

Union Calendar No. 16

114TH CONGRESS
1ST SESSION

H. R. 5

[Report No. 114–24, Part I]

To support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2015

Mr. KLINE (for himself and Mr. ROKITA) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

FEBRUARY 20, 2015

Additional sponsors: Ms. FOXX, Mr. ROE of Tennessee, Mr. MESSER, Mr. BYRNE, Mr. SESSIONS, Mr. HUNTER, Mr. HECK of Nevada, Mr. GUTHRIE, Mr. ALLEN, and Mr. CURBELO of Florida

FEBRUARY 20, 2015

Reported from the Committee on Education and the Workforce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

FEBRUARY 20, 2015

The Committee on Financial Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 3, 2015]

A BILL

To support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. TABLE OF CONTENTS.**

6 *The table of contents for this Act is as follows:*

- Sec. 1. Short title.*
- Sec. 2. Table of contents.*
- Sec. 3. References.*
- Sec. 4. Transition.*
- Sec. 5. Effective dates.*
- Sec. 6. Authorization of appropriations.*
- Sec. 7. Sense of the Congress.*

TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES

Subtitle A—In General

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

Subtitle B—Improving the Academic Achievement of the Disadvantaged

- Sec. 111. Part A headings.*
- Sec. 112. State plans.*
- Sec. 113. Local educational agency plans.*
- Sec. 114. Eligible school attendance areas.*
- Sec. 115. Schoolwide programs.*
- Sec. 116. Targeted assistance schools.*
- Sec. 117. Academic assessment and local educational agency and school improve-*
ment; school support and recognition.
- Sec. 118. Parental involvement.*
- Sec. 119. Qualifications for teachers and paraprofessionals.*
- Sec. 120. Participation of children enrolled in private schools.*
- Sec. 121. Fiscal requirements.*
- Sec. 122. Coordination requirements.*
- Sec. 123. Grants for the outlying areas and the Secretary of the Interior.*
- Sec. 124. Allocations to States.*
- Sec. 125. Basic grants to local educational agencies.*
- Sec. 126. Targeted grants to local educational agencies.*
- Sec. 127. Adequacy of funding to local educational agencies in fiscal years after*
fiscal year 2001.
- Sec. 128. Education finance incentive grant program.*
- Sec. 129. Carryover and waiver.*
- Sec. 130. Title I portability.*

*Subtitle C—Additional Aid to States and School Districts**Sec. 131. Additional aid.**Subtitle D—National Assessment**Sec. 141. National assessment of title I.**Subtitle E—Title I General Provisions**Sec. 151. General provisions for title I.**TITLE II—TEACHER PREPARATION AND EFFECTIVENESS**Sec. 201. Teacher preparation and effectiveness.**Sec. 202. Conforming repeals.**TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY**Sec. 301. Parental engagement and local flexibility.**TITLE IV—IMPACT AID**Sec. 401. Purpose.**Sec. 402. Payments relating to Federal acquisition of real property.**Sec. 403. Payments for eligible federally connected children.**Sec. 404. Policies and procedures relating to children residing on Indian lands.**Sec. 405. Application for payments under sections 8002 and 8003.**Sec. 406. Construction.**Sec. 407. Facilities.**Sec. 408. State consideration of payments providing State aid.**Sec. 409. Federal administration.**Sec. 410. Administrative hearings and judicial review.**Sec. 411. Definitions.**Sec. 412. Authorization of appropriations.**Sec. 413. Conforming amendments.**TITLE V—THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION**Sec. 501. The Federal Government's Trust Responsibility to American Indian, Alaska Native, and Native Hawaiian Education.**TITLE VI—GENERAL PROVISIONS FOR THE ACT**Sec. 601. General provisions for the Act.**Sec. 602. Repeal.**Sec. 603. Other laws.**Sec. 604. Amendment to IDEA.**TITLE VII—HOMELESS EDUCATION**Sec. 701. Statement of policy.**Sec. 702. Grants for State and local activities for the education of homeless children and youths.**Sec. 703. Local educational agency subgrants for the education of homeless children and youths.**Sec. 704. Secretarial responsibilities.*

Sec. 705. Definitions.

Sec. 706. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Findings; Sense of the Congress.

1 **SEC. 3. REFERENCES.**

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

8 **SEC. 4. TRANSITION.**

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

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

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

21 *(b) NONCOMPETITIVE PROGRAMS.—With respect to*
22 *noncompetitive programs under which any funds are allot-*
23 *ted by the Secretary of Education to recipients on the basis*

1 of a formula, this Act, and the amendments made by this
2 Act, shall take effect on October 1, 2015.

3 (c) *COMPETITIVE PROGRAMS.*—With respect to pro-
4 grams that are conducted by the Secretary on a competitive
5 basis, this Act, and the amendments made by this Act, shall
6 take effect with respect to appropriations for use under those
7 programs for fiscal year 2016.

8 (d) *IMPACT AID.*—With respect to title IV of the Act
9 (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the
10 amendments made by this Act, shall take effect with respect
11 to appropriations for use under that title for fiscal year
12 2016.

13 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

14 The Act (20 U.S.C. 6301 et seq.) is amended by insert-
15 ing after section 2 the following:

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

17 “(a) *TITLE I.*—

18 “(1) *PART A.*—There are authorized to be appro-
19 priated to carry out part A of title I \$16,245,163,000
20 for each of fiscal years 2016 through 2021.

21 “(2) *PART B.*—There are authorized to be appro-
22 priated to carry out part B of title I \$710,000 for
23 each of fiscal years 2016 through 2021.

1 “(b) *TITLE II.*—*There are authorized to be appro-*
2 *priated to carry out title II \$2,788,356,000 for each of fiscal*
3 *years 2016 through 2021.*

4 “(c) *TITLE III.*—

5 “(1) *PART A.*—

6 “(A) *SUBPART 1.*—*There are authorized to*
7 *be appropriated to carry out subpart 1 of part*
8 *A of title III \$300,000,000 for each of fiscal*
9 *years 2016 through 2021.*

10 “(B) *SUBPART 2.*—*There are authorized to*
11 *be appropriated to carry out subpart 2 of part*
12 *A of title III \$91,647,000 for each of fiscal years*
13 *2016 through 2021.*

14 “(C) *SUBPART 3.*—*There are authorized to*
15 *be appropriated to carry out subpart 3 of part*
16 *A of title III \$25,000,000 for each of fiscal years*
17 *2016 through 2021.*

18 “(2) *PART B.*—*There are authorized to be appro-*
19 *priated to carry out part B of title III \$2,302,287,000*
20 *for each of fiscal years 2016 through 2021.*

21 “(d) *TITLE IV.*—

22 “(1) *PAYMENTS FOR FEDERAL ACQUISITION OF*
23 *REAL PROPERTY.*—*For the purpose of making pay-*
24 *ments under section 4002, there are authorized to be*

1 *appropriated \$66,813,000 for each of fiscal years*
2 *2016 through 2021.*

3 *“(2) BASIC PAYMENTS; PAYMENTS FOR HEAVILY*
4 *IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the*
5 *purpose of making payments under section 4003(b),*
6 *there are authorized to be appropriated*
7 *\$1,151,233,000 for each of fiscal years 2016 through*
8 *2021.*

9 *“(3) PAYMENTS FOR CHILDREN WITH DISABIL-*
10 *ITIES.—For the purpose of making payments under*
11 *section 4003(d), there are authorized to be appro-*
12 *priated \$48,316,000 for each of fiscal years 2016*
13 *through 2021.*

14 *“(4) CONSTRUCTION.—For the purpose of car-*
15 *rying out section 4007, there are authorized to be ap-*
16 *propriated \$17,406,000 for each of fiscal years 2016*
17 *through 2021.*

18 *“(5) FACILITIES MAINTENANCE.—For the pur-*
19 *pose of carrying out section 4008, there are author-*
20 *ized to be appropriated \$4,835,000 for each of fiscal*
21 *years 2016 through 2021.”.*

22 **SEC. 7. SENSE OF THE CONGRESS.**

23 *(a) FINDINGS.—The Congress finds as follows:*

24 *(1) The Elementary and Secondary Education*
25 *Act prohibits the Federal Government from man-*

1 *dating, directing, or controlling a State, local edu-*
2 *catinal agency, or school's curriculum, program of*
3 *instruction, or allocation of State and local resources,*
4 *and from mandating a State or any subdivision*
5 *thereof to spend any funds or incur any costs not*
6 *paid for under such Act.*

7 *(2) The Elementary and Secondary Education*
8 *Act prohibits the Federal Government from funding*
9 *the development, pilot testing, field testing, implemen-*
10 *tation, administration, or distribution of any feder-*
11 *ally sponsored national test in reading, mathematics,*
12 *or any other subject, unless specifically and explicitly*
13 *authorized by law.*

14 *(3) The Secretary of Education, through 3 sepa-*
15 *rate initiatives, has created a system of waivers and*
16 *grants that influence, incentivize, and coerce State*
17 *educational agencies into implementing common na-*
18 *tional elementary and secondary standards and as-*
19 *essments endorsed by the Secretary.*

20 *(4) The Race to the Top Fund encouraged and*
21 *incentivized States to adopt Common Core State*
22 *Standards developed by the National Governor's Asso-*
23 *ciation Center for Best Practices and the Council of*
24 *Chief State School Officers.*

1 (5) *The Race to the Top Assessment grants*
2 *awarded to the Partnership for the Assessment of*
3 *Readiness for College and Careers (PARCC) and*
4 *SMARTER Balanced Assessment Consortium*
5 *(SMARTER Balance) initiated the development of*
6 *Common Core State Standards aligned assessments*
7 *that will, in turn, inform and ultimately influence*
8 *kindergarten through 12th-grade curriculum and in-*
9 *structional materials.*

10 (6) *The conditional Elementary and Secondary*
11 *Education Act flexibility waiver authority employed*
12 *by the Department of Education coerced States into*
13 *accepting Common Core State Standards and aligned*
14 *assessments.*

15 (b) *SENSE OF THE CONGRESS.—It is the sense of the*
16 *Congress that States and local educational agencies retain*
17 *the rights and responsibilities of determining educational*
18 *curriculum, programs of instruction, and assessments for*
19 *elementary and secondary education.*

20 **TITLE I—AID TO LOCAL**
21 **EDUCATIONAL AGENCIES**

22 **Subtitle A—In General**

23 **SEC. 101. TITLE HEADING.**

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

1 **“TITLE I—AID TO LOCAL**
2 **EDUCATIONAL AGENCIES”.**

3 **SEC. 102. STATEMENT OF PURPOSE.**

4 *Section 1001 (20 U.S.C. 6301) is amended to read as*
5 *follows:*

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

7 *“The purpose of this title is to provide all children the*
8 *opportunity to graduate high school prepared for postsec-*
9 *ondary education or the workforce. This purpose can be ac-*
10 *complished by—*

11 *“(1) meeting the educational needs of low-achiev-*
12 *ing children in our Nation’s highest-poverty schools,*
13 *English learners, migratory children, children with*
14 *disabilities, Indian children, and neglected or delin-*
15 *quent children;*

16 *“(2) closing the achievement gap between high-*
17 *and low-performing children, especially the achieve-*
18 *ment gaps between minority and nonminority stu-*
19 *dents, and between disadvantaged children and their*
20 *more advantaged peers;*

21 *“(3) affording parents substantial and meaning-*
22 *ful opportunities to participate in the education of*
23 *their children; and*

24 *“(4) challenging States and local educational*
25 *agencies to embrace meaningful, evidence-based edu-*

1 *cation reform, while encouraging state and local inno-*
2 *vation.”.*

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

4 *Section 1002 (20 U.S.C. 6302) is amended to read as*
5 *follows:*

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

7 *“(a) ALTERNATIVE USES OF FEDERAL FUNDS FOR*
8 *STATE EDUCATIONAL AGENCIES.—*

9 *“(1) IN GENERAL.—Subject to subsections (c)*
10 *and (d) and notwithstanding any other provision of*
11 *law, a State educational agency may use the applica-*
12 *ble funding that the agency receives for a fiscal year*
13 *to carry out any State activity authorized or required*
14 *under one or more of the following provisions:*

15 *“(A) Section 1003.*

16 *“(B) Section 1004.*

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

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

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

20 *“(2) NOTIFICATION.—Not later than June 1 of*
21 *each year, a State educational agency shall notify the*
22 *Secretary of the State educational agency’s intention*
23 *to use the applicable funding for any of the alter-*
24 *native uses under paragraph (1).*

25 *“(3) APPLICABLE FUNDING DEFINED.—*

1 “(A) *IN GENERAL.*—*Except as provided in*
2 *subparagraph (B), in this subsection, the term*
3 *‘applicable funding’ means funds provided to*
4 *carry out State activities under one or more of*
5 *the following provisions.*

6 “(i) *Section 1003.*

7 “(ii) *Section 1004.*

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

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

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

11 “(B) *LIMITATION.*—*In this subsection, the*
12 *term ‘applicable funding’ does not include funds*
13 *provided under any of the provisions listed in*
14 *subparagraph (A) that State educational agen-*
15 *cies are required by this Act—*

16 “(i) *to reserve, allocate, or spend for*
17 *required activities;*

18 “(ii) *to allocate, allot, or award to*
19 *local educational agencies or other entities*
20 *eligible to receive such funds; or*

21 “(iii) *to use for technical assistance or*
22 *monitoring.*

23 “(4) *DISBURSEMENT.*—*The Secretary shall dis-*
24 *burse the applicable funding to State educational*
25 *agencies for alternative uses under paragraph (1) for*

1 *a fiscal year at the same time as the Secretary dis-*
2 *burses the applicable funding to State educational*
3 *agencies that do not intend to use the applicable*
4 *funding for such alternative uses for the fiscal year.*

5 “(b) *ALTERNATIVE USES OF FEDERAL FUNDS FOR*
6 *LOCAL EDUCATIONAL AGENCIES.—*

7 “(1) *IN GENERAL.—Subject to subsections (c)*
8 *and (d) and notwithstanding any other provision of*
9 *law, a local educational agency may use the applica-*
10 *ble funding that the agency receives for a fiscal year*
11 *to carry out any local activity authorized or required*
12 *under one or more of the following provisions:*

13 “(A) *Section 1003.*

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

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

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

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

18 “(2) *NOTIFICATION.—A local educational agency*
19 *shall notify the State educational agency of the local*
20 *educational agency’s intention to use the applicable*
21 *funding for any of the alternative uses under para-*
22 *graph (1) by a date that is established by the State*
23 *educational agency for the notification.*

24 “(3) *APPLICABLE FUNDING DEFINED.—*

1 “(A) *IN GENERAL.*—*Except as provided in*
2 *subparagraph (B), in this subsection, the term*
3 *‘applicable funding’ means funds provided to*
4 *carry out local activities under one or more of*
5 *the following provisions:*

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

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

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

9 “(B) *LIMITATION.*—*In this subsection, the*
10 *term ‘applicable funding’ does not include funds*
11 *provided under any of the provisions listed in*
12 *subparagraph (A) that local educational agencies*
13 *are required by this Act—*

14 “(i) *to reserve, allocate, or spend for*
15 *required activities;*

16 “(ii) *to allocate, allot, or award to en-*
17 *tities eligible to receive such funds; or*

18 “(iii) *to use for technical assistance or*
19 *monitoring.*

20 “(4) *DISBURSEMENT.*—*Each State educational*
21 *agency that receives applicable funding for a fiscal*
22 *year shall disburse the applicable funding to local*
23 *educational agencies for alternative uses under para-*
24 *graph (1) for the fiscal year at the same time as the*
25 *State educational agency disburses the applicable*

1 *funding to local educational agencies that do not in-*
2 *tend to use the applicable funding for such alternative*
3 *uses for the fiscal year.*

4 “(c) *RULE FOR ADMINISTRATIVE COSTS.—A State*
5 *educational agency or a local educational agency shall only*
6 *use applicable funding (as defined in subsection (a)(3) or*
7 *(b)(3), respectively) for administrative costs incurred in*
8 *carrying out a provision listed in subsection (a)(1) or*
9 *(b)(1), respectively, to the extent that the agency, in the ab-*
10 *sence of this section, could have used funds for administra-*
11 *tive costs with respect to a program listed in subsection*
12 *(a)(3) or (b)(3), respectively.*

13 “(d) *RULE OF CONSTRUCTION.—Nothing in this sec-*
14 *tion shall be construed to relieve a State educational agency*
15 *or local educational agency of any requirements relating*
16 *to—*

17 “(1) *use of Federal funds to supplement, not sup-*
18 *plant, non-Federal funds;*

19 “(2) *comparability of services;*

20 “(3) *equitable participation of private school stu-*
21 *dents and teachers;*

22 “(4) *applicable civil rights requirements;*

23 “(5) *section 1113; or*

24 “(6) *section 1111.”.*

1 **SEC. 104. SCHOOL IMPROVEMENT.**

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

3 *(1) in subsection (a)—*

4 *(A) by striking “2 percent” and inserting*
5 *“7 percent”; and*

6 *(B) by striking “subpart 2 of part A” and*
7 *all that follows through “sections 1116 and*
8 *1117,” and inserting “chapter B of subpart 1 of*
9 *part A for each fiscal year to carry out sub-*
10 *section (b),”;*

11 *(2) in subsection (b)—*

12 *(A) in paragraph (1), by striking “for*
13 *schools identified for school improvement, correc-*
14 *tive action, and restructuring, for activities*
15 *under section 1116(b)” and inserting “to carry*
16 *out the State’s system of school improvement*
17 *under section 1111(b)(3)(B)(iii)”;* and

18 *(B) in paragraph (2), by striking “or edu-*
19 *cational service agencies” and inserting “, edu-*
20 *cational service agencies, or non-profit or for-*
21 *profit external providers with expertise in using*
22 *evidence-based or other effective strategies to im-*
23 *prove student achievement”;*

24 *(3) in subsection (c)—*

25 *(A) in paragraph (1), by inserting “and” at*
26 *the end;*

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

4 (C) by striking paragraph (3);

5 (4) in subsection (d)(1), by striking “subpart 2
6 of part A;” and inserting “chapter B of subpart 1 of
7 part A;”;

8 (5) in subsection (e)—

9 (A) by striking “in any fiscal year” and in-
10 serting “in fiscal year 2016 and each subsequent
11 fiscal year”;

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

14 (C) by striking “such subpart” and insert-
15 ing “such chapter”;

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

19 (7) by striking subsection (g).

20 **SEC. 105. DIRECT STUDENT SERVICES.**

21 The Act (20 U.S.C. 6301 et seq.) is amended by insert-
22 ing after section 1003 the following:

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

24 “(a) *STATE RESERVATION.*—Each State shall reserve
25 3 percent of the amount the State receives under chapter

1 *B of subpart 1 of part A for each fiscal year to carry out*
2 *this section. Of such reserved funds, the State educational*
3 *agency may use up to 1 percent to administer direct student*
4 *services.*

5 “(b) *DIRECT STUDENT SERVICES.*—*From the amount*
6 *available after the application of subsection (a), each State*
7 *shall award grants in accordance with this section to local*
8 *educational agencies to support direct student services.*

9 “(c) *AWARDS.*—*The State educational agency shall*
10 *award grants to geographically diverse local educational*
11 *agencies including suburban, rural, and urban local edu-*
12 *cational agencies. If there are not enough funds to award*
13 *all applicants in a sufficient size and scope to run an effec-*
14 *tive direct student services program, the State shall*
15 *prioritize awards to local educational agencies with the*
16 *greatest number of students with disabilities, neglected, de-*
17 *linquent, migrant students, English learners, at-risk stu-*
18 *dents, and Native Americans, to increase academic achieve-*
19 *ment of such students.*

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

22 “(1) *shall use up to 1 percent of each award for*
23 *outreach and communication to parents about their*
24 *options and to register students for direct student*
25 *services;*

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

4 “(3) shall use the remainder of the award to pay
5 the transportation required to provide public school
6 choice or the hourly rate for high-quality academic
7 tutoring services, as determined by a provider on the
8 State-approved list required under subsection (f)(2).

9 “(e) *APPLICATION.*—A local educational agency desir-
10 ing to receive an award under subsection (b) shall submit
11 an application describing how the local educational agency
12 will—

13 “(1) provide adequate outreach to ensure parents
14 can exercise a meaningful choice of direct student
15 services for their child’s education;

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

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

22 “(4) determine the requirements or criteria for
23 student eligibility for direct student services;

24 “(5) select a variety of providers of high-quality
25 academic tutoring from the State-approved list re-

1 *quired under subsection (f)(2) and ensure fair nego-*
2 *tiations in selecting such providers of high-quality*
3 *academic tutoring, including online, on campus, and*
4 *other models of tutoring which provide meaningful*
5 *choices to parents to find the best service for their*
6 *child; and*

7 *“(6) develop an estimated per pupil expenditure*
8 *available for eligible students to use toward high-qual-*
9 *ity academic tutoring which shall allow for an ade-*
10 *quate level of services to increase academic achieve-*
11 *ment from a variety of high-quality academic tutor-*
12 *ing providers.*

13 *“(f) PROVIDERS AND SCHOOLS.—The State—*

14 *“(1) shall ensure that each local educational*
15 *agency receiving an award to provide public school*
16 *choice can provide a sufficient number of options to*
17 *provide a meaningful choice for parents;*

18 *“(2) shall compile a list of State-approved high-*
19 *quality academic tutoring providers that includes on-*
20 *line, on campus, and other models of tutoring; and*

21 *“(3) shall ensure that each local educational*
22 *agency receiving an award will provide an adequate*
23 *number of high-quality academic tutoring options to*
24 *ensure parents have a meaningful choice of services.”.*

1 **SEC. 106. STATE ADMINISTRATION.**

2 *Section 1004 (20 U.S.C. 6304) is amended to read as*
3 *follows:*

4 **“SEC. 1004. STATE ADMINISTRATION.**

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

9 *“(1) 1 percent of the amounts received under*
10 *such subparts; or*

11 *“(2) \$400,000 (\$50,000 in the case of each out-*
12 *lying area).*

13 *“(b) EXCEPTION.—If the sum of the amounts reserved*
14 *under subparts 1, 2, and 3 of part A of this title is equal*
15 *to or greater than \$14,000,000,000, then the reservation de-*
16 *scribed in subsection (a)(1) shall not exceed 1 percent of*
17 *the amount the State would receive if \$14,000,000,000 were*
18 *allocated among the States for subparts 1, 2, and 3 of part*
19 *A of this title.”.*

20 ***Subtitle B—Improving the Aca-***
21 ***ademic Achievement of the Dis-***
22 ***advantaged***

23 **SEC. 111. PART A HEADINGS.**

24 *(a) PART HEADING.—The part heading for part A of*
25 *title I (20 U.S.C. 6311 et seq.) is amended to read as fol-*
26 *lows:*

1 **“PART A—IMPROVING THE ACADEMIC**
2 **ACHIEVEMENT OF THE DISADVANTAGED”.**

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

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

8 **“CHAPTER A—BASIC PROGRAM**
9 **REQUIREMENTS”.**

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

13 **“CHAPTER B—ALLOCATIONS”.**

14 **SEC. 112. STATE PLANS.**

15 *Section 1111 (20 U.S.C. 6311) is amended to read as*
16 *follows:*

17 **“SEC. 1111. STATE PLANS.**

18 **“(a) FILING FOR GRANTS.—**

19 **“(1) IN GENERAL.—For any State desiring to re-**
20 *ceive a grant under this subpart, the State edu-*
21 *cational agency file with the Secretary a plan, devel-*
22 *oped by the State educational agency, in consultation*
23 *with local educational agencies, teachers, school lead-*
24 *ers, public charter school representatives, specialized*
25 *instructional support personnel, other appropriate*
26 *school personnel, parents, private sector employers,*

1 *entrepreneurs, and representatives of Indian tribes lo-*
2 *cated in the State, that satisfies the requirements of*
3 *this section and that is coordinated with other pro-*
4 *grams under this Act, the Individuals with Disabil-*
5 *ities Education Act, the Carl D. Perkins Career and*
6 *Technical Education Act of 2006, the Head Start Act,*
7 *the Adult Education and Family Literacy Act, and*
8 *the McKinney-Vento Homeless Assistance Act.*

9 “(2) *CONSOLIDATED PLAN.*—*A State plan sub-*
10 *mitted under paragraph (1) may be submitted as*
11 *part of a consolidated plan under section 6302.*

12 “(b) *ACADEMIC STANDARDS, ACADEMIC ASSESS-*
13 *MENTS, AND STATE ACCOUNTABILITY.*—

14 “(1) *ACADEMIC STANDARDS.*—

15 “(A) *IN GENERAL.*—*Each State plan shall*
16 *demonstrate that the State has adopted academic*
17 *content standards and academic achievement*
18 *standards aligned with such content standards*
19 *that comply with the requirements of this para-*
20 *graph.*

21 “(B) *SUBJECTS.*—*The State shall have such*
22 *academic standards for mathematics, reading or*
23 *language arts, and science, and may have such*
24 *standards for any other subject determined by*
25 *the State.*

1 “(C) *REQUIREMENTS.*—*The standards de-*
2 *scribed in subparagraph (A) shall—*

3 “(i) *apply to all public schools and*
4 *public school students in the State; and*

5 “(ii) *with respect to academic achieve-*
6 *ment standards, include the same knowl-*
7 *edge, skills, and levels of achievement ex-*
8 *pected of all public school students in the*
9 *State.*

10 “(D) *ALTERNATE ACADEMIC ACHIEVEMENT*
11 *STANDARDS.*—*Notwithstanding any other provi-*
12 *sion of this paragraph, a State retains the right,*
13 *through a documented and validated standards-*
14 *setting process, to adopt alternate academic*
15 *achievement standards for students with the most*
16 *significant cognitive disabilities, if—*

17 “(i) *the determination about whether*
18 *the achievement of an individual student*
19 *should be measured against such standards*
20 *is made separately for each student; and*

21 “(ii) *such standards—*

22 “(I) *are aligned with the State*
23 *academic standards required under*
24 *subparagraph (A);*

1 “(II) promote access to the general
2 curriculum; and

3 “(III) reflect professional judg-
4 ment as to the highest possible stand-
5 ards achievable by such students.

