITATIONS.—The Secretary  
24                   shall not place any requirements on a State edu-  
25                   cational agency, local educational agency, or Indian

1       tribe as a condition, criterion, or priority for the ap-  
2       proval of a waiver request, unless such requirements  
3       are—

4               “(A) otherwise requirements under this  
5       Act; and

6               “(B) directly related to the waiver re-  
7       quest.”;

8       (5) by striking subsection (e) and inserting the  
9       following:

10       “(e) REPORTS.—A State educational agency, local  
11       educational agency, or Indian tribe receiving a waiver  
12       under this section shall describe, as part of, and pursuant  
13       to, the required annual reporting under section 1111(d)—

14               “(1) the progress of schools covered under the  
15       provisions of such waiver toward improving the qual-  
16       ity of instruction to students and increasing student  
17       academic achievement; and

18               “(2) how the use of the waiver has contributed  
19       to such progress.”;

20       (6) in subsection (f), by striking “if the Sec-  
21       retary determines” and all that follows through the  
22       period at the end and inserting the following: “if,  
23       after notice and an opportunity for a hearing, the  
24       Secretary—

1           “(A) presents substantial evidence that  
2           clearly demonstrates that the waiver is not con-  
3           tributing to the progress of schools described in  
4           subsection (e)(1); or

5           “(B) determines that the waiver is no  
6           longer necessary to achieve its original pur-  
7           poses.”; and

8           (7) by adding at the end the following:

9           “(h) EFFECT OF ENACTMENT OF ECAA ON WAIVER  
10          REQUIREMENTS AND CONDITIONS.—

11           “(1) IN GENERAL.—Any requirement or condi-  
12           tion of any waiver agreement entered into by a  
13           State, local educational agency, or Indian tribe with  
14           the Secretary, as authorized under this section, be-  
15           tween September 23, 2011, and the day before the  
16           effective date of the Every Child Achieves Act of  
17           2015 shall be void and have no force of law if such  
18           requirement or condition is not otherwise a require-  
19           ment or condition under this Act.

20           “(2) RULE OF CONSTRUCTION.—Nothing in  
21           paragraph (1) shall be construed as voiding any  
22           waiver granted by the Secretary under this section  
23           before the date of enactment of the Every Child  
24           Achieves Act of 2015 that is not voided under para-

1 graph (1), which shall remain in effect for the period  
2 of time specified under the waiver.”.

3 **SEC. 9106. PLAN APPROVAL PROCESS.**

4 Title IX (20 U.S.C. 7801 et seq.) is amended—

5 (1) by redesignating parts E and F as parts F  
6 and G, respectively;

7 (2) in section 9573—

8 (A) in subsection (b)(1), by striking “early  
9 childhood development (Head Start) services”  
10 and inserting “early childhood education pro-  
11 grams”;

12 (B) in subsection (c)(2)—

13 (i) in the paragraph heading by strik-  
14 ing “DEVELOPMENT SERVICES” and insert-  
15 ing “EDUCATION PROGRAMS”; and

16 (ii) by striking “development (Head  
17 Start) services” and inserting “education  
18 programs”; and

19 (C) in subsection (e), as redesignated by  
20 section 4001(5), in paragraph (3), by striking  
21 subparagraph (C) and inserting the following:

22 “(C) such other matters as justice may re-  
23 quire.”; and

24 (3) by inserting after section 9401 the fol-  
25 lowing:

1       **“PART E—APPROVAL AND DISAPPROVAL OF**  
2       **STATE PLANS AND LOCAL APPLICATIONS**

3       **“SEC. 9451. APPROVAL AND DISAPPROVAL OF STATE**  
4       **PLANS.**

5       “(a) DEEMED APPROVAL.—A plan submitted by a  
6 State pursuant to section 2101(d), 4103(d), or 9302 shall  
7 be deemed to be approved by the Secretary unless—

8           “(1) the Secretary makes a written determina-  
9 tion, prior to the expiration of the 90-day period be-  
10 ginning on the date on which the Secretary received  
11 the plan, that the plan is not in compliance with sec-  
12 tion 2101(d) or 4103(d) or part C, respectively; and

13           “(2) the Secretary presents substantial evidence  
14 that clearly demonstrates that such State plan does  
15 not meet the requirements of section 2101(d) or  
16 4103(d) or part C, respectively.

17       “(b) DISAPPROVAL PROCESS.—

18           “(1) IN GENERAL.—The Secretary shall not fi-  
19 nally disapprove a plan submitted under section  
20 2101(d), 4103(d), or 9302, except after giving the  
21 State educational agency notice and an opportunity  
22 for a hearing.

23           “(2) NOTIFICATIONS.—If the Secretary finds  
24 that the plan is not in compliance, in whole or in  
25 part, with section 2101(d) or 4103(d) or part C, as  
26 applicable, the Secretary shall—

1           “(A) immediately notify the State of such  
2 determination;

3           “(B) provide a detailed description of the  
4 specific provisions of the plan that the Sec-  
5 retary determines fail to meet the requirements,  
6 in whole or in part, of such section or part, as  
7 applicable;

8           “(C) offer the State an opportunity to re-  
9 vise and resubmit its plan within 45 days of  
10 such determination, including the chance for  
11 the State to present substantial evidence to  
12 clearly demonstrate that the State plan meets  
13 the requirements of such section or part, as ap-  
14 plicable;

15           “(D) provide technical assistance, upon re-  
16 quest of the State, in order to assist the State  
17 to meet the requirements of such section or  
18 part, as applicable;

19           “(E) conduct a public hearing within 30  
20 days of the plan’s resubmission under subpara-  
21 graph (C), with public notice provided not less  
22 than 15 days before such hearing, unless a  
23 State declines the opportunity for such public  
24 hearing; and

1           “(F) request additional information, only  
2           as to the noncompliant provisions, needed to  
3           make the plan compliant.

4           “(3) RESPONSE.—If the State educational  
5           agency responds to the Secretary’s notification de-  
6           scribed in paragraph (2)(A) during the 45-day pe-  
7           riod beginning on the date on which the State edu-  
8           cational agency received the notification, and resub-  
9           mits the plan with the requested information de-  
10          scribed in paragraph (2)(C), the Secretary shall ap-  
11          prove or disapprove such plan prior to the later of—

12           “(A) the expiration of the 45-day period  
13          beginning on the date on which the plan is re-  
14          submitted; or

15           “(B) the expiration of the 90-day period  
16          described in subsection (a).

17          “(4) FAILURE TO RESPOND.—If the State edu-  
18          cational agency does not respond to the Secretary’s  
19          notification described in paragraph (2)(A) during  
20          the 45-day period beginning on the date on which  
21          the State educational agency received the notifica-  
22          tion, such plan shall be deemed to be disapproved.

23          “(c) PEER-REVIEW REQUIREMENTS.—Notwith-  
24          standing any other requirements of this part, the Sec-  
25          retary shall ensure that any portion of a consolidated



1 State plan that is related to part A of title I is subject  
2 to the peer-review process described in section 1111(a)(3).

3 **“SEC. 9452. APPROVAL AND DISAPPROVAL OF LOCAL EDU-**  
4 **CATIONAL AGENCY APPLICATIONS.**

5 “(a) DEEMED APPROVAL.—An application submitted  
6 by a local educational agency pursuant to section 2102(b),  
7 4104(b), or 9305, shall be deemed to be approved by the  
8 State educational agency unless—

9 “(1) the State educational agency makes a writ-  
10 ten determination, prior to the expiration of the 90-  
11 day period beginning on the date on which the State  
12 educational agency received the application, that the  
13 application is not in compliance with section 2102(b)  
14 or 4104(b), or part C, respectively; and

15 “(2) the State presents substantial evidence  
16 that clearly demonstrates that such application does  
17 not meet the requirements of section 2102(b) or  
18 4104(b), or part C, respectively.

19 “(b) DISAPPROVAL PROCESS.—

20 “(1) IN GENERAL.—The State educational  
21 agency shall not finally disapprove an application  
22 submitted under section 2102(b), 4104(b), or 9305  
23 except after giving the local educational agency no-  
24 tice and opportunity for a hearing.

1           “(2) NOTIFICATIONS.—If the State educational  
2 agency finds that the application submitted under  
3 section 2102(b), 4104(b), or 9305 is not in compli-  
4 ance, in whole or in part, with section 2102(b) or  
5 4104(b), or part C, respectively, the State edu-  
6 cational agency shall—

7           “(A) immediately notify the local edu-  
8 cational agency of such determination;

9           “(B) provide a detailed description of the  
10 specific provisions of the application that the  
11 State determines fail to meet the requirements,  
12 in whole or in part, of such section or part, as  
13 applicable;

14           “(C) offer the local educational agency an  
15 opportunity to revise and resubmit its applica-  
16 tion within 45 days of such determination, in-  
17 cluding the chance for the local educational  
18 agency to present substantial evidence to clearly  
19 demonstrate that the application meets the re-  
20 quirements of such section or part;

21           “(D) provide technical assistance, upon re-  
22 quest of the local educational agency, in order  
23 to assist the local educational agency to meet  
24 the requirements of such section or part, as ap-  
25 plicable;

1           “(E) conduct a public hearing within 30  
2           days of the application’s resubmission under  
3           subparagraph (C), with public notice provided  
4           not less than 15 days before such hearing, un-  
5           less a local educational agency declines the op-  
6           portunity for such public hearing; and

7           “(F) request additional information, only  
8           as to the noncompliant provisions, needed to  
9           make the application compliant.

10          “(3) RESPONSE.—If the local educational agen-  
11          cy responds to the State educational agency’s notifi-  
12          cation described in paragraph (2)(A) during the 45-  
13          day period beginning on the date on which the local  
14          educational agency received the notification, and re-  
15          submits the application with the requested informa-  
16          tion described in paragraph (2)(C), the State edu-  
17          cational agency shall approve or disapprove such ap-  
18          plication prior to the later of—

19                 “(A) the expiration of the 45-day period  
20                 beginning on the date on which the application  
21                 is resubmitted; or

22                 “(B) the expiration of the 90-day period  
23                 described in subsection (a).

24          “(4) FAILURE TO RESPOND.—If the local edu-  
25          cational agency does not respond to the State edu-

1 cational agency’s notification described in paragraph  
 2 (2)(A) during the 45-day period beginning on the  
 3 date on which the local educational agency received  
 4 the notification, such application shall be deemed to  
 5 be disapproved.”.

6 **SEC. 9107. PARTICIPATION BY PRIVATE SCHOOL CHILDREN**  
 7 **AND TEACHERS.**

8 Section 9501 (20 U.S.C. 7881) is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (1), by striking subpara-  
 11 graphs (A) through (H) and inserting the fol-  
 12 lowing:

13 “(A) part C of title I;

14 “(B) part A of title II;

15 “(C) part E of title II;

16 “(D) part A of title III;

17 “(E) parts A and B of title IV; and

18 “(F) part G of title V.”; and

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

20 (2) in subsection (c)(1)—

21 (A) in subparagraph (E)—

22 (i) by striking “and the amount” and  
 23 inserting “, the amount”; and

1 (ii) by striking “services; and” and in-  
2 serting “services, and how that amount is  
3 determined;”;

4 (B) in subparagraph (F), by striking the  
5 period at the end and inserting “; and”; and

6 (C) by adding at the end the following:

7 “(G) whether the agency, consortium, or  
8 entity shall provide services directly or assign  
9 responsibility for the provision of services to a  
10 separate government agency, consortium, or en-  
11 tity, or to a third-party contractor.”.

12 **SEC. 9108. MAINTENANCE OF EFFORT.**

13 Section 9521 (20 U.S.C. 7901) is amended—

14 (1) in subsection (a), by inserting “, subject to  
15 the requirements of subsection (b)” after “for the  
16 second preceding fiscal year”;

17 (2) in subsection (b)(1), by inserting before the  
18 period at the end the following: “, if such local edu-  
19 cational agency has also failed to meet such require-  
20 ment (as determined using the measure most favor-  
21 able to the local agency) for 1 or more of the 5 im-  
22 mediately preceding fiscal years”; and

23 (3) in subsection (c)(1), by inserting “or a  
24 change in the organizational structure of the local

1 educational agency” after “, such as a natural dis-  
2 aster”.

3 **SEC. 9109. SCHOOL PRAYER.**

4 Section 9524(a) (20 U.S.C. 7904(a)) is amended by  
5 striking “on the Internet” and inserting “by electronic  
6 means, including by posting the guidance on the Depart-  
7 ment’s website in a clear and easily accessible manner”.

8 **SEC. 9110. PROHIBITIONS ON FEDERAL GOVERNMENT AND**  
9 **USE OF FEDERAL FUNDS.**

10 Section 9527 (20 U.S.C. 7907) is amended to read  
11 as follows:

12 **“SEC. 9527. PROHIBITIONS ON FEDERAL GOVERNMENT AND**  
13 **USE OF FEDERAL FUNDS.**

14 “(a) GENERAL PROHIBITION.—

15 “(1) IN GENERAL.—Nothing in this Act shall  
16 be construed to authorize an officer or employee of  
17 the Federal Government, through grants, contracts,  
18 or other cooperative agreements (including as a con-  
19 dition of any waiver provided under section 9401)  
20 to—

21 “(A) mandate, direct, or control a State,  
22 local educational agency, or school’s curriculum,  
23 program of instruction, instructional content,  
24 specific academic standards or assessments, or  
25 allocation of State or local resources, or man-

1 date a State or any subdivision thereof to spend  
2 any funds or incur any costs not paid for under  
3 this Act;

4 “(B) incentivize a State, local educational  
5 agency, or school to adopt any specific instruc-  
6 tional content, academic standards, academic  
7 assessments, curriculum, or program of instruc-  
8 tion, including by providing any priority, pref-  
9 erence, or special consideration during the ap-  
10 plication process for any grant, contract, or co-  
11 operative agreement that is based on the adop-  
12 tion of any specific instructional content, aca-  
13 demic standards, academic assessments, cur-  
14 riculum, or program of instruction; or

15 “(C) make financial support available in a  
16 manner that is conditioned upon a State, local  
17 educational agency, or school’s adoption of any  
18 specific instructional content, academic stand-  
19 ards, academic assessments, curriculum, or pro-  
20 gram of instruction (such as the Common Core  
21 State Standards developed under the Common  
22 Core State Standards Initiative, any other  
23 standards common to a significant number of  
24 States, or any specific assessment, instructional

1 content, or curriculum aligned to such stand-  
2 ards).

3 “(b) PROHIBITION ON ENDORSEMENT OF CUR-  
4 RICULUM.—Notwithstanding any other prohibition of Fed-  
5 eral law, no funds provided to the Department under this  
6 Act may be used by the Department directly or indirectly,  
7 including through any grant, contract, cooperative agree-  
8 ment, or waiver provided by the Secretary under section  
9 9401, to endorse, approve, or sanction any curriculum (in-  
10 cluding the alignment of such curriculum to any specific  
11 academic standard) designed to be used in an early child-  
12 hood education program, elementary school, secondary  
13 school, or institution of higher education.

14 “(c) PROHIBITION ON REQUIRING FEDERAL AP-  
15 PROVAL OR CERTIFICATION OF STANDARDS.—

16 “(1) IN GENERAL.—Notwithstanding any other  
17 provision of Federal law, no State shall be required  
18 to have academic content or academic achievement  
19 standards approved or certified by the Federal Gov-  
20 ernment, in order to receive assistance under this  
21 Act.

22 “(2) RULES OF CONSTRUCTION.—

23 “(A) APPLICABILITY.—Nothing in this  
24 subsection shall be construed to affect require-  
25 ments under title I.



1           “(B) STATE OR LOCAL AUTHORITY.—  
2           Nothing in this section shall be construed to  
3           prohibit a State, local educational agency, or  
4           school from using funds provided under this Act  
5           for the development or implementation of any  
6           instructional content, academic standards, aca-  
7           demic assessments, curriculum, or program of  
8           instruction that a State, local educational agen-  
9           cy, or school chooses, as permitted under State  
10          and local law, as long as the use of such funds  
11          is consistent with the terms of the grant, con-  
12          tract, or cooperative agreement providing such  
13          funds.

14          “(3) BUILDING STANDARDS.—Nothing in this  
15          Act shall be construed to mandate national school  
16          building standards for a State, local educational  
17          agency, or school.”.

18 **SEC. 9111. ARMED FORCES RECRUITER ACCESS TO STU-**  
19                           **DENTS AND STUDENT RECRUITING INFORMA-**  
20                           **TION.**

21          Section 9528 (20 U.S.C. 7908) is amended by strik-  
22          ing subsection (d).

1 **SEC. 9112. PROHIBITION ON FEDERALLY SPONSORED TEST-**  
2 **ING.**

3 Section 9529 (20 U.S.C. 7909) is amended to read  
4 as follows:

5 **“SEC. 9529. PROHIBITION ON FEDERALLY SPONSORED**  
6 **TESTING.**

7 “(a) GENERAL PROHIBITION.—Notwithstanding any  
8 other provision of Federal law and except as provided in  
9 subsection (b), no funds provided under this Act to the  
10 Secretary or to the recipient of any award may be used  
11 to develop, incentivize, pilot test, field test, implement, ad-  
12 minister, or distribute any federally sponsored national  
13 test in reading, mathematics, or any other subject, unless  
14 specifically and explicitly authorized by law, including any  
15 assessment or testing materials aligned to the Common  
16 Core State Standards developed under the Common Core  
17 State Standards Initiative or any other academic stand-  
18 ards common to a significant number of States.

19 “(b) EXCEPTIONS.—Subsection (a) shall not apply to  
20 international comparative assessments developed under  
21 the authority of section 153(a)(6) of the Education  
22 Sciences Reform Act of 2002 and administered to only a  
23 representative sample of pupils in the United States and  
24 in foreign nations.

25 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
26 tion shall be construed to prohibit a State, local edu-

1 cational agency, or school from using funds provided  
 2 under this Act for the development or implementation of  
 3 any instructional content, academic standards, academic  
 4 assessments, curriculum, or program of instruction that  
 5 a State or local educational agency or school chooses, as  
 6 permitted under State and local law, as long as the use  
 7 of such funds is consistent with the terms of the grant,  
 8 contract, or cooperative agreement providing such funds.”.

9 **SEC. 9113. LIMITATIONS ON NATIONAL TESTING OR CER-**  
 10 **TIFICATION FOR TEACHERS.**

11 Section 9530(a) (20 U.S.C. 7910(a)) is amended—

12 (1) by inserting “, principals,” after “teachers”;

13 and

14 (2) by inserting “, or incentive regarding,”

15 after “administration of”.

16 **SEC. 9114. CONSULTATION WITH INDIAN TRIBES AND TRIB-**  
 17 **AL ORGANIZATIONS.**

18 Subpart 2 of part F of title IX (20 U.S.C. 7901 et  
 19 seq.), as amended by section 4001(3), and redesignated  
 20 by section 9106(1), is further amended by adding at the  
 21 end the following:

22 **“SEC. 9538. CONSULTATION WITH INDIAN TRIBES AND**  
 23 **TRIBAL ORGANIZATIONS.**

24 “(a) IN GENERAL.—To ensure timely and meaning-  
 25 ful consultation on issues affecting American Indian and

1 Alaska Native students, an affected local educational  
2 agency shall consult with appropriate officials from Indian  
3 tribes or tribal organizations approved by the tribes lo-  
4 cated in the area served by the local educational agency  
5 during the design and development of the affected local  
6 educational agency's programs under this Act, with the  
7 overarching goal of meeting the unique cultural, language,  
8 and educational needs of American Indian and Alaska Na-  
9 tive students.

10       “(b) TIMING.—The consultation described in sub-  
11 section (a) shall include meetings of officials from the af-  
12 fected local educational agency and the tribes or tribal or-  
13 ganizations approved by the tribes and shall occur before  
14 the affected local educational agency makes any decision  
15 regarding how the needs of American Indian and Alaska  
16 Native children will be met in covered programs or in serv-  
17 ices or activities provided under title VII.

18       “(c) DOCUMENTATION.—Each affected local edu-  
19 cational agency shall maintain in the agency's records and  
20 provide to the State educational agency a written affirma-  
21 tion signed by officials of the participating tribes or tribal  
22 organizations approved by the tribes that the consultation  
23 required by this section has occurred. If such officials do  
24 not provide such affirmation within a reasonable period  
25 of time, the affected local educational agency shall forward

1 documentation that such consultation has taken place to  
2 the State educational agency.

3 “(d) AFFECTED LOCAL EDUCATIONAL AGENCY.—In  
4 this section, the term ‘affected local educational agency’  
5 means a local educational agency—

6 “(1) with an enrollment of American Indian or  
7 Alaska Native students that is not less than 50 per-  
8 cent of the total enrollment of the local educational  
9 agency; or

10 “(2) with an enrollment of not less than 50  
11 American Indian or Alaska Native students.”.

12 **SEC. 9114A. APPLICATION FOR COMPETITIVE GRANTS**  
13 **FROM THE BUREAU OF INDIAN EDUCATION.**

14 Subpart 2 of part F of title IX (20 U.S.C. 7901 et  
15 seq.), as amended by sections 4001(3) and 9114 and re-  
16 designated by section 9106(1), is further amended by add-  
17 ing at the end the following:

18 **“SEC. 9539A. APPLICATION FOR COMPETITIVE GRANTS**  
19 **FROM THE BUREAU OF INDIAN EDUCATION.**

20 “(a) IN GENERAL.—Notwithstanding any other pro-  
21 vision of this Act and subject to subsection (b), the Bureau  
22 of Indian Education may apply for, and carry out, any  
23 grant program awarded on a competitive basis under this  
24 Act, as appropriate, on behalf of the schools and the In-  
25 dian children that the Bureau serves, and shall not be sub-

1 ject to any provision of the program that requires grant  
 2 recipients to contribute funds toward the costs of the  
 3 grant program.

4 “(b) LIMITATION.—In the case of any competitive  
 5 grant program described in subsection (a) that also pro-  
 6 vides a reservation of funds to the Bureau of Indian Edu-  
 7 cation, the Bureau shall not, for any fiscal year, receive  
 8 both a grant and a reservation under the competitive grant  
 9 program.”.

10 **SEC. 9115. OUTREACH AND TECHNICAL ASSISTANCE FOR**  
 11 **RURAL LOCAL EDUCATIONAL AGENCIES.**

12 Subpart 2 of part F of title IX (20 U.S.C. 7901 et  
 13 seq.), as amended by sections 4001(3) and 9114, and re-  
 14 designated by section 9106(1), is further amended by add-  
 15 ing at the end the following:

16 **“SEC. 9539B. OUTREACH AND TECHNICAL ASSISTANCE FOR**  
 17 **RURAL LOCAL EDUCATIONAL AGENCIES.**

18 “(a) OUTREACH.—The Secretary shall engage in out-  
 19 reach to rural local educational agencies regarding oppor-  
 20 tunities to apply for competitive grant programs under  
 21 this Act.

22 “(b) TECHNICAL ASSISTANCE.—If requested to do  
 23 so, the Secretary shall provide technical assistance to rural  
 24 local educational agencies with locale codes 32, 33, 41, 42,  
 25 or 43, or an educational service agency representing rural

1 local educational agencies with locale codes 32, 33, 41, 42,  
2 or 43 on applications or pre-applications for any competi-  
3 tive grant program under this Act. No rural local edu-  
4 cational agency or educational service agency shall be re-  
5 quired to request technical assistance or include any tech-  
6 nical assistance provided by the Secretary in any applica-  
7 tion.”.

8 **SEC. 9115A. CONSULTATION WITH THE GOVERNOR.**

9 Subpart 2 of part F of title IX (20 U.S.C. 7901 et  
10 seq.), as amended by sections 4001(3), 9114, and 9115,  
11 and redesignated by section 9106(1), is further amended  
12 by adding at the end the following:

13 **“SEC. 9540. CONSULTATION WITH THE GOVERNOR.**

14 “(a) **IN GENERAL.**—A State educational agency shall  
15 consult in a timely and meaningful manner with the Gov-  
16 ernor, or appropriate officials from the Governor’s office,  
17 in the development of State plans under titles I and II  
18 and section 9302.

19 “(b) **TIMING.**—The consultation described in sub-  
20 section (a) shall include meetings of officials from the  
21 State educational agency and the Governor’s office and  
22 shall occur—

23 “(1) during the development of such plan; and

24 “(2) prior to submission of the plan to the Sec-  
25 retary.

1       “(c) **JOINT SIGNATURE AUTHORITY.**—A Governor  
2 shall have 30 days prior to the State educational agency  
3 submitting the State plan under title I or II or section  
4 9302 to the Secretary to sign such plan. If the Governor  
5 has not signed the plan within 30 days of delivery by the  
6 State educational agency to the Governor, the State edu-  
7 cational agency shall submit the plan to the Secretary  
8 without such signature.”.

9 **SEC. 9115B. LOCAL GOVERNANCE.**

10       Subpart 2 of part F of title IX (20 U.S.C. 7901 et  
11 seq.), as amended by sections 4001(3), 9114, and 9115,  
12 and redesignated by section 9106(1), is further amended  
13 by adding at the end the following:

14 **“SEC. 9540A. LOCAL GOVERNANCE.**

15       “(a) **RULE OF CONSTRUCTION.**—Nothing in this Act  
16 shall be construed to allow the Secretary to—

17               “(1) exercise any governance or authority over  
18 school administration, including the development  
19 and expenditure of school budgets, unless otherwise  
20 authorized under this Act;

21               “(2) issue any regulation without first com-  
22 plying with the rulemaking requirements of section  
23 553 of title 5, United States Code; or



1           “(3) issue any non-regulatory guidance without  
2 first, to the extent feasible, considering input from  
3 stakeholders.

4           “(b) AUTHORITY UNDER OTHER LAW.—Nothing in  
5 subsection (a) shall be construed to affect any authority  
6 the Secretary has under any other Federal law.”.

7 **SEC. 9115C. RULE OF CONSTRUCTION REGARDING TRAVEL**  
8 **TO AND FROM SCHOOL.**

9           Subpart 2 of part F of title IX (20 U.S.C. 7901 et  
10 seq.), as amended by sections, 9114 and 9115, and reded-  
11 icated by section 9601, is further amended by adding at  
12 the end the following:

13 **“SEC. 9539C. RULE OF CONSTRUCTION REGARDING TRAVEL**  
14 **TO AND FROM SCHOOL.**

15           “(a) IN GENERAL.—Subject to subsection (b), noth-  
16 ing in this Act shall authorize the Secretary to, or shall  
17 be construed to—

18           “(1) prohibit a child from traveling to and from  
19 school on foot or by car, bus, or bike when the par-  
20 ents of the child have given permission; or

21           “(2) expose parents to civil or criminal charges  
22 for allowing their child to responsibly and safely  
23 travel to and from school by a means the parents be-  
24 lieve is age appropriate.

1       “(b) NO PREEMPTION OF STATE OR LOCAL LAWS.—  
2 Notwithstanding subsection (a), nothing in this section  
3 shall be construed to preempt State or local laws.”.

4 **SEC. 9116. EVALUATIONS.**

5       Section 9601 (20 U.S.C. 7941) is amended to read  
6 as follows:

7 **“SEC. 9601. EVALUATIONS.**

8       “(a) RESERVATION OF FUNDS.—Except as provided  
9 in subsection (b) and (e), the Secretary, in consultation  
10 with the Director of the Institute of Education Sciences,  
11 may reserve not more than 0.5 percent of the amount ap-  
12 propriated for each program authorized under this Act to  
13 carry out activities under this section. If the Secretary  
14 elects to make a reservation under this subsection, the re-  
15 served amounts—

16               “(1) shall first be used by the Secretary, acting  
17 through the Director of the Institute of Education  
18 Sciences, to—

19                       “(A) conduct comprehensive, high-quality  
20 evaluations of the programs that—

21                               “(i) are consistent with the evaluation  
22 plan under subsection (d); and

23                               “(ii) primarily include impact evalua-  
24 tions that use experimental or quasi-experi-  
25 mental designs, where practicable and ap-

1           appropriate, and other rigorous methodolo-  
2           gies that permit the strongest possible  
3           causal inferences;

4           “(B) conduct studies of the effectiveness of  
5           the programs and the administrative impact of  
6           the programs on schools and local educational  
7           agencies; and

8           “(C) widely disseminate evaluation findings  
9           under this section related to programs author-  
10          ized under this Act—

11                 “(i) in a timely fashion;

12                 “(ii) in forms that are understand-  
13                 able, easily accessible, and usable, or  
14                 adaptable for use in, the improvement of  
15                 educational practice;

16                 “(iii) through electronic transfer and  
17                 other means, such as posting, as available,  
18                 to the websites of State educational agen-  
19                 cies, local educational agencies, the Insti-  
20                 tute of Education Sciences, or the Depart-  
21                 ment, or in another relevant place; and

22                 “(iv) in a manner that promotes the  
23                 utilization of such findings; and

1           “(2) may be used by the Secretary, acting  
2 through the Director of the Institute of Education  
3 Sciences—

4           “(A) to evaluate the aggregate short- and  
5 long-term effects and cost efficiencies across—

6           “(i) Federal programs assisted or au-  
7 thorized under this Act; and

8           “(ii) related Federal early childhood  
9 education programs, preschool programs,  
10 elementary school programs, and secondary  
11 school programs, under any other Federal  
12 law;

13           “(B) to increase the usefulness of the eval-  
14 uations conducted under this section by improv-  
15 ing the quality, timeliness, efficiency, and use of  
16 information relating to performance to promote  
17 continuous improvement of programs assisted  
18 or authorized under this Act; and

19           “(C) to assist recipients of grants under  
20 such programs in collecting and analyzing data  
21 and other activities related to conducting high-  
22 quality evaluations under paragraph (1).

23           “(b) TITLE I.—The Secretary, acting through the Di-  
24 rector of the Institute of Education Sciences, shall use  
25 funds authorized under section 1002(e) to carry out eval-

1 uation activities under this section related to title I, and  
2 shall not reserve any other money from such title for eval-  
3 uation.

4 “(c) CONSOLIDATION.—Notwithstanding any other  
5 provision of this section or section 1002(e), the Secretary,  
6 in consultation with the Director of the Institute of Edu-  
7 cation Sciences—

8 “(1) may consolidate the funds reserved under  
9 subsections (a) and (b) for purposes of carrying out  
10 the activities under subsection (a)(1); and

11 “(2) shall not be required to evaluate under  
12 subsection (a)(1) each program authorized under  
13 this Act each year.