6 “(E) ENGLISH LANGUAGE PROFICIENCY
7 STANDARDS.—Each State plan shall describe
8 how the State educational agency will establish
9 English language proficiency standards that
10 are—

11 “(i) derived from the four recognized
12 domains of speaking, listening, reading, and
13 writing; and

14 “(ii) aligned with the State’s academic
15 content standards in reading or language
16 arts under subparagraph (A).

17 “(2) ACADEMIC ASSESSMENTS.—

18 “(A) IN GENERAL.—Each State plan shall
19 demonstrate that the State educational agency,
20 in consultation with local educational agencies,
21 has implemented a set of high-quality student
22 academic assessments in mathematics, reading
23 or language arts, and science. The State retains
24 the right to implement such assessments in any
25 other subject chosen by the State.

1 “(B) *REQUIREMENTS.*—*Such assessments*
2 *shall—*

3 “*(i) in the case of mathematics and*
4 *reading or language arts, be used in deter-*
5 *mining the performance of each local edu-*
6 *cational agency and public school in the*
7 *State in accordance with the State’s ac-*
8 *countability system under paragraph (3);*

9 “*(ii) be the same academic assessments*
10 *used to measure the academic achievement*
11 *of all public school students in the State;*

12 “*(iii) be aligned with the State’s aca-*
13 *demical standards and provide coherent and*
14 *timely information about student attain-*
15 *ment of such standards;*

16 “*(iv) be used for purposes for which*
17 *such assessments are valid and reliable, be*
18 *of adequate technical quality for each pur-*
19 *pose required under this Act, and be con-*
20 *sistent with relevant, nationally recognized*
21 *professional and technical standards;*

22 “*(v)(I) in the case of mathematics and*
23 *reading or language arts, be administered*
24 *in each of grades 3 through 8 and at least*
25 *once in grades 9 through 12;*

1 “(II) in the case of science, be adminis-
2 tered not less than one time during—

3 “(aa) grades 3 through 5;

4 “(bb) grades 6 through 9; and

5 “(cc) grades 10 through 12; and

6 “(III) in the case of any other subject
7 chosen by the State, be administered at the
8 discretion of the State;

9 “(vi) measure individual student aca-
10 demic proficiency and, at the State’s discre-
11 tion, growth;

12 “(vii) at the State’s discretion—

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

16 “(II) be administered through
17 multiple assessments during the course
18 of the academic year that result in a
19 single summative score that provides
20 valid, reliable, and transparent infor-
21 mation on student achievement;

22 “(viii) include measures that assess
23 higher-order thinking skills and under-
24 standing;

25 “(ix) provide for—

1 “(I) the participation in such as-
2 sessments of all students;

3 “(II) the reasonable adaptations
4 and accommodations for students with
5 disabilities necessary to measure the
6 academic achievement of such students
7 relative to the State’s academic stand-
8 ards; and

9 “(III) the inclusion of English
10 learners, who shall be assessed in a
11 valid and reliable manner and pro-
12 vided reasonable accommodations, in-
13 cluding, to the extent practicable, as-
14 sessments in the language and form
15 most likely to yield accurate and reli-
16 able information on what such students
17 know and can do in academic content
18 areas, until such students have
19 achieved English language proficiency,
20 as assessed by the State under sub-
21 paragraph (D);

22 “(x) notwithstanding clause (ix)(III),
23 provide for the assessment of reading or lan-
24 guage arts in English for English learners
25 who have attended school in the United

1 *States (not including Puerto Rico) for 3 or*
2 *more consecutive school years, except that a*
3 *local educational agency may, on a case-by-*
4 *case basis, provide for the assessment of*
5 *reading or language arts for each such stu-*
6 *dent in a language other than English for*
7 *a period not to exceed 2 additional consec-*
8 *utive years if the assessment would be more*
9 *likely to yield accurate and reliable infor-*
10 *mation on what such student knows and*
11 *can do, provided that such student has not*
12 *yet reached a level of English language pro-*
13 *ficiency sufficient to yield valid and reliable*
14 *information on what such student knows*
15 *and can do on reading or language arts as-*
16 *sessments written in English;*

17 *“(xi) produce individual student inter-*
18 *pretive, descriptive, and diagnostic reports*
19 *regarding achievement on such assessments*
20 *that allow parents, teachers, and school*
21 *leaders to understand and address the spe-*
22 *cific academic needs of students, and that*
23 *are provided to parents, teachers, and school*
24 *leaders, as soon as is practicable after the*
25 *assessment is given, in an understandable*

1 *and uniform format, and to the extent prac-*
2 *ticable, in a language that parents can un-*
3 *derstand;*

4 *“(xii) enable results to be disaggregated*
5 *within each State, local educational agency,*
6 *and school by gender, by each major racial*
7 *and ethnic group, by English language pro-*
8 *ficiency status, by migrant status, by status*
9 *as a student with a disability, by status as*
10 *a student with a parent who is an active*
11 *duty member of the Armed Forces (as de-*
12 *fined in section 101(a)(4) of title 10, United*
13 *States Code), and by economically dis-*
14 *advantaged status, except that, in the case*
15 *of a local educational agency or a school,*
16 *such disaggregation shall not be required in*
17 *a case in which the number of students in*
18 *a category is insufficient to yield statis-*
19 *tically reliable information or the results*
20 *would reveal personally identifiable infor-*
21 *mation about an individual student;*

22 *“(xiii) be administered to not less than*
23 *95 percent of all students, and not less than*
24 *95 percent of each subgroup of students de-*
25 *scribed in paragraph (3)(B)(i)(II); and*

1 “(xiv) where practicable, be developed
2 using the principles of universal design for
3 learning as defined in section 103(24) of the
4 Higher Education Act of 1965 (20 U.S.C.
5 1003(24)).

6 “(C) *ALTERNATE ASSESSMENTS.*—A State
7 may provide for alternate assessments aligned
8 with the alternate academic standards adopted
9 in accordance with paragraph (1)(D), for stu-
10 dents with the most significant cognitive disabili-
11 ties, if the State—

12 “(i) establishes and monitors imple-
13 mentation of clear and appropriate guide-
14 lines for individualized education program
15 teams (as defined in section 614(d)(1)(B) of
16 the Individuals with Disabilities Education
17 Act) to apply when determining when a
18 child’s significant cognitive disability justi-
19 fies assessment based on alternate achieve-
20 ment standards;

21 “(ii) ensures that the parents of such
22 students are informed that—

23 “(I) their child’s academic
24 achievement will be measured against
25 such alternate standards; and

1 “(II) whether participation in
2 such assessments precludes the student
3 from completing the requirements for a
4 regular high school diploma;

5 “(iii) demonstrates that such students
6 are, to the extent practicable, included in
7 the general curriculum and that such alter-
8 nate assessments are aligned with such cur-
9 riculum;

10 “(iv) develops, disseminates informa-
11 tion about, and promotes the use of appro-
12 priate accommodations to increase the num-
13 ber of students with disabilities who are
14 tested against academic achievement stand-
15 ards for the grade in which a student is en-
16 rolled; and

17 “(v) ensures that regular and special
18 education teachers and other appropriate
19 staff know how to administer the alternate
20 assessments, including making appropriate
21 use of accommodations for students with
22 disabilities.

23 “(D) ASSESSMENTS OF ENGLISH LANGUAGE
24 PROFICIENCY.—

1 “(i) *IN GENERAL.*—*Each State plan*
2 *shall demonstrate that local educational*
3 *agencies in the State will provide for an an-*
4 *ual assessment of English proficiency of*
5 *all English learners in the schools served by*
6 *the State educational agency.*

7 “(ii) *ALIGNMENT.*—*The assessments*
8 *described in clause (i) shall be aligned with*
9 *the State’s English language proficiency*
10 *standards described in paragraph (1)(E).*

11 “(E) *LANGUAGE ASSESSMENTS.*—*Each*
12 *State plan shall identify the languages other*
13 *than English that are present in the partici-*
14 *parting student population and indicate the lan-*
15 *guages for which yearly student academic assess-*
16 *ments are not available and are needed. The*
17 *State shall make every effort to develop such as-*
18 *sessments and may request assistance from the*
19 *Secretary if linguistically accessible academic as-*
20 *essment measures are needed. Upon request, the*
21 *Secretary shall assist with the identification of*
22 *appropriate academic assessment measures in*
23 *the needed languages, but shall not mandate a*
24 *specific academic assessment or mode of instruc-*
25 *tion.*

1 “(F) *ADAPTIVE ASSESSMENTS.*—A State re-
2 tains the right to develop and administer com-
3 puter adaptive assessments as the assessments re-
4 quired under subparagraph (A). If a State devel-
5 ops and administers a computer adaptive assess-
6 ment for such purposes, the assessment shall meet
7 the requirements of this paragraph, except as fol-
8 lows:

9 “(i) Notwithstanding subparagraph
10 (B)(iii), the assessment—

11 “(I) shall measure, at a min-
12 imum, each student’s academic pro-
13 ficiency against the State’s academic
14 standards for the student’s grade level
15 and growth toward such standards;
16 and

17 “(II) if the State chooses, may be
18 used to measure the student’s level of
19 academic proficiency and growth using
20 assessment items above or below the
21 student’s grade level, including for use
22 as part of a State’s accountability sys-
23 tem under paragraph (3).

24 “(ii) Subparagraph (B)(ii) shall not be
25 interpreted to require that all students tak-

1 *ing the computer adaptive assessment be ad-*
2 *ministered the same assessment items.*

3 “(3) *STATE ACCOUNTABILITY SYSTEMS.—*

4 “(A) *IN GENERAL.—Each State plan shall*
5 *demonstrate that the State has developed and is*
6 *implementing a single, statewide accountability*
7 *system to ensure that all public school students*
8 *graduate from high school prepared for postsec-*
9 *ondary education or the workforce without the*
10 *need for remediation.*

11 “(B) *ELEMENTS.—Each State account-*
12 *ability system described in subparagraph (A)*
13 *shall at a minimum—*

14 “(i) *annually measure the academic*
15 *achievement of all public school students in*
16 *the State against the State’s mathematics*
17 *and reading or language arts academic*
18 *standards adopted under paragraph (1),*
19 *which may include measures of student*
20 *growth toward such standards, using the*
21 *mathematics and reading or language arts*
22 *assessments described in paragraph (2)(B)*
23 *and other valid and reliable academic indi-*
24 *cators related to student achievement as*
25 *identified by the State;*

1 “(ii) annually evaluate and identify
2 the academic performance of each public
3 school in the State based on—

4 “(I) student academic achieve-
5 ment as measured in accordance with
6 clause (i);

7 “(II) the overall performance, and
8 achievement gaps as compared to all
9 students in the school, for economically
10 disadvantaged students, students from
11 major racial and ethnic groups, stu-
12 dents with disabilities, and English
13 learners, except that disaggregation of
14 data under this subclause shall not be
15 required in a case in which the number
16 of students in a category is insufficient
17 to yield statistically reliable informa-
18 tion or the results would reveal person-
19 ally identifiable information about an
20 individual student; and

21 “(III) other measures of school
22 success; and

23 “(iii) include a system for school im-
24 provement for low-performing public schools
25 receiving funds under this subpart that—

1 “(I) implements interventions in
2 such schools that are designed to ad-
3 dress such schools’ weaknesses; and

4 “(II) is implemented by local edu-
5 cational agencies serving such schools.

6 “(C) PROHIBITION.—Nothing in this section
7 shall be construed to permit the Secretary to es-
8 tablish any criteria that specifies, defines, or
9 prescribes any aspect of a State’s accountability
10 system developed and implemented in accordance
11 with this paragraph.

12 “(D) ACCOUNTABILITY FOR CHARTER
13 SCHOOLS.—The accountability provisions under
14 this Act shall be overseen for charter schools in
15 accordance with State charter school law.

16 “(E) RECENTLY ARRIVED ENGLISH LEARN-
17 ERS.—A State may delay inclusion of the aca-
18 demic achievement of English learners for pur-
19 poses of the evaluation and identification de-
20 scribed in subparagraph (B)(ii) if such students
21 have attended schools in the 50 states or the Dis-
22 trict of Columbia for less than two years (in the
23 case of mathematics) and less than three years
24 (in the case of reading or language arts), except
25 that if the State uses growth calculations as de-

1 *scribed in clause (i) of such subparagraph in*
2 *such evaluation and identification, the State*
3 *shall include such students in such calculations.*

4 “(4) *REQUIREMENTS.—Each State plan shall de-*
5 *scribe—*

6 “(A) *how the State educational agency will*
7 *assist each local educational agency and each*
8 *public school affected by the State plan to com-*
9 *ply with the requirements of this subpart, in-*
10 *cluding how the State educational agency will*
11 *work with local educational agencies to provide*
12 *technical assistance; and*

13 “(B) *how the State educational agency will*
14 *ensure that the results of the State assessments*
15 *described in paragraph (2), the other indicators*
16 *selected by the State under paragraph (3)(B)(i),*
17 *and the school evaluations described in para-*
18 *graph (3)(B)(ii), will be promptly provided to*
19 *local educational agencies, schools, teachers, and*
20 *parents in a manner that is clear and easy to*
21 *understand, but not later than before the begin-*
22 *ning of the school year following the school year*
23 *in which such assessments, other indicators, or*
24 *evaluations are taken or completed.*

1 “(5) *TIMELINE FOR IMPLEMENTATION.*—*Each*
2 *State plan shall describe the process by which the*
3 *State will adopt and implement the State academic*
4 *standards, assessments, and accountability system re-*
5 *quired under this section within 2 years of enactment*
6 *of the Student Success Act.*

7 “(6) *EXISTING STANDARDS.*—*Nothing in this*
8 *subpart shall prohibit a State from revising, con-*
9 *sistent with this section, any standard adopted under*
10 *this section before or after the date of the enactment*
11 *of the Student Success Act.*

12 “(7) *EXISTING STATE LAW.*—*Nothing in this sec-*
13 *tion shall be construed to alter any State law or regu-*
14 *lation granting parents authority over schools that re-*
15 *peatedly failed to make adequate yearly progress*
16 *under this section, as in effect on the day before the*
17 *date of the enactment of the Student Success Act.*

18 “(c) *OTHER PROVISIONS TO SUPPORT TEACHING AND*
19 *LEARNING.*—*Each State plan shall contain assurances*
20 *that—*

21 “(1) *the State will notify local educational agen-*
22 *cies, schools, teachers, parents, and the public of the*
23 *academic standards, academic assessments, and State*
24 *accountability system developed and implemented*
25 *under this section;*

1 “(2) the State will participate in biennial State
2 academic assessments of 4th and 8th grade reading
3 and mathematics under the National Assessment of
4 Educational Progress carried out under section
5 303(b)(2) of the National Assessment of Educational
6 Progress Authorization Act if the Secretary pays the
7 costs of administering such assessments;

8 “(3) the State educational agency will notify
9 local educational agencies and the public of the au-
10 thority to operate schoolwide programs;

11 “(4) the State educational agency will provide
12 the least restrictive and burdensome regulations for
13 local educational agencies and individual schools par-
14 ticipating in a program assisted under this subpart;

15 “(5) the State educational agency will encourage
16 schools to consolidate funds from other Federal, State,
17 and local sources for schoolwide reform in schoolwide
18 programs under section 1114;

19 “(6) the State educational agency will modify or
20 eliminate State fiscal and accounting barriers so that
21 schools can easily consolidate funds from other Fed-
22 eral, State, and local sources for schoolwide programs
23 under section 1114; and

24 “(7) the State educational agency will inform
25 local educational agencies in the State of the local

1 *educational agency’s authority to transfer funds*
2 *under section 1002 and to obtain waivers under sec-*
3 *tion 6401.*

4 *“(d) PARENTAL INVOLVEMENT.—Each State plan shall*
5 *describe how the State educational agency will support the*
6 *collection and dissemination to local educational agencies*
7 *and schools of effective parental involvement practices. Such*
8 *practices shall—*

9 *“(1) be based on the most current research that*
10 *meets the highest professional and technical standards*
11 *on effective parental involvement that fosters achieve-*
12 *ment to high standards for all children;*

13 *“(2) be geared toward lowering barriers to great-*
14 *er participation by parents in school planning, re-*
15 *view, and improvement; and*

16 *“(3) be coordinated with programs funded under*
17 *subpart 3 of part A of title III.*

18 *“(e) PEER REVIEW AND SECRETARIAL APPROVAL.—*

19 *“(1) ESTABLISHMENT.—Notwithstanding section*
20 *6543, the Secretary shall—*

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

23 *“(B) appoint individuals to the peer-review*
24 *process who are representative of parents, teach-*
25 *ers, State educational agencies, local educational*

1 agencies, and private sector employers (including
2 representatives of entrepreneurial ventures), and
3 who are familiar with educational standards, as-
4 sessments, accountability, the needs of low-per-
5 forming schools, and other educational needs of
6 students, and ensure that 65 percent of such ap-
7 pointees are practitioners and 10 percent are
8 representatives of private sector employers.

9 “(2) *APPROVAL.*—The Secretary shall—

10 “(A) approve a State plan within 120 days
11 of its submission;

12 “(B) disapprove of the State plan only if
13 the Secretary demonstrates how the State plan
14 fails to meet the requirements of this section and
15 immediately notifies the State of such determina-
16 tion and the reasons for such determination;

17 “(C) not decline to approve a State’s plan
18 before—

19 “(i) offering the State an opportunity
20 to revise its plan;

21 “(ii) providing technical assistance in
22 order to assist the State to meet the require-
23 ments of this section; and

24 “(iii) providing a hearing; and

1 “(D) have the authority to disapprove a
2 State plan for not meeting the requirements of
3 this subpart, but shall not have the authority to
4 require a State, as a condition of approval of the
5 State plan, to include in, or delete from, such
6 plan one or more specific elements of the State’s
7 academic standards or State accountability sys-
8 tem, or to use specific academic assessments or
9 other indicators.

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

13 “(4) PUBLIC REVIEW.—All communications,
14 feedback, and notifications under this subsection shall
15 be conducted in a manner that is immediately made
16 available to the public through the website of the De-
17 partment, including—

18 “(A) peer review guidance;

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

20 “(C) State plans submitted or resubmitted
21 by a State, including the current approved
22 plans;

23 “(D) peer review notes;

24 “(E) State plan determinations by the Sec-
25 retary, including approvals or disapprovals, and

1 *any deviations from the peer reviewers’ rec-*
2 *ommendations with an explanation of the devi-*
3 *ation; and*

4 “(F) *hearings.*

5 “(5) *PROHIBITION.—The Secretary, and the Sec-*
6 *retary’s staff, may not attempt to participate in, or*
7 *influence, the peer review process. No Federal em-*
8 *ployee may participate in, or attempt to influence the*
9 *peer review process, except to respond to questions of*
10 *a technical nature, which shall be publicly reported.*

11 “(f) *DURATION OF THE PLAN.—*

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

13 “(A) *remain in effect for the duration of the*
14 *State’s participation under this subpart; and*

15 “(B) *be periodically reviewed and revised as*
16 *necessary by the State educational agency to re-*
17 *fect changes in the State’s strategies and pro-*
18 *grams under this subpart.*

19 “(2) *ADDITIONAL INFORMATION.—If a State*
20 *makes significant changes to its State plan, such as*
21 *the adoption of new State academic standards or new*
22 *academic assessments, or adopts a new State account-*
23 *ability system, such information shall be submitted to*
24 *the Secretary under subsection (e)(2) for approval.*

1 “(g) *FAILURE TO MEET REQUIREMENTS.*—If a State
2 *fails to meet any of the requirements of this section then*
3 *the Secretary shall withhold funds for State administration*
4 *under this subpart until the Secretary determines that the*
5 *State has fulfilled those requirements.*

6 “(h) *REPORTS.*—

7 “(1) *ANNUAL STATE REPORT CARD.*—

8 “(A) *IN GENERAL.*—A State that receives
9 *assistance under this subpart shall prepare and*
10 *disseminate an annual State report card. Such*
11 *dissemination shall include, at a minimum, pub-*
12 *licly posting the report card on the home page of*
13 *the State educational agency’s website.*

14 “(B) *IMPLEMENTATION.*—The State report
15 *card shall be—*

16 “(i) *concise; and*

17 “(ii) *presented in an understandable*
18 *and uniform format that is developed in*
19 *consultation with parents and, to the extent*
20 *practicable, provided in a language that*
21 *parents can understand.*

22 “(C) *REQUIRED INFORMATION.*—The State
23 *shall include in its annual State report card in-*
24 *formation on—*

1 “(i) the performance of students, in the
2 aggregate and disaggregated by the cat-
3 egories of students described in subsection
4 (b)(2)(B)(xii) (except that such
5 disaggregation shall not be required in a
6 case in which the number of students in a
7 category is insufficient to yield statistically
8 reliable information or the results would re-
9 veal personally identifiable information
10 about an individual student), on the State
11 academic assessments described in sub-
12 section (b)(2);

13 “(ii) the participation rate on such as-
14 sessments, in the aggregate and
15 disaggregated in accordance with clause (i);

16 “(iii) the performance of students, in
17 the aggregate and disaggregated in accord-
18 ance with clause (i), on other academic in-
19 dicators described in subsection (b)(3)(B)(i);

20 “(iv) for each public high school in the
21 State, in the aggregate and disaggregated in
22 accordance with clause (i)—

23 “(I) the four-year adjusted cohort
24 graduation rate, and

1 “(II) if applicable, the extended-
2 year adjusted cohort graduation rate,
3 reported separately for students grad-
4 uating in 5 years or less, students
5 graduating in 6 years or less, and stu-
6 dents graduating in 7 or more years;

7 “(v) each public school’s evaluation re-
8 sults as determined in accordance with sub-
9 section (b)(3)(B)(ii);

10 “(vi) the acquisition of English pro-
11 ficiency by English learners;

12 “(vii) if appropriate, as determined by
13 the State, the number and percentage of
14 teachers in each category established under
15 section 2123(1), except that such informa-
16 tion shall not reveal personally identifiable
17 information about an individual teacher;
18 and

19 “(viii) the results of the assessments de-
20 scribed in subsection (c)(2).