14 “(d) EVALUATION PLAN.—The Director of the Insti-  
15 tute of Education Sciences, shall, on a biennial basis, de-  
16 velop, submit to Congress, and make publicly available an  
17 evaluation plan, that—

18 “(1) describes the specific activities that will be  
19 carried out under subsection (a) for the 2-year pe-  
20 riod applicable to the plan, and the timelines of such  
21 activities;

22 “(2) contains the results of the activities car-  
23 ried out under subsection (a) for the most recent 2-  
24 year period; and

1           “(3) describes how programs authorized under  
2           this Act will be regularly evaluated.

3           “(e) EVALUATION ACTIVITIES AUTHORIZED ELSE-  
4 WHERE.—If, under any other provision of this Act, funds  
5 are authorized to be reserved or used for evaluation activi-  
6 ties with respect to a program, the Secretary may not re-  
7 serve additional funds under this section for the evaluation  
8 of that program.”.

9 **SEC. 9117. PROHIBITION ON AIDING AND ABETTING SEX-**  
10 **UAL ABUSE.**

11           Subpart 2 of part F of title IX (20 U.S.C. 7901 et  
12 seq.), as amended by sections 4001(3) and 9114, and re-  
13 designated by section 9106(1), is further amended by add-  
14 ing at the end the following:

15 **“SEC. 9539. PROHIBITION ON AIDING AND ABETTING SEX-**  
16 **UAL ABUSE.**

17           “(a) IN GENERAL.—A State, State educational agen-  
18 cy, or local educational agency in the case of a local edu-  
19 cational agency designated under State law, that receives  
20 Federal funds under this Act shall have laws, regulations,  
21 or policies that prohibit any person who is a school em-  
22 ployee, contractor, or agent, or any State educational  
23 agency or local educational agency, from assisting a school  
24 employee, contractor, or agent in obtaining a new job,  
25 apart from the routine transmission of administrative and

1 personnel files, if the person or agency knows, or recklessly  
2 disregards credible information indicating, that such  
3 school employee, contractor, or agent engaged in sexual  
4 misconduct regarding a minor in violation of the law.

5 “(b) EXCEPTION.—The requirements of subsection  
6 (a) shall not apply if the credible information described  
7 in such subsection—

8 “(1)(A) has been properly reported to a law en-  
9 forcement agency with jurisdiction over the alleged  
10 misconduct; and

11 “(B) has been properly reported to any other  
12 authorities as required by Federal, State, or local  
13 law, including title IX of the Education Amend-  
14 ments of 1972 (20 U.S.C. 1681 et seq.) and the reg-  
15 ulations implementing such title under part 106 of  
16 title 34, Code of Federal Regulations, or any suc-  
17 ceeding regulations; and

18 “(2)(A) the case has been officially closed or  
19 the prosecutor with jurisdiction over the alleged mis-  
20 conduct has investigated the allegations and notified  
21 school officials that there is insufficient information  
22 to establish probable cause that the school employee,  
23 contractor, or agent engaged in sexual misconduct  
24 regarding a minor;

1           “(B) the school employee, contractor, or agent  
2           has been charged with, and exonerated of, the al-  
3           leged misconduct; or

4           “(C) the case remains open but there have been  
5           no charges filed against, or indictment of, the school  
6           employee, contractor, or agent within 4 years of the  
7           date on which the information was reported to a law  
8           enforcement agency.

9           “(c) PROHIBITION.—The Secretary shall not have the  
10          authority to mandate, direct, or control the specific meas-  
11          ures adopted by a State, State educational agency, or local  
12          educational agency under this section.

13          “(d) CONSTRUCTION.—Nothing in this section shall  
14          be construed to prevent a State from adopting, or to over-  
15          ride a State law, regulation, or policy that provides, great-  
16          er or additional protections to prohibit any person who is  
17          a school employee, contractor, or agent, or any State edu-  
18          cational agency or local educational agency, from assisting  
19          a school employee who engaged in sexual misconduct re-  
20          garding a minor in violation of the law in obtaining a new  
21          job.”.



1 **TITLE X—EDUCATION FOR**  
2 **HOMELESS CHILDREN AND**  
3 **YOUTHS; OTHER LAWS; MIS-**  
4 **CELLANEOUS**

5 **PART A—EDUCATION FOR HOMELESS CHILDREN**  
6 **AND YOUTH**

7 **SEC. 10101. STATEMENT OF POLICY.**

8 Section 721 of the McKinney-Vento Homeless Assist-  
9 ance Act (42 U.S.C. 11431) is amended—

10 (1) in paragraph (2), by striking “In any  
11 State” and all that follows through “will review”  
12 and inserting “In any State where compulsory resi-  
13 dency requirements or other requirements, in laws,  
14 regulations, practices, or policies, may act as a bar-  
15 rier to the identification of, or enrollment, attend-  
16 ance, or success in school of homeless children and  
17 youths, the State educational agency and local edu-  
18 cational agencies in the State will review”;

19 (2) in paragraph (3), by striking “alone”; and

20 (3) in paragraph (4), by striking “challenging  
21 State student academic achievement standards” and  
22 inserting “challenging State academic standards”.

23 **SEC. 10102. GRANTS FOR STATE AND LOCAL ACTIVITIES.**

24 Section 722 of the McKinney-Vento Homeless Assist-  
25 ance Act (42 U.S.C. 11432) is amended—

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

3           “(b) RESERVATIONS.—

4           “(1) STUDENTS IN TERRITORIES.—The Sec-  
5 retary is authorized to reserve 0.1 percent of the  
6 amount appropriated for each fiscal year under sec-  
7 tion 726, to be allocated by the Secretary among the  
8 United States Virgin Islands, Guam, American  
9 Samoa, and the Commonwealth of the Northern  
10 Mariana Islands, according to their respective needs  
11 for assistance under this subtitle, as determined by  
12 the Secretary.

13           “(2) INDIAN STUDENTS.—

14           “(A) TRANSFER.—The Secretary shall  
15 transfer 1 percent of the amount appropriated  
16 for each fiscal year under section 726 to the  
17 Department of the Interior. The transferred  
18 funds shall be used for programs for Indian  
19 students served by schools funded by the Sec-  
20 retary of the Interior, as determined under the  
21 Indian Self-Determination and Education As-  
22 sistance Act (25 U.S.C. 450 et seq.), that are  
23 consistent with the purposes of the programs  
24 described in this subtitle.

1           “(B) AGREEMENT.—The Secretary of  
2 Education and the Secretary of the Interior  
3 shall enter into an agreement, consistent with  
4 the requirements of this subtitle, for the dis-  
5 tribution and use of the transferred funds  
6 under terms that the Secretary of Education  
7 determines best meet the purposes of the pro-  
8 grams described in this subtitle. Such agree-  
9 ment shall set forth the plans of the Secretary  
10 of the Interior for the use of the amounts  
11 transferred, including appropriate goals, objec-  
12 tives, and milestones.”;

13           (2) in subsection (c)—

14                 (A) by redesignating paragraph (3) as  
15 paragraph (4); and

16                 (B) by striking the subsection heading and  
17 all that follows through paragraph (2) and in-  
18 serting the following:

19           “(c) ALLOTMENTS.—

20                 “(1) IN GENERAL.—The Secretary is authorized  
21 to allot to each State for a fiscal year an amount  
22 that bears the same ratio to the amount appro-  
23 priated for such year under section 726 that remains  
24 after the Secretary reserves funds under subsection  
25 (b) and uses funds to carry out subsections (d) and

1 (h) of section 724, as the amount allocated under  
2 section 1122 of the Elementary and Secondary Edu-  
3 cation Act of 1965 (20 U.S.C. 6332) to the State  
4 for that year bears to the total amount allocated  
5 under section 1122 of such Act to all States for that  
6 year, except as provided in paragraph (2).

7 “(2) MINIMUM ALLOTMENTS.—Subject to para-  
8 graph (3), no State shall receive less under this sub-  
9 section for a fiscal year than the greatest of—

10 “(A) \$150,000;

11 “(B) one-fourth of 1 percent of the amount  
12 appropriated under section 726 for that year;  
13 or

14 “(C) the amount such State received under  
15 this section for fiscal year 2001.

16 “(3) REDUCTION FOR INSUFFICIENT FUNDS.—  
17 If there are insufficient funds in a fiscal year to allot  
18 to each State the minimum amount under paragraph  
19 (2), the Secretary shall ratably reduce the allotments  
20 to all States based on the proportionate share that  
21 each State received under this subsection for the  
22 preceding fiscal year.”;

23 (3) in subsection (d)—

24 (A) in paragraph (2)—

1 (i) by striking “To provide” and all  
2 that follows through “that enable” and in-  
3 serting “To provide services and activities  
4 to improve the identification of homeless  
5 children and youths (including preschool-  
6 aged homeless children) and enable”; and

7 (ii) by striking “or, if” and inserting  
8 “including, if”; and

9 (B) in paragraph (3), by striking “des-  
10 ignate” and all that follows and inserting “des-  
11 ignate in the State educational agency an Office  
12 of the Coordinator for Education of Homeless  
13 Children and Youths that can sufficiently carry  
14 out the duties described for the Office in this  
15 subtitle.”;

16 (4) in subsection (e)—

17 (A) in paragraph (1), by striking “sub-  
18 section (c)(1)” and inserting “subsection  
19 (c)(2)”; and

20 (B) in paragraph (3)—

21 (i) in subparagraph (E)(ii)(II), by  
22 striking “subsection (g)(6)(A)(v)” and in-  
23 serting “subsection (g)(6)(A)(vi)”; and

24 (ii) in subparagraph (F)(iii), by strik-  
25 ing “Not later” and all that follows

1 through “the Secretary” and inserting  
2 “The Secretary”;

3 (5) by striking subsection (f) and inserting the  
4 following:

5 “(f) FUNCTIONS OF THE OFFICE OF THE COORDI-  
6 NATOR.—The Coordinator for Education of Homeless  
7 Children and Youths established in each State shall—

8 “(1) gather and make publicly available reliable,  
9 valid, and comprehensive information on—

10 “(A) the number of homeless children and  
11 youths identified in the State, which shall be  
12 posted annually on the State educational agen-  
13 cy’s website;

14 “(B) the nature and extent of the problems  
15 homeless children and youths have in gaining  
16 access to public preschool programs and to pub-  
17 lic elementary schools and secondary schools;

18 “(C) the difficulties in identifying the spe-  
19 cial needs and barriers to the participation and  
20 achievement of such children and youths;

21 “(D) any progress made by the State edu-  
22 cational agency and local educational agencies  
23 in the State in addressing such problems and  
24 difficulties; and

1           “(E) the success of the programs under  
2           this subtitle in identifying homeless children  
3           and youths and allowing such children and  
4           youths to enroll in, attend, and succeed in,  
5           school;

6           “(2) develop and carry out the State plan de-  
7           scribed in subsection (g);

8           “(3) collect data for and transmit to the Sec-  
9           retary, at such time and in such manner as the Sec-  
10          retary may reasonably require, a report containing  
11          information necessary to assess the educational  
12          needs of homeless children and youths within the  
13          State, including data necessary for the Secretary to  
14          fulfill the responsibilities under section 724(h);

15          “(4) in order to improve the provision of com-  
16          prehensive education and related services to home-  
17          less children and youths and their families, coordi-  
18          nate activities and collaborate with—

19                 “(A) educators, including teachers, special  
20                 education personnel, administrators, and child  
21                 development and preschool program personnel;

22                 “(B) providers of services to homeless chil-  
23                 dren and youths and their families, including  
24                 services of public and private child welfare and  
25                 social services agencies, law enforcement agen-

1           cies, juvenile and family courts, agencies pro-  
2           viding mental health services, domestic violence  
3           agencies, child care providers, runaway and  
4           homeless youth centers, and providers of serv-  
5           ices and programs funded under the Runaway  
6           and Homeless Youth Act (42 U.S.C. 5701 et  
7           seq.);

8           “(C) providers of emergency, transitional,  
9           and permanent housing to homeless children  
10          and youths, and their families, including public  
11          housing agencies, shelter operators, operators of  
12          transitional housing facilities, and providers of  
13          transitional living programs for homeless  
14          youths;

15          “(D) local educational agency liaisons des-  
16          ignated under subsection (g)(1)(J)(ii) for home-  
17          less children and youths; and

18          “(E) community organizations and groups  
19          representing homeless children and youths and  
20          their families;

21          “(5) provide technical assistance to and conduct  
22          monitoring of local educational agencies in coordina-  
23          tion with local educational agency liaisons designated  
24          under subsection (g)(1)(J)(ii), to ensure that local  
25          educational agencies comply with the requirements



1 of subsection (e)(3) and paragraphs (3) through (7)  
2 of subsection (g);

3 “(6) provide professional development opportu-  
4 nities for local educational agency personnel and the  
5 local educational agency liaison designated under  
6 subsection (g)(1)(J)(ii) to assist such personnel and  
7 liaison in identifying and meeting the needs of home-  
8 less children and youths, and provide training on the  
9 definitions of terms related to homelessness specified  
10 in sections 103, 401, and 725 to the personnel (in-  
11 cluding personnel of preschool and early childhood  
12 education programs provided through the local edu-  
13 cational agency) and the liaison; and

14 “(7) respond to inquiries from parents and  
15 guardians of homeless children and youths, including  
16 (in the case of unaccompanied youths) such youths,  
17 to ensure that each child or youth who is the subject  
18 of such an inquiry receives the full protections and  
19 services provided by this subtitle.”;

20 (6) in subsection (g)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (A), by striking  
23 “achievement”;

24 (ii) in subparagraph (B), by striking  
25 “special”;

1 (iii) in subparagraph (D)—

2 (I) by striking “(including” and  
3 all that follows through “personnel)”  
4 and inserting “(including liaisons des-  
5 igned under subparagraph (J)(ii),  
6 principals and school leaders, attend-  
7 ance officers, teachers, enrollment  
8 personnel, and specialized instruc-  
9 tional support personnel)”; and

10 (II) by striking “of runaway and  
11 homeless youths” and inserting “of  
12 homeless children and youths, includ-  
13 ing such children and youths who are  
14 runaway and homeless youths”;

15 (iv) in subparagraph (E), by striking  
16 “food” and inserting “nutrition”;

17 (v) in subparagraph (F)—

18 (I) in clause (i), by striking  
19 “equal” and all that follows and in-  
20 sserting “access to the same public  
21 preschool programs, administered by  
22 the State educational agency or local  
23 educational agency, as are provided to  
24 other children in the State, including  
25 ensuring that access by having the ad-

1 ministering agency carry out the poli-  
2 cies and practices required under  
3 paragraph (3);”;

4 (II) in clause (ii), by striking  
5 “services; and” and inserting “serv-  
6 ices, including through the implemen-  
7 tation of policies and practices to en-  
8 sure that youths described in this  
9 clause are able to receive appropriate  
10 credit for full or partial coursework  
11 satisfactorily completed while attend-  
12 ing a prior school, in accordance with  
13 State, local, and school policies;”;

14 (III) by striking clause (iii) and  
15 inserting the following:

16 “(iii) homeless children and youths  
17 who meet the relevant eligibility criteria  
18 have access to magnet school, summer  
19 school, career and technical education, dual  
20 or concurrent enrollment opportunities,  
21 early college high school, advanced place-  
22 ment, online learning, and charter school  
23 programs, if such programs are available  
24 at the State or local levels; and

1           “(iv) the State educational agency and  
2 local educational agencies will adopt poli-  
3 cies and practices to promote school suc-  
4 cess for homeless children and youth, in-  
5 cluding providing access to full participa-  
6 tion in the academic and extracurricular  
7 activities that are made available to stu-  
8 dents who are not homeless children and  
9 youth.”;

10           (vi) in subparagraph (H)(i), by strik-  
11 ing “medical” and inserting “other  
12 health”;

13           (vii) in subparagraph (I)—

14           (I) by striking “enrollment” and  
15 inserting “identification of homeless  
16 children and youths, and the enroll-  
17 ment,”; and

18           (II) by striking “State.” and in-  
19 serting “State, including barriers re-  
20 lated to fees, fines, absences, and  
21 credit accrual policies.”; and

22           (viii) in subparagraph (J)—

23           (I) in clause (ii), by striking “to  
24 carry out” and inserting “and assur-

1                   ances that the liaison will have suffi-  
2                   cient training and time to carry out”;

3                   (II) in clause (iii), in the matter  
4                   preceding subclause (I), by striking  
5                   “origin, as determined in paragraph  
6                   (3)(A),” and inserting “origin (within  
7                   the meaning of paragraph (3)(A)),  
8                   which may include a preschool,”; and

9                   (III) in subclauses (I) and (II) of  
10                  clause (iii), by striking “homeless”  
11                  each place it appears;

12                  (B) in paragraph (3)—

13                   (i) in subparagraph (A)(i)(I), by strik-  
14                   ing “or” at the end and inserting “and”;

15                   (ii) in subparagraph (B)—

16                   (I) by striking “BEST INTEREST”  
17                   and inserting “SCHOOL STABILITY”;

18                   (II) by redesignating clause (iii)  
19                   as clause (iv);

20                   (III) by striking clauses (i) and  
21                   (ii) and inserting the following:

22                   “(i) presume that keeping the child or  
23                   youth in the school of origin is in the  
24                   child’s or youth’s best interest, except  
25                   when doing so is contrary to the request of

1 the child’s or youth’s parent or guardian,  
2 or (in the case of an unaccompanied  
3 youth) the youth;

4 “(ii) consider factors related to the  
5 child’s or youth’s best interest, including  
6 factors related to the impact of mobility on  
7 achievement, health, and safety of home-  
8 less children and youth, giving priority to  
9 the request of the child’s or youth’s parent  
10 or guardian or (in the case of an unaccom-  
11 panied youth) the youth;

12 “(iii) if after carrying out clauses (i)  
13 and (ii) the local educational agency sends  
14 the child or youth to a school other than  
15 the school of origin or a school requested  
16 as described in clause (ii), provide a writ-  
17 ten explanation, including a statement re-  
18 garding the right to appeal under subpara-  
19 graph (E), to the child’s or youth’s parent  
20 or guardian, or (in the case of an unac-  
21 companied youth) the youth; and”;

22 (IV) in that clause (iv), by insert-  
23 ing “and takes into account” after  
24 “considers”;

1 (iii) by striking subparagraph (C) and  
2 inserting the following:

3 “(C) IMMEDIATE ENROLLMENT.—

4 “(i) IN GENERAL.—The school se-  
5 lected in accordance with this paragraph  
6 shall immediately enroll the homeless child  
7 or youth, even if the child or youth—

8 “(I) is unable to produce records  
9 normally required for enrollment, such  
10 as previous academic records, records  
11 of immunization and other required  
12 health records, proof of residency, or  
13 other documentation; or

14 “(II) has missed application or  
15 enrollment deadlines during any pe-  
16 riod of homelessness.

17 “(ii) RELEVANT ACADEMIC  
18 RECORDS.—The enrolling school shall im-  
19 mediately contact the school last attended  
20 by the child or youth to obtain relevant  
21 academic and other records.

22 “(iii) RELEVANT HEALTH RECORDS.—  
23 If the child or youth needs to obtain immu-  
24 nizations or health records, the enrolling  
25 school shall immediately refer the parent

1 or guardian of the child or youth or (in the  
2 case of an unaccompanied youth) the  
3 youth, to the local educational agency liai-  
4 son designated under paragraph (1)(J)(ii),  
5 who shall assist in obtaining necessary im-  
6 munizations or screenings, or health  
7 records, in accordance with subparagraph  
8 (D).”;

9 (iv) in subparagraph (D)—

10 (I) in the matter preceding clause  
11 (i), by striking “medical records” and  
12 inserting “health records”; and

13 (II) in clause (i), by inserting  
14 “involved” after “records”;

15 (v) in subparagraph (E)—

16 (I) in the matter preceding clause  
17 (i), by striking “If” and all that fol-  
18 lows through “school—” and inserting  
19 “If a dispute arises over eligibility for  
20 enrollment, school selection, or enroll-  
21 ment in a public school, including a  
22 public preschool—”;

23 (II) in clause (i), by inserting be-  
24 fore the semicolon the following: “, in-  
25 cluding all available appeals”; and



1 (III) by striking clause (ii) and  
2 inserting the following:

3 “(ii) the parent or guardian of the  
4 child or youth or (in the case of an unac-  
5 companied youth) the youth shall be pro-  
6 vided with a written explanation of any de-  
7 cisions related to school selection or enroll-  
8 ment made by the school, the local edu-  
9 cational agency, or the State educational  
10 agency involved, including the rights of the  
11 parent, guardian, or unaccompanied youth  
12 to appeal such decisions;”;

13 (vi) by striking subparagraph (G) and  
14 inserting the following:

15 “(G) PRIVACY.—Information about a  
16 homeless child’s or youth’s living situation shall  
17 be treated as a student education record, and  
18 not as directory information, under section 444  
19 of the General Education Provisions Act (20  
20 U.S.C. 1232g).”; and

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

23 “(I) SCHOOL OF ORIGIN DEFINED.—In  
24 this paragraph:

1           “(i) IN GENERAL.—The term ‘school  
2 of origin’ means the school that a child or  
3 youth attended when permanently housed  
4 or the school in which the child or youth  
5 was last enrolled.

6           “(ii) RECEIVING SCHOOL.—In the  
7 case of a child or youth who completed the  
8 final grade level served by the school of or-  
9 igin, as described in clause (i), the term  
10 ‘school of origin’ shall include the des-  
11 ignated receiving school at the next grade  
12 level.”;

13 (C) in paragraph (4)—

14           (i) in subparagraph (A), by inserting  
15 before the period the following “, which  
16 may include transportation to a pre-  
17 school”;

18           (ii) in subparagraph (B), by striking  
19 “and educational” and all that follows and  
20 inserting “educational programs for  
21 English learners, charter school programs,  
22 and magnet school programs.”; and

23           (iii) in subparagraph (C), by striking  
24 “vocational” and inserting “career”;

25 (D) in paragraph (5)—

1 (i) in subparagraph (A)—

2 (I) in clause (i), by striking “pro-  
3 grams providing” and inserting “enti-  
4 ties providing”; and

5 (II) in clause (ii), by striking  
6 “such as transportation or” and in-  
7 serting “including transportation  
8 and”;

9 (ii) in subparagraph (C)—

10 (I) by redesignating clauses (i)  
11 and (ii) as clauses (ii) and (iii), re-  
12 spectively;

13 (II) by inserting before clause  
14 (ii), as redesignated by subclause (I),  
15 the following:

16 “(i) ensure that all homeless children  
17 and youths are promptly identified;” and

18 (III) in clause (ii), as redesign-  
19 nated by subclause (I), by striking  
20 “have access and” and inserting  
21 “have access to and are in”; and

22 (iii) by adding at the end the fol-  
23 lowing:

24 “(D) HOMELESS CHILDREN AND YOUTHS  
25 WITH DISABILITIES.—For children and youths

1 who are to be assisted both under this subtitle,  
2 and under the Individuals with Disabilities  
3 Education Act (20 U.S.C. 1400 et seq.), each  
4 local educational agency shall coordinate the  
5 provision of services under this subtitle with the  
6 provision of programs for children with disabili-  
7 ties served by that local educational agency and  
8 other involved local educational agencies.”;

9 (E) in paragraph (6)—

10 (i) in subparagraph (A)—

11 (I) by redesignating clauses (iv)  
12 through (vii) as clauses (v) through  
13 (viii), respectively;

14 (II) by striking clause (iii) and  
15 inserting the following:

16 “(iii) homeless families and homeless  
17 children and youths have access to and re-  
18 ceive educational services for which such  
19 families, children, and youths are eligible,  
20 including services through Head Start pro-  
21 grams (including Early Head Start pro-  
22 grams) under the Head Start Act (42  
23 U.S.C. 9831 et seq.), early intervention  
24 services under part C of the Individuals  
25 with Disabilities Education Act (20 U.S.C.

1 1431 et seq.), and other preschool pro-  
2 grams administered by the local edu-  
3 cational agency;

4 “(iv) homeless families and homeless  
5 children and youths receive referrals to  
6 health care services, dental services, mental  
7 health and substance abuse services, hous-  
8 ing services, and other appropriate serv-  
9 ices;”;

10 (III) by striking clause (vi), as  
11 redesignated by subclause (I), and in-  
12 serting the following:

13 “(vi) public notice of the educational  
14 rights of homeless children and youths is  
15 disseminated in locations frequented by  
16 parents and guardians of such children  
17 and youths, and unaccompanied youths, in-  
18 cluding schools, shelters, public libraries,  
19 and soup kitchens, in a manner and form  
20 understandable to the parents and guard-  
21 ians of homeless children and youths, and  
22 unaccompanied youths;”;

23 (IV) in clause (vii), as redesign-  
24 nated by subclause (I), by striking  
25 “and” at the end;

1 (V) in clause (viii), as redesignated by subclause (I), by striking the  
2 period and inserting a semicolon; and  
3

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

6 “(ix) school personnel providing services under this subtitle receive professional  
7 development and other support; and  
8

9 “(x) unaccompanied youths—

10 “(I) are enrolled in school;

11 “(II) have opportunities to meet  
12 the same challenging State academic  
13 standards as the State establishes for  
14 other children and youth, including  
15 through implementation of the procedures under paragraph (1)(F)(ii); and  
16

17 “(III) are informed of their status as independent students under  
18 section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and  
19 may obtain assistance to receive  
20 verification of such status for purposes of the Free Application for Federal Student Aid described in section  
21 483 of such Act (20 U.S.C. 1090).”;  
22  
23  
24  
25

1 (ii) in subparagraph (B), by striking  
2 “and advocates” and all that follows and  
3 inserting “advocates working with home-  
4 less families, parents and guardians of  
5 homeless children and youths, and home-  
6 less children and youths who are in sec-  
7 ondary school, of the duties of the local  
8 educational agency liaisons, and publish an  
9 annually updated list of the liaisons on the  
10 State educational agency’s website.”;

11 (iii) in subparagraph (C), by adding  
12 at the end the following: “Such coordina-  
13 tion shall include collecting and providing  
14 to the State coordinator the reliable, valid,  
15 and comprehensive information and data  
16 needed to meet the requirements of para-  
17 graphs (1) and (3) of subsection (f).”;

18 (iv) by adding at the end the fol-  
19 lowing:

20 “(D) PROFESSIONAL DEVELOPMENT.—As  
21 determined appropriate by the State coordi-  
22 nator, the local educational agency liaisons shall  
23 participate in the professional development ac-  
24 tivities provided, and other technical assistance  
25 activities provided pursuant to paragraphs (5)

1 and (6) of subsection (f), by the State coordi-  
2 nator.

3 “(E) CERTIFYING HOMELESS STATUS.—A  
4 local educational agency liaison or member of  
5 the personnel of a local educational agency who  
6 receives training described in subsection (f)(6)  
7 may certify a child or youth who is partici-  
8 pating in a program provided by the local edu-  
9 cational agency, or a parent or family of such  
10 a child or youth, who meets the eligibility re-  
11 quirements of this Act for a program or service  
12 authorized under title IV, as eligible for the  
13 program or service.”; and

14 (F) in paragraph (7)—

15 (i) in subparagraph (A), by striking  
16 “that receives” and all that follows  
17 through “enrollment” and inserting “shall  
18 review and revise any policies that may act  
19 as barriers to the identification of homeless  
20 children and youths or enrollment”; and

21 (ii) in subparagraph (C), by striking  
22 “enrollment” and inserting “identification,  
23 enrollment,”; and

24 (7) by striking subsection (h).



1 **SEC. 10103. LOCAL EDUCATIONAL AGENCY SUBGRANTS.**

2 Section 723 of the McKinney-Vento Homeless Assist-  
3 ance Act (42 U.S.C. 11433) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), by inserting “identi-  
6 fication of homeless children and youths and”  
7 before “enrollment,”; and

8 (B) in paragraph (2)(B), in the matter  
9 preceding clause (i), by inserting “the related”  
10 before “schools”;

11 (2) in subsection (b), by adding at the end the  
12 following:

13 “(6) An assurance that the local educational  
14 agency will collect and promptly provide the infor-  
15 mation and data requested by the State coordinator  
16 pursuant to paragraphs (1) and (3) of section  
17 722(f).

18 “(7) An assurance that the applicant will meet  
19 the requirements of section 722(g)(3).”;

20 (3) in subsection (c)—

21 (A) in paragraph (2)—

22 (i) in the matter preceding subpara-  
23 graph (A), by striking “preschool, elemen-  
24 tary, and secondary schools” and inserting  
25 “early childhood education and other pre-

1 school programs, elementary schools, and  
2 secondary schools,”;

3 (ii) in subparagraph (A), by inserting  
4 “identification,” before “enrollment,”;

5 (iii) in subparagraph (B), by striking  
6 “application—” and all that follows and  
7 inserting “application reflects coordination  
8 with other local and State agencies that  
9 serve homeless children and youths.”; and

10 (iv) in subparagraph (C), by inserting  
11 “(as of the date of submission of the appli-  
12 cation)” after “practice”;

13 (B) in paragraph (3)—

14 (i) in subparagraph (C), by inserting  
15 “extent to which the applicant will promote  
16 meaningful” after “The”;

17 (ii) in subparagraph (D), by striking  
18 “within” and inserting “into”;

19 (iii) by redesignating subparagraph  
20 (G) as subparagraph (I);

21 (iv) by inserting after subparagraph  
22 (F) the following:

23 “(G) The extent to which the local edu-  
24 cational agency will use the subgrant to lever-  
25 age resources.