21 “(D) OPTIONAL INFORMATION.—The State
22 may include in its annual State report card
23 such other information as the State believes will
24 best provide parents, students, and other mem-
25 bers of the public with information regarding the

1 *progress of each of the State’s public elementary*
2 *schools and public secondary schools, such as the*
3 *number of students enrolled in each public sec-*
4 *ondary school in the State attaining career and*
5 *technical proficiencies, as defined in section*
6 *113(b)(2)(A) of the Carl D. Perkins Career and*
7 *Technical Education Act of 2006, and reported*
8 *by the State in a manner consistent with section*
9 *113(c) of such Act.*

10 “(E) *DATA.—All personal, private student*
11 *data shall be prohibited from use beyond assess-*
12 *ing student performance as provided for in sub-*
13 *paragraph (C). The State’s annual report shall*
14 *only use such data as sufficient to yield statis-*
15 *tically reliable information, and does not reveal*
16 *personally identifiable information about indi-*
17 *vidual students.*

18 “(2) *ANNUAL LOCAL EDUCATIONAL AGENCY RE-*
19 *PORT CARDS.—*

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

24 “(B) *MINIMUM REQUIREMENTS.—The State*
25 *educational agency shall ensure that each local*

1 *educational agency collects appropriate data and*
2 *includes in the local educational agency’s annual*
3 *report the information described in paragraph*
4 *(1)(C) as applied to the local educational agency*
5 *and each school served by the local educational*
6 *agency, and—*

7 *“(i) in the case of a local educational*
8 *agency, information that shows how stu-*
9 *dents served by the local educational agency*
10 *achieved on the statewide academic assess-*
11 *ment and other academic indicators adopt-*
12 *ed in accordance with subsection*
13 *(b)(3)(B)(i) compared to students in the*
14 *State as a whole; and*

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

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

22 *“(D) DATA.—A local educational agency or*
23 *school shall only include in its annual local edu-*
24 *cational agency report card data that are suffi-*
25 *cient to yield statistically reliable information,*

1 *as determined by the State, and that do not re-*
2 *veal personally identifiable information about an*
3 *individual student.*

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

19 “(3) *PREEXISTING REPORT CARDS.*—*A State*
20 *educational agency or local educational agency may*
21 *use public report cards on the performance of stu-*
22 *dents, schools, local educational agencies, or the State,*
23 *that were in effect prior to the enactment of the Stu-*
24 *dent Success Act for the purpose of this subsection, so*
25 *long as any such report card is modified, as may be*

1 *needed, to contain the information required by this*
2 *subsection, and protects the privacy of individual stu-*
3 *dents.*

4 “(4) *PARENTS RIGHT-TO-KNOW.*—

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

13 “(B) *FORMAT.*—*The notice and information*
14 *provided to parents under this paragraph shall*
15 *be in an understandable and uniform format*
16 *and, to the extent practicable, provided in a lan-*
17 *guage that the parents can understand.*

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

22 “(j) *VOLUNTARY PARTNERSHIPS.*—*A State retains the*
23 *right to enter into a voluntary partnership with another*
24 *State to develop and implement the academic standards*
25 *and assessments required under this section, except that the*

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

3 “(1) *adoption of the Common Core State Stand-*
4 *ards developed under the Common Core State Stand-*
5 *ards Initiative, any other academic standards com-*
6 *mon to a significant number of States, or assessments*
7 *tied to such standards; or*

8 “(2) *participation in any such partnerships.*

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

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

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

1 “(2) *Each such school that is accredited by a re-*
2 *gional accrediting organization shall adopt an appro-*
3 *prate assessment and other academic indicators, in*
4 *consultation with and with the approval of, the Sec-*
5 *retary of the Interior and consistent with assessments*
6 *and academic indicators adopted by other schools in*
7 *the same State or region, that meet the requirements*
8 *of this section.*”

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

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

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

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

20 “(a) *PLANS REQUIRED.—*

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

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

6 “(2) *CONSOLIDATED APPLICATION.—The plan*
7 *may be submitted as part of a consolidated applica-*
8 *tion under section 6305.*

9 “(b) *PLAN PROVISIONS.—Each local educational agen-*
10 *cy plan shall describe—*

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

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

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

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

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

3 *“(5) how the local educational agency will co-*
4 *ordinate programs under this subpart with other pro-*
5 *grams under this Act and other Acts, as appropriate;*

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

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

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

20 *“(9) how the local educational agency will ensure*
21 *that migratory children who are eligible to receive*
22 *services under this subpart are selected to receive such*
23 *services on the same basis as other children who are*
24 *selected to receive services under this subpart;*

1 “(10) the services the local educational agency
2 will provide homeless children, including services pro-
3 vided with funds reserved under section
4 1113(c)(3)(A);

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

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

18 “(13) how the local educational agency, through
19 incentives for voluntary transfers, the provision of
20 professional development, recruitment programs, in-
21 centive pay, performance pay, or other effective strate-
22 gies, will address disparities in the rates of low-in-
23 come and minority students and other students being
24 taught by ineffective teachers;

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

4 “(A) career and technical education aligned
5 with State technical standards that promote
6 skills attainment important to in-demand occu-
7 pations or industries in the State and the State’s
8 academic standards under section 1111(b)(1);
9 and

10 “(B) work-based learning opportunities that
11 provide students in-depth interaction with in-
12 dustry professionals; and

13 “(15) if appropriate, how the local educational
14 agency will use funds under this subpart to support
15 dual enrollment programs, early college high schools,
16 and Advanced Placement or International Bacca-
17 laureate programs.

18 “(c) ASSURANCES.—Each local educational agency
19 plan shall provide assurances that the local educational
20 agency will—

21 “(1) participate, if selected, in biennial State
22 academic assessments of 4th and 8th grade reading
23 and mathematics under the National Assessment of
24 Educational Progress carried out under section

1 303(b)(2) of the National Assessment of Educational
2 Progress Authorization Act;

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

6 “(3) provide technical assistance to schoolwide
7 programs;

8 “(4) provide services to eligible children attend-
9 ing private elementary and secondary schools in ac-
10 cordance with section 1120, and timely and meaning-
11 ful consultation with private school officials or rep-
12 resentatives regarding such services;

13 “(5) in the case of a local educational agency
14 that chooses to use funds under this subpart to pro-
15 vide early childhood development services to low-in-
16 come children below the age of compulsory school at-
17 tendance, ensure that such services comply with the
18 performance standards established under section
19 641A(a) of the Head Start Act;

20 “(6) inform eligible schools of the local edu-
21 cational agency’s authority to request waivers on the
22 school’s behalf under title VI; and

23 “(7) ensure that the results of the academic as-
24 sessments required under section 1111(b)(2) will be
25 provided to parents and teachers as soon as is prac-

1 *ticably possible after the test is taken, in an under-*
2 *standable and uniform format and, to the extent*
3 *practicable, provided in a language that the parents*
4 *can understand.*

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

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

12 “(2) *disseminate to local educational agencies the*
13 *education performance standards in effect under sec-*
14 *tion 641A(a) of the Head Start Act, and such agen-*
15 *cies affected by such subsection shall plan for the im-*
16 *plementation of such subsection (taking into consider-*
17 *ation existing State and local laws, and local teacher*
18 *contracts).*

19 “(e) *PLAN DEVELOPMENT AND DURATION.—*

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

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

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

9 “(f) *STATE APPROVAL.*—

10 “(1) *IN GENERAL.*—*Each local educational agen-*
11 *cy plan shall be filed according to a schedule estab-*
12 *lished by the State educational agency.*

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

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

21 “(B) *meets the requirements of this section.*

22 “(3) *REVIEW.*—*The State educational agency*
23 *shall review the local educational agency’s plan to de-*
24 *termine if such agency’s activities are in accordance*
25 *with section 1118.*

1 “(g) *PARENTAL NOTIFICATION.*—

2 “(1) *IN GENERAL.*—*Each local educational agen-*
3 *cy using funds under this subpart and subpart 4 to*
4 *provide a language instruction educational program*
5 *shall, not later than 30 days after the beginning of*
6 *the school year, inform parents of an English learner*
7 *identified for participation, or participating in, such*
8 *a program of—*

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

13 “(B) *the child’s level of English proficiency,*
14 *how such level was assessed, and the status of the*
15 *child’s academic achievement;*

16 “(C) *the methods of instruction used in the*
17 *program in which their child is, or will be par-*
18 *ticipating, and the methods of instruction used*
19 *in other available programs, including how such*
20 *programs differ in content, instructional goals,*
21 *and the use of English and a native language in*
22 *instruction;*

23 “(D) *how the program in which their child*
24 *is, or will be participating, will meet the edu-*
25 *cational strengths and needs of their child;*

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

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

12 “(G) in the case of a child with a disability,
13 how such program meets the objectives of the in-
14 dividualized education program of the child; and

15 “(H) information pertaining to parental
16 rights that includes written guidance—

17 “(i) detailing—

18 “(I) the right that parents have to
19 have their child immediately removed
20 from such program upon their request;
21 and

22 “(II) the options that parents
23 have to decline to enroll their child in
24 such program or to choose another pro-

1 *gram or method of instruction, if*
2 *available; and*

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

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

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

21 *“(4) PARENTAL PARTICIPATION.—Each local*
22 *educational agency receiving funds under this subpart*
23 *shall implement an effective means of outreach to par-*
24 *ents of English learners to inform the parents regard-*
25 *ing how the parents can be involved in the education*

1 of their children, and be active participants in assist-
2 ing their children to attain English proficiency,
3 achieve at high levels in core academic subjects, and
4 meet the State’s academic standards expected of all
5 students, including holding, and sending notice of op-
6 portunities for, regular meetings for the purpose of
7 formulating and responding to recommendations from
8 parents of students assisted under this subpart.

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

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

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

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

17 (2) in subsection (c)(4)—

18 (A) by striking “subpart 2” and inserting
19 “chapter B”; and

20 (B) by striking “school improvement, cor-
21 rective action, and restructuring under section
22 1116(b)” and inserting “school improvement
23 under section 1111(b)(3)(B)(iii)”.

24 **SEC. 115. SCHOOLWIDE PROGRAMS.**

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

1 (1) *in subsection (a)—*

2 (A) *in paragraph (1)—*

3 (i) *by striking “part” and inserting*
4 *“subpart”; and*

5 (ii) *by striking “in which” through*
6 *“such families”;*

7 (B) *in paragraph (2)—*

8 (i) *in subparagraph (A)(i), by striking*
9 *“part” and inserting “subpart”; and*

10 (ii) *in subparagraph (B)—*

11 (I) *by striking “children with*
12 *limited English proficiency” and in-*
13 *serting “English learners”; and*

14 (II) *by striking “part” and in-*
15 *serting “subpart”;*

16 (C) *in paragraph (3)(B), by striking*
17 *“maintenance of effort,” after “private school*
18 *children,”; and*

19 (D) *by striking paragraph (4);*

20 (2) *in subsection (b)—*

21 (A) *in paragraph (1)—*

22 (i) *in subparagraph (A)—*

23 (I) *by striking “(including” and*
24 *all that follows through “1309(2))”;*

25 *and*

1 (ii) by striking “content stand-
2 ards and the State student academic
3 achievement standards” and inserting
4 “standards”;

5 (ii) in subparagraph (B)—

6 (I) in clause (i), by striking “pro-
7 ficient” and all that follows through
8 “section 1111(b)(1)(D)” and inserting
9 “academic standards described in sec-
10 tion 1111(b)(1)”;

11 (II) in clause (ii), in the matter
12 preceding subclause (I), by striking
13 “based on scientifically based research”
14 and inserting “evidence-based”;

15 (III) in clause (iii)—

16 (aa) in subclause (I)—

17 (AA) by striking “stu-
18 dent academic achievement
19 standards” and inserting
20 “academic standards”; and

21 (BB) by striking
22 “schoolwide program,” and
23 all that follows through
24 “technical education pro-
25 grams; and” and inserting

1 *“schoolwide programs; and”;*
2 *and*
3 *(bb) in subclause (II), by*
4 *striking “and”;*
5 *(IV) in clause (iv)—*
6 *(aa) by striking “the State*
7 *and local improvement plans”*
8 *and inserting “school improve-*
9 *ment strategies”; and*
10 *(bb) by striking the period*
11 *and inserting “; and”; and*
12 *(V) by adding at the end the fol-*
13 *lowing new clause:*
14 *“(v) may be delivered by nonprofit or*
15 *for-profit external providers with expertise*
16 *in using evidence-based or other effective*
17 *strategies to improve student achievement.”;*
18 *(iii) in subparagraph (C), by striking*
19 *“highly qualified” and inserting “effective”;*
20 *(iv) in subparagraph (D)—*
21 *(I) by striking “In accordance*
22 *with section 1119 and subsection*
23 *(a)(4), high-quality” and inserting*
24 *“High-quality”;*

1 (II) by striking “pupil services”
2 and inserting “specialized instruc-
3 tional support services”; and

4 (III) by striking “student aca-
5 demic achievement” and inserting
6 “academic”;

7 (v) in subparagraph (E), by striking
8 “high-quality highly qualified” and insert-
9 ing “effective”;

10 (vi) in subparagraph (G), by striking
11 “, such as Head Start, Even Start, Early
12 Reading First, or a State-run preschool
13 program,”;

14 (vii) in subparagraph (H), by striking
15 “section 1111(b)(3)” and inserting “section
16 1111(b)(2)”;

17 (viii) in subparagraph (I), by striking
18 “proficient or advanced levels of academic
19 achievement standards” and inserting
20 “State academic standards”; and

21 (ix) in subparagraph (J), by striking
22 “vocational” and inserting “career”; and

23 (B) in paragraph (2)—

24 (i) in subparagraph (A)—

1 (I) in the matter preceding clause

2 (i)—

3 (aa) by striking “first de-
4 velop” and all that follows
5 through “2001)” and inserting
6 “have in place”; and

7 (bb) by striking “and its
8 school support team or other tech-
9 nical assistance provider under
10 section 1117”;

11 (II) in clause (ii), by striking
12 “part” and inserting “subpart”; and

13 (III) in clause (iv), by striking
14 “section 1111(b)(3)” and inserting
15 “section 1111(b)(2)”; and

16 (ii) in subparagraph (B)—

17 (I) in clause (i)—

18 (aa) in subclause (I), by
19 striking “, after considering the
20 recommendation of the technical
21 assistance providers under section
22 1117,”; and

23 (bb) in subclause (II), by
24 striking “No Child Left Behind

1 *Act of 2001” and inserting “Stu-*
2 *dent Success Act”;*

3 *(II) in clause (ii)—*

4 *(aa) by striking “(including*
5 *administrators of programs de-*
6 *scribed in other parts of this*
7 *title)”;* and

8 *(bb) by striking “pupil serv-*
9 *ices” and inserting “specialized*
10 *instructional support services”;*

11 *(III) in clause (iii), by striking*
12 *“part” and inserting “subpart”;* and

13 *(IV) in clause (v), by striking*
14 *“Reading First, Early Reading First,*
15 *Even Start,”;* and

16 *(3) in subsection (c)—*

17 *(A) by striking “part” and inserting “sub-*
18 *part”;* and

19 *(B) by striking “6,” and all that follows*
20 *through the period at the end and inserting “6.”.*

21 **SEC. 116. TARGETED ASSISTANCE SCHOOLS.**

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

23 *(1) in subsection (a)—*

24 *(A) by striking “are ineligible for a*
25 *schoolwide program under section 1114, or that”;*

1 (B) by striking “operate such” and insert-
2 ing “operate”; and

3 (C) by striking “part” and inserting “sub-
4 part”;

5 (2) in subsection (b)—

6 (A) in paragraph (1)(B), by striking “chal-
7 lenging student academic achievement” and in-
8 serting “academic”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (A)—

11 (I) by striking “limited English
12 proficient children” and inserting
13 “English learners”; and

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

16 (ii) in subparagraph (B)—

17 (I) in the heading, by striking “,
18 EVEN START, OR EARLY READING
19 FIRST”;

20 (II) by striking “, Even Start, or
21 Early Reading First”; and

22 (III) by striking “part” and in-
23 serting “subpart”;

24 (iii) in subparagraph (C)—

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

4 (II) by striking “part C” and in-
5 serting “subpart 3”; and

6 (III) by striking “part” and in-
7 serting “subpart”; and

8 (iv) in subparagraphs (D) and (E), by
9 striking “part” each place it appears and
10 inserting “subpart”; and

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

13 (3) in subsection (c)—

14 (A) in paragraph (1)—

15 (i) in the matter preceding subpara-
16 graph (A)—

17 (I) by striking “part” and insert-
18 ing “subpart”; and

19 (II) by striking “challenging stu-
20 dent academic achievement” and in-
21 serting “academic”;

22 (ii) in subparagraph (A)—

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

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

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

6 (iv) in subparagraph (C)—

7 (I) in the matter preceding clause
8 (i), by striking “based on scientifically
9 based research” and inserting “evi-
10 dence-based”; and

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

13 (v) in subparagraph (D), by striking
14 “such as Head Start, Even Start, Early
15 Reading First or State-run preschool pro-
16 grams”;

17 (vi) in subparagraph (E), by striking
18 “highly qualified” and inserting “effective”;

19 (vii) in subparagraph (F)—

20 (I) by striking “in accordance
21 with subsection (e)(3) and section
22 1119,”;

23 (II) by striking “part” and in-
24 serting “subpart”; and

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

1 (ii) in clause (iii), by striking “pupil
2 services” and inserting “specialized instruc-
3 tional support services”; and

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

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

7 “(f) *DELIVERY OF SERVICES.*—The elements of a tar-
8 geted assistance program under this section may be deliv-
9 ered by nonprofit or for-profit external providers with ex-
10 pertise in using evidence-based or other effective strategies
11 to improve student achievement.”.

12 **SEC. 117. ACADEMIC ASSESSMENT AND LOCAL EDU-**
13 **CATIONAL AGENCY AND SCHOOL IMPROVE-**
14 **MENT; SCHOOL SUPPORT AND RECOGNITION.**

15 The Act is amended by repealing sections 1116 and
16 1117 (20 U.S.C. 6316; 6317).

17 **SEC. 118. PARENTAL INVOLVEMENT.**

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

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

21 (2) in subsection (a)—

22 (A) in paragraph (2)—

23 (i) in subparagraph (A), by striking “,
24 and” and all that follows through “1116”;
25 and

1 (ii) in subparagraph (D), by striking
2 “, such as” and all that follows through
3 “preschool programs”; and

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

7 (3) by amending subsection (c)(4)(B) to read as
8 follows:

9 “(B) a description and explanation of the
10 curriculum in use at the school and the forms of
11 academic assessment used to measure student
12 progress; and”;

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

15 (5) in subsection (e)—

16 (A) in paragraph (1), by striking “State’s
17 academic content standards and State student
18 academic achievement standards” and inserting
19 “State’s academic standards”;

20 (B) in paragraph (3)—

21 (i) by striking “pupil services per-
22 sonnel,” and inserting “specialized instruc-
23 tional support personnel,”; and

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

1 (C) in paragraph (4), by striking “Head
2 Start, Reading First, Early Reading First, Even
3 Start, the Home Instruction Programs for Pre-
4 school Youngsters, the Parents as Teachers Pro-
5 gram, and public preschool and other” and in-
6 serting “other Federal, State, and local”; and
7 (6) by amending subsection (g) to read as fol-
8 lows:

9 “(g) *FAMILY ENGAGEMENT IN EDUCATION PRO-*
10 *GRAMS.—In a State operating a program under subpart*
11 *3 of part A of title III, each local educational agency or*
12 *school that receives assistance under this subpart shall in-*
13 *form such parents and organizations of the existence of such*
14 *programs.”.*

15 **SEC. 119. QUALIFICATIONS FOR TEACHERS AND PARA-**
16 **PROFESSIONALS.**

17 *The Act is amended by repealing section 1119 (20*
18 *U.S.C. 6319).*

19 **SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
20 **VATE SCHOOLS.**

21 *Section 1120 (20 U.S.C. 6320) is amended to read as*
22 *follows:*

23 **“SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN**
24 **PRIVATE SCHOOLS.**

25 “(a) *GENERAL REQUIREMENT.—*

1 “(1) *IN GENERAL.*—*To the extent consistent with*
2 *the number of eligible children identified under sec-*
3 *tion 1115(b) in the school district served by a local*
4 *educational agency who are enrolled in private ele-*
5 *mentary schools and secondary schools, a local edu-*
6 *cational agency shall—*

7 “(A) *after timely and meaningful consulta-*
8 *tion with appropriate private school officials or*
9 *representatives, provide such service, on an equi-*
10 *table basis and individually or in combination,*
11 *as requested by the officials or representatives to*
12 *best meet the needs of such children, special edu-*
13 *cational services, instructional services (includ-*
14 *ing evaluations to determine students’ progress*
15 *in their academic needs), counseling, mentoring,*
16 *one-on-one tutoring, or other benefits under this*
17 *subpart (such as dual enrollment, educational*
18 *radio and television, computer equipment and*
19 *materials, other technology, and mobile edu-*
20 *cational services and equipment) that address*
21 *their needs; and*

22 “(B) *ensure that teachers and families of*
23 *the children participate, on an equitable basis,*
24 *in services and activities developed pursuant to*
25 *this subpart.*

1 “(2) *SECULAR, NEUTRAL, NONIDEOLOGICAL.*—
2 *Such educational services or other benefits, including*
3 *materials and equipment, shall be secular, neutral,*
4 *and nonideological.*

5 “(3) *EQUITY.*—

6 “(A) *IN GENERAL.*—*Educational services*
7 *and other benefits for such private school chil-*
8 *dren shall be equitable in comparison to services*
9 *and other benefits for public school children par-*
10 *ticipating under this subpart, and shall be pro-*
11 *vided in a timely manner.*

12 “(B) *OMBUDSMAN.*—*To help ensure such eq-*
13 *uity for such private school children, teachers,*
14 *and other educational personnel, the State edu-*
15 *cational agency involved shall designate an om-*
16 *budsman to monitor and enforce the require-*
17 *ments of this subpart.*

18 “(4) *EXPENDITURES.*—

19 “(A) *IN GENERAL.*—*Expenditures for edu-*
20 *cational services and other benefits to eligible*
21 *private school children shall be equal to the ex-*
22 *penditures for participating public school chil-*
23 *dren, taking into account the number, and edu-*
24 *cational needs, of the children to be served. The*
25 *share of funds shall be determined based on the*

1 *total allocation received by the local educational*
2 *agency prior to any allowable expenditures au-*
3 *thorized under this title.*

4 “(B) *OBLIGATION OF FUNDS.—Funds allo-*
5 *cated to a local educational agency for edu-*
6 *cational services and other benefits to eligible*
7 *private school children shall—*

8 “(i) *be obligated in the fiscal year for*
9 *which the funds are received by the agency;*
10 *and*

11 “(ii) *with respect to any such funds*
12 *that cannot be so obligated, be used to serve*
13 *such children in the following fiscal year.*

14 “(C) *NOTICE OF ALLOCATION.—Each State*
15 *educational agency shall—*

16 “(i) *determine, in a timely manner,*
17 *the proportion of funds to be allocated to*
18 *each local educational agency in the State*
19 *for educational services and other benefits*
20 *under this subpart to eligible private school*
21 *children; and*

22 “(ii) *provide notice, simultaneously, to*
23 *each such local educational agency and the*
24 *appropriate private school officials or their*

1 *representatives in the State of such alloca-*
2 *tion of funds.*

3 “(5) *PROVISION OF SERVICES.*—*The local edu-*
4 *cational agency or, in a case described in subsection*
5 *(b)(6)(C), the State educational agency involved, may*
6 *provide services under this section directly or through*
7 *contracts with public or private agencies, organiza-*
8 *tions, and institutions.*

9 “(b) *CONSULTATION.*—

10 “(1) *IN GENERAL.*—*To ensure timely and mean-*
11 *ingful consultation, a local educational agency shall*
12 *consult with appropriate private school officials or*
13 *representatives during the design and development of*
14 *such agency’s programs under this subpart in order*
15 *to reach an agreement between the agency and the of-*
16 *icials or representatives about equitable and effective*
17 *programs for eligible private school children, the re-*
18 *sults of which shall be transmitted to the designated*
19 *ombudsmen under section 1120(a)(3)(B). Such proc-*
20 *ess shall include consultation on issues such as—*

21 “(A) *how the children’s needs will be identi-*
22 *fied;*

23 “(B) *what services will be offered;*

24 “(C) *how, where, and by whom the services*
25 *will be provided;*

1 “(D) how the services will be academically
2 assessed and how the results of that assessment
3 will be used to improve those services;

4 “(E) the size and scope of the equitable serv-
5 ices to be provided to the eligible private school
6 children, and the proportion of funds that is al-
7 located under subsection (a)(4)(A) for such serv-
8 ices, how that proportion of funds is determined
9 under such subsection, and an itemization of the
10 costs of the services to be provided;

11 “(F) the method or sources of data that are
12 used under subsection (c) and section 1113(c)(1)
13 to determine the number of children from low-in-
14 come families in participating school attendance
15 areas who attend private schools;

16 “(G) how and when the agency will make
17 decisions about the delivery of services to such
18 children, including a thorough consideration and
19 analysis of the views of the private school offi-
20 cials or representatives on the provision of serv-
21 ices through a contract with potential third-
22 party providers;

23 “(H) how, if the agency disagrees with the
24 views of the private school officials or representa-
25 tives on the provision of services through a con-

1 *tract, the local educational agency will provide*
2 *in writing to such private school officials an*
3 *analysis of the reasons why the local educational*
4 *agency has chosen not to use a contractor;*

5 *“(I) whether the agency will provide serv-*
6 *ices under this section directly or through con-*
7 *tracts with public and private agencies, organi-*
8 *zations, and institutions;*

9 *“(J) whether to provide equitable services to*
10 *eligible private school children—*