1           “(H) How the local educational agency  
2 uses funds to serve homeless children and  
3 youths under section 1113(a)(4) of the Elemen-  
4 tary and Secondary Education Act of 1965 (20  
5 U.S.C. 6313(a)(4)).”; and

6           (v) in subparagraph (I), as redesignig-  
7 nated by clause (iii), by striking “Such”  
8 and inserting “The extent to which the ap-  
9 plicant’s program meets such”; and

10 (4) in subsection (d)—

11           (A) in paragraph (1), by striking “the  
12 same challenging State academic content stand-  
13 ards and challenging State student academic  
14 achievement standards” and inserting “the  
15 same challenging State academic standards as”;

16           (B) in paragraph (2)—

17           (i) by striking “students with limited  
18 English proficiency” and inserting  
19 “English learners”; and

20           (ii) by striking “vocational” and in-  
21 serting “career”;

22           (C) in paragraph (3), by striking “pupil  
23 services” and inserting “specialized instruc-  
24 tional support services”;

1 (D) in paragraph (7), by striking “and un-  
2 accompanied youths,” and inserting “particu-  
3 larly homeless children and youths who are not  
4 enrolled in school,”;

5 (E) in paragraph (9), by striking “med-  
6 ical” and inserting “other health”;

7 (F) by striking paragraph (10) and insert-  
8 ing the following:

9 “(10) The provision of education and training  
10 to the parents and guardians of homeless children  
11 and youths about the rights of, and resources avail-  
12 able to, such children and youths, and the provision  
13 of other activities designed to increase the meaning-  
14 ful involvement of parents and guardians of home-  
15 less children or youths in the education of the chil-  
16 dren or youths.”;

17 (G) in paragraph (12), by striking “pupil  
18 services” and inserting “specialized instruc-  
19 tional support services”;

20 (H) in paragraph (13), by inserting before  
21 the period the following: “or parental mental  
22 health or substance abuse problems”; and

23 (I) in paragraph (16), by striking “to at-  
24 tend school” and inserting “to enroll, attend,

1           and succeed in school (including a preschool  
2           program)”.

3 **SEC. 10104. SECRETARIAL RESPONSIBILITIES.**

4           Section 724 of the McKinney-Vento Homeless Assist-  
5           ance Act (42 U.S.C. 11434) is amended—

6           (1) by striking subsection (c) and inserting the  
7           following:

8           “(c) NOTICE.—

9           “(1) IN GENERAL.—The Secretary shall, before  
10          the next school year that begins after the date of en-  
11          actment of the Every Child Achieves Act of 2015,  
12          update and disseminate nationwide the public notice  
13          described in this subsection (as in effect prior to  
14          such date) of the educational rights of homeless chil-  
15          dren and youths.

16          “(2) DISSEMINATION.—The Secretary shall dis-  
17          seminate the notice nationally to all Federal agen-  
18          cies, and grant recipients, serving homeless families  
19          or homeless children and youth.”;

20          (2) by striking subsection (d) and inserting the  
21          following:

22          “(d) EVALUATION, DISSEMINATION, AND TECHNICAL  
23          ASSISTANCE.—The Secretary shall conduct evaluation,  
24          dissemination, and technical assistance activities for pro-  
25          grams designed to meet the educational needs of homeless

1 elementary and secondary school students, and may use  
2 funds appropriated under section 726 to conduct such ac-  
3 tivities.”;

4 (3) in subsection (f), by adding at the end the  
5 following: “The Secretary shall provide support and  
6 technical assistance to State educational agencies,  
7 concerning areas in which documented barriers to a  
8 free appropriate public education persist.”;

9 (4) by striking subsection (g) and inserting the  
10 following:

11 “(g) GUIDELINES.—The Secretary shall develop,  
12 issue, and publish in the Federal Register, not later than  
13 60 days after the date of enactment of the Every Child  
14 Achieves Act of 2015, guidelines concerning ways in which  
15 a State—

16 “(1) may assist local educational agencies to  
17 implement the provisions related to homeless chil-  
18 dren and youth amended by that Act; and

19 “(2) may review and revise State policies and  
20 procedures that may present barriers to the identi-  
21 fication of homeless children and youth, and the en-  
22 rollment, attendance, and success of homeless chil-  
23 dren and youths in school.”;

24 (5) in subsection (h)—

1 (A) in the matter preceding subparagraph  
2 (A), by striking “periodically” and inserting  
3 “periodically but not less frequently than once  
4 every 2 years,”;

5 (B) in subparagraph (A), by striking “lo-  
6 cation” and all that follows and inserting “loca-  
7 tion (in cases in which location can be identi-  
8 fied) of homeless children and youth, in all  
9 areas served by local educational agencies under  
10 this subtitle;”;

11 (C) in subparagraph (C), by striking  
12 “and” at the end;

13 (D) by redesignating subparagraph (D) as  
14 subparagraph (E); and

15 (E) by inserting after subparagraph (C)  
16 the following:

17 “(D) the academic progress being made by  
18 homeless children and youth, including the per-  
19 centage or number of homeless children and  
20 youth participating in State assessments under  
21 section 1111(b)(2) of the Elementary and Sec-  
22 ondary Education Act of 1965 (20 U.S.C.  
23 6311(b)(2)); and”;

24 (6) in subsection (i), by striking “McKinney-  
25 Vento Homeless Education Assistance Improvements

1 Act of 2001” and inserting “Every Child Achieves  
2 Act of 2015”.

3 **SEC. 10105. DEFINITIONS.**

4 (a) AMENDMENTS.—Section 725 of the McKinney-  
5 Vento Homeless Assistance Act (42 U.S.C. 11434a) is  
6 amended—

7 (1) in paragraph (2)(B)(i), by striking “or are  
8 awaiting foster care placement;”; and

9 (2) in paragraph (6), by striking “youth” and  
10 inserting “homeless child or youth”.

11 (b) EFFECTIVE DATE.—

12 (1) IN GENERAL.—In the case of a State that  
13 is not a covered State, the amendment made by sub-  
14 section (a)(1) shall take effect on the date that is 1  
15 year after the date of enactment of this Act.

16 (2) COVERED STATE.—In the case of a covered  
17 State, the amendment made by subsection (a)(1)  
18 shall take effect on the date that is 2 years after the  
19 date of enactment of this Act.

20 (c) COVERED STATE.—For purposes of this section  
21 the term “covered State” means a State that has a statu-  
22 tory law that defines or describes the phrase “awaiting  
23 foster care placement”, for purposes of a program under  
24 subtitle B of title VII of the McKinney-Vento Homeless  
25 Assistance Act (42 U.S.C. 11431 et seq.).



1 **SEC. 10106. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 726 of the McKinney-Vento Homeless Assist-  
3 ance Act (42 U.S.C. 11435) is amended to read as follows:

4 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to carry out  
6 this subtitle such sums as may be necessary for each of  
7 fiscal years 2016 through 2021.”.

8 **PART B—OTHER LAWS; MISCELLANEOUS**

9 **SEC. 10201. USE OF TERM “HIGHLY QUALIFIED” IN OTHER**  
10 **LAWS.**

11 Beginning on the date of the enactment of this Act,  
12 any reference in law to the term “highly qualified”, as de-  
13 fined in section 9101 of the Elementary and Secondary  
14 Education Act of 1965 (20 U.S.C. 7801), shall be treated  
15 as a reference to such term under section 9101 of the Ele-  
16 mentary and Secondary Education Act of 1965 as in effect  
17 on the day before the date of the enactment of this Act.

18 **SEC. 10202. DEPARTMENT STAFF.**

19 The Secretary of Education shall—

20 (1) not later than 90 days after the date of the  
21 enactment of this Act—

22 (A) identify the number of Department of  
23 Education employees who worked on or admin-  
24 istered each education program and project au-  
25 thorized under the Elementary and Secondary  
26 Education Act of 1965 (20 U.S.C. 6301 et

1 seq.), as such program or project was in effect  
2 on the day before such enactment date, and  
3 publish such information on the Department of  
4 Education's website; and

5 (B) identify the number of full-time equiv-  
6 alent employees who work on or administer pro-  
7 grams or projects that—

8 (i) were authorized under the Elemen-  
9 tary and Secondary Education Act of 1965  
10 (20 U.S.C. 6301 et seq.), as in effect on  
11 the day before such enactment date; and

12 (ii) have been eliminated or consoli-  
13 dated since such date; and

14 (2) not later than 1 year after the date of the  
15 enactment of this Act, prepare and submit a report  
16 to Congress on—

17 (A) the number of employees associated  
18 with each program or project authorized under  
19 the Elementary and Secondary Education Act  
20 of 1965 (20 U.S.C. 6301 et seq.) administered  
21 by the Department, disaggregated by employee  
22 function with each such program or project;

23 (B) the number of full-time equivalent em-  
24 ployees who were determined to be associated

1 with eliminated or consolidated programs or  
2 projects under paragraph (1)(B); and

3 (C) how the Secretary addressed the find-  
4 ings of paragraph (1)(B) relating to the num-  
5 ber of full-time equivalent employees who  
6 worked on or administered programs or projects  
7 authorized under the Elementary and Sec-  
8 ondary Education Act of 1965 (20 U.S.C. 6301  
9 et seq.), as in effect on the day before such en-  
10 actment date, that have been eliminated or con-  
11 solidated since such date.

12 **SEC. 10203. REPORT ON DEPARTMENT ACTIONS TO AD-**  
13 **DRESS OFFICE OF THE INSPECTOR GENERAL**  
14 **CHARTER SCHOOL REPORTS.**

15 Not later than 6 months after the date of enactment  
16 of this Act, the Secretary of Education shall prepare and  
17 submit to the Committee on Health, Education, Labor,  
18 and Pensions of the Senate, the Committee on Education  
19 and the Workforce of the House of Representatives, and  
20 the relevant appropriations committees of Congress, and  
21 to the public via the Department's website, a report con-  
22 taining an update on the Department of Education's con-  
23 tinued implementation of the recommendations—

24 (1) responding to the March 9, 2010, final  
25 management information report of the Office of the

1 Inspector General of the Department of Education,  
2 which expressed concern about findings of inad-  
3 adequate oversight by local educational agencies and  
4 authorized public chartering agencies to ensure Fed-  
5 eral funds are properly used and accounted for;

6 (2) responding to the September 2012 report of  
7 the Office of the Inspector General of the Depart-  
8 ment of Education entitled “The Office of Innova-  
9 tion and Improvement’s Oversight and Monitoring of  
10 the Charter Schools Program’s Planning and Imple-  
11 mentation Grants Final Audit Report” finding that  
12 none of the 3 States whose charter schools programs  
13 that Office investigated adequately monitored the  
14 public charter schools that the States funded; and

15 (3) describing actions the Department of Edu-  
16 cation has taken to address the concerns described  
17 in such memorandum and final audit report.

18 **SEC. 10204. COMPTROLLER GENERAL STUDY ON INCREAS-**  
19 **ING EFFECTIVENESS OF EXISTING SERVICES**  
20 **AND PROGRAMS INTENDED TO BENEFIT**  
21 **CHILDREN.**

22 Not later than 2 years after the date of the enact-  
23 ment of this Act, the Comptroller General shall provide  
24 to the Committee on Health, Education, Labor, and Pen-  
25 sions of the Senate and the Committee on Education and

1 the Workforce of the House of Representatives a report  
2 that includes—

3 (1) a description and assessment of the existing  
4 federally funded services and programs across all  
5 agencies that have a purpose or are intended to ben-  
6 efit or serve children, including—

7 (A) the purposes, goals, and organizational  
8 and administrative structure of such services  
9 and programs at the Federal, State, and local  
10 level; and

11 (B) methods of delivery and implementa-  
12 tion; and

13 (2) recommendations to increase the effective-  
14 ness, coordination, and integration of such services  
15 and programs, across agencies and levels of govern-  
16 ment, in order to leverage existing resources and  
17 better and more comprehensively serve children.

18 **SEC. 10205. POSTHUMOUS PARDON.**

19 (a) FINDINGS.—Congress finds the following:

20 (1) John Arthur “Jack” Johnson was a flam-  
21 boyant, defiant, and controversial figure in the his-  
22 tory of the United States who challenged racial bi-  
23 ases.

24 (2) Jack Johnson was born in Galveston,  
25 Texas, in 1878 to parents who were former slaves.

1           (3) Jack Johnson became a professional boxer  
2 and traveled throughout the United States, fighting  
3 White and African-American heavyweights.

4           (4) After being denied (on purely racial  
5 grounds) the opportunity to fight 2 White cham-  
6 pions, in 1908, Jack Johnson was granted an oppor-  
7 tunity by an Australian promoter to fight the reign-  
8 ing White title-holder, Tommy Burns.

9           (5) Jack Johnson defeated Tommy Burns to  
10 become the first African-American to hold the title  
11 of Heavyweight Champion of the World.

12           (6) The victory by Jack Johnson over Tommy  
13 Burns prompted a search for a White boxer who  
14 could beat Jack Johnson, a recruitment effort that  
15 was dubbed the search for the “great white hope”.

16           (7) In 1910, a White former champion named  
17 Jim Jeffries left retirement to fight Jack Johnson in  
18 Reno, Nevada.

19           (8) Jim Jeffries lost to Jack Johnson in what  
20 was deemed the “Battle of the Century”.

21           (9) The defeat of Jim Jeffries by Jack Johnson  
22 led to rioting, aggression against African-Americans,  
23 and the racially-motivated murder of African-Ameri-  
24 cans throughout the United States.

1           (10) The relationships of Jack Johnson with  
2 White women compounded the resentment felt to-  
3 ward him by many Whites.

4           (11) Between 1901 and 1910, 754 African-  
5 Americans were lynched, some simply for being “too  
6 familiar” with White women.

7           (12) In 1910, Congress passed the Act of June  
8 25, 1910 (commonly known as the “White Slave  
9 Traffic Act” or the “Mann Act”) (18 U.S.C. 2421  
10 et seq.), which outlawed the transportation of  
11 women in interstate or foreign commerce “for the  
12 purpose of prostitution or debauchery, or for any  
13 other immoral purpose”.

14           (13) In October 1912, Jack Johnson became in-  
15 volved with a White woman whose mother dis-  
16 approved of their relationship and sought action  
17 from the Department of Justice, claiming that Jack  
18 Johnson had abducted her daughter.

19           (14) Jack Johnson was arrested by Federal  
20 marshals on October 18, 1912, for transporting the  
21 woman across State lines for an “immoral purpose”  
22 in violation of the Mann Act.

23           (15) The Mann Act charges against Jack John-  
24 son were dropped when the woman refused to co-

1 operate with Federal authorities, and then married  
2 Jack Johnson.

3 (16) Federal authorities persisted and sum-  
4 moned a White woman named Belle Schreiber, who  
5 testified that Jack Johnson had transported her  
6 across States lines for the purpose of “prostitution  
7 and debauchery”.

8 (17) In 1913, Jack Johnson was convicted of  
9 violating the Mann Act and sentenced to 1 year and  
10 1 day in Federal prison.

11 (18) Jack Johnson fled the United States to  
12 Canada and various European and South American  
13 countries.

14 (19) Jack Johnson lost the Heavyweight Cham-  
15 pionship title to Jess Willard in Cuba in 1915.

16 (20) Jack Johnson returned to the United  
17 States in July 1920, surrendered to authorities, and  
18 served nearly a year in the Federal penitentiary at  
19 Leavenworth, Kansas.

20 (21) Jack Johnson subsequently fought in box-  
21 ing matches, but never regained the Heavyweight  
22 Championship title.

23 (22) Jack Johnson served the United States  
24 during World War II by encouraging citizens to buy



1 war bonds and participating in exhibition boxing  
2 matches to promote the war bond cause.

3 (23) Jack Johnson died in an automobile acci-  
4 dent in 1946.

5 (24) In 1954, Jack Johnson was inducted into  
6 the Boxing Hall of Fame.

7 (25) Senate Concurrent Resolution 29, 111th  
8 Congress, agreed to July 29, 2009, expressed the  
9 sense of the 111th Congress that Jack Johnson  
10 should receive a posthumous pardon for his racially-  
11 motivated 1913 conviction.