11 *“(i) by creating a pool or pools of*
12 *funds with all of the funds allocated under*
13 *subsection (a)(4) based on all the children*
14 *from low-income families who attend pri-*
15 *vate schools in a participating school at-*
16 *tendance area of the agency from which the*
17 *local educational agency will provide such*
18 *services to all such children; or*

19 *“(ii) by providing such services to eli-*
20 *gible children in each private school in the*
21 *agency’s participating school attendance*
22 *area with the proportion of funds allocated*
23 *under subsection (a)(4) based on the number*
24 *of children from low-income families who*
25 *attend such school;*

1 “(K) *at what time and where services will*
2 *be provided so such students can receive such*
3 *services without interrupting their other school*
4 *or coursework; and*

5 “(L) *whether to consolidate and use funds*
6 *under this subpart to provide schoolwide pro-*
7 *grams for a private school.*

8 “(2) *DISAGREEMENT.—If a local educational*
9 *agency disagrees with the views of private school offi-*
10 *cial or representatives with respect to an issue de-*
11 *scribed in paragraph (1), the local educational agency*
12 *shall provide in writing to such private school offi-*
13 *cial an analysis of the reasons why the local edu-*
14 *cational agency has chosen not to adopt the course of*
15 *action requested by such officials.*

16 “(3) *TIMING.—Such consultation shall include*
17 *meetings of agency and private school officials or rep-*
18 *resentatives and shall occur before the local edu-*
19 *cational agency makes any decision that affects the*
20 *opportunities of eligible private school children to*
21 *participate in programs under this subpart. Such*
22 *meetings shall continue throughout implementation*
23 *and assessment of services provided under this section.*

24 “(4) *DISCUSSION.—Such consultation shall in-*
25 *clude a discussion of service delivery mechanisms a*

1 *local educational agency can use to provide equitable*
2 *services to eligible private school children.*

3 “(5) *DOCUMENTATION.*—*Each local educational*
4 *agency shall maintain in the agency’s records and*
5 *provide to the State educational agency involved a*
6 *written affirmation signed by officials or representa-*
7 *tives of each participating private school that the*
8 *meaningful consultation required by this section has*
9 *occurred. The written affirmation shall provide the*
10 *option for private school officials or representatives to*
11 *indicate that timely and meaningful consultation has*
12 *not occurred or that the program design is not equi-*
13 *table with respect to eligible private school children.*
14 *If such officials or representatives do not provide such*
15 *affirmation within a reasonable period of time, the*
16 *local educational agency shall forward the documenta-*
17 *tion that such consultation has, or attempts at such*
18 *consultation have, taken place to the State edu-*
19 *cational agency.*

20 “(6) *COMPLIANCE.*—

21 “(A) *IN GENERAL.*—*A private school official*
22 *shall have the right to file a complaint with the*
23 *State educational agency that the local edu-*
24 *cational agency did not engage in consultation*
25 *that was meaningful and timely, did not give*

1 *due consideration to the views of the private*
2 *school official, or did not treat the private school*
3 *or its students equitably as required by this sec-*
4 *tion.*

5 “(B) *PROCEDURE.*—*If the private school of-*
6 *ficial wishes to file a complaint, the official shall*
7 *provide the basis of the noncompliance with this*
8 *section by the local educational agency to the*
9 *State educational agency, and the local edu-*
10 *cational agency shall forward the appropriate*
11 *documentation to the State educational agency.*

12 “(C) *STATE EDUCATIONAL AGENCIES.*—*A*
13 *State educational agency shall provide services*
14 *under this section directly or through contracts*
15 *with public or private agencies, organizations,*
16 *and institutions, if—*

17 “(i) *the appropriate private school offi-*
18 *cials or their representatives have—*

19 “(I) *requested that the State edu-*
20 *cational agency provide such services*
21 *directly; and*

22 “(II) *demonstrated that the local*
23 *educational agency involved has not*
24 *met the requirements of this section; or*

25 “(ii) *in a case in which—*

1 “(I) a local educational agency
2 has more than 10,000 children from
3 low-income families who attend private
4 elementary schools or secondary schools
5 in a participating school attendance
6 area of the agency that are not being
7 served by the agency’s program under
8 this section; or

9 “(II) 90 percent of the eligible
10 private school students in a partici-
11 pating school attendance area of the
12 agency are not being served by the
13 agency’s program under this section.

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

16 “(1) CALCULATION.—A local educational agency
17 shall have the final authority, consistent with this sec-
18 tion, to calculate the number of children, ages 5
19 through 17, who are from low-income families and at-
20 tend private schools by—

21 “(A) using the same measure of low income
22 used to count public school children;

23 “(B) using the results of a survey that, to
24 the extent possible, protects the identity of fami-
25 lies of private school students, and allowing such

1 *survey results to be extrapolated if complete ac-*
2 *tual data are unavailable;*

3 “(C) *applying the low-income percentage of*
4 *each participating public school attendance area,*
5 *determined pursuant to this section, to the num-*
6 *ber of private school children who reside in that*
7 *school attendance area; or*

8 “(D) *using an equated measure of low in-*
9 *come correlated with the measure of low income*
10 *used to count public school children.*

11 “(2) *COMPLAINT PROCESS.—Any dispute regard-*
12 *ing low-income data for private school students shall*
13 *be subject to the complaint process authorized in sec-*
14 *tion 6503.*

15 “(d) *PUBLIC CONTROL OF FUNDS.—*

16 “(1) *IN GENERAL.—The control of funds pro-*
17 *vided under this subpart, and title to materials,*
18 *equipment, and property purchased with such funds,*
19 *shall be in a public agency, and a public agency shall*
20 *administer such funds, materials, equipment, and*
21 *property.*

22 “(2) *PROVISION OF SERVICES.—*

23 “(A) *PROVIDER.—The provision of services*
24 *under this section shall be provided—*

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

2 or

3 “(ii) through a contract by such public
4 agency with an individual, association,
5 agency, or organization.

6 “(B) *REQUIREMENT.*—In the provision of
7 such services, such employee, individual, associa-
8 tion, agency, or organization shall be inde-
9 pendent of such private school and of any reli-
10 gious organization, and such employment or con-
11 tract shall be under the control and supervision
12 of such public agency.

13 “(e) *STANDARDS FOR A BYPASS.*—If a local edu-
14 cational agency is prohibited by law from providing for the
15 participation in programs on an equitable basis of eligible
16 children enrolled in private elementary schools and sec-
17 ondary schools, or if the Secretary determines that a local
18 educational agency has substantially failed or is unwilling
19 to provide for such participation, as required by this sec-
20 tion, the Secretary shall—

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

23 “(2) arrange for the provision of services to such
24 children through arrangements that shall be subject to

1 *the requirements of this section and sections 6503 and*
2 *6504; and*

3 *“(3) in making the determination under this*
4 *subsection, consider one or more factors, including the*
5 *quality, size, scope, and location of the program and*
6 *the opportunity of eligible children to participate.”.*

7 **SEC. 121. FISCAL REQUIREMENTS.**

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

9 *(1) by striking “part” each place it appears and*
10 *inserting “subpart”; and*

11 *(2) by striking subsection (a) and redesignating*
12 *subsections (b), (c), and (d) as subsections (a), (b),*
13 *and (c), respectively.*

14 **SEC. 122. COORDINATION REQUIREMENTS.**

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

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

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

20 *(3) in subsection (b)—*

21 *(A) in the matter preceding paragraph (1),*
22 *by striking “, such as the Early Reading First*
23 *program,”;*

1 (B) in paragraphs (1) through (3), by strik-
2 ing “such as the Early Reading First program”
3 each place it appears;

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

6 (D) in paragraph (5), by striking “and en-
7 tities carrying out Early Reading First pro-
8 grams”.

9 **SEC. 123. GRANTS FOR THE OUTLYING AREAS AND THE**
10 **SECRETARY OF THE INTERIOR.**

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

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

16 (2) in subsection (b)—

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

20 (B) in paragraph (3)—

21 (i) in subparagraph (B), by striking
22 “basis,” and all that follows through the pe-
23 riod at the end and inserting “basis.”;

24 (ii) in subparagraph (C)(ii), by strik-
25 ing “challenging State academic content

1 standards” and inserting “State academic
2 standards”; and
3 (iii) by striking subparagraph (D);
4 and
5 (3) in subsection (d)(2), by striking “part” and
6 inserting “subpart”.

7 **SEC. 124. ALLOCATIONS TO STATES.**

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

9 (1) by amending subsection (a) to read as fol-
10 lows:

11 “(a) *RESERVATION.*—

12 “(1) *IN GENERAL.*—From the amounts appro-
13 priated under section 3(a)(1), the Secretary shall re-
14 serve 91.44 percent of such amounts to carry out this
15 chapter.

16 “(2) *ALLOCATION FORMULA.*—Of the amount re-
17 served under paragraph (1) for each of fiscal years
18 2016 to 2021 (referred to in this subsection as the
19 current fiscal year)—

20 “(A) an amount equal to the amount made
21 available to carry out section 1124 for fiscal year
22 2001 shall be used to carry out section 1124;

23 “(B) an amount equal to the amount made
24 available to carry out section 1124A for fiscal

1 year 2001 shall be used to carry out section
2 1124A; and

3 “(C) an amount equal to 100 percent of the
4 amount, if any, by which the total amount made
5 available to carry out this chapter for the fiscal
6 year for which the determination is made exceeds
7 the total amount available to carry out sections
8 1124 and 1124A for fiscal year 2001 shall be
9 used to carry out sections 1125 and 1125A and
10 such amount shall be divided equally between
11 sections 1125 and 1125A.”;

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

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

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

18 **SEC. 125. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**

19 **CIES.**

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

21 (1) in subsection (a)—

22 (A) in paragraph (3)—

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

- 1 (ii) in subparagraph (C)(i), by strik-
- 2 ing “subpart” and inserting “chapter”; and
- 3 (B) in paragraph (4)(C), by striking “sub-
- 4 part” each place it appears and inserting “chap-
- 5 ter”; and
- 6 (2) in subsection (c)—
- 7 (A) in paragraph (1)(B), by striking “sub-
- 8 part 1 of part D” and inserting “chapter A of
- 9 subpart 3”; and
- 10 (B) in paragraph (2), by striking “part”
- 11 and inserting “subpart”.

12 **SEC. 126. TARGETED GRANTS TO LOCAL EDUCATIONAL**

13 **AGENCIES.**

14 *Section 1125 (20 U.S.C. 6335) is amended—*

- 15 (1) in subsection (c)(2)—
- 16 (A) in subparagraph (B)—
- 17 (i) in clause (i), by striking “15.58”
- 18 and inserting “15.59”;
- 19 (ii) in clause (ii)—
- 20 (I) by striking “15.58” and in-
- 21 serting “15.59”; and
- 22 (II) by striking “22.11” and in-
- 23 serting “22.12”;
- 24 (iii) in clause (iii)—

1 (I) by striking “22.11” and in-
2 serting “22.12”; and

3 (II) by striking “30.16” and in-
4 serting “30.17”;

5 (iv) in clause (iv)—

6 (I) by striking “30.16” and in-
7 serting “30.17”; and

8 (II) by striking “38.24” and in-
9 serting “38.25”; and

10 (v) in clause (v), by striking “38.24”
11 and inserting “38.25”;

12 (B) in subparagraph (C)—

13 (i) in clause (i), by striking “691” and
14 inserting “692”;

15 (ii) in clause (ii)—

16 (I) by striking “692” and insert-
17 ing “693”; and

18 (II) by striking “2,262” and in-
19 serting “2,263”;

20 (iii) in clause (iii)—

21 (I) by striking “2,263” and in-
22 serting “2,264”; and

23 (II) by striking “7,851” and in-
24 serting “7,852”;

25 (iv) in clause (iv)—

1 (I) by striking “7,852” and in-
2 serting “7,853”; and

3 (II) by striking “35,514” and in-
4 serting “35,515”; and

5 (v) in clause (v), by striking “35,514”
6 and inserting “35,515”; and

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

8 “(f) APPLICATION.—

9 “(1) IN GENERAL.—The percentage and number
10 ranges described in subparagraphs (B) and (C) of
11 subsection (c)(2) shall be applied with respect to fiscal
12 years 2016, 2017, 2018, 2019, 2020, and 2021 as such
13 percentages and numbers were in effect on the day be-
14 fore the date of the enactment of the Student Success
15 Act.

16 “(2) SECRETARY’S CERTIFICATION.—For fiscal
17 year 2022 and each subsequent fiscal year, the per-
18 centage and number ranges described in subpara-
19 graphs (B) and (C) of subsection (c)(2) shall be ap-
20 plied as such percentages and numbers were in effect
21 on the day before the date of the enactment of the Stu-
22 dent Success Act unless the Secretary certifies that
23 amendments made to such percentages and numbers
24 by the Student Success Act will not result in harm
25 to any school district.”.

1 **SEC. 127. ADEQUACY OF FUNDING TO LOCAL EDUCATIONAL**
2 **AGENCIES IN FISCAL YEARS AFTER FISCAL**
3 **YEAR 2001.**

4 *Section 1125AA (20 U.S.C. 6336) is amended to read*
5 *as follows:*

6 **“SEC. 1125AA. ADEQUACY OF FUNDING TO LOCAL EDU-**
7 **CATIONAL AGENCIES IN FISCAL YEARS AFTER**
8 **FISCAL YEAR 2001.**

9 *“(a) LIMITATION OF ALLOCATION.—Pursuant to sec-*
10 *tion 1122, the total amount allocated in any fiscal year*
11 *after fiscal year 2001 for programs and activities under this*
12 *subpart shall not exceed the amount allocated in fiscal year*
13 *2001 for such programs and activities unless the amount*
14 *available for targeted grants to local educational agencies*
15 *under section 1125 in the applicable fiscal year meets the*
16 *requirements of section 1122(a).*

17 *“(b) FINDINGS.—Congress makes the following find-*
18 *ings:*

19 *“(1) The formulas for distributing Targeted and*
20 *Education Finance Incentive grants use two*
21 *weighting systems, one based on the percentage of the*
22 *aged 5-17 population in a local educational agency*
23 *that is eligible to receive funds under this title (per-*
24 *centage weighting), and another based on the absolute*
25 *number of such students (number weighting). Which-*
26 *ever of these weighting systems results in the highest*

1 *total weighted formula student count for a local edu-*
2 *catational agency is the weighting system used for that*
3 *agency in the final allocation of Targeted and Edu-*
4 *cation Finance Incentive Grant funds.*

5 *“(2) The Congressional Research Service has*
6 *said the number weighting alternative is generally*
7 *more favorable to large local educational agencies*
8 *with much larger counts of eligible children, but not*
9 *necessarily higher concentrations, weighted at the*
10 *highest point in the scale than smaller local edu-*
11 *catational agencies with smaller counts, but higher con-*
12 *centrations, of eligible children.*

13 *“(3) The current percentage and number*
14 *weighting scales are based on the most current data*
15 *available in 2001 on the distribution of eligible chil-*
16 *dren across local educational agencies.*

17 *“(4) Prior to the date of the enactment of the*
18 *Student Success Act, Congress expects updated data to*
19 *be available, which will provide Congress an oppor-*
20 *tunity to update these scales based on such data.*

21 *“(5) When these scales are updated, Congress has*
22 *a further obligation to evaluate the use of percentage*
23 *and number weighting to ensure the most equitable*
24 *distribution of Targeted and Education Finance In-*
25 *centive Grant funds to local educational agencies.”.*

1 **SEC. 128. EDUCATION FINANCE INCENTIVE GRANT PRO-**
2 **GRAM.**

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

4 *(1) by striking “part” each place it appears and*
5 *inserting “subpart”;*

6 *(2) in subsection (b)(1)—*

7 *(A) in subparagraph (A), by striking “ap-*
8 *propriated pursuant to subsection (f)” and in-*
9 *serting “made available for any fiscal year to*
10 *carry out this section”; and*

11 *(B) in subparagraph (B)(i), by striking*
12 *“total appropriations” and inserting “the total*
13 *amount reserved under section 1122(a) to carry*
14 *out this section”;*

15 *(3) by striking subsections (a), (e), and (f) and*
16 *redesignating subsections (b), (c), (d), and (g) as sub-*
17 *sections (a), (b), (c), and (d), respectively;*

18 *(4) in subsection (b), as so redesignated, by re-*
19 *designating subparagraphs (A) and (B) as para-*
20 *graphs (1) and (2), respectively;*

21 *(5) in subsection (c), as so redesignated—*

22 *(A) in paragraph (1)(B)—*

23 *(i) in clause (ii)—*

24 *(I) in subclause (I), by striking*
25 *“15.58” and inserting “15.59”;*

26 *(II) in subclause (II)—*

1 (aa) by striking “15.58” and
2 inserting “15.59”; and

3 (bb) by striking “22.11” and
4 inserting “22.12”;

5 (III) in subclause (III)—

6 (aa) by striking “22.11” and
7 inserting “22.12”; and

8 (bb) by striking “30.16” and
9 inserting “30.17”;

10 (IV) in subclause (IV)—

11 (aa) by striking “30.16” and
12 inserting “30.17”; and

13 (bb) by striking “38.24” and
14 inserting “38.25”; and

15 (V) in subclause (V), by striking
16 “38.24” and inserting “38.25”; and

17 (ii) in clause (iii)—

18 (I) in subclause (I), by striking
19 “691” and inserting “692”;

20 (II) in subclause (II)—

21 (aa) by striking “692” and
22 inserting “693”; and

23 (bb) by striking “2,262” and
24 inserting “2,263”;

25 (III) in subclause (III)—

1 (aa) by striking “2,263” and
2 inserting “2,264”; and

3 (bb) by striking “7,851” and
4 inserting “7,852”;

5 (IV) in subclause (IV)—

6 (aa) by striking “7,852” and
7 inserting “7,853”; and

8 (bb) by striking “35,514”
9 and inserting “35,515”; and

10 (V) in subclause (V), by striking
11 “35,514” and inserting “35,515”;

12 (B) in paragraph (2)(B)—

13 (i) in clause (ii)—

14 (I) in subclause (I), by striking
15 “15.58” and inserting “15.59”;

16 (II) in subclause (II)—

17 (aa) by striking “15.58” and
18 inserting “15.59”; and

19 (bb) by striking “22.11” and
20 inserting “22.12”;

21 (III) in subclause (III)—

22 (aa) by striking “22.11” and
23 inserting “22.12”; and

24 (bb) by striking “30.16” and
25 inserting “30.17”;

- 1 (IV) in subclause (IV)—
2 (aa) by striking “30.16” and
3 inserting “30.17”; and
4 (bb) by striking “38.24” and
5 inserting “38.25”; and
6 (V) in subclause (V), by striking
7 “38.24” and inserting “38.25”; and
8 (ii) in clause (iii)—
9 (I) in subclause (I), by striking
10 “691” and inserting “692”;
11 (II) in subclause (II)—
12 (aa) by striking “692” and
13 inserting “693”; and
14 (bb) by striking “2,262” and
15 inserting “2,263”;
16 (III) in subclause (III)—
17 (aa) by striking “2,263” and
18 inserting “2,264”; and
19 (bb) by striking “7,851” and
20 inserting “7,852”;
21 (IV) in subclause (IV)—
22 (aa) by striking “7,852” and
23 inserting “7,853”; and
24 (bb) by striking “35,514”
25 and inserting “35,515”; and

1 (V) in subclause (V), by striking
2 “35,514” and inserting “35,515”; and
3 (C) in paragraph (3)(B)—
4 (i) in clause (ii)—
5 (I) in subclause (I), by striking
6 “15.58” and inserting “15.59”;
7 (II) in subclause (II)—
8 (aa) by striking “15.58” and
9 inserting “15.59”; and
10 (bb) by striking “22.11” and
11 inserting “22.12”;
12 (III) in subclause (III)—
13 (aa) by striking “22.11” and
14 inserting “22.12”; and
15 (bb) by striking “30.16” and
16 inserting “30.17”;
17 (IV) in subclause (IV)—
18 (aa) by striking “30.16” and
19 inserting “30.17”; and
20 (bb) by striking “38.24” and
21 inserting “38.25”; and
22 (V) in subclause (V), by striking
23 “38.24” and inserting “38.25”; and
24 (ii) in clause (iii)—

1 (I) in subclause (I), by striking
2 “691” and inserting “692”;

3 (II) in subclause (II)—

4 (aa) by striking “692” and
5 inserting “693”; and

6 (bb) by striking “2,262” and
7 inserting “2,263”;

8 (III) in subclause (III)—

9 (aa) by striking “2,263” and
10 inserting “2,264”; and

11 (bb) by striking “7,851” and
12 inserting “7,852”;

13 (IV) in subclause (IV)—

14 (aa) by striking “7,852” and
15 inserting “7,853”; and

16 (bb) by striking “35,514”
17 and inserting “35,515”; and

18 (V) in subclause (V), by striking
19 “35,514” and inserting “35,515”; and

20 (6) by adding at the end the following new sub-
21 section:

22 “(e) APPLICATION.—

23 “(1) IN GENERAL.—The percentage and number
24 ranges described in clauses (ii) and (iii) of paragraph
25 (1)(B), clauses (ii) and (iii) of paragraph (2)(B), and

1 *clauses (ii) and (iii) of paragraph (3)(B) shall be ap-*
2 *plied with respect to fiscal years 2016, 2017, 2018,*
3 *2019, 2020, and 2021 as such percentages and num-*
4 *bers were in effect on the day before the date of the*
5 *enactment of the Student Success Act.*

6 *“(2) SECRETARY’S CERTIFICATION.—For fiscal*
7 *year 2022 and each subsequent fiscal year, the per-*
8 *centage and number ranges described in clauses (ii)*
9 *and (iii) of paragraph (1)(B), clauses (ii) and (iii)*
10 *of paragraph (2)(B), and clauses (ii) and (iii) of*
11 *paragraph (3)(B) shall be applied as such percentages*
12 *and numbers were in effect on the day before the date*
13 *of the enactment of the Student Success Act unless the*
14 *Secretary certifies that amendments made to such*
15 *percentages and numbers by the Student Success Act*
16 *will not result in harm to any school district.”.*

17 **SEC. 129. CARRYOVER AND WAIVER.**

18 *Section 1127 (20 U.S.C. 6339) is amended by striking*
19 *“subpart” each place it appears and inserting “chapter”.*

20 **SEC. 130. TITLE I PORTABILITY.**

21 *Chapter B of subpart 1 of part A of title I (20 U.S.C.*
22 *6331 et seq.) is amended by adding at the end the following*
23 *new section:*

1 **“SEC. 1128. TITLE I FUNDS FOLLOW THE LOW-INCOME**
2 **CHILD STATE OPTION.**

3 *“(a) IN GENERAL.—Notwithstanding any other provi-*
4 *sion of law and to the extent permitted under State law,*
5 *a State educational agency may allocate grant funds under*
6 *this chapter among the local educational agencies in the*
7 *State based on the number of eligible children enrolled in*
8 *the public schools served by each local educational agency.*

9 *“(b) ELIGIBLE CHILD.—*

10 *“(1) DEFINITION.—In this section, the term ‘eli-*
11 *gible child’ means a child aged 5 to 17, inclusive,*
12 *from a family with an income below the poverty level*
13 *on the basis of the most recent satisfactory data pub-*
14 *lished by the Department of Commerce.*

15 *“(2) CRITERIA OF POVERTY.—In determining the*
16 *families with incomes below the poverty level for the*
17 *purposes of this section, a State educational agency*
18 *shall use the criteria of poverty used by the Census*
19 *Bureau in compiling the most recent decennial cen-*
20 *sus, as the criteria have been updated by increases in*
21 *the Consumer Price Index for All Urban Consumers,*
22 *published by the Bureau of Labor Statistics.*

23 *“(c) STUDENT ENROLLMENT IN PUBLIC SCHOOLS.—*

24 *“(1) IDENTIFICATION OF ELIGIBLE CHILDREN.—*
25 *On an annual basis, on a date to be determined by*
26 *the State educational agency, each local educational*

1 *agency that receives grant funding in accordance with*
2 *subsection (a) shall inform the State educational*
3 *agency of the number of eligible children enrolled in*
4 *public schools served by the local educational agency.*

5 *“(2) ALLOCATION TO LOCAL EDUCATIONAL AGEN-*
6 *CIES.—Based on the identification of eligible children*
7 *in paragraph (1), the State educational agency shall*
8 *provide to a local educational agency an amount*
9 *equal to the sum of the amount available for each eli-*
10 *gible child in the State multiplied by the number of*
11 *eligible children identified by the local educational*
12 *agency under paragraph (1).*

13 *“(3) DISTRIBUTION TO SCHOOLS.—Each local*
14 *educational agency that receives funds under para-*
15 *graph (2) shall distribute such funds to the public*
16 *schools served by the local educational agency—*

17 *“(A) based on the number of eligible chil-*
18 *dren enrolled in such schools; and*

19 *“(B) in a manner that would, in the ab-*
20 *sence of such Federal funds, supplement the*
21 *funds made available from non-Federal resources*
22 *for the education of pupils participating in pro-*
23 *grams under this subpart, and not to supplant*
24 *such funds.”.*

1 ***Subtitle C—Additional Aid to***
2 ***States and School Districts***

3 **SEC. 131. ADDITIONAL AID.**

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

7 (1) *by striking parts B through D and F through*
8 *H; and*

9 (2) *by inserting after subpart 1 of part A the fol-*
10 *lowing:*

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

12 ***“SEC. 1131. PROGRAM PURPOSES.***

13 *“The purposes of this subpart are as follows:*

14 (1) *To assist States in supporting high-quality*
15 *and comprehensive educational programs and services*
16 *during the school year, and as applicable, during*
17 *summer or intercession periods, that address the*
18 *unique educational needs of migratory children.*

19 (2) *To ensure that migratory children who*
20 *move among the States, not be penalized in any man-*
21 *ner by disparities among the States in curriculum,*
22 *graduation requirements, and State academic stand-*
23 *ards.*

24 (3) *To help such children succeed in school,*
25 *meet the State academic standards that all children*

1 *are expected to meet, and graduate from high school*
2 *prepared for postsecondary education and the work-*
3 *force without the need for remediation.*

4 *“(4) To help such children overcome educational*
5 *disruption, cultural and language barriers, social iso-*
6 *lation, various health-related problems, and other fac-*
7 *tors that inhibit the ability of such children to succeed*
8 *in school.*

9 *“(5) To help such children benefit from State*
10 *and local systemic reforms.*

11 **“SEC. 1132. PROGRAM AUTHORIZED.**

12 *“(a) IN GENERAL.—From the amounts appropriated*
13 *under section 3(a)(1), the Secretary shall reserve 2.45 per-*
14 *cent to carry out this subpart.*

15 *“(b) GRANTS AWARDED.—From the amounts reserved*
16 *under subsection (a) and not reserved under section 1138(c),*
17 *the Secretary shall make allotments for the fiscal year to*
18 *State educational agencies, or consortia of such agencies,*
19 *to establish or improve, directly or through local operating*
20 *agencies, programs of education for migratory children in*
21 *accordance with this subpart.*

22 **“SEC. 1133. STATE ALLOCATIONS.**

23 *“(a) STATE ALLOCATIONS.—Except as provided in*
24 *subsection (c), each State (other than the Commonwealth*

1 of Puerto Rico) is entitled to receive under this subpart an
2 amount equal to the product of—

3 “(1) the sum of—

4 “(A) the average number of identified eligi-
5 ble full-time equivalent migratory children aged
6 3 through 21 residing in the State, based on data
7 for the preceding 3 years; and

8 “(B) the number of identified eligible mi-
9 gratory children, aged 3 through 21, who re-
10 ceived services under this subpart in summer or
11 intersession programs provided by the State dur-
12 ing the previous year; multiplied by

13 “(2) 40 percent of the average per-pupil expendi-
14 ture in the State, except that the amount determined
15 under this paragraph shall not be less than 32 per-
16 cent, nor more than 48 percent, of the average per-
17 pupil expenditure in the United States.

18 “(b) *HOLD HARMLESS.*—Notwithstanding subsection
19 (a), for each of fiscal years 2016 through 2018, no State
20 shall receive less than 90 percent of the State’s allocation
21 under this section for the previous year.

22 “(c) *ALLOCATION TO PUERTO RICO.*—For each fiscal
23 year, the grant which the Commonwealth of Puerto Rico
24 shall be eligible to receive under this subpart shall be the
25 amount determined by multiplying the number of children

1 *who would be counted under subsection (a)(1) if such sub-*
2 *section applied to the Commonwealth of Puerto Rico by the*
3 *product of—*

4 “(1) *the percentage that the average per-pupil*
5 *expenditure in the Commonwealth of Puerto Rico is*
6 *of the lowest average per-pupil expenditure of any of*
7 *the 50 States, except that the percentage calculated*
8 *under this subparagraph shall not be less than 85*
9 *percent; and*

10 “(2) *32 percent of the average per-pupil expendi-*
11 *ture in the United States.*

12 “(d) *RATABLE REDUCTIONS; REALLOCATIONS.—*

13 “(1) *IN GENERAL.—*

14 “(A) *RATABLE REDUCTIONS.—If, after the*
15 *Secretary reserves funds under section 1138(c),*
16 *the amount appropriated to carry out this sub-*
17 *part for any fiscal year is insufficient to pay in*
18 *full the amounts for which all States are eligible,*
19 *the Secretary shall ratably reduce each such*
20 *amount.*

21 “(B) *REALLOCATION.—If additional funds*
22 *become available for making such payments for*
23 *any fiscal year, the Secretary shall allocate such*
24 *funds to States in amounts that the Secretary*

1 *determines will best carry out the purpose of this*
2 *subpart.*

3 “(2) *SPECIAL RULE.*—

4 “(A) *FURTHER REDUCTIONS.*—*The Sec-*
5 *retary shall further reduce the amount of any*
6 *grant to a State under this subpart for any fis-*
7 *cal year if the Secretary determines, based on*
8 *available information on the numbers and needs*
9 *of migratory children in the State and the pro-*
10 *gram proposed by the State to address such*
11 *needs, that such amount exceeds the amount re-*
12 *quired under section 1134.*

13 “(B) *REALLOCATION.*—*The Secretary shall*
14 *reallocate such excess funds to other States whose*
15 *grants under this subpart would otherwise be in-*
16 *sufficient to provide an appropriate level of serv-*
17 *ices to migratory children, in such amounts as*
18 *the Secretary determines are appropriate.*

19 “(e) *CONSORTIUM ARRANGEMENTS.*—

20 “(1) *IN GENERAL.*—*In the case of a State that*
21 *receives a grant of \$1,000,000 or less under this sec-*
22 *tion, the Secretary shall consult with the State edu-*
23 *cational agency to determine whether consortium ar-*
24 *rangements with another State or other appropriate*

1 *entity would result in delivery of services in a more*
2 *effective and efficient manner.*

3 “(2) *PROPOSALS.—Any State, regardless of the*
4 *amount of such State’s allocation, may submit a con-*
5 *sortium arrangement to the Secretary for approval.*

6 “(3) *APPROVAL.—The Secretary shall approve a*
7 *consortium arrangement under paragraph (1) or (2)*
8 *if the proposal demonstrates that the arrangement*
9 *will—*

10 “(A) *reduce administrative costs or pro-*
11 *gram function costs for State programs; and*

12 “(B) *make more funds available for direct*
13 *services to add substantially to the educational*
14 *achievement of children to be served under this*
15 *subpart.*

16 “(f) *DETERMINING NUMBERS OF ELIGIBLE CHIL-*
17 *DREN.—In order to determine the identified number of mi-*
18 *gratory children residing in each State for purposes of this*
19 *section, the Secretary shall—*

20 “(1) *use the most recent information that most*
21 *accurately reflects the actual number of migratory*
22 *children;*

23 “(2) *develop and implement a procedure for*
24 *monitoring the accuracy of such information;*

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

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

7 “(A) the unique needs of those children par-
8 ticipating in evidence-based or other effective
9 special programs provided under this subpart
10 that operate during the summer and intersession
11 periods; and

12 “(B) the additional costs of operating such
13 programs; and

14 “(5) conduct an analysis of the options for ad-
15 justing the formula so as to better direct services to
16 migratory children, including the most at-risk migra-
17 tory children.

18 “(g) *NONPARTICIPATING STATES.*—In the case of a
19 State desiring to receive an allocation under this subpart
20 for a fiscal year that did not receive an allocation for the
21 previous fiscal year or that has been participating for less
22 than 3 consecutive years, the Secretary shall calculate the
23 State’s number of identified migratory children aged 3
24 through 21 for purposes of subsection (a)(1)(A) by using
25 the most recent data available that identifies the migratory

1 *children residing in the State until data is available to cal-*
2 *culate the 3-year average number of such children in ac-*
3 *cordance with such subsection.*

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

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

9 “(b) *PROGRAM INFORMATION.*—*Each such application*
10 *shall include—*

11 “(1) *a description of how, in planning, imple-*
12 *menting, and evaluating programs and projects as-*
13 *sisted under this subpart, the State and its local oper-*
14 *ating agencies will ensure that the unique educational*
15 *needs of migratory children, including preschool mi-*
16 *gratory children, are identified and addressed*
17 *through—*

18 “(A) *the full range of services that are*
19 *available for migratory children from appro-*
20 *priate local, State, and Federal educational pro-*
21 *grams;*

22 “(B) *joint planning among local, State, and*
23 *Federal educational programs serving migratory*
24 *children, including language instruction edu-*

1 *educational programs under chapter A of subpart 4;*
2 *and*

3 “(C) *the integration of services available*
4 *under this subpart with services provided by*
5 *those other programs;*

6 “(2) *a description of the steps the State is taking*
7 *to provide all migratory students with the oppor-*
8 *tunity to meet the same State academic standards*
9 *that all children are expected to meet;*

10 “(3) *a description of how the State will use*
11 *funds received under this subpart to promote inter-*
12 *state and intrastate coordination of services for mi-*
13 *gratory children, including how the State will provide*
14 *for educational continuity through the timely transfer*
15 *of pertinent school records, including information on*
16 *health, when children move from one school to an-*
17 *other, whether or not such a move occurs during the*
18 *regular school year;*

19 “(4) *a description of the State’s priorities for the*
20 *use of funds received under this subpart, and how*
21 *such priorities relate to the State’s assessment of*
22 *needs for services in the State;*

23 “(5) *a description of how the State will deter-*
24 *mine the amount of any subgrants the State will*
25 *award to local operating agencies, taking into ac-*

1 *count the numbers and needs of migratory children,*
2 *the requirements of subsection (d), and the avail-*
3 *ability of funds from other Federal, State, and local*
4 *programs; and*

5 *“(6) a description of how the State will encour-*
6 *age programs and projects assisted under this subpart*
7 *to offer family literacy services if the programs and*
8 *projects serve a substantial number of migratory chil-*
9 *dren whose parents do not have a regular high school*
10 *diploma or its recognized equivalent or who have low*
11 *levels of literacy.*

12 *“(c) ASSURANCES.—Each such application shall also*
13 *include assurances that—*

14 *“(1) funds received under this subpart will be*
15 *used only—*

16 *“(A) for programs and projects, including*
17 *the acquisition of equipment, in accordance with*
18 *section 1136; and*

19 *“(B) to coordinate such programs and*
20 *projects with similar programs and projects*
21 *within the State and in other States, as well as*
22 *with other Federal programs that can benefit mi-*
23 *gratory children and their families;*

24 *“(2) such programs and projects will be carried*
25 *out in a manner consistent with the objectives of sec-*

1 *tion 1114, subsections (b) and (d) of section 1115,*
2 *subsections (b) and (c) of section 1120A, and part C;*

3 *“(3) in the planning and operation of programs*
4 *and projects at both the State and local agency oper-*
5 *ating level, there is consultation with parents of mi-*
6 *gratory children for programs of not less than one*
7 *school year in duration, and that all such programs*
8 *and projects are carried out—*

9 *“(A) in a manner that provides for the*
10 *same parental involvement as is required for*
11 *programs and projects under section 1118, unless*
12 *extraordinary circumstances make such provi-*
13 *sion impractical; and*

14 *“(B) in a format and language understand-*
15 *able to the parents;*

16 *“(4) in planning and carrying out such pro-*
17 *grams and projects, there has been, and will be, ade-*
18 *quate provision for addressing the unmet education*
19 *needs of preschool migratory children;*

20 *“(5) the effectiveness of such programs and*
21 *projects will be determined, where feasible, using the*
22 *same approaches and standards that will be used to*
23 *assess the performance of students, schools, and local*
24 *educational agencies under subpart 1;*

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

3 “(A) advocacy and outreach activities for
4 migratory children and their families, including
5 informing such children and families of, or help-
6 ing such children and families gain access to,
7 other education, health, nutrition, and social
8 services;

9 “(B) professional development programs, in-
10 cluding mentoring, for teachers and other pro-
11 gram personnel;

12 “(C) high-quality, evidence-based family lit-
13 eracy programs;

14 “(D) the integration of information tech-
15 nology into educational and related programs;
16 and

17 “(E) programs to facilitate the transition of
18 secondary school students to postsecondary edu-
19 cation or employment without the need for reme-
20 diation; and

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

24 “(d) *PRIORITY FOR SERVICES.*—In providing services
25 with funds received under this subpart, each recipient of

1 *such funds shall give priority to migratory children who*
2 *are failing, or most at risk of failing, to meet the State’s*
3 *academic standards under section 1111(b)(1).*

4 “(e) *CONTINUATION OF SERVICES.—Notwithstanding*
5 *any other provision of this subpart—*

6 “(1) *a child who ceases to be a migratory child*
7 *during a school term shall be eligible for services until*
8 *the end of such term;*

9 “(2) *a child who is no longer a migratory child*
10 *may continue to receive services for one additional*
11 *school year, but only if comparable services are not*
12 *available through other programs; and*

13 “(3) *secondary school students who were eligible*
14 *for services in secondary school may continue to be*
15 *served through credit accrual programs until gradua-*
16 *tion.*

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

18 “*The Secretary shall approve each State application*
19 *that meets the requirements of this subpart, and may review*
20 *any such application using a peer review process.*

21 **“SEC. 1136. COMPREHENSIVE NEEDS ASSESSMENT AND**
22 **SERVICE-DELIVERY PLAN; AUTHORIZED AC-**
23 **TIVITIES.**

24 “(a) *COMPREHENSIVE PLAN.—*

1 “(1) *IN GENERAL.*—*Each State that receives as-*
2 *stance under this subpart shall ensure that the State*
3 *and its local operating agencies identify and address*
4 *the unique educational needs of migratory children in*
5 *accordance with a comprehensive State plan that—*

6 “(A) *is integrated with other programs*
7 *under this Act or other Acts, as appropriate;*

8 “(B) *may be submitted as a part of a con-*
9 *solidated application under section 6302, if—*

10 “(i) *the unique needs of migratory*
11 *children are specifically addressed in the*
12 *comprehensive State plan;*

13 “(ii) *the comprehensive State plan is*
14 *developed in collaboration with parents of*
15 *migratory children; and*

16 “(iii) *the comprehensive State plan is*
17 *not used to supplant State efforts regarding,*
18 *or administrative funding for, this subpart;*

19 “(C) *provides that migratory children will*
20 *have an opportunity to meet the same State aca-*
21 *ademic standards under section 1111(b)(1) that*
22 *all children are expected to meet;*

23 “(D) *specifies measurable program goals*
24 *and outcomes;*

1 “(E) encompasses the full range of services
2 that are available for migratory children from
3 appropriate local, State, and Federal edu-
4 cational programs;

5 “(F) is the product of joint planning among
6 such local, State, and Federal programs, includ-
7 ing programs under subpart 1, early childhood
8 programs, and language instruction educational
9 programs under chapter A of subpart 4; and

10 “(G) provides for the integration of services
11 available under this subpart with services pro-
12 vided by such other programs.

13 “(2) *DURATION OF THE PLAN.*—Each such com-
14 prehensive State plan shall—

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

17 “(B) be periodically reviewed and revised
18 by the State, as necessary, to reflect changes in
19 the State’s strategies and programs under this
20 subpart.

21 “(b) *AUTHORIZED ACTIVITIES.*—

22 “(1) *FLEXIBILITY.*—In implementing the com-
23 prehensive plan described in subsection (a), each
24 State educational agency, where applicable through
25 its local educational agencies, retains the flexibility to

1 *determine the activities to be provided with funds*
2 *made available under this subpart, except that such*
3 *funds first shall be used to meet the identified needs*
4 *of migratory children that result from their migratory*
5 *lifestyle, and to permit these children to participate*
6 *effectively in school.*

7 “(2) *UNADDRESSED NEEDS.—Funds provided*
8 *under this subpart shall be used to address the needs*
9 *of migratory children that are not addressed by serv-*
10 *ices available from other Federal or non-Federal pro-*
11 *grams, except that migratory children who are eligible*
12 *to receive services under subpart 1 may receive those*
13 *services through funds provided under that subpart,*
14 *or through funds under this subpart that remain after*
15 *the agency addresses the needs described in paragraph*
16 *(1).*

17 “(3) *CONSTRUCTION.—Nothing in this subpart*
18 *shall be construed to prohibit a local educational*
19 *agency from serving migratory children simulta-*
20 *neously with students with similar educational needs*
21 *in the same educational settings, where appropriate.*

22 **“SEC. 1137. BYPASS.**

23 *“The Secretary may use all or part of any State’s allo-*
24 *cation under this subpart to make arrangements with any*

1 *public or private agency to carry out the purpose of this*
2 *subpart in such State if the Secretary determines that—*

3 “(1) *the State is unable or unwilling to conduct*
4 *educational programs for migratory children;*

5 “(2) *such arrangements would result in more ef-*
6 *ficient and economic administration of such pro-*
7 *grams; or*

8 “(3) *such arrangements would add substantially*
9 *to the educational achievement of such children.*

10 **“SEC. 1138. COORDINATION OF MIGRATORY EDUCATION AC-**
11 **TIVITIES.**

12 “(a) *IMPROVEMENT OF COORDINATION.—*

13 “(1) *IN GENERAL.—The Secretary, in consulta-*
14 *tion with the States, may make grants to, or enter*
15 *into contracts with, State educational agencies, local*
16 *educational agencies, institutions of higher education,*
17 *and other public and private entities to improve the*
18 *interstate and intrastate coordination among such*
19 *agencies’ educational programs, including through the*
20 *establishment or improvement of programs for credit*
21 *accrual and exchange, available to migratory stu-*
22 *dents.*

23 “(2) *DURATION.—Grants or contracts under this*
24 *subsection may be awarded for not more than 5 years.*

25 “(b) *STUDENT RECORDS.—*

1 “(1) *ASSISTANCE.*—*The Secretary shall assist*
2 *States in developing and maintaining an effective*
3 *system for the electronic transfer of student records*
4 *and in determining the number of migratory children*
5 *in each State.*

6 “(2) *INFORMATION SYSTEM.*—

7 “(A) *IN GENERAL.*—*The Secretary, in con-*
8 *sultation with the States, shall ensure the linkage*
9 *of migratory student record systems for the pur-*
10 *pose of electronically exchanging, among the*
11 *States, health and educational information re-*
12 *garding all migratory students. The Secretary*
13 *shall ensure such linkage occurs in a cost-effec-*
14 *tive manner, utilizing systems used by the States*
15 *prior to, or developed after, the date of the enact-*
16 *ment of this Act. The Secretary shall determine*
17 *the minimum data elements that each State re-*
18 *ceiving funds under this subpart shall collect and*
19 *maintain. Such minimum data elements may*
20 *include—*

21 “(i) *immunization records and other*
22 *health information;*

23 “(ii) *elementary and secondary aca-*
24 *demic history (including partial credit),*

1 *credit accrual, and results from State as-*
2 *sessments required under section 1111(b)(2);*

3 *“(iii) other academic information es-*
4 *sential to ensuring that migratory children*
5 *achieve to the States’s academic standards;*
6 *and*

7 *“(iv) eligibility for services under the*
8 *Individuals with Disabilities Education*
9 *Act.*

10 *“(B) The Secretary shall consult with*
11 *States before updating the data elements that*
12 *each State receiving funds under this subpart*
13 *shall be required to collect for purposes of elec-*
14 *tronic transfer of migratory student information*
15 *and the requirements that States shall meet for*
16 *immediate electronic access to such information.*

17 *“(3) NO COST FOR CERTAIN TRANSFERS.—A*
18 *State educational agency or local educational agency*
19 *receiving assistance under this subpart shall make*
20 *student records available to another State educational*
21 *agency or local educational agency that requests the*
22 *records at no cost to the requesting agency, if the re-*
23 *quest is made in order to meet the needs of a migra-*
24 *tory child.*

25 *“(4) REPORT TO CONGRESS.—*

1 “(A) *IN GENERAL.*—Not later than April
2 30, 2016, the Secretary shall report to the Com-
3 mittee on Health, Education, Labor, and Pen-
4 sions of the Senate and the Committee on Edu-
5 cation and the Workforce of the House of Rep-
6 resentatives the Secretary’s findings and rec-
7 ommendations regarding the maintenance and
8 transfer of health and educational information
9 for migratory students by the States.

10 “(B) *REQUIRED CONTENTS.*—The Secretary
11 shall include in such report—

12 “(i) a review of the progress of States
13 in developing and linking electronic records
14 transfer systems;

15 “(ii) recommendations for maintaining
16 such systems; and

17 “(iii) recommendations for improving
18 the continuity of services provided for mi-
19 gratory students.

20 “(c) *AVAILABILITY OF FUNDS.*—The Secretary shall
21 reserve not more than \$10,000,000 of the amount reserved
22 under section 1132 to carry out this section for each fiscal
23 year.

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

4 “**SEC. 1139. DEFINITIONS.**

5 “*As used in this subpart:*

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

8 “(A) *a local educational agency to which a*
9 *State educational agency makes a subgrant*
10 *under this subpart;*

11 “(B) *a public or private agency with which*
12 *a State educational agency or the Secretary*
13 *makes an arrangement to carry out a project*
14 *under this subpart; or*

15 “(C) *a State educational agency, if the*
16 *State educational agency operates the State’s mi-*
17 *gratory education program or projects directly.*

18 “(2) *MIGRATORY CHILD.*—*The term ‘migratory*
19 *child’ means a child who is, or whose parent or*
20 *spouse is, a migratory agricultural worker, including*
21 *a migratory dairy worker, or a migratory fisher, and*
22 *who, in the preceding 36 months, in order to obtain,*
23 *or accompany such parent or spouse, in order to ob-*
24 *tain, temporary or seasonal employment in agricul-*
25 *tural or fishing work—*

1 “(A) has moved from one school district to
2 another;

3 “(B) in a State that is comprised of a sin-
4 gular school district, has moved from one adminis-
5 trative area to another within such district; or

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

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

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

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

15 “(1) to improve educational services for children
16 and youth in local and State institutions for ne-
17 glected or delinquent children and youth so that such
18 children and youth have the opportunity to meet the
19 same State academic standards that all children in
20 the State are expected to meet;

21 “(2) to provide such children and youth with the
22 services needed to make a successful transition from
23 institutionalization to further schooling or employ-
24 ment; and

1 “(3) to prevent at-risk youth from dropping out
2 of school, and to provide dropouts, and children and
3 youth returning from correctional facilities or institu-
4 tions for neglected or delinquent children and youth,
5 with a support system to ensure their continued edu-
6 cation.

7 “(b) *PROGRAM AUTHORIZED.*—From amounts appro-
8 priated under section 3(a)(1), the Secretary shall reserve
9 0.31 of one percent to carry out this subpart.

10 “(c) *GRANTS AWARDED.*—From the amounts reserved
11 under subsection (b) and not reserved under section 1004
12 and section 1159, the Secretary shall make grants to State
13 educational agencies that have plans submitted under sec-
14 tion 1154 approved to enable such agencies to award sub-
15 grants to State agencies and local educational agencies to
16 establish or improve programs of education for neglected,
17 delinquent, or at-risk children and youth.

18 “**SEC. 1142. PAYMENTS FOR PROGRAMS UNDER THIS SUB-**

19 **PART.**

20 “(a) *AGENCY SUBGRANTS.*—Based on the allocation
21 amount computed under section 1152, the Secretary shall
22 allocate to each State educational agency an amount nec-
23 essary to make subgrants to State agencies under chapter
24 A.

1 “(b) *LOCAL SUBGRANTS.*—Each State shall retain, for
2 the purpose of carrying out chapter B, funds generated
3 throughout the State under subpart 1 of this part based on
4 children and youth residing in local correctional facilities,
5 or attending community day programs for delinquent chil-
6 dren and youth.

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

8 **“SEC. 1151. ELIGIBILITY.**

9 “A State agency is eligible for assistance under this
10 chapter if such State agency is responsible for providing
11 free public education for children and youth—

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

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

16 “(3) in adult correctional institutions.