12 (b) RECOMMENDATIONS.—It remains the sense of  
13 Congress that Jack Johnson should receive a posthumous  
14 pardon—

15 (1) to expunge a racially-motivated abuse of the  
16 prosecutorial authority of the Federal Government  
17 from the annals of criminal justice in the United  
18 States; and

19 (2) in recognition of the athletic and cultural  
20 contributions of Jack Johnson to society.

21 **SEC. 10206. EDUCATION FLEXIBILITY PARTNERSHIP ACT**  
22 **OF 1999 REAUTHORIZATION.**

23 (a) DEFINITIONS.—Section 3 of the Education Flexi-  
24 bility Partnership Act of 1999 (20 U.S.C. 5891a) is  
25 amended—

1 (1) in paragraph (1)—

2 (A) in the paragraph heading, by striking  
3 “LOCAL” and inserting “EDUCATIONAL SERV-  
4 ICE AGENCY; LOCAL”; and

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

7 (2) in paragraph (2), by striking “section  
8 1113(a)(2)” and inserting “section 1113(a)(1)(B)”.

9 (b) GENERAL PROVISIONS.—Section 4 of the Edu-  
10 cation Flexibility Partnership Act of 1999 (20 U.S.C.  
11 5891b) is amended to read as follows:

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

13 “(a) EDUCATIONAL FLEXIBILITY PROGRAM.—

14 “(1) PROGRAM AUTHORIZED.—

15 “(A) IN GENERAL.—The Secretary may  
16 carry out an educational flexibility program  
17 under which the Secretary authorizes a State  
18 educational agency that serves an eligible State  
19 to waive statutory or regulatory requirements  
20 applicable to one or more programs described in  
21 subsection (b), other than requirements de-  
22 scribed in subsection (c), for any local edu-  
23 cational agency, educational service agency, or  
24 school within the State.

1           “(B) DESIGNATION.—Each eligible State  
2 participating in the program described in sub-  
3 paragraph (A) shall be known as an ‘Ed-Flex  
4 Partnership State’.

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

8           “(A) has—

9           “(i) developed and implemented the  
10 challenging State academic standards, and  
11 aligned assessments, described in para-  
12 graphs (1) and (2) of section 1111(b) of  
13 the Elementary and Secondary Education  
14 Act of 1965, and is producing the report  
15 cards required by section 1111(d)(2) of  
16 such Act; or

17           “(ii) if the State has adopted new  
18 challenging State academic standards  
19 under section 1111(b)(1) of the Elemen-  
20 tary and Secondary Education Act of  
21 1965, as a result of the amendments made  
22 to such Act by the Every Child Achieves  
23 Act of 2015, and has made substantial  
24 progress (as determined by the Secretary)  
25 toward developing and implementing such

1 standards and toward producing the report  
2 cards required under section 1111(d)(2) of  
3 such Act;

4 “(B) will hold local educational agencies,  
5 educational service agencies, and schools ac-  
6 countable for meeting the educational goals de-  
7 scribed in the local applications submitted  
8 under paragraph (4) and for engaging in tech-  
9 nical assistance and, as applicable and appro-  
10 priate, intervention and support strategies con-  
11 sistent with section 1114 of the Elementary and  
12 Secondary Education Act of 1965, for the  
13 schools that are identified as in need of inter-  
14 vention and support as described in section  
15 1111(b)(3) of such Act; and

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

23 “(3) STATE APPLICATION.—

24 “(A) IN GENERAL.—Each State edu-  
25 cational agency desiring to participate in the

1 educational flexibility program under this sec-  
2 tion shall submit an application to the Sec-  
3 retary at such time, in such manner, and con-  
4 taining such information as the Secretary may  
5 reasonably require. Each such application shall  
6 demonstrate that the eligible State has adopted  
7 an educational flexibility plan for the State that  
8 includes—

9 “(i) a description of the process the  
10 State educational agency will use to evalu-  
11 ate applications from local educational  
12 agencies, educational service agencies, or  
13 schools requesting waivers of—

14 “(I) Federal statutory or regu-  
15 latory requirements as described in  
16 paragraph (1)(A); and

17 “(II) State statutory or regu-  
18 latory requirements relating to edu-  
19 cation;

20 “(ii) a detailed description of the  
21 State statutory and regulatory require-  
22 ments relating to education that the State  
23 educational agency will waive;

24 “(iii) a description of clear edu-  
25 cational objectives the State intends to

1 meet under the educational flexibility plan,  
2 which may include innovative methods to  
3 leverage resources to improve program effi-  
4 ciencies that benefit students;

5 “(iv) a description of how the edu-  
6 cational flexibility plan is coordinated with  
7 activities described in section 1111(b) of  
8 the Elementary and Secondary Education  
9 Act of 1965 and section 1114 of such Act;

10 “(v) a description of how the State  
11 educational agency will evaluate (consistent  
12 with the requirements of title I of the Ele-  
13 mentary and Secondary Education Act of  
14 1965), the performance of students in the  
15 schools, educational service agencies, and  
16 local educational agencies affected by the  
17 waivers; and

18 “(vi) a description of how the State  
19 educational agency will meet the require-  
20 ments of paragraph (7).

21 “(B) APPROVAL AND CONSIDERATIONS.—

22 “(i) IN GENERAL.—By not later than  
23 90 days after the date on which a State  
24 has submitted an application described in  
25 subparagraph (A), the Secretary shall

1 issue a written decision that explains why  
2 such application has been approved or dis-  
3 approved, and the process for revising and  
4 resubmitting the application for reconsider-  
5 ation.

6 “(ii) APPROVAL.—The Secretary may  
7 approve an application described in sub-  
8 paragraph (A) only if the Secretary deter-  
9 mines that such application demonstrates  
10 substantial promise of assisting the State  
11 educational agency and affected local edu-  
12 cational agencies, educational service agen-  
13 cies, and schools within the State in car-  
14 rying out comprehensive educational re-  
15 form, after considering—

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

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

21 “(III) the ability of the edu-  
22 cational flexibility plan to ensure ac-  
23 countability for the activities and  
24 goals described in such plan;

1           “(IV) the degree to which the  
2           State’s objectives described in sub-  
3           paragraph (A)(iii)—

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

6                   “(bb) take into account the  
7                   performance of local educational  
8                   agencies, educational service  
9                   agencies, or schools, and stu-  
10                  dents, particularly those affected  
11                  by waivers;

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

16                  “(VI) the quality of the State  
17                  educational agency’s process for ap-  
18                  proving applications for waivers of  
19                  Federal statutory or regulatory re-  
20                  quirements as described in paragraph  
21                  (1)(A) and for monitoring and evalu-  
22                  ating the results of such waivers.

23           “(4) LOCAL APPLICATION.—

24                   “(A) IN GENERAL.—Each local educational  
25                   agency, educational service agency, or school re-



1           questing a waiver of a Federal statutory or reg-  
2           ulatory requirement as described in paragraph  
3           (1)(A) and any relevant State statutory or reg-  
4           ulatory requirement from a State educational  
5           agency shall submit an application to the State  
6           educational agency at such time, in such man-  
7           ner, and containing such information as the  
8           State educational agency may reasonably re-  
9           quire. Each such application shall—

10                   “(i) indicate each Federal program af-  
11                   fected and each statutory or regulatory re-  
12                   quirement that will be waived;

13                   “(ii) describe the purposes and overall  
14                   expected results of waiving each such re-  
15                   quirement, which may include innovative  
16                   methods to leverage resources to improve  
17                   program efficiencies that benefit students;

18                   “(iii) describe, for each school year,  
19                   specific, measurable, educational goals for  
20                   each local educational agency, educational  
21                   service agency, or school affected by the  
22                   proposed waiver, and for the students  
23                   served by the local educational agency,  
24                   educational service agency, or school who  
25                   are affected by the waiver;

1           “(iv) explain why the waiver will as-  
2           sist the local educational agency, edu-  
3           cational service agency, or school in reach-  
4           ing such goals; and

5           “(v) in the case of an application from  
6           a local educational agency or educational  
7           service agency, describe how the agency  
8           will meet the requirements of paragraph  
9           (7).

10          “(B) EVALUATION OF APPLICATIONS.—A  
11          State educational agency shall evaluate an ap-  
12          plication submitted under subparagraph (A) in  
13          accordance with the State’s educational flexi-  
14          bility plan described in paragraph (3)(A).

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

18                 “(i) the local educational agency, edu-  
19                 cational service agency, or school request-  
20                 ing such waiver has developed a local re-  
21                 form plan that—

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

24                         “(II) may include innovative  
25                         methods to leverage resources to im-

1                   prove program efficiencies that benefit  
2                   students;

3                   “(ii) the waiver of Federal statutory  
4                   or regulatory requirements as described in  
5                   paragraph (1)(A) will assist the local edu-  
6                   cational agency, educational service agen-  
7                   cy, or school in reaching its educational  
8                   goals, particularly goals with respect to  
9                   school and student performance; and

10                   “(iii) the State educational agency is  
11                   satisfied that the underlying purposes of  
12                   the statutory requirements of each pro-  
13                   gram for which a waiver is granted will  
14                   continue to be met.

15                   “(D) TERMINATION.—The State edu-  
16                   cational agency shall annually review the per-  
17                   formance of any local educational agency, edu-  
18                   cational service agency, or school granted a  
19                   waiver of Federal statutory or regulatory re-  
20                   quirements as described in paragraph (1)(A) in  
21                   accordance with the evaluation requirement de-  
22                   scribed in paragraph (3)(A)(v), and shall termi-  
23                   nate or temporarily suspend any waiver granted  
24                   to the local educational agency, educational  
25                   service agency, or school if the State edu-

1           cational agency determines, after notice and an  
2           opportunity for a hearing, that—

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

5                   “(ii) the performance of the local edu-  
6                   cational agency, educational service agen-  
7                   cy, or school with respect to meeting the  
8                   accountability requirement described in  
9                   paragraph (2)(C) and the goals described  
10                  in paragraph (4)(A)(iii) has been inad-  
11                  equate to justify continuation of such waiv-  
12                  er;

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

16                  “(iv) goals established by the State  
17                  under section 1111(b)(3) of the Elemen-  
18                  tary and Secondary Education Act of 1965  
19                  have not been met.

20           “(5) OVERSIGHT AND REPORTING.—

21                   “(A) OVERSIGHT.—Each State educational  
22                   agency participating in the educational flexi-  
23                   bility program under this section shall annually  
24                   monitor the activities of local educational agen-

1           cies, educational service agencies, and schools  
2           receiving waivers under this section.

3           “(B) STATE REPORTS.—

4                 “(i) ANNUAL REPORTS.—The State  
5           educational agency shall submit to the Sec-  
6           retary an annual report on the results of  
7           such oversight and the impact of the waiv-  
8           ers on school and student performance.

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

18                         “(I) information on the total  
19                         number of waivers granted for Fed-  
20                         eral and State statutory and regu-  
21                         latory requirements under this sec-  
22                         tion, including the number of waivers  
23                         granted for each type of waiver;

24                         “(II) information describing the  
25                         effect of the waivers on the implemen-

1 tation of State and local educational  
2 reforms pertaining to school and stu-  
3 dent performance;

4 “(III) information describing the  
5 relationship of the waivers to the per-  
6 formance of schools and students af-  
7 fected by the waivers; and

8 “(IV) an assurance from State  
9 program managers that the data re-  
10 ported under this section are reliable,  
11 complete, and accurate, as defined by  
12 the State, or a description of a plan  
13 for improving the reliability, complete-  
14 ness, and accuracy of such data as de-  
15 fined by the State.

16 “(C) SECRETARY’S REPORTS.—The Sec-  
17 retary shall annually—

18 “(i) make each State report submitted  
19 under subparagraph (B) available to Con-  
20 gress and the public; and

21 “(ii) submit to Congress a report that  
22 summarizes the State reports and de-  
23 scribes the effects that the educational  
24 flexibility program under this section had  
25 on the implementation of State and local

1 educational reforms and on the perform-  
2 ance of students affected by the waivers.

3 “(6) DURATION OF FEDERAL WAIVERS.—

4 “(A) IN GENERAL.—

5 “(i) DURATION.—The Secretary shall  
6 approve the application of a State edu-  
7 cational agency under paragraph (3) for a  
8 period of not more than 5 years.

9 “(ii) AUTOMATIC EXTENSION DURING  
10 REVIEW.—The Secretary shall automati-  
11 cally extend the authority of a State to  
12 continue as an Ed-Flex Partnership State  
13 until the Secretary has—

14 “(I) completed the performance  
15 review of the State educational agen-  
16 cy’s education flexibility plan as de-  
17 scribed in subparagraph (B); and

18 “(II) issued a final decision of  
19 any pending request for renewal that  
20 was submitted by the State edu-  
21 cational agency.

22 “(iii) EXTENSION OF APPROVAL.—  
23 The Secretary may extend the authority of  
24 a State to continue as an Ed-Flex Partner-  
25 ship State if the Secretary determines that

1 the authority of the State educational  
2 agency to grant waivers—

3 “(I) has been effective in ena-  
4 bling such State or affected local edu-  
5 cational agencies, educational service  
6 agencies, or schools to carry out their  
7 State or local reform plans and to  
8 continue to meet the accountability re-  
9 quirement described in paragraph  
10 (2)(C); and

11 “(II) has improved student per-  
12 formance.

13 “(B) PERFORMANCE REVIEW.—

14 “(i) IN GENERAL.—Following the ex-  
15 piration of an approved educational flexi-  
16 bility program for a State that is des-  
17 ignated an Ed-Flex Partnership State, the  
18 Secretary shall have not more than 180  
19 days to complete a review of the perform-  
20 ance of the State educational agency in  
21 granting waivers of Federal statutory or  
22 regulatory requirements as described in  
23 paragraph (1)(A) to determine if the State  
24 educational agency—



1           “(I) has achieved, or is making  
2           substantial progress towards achiev-  
3           ing, the objectives described in the ap-  
4           plication submitted pursuant to para-  
5           graph (3)(A)(iii) and the specific goals  
6           established in section 1111(b)(3) of  
7           the Elementary and Secondary Edu-  
8           cation Act of 1965; and

9           “(II) demonstrates that local  
10          educational agencies, educational serv-  
11          ice agencies, or schools affected by the  
12          waiver authority or waivers have  
13          achieved, or are making progress to-  
14          ward achieving, the desired results de-  
15          scribed in the application submitted  
16          pursuant to paragraph (4)(A)(iii).

17          “(ii) TERMINATION OF AUTHORITY.—  
18          The Secretary shall terminate the author-  
19          ity of a State educational agency to grant  
20          waivers of Federal statutory or regulatory  
21          requirements as described in paragraph  
22          (1)(A) if the Secretary determines, after  
23          providing the State educational agency  
24          with notice and an opportunity for a hear-  
25          ing, that such agency’s performance has

1           been inadequate to justify continuation of  
2           such authority based on agency's perform-  
3           ance against specific goals in section  
4           1111(b)(3) of the Elementary and Sec-  
5           ondary Education Act of 1965.

6           “(C) RENEWAL.—

7                 “(i) IN GENERAL.—Each State edu-  
8           cational agency desiring to renew an ap-  
9           proved educational flexibility program  
10          under this section shall submit a request  
11          for renewal to the Secretary not later than  
12          the date of expiration of the approved edu-  
13          cational flexibility program.

14                “(ii) TIMING FOR RENEWAL.—The  
15          Secretary shall either approve or deny the  
16          request for renewal by not later than 90  
17          days after completing the performance re-  
18          view of the State described in paragraph  
19          (6)(B).

20                “(iii) DETERMINATION.—In deciding  
21          whether to extend a request of a State  
22          educational agency for the authority to  
23          issue waivers under this section, the Sec-  
24          retary shall review the progress of the

1 State educational agency to determine if  
2 the State educational agency—

3 “(I) has made progress toward  
4 achieving the objectives described in  
5 the State application submitted pursu-  
6 ant to paragraph (3)(A)(iii); and

7 “(II) demonstrates in the request  
8 that local educational agencies, edu-  
9 cational service agencies, or schools  
10 affected by the waiver authority or  
11 waivers have made progress toward  
12 achieving the desired results described  
13 in the local application submitted pur-  
14 suant to paragraph (4)(A)(iii).

15 “(D) TERMINATION.—

16 “(i) IN GENERAL.—The Secretary  
17 shall terminate or temporarily suspend the  
18 authority of a State educational agency to  
19 grant waivers under this section if the Sec-  
20 retary determines that—

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

24 “(II) after notice and an oppor-  
25 tunity for a hearing, such agency’s

1 performance (including performance  
2 with respect to meeting the objectives  
3 described in paragraph (3)(A)(iii))  
4 has been inadequate to justify con-  
5 tinuation of such authority.

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

13 “(7) PUBLIC NOTICE AND COMMENT.—Each  
14 State educational agency seeking waiver authority  
15 under this section and each local educational agency,  
16 educational service agency, or school seeking a waiv-  
17 er under this section—

18 “(A) shall provide the public with adequate  
19 and efficient notice of the proposed waiver au-  
20 thority or waiver, consisting of a description of  
21 the agency’s application for the proposed waiver  
22 authority or waiver on each agency’s website,  
23 including a description of any improved student  
24 performance that is expected to result from the  
25 waiver authority or waiver;

1           “(B) shall provide the opportunity for par-  
2           ents, educators, school administrators, and all  
3           other interested members of the community to  
4           comment regarding the proposed waiver author-  
5           ity or waiver;

6           “(C) shall provide the opportunity de-  
7           scribed in subparagraph (B) in accordance with  
8           any applicable State law specifying how the  
9           comments may be received, and how the com-  
10          ments may be reviewed by any member of the  
11          public; and

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

16          “(b) INCLUDED PROGRAMS.—The statutory or regu-  
17          latory requirements referred to in subsection (a)(1)(A) are  
18          any such requirements for programs that are authorized  
19          under the following provisions and under which the Sec-  
20          retary provides funds to State educational agencies on the  
21          basis of a formula:

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

24                         “(A) Part A of title I (other than sections  
25                         1111 and 1114).

1 “(B) Part C of title I.

2 “(C) Part D of title I.

3 “(D) Part A of title II.

4 “(E) Part G of title V.

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

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

9 “(c) WAIVERS NOT AUTHORIZED.—The Secretary  
10 and the State educational agency may not waive under  
11 subsection (a)(1)(A) any statutory or regulatory require-  
12 ment—

13 “(1) relating to—

14 “(A) maintenance of effort;

15 “(B) comparability of services;

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

18 “(D) parental participation and involve-  
19 ment;

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

22 “(F) serving eligible school attendance  
23 areas in rank order under section  
24 1113(a)(1)(C) of the Elementary and Sec-  
25 ondary Education Act of 1965;

1           “(G) the selection of a school attendance  
2           area or school under paragraphs (1) and (2) of  
3           section 1113(a) of the Elementary and Sec-  
4           ondary Education Act of 1965, except that a  
5           State educational agency may grant a waiver to  
6           allow a school attendance area or school to par-  
7           ticipate in activities under part A of title I of  
8           such Act if the percentage of children from low-  
9           income families in the school attendance area of  
10          such school or who attend such school is not  
11          less than 10 percentage points below the lowest  
12          percentage of such children for any school at-  
13          tendance area or school of the local educational  
14          agency that meets the requirements of such  
15          paragraphs (1) and (2);

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

18                 “(I) applicable civil rights requirements;  
19                 and

20                 “(2) unless the State educational agency can  
21                 demonstrate that the underlying purposes of the  
22                 statutory requirements of the program for which a  
23                 waiver is granted continue to be met to the satisfac-  
24                 tion of the Secretary.

1       “(d) TREATMENT OF EXISTING ED-FLEX PARTNER-  
2 SHIP STATES.—

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

9           “(2) DETERMINATION.—The determination re-  
10 ferred to in paragraph (1) is a determination that  
11 the performance of the State educational agency, in  
12 carrying out the programs for which the State has  
13 received a waiver under the educational flexibility  
14 program, justifies the extension of the designation.

15       “(e) PUBLICATION.—A notice of the Secretary’s deci-  
16 sion to authorize State educational agencies to issue waiv-  
17 ers under this section, including a description of the ra-  
18 tionale the Secretary used to approve applications under  
19 subsection (a)(3)(B), shall be published in the Federal  
20 Register and the Secretary shall provide for the dissemina-  
21 tion of such notice to State educational agencies, inter-  
22 ested parties (including educators, parents, students, and  
23 advocacy and civil rights organizations), and the public.”.



1           **PART C—AMERICAN DREAM ACCOUNTS**

2   **SEC. 10301. SHORT TITLE.**

3           This part may be cited as the “American Dream Ac-  
4 counts Act”.

5   **SEC. 10302. DEFINITIONS.**

6           In this part:

7           (1) **AMERICAN DREAM ACCOUNT.**—The term  
8           “American Dream Account” means a personal on-  
9           line account for low-income students that monitors  
10          higher education readiness and includes a college  
11          savings account.

12          (2) **APPROPRIATE COMMITTEES OF CON-**  
13          **GRESS.**—The term “appropriate committees of Con-  
14          gress” means the Committee on Health, Education,  
15          Labor, and Pensions, the Committee on Appropria-  
16          tions, and the Committee on Finance of the Senate,  
17          and the Committee on Education and the Work-  
18          force, the Committee on Appropriations, and the  
19          Committee on Ways and Means of the House of  
20          Representatives, as well as any other Committee of  
21          the Senate or House of Representatives that the  
22          Secretary determines appropriate.

23          (3) **CHARTER SCHOOL.**—The term “charter  
24          school” has the meaning given such term in section  
25          5110 of the Elementary and Secondary Education  
26          Act of 1965 (20 U.S.C. 7221i).

1           (4) COLLEGE SAVINGS ACCOUNT.—The term  
2 “college savings account” means a trust created or  
3 organized exclusively for the purpose of paying the  
4 qualified expenses of only an individual who, when  
5 the trust is created or organized, has not obtained  
6 18 years of age, if the written governing instrument  
7 creating the trust contains the following require-  
8 ments:

9           (A) The trustee is a Federally insured fi-  
10 nancial institution, or a State insured financial  
11 institution if a Federally insured financial insti-  
12 tution is not available.

13           (B) The assets of the trust will be invested  
14 in accordance with the direction of the indi-  
15 vidual or of a parent or guardian of the indi-  
16 vidual, after consultation with the entity pro-  
17 viding the initial contribution to the trust or, if  
18 applicable, a matching or other contribution for  
19 the individual.

20           (C) The assets of the trust will not be  
21 commingled with other property except in a  
22 common trust fund or common investment  
23 fund.

24           (D) Any amount in the trust that is attrib-  
25 utable to an account seed or matched deposit

1           may be paid or distributed from the trust only  
2           for the purpose of paying qualified expenses of  
3           the individual.

4           (5) DUAL OR CONCURRENT ENROLLMENT PRO-  
5           GRAM.—The term “dual or concurrent enrollment  
6           program” means a program of study—

7                   (A) provided by an institution of higher  
8                   education through which a student who has not  
9                   graduated from high school with a regular high  
10                  school diploma (as defined in section  
11                  200.19(b)(1)(iv) of title 34, Code of Federal  
12                  Regulations, as such section was in effect on  
13                  November 28, 2008) is able to earn postsec-  
14                  ondary credit; and

15                   (B) that shall consist of not less than 2  
16                  postsecondary credit-bearing courses and sup-  
17                  port and academic services that help a student  
18                  persist and complete such courses.

19           (6) EARLY COLLEGE HIGH SCHOOL PRO-  
20           GRAM.—The term “early college high school pro-  
21           gram” means a formal partnership between at least  
22           1 local educational agency and at least 1 institution  
23           of higher education that allows participants, who are  
24           primarily low-income students, to simultaneously  
25           complete requirements toward earning a regular

1 high school diploma (as defined in section  
2 200.19(b)(1)(iv) of title 34, Code of Federal Regula-  
3 tions, as such section was in effect on November 28,  
4 2008) and earn not less than 12 transferable credits  
5 as part of an organized course of study toward a  
6 postsecondary degree or credential.

7 (7) ELIGIBLE ENTITY.—The term “eligible enti-  
8 ty” means—

9 (A) a State educational agency;

10 (B) a local educational agency, including a  
11 charter school that operates as its own local  
12 educational agency;

13 (C) a charter management organization or  
14 charter school authorizer;

15 (D) an institution of higher education or a  
16 Tribal College or University;

17 (E) a nonprofit organization;

18 (F) an entity with demonstrated experience  
19 in educational savings or in assisting low-in-  
20 come students to prepare for, and attend, an in-  
21 stitution of higher education;

22 (G) a consortium of 2 or more of the enti-  
23 ties described in subparagraphs (A) through  
24 (F); or

1           (H) a consortium of 1 or more of the enti-  
2           ties described in subparagraphs (A) through  
3           (F) and a public school, a charter school, a  
4           school operated by the Bureau of Indian Af-  
5           fairs, or a tribally controlled school.

6           (8) INSTITUTION OF HIGHER EDUCATION.—The  
7           term “institution of higher education” has the  
8           meaning given such term in section 101(a) of the  
9           Higher Education Act of 1965 (20 U.S.C. 1001(a)).

10          (9) LOCAL EDUCATIONAL AGENCY.—The term  
11          “local educational agency” has the meaning given  
12          such term in section 9101 of the Elementary and  
13          Secondary Education Act of 1965 (20 U.S.C. 7801).

14          (10) LOW-INCOME STUDENT.—The term “low-  
15          income student” means a student who is eligible to  
16          receive a free or reduced price lunch under the Rich-  
17          ard B. Russell National School Lunch Act (42  
18          U.S.C. 1751 et seq.).

19          (11) PARENT.—The term “parent” has the  
20          meaning given such term in section 9101 of the Ele-  
21          mentary and Secondary Education Act of 1965 (20  
22          U.S.C. 7801).

23          (12) QUALIFIED EXPENSES.—The term “quali-  
24          fied expenses” means, with respect to an individual,  
25          expenses that—

1 (A) are incurred after the individual re-  
2 ceives a secondary school diploma or its recog-  
3 nized equivalent; and

4 (B) are associated with attending an insti-  
5 tution of higher education, including—

6 (i) tuition and fees;

7 (ii) room and board;

8 (iii) textbooks;

9 (iv) supplies and equipment; and

10 (v) Internet access.

11 (13) SECRETARY.—The term “Secretary”  
12 means the Secretary of Education.

13 (14) STATE EDUCATIONAL AGENCY.—The term  
14 “State educational agency” has the meaning given  
15 such term in section 9101 of the Elementary and  
16 Secondary Education Act of 1965 (20 U.S.C. 7801).

17 (15) TRIBAL COLLEGE OR UNIVERSITY.—The  
18 term “Tribal College or University” has the meaning  
19 given such term in section 316(b) of the Higher  
20 Education Act of 1965 (20 U.S.C. 1059c(b)).

21 (16) TRIBALLY CONTROLLED SCHOOL.—The  
22 term “tribally controlled school” has the meaning  
23 given such term in section 5212 of the Tribally Con-  
24 trolled Schools Act of 1988 (25 U.S.C. 2511).

1 **SEC. 10303. GRANT PROGRAM.**

2 (a) PROGRAM AUTHORIZED.—The Secretary shall es-  
3 tablish a pilot program and award 10 grants to eligible  
4 entities to enable such eligible entities to establish and ad-  
5 minister American Dream Accounts for a group of low-  
6 income students.

7 (b) RESERVATION.—From the amounts appropriated  
8 each fiscal year to carry out this part, the Secretary shall  
9 reserve not more than 5 percent of such amount to carry  
10 out the evaluation activities described in section 10306.

11 (c) DURATION.—A grant awarded under this part  
12 shall be for a period of not more than 3 years. The Sec-  
13 retary may extend such grant for an additional 2-year pe-  
14 riod if the Secretary determines that the eligible entity has  
15 demonstrated significant progress, based on the factors  
16 described in section 10304(b)(11).

17 **SEC. 10304. APPLICATIONS; PRIORITY.**

18 (a) IN GENERAL.—Each eligible entity desiring a  
19 grant under this part shall submit an application to the  
20 Secretary at such time, in such manner, and containing  
21 such information as the Secretary may require.

22 (b) CONTENTS.—At a minimum, the application de-  
23 scribed in subsection (a) shall include the following:

24 (1) A description of the characteristics of a  
25 group of not less than 30 low-income public school  
26 students who—

1 (A) are, at the time of the application, at-  
2 tending a grade not higher than grade 9; and

3 (B) will, under the grant, receive an Amer-  
4 ican Dream Account.

5 (2) A description of how the eligible entity will  
6 engage, and provide support (such as tutoring and  
7 mentoring for students, and training for teachers  
8 and other stakeholders) either online or in person,  
9 to—

10 (A) the students in the group described in  
11 paragraph (1);

12 (B) the family members and teachers of  
13 such students; and

14 (C) other stakeholders such as school ad-  
15 ministrators and school counselors.

16 (3) An identification of partners who will assist  
17 the eligible entity in establishing and sustaining  
18 American Dream Accounts.

19 (4) A description of what experience the eligible  
20 entity or the partners of the eligible entity have in  
21 managing college savings accounts, preparing low-in-  
22 come students for postsecondary education, man-  
23 aging online systems, and teaching financial literacy.

24 (5) A demonstration that the eligible entity has  
25 sufficient resources to provide an initial deposit into



1 the college savings account portion of each American  
2 Dream Account.

3 (6) A description of how the eligible entity will  
4 help increase the value of the college savings account  
5 portion of each American Dream Account, such as  
6 by providing matching funds or incentives for aca-  
7 demic achievement.

8 (7) A description of how the eligible entity will  
9 notify each participating student in the group de-  
10 scribed in paragraph (1), on a semiannual basis, of  
11 the current balance and status of the college savings  
12 account portion of the American Dream Account of  
13 the student.

14 (8) A plan that describes how the eligible entity  
15 will monitor participating students in the group de-  
16 scribed in paragraph (1) to ensure that the Amer-  
17 ican Dream Account of each student will be main-  
18 tained if a student in such group changes schools be-  
19 fore graduating from secondary school.

20 (9) A plan that describes how the American  
21 Dream Accounts will be managed for not less than  
22 1 year after a majority of the students in the group  
23 described in paragraph (1) graduate from secondary  
24 school.