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

18 “(a) *SUBGRANTS TO STATE AGENCIES.*—

19 “(1) *IN GENERAL.*—Each State agency described
20 in section 1151 (other than an agency in the Com-
21 monwealth of Puerto Rico) is eligible to receive a
22 subgrant under this chapter, for each fiscal year, in
23 an amount equal to the product of—

1 “(A) *the number of neglected or delinquent*
2 *children and youth described in section 1151*
3 *who—*

4 “(i) *are enrolled for at least 15 hours*
5 *per week in education programs in adult*
6 *correctional institutions; and*

7 “(ii) *are enrolled for at least 20 hours*
8 *per week—*

9 “(I) *in education programs in in-*
10 *stitutions for neglected or delinquent*
11 *children and youth; or*

12 “(II) *in community day programs*
13 *for neglected or delinquent children*
14 *and youth; and*

15 “(B) *40 percent of the average per-pupil ex-*
16 *penditure in the State, except that the amount*
17 *determined under this subparagraph shall not be*
18 *less than 32 percent, nor more than 48 percent,*
19 *of the average per-pupil expenditure in the*
20 *United States.*

21 “(2) *SPECIAL RULE.—The number of neglected*
22 *or delinquent children and youth determined under*
23 *paragraph (1) shall—*

24 “(A) *be determined by the State agency by*
25 *a deadline set by the Secretary, except that no*

1 *State agency shall be required to determine the*
 2 *number of such children and youth on a specific*
 3 *date set by the Secretary; and*

4 *“(B) be adjusted, as the Secretary deter-*
 5 *mines is appropriate, to reflect the relative*
 6 *length of such agency’s annual programs.*

7 *“(b) SUBGRANTS TO STATE AGENCIES IN PUERTO*
 8 *RICO.—*

9 *“(1) IN GENERAL.—For each fiscal year, the*
 10 *amount of the subgrant which a State agency in the*
 11 *Commonwealth of Puerto Rico shall be eligible to re-*
 12 *ceive under this chapter shall be the amount deter-*
 13 *mined by multiplying the number of children counted*
 14 *under subsection (a)(1)(A) for the Commonwealth of*
 15 *Puerto Rico by the product of—*

16 *“(A) the percentage which the average per-*
 17 *pupil expenditure in the Commonwealth of Puer-*
 18 *to Rico is of the lowest average per-pupil expend-*
 19 *iture of any of the 50 States; and*

20 *“(B) 32 percent of the average per-pupil ex-*
 21 *penditure in the United States.*

22 *“(2) MINIMUM PERCENTAGE.—The percentage in*
 23 *paragraph (1)(A) shall not be less than 85 percent.*

24 *“(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT*
 25 *APPROPRIATIONS.—If the amount reserved for any fiscal*

1 *year for subgrants under subsections (a) and (b) is insuffi-*
2 *cient to pay the full amount for which all State agencies*
3 *are eligible under such subsections, the Secretary shall rat-*
4 *ably reduce each such amount.*

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

6 *“If a State educational agency determines that a State*
7 *agency does not need the full amount of the subgrant for*
8 *which such State agency is eligible under this chapter for*
9 *any fiscal year, the State educational agency may reallocate*
10 *the amount that will not be needed to other eligible State*
11 *agencies that need additional funds to carry out the purpose*
12 *of this chapter, in such amounts as the State educational*
13 *agency shall determine.*

14 **“SEC. 1154. STATE PLAN AND STATE AGENCY APPLICA-**
15 **TIONS.**

16 *“(a) STATE PLAN.—*

17 *“(1) IN GENERAL.—Each State educational*
18 *agency that desires to receive a grant under this*
19 *chapter shall submit, for approval by the Secretary,*
20 *a plan—*

21 *“(A) for meeting the educational needs of*
22 *neglected, delinquent, and at-risk children and*
23 *youth;*

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

4 “(C) that is integrated with other programs
5 under this Act or other Acts, as appropriate.

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

7 “(A) describe how the State will assess the
8 effectiveness of the program in improving the
9 academic, career, and technical skills of children
10 in the program;

11 “(B) provide that, to the extent feasible,
12 such children will have the same opportunities to
13 achieve as such children would have if such chil-
14 dren were in the schools of local educational
15 agencies in the State;

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

19 “(D) contain an assurance that the State
20 educational agency will—

21 “(i) ensure that programs assisted
22 under this chapter will be carried out in ac-
23 cordance with the State plan described in
24 this subsection;

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

3 “(iii) ensure that the State agencies re-
4 ceiving subgrants under this chapter comply
5 with all applicable statutory and regulatory
6 requirements.

7 “(3) *DURATION OF THE PLAN.*—Each such State
8 plan shall—

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

11 “(B) be periodically reviewed and revised
12 by the State, as necessary, to reflect changes in
13 the State’s strategies and programs under this
14 chapter.

15 “(b) *SECRETARIAL APPROVAL AND PEER REVIEW.*—

16 “(1) *SECRETARIAL APPROVAL.*—The Secretary
17 shall approve each State plan that meets the require-
18 ments of this chapter.

19 “(2) *PEER REVIEW.*—The Secretary may review
20 any State plan with the assistance and advice of in-
21 dividuals with relevant expertise.

22 “(c) *STATE AGENCY APPLICATIONS.*—Any State agen-
23 cy that desires to receive funds to carry out a program
24 under this chapter shall submit an application to the State
25 educational agency that—

1 “(1) describes the procedures to be used, con-
2 sistent with the State plan under section 1111, to as-
3 sess the educational needs of the children to be served
4 under this chapter;

5 “(2) provide an assurance that in making serv-
6 ices available to children and youth in adult correc-
7 tional institutions, priority will be given to such chil-
8 dren and youth who are likely to complete incarcer-
9 ation within a 2-year period;

10 “(3) describes the program, including a budget
11 for the first year of the program, with annual updates
12 to be provided to the State educational agency;

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

15 “(5) describes how the State agency will consult
16 with experts and provide the necessary training for
17 appropriate staff, to ensure that the planning and op-
18 eration of institution-wide projects under section 1156
19 are of high quality;

20 “(6) describes how the programs will be coordi-
21 nated with other appropriate State and Federal pro-
22 grams, such as programs under title I of Public Law
23 105–220, career and technical education programs,
24 State and local dropout prevention programs, and
25 special education programs;

1 “(7) describes how the State agency will encour-
2 age correctional facilities receiving funds under this
3 chapter to coordinate with local educational agencies
4 or alternative education programs attended by incar-
5 cerated children and youth prior to and after their
6 incarceration to ensure that student assessments and
7 appropriate academic records are shared jointly be-
8 tween the correctional facility and the local edu-
9 cational agency or alternative education program;

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

12 “(9) designates an individual in each affected
13 correctional facility or institution for neglected or de-
14 linquent children and youth to be responsible for
15 issues relating to the transition of such children and
16 youth from such facility or institution to locally oper-
17 ated programs;

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

21 “(11) provides an assurance that the State agen-
22 cy will assist in locating alternative programs
23 through which students can continue their education
24 if the students are not returning to school after leav-

1 *ing the correctional facility or institution for ne-*
2 *glected or delinquent children and youth;*

3 *“(12) provides assurances that the State agency*
4 *will work with parents to secure parents’ assistance*
5 *in improving the educational achievement of their*
6 *children and youth, and preventing their children’s*
7 *and youth’s further involvement in delinquent activi-*
8 *ties;*

9 *“(13) provides an assurance that the State agen-*
10 *cy will work with children and youth with disabilities*
11 *in order to meet an existing individualized education*
12 *program and an assurance that the agency will notify*
13 *the child’s or youth’s local school if the child or*
14 *youth—*

15 *“(A) is identified as in need of special edu-*
16 *cation services while the child or youth is in the*
17 *correctional facility or institution for neglected*
18 *or delinquent children and youth; and*

19 *“(B) intends to return to the local school;*

20 *“(14) provides an assurance that the State agen-*
21 *cy will work with children and youth who dropped*
22 *out of school before entering the correctional facility*
23 *or institution for neglected or delinquent children and*
24 *youth to encourage the children and youth to reenter*
25 *school and obtain a regular high school diploma once*

1 *the term of the incarceration is completed, or provide*
2 *the child or youth with the skills necessary to gain*
3 *employment, continue the education of the child or*
4 *youth, or obtain a regular high school diploma or its*
5 *recognized equivalent if the child or youth does not*
6 *intend to return to school;*

7 *“(15) provides an assurance that effective teach-*
8 *ers and other qualified staff are trained to work with*
9 *children and youth with disabilities and other stu-*
10 *dents with special needs taking into consideration the*
11 *unique needs of such students;*

12 *“(16) describes any additional services to be pro-*
13 *vided to children and youth, such as career coun-*
14 *seling, distance education, and assistance in securing*
15 *student loans and grants; and*

16 *“(17) provides an assurance that the program*
17 *under this chapter will be coordinated with any pro-*
18 *grams operated under the Juvenile Justice and Delin-*
19 *quency Prevention Act of 1974 (42 U.S.C. 5601 et*
20 *seq.) or other comparable programs, if applicable.*

21 **“SEC. 1155. USE OF FUNDS.**

22 *“(a) USES.—*

23 *“(1) IN GENERAL.—A State agency shall use*
24 *funds received under this chapter only for programs*
25 *and projects that—*

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

3 “(B) concentrate on providing participants
4 with the knowledge and skills needed to make a
5 successful transition to secondary school comple-
6 tion, career and technical education, further edu-
7 cation, or employment without the need for re-
8 mediation.

9 “(2) PROGRAMS AND PROJECTS.—Such programs
10 and projects—

11 “(A) may include the acquisition of equip-
12 ment;

13 “(B) shall be designed to support edu-
14 cational services that—

15 “(i) except for institution-wide projects
16 under section 1156, are provided to children
17 and youth identified by the State agency as
18 failing, or most at-risk of failing, to meet
19 the State’s academic standards;

20 “(ii) supplement and improve the
21 quality of the educational services provided
22 to such children and youth by the State
23 agency; and

1 “(iii) afford such children and youth
2 an opportunity to meet State academic
3 standards; and

4 “(C) shall be carried out in a manner con-
5 sistent with section 1120A and part C (as ap-
6 plied to programs and projects under this chap-
7 ter).

8 “(b) SUPPLEMENT, NOT SUPPLANT.—A program
9 under this chapter that supplements the number of hours
10 of instruction students receive from State and local sources
11 shall be considered to comply with the supplement, not sup-
12 plant requirement of section 1120A (as applied to this chap-
13 ter) without regard to the subject areas in which instruction
14 is given during those hours.

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

16 “A State agency that provides free public education
17 for children and youth in an institution for neglected or
18 delinquent children and youth (other than an adult correc-
19 tional institution) or attending a community day program
20 for such children and youth may use funds received under
21 this chapter to serve all children in, and upgrade the entire
22 educational effort of, that institution or program if the
23 State agency has developed, and the State educational agen-
24 cy has approved, a comprehensive plan for that institution
25 or program that—

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

4 “(2) provides for a comprehensive assessment of
5 the educational needs of youth aged 20 and younger
6 in adult facilities who are expected to complete incar-
7 ceration within a 2-year period;

8 “(3) describes the steps the State agency has
9 taken, or will take, to provide all children and youth
10 under age 21 with the opportunity to meet State aca-
11 demic standards in order to improve the likelihood
12 that the children and youth will complete secondary
13 school, obtain a regular high school diploma or its
14 recognized equivalent, or find employment after leav-
15 ing the institution;

16 “(4) describes the instructional program, special-
17 ized instructional support services, and procedures
18 that will be used to meet the needs described in para-
19 graph (1), including, to the extent feasible, the provi-
20 sion of mentors for the children and youth described
21 in paragraph (1);

22 “(5) specifically describes how such funds will be
23 used;

1 “(6) describes the measures and procedures that
2 will be used to assess and improve student achieve-
3 ment;

4 “(7) describes how the agency has planned, and
5 will implement and evaluate, the institution-wide or
6 program-wide project in consultation with personnel
7 providing direct instructional services and support
8 services in institutions or community day programs
9 for neglected or delinquent children and youth, and
10 with personnel from the State educational agency;
11 and

12 “(8) includes an assurance that the State agency
13 has provided for appropriate training for teachers
14 and other instructional and administrative personnel
15 to enable such teachers and personnel to carry out the
16 project effectively.

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

18 *“If a State agency operates a program or project under
19 this chapter in which individual children or youth are like-
20 ly to participate for more than one year, the State edu-
21 cational agency may approve the State agency’s applica-
22 tion for a subgrant under this chapter for a period of not
23 more than 3 years.*

1 **“SEC. 1158. TRANSITION SERVICES.**

2 “(a) *TRANSITION SERVICES.*—*Each State agency shall*
3 *reserve not less than 15 percent and not more than 30 per-*
4 *cent of the amount such agency receives under this chapter*
5 *for any fiscal year to support—*

6 “(1) *projects that facilitate the transition of chil-*
7 *dren and youth from State-operated institutions to*
8 *schools served by local educational agencies; or*

9 “(2) *the successful re-entry of youth offenders,*
10 *who are age 20 or younger and have received a reg-*
11 *ular high school diploma or its recognized equivalent,*
12 *into postsecondary education, or career and technical*
13 *training programs, through strategies designed to ex-*
14 *pose the youth to, and prepare the youth for, postsec-*
15 *ondary education, or career and technical training*
16 *programs, such as—*

17 “(A) *preplacement programs that allow ad-*
18 *judicated or incarcerated youth to audit or at-*
19 *tend courses on college, university, or community*
20 *college campuses, or through programs provided*
21 *in institutional settings;*

22 “(B) *worksites schools, in which institutions*
23 *of higher education and private or public em-*
24 *ployers partner to create programs to help stu-*
25 *dents make a successful transition to postsec-*
26 *ondary education and employment; and*

1 “(C) *essential support services to ensure the*
2 *success of the youth, such as—*

3 “(i) *personal, career and technical,*
4 *and academic counseling;*

5 “(ii) *placement services designed to*
6 *place the youth in a university, college, or*
7 *junior college program;*

8 “(iii) *information concerning, and as-*
9 *sistance in obtaining, available student fi-*
10 *nancial aid;*

11 “(iv) *counseling services; and*

12 “(v) *job placement services.*

13 “(b) *CONDUCT OF PROJECTS.—A project supported*
14 *under this section may be conducted directly by the State*
15 *agency, or through a contract or other arrangement with*
16 *one or more local educational agencies, other public agen-*
17 *cies, or private organizations.*

18 “(c) *RULE OF CONSTRUCTION.—Nothing in this sec-*
19 *tion shall be construed to prohibit a school that receives*
20 *funds under subsection (a) from serving neglected and de-*
21 *linquent children and youth simultaneously with students*
22 *with similar educational needs, in the same educational set-*
23 *tings where appropriate.*

1 **“SEC. 1159. TECHNICAL ASSISTANCE.**

2 *“The Secretary shall reserve not more than 1 percent*
3 *of the amount reserved under section 1141 to provide tech-*
4 *nical assistance to and support State agency programs as-*
5 *sisted under this chapter.*

6 **“CHAPTER B—LOCAL AGENCY PROGRAMS**

7 **“SEC. 1161. PURPOSE.**

8 *“The purpose of this chapter is to support the oper-*
9 *ation of local educational agency programs that involve col-*
10 *laboration with locally operated correctional facilities—*

11 *“(1) to carry out high quality education pro-*
12 *grams to prepare children and youth for secondary*
13 *school completion, training, employment, or further*
14 *education;*

15 *“(2) to provide activities to facilitate the transi-*
16 *tion of such children and youth from the correctional*
17 *program to further education or employment; and*

18 *“(3) to operate programs in local schools for chil-*
19 *dren and youth returning from correctional facilities,*
20 *and programs which may serve at-risk children and*
21 *youth.*

22 **“SEC. 1162. PROGRAMS OPERATED BY LOCAL EDUCATIONAL**
23 **AGENCIES.**

24 *“(a) LOCAL SUBGRANTS.—With funds made available*
25 *under section 1142(b), the State educational agency shall*
26 *award subgrants to local educational agencies with high*

1 *numbers or percentages of children and youth residing in*
2 *locally operated (including county operated) correctional*
3 *facilities for children and youth (including facilities in-*
4 *volved in community day programs).*

5 “(b) *SPECIAL RULE.—A local educational agency that*
6 *serves a school operated by a correctional facility is not re-*
7 *quired to operate a program of support for children and*
8 *youth returning from such school to a school that is not*
9 *operated by a correctional agency but served by such local*
10 *educational agency, if more than 30 percent of the children*
11 *and youth attending the school operated by the correctional*
12 *facility will reside outside the boundaries served by the local*
13 *educational agency after leaving such facility.*

14 “(c) *NOTIFICATION.—A State educational agency shall*
15 *notify local educational agencies within the State of the eli-*
16 *gibility of such agencies to receive a subgrant under this*
17 *chapter.*

18 “(d) *TRANSITIONAL AND ACADEMIC SERVICES.—Tran-*
19 *sitional and supportive programs operated in local edu-*
20 *cational agencies under this chapter shall be designed pri-*
21 *marily to meet the transitional and academic needs of stu-*
22 *dents returning to local educational agencies or alternative*
23 *education programs from correctional facilities. Services to*
24 *students at-risk of dropping out of school shall not have a*

1 *negative impact on meeting the transitional and academic*
2 *needs of the students returning from correctional facilities.*

3 **“SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

4 *“Each local educational agency desiring assistance*
5 *under this chapter shall submit an application to the State*
6 *educational agency that contains such information as the*
7 *State educational agency may require. Each such applica-*
8 *tion shall include—*

9 *“(1) a description of the program to be assisted;*

10 *“(2) a description of formal agreements, regard-*
11 *ing the program to be assisted, between—*

12 *“(A) the local educational agency; and*

13 *“(B) correctional facilities and alternative*
14 *school programs serving children and youth in-*
15 *volved with the juvenile justice system;*

16 *“(3) as appropriate, a description of how par-*
17 *ticipating schools will coordinate with facilities work-*
18 *ing with delinquent children and youth to ensure that*
19 *such children and youth are participating in an edu-*
20 *cation program comparable to one operating in the*
21 *local school such youth would attend;*

22 *“(4) a description of the program operated by*
23 *participating schools for children and youth return-*
24 *ing from correctional facilities and, as appropriate,*
25 *the types of services that such schools will provide*

1 *such children and youth and other at-risk children*
2 *and youth;*

3 *“(5) a description of the characteristics (includ-*
4 *ing learning difficulties, substance abuse problems,*
5 *and other needs) of the children and youth who will*
6 *be returning from correctional facilities and, as ap-*
7 *propriate, other at-risk children and youth expected*
8 *to be served by the program, and a description of how*
9 *the school will coordinate existing educational pro-*
10 *grams to meet the unique educational needs of such*
11 *children and youth;*

12 *“(6) as appropriate, a description of how schools*
13 *will coordinate with existing social, health, and other*
14 *services to meet the needs of students returning from*
15 *correctional facilities and at-risk children or youth,*
16 *including prenatal health care and nutrition services*
17 *related to the health of the parent and the child or*
18 *youth, parenting and child development classes, child*
19 *care, targeted reentry and outreach programs, refer-*
20 *als to community resources, and scheduling flexi-*
21 *bility;*

22 *“(7) as appropriate, a description of any part-*
23 *nerships with local businesses to develop training,*
24 *curriculum-based youth entrepreneurship education,*
25 *and mentoring services for participating students;*

1 “(8) as appropriate, a description of how the
2 program will involve parents in efforts to improve the
3 educational achievement of their children, assist in
4 dropout prevention activities, and prevent the involve-
5 ment of their children in delinquent activities;

6 “(9) a description of how the program under this
7 chapter will be coordinated with other Federal, State,
8 and local programs, such as programs under title I
9 of Public Law 105–220 and career and technical edu-
10 cation programs serving at-risk children and youth;

11 “(10) a description of how the program will be
12 coordinated with programs operated under the Juve-
13 nile Justice and Delinquency Prevention Act of 1974
14 and other comparable programs, if applicable;

15 “(11) as appropriate, a description of how
16 schools will work with probation officers to assist in
17 meeting the needs of children and youth returning
18 from correctional facilities;

19 “(12) a description of the efforts participating
20 schools will make to ensure correctional facilities
21 working with children and youth are aware of a
22 child’s or youth’s existing individualized education
23 program; and

24 “(13) as appropriate, a description of the steps
25 participating schools will take to find alternative

1 *placements for children and youth interested in con-*
2 *tinuing their education but unable to participate in*
3 *a traditional public school program.*

4 **“SEC. 1164. USES OF FUNDS.**

5 “(a) *IN GENERAL.—Funds provided to local edu-*
6 *cational agencies under this chapter may be used, as appro-*
7 *priate, for—*

8 “(1) *programs that serve children and youth re-*
9 *turning to local schools from correctional facilities, to*
10 *assist in the transition of such children and youth to*
11 *the school environment and help them remain in*
12 *school in order to complete their education;*

13 “(2) *dropout prevention programs which serve*
14 *at-risk children and youth;*

15 “(3) *the coordination of health and social serv-*
16 *ices for such individuals if there is a likelihood that*
17 *the provision of such services, including day care,*
18 *drug and alcohol counseling, and mental health serv-*
19 *ices, will improve the likelihood such individuals will*
20 *complete their education;*

21 “(4) *special programs to meet the unique aca-*
22 *ademic needs of participating children and youth, in-*
23 *cluding career and technical education, special edu-*
24 *cation, career counseling, curriculum-based youth en-*
25 *trepreneurship education, and assistance in securing*

1 *student loans or grants for postsecondary education;*
2 *and*

3 *“(5) programs providing mentoring and peer*
4 *mediation.*

5 *“(b) CONTRACTS AND GRANTS.—A local educational*
6 *agency may use a grant received under this chapter to carry*
7 *out the activities described under paragraphs (1) through*
8 *(5) of subsection (a) directly or through grants, contracts,*
9 *or cooperative agreements.*

10 **“SEC. 1165. PROGRAM REQUIREMENTS FOR CORRECTIONAL**
11 **FACILITIES RECEIVING FUNDS UNDER THIS**
12 **SECTION.**

13 *“Each correctional facility entering into an agreement*
14 *with a local educational agency under section 1163(2) to*
15 *provide services to children and youth under this chapter*
16 *shall—*

17 *“(1) where feasible, ensure that educational pro-*
18 *grams in the correctional facility are coordinated*
19 *with the student’s home school, particularly with re-*
20 *spect to a student with an individualized education*
21 *program under part B of the Individuals with Dis-*
22 *abilities Education Act;*

23 *“(2) if the child or youth is identified as in need*
24 *of special education services while in the correctional*

1 *facility, notify the local school of the child or youth*
2 *of such need;*

3 *“(3) where feasible, provide transition assistance*
4 *to help the child or youth stay in school, including co-*
5 *ordination of services for the family, counseling, as-*
6 *sistance in accessing drug and alcohol abuse preven-*
7 *tion programs, tutoring, and family counseling;*

8 *“(4) provide support programs that encourage*
9 *children and youth who have dropped out of school to*
10 *re-enter school and obtain a regular high school di-*
11 *ploma once their term at the correctional facility has*
12 *been completed, or provide such children and youth*
13 *with the skills necessary to gain employment or seek*
14 *a regular high school diploma or its recognized equiv-*
15 *alent;*

16 *“(5) work to ensure that the correctional facility*
17 *is staffed with effective teachers and other qualified*
18 *staff who are trained to work with children and youth*
19 *with disabilities taking into consideration the unique*
20 *needs of such children and youth;*

21 *“(6) ensure that educational programs in the*
22 *correctional facility are related to assisting students*
23 *to meet the States’s academic standards;*

1 “(7) to the extent possible, use technology to as-
2 sist in coordinating educational programs between the
3 correctional facility and the community school;

4 “(8) where feasible, involve parents in efforts to
5 improve the educational achievement of their children
6 and prevent the further involvement of such children
7 in delinquent activities;

8 “(9) coordinate funds received under this chapter
9 with other local, State, and Federal funds available to
10 provide services to participating children and youth,
11 such as funds made available under title I of Public
12 Law 105–220, and career and technical education
13 funds;

14 “(10) coordinate programs operated under this
15 chapter with activities funded under the Juvenile Jus-
16 tice and Delinquency Prevention Act of 1974 and
17 other comparable programs, if applicable;

18 “(11) if appropriate, work with local businesses
19 to develop training, curriculum-based youth entrepre-
20 neurship education, and mentoring programs for chil-
21 dren and youth; and

22 “(12) consult with the local educational agency
23 for a period jointly determined necessary by the cor-
24 rectional facility and local educational agency upon
25 discharge from that facility to coordinate educational

1 *services so as to minimize disruption to the child's or*
2 *youth's achievement.*

3 **“SEC. 1166. ACCOUNTABILITY.**

4 *“The State educational agency—*

5 *“(1) may require correctional facilities or insti-*
6 *tutions for neglected or delinquent children and youth*
7 *to demonstrate, after receiving assistance under this*
8 *chapter for 3 years, that there has been an increase*
9 *in the number of children and youth returning to*
10 *school, obtaining a regular high school diploma or its*
11 *recognized equivalent, or obtaining employment after*
12 *such children and youth are released; and*

13 *“(2) may reduce or terminate funding for*
14 *projects under this chapter if a local educational*
15 *agency does not show progress in the number of chil-*
16 *dren and youth obtaining a regular high school di-*
17 *ploma or its recognized equivalent.*

18 **“CHAPTER C—GENERAL PROVISIONS**

19 **“SEC. 1171. PROGRAM EVALUATIONS.**

20 *“(a) SCOPE OF EVALUATION.—Each State agency or*
21 *local educational agency that conducts a program under*
22 *chapter A or B shall evaluate the program, disaggregating*
23 *data on participation by gender, race, ethnicity, and age,*
24 *while protecting individual student privacy, not less than*

1 *once every 3 years, to determine the program’s impact on*
2 *the ability of participants—*

3 “(1) *to maintain and improve educational*
4 *achievement;*

5 “(2) *to accrue school credits that meet State re-*
6 *quirements for grade promotion and high school grad-*
7 *uation;*

8 “(3) *to make the transition to a regular program*
9 *or other education program operated by a local edu-*
10 *cational agency;*

11 “(4) *to complete high school (or high school*
12 *equivalency requirements) and obtain employment*
13 *after leaving the correctional facility or institution*
14 *for neglected or delinquent children and youth; and*

15 “(5) *as appropriate, to participate in postsec-*
16 *ondary education and job training programs.*

17 “(b) *EXCEPTION.—The disaggregation required under*
18 *subsection (a) shall not be required in a case in which the*
19 *number of students in a category is insufficient to yield*
20 *statistically reliable information or the results would reveal*
21 *personally identifiable information about an individual*
22 *student.*

23 “(c) *EVALUATION MEASURES.—In conducting each*
24 *evaluation under subsection (a), a State agency or local*

1 *educational agency shall use multiple and appropriate*
2 *measures of student progress.*

3 “(d) *EVALUATION RESULTS.*—*Each State agency and*
4 *local educational agency shall—*

5 “(1) *submit evaluation results to the State edu-*
6 *cational agency and the Secretary; and*

7 “(2) *use the results of evaluations under this sec-*
8 *tion to plan and improve subsequent programs for*
9 *participating children and youth.*

10 **“SEC. 1172. DEFINITIONS.**

11 *“In this subpart:*

12 “(1) *ADULT CORRECTIONAL INSTITUTION.*—*The*
13 *term ‘adult correctional institution’ means a facility*
14 *in which persons (including persons under 21 years*
15 *of age) are confined as a result of a conviction for a*
16 *criminal offense.*

17 “(2) *AT-RISK.*—*The term ‘at-risk’, when used*
18 *with respect to a child, youth, or student, means a*
19 *school-aged individual who—*

20 “(A) *is at-risk of academic failure; and*

21 “(B) *has a drug or alcohol problem, is preg-*
22 *nant or is a parent, has come into contact with*
23 *the juvenile justice system in the past, is at least*
24 *1 year behind the expected grade level for the age*
25 *of the individual, is an English learner, is a*

1 *gang member, has dropped out of school in the*
2 *past, or has a high absenteeism rate at school.*

3 “(3) *COMMUNITY DAY PROGRAM.*—*The term*
4 *‘community day program’ means a regular program*
5 *of instruction provided by a State agency at a com-*
6 *munity day school operated specifically for neglected*
7 *or delinquent children and youth.*

8 “(4) *INSTITUTION FOR NEGLECTED OR DELIN-*
9 *QUENT CHILDREN AND YOUTH.*—*The term ‘institution*
10 *for neglected or delinquent children and youth’*
11 *means—*

12 “(A) *a public or private residential facility,*
13 *other than a foster home, that is operated for the*
14 *care of children who have been committed to the*
15 *institution or voluntarily placed in the institu-*
16 *tion under applicable State law, due to abandon-*
17 *ment, neglect, or death of their parents or guard-*
18 *ians; or*

19 “(B) *a public or private residential facility*
20 *for the care of children who have been adju-*
21 *dicated to be delinquent or in need of super-*
22 *vision.*

1 **“Subpart 4—English Language Acquisition,**
2 **Language Enhancement, and Academic Achievement**

3 **“SEC. 1181. PURPOSES.**

4 *“The purposes of this subpart are—*

5 *“(1) to help ensure that English learners, includ-*
6 *ing immigrant children and youth, attain English*
7 *proficiency and develop high levels of academic*
8 *achievement in English;*

9 *“(2) to assist all English learners, including im-*
10 *migrant children and youth, to achieve at high levels*
11 *so that those children can meet the same State aca-*
12 *ademic standards that all children are expected to*
13 *meet, consistent with section 1111(b)(1);*

14 *“(3) to assist State educational agencies, local*
15 *educational agencies, and schools in establishing, im-*
16 *plementing, and sustaining high-quality, flexible, evi-*
17 *dence-based language instruction educational pro-*
18 *grams designed to assist in teaching English learners,*
19 *including immigrant children and youth;*

20 *“(4) to assist State educational agencies and*
21 *local educational agencies to develop and enhance*
22 *their capacity to provide high-quality, evidence-based*
23 *instructional programs designed to prepare English*
24 *learners, including immigrant children and youth, to*
25 *enter all-English instruction settings; and*

1 “(5) to promote parental and community par-
2 ticipation in language instruction educational pro-
3 grams for the parents and communities of English
4 learners.

5 **“CHAPTER A—GRANTS AND SUBGRANTS**
6 **FOR ENGLISH LANGUAGE ACQUI-**
7 **TION AND LANGUAGE ENHANCEMENT**

8 **“SEC. 1191. FORMULA GRANTS TO STATES.**

9 “(a) *IN GENERAL.*—In the case of each State edu-
10 cational agency having a plan approved by the Secretary
11 for a fiscal year under section 1192, the Secretary shall re-
12 serve 4.6 percent of funds appropriated under section
13 3(a)(1) to make a grant for the year to the agency for the
14 purposes specified in subsection (b). The grant shall consist
15 of the allotment determined for the State educational agency
16 under subsection (c).

17 “(b) *USE OF FUNDS.*—

18 “(1) *SUBGRANTS TO ELIGIBLE ENTITIES.*—The
19 Secretary may make a grant under subsection (a)
20 only if the State educational agency involved agrees
21 to expend at least 95 percent of the State educational
22 agency’s allotment under subsection (c) for a fiscal
23 year—

24 “(A) to award subgrants, from allocations
25 under section 1193, to eligible entities to carry

1 *out the activities described in section 1194 (other*
2 *than subsection (e)); and*

3 *“(B) to award subgrants under section*
4 *1193(d)(1) to eligible entities that are described*
5 *in that section to carry out the activities de-*
6 *scribed in section 1194(e).*

7 *“(2) STATE ACTIVITIES.—Subject to paragraph*
8 *(3), each State educational agency receiving a grant*
9 *under subsection (a) may reserve not more than 5*
10 *percent of the agency’s allotment under subsection (c)*
11 *to carry out the following activities:*

12 *“(A) Professional development activities,*
13 *and other activities, which may include assisting*
14 *personnel in—*

15 *“(i) meeting State and local certifi-*
16 *cation and licensing requirements for teach-*
17 *ing English learners; and*

18 *“(ii) improving teacher skills in meet-*
19 *ing the diverse needs of English learners,*
20 *including in how to implement evidence-*
21 *based programs and curricula on teaching*
22 *English learners.*

23 *“(B) Planning, evaluation, administration,*
24 *and interagency coordination related to the sub-*
25 *grants referred to in paragraph (1).*

1 “(C) *Providing technical assistance and*
2 *other forms of assistance to eligible entities that*
3 *are receiving subgrants from a State educational*
4 *agency under this chapter, including assistance*
5 *in—*

6 “(i) *identifying and implementing evi-*
7 *dence-based language instruction edu-*
8 *cational programs and curricula for teach-*
9 *ing English learners;*

10 “(ii) *helping English learners meet the*
11 *same State academic standards that all*
12 *children are expected to meet;*

13 “(iii) *identifying or developing, and*
14 *implementing, measures of English pro-*
15 *iciency; and*

16 “(iv) *strengthening and increasing*
17 *parent, family, and community engage-*
18 *ment.*

19 “(D) *Providing recognition, which may in-*
20 *clude providing financial awards, to subgrantees*
21 *that have significantly improved the achievement*
22 *and progress of English learners in—*

23 “(i) *reaching English language pro-*
24 *iciency, based on the State’s English lan-*

1 *guage proficiency assessment under section*
2 *1111(b)(2)(D); and*

3 *“(ii) meeting the State academic*
4 *standards under section 1111(b)(1).*

5 *“(3) ADMINISTRATIVE EXPENSES.—From the*
6 *amount reserved under paragraph (2), a State edu-*
7 *cational agency may use not more than 40 percent of*
8 *such amount or \$175,000, whichever is greater, for the*
9 *planning and administrative costs of carrying out*
10 *paragraphs (1) and (2).*

11 *“(c) RESERVATIONS AND ALLOTMENTS.—*

12 *“(1) RESERVATIONS.—From the amount reserved*
13 *under section 1191(a) for each fiscal year, the Sec-*
14 *retary shall reserve—*

15 *“(A) 0.5 percent of such amount for pay-*
16 *ments to outlying areas, to be allotted in accord-*
17 *ance with their respective needs for assistance*
18 *under this chapter, as determined by the Sec-*
19 *retary, for activities, approved by the Secretary,*
20 *consistent with this chapter; and*

21 *“(B) 6.5 percent of such amount for na-*
22 *tional activities under sections 1211 and 1222,*
23 *except that not more than \$2,000,000 of such*
24 *amount may be reserved for the National Clear-*
25 *inghouse for English Language Acquisition and*

1 *Language Instruction Educational Programs de-*
2 *scribed in section 1222.*

3 “(2) *STATE ALLOTMENTS.*—

4 “(A) *IN GENERAL.*—*Except as provided in*
5 *subparagraph (B), from the amount reserved*
6 *under section 1191(a) for each fiscal year that*
7 *remains after making the reservations under*
8 *paragraph (1), the Secretary shall allot to each*
9 *State educational agency having a plan ap-*
10 *proved under section 1192(c)—*

11 “(i) *an amount that bears the same re-*
12 *lationship to 80 percent of the remainder as*
13 *the number of English learners in the State*
14 *bears to the number of such children in all*
15 *States, as determined by data available*
16 *from the American Community Survey con-*
17 *ducted by the Department of Commerce or*
18 *State-reported data; and*

19 “(ii) *an amount that bears the same*
20 *relationship to 20 percent of the remainder*
21 *as the number of immigrant children and*
22 *youth in the State bears to the number of*
23 *such children and youth in all States, as*
24 *determined based only on data available*

1 *from the American Community Survey con-*
2 *ducted by the Department of Commerce.*

3 “(B) *MINIMUM ALLOTMENTS.*—*No State*
4 *educational agency shall receive an allotment*
5 *under this paragraph that is less than \$500,000.*

6 “(C) *REALLOTMENT.*—*If any State edu-*
7 *cational agency described in subparagraph (A)*
8 *does not submit a plan to the Secretary for a fis-*
9 *cal year, or submits a plan (or any amendment*
10 *to a plan) that the Secretary, after reasonable*
11 *notice and opportunity for a hearing, determines*
12 *does not satisfy the requirements of this chapter,*
13 *the Secretary shall reallocate any portion of such*
14 *allotment to the remaining State educational*
15 *agencies in accordance with subparagraph (A).*

16 “(D) *SPECIAL RULE FOR PUERTO RICO.*—
17 *The total amount allotted to Puerto Rico for any*
18 *fiscal year under subparagraph (A) shall not ex-*
19 *ceed 0.5 percent of the total amount allotted to*
20 *all States for that fiscal year.*

21 “(3) *USE OF DATA FOR DETERMINATIONS.*—*In*
22 *making State allotments under paragraph (2) for*
23 *each fiscal year, the Secretary shall determine the*
24 *number of English learners in a State and in all*

1 *States, using the most accurate, up-to-date data,*
2 *which shall be—*

3 “(A) *data from the American Community*
4 *Survey conducted by the Department of Com-*
5 *merce, which may be multiyear estimates;*

6 “(B) *the number of students being assessed*
7 *for English language proficiency, based on the*
8 *State’s English language proficiency assessment*
9 *under section 1111(b)(2)(D), which may be*
10 *multiyear estimates; or*

11 “(C) *a combination of data available under*
12 *subparagraphs (A) and (B).*

13 **“SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.**

14 “(a) *FILING FOR SUBGRANTS.—Each State edu-*
15 *cational agency desiring a grant under this chapter shall*
16 *submit a plan to the Secretary at such time and in such*
17 *manner as the Secretary may require.*

18 “(b) *CONTENTS.—Each plan submitted under sub-*
19 *section (a) shall—*

20 “(1) *describe the process that the agency will use*
21 *in awarding subgrants to eligible entities under sec-*
22 *tion 1193(d)(1);*

23 “(2) *provide an assurance that—*

24 “(A) *the agency will ensure that eligible en-*
25 *tities receiving a subgrant under this chapter*

1 *comply with the requirement in section*
2 *1111(b)(2)(B)(x) to annually assess in English*
3 *learners who have been in the United States for*
4 *3 or more consecutive years;*

5 *“(B) the agency will ensure that eligible en-*
6 *tities receiving a subgrant under this chapter an-*
7 *nually assess the English proficiency of all*
8 *English learners participating in a program*
9 *funded under this chapter, consistent with sec-*
10 *tion 1111(b)(2)(D);*

11 *“(C) in awarding subgrants under section*
12 *1193, the agency will address the needs of school*
13 *systems of all sizes and in all geographic areas,*
14 *including school systems with rural and urban*
15 *schools;*

16 *“(D) subgrants to eligible entities under sec-*
17 *tion 1193(d)(1) will be of sufficient size and*
18 *scope to allow such entities to carry out high-*
19 *quality, evidence-based language instruction edu-*
20 *cational programs for English learners;*

21 *“(E) the agency will require an eligible en-*
22 *tity receiving a subgrant under this chapter to*
23 *use the subgrant in ways that will build such re-*
24 *cipient’s capacity to continue to offer high-qual-*
25 *ity evidence-based language instruction edu-*

1 *cational programs that assist English learners in*
2 *meeting State academic standards;*

3 *“(F) the agency will monitor the eligible en-*
4 *tity receiving a subgrant under this chapter for*
5 *compliance with applicable Federal fiscal re-*
6 *quirements; and*

7 *“(G) the plan has been developed in con-*
8 *sultation with local educational agencies, teach-*
9 *ers, administrators of programs implemented*
10 *under this chapter, parents, and other relevant*
11 *stakeholders;*

12 *“(3) describe how the agency will coordinate its*
13 *programs and activities under this chapter with other*
14 *programs and activities under this Act and other*
15 *Acts, as appropriate;*

16 *“(4) describe how eligible entities in the State*
17 *will be given the flexibility to teach English learn-*
18 *ers—*

19 *“(A) using a high-quality, evidence-based*
20 *language instruction curriculum for teaching*
21 *English learners; and*

22 *“(B) in the manner the eligible entities de-*
23 *termine to be the most effective; and*

1 “(5) describe how the agency will assist eligible
2 entities in increasing the number of English learners
3 who acquire English proficiency.

4 “(c) APPROVAL.—The Secretary, after using a peer re-
5 view process, shall approve a plan submitted under sub-
6 section (a) if the plan meets the requirements of this section.

7 “(d) DURATION OF PLAN.—

8 “(1) IN GENERAL.—Each plan submitted by a
9 State educational agency and approved under sub-
10 section (c) shall—

11 “(A) remain in effect for the duration of the
12 agency’s participation under this chapter; and

13 “(B) be periodically reviewed and revised
14 by the agency, as necessary, to reflect changes to
15 the agency’s strategies and programs carried out
16 under this subpart.

17 “(2) ADDITIONAL INFORMATION.—

18 “(A) AMENDMENTS.—If the State edu-
19 cational agency amends the plan, the agency
20 shall submit such amendment to the Secretary.

21 “(B) APPROVAL.—The Secretary shall ap-
22 prove such amendment to an approved plan, un-
23 less the Secretary determines that the amend-
24 ment will result in the agency not meeting the

1 *requirements, or fulfilling the purposes, of this*
2 *subpart.*

3 “(e) *CONSOLIDATED PLAN.*—*A plan submitted under*
4 *subsection (a) may be submitted as part of a consolidated*
5 *plan under section 6302.*

6 “(f) *SECRETARY ASSISTANCE.*—*The Secretary shall*
7 *provide technical assistance, if requested by the State, in*
8 *the development of English proficiency standards and as-*
9 *sessments.*

10 **“SEC. 1193. WITHIN-STATE ALLOCATIONS.**

11 “(a) *IN GENERAL.*—*After making the reservation re-*
12 *quired under subsection (d)(1), each State educational*
13 *agency receiving a grant under section 1191(c)(2) shall*
14 *award subgrants for a fiscal year by allocating in a timely*
15 *manner to each eligible entity in the State having a plan*
16 *approved under section 1195 an amount that bears the same*
17 *relationship to the amount received under the grant and*
18 *remaining after making such reservation as the population*
19 *of English learners in schools served by the eligible entity*
20 *bears to the population of English learners in schools served*
21 *by all eligible entities in the State.*

22 “(b) *LIMITATION.*—*A State educational agency shall*
23 *not award a subgrant from an allocation made under sub-*
24 *section (a) if the amount of such subgrant would be less*
25 *than \$10,000.*

1 “(c) *REALLOCATION.*—Whenever a State educational
2 agency determines that an amount from an allocation made
3 to an eligible entity under subsection (a) for a fiscal year
4 will not be used by the entity for the purpose for which
5 the allocation was made, the agency shall, in accordance
6 with such rules as it determines to be appropriate, reallo-
7 cate such amount, consistent with such subsection, to other
8 eligible entities in the State that the agency determines will
9 use the amount to carry out that purpose.

10 “(d) *REQUIRED RESERVATION.*—A State educational
11 agency receiving a grant under this chapter for a fiscal
12 year—

13 “(1) shall reserve not more than 15 percent of the
14 agency’s allotment under section 1191(c)(2) to award
15 subgrants to eligible entities in the State that have ex-
16 perience a significant increase, as compared to the
17 average of the 2 preceding fiscal years, in the percent-
18 age or number of immigrant children and youth, who
19 have enrolled, during the fiscal year preceding the fis-
20 cal year for which the subgrant is made, in public
21 and nonpublic elementary schools and secondary
22 schools in the geographic areas under the jurisdiction
23 of, or served by, such entities; and

24 “(2) in awarding subgrants under paragraph
25 (1)—

1 “(A) shall equally consider eligible entities
2 that satisfy the requirement of such paragraph
3 but have limited or no experience in serving im-
4 migrant children and youth; and

5 “(B) shall consider the quality of each local
6 plan under section 1195 and ensure that each
7 subgrant is of sufficient size and scope to meet
8 the purposes of this subpart.

9 **“SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.**

10 “(a) *PURPOSES OF SUBGRANTS.*—A State educational
11 agency may make a subgrant to an eligible entity from
12 funds received by the agency under this chapter only if the
13 entity agrees to expend the funds to improve the education
14 of English learners, by assisting the children to learn
15 English and meet State academic standards. In carrying
16 out activities with such funds, the eligible entity shall use
17 evidence-based approaches and methodologies for teaching
18 English learners and immigrant children and youth for the
19 following purposes:

20 “(1) *Developing and implementing new language*
21 *instruction educational programs and academic con-*
22 *tent instruction programs for English learners and*
23 *immigrant children and youth, including programs of*
24 *early childhood education, elementary school pro-*
25 *grams, and secondary school programs.*

1 “(2) *Carrying out highly focused, innovative, lo-*
2 *cally designed, evidence-based activities to expand or*
3 *enhance existing language instruction educational*
4 *programs and academic content instruction programs*
5 *for English learners and immigrant children and*
6 *youth.*

7 “(3) *Implementing, within an individual school,*
8 *schoolwide programs for restructuring, reforming, and*
9 *upgrading all relevant programs, activities, and oper-*
10 *ations relating to language instruction educational*
11 *programs and academic content instruction for*
12 *English learners and immigrant children and youth.*

13 “(4) *Implementing, within the entire jurisdiction*
14 *of a local educational agency, agencywide programs*
15 *for restructuring, reforming, and upgrading all rel-*
16 *evant programs, activities, and operations relating to*
17 *language instruction educational programs and aca-*
18 *ademic content instruction for English learners and*
19 *immigrant children and youth.*

20 “(b) *ADMINISTRATIVE EXPENSES.—Each eligible enti-*
21 *ty receiving funds under section 1193(a) for a fiscal year*
22 *shall use not more than 2 percent of such funds for the cost*
23 *of administering this chapter.*

1 “(c) *REQUIRED SUBGRANTEE ACTIVITIES.*—An eligi-
2 ble entity receiving funds under section 1193(a) shall use
3 the funds—

4 “(1) to increase the English language proficiency
5 of English learners by providing high-quality, evi-
6 dence-based language instruction educational pro-
7 grams that meet the needs of English learners and
8 have demonstrated success in increasing—

9 “(A) English language proficiency; and

10 “(B) student academic achievement;

11 “(2) to provide high-quality, evidence-based pro-
12 fessional development to classroom teachers (including
13 teachers in classroom settings that are not the settings
14 of language instruction educational programs), school
15 leaders, administrators, and other school or commu-
16 nity-based organization personnel, that is—

17 “(A) designed to improve the instruction
18 and assessment of English learners;

19 “(B) designed to enhance the ability of
20 teachers and school leaders to understand and
21 implement curricula, assessment practices and
22 measures, and instruction strategies for English
23 learners;

24 “(C) evidence-based in increasing children’s
25 English language proficiency or substantially in-

1 *creasing the subject matter knowledge, teaching*
2 *knowledge, and teaching skills of teachers; and*

3 “(D) of sufficient intensity and duration
4 *(which shall not include activities such as one-*
5 *day or short-term workshops and conferences) to*
6 *have a positive and lasting impact on the teach-*
7 *ers’ performance in the classroom, except that*
8 *this subparagraph shall not apply to an activity*
9 *that is one component of a long-term, com-*
10 *prehensive professional development plan estab-*
11 *lished by a teacher and the teacher’s supervisor*
12 *based on an assessment of the needs of the teach-*
13 *er, the supervisor, the students of the teacher,*
14 *and any local educational agency employing the*
15 *teacher, as appropriate; and*

16 “(3) to provide and implement other evidence-
17 *based activities and strategies that enhance or supple-*
18 *ment language instruction educational programs for*
19 *English learners, including parental and community*
20 *engagement activities and strategies that serve to co-*
21 *ordinate and align related programs.*

22 “(d) *AUTHORIZED SUBGRANTEE ACTIVITIES.*—Subject
23 *to subsection (c), an eligible entity receiving funds under*
24 *section 1193(a) may use the funds to achieve one of the pur-*

1 *poses described in subsection (a) by undertaking one or*
2 *more of the following activities:*

3 “(1) *Upgrading program objectives and effective*
4 *instruction strategies.*

5 “(2) *Improving the instruction program for*
6 *English learners by identifying, acquiring, and up-*
7 *grading curricula, instruction materials, educational*
8 *software, and assessment procedures.*

9 “(3) *Providing to English learners—*

10 “(A) *tutorials and academic or career edu-*
11 *cation for English learners; and*

12 “(B) *intensified instruction.*

13 “(4) *Developing and implementing elementary*
14 *school or secondary school language instruction edu-*
15 *cational programs that are coordinated with other*
16 *relevant programs and services.*

17 “(5) *Improving the English language proficiency*
18 *and academic achievement of English learners.*

19 “(6) *Providing community participation pro-*
20 *grams, family literacy services, and parent outreach*
21 *and training activities to English learners and their*
22 *families—*

23 “(A) *to improve the English language skills*
24 *of English learners; and*

1 “(B) to assist parents in helping their chil-
2 dren to improve their academic achievement and
3 becoming active participants in the education of
4 their children.

5 “(7) Improving the instruction of English learn-
6 ers by providing for—

7 “(A) the acquisition or development of edu-
8 cational technology or instructional materials;

9 “(B) access to, and participation in, elec-
10 tronic networks for materials, training, and
11 communication; and

12 “(C) incorporation of the resources described
13 in subparagraphs (A) and (B) into curricula
14 and programs, such as those funded under this
15 chapter.

16 “(8) Carrying out other activities that are con-
17 sistent with the purposes of this section.