1           (10) A description of how the eligible entity will  
2 encourage students in the group described in para-  
3 graph (1) who fail to graduate from secondary  
4 school to continue their education.

5           (11) A description of how the eligible entity will  
6 evaluate the grant program, including by collecting,  
7 as applicable, the following data about the students  
8 in the group described in paragraph (1) during the  
9 grant period, or until the time of graduation from a  
10 secondary school, whichever comes first, and, if suf-  
11 ficient grant funds are available, after the grant pe-  
12 riod:

13                   (A) Attendance rates.

14                   (B) Progress reports.

15                   (C) Grades and course selections.

16                   (D) The student graduation rate, as de-  
17 fined as the percentage of students who grad-  
18 uate from secondary school with a regular di-  
19 ploma in the standard number of years.

20                   (E) Rates of student completion of the  
21 Free Application for Federal Student Aid de-  
22 scribed in section 483 of the Higher Education  
23 Act of 1965 (20 U.S.C. 1090).

24                   (F) Rates of enrollment in an institution of  
25 higher education.

1 (G) Rates of completion at an institution  
2 of higher education.

3 (12) A description of what will happen to the  
4 funds in the college savings account portion of the  
5 American Dream Accounts that are dedicated to  
6 participating students described in paragraph (1)  
7 who have not matriculated at an institution of high-  
8 er education at the time of the conclusion of the pe-  
9 riod of American Dream Account management de-  
10 scribed in paragraph (9), including how the eligible  
11 entity will give students this information.

12 (13) A description of how the eligible entity will  
13 ensure that participating students described in para-  
14 graph (1) will have access to the Internet.

15 (14) A description of how the eligible entity will  
16 take into consideration how funds in the college sav-  
17 ings account portion of American Dream Accounts  
18 will affect participating families' eligibility for public  
19 assistance.

20 (c) PRIORITY.—In awarding grants under this part,  
21 the Secretary shall give priority to applications from eligi-  
22 ble entities that—

23 (1) are described in subparagraph (G) or (H) of  
24 section 10302(7);

1           (2) serve the largest number of low-income stu-  
2 dents;

3           (3) in the case of an eligible entity described in  
4 subparagraph (A) or (B) of section 10302(7), pro-  
5 vide opportunities for participating students de-  
6 scribed in subsection (b)(1) to participate in a dual  
7 or concurrent enrollment program or early college  
8 high school program at no cost to the student or the  
9 student’s family; or

10          (4) as of the time of application, have been  
11 awarded a grant under chapter 2 of subpart 2 of  
12 part A of title IV of the Higher Education Act of  
13 1965 (20 U.S.C. 1070a–21 et seq.) (commonly re-  
14 ferred to as the “GEAR UP program”).

15 **SEC. 10305. AUTHORIZED ACTIVITIES.**

16          (a) IN GENERAL.—An eligible entity that receives a  
17 grant under this part shall use such grant funds to estab-  
18 lish an American Dream Account for each participating  
19 student described in section 10304(b)(1), that will be used  
20 to—

21           (1) open a college savings account for such stu-  
22 dent;

23           (2) monitor the progress of such student online,  
24 which—

1 (A) shall include monitoring student data  
2 relating to—

- 3 (i) grades and course selections;  
4 (ii) progress reports; and  
5 (iii) attendance and disciplinary  
6 records; and

7 (B) may also include monitoring student  
8 data relating to a broad range of information,  
9 provided by teachers and family members, re-  
10 lated to postsecondary education readiness, ac-  
11 cess, and completion;

12 (3) provide opportunities for such students, ei-  
13 ther online or in person, to learn about financial lit-  
14 eracy, including by—

15 (A) assisting such students in financial  
16 planning for enrollment in an institution of  
17 higher education;

18 (B) assisting such students in identifying  
19 and applying for financial aid (such as loans,  
20 grants, and scholarships) for an institution of  
21 higher education; and

22 (C) enhancing student understanding of  
23 consumer, economic, and personal finance con-  
24 cepts;

1           (4) provide opportunities for such students, ei-  
2 ther online or in person, to learn about preparing for  
3 enrollment in an institution of higher education, in-  
4 cluding by providing instruction to students about—

5           (A) choosing the appropriate courses to  
6 prepare for postsecondary education;

7           (B) applying to an institution of higher  
8 education;

9           (C) building a student portfolio, which may  
10 be used when applying to an institution of high-  
11 er education;

12           (D) selecting an institution of higher edu-  
13 cation;

14           (E) choosing a major for the student's  
15 postsecondary program of education or a career  
16 path; and

17           (F) adapting to life at an institution of  
18 higher education; and

19           (5) provide opportunities for such students, ei-  
20 ther online or in person, to identify skills or inter-  
21 ests, including career interests.

22 (b) ACCESS TO AMERICAN DREAM ACCOUNT.—

23           (1) IN GENERAL.—Subject to paragraphs (3)  
24 and (4), and in accordance with applicable Federal  
25 laws and regulations relating to privacy of informa-

1 tion and the privacy of children, an eligible entity  
2 that receives a grant under this part shall allow  
3 vested stakeholders, as described in paragraph (2),  
4 to have secure access, through an Internet website,  
5 to an American Dream Account.

6 (2) VESTED STAKEHOLDERS.—The vested  
7 stakeholders that an eligible entity shall permit to  
8 access an American Dream Account are individuals  
9 (such as the student’s teachers, school counselors,  
10 school administrators, or other individuals) that are  
11 designated, in accordance with section 444 of the  
12 General Education Provisions Act (20 U.S.C. 1232g,  
13 commonly known as the “Family Educational Rights  
14 and Privacy Act of 1974”), by the parent of a par-  
15 ticipating student in whose name such American  
16 Dream Account is held, as having permission to ac-  
17 cess the account. A student’s parent may withdraw  
18 such designation from an individual at any time.

19 (3) EXCEPTION FOR COLLEGE SAVINGS AC-  
20 COUNT.—An eligible entity that receives a grant  
21 under this part shall not be required to give vested  
22 stakeholders, as described in paragraph (2), access  
23 to the college savings account portion of a student’s  
24 American Dream Account.

1           (4) ADULT STUDENTS.—Notwithstanding para-  
2           graphs (1), (2), and (3), if a participating student  
3           is age 18 or older, an eligible entity that receives a  
4           grant under this part shall not provide access to  
5           such participating student’s American Dream Ac-  
6           count without the student’s consent, in accordance  
7           with section 444 of the General Education Provi-  
8           sions Act (20 U.S.C. 1232g, commonly known as the  
9           “Family Educational Rights and Privacy Act of  
10          1974”).

11          (5) INPUT OF STUDENT INFORMATION.—Stu-  
12          dent data collected pursuant to subsection (a)(2)(A)  
13          shall be entered into an American Dream Account  
14          only by a school administrator or the designee of  
15          such administrator.

16          (c) PROHIBITION ON USE OF STUDENT INFORMA-  
17          TION.—An eligible entity that receives a grant under this  
18          part shall not use any student-level information or data  
19          for the purpose of soliciting, advertising, or marketing any  
20          financial or non-financial consumer product or service that  
21          is offered by such eligible entity, or on behalf of any other  
22          person.

23          (d) PROHIBITION ON THE USE OF GRANT FUNDS.—  
24          An eligible entity shall not use grant funds provided under



1 this part to provide any deposits into a college savings ac-  
2 count portion of a student's American Dream Account.

3 **SEC. 10306. REPORTS AND EVALUATIONS.**

4 (a) IN GENERAL.—Not later than 1 year after the  
5 Secretary has disbursed grants under this part, and annu-  
6 ally thereafter until each grant disbursed under this part  
7 has ended, the Secretary shall prepare and submit a report  
8 to the appropriate committees of Congress, which shall in-  
9 clude an evaluation of the effectiveness of the grant pro-  
10 gram established under this part.

11 (b) CONTENTS.—The report described in subsection  
12 (a) shall—

13 (1) list the grants that have been awarded  
14 under section 10303(a);

15 (2) include the number of students who have an  
16 American Dream Account established through a  
17 grant awarded under section 10303(a);

18 (3) provide data (including the interest accrued  
19 on college savings accounts that are part of an  
20 American Dream Account) in the aggregate, regard-  
21 ing students who have an American Dream Account  
22 established through a grant awarded under section  
23 10303(a), as compared to similarly situated students  
24 who do not have an American Dream Account;

1 (4) identify best practices developed by the eli-  
2 gible entities receiving grants under this part;

3 (5) identify any issues related to student pri-  
4 vacy and stakeholder accessibility to American  
5 Dream Accounts;

6 (6) provide feedback from participating stu-  
7 dents and the parents of such students about the  
8 grant program, including—

9 (A) the impact of the program;

10 (B) aspects of the program that are suc-  
11 cessful;

12 (C) aspects of the program that are not  
13 successful; and

14 (D) any other data required by the Sec-  
15 retary; and

16 (7) provide recommendations for expanding the  
17 American Dream Accounts program.

18 **SEC. 10307. ELIGIBILITY TO RECEIVE FEDERAL STUDENT**

19 **FINANCIAL AID.**

20 Notwithstanding any other provision of law, any  
21 funds that are in the college savings account portion of  
22 a student's American Dream Account shall not affect such  
23 student's eligibility to receive Federal student financial  
24 aid, including any Federal student financial aid under the  
25 Higher Education Act of 1965 (20 U.S.C. 1001 et seq.),

1 and shall not be considered in determining the amount of  
2 any such Federal student aid.

3 **SEC. 10308. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to carry out  
5 this part such sums as may be necessary for fiscal year  
6 2016 and each of the 4 succeeding fiscal years.

7 **SEC. 10309. REPORT ON THE REDUCTION OF THE NUMBER**  
8 **AND PERCENTAGE OF STUDENTS WHO DROP**  
9 **OUT OF SCHOOL.**

10 Not later than 5 years after the date of enactment  
11 of this Act, the Director of the Institute of Education  
12 Sciences shall evaluate the impact of section  
13 1111(c)(1)(M) on reducing the number and percentage of  
14 students who drop out of school.

15 **SEC. 10310. REPORT ON NATIVE AMERICAN LANGUAGE ME-**  
16 **DIUM EDUCATION.**

17 (a) PURPOSE.—The purpose of this section is to au-  
18 thorize a study to evaluate all levels of education being  
19 provided primarily through the medium of Native lan-  
20 guages and to require a report of the findings, within the  
21 context of the findings, purposes, and provisions of the  
22 Native American Languages Act (25 U.S.C. 2901), the  
23 findings, purposes, and provisions of the Elementary and  
24 Secondary Education Act of 1965 (20 U.S.C. 6301 et  
25 seq.), and other related laws.

1 (b) STUDY AND REVIEW.—The Secretary of Edu-  
2 cation shall award grants to eligible entities to study and  
3 review Native language medium schools and programs.

4 (c) ELIGIBLE ENTITY DEFINED.—In this section, the  
5 term “eligible entity” means a consortium that—

6 (1) includes not less than 3 units of an institu-  
7 tion of higher education, such as a department, cen-  
8 ter, or college, that has significant experience—

9 (A) and expertise in Native American or  
10 Alaska Native languages, and Native language  
11 medium education; and

12 (B) in outreach and collaboration with Na-  
13 tive communities;

14 (2) has within its membership at least 10 years  
15 of experience—

16 (A) addressing a range of Native American  
17 or Alaska Native languages and indigenous lan-  
18 guage medium education issues through the  
19 lens of Native studies, linguistics, and edu-  
20 cation; and

21 (B) working in close association with a va-  
22 riety of schools and programs taught predomi-  
23 nantly through the medium of a Native lan-  
24 guage;

1           (3) includes for each of American Indians, Alas-  
2 ka Natives, and Native Hawaiians, at least 1 unit of  
3 an institution of higher education that focuses on  
4 schools that serve such populations; and

5           (4) includes Native American scholars and staff  
6 who are fluent in Native American languages.

7       (d) APPLICATIONS.—An eligible entity that desires to  
8 receive a grant under this section shall submit an applica-  
9 tion to the Secretary of Education that—

10           (1) identifies 1 unit in the consortium that is  
11 the lead unit of the consortium for the study, report-  
12 ing, and funding purposes;

13           (2) includes letters of verification of participa-  
14 tion from the top internal administrators of each  
15 unit in the consortium;

16           (3) includes a brief description of how the con-  
17 sortium meets the eligibility qualifications under  
18 subsection (c);

19           (4) describes the work proposed to carry out  
20 the purpose of this section; and

21           (5) provides other information as requested by  
22 the Secretary of Education.

23       (e) SCOPE OF STUDY.—An eligible entity that re-  
24 ceives a grant under this section shall use the grant funds  
25 to study and review Native American language medium

1 schools and programs and evaluate the components, poli-  
2 cies, and practices of successful Native language medium  
3 schools and programs and how the students who enroll  
4 in them do over the long term, including—

5           (1) the level of expertise in educational peda-  
6           gogy, Native language fluency, and experience of the  
7           principal, teachers, paraprofessionals, and other edu-  
8           cational staff;

9           (2) how such schools and programs are using  
10          Native languages to provide instruction in reading,  
11          language arts, mathematics, science, and, as applica-  
12          ble, other core academic subjects;

13          (3) how such school and programs' curricula in-  
14          corporates the relevant Native culture of the stu-  
15          dents;

16          (4) how such schools and programs assess the  
17          academic proficiency of the students, including—

18                (A) whether the school administers assess-  
19                ments of language arts, mathematics, science,  
20                and other academic subjects in the Native lan-  
21                guage of instruction;

22                (B) whether the school administers assess-  
23                ments of language arts, mathematics, science,  
24                and other academic subjects in English; and

1 (C) how the standards measured by the as-  
2 sessments in the Native language of instruction  
3 and in English compare;

4 (5) the academic, graduation rate, and other  
5 outcomes of students who have completed the high-  
6 est grade taught primarily through such schools or  
7 programs, including, when available, college attend-  
8 ance rates compared with demographically similar  
9 students who did not attend a school in which the  
10 language of instruction was a Native language; and

11 (6) other appropriate information consistent  
12 with the purpose of this section.

13 (f) OTHER ENTITIES.—An eligible entity may enter  
14 into a contract with another individual, entity, or organi-  
15 zation to assist in carrying out research necessary to fulfill  
16 the purpose of this section.

17 (g) RECOMMENDATIONS.—Not later than 18 months  
18 after the date of enactment of this Act, an eligible entity  
19 that receives a grant under this section shall—

20 (1) develop a detailed statement of findings and  
21 conclusions regarding the study completed under  
22 subsection (e), including recommendations for such  
23 legislative and administrative actions as the eligible  
24 entity considers to be appropriate; and

1           (2) submit a report setting forth the findings  
2 and conclusions, including recommendations, de-  
3 scribed in paragraph (1) to each of the following:

4           (A) The Committee on Health, Education,  
5 Labor, and Pensions of the Senate.

6           (B) The Committee on Education and the  
7 Workforce of the House of Representatives.

8           (C) The Committee on Indian Affairs of  
9 the Senate.

10           (D) The Subcommittee on Indian, Insular,  
11 and Alaska Native Affairs of the House of Rep-  
12 resentatives.

13           (E) The Secretary of Education.

14           (F) The Secretary of the Interior.

Passed the Senate July 16, 2015.

Attest:

*Secretary.*





114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 1177**

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**AN ACT**

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.