18 “(e) *ACTIVITIES BY AGENCIES EXPERIENCING SUB-*
19 *STANTIAL INCREASES IN IMMIGRANT CHILDREN AND*
20 *YOUTH.—*

21 “(1) *IN GENERAL.—An eligible entity receiving*
22 *funds under section 1193(d)(1) shall use the funds to*
23 *pay for activities that provide enhanced instructional*
24 *opportunities for immigrant children and youth,*
25 *which may include—*

1 “(A) family literacy, parent outreach, and
2 training activities designed to assist parents to
3 become active participants in the education of
4 their children;

5 “(B) support for personnel, including para-
6 professionals who have been specifically trained,
7 or are being trained, to provide services to immi-
8 grant children and youth;

9 “(C) provision of tutorials, mentoring, and
10 academic or career counseling for immigrant
11 children and youth;

12 “(D) identification, development, and ac-
13 quisition of curricular materials, educational
14 software, and technologies to be used in the pro-
15 gram carried out with awarded funds;

16 “(E) basic instruction services that are di-
17 rectly attributable to the presence in the local
18 educational agency involved of immigrant chil-
19 dren and youth, including the payment of costs
20 of providing additional classroom supplies, costs
21 of transportation, or such other costs as are di-
22 rectly attributable to such additional basic in-
23 struction services;

24 “(F) other instruction services that are de-
25 signed to assist immigrant children and youth to

1 *achieve in elementary schools and secondary*
2 *schools in the United States, such as programs of*
3 *introduction to the educational system and civics*
4 *education; and*

5 “(G) *activities, coordinated with commu-*
6 *nity-based organizations, institutions of higher*
7 *education, private sector entities, or other enti-*
8 *ties with expertise in working with immigrants,*
9 *to assist parents of immigrant children and*
10 *youth by offering comprehensive community*
11 *services.*

12 “(2) *DURATION OF SUBGRANTS.—The duration*
13 *of a subgrant made by a State educational agency*
14 *under section 1193(d)(1) shall be determined by the*
15 *agency in its discretion.*

16 “(f) *SELECTION OF METHOD OF INSTRUCTION.—*

17 “(1) *IN GENERAL.—To receive a subgrant from*
18 *a State educational agency under this chapter, an eli-*
19 *gible entity shall select one or more methods or forms*
20 *of instruction to be used in the programs and activi-*
21 *ties undertaken by the entity to assist English learn-*
22 *ers to attain English language proficiency and meet*
23 *State academic standards.*

24 “(2) *CONSISTENCY.—Such selection shall be con-*
25 *sistent with sections 1204 through 1206.*

1 “(g) *SUPPLEMENT, NOT SUPPLANT.*—Federal funds
2 made available under this chapter 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 immi-
6 grant children and youth and in no case to supplant such
7 Federal, State, and local public funds.

8 “**SEC. 1195. LOCAL PLANS.**

9 “(a) *FILING FOR SUBGRANTS.*—Each eligible entity
10 desiring a subgrant from the State educational agency
11 under section 1193 shall submit a plan to the State edu-
12 cational agency at such time, in such manner, and con-
13 taining such information as the State educational agency
14 may require.

15 “(b) *CONTENTS.*—Each plan submitted under sub-
16 section (a) shall—

17 “(1) describe the evidence-based programs and
18 activities proposed to be developed, implemented, and
19 administered under the subgrant that will help
20 English learners increase their English language pro-
21 ficiency and meet the State academic standards;

22 “(2) describe how the eligible entity will hold ele-
23 mentary schools and secondary schools receiving funds
24 under this chapter accountable for annually assessing
25 the English language proficiency of all children par-

1 *ticipating under this subpart, consistent with section*
2 *1111(b);*

3 *“(3) describe how the eligible entity will promote*
4 *parent and community engagement in the education*
5 *of English learners;*

6 *“(4) contain an assurance that the eligible entity*
7 *consulted with teachers, researchers, school adminis-*
8 *trators, parents and community members, public or*
9 *private organizations, and institutions of higher edu-*
10 *cation, in developing and implementing such plan;*

11 *“(5) describe how language instruction edu-*
12 *cational programs carried out under the subgrant will*
13 *ensure that English learners being served by the pro-*
14 *grams develop English language proficiency; and*

15 *“(6) contain assurances that—*

16 *“(A) each local educational agency that is*
17 *included in the eligible entity is complying with*
18 *section 1112(g) prior to, and throughout, each*
19 *school year; and*

20 *“(B) the eligible entity is not in violation*
21 *of any State law, including State constitutional*
22 *law, regarding the education of English learners,*
23 *consistent with sections 1205 and 1206.*

24 *“(c) TEACHER ENGLISH FLUENCY.—Each eligible en-*
25 *tity receiving a subgrant under section 1193 shall include*

1 *in its plan a certification that all teachers in any language*
2 *instruction educational program for English learners that*
3 *is, or will be, funded under this subpart are fluent in*
4 *English and any other language used for instruction, in-*
5 *cluding having written and oral communications skills.*

6 **“CHAPTER B—ADMINISTRATION**

7 **“SEC. 1201. REPORTING.**

8 *“(a) IN GENERAL.—Each eligible entity that receives*
9 *a subgrant from a State educational agency under chapter*
10 *A shall provide such agency, at the conclusion of every sec-*
11 *ond fiscal year during which the subgrant is received, with*
12 *a report, in a form prescribed by the agency, on the activi-*
13 *ties conducted and students served under this subpart that*
14 *includes—*

15 *“(1) a description of the programs and activities*
16 *conducted by the entity with funds received under*
17 *chapter A during the two immediately preceding fis-*
18 *cal years, including how such programs and activities*
19 *supplemented programs funded primarily with State*
20 *or local funds;*

21 *“(2) a description of the progress made by*
22 *English learners in learning the English language*
23 *and in meeting State academic standards;*

24 *“(3) the number and percentage of English*
25 *learners in the programs and activities attaining*

1 *English language proficiency based on the State*
2 *English language proficiency standards established*
3 *under section 1111(b)(1)(E) by the end of each school*
4 *year, as determined by the State’s English language*
5 *proficiency assessment under section 1111(b)(2)(D);*

6 “(4) *the number of English learners who exit the*
7 *language instruction educational programs based on*
8 *their attainment of English language proficiency and*
9 *transitioned to classrooms not tailored for English*
10 *learners;*

11 “(5) *a description of the progress made by*
12 *English learners in meeting the State academic*
13 *standards for each of the 2 years after such children*
14 *are no longer receiving services under this subpart;*

15 “(6) *the number and percentage of English*
16 *learners who have not attained English language pro-*
17 *ficiency within five years of initial classification as*
18 *an English learner and first enrollment in the local*
19 *educational agency; and*

20 “(7) *any such other information as the State*
21 *educational agency may require.*

22 “(b) *USE OF REPORT.—A report provided by an eligi-*
23 *ble entity under subsection (a) shall be used by the entity*
24 *and the State educational agency—*

1 “(1) to determine the effectiveness of programs
2 and activities in assisting children who are English
3 learners—

4 “(A) to attain English language pro-
5 ficiency; and

6 “(B) to make progress in meeting State aca-
7 demic standards under section 1111(b)(1); and

8 “(2) upon determining the effectiveness of pro-
9 grams and activities based on the criteria in para-
10 graph (1), to decide how to improve programs.

11 **“SEC. 1202. ANNUAL REPORT.**

12 “(a) STATES.—Based upon the reports provided to a
13 State educational agency under section 1201, each such
14 agency that receives a grant under this subpart shall pre-
15 pare and submit annually to the Secretary a report on pro-
16 grams and activities carried out by the State educational
17 agency under this subpart and the effectiveness of such pro-
18 grams and activities in improving the education provided
19 to English learners.

20 “(b) SECRETARY.—Annually, the Secretary shall pre-
21 pare and submit to the Committee on Education and the
22 Workforce of the House of Representatives and the Com-
23 mittee on Health, Education, Labor, and Pensions of the
24 Senate a report—

1 “(1) on programs and activities carried out to
2 serve English learners under this subpart, and the ef-
3 fectiveness of such programs and activities in improv-
4 ing the academic achievement and English language
5 proficiency of English learners;

6 “(2) on the types of language instruction edu-
7 cational programs used by local educational agencies
8 or eligible entities receiving funding under this sub-
9 part to teach English learners;

10 “(3) containing a critical synthesis of data re-
11 ported by eligible entities to States under section
12 1201(a);

13 “(4) containing a description of technical assist-
14 ance and other assistance provided by State edu-
15 cational agencies under section 1191(b)(2)(C);

16 “(5) containing an estimate of the number of ef-
17 fective teachers working in language instruction edu-
18 cational programs and educating English learners,
19 and an estimate of the number of such teachers that
20 will be needed for the succeeding 5 fiscal years;

21 “(6) containing the number of programs or ac-
22 tivities, if any, that were terminated because the enti-
23 ties carrying out the programs or activities were not
24 able to reach program goals;

1 “(7) containing the number of English learners
2 served by eligible entities receiving funding under this
3 subpart who were transitioned out of language in-
4 struction educational programs funded under this
5 subpart into classrooms where instruction is not tai-
6 lored for English learners; and

7 “(8) containing other information gathered from
8 other reports submitted to the Secretary under this
9 subpart when applicable.

10 **“SEC. 1203. COORDINATION WITH RELATED PROGRAMS.**

11 *“In order to maximize Federal efforts aimed at serving*
12 *the educational needs of English learners, the Secretary*
13 *shall coordinate and ensure close cooperation with other en-*
14 *tities carrying out programs serving language-minority*
15 *and English learners that are administered by the Depart-*
16 *ment and other agencies. The Secretary shall report to the*
17 *Congress on parallel Federal programs in other agencies*
18 *and departments.*

19 **“SEC. 1204. RULES OF CONSTRUCTION.**

20 *“Nothing in this subpart shall be construed—*

21 *“(1) to prohibit a local educational agency from*
22 *serving English learners simultaneously with children*
23 *with similar educational needs, in the same edu-*
24 *cational settings where appropriate;*

1 “(2) to require a State or a local educational
2 agency to establish, continue, or eliminate any par-
3 ticular type of instructional program for English
4 learners; or

5 “(3) to limit the preservation or use of Native
6 American languages.

7 **“SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.**

8 *“Nothing in this subpart shall be construed to negate
9 or supersede State law, or the legal authority under State
10 law of any State agency, State entity, or State public offi-
11 cial, over programs that are under the jurisdiction of the
12 State agency, entity, or official.*

13 **“SEC. 1206. CIVIL RIGHTS.**

14 *“Nothing in this subpart shall be construed in a man-
15 ner inconsistent with any Federal law guaranteeing a civil
16 right.*

17 **“SEC. 1207. PROHIBITION.**

18 *“In carrying out this subpart, the Secretary shall nei-
19 ther mandate nor preclude the use of a particular cur-
20 ricular or pedagogical approach to educating English
21 learners.*

22 **“SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND PUER-
23 TO RICO.**

24 *“Notwithstanding any other provision of this subpart,
25 programs authorized under this subpart that serve Native*

1 *American (including Native American Pacific Islander)*
2 *children and children in the Commonwealth of Puerto Rico*
3 *may include programs of instruction, teacher training, cur-*
4 *riculum development, evaluation, and assessment designed*
5 *for Native American children learning and studying Native*
6 *American languages and children of limited Spanish pro-*
7 *ficiency, except that an outcome of programs serving such*
8 *children shall be increased English proficiency among such*
9 *children.*

10 **“CHAPTER C—NATIONAL ACTIVITIES**

11 **“SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT**
12 **PROJECT.**

13 *“The Secretary shall use funds made available under*
14 *section 1191(c)(1)(B) to award grants on a competitive*
15 *basis, for a period of not more than 5 years, to institutions*
16 *of higher education or public or private organizations with*
17 *relevant experience and capacity (in consortia with State*
18 *educational agencies or local educational agencies) to pro-*
19 *vide for professional development activities that will im-*
20 *prove classroom instruction for English learners and assist*
21 *educational personnel working with such children to meet*
22 *high professional standards, including standards for certifi-*
23 *cation and licensure as teachers who work in language in-*
24 *struction educational programs or serve English learners.*
25 *Grants awarded under this subsection may be used—*

1 “(1) for preservice, evidence-based professional
2 development programs that will assist local schools
3 and institutions of higher education to upgrade the
4 qualifications and skills of educational personnel who
5 are not certified or licensed, especially educational
6 paraprofessionals;

7 “(2) for the development of curricula or other in-
8 structional strategies appropriate to the needs of the
9 consortia participants involved;

10 “(3) to support strategies that strengthen and in-
11 crease parent and community member engagement in
12 the education of English learners; and

13 “(4) to share and disseminate evidence-based
14 practices in the instruction of English learners and in
15 increasing their student achievement.

16 **“CHAPTER D—GENERAL PROVISIONS**

17 **“SEC. 1221. DEFINITIONS.**

18 “Except as otherwise provided, in this subpart:

19 “(1) *CHILD*.—The term ‘child’ means any indi-
20 vidual aged 3 through 21.

21 “(2) *COMMUNITY-BASED ORGANIZATION*.—The
22 term ‘community-based organization’ means a private
23 nonprofit organization of demonstrated effectiveness,
24 Indian tribe, or tribally sanctioned educational au-
25 thority, that is representative of a community or sig-

1 *nificant segments of a community and that provides*
2 *educational or related services to individuals in the*
3 *community. Such term includes a Native Hawaiian*
4 *or Native American Pacific Islander native language*
5 *educational organization.*

6 “(3) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*
7 *ty’ means—*

8 “(A) *one or more local educational agencies;*

9 *or*

10 “(B) *one or more local educational agencies,*
11 *in consortia (or collaboration) with an institu-*
12 *tion of higher education, community-based orga-*
13 *nization, or State educational agency.*

14 “(4) *IMMIGRANT CHILDREN AND YOUTH.*—*The*
15 *term ‘immigrant children and youth’ means individ-*
16 *uals who—*

17 “(A) *are age 3 through 21;*

18 “(B) *were not born in any State; and*

19 “(C) *have not been attending one or more*
20 *schools in any one or more States for more than*
21 *3 full academic years.*

22 “(5) *INDIAN TRIBE.*—*The term ‘Indian tribe’*
23 *means any Indian tribe, band, nation, or other orga-*
24 *nized group or community, including any Native vil-*
25 *lage or Regional Corporation or Village Corporation*

1 *as defined in or established pursuant to the Alaska*
2 *Native Claims Settlement Act, that is recognized as*
3 *eligible for the special programs and services provided*
4 *by the United States to Indians because of their sta-*
5 *tus as Indians.*

6 “(6) *LANGUAGE INSTRUCTION EDUCATIONAL*
7 *PROGRAM.—The term ‘language instruction edu-*
8 *cational program’ means an instruction course—*

9 “(A) *in which an English learner is placed*
10 *for the purpose of developing and attaining*
11 *English language proficiency, while meeting*
12 *State academic standards, as required by section*
13 *1111(b)(1); and*

14 “(B) *that may make instructional use of*
15 *both English and a child’s native language to en-*
16 *able the child to develop and attain English lan-*
17 *guage proficiency, and may include the partici-*
18 *ipation of English language proficient children if*
19 *such course is designed to enable all partici-*
20 *pating children to become proficient in English*
21 *and a second language.*

22 “(7) *NATIVE LANGUAGE.—The term ‘native lan-*
23 *guage’, when used with reference to English learner,*
24 *means—*

1 “(A) *the language normally used by such*
2 *individual; or*

3 “(B) *in the case of a child or youth, the lan-*
4 *guage normally used by the parents of the child*
5 *or youth.*

6 “(8) *PARAPROFESSIONAL.—The term ‘para-*
7 *professional’ means an individual who is employed in*
8 *a preschool, elementary school, or secondary school*
9 *under the supervision of a certified or licensed teach-*
10 *er, including individuals employed in language in-*
11 *struction educational programs, special education,*
12 *and migratory education.*

13 “(9) *STATE.—The term ‘State’ means each of the*
14 *50 States, the District of Columbia, and the Common-*
15 *wealth of Puerto Rico.*

16 **“SEC. 1222. NATIONAL CLEARINGHOUSE.**

17 “(a) *IN GENERAL.—The Secretary shall establish and*
18 *support the operation of a National Clearinghouse for*
19 *English Language Acquisition and Language Instruction*
20 *Educational Programs, which shall collect, analyze, syn-*
21 *thesize, and disseminate information about language in-*
22 *struction educational programs for English learners, and*
23 *related programs. The National Clearinghouse shall—*

24 “(1) *be administered as an adjunct clearinghouse*
25 *of the Educational Resources Information Center*

1 *Clearinghouses system supported by the Institute of*
2 *Education Sciences;*

3 *“(2) coordinate activities with Federal data and*
4 *information clearinghouses and entities operating*
5 *Federal dissemination networks and systems;*

6 *“(3) develop a system for improving the oper-*
7 *ation and effectiveness of federally funded language*
8 *instruction educational programs;*

9 *“(4) collect and disseminate information on—*

10 *“(A) educational research and processes re-*
11 *lated to the education of English learners; and*

12 *“(B) accountability systems that monitor*
13 *the academic progress of English learners in lan-*
14 *guage instruction educational programs, includ-*
15 *ing information on academic content and*
16 *English language proficiency assessments for*
17 *language instruction educational programs; and*

18 *“(5) publish, on an annual basis, a list of grant*
19 *recipients under this subpart.*

20 *“(b) CONSTRUCTION.—Nothing in this section shall*
21 *authorize the Secretary to hire new personnel to execute sub-*
22 *section (a).*

23 **“SEC. 1223. REGULATIONS.**

24 *“In developing regulations under this subpart, the Sec-*
25 *retary shall consult with State educational agencies and*

1 *local educational agencies, organizations representing*
2 *English learners, and organizations representing teachers*
3 *and other personnel involved in the education of English*
4 *learners.*

5 **“Subpart 5—Rural Education Achievement Program**

6 **“SEC. 1230. PURPOSE.**

7 *“It is the purpose of this subpart to address the unique*
8 *needs of rural school districts that frequently—*

9 *“(1) lack the personnel and resources needed to*
10 *compete effectively for Federal competitive grants;*
11 *and*

12 *“(2) receive formula grant allocations in*
13 *amounts too small to be effective in meeting their in-*
14 *tended purposes.*

15 **“CHAPTER A—SMALL, RURAL SCHOOL**
16 **ACHIEVEMENT PROGRAM**

17 **“SEC. 1231. GRANT PROGRAM AUTHORIZED.**

18 *“(a) IN GENERAL.—From amounts appropriated*
19 *under section 3(a)(1) for a fiscal year, the Secretary shall*
20 *reserve 0.6 of one percent to award grants to eligible local*
21 *educational agencies to enable the local educational agencies*
22 *to carry out activities authorized under any of the following*
23 *provisions:*

24 *“(1) Part A of title I.*

25 *“(2) Title II.*

1 “(3) *Title III.*

2 “(b) *ALLOCATION.—*

3 “(1) *IN GENERAL.—Except as provided in para-*
4 *graph (3), the Secretary shall award a grant under*
5 *subsection (a) to a local educational agency eligible*
6 *under subsection (d) for a fiscal year in an amount*
7 *equal to the initial amount determined under para-*
8 *graph (2) for the fiscal year minus the total amount*
9 *received by the agency in subpart 2 of part A of title*
10 *II for the preceding fiscal year.*

11 “(2) *DETERMINATION OF INITIAL AMOUNT.—The*
12 *initial amount referred to in paragraph (1) is equal*
13 *to \$100 multiplied by the total number of students in*
14 *excess of 50 students, in average daily attendance at*
15 *the schools served by the local educational agency,*
16 *plus \$20,000, except that the initial amount may not*
17 *exceed \$60,000.*

18 “(3) *RATABLE ADJUSTMENT.—*

19 “(A) *IN GENERAL.—If the amount made*
20 *available to carry out this section for any fiscal*
21 *year is not sufficient to pay in full the amounts*
22 *that local educational agencies are eligible to re-*
23 *ceive under paragraph (1) for such year, the Sec-*
24 *retary shall ratably reduce such amounts for*
25 *such year.*

1 “(B) *ADDITIONAL AMOUNTS.*—*If additional*
2 *funds become available for making payments*
3 *under paragraph (1) for such fiscal year, pay-*
4 *ments that were reduced under subparagraph (A)*
5 *shall be increased on the same basis as such pay-*
6 *ments were reduced.*

7 “(c) *DISBURSEMENT.*—*The Secretary shall disburse*
8 *the funds awarded to a local educational agency under this*
9 *section for a fiscal year not later than July 1 of that fiscal*
10 *year.*

11 “(d) *ELIGIBILITY.*—

12 “(1) *IN GENERAL.*—*A local educational agency*
13 *shall be eligible to use the applicable funding in ac-*
14 *cordance with subsection (a) if—*

15 “(A)(i)(I) *the total number of students in*
16 *average daily attendance at all of the schools*
17 *served by the local educational agency is fewer*
18 *than 600; or*

19 “(II) *each county in which a school served*
20 *by the local educational agency is located has a*
21 *total population density of fewer than 10 persons*
22 *per square mile; and*

23 “(ii) *all of the schools served by the local*
24 *educational agency are designated with a school*

1 *locale code of 41, 42, or 43, as determined by the*
2 *Secretary; or*

3 *“(B) the agency meets the criteria estab-*
4 *lished in subparagraph (A)(i) and the Secretary,*
5 *in accordance with paragraph (2), grants the*
6 *local educational agency’s request to waive the*
7 *criteria described in subparagraph (A)(ii).*

8 *“(2) CERTIFICATION.—The Secretary shall deter-*
9 *mine whether to waive the criteria described in para-*
10 *graph (1)(A)(ii) based on a demonstration by the*
11 *local educational agency, and concurrence by the*
12 *State educational agency, that the local educational*
13 *agency is located in an area defined as rural by a*
14 *governmental agency of the State.*

15 *“(3) HOLD HARMLESS.—For a local educational*
16 *agency that is not eligible under this chapter but met*
17 *the eligibility requirements under this subsection as it*
18 *was in effect prior to the date of the enactment of the*
19 *Student Success Act, the agency shall receive—*

20 *“(A) for fiscal year 2016, 75 percent of the*
21 *amount such agency received for fiscal year*
22 *2013;*

23 *“(B) for fiscal year 2017, 50 percent of the*
24 *amount such agency received for fiscal year*
25 *2013; and*

1 “(C) for fiscal year 2018, 25 percent of the
2 amount such agency received for fiscal year
3 2013.

4 “(e) *SPECIAL ELIGIBILITY RULE.*—A local educational
5 agency that receives a grant under this chapter for a fiscal
6 year is not eligible to receive funds for such fiscal year
7 under chapter B.

8 **“CHAPTER B—RURAL AND LOW-INCOME**
9 **SCHOOL PROGRAM**

10 **“SEC. 1235. PROGRAM AUTHORIZED.**

11 “(a) *GRANTS TO STATES.*—

12 “(1) *IN GENERAL.*—From amounts appropriated
13 under section 3(a)(1) for a fiscal year, the Secretary
14 shall reserve 0.6 of one percent for this chapter for a
15 fiscal year that are not reserved under subsection (c)
16 to award grants (from allotments made under para-
17 graph (2)) for the fiscal year to State educational
18 agencies that have applications submitted under sec-
19 tion 1237 approved to enable the State educational
20 agencies to award grants to eligible local educational
21 agencies for local authorized activities described in
22 section 1236(a).

23 “(2) *ALLOTMENT.*—From amounts described in
24 paragraph (1) for a fiscal year, the Secretary shall
25 allot to each State educational agency for that fiscal

1 *year an amount that bears the same ratio to those*
2 *amounts as the number of students in average daily*
3 *attendance served by eligible local educational agen-*
4 *cies in the State for that fiscal year bears to the num-*
5 *ber of all such students served by eligible local edu-*
6 *cational agencies in all States for that fiscal year.*

7 *“(3) SPECIALLY QUALIFIED AGENCIES.—*

8 *“(A) ELIGIBILITY AND APPLICATION.—If a*
9 *State educational agency elects not to participate*
10 *in the program under this subpart or does not*
11 *have an application submitted under section*
12 *1237 approved, a specially qualified agency in*
13 *such State desiring a grant under this subpart*
14 *may submit an application under such section*
15 *directly to the Secretary to receive an award*
16 *under this subpart.*

17 *“(B) DIRECT AWARDS.—The Secretary may*
18 *award, on a competitive basis or by formula, the*
19 *amount the State educational agency is eligible*
20 *to receive under paragraph (2) directly to a spe-*
21 *cially qualified agency in the State that has sub-*
22 *mitted an application in accordance with sub-*
23 *paragraph (A) and obtained approval of the ap-*
24 *plication.*

1 “(C) *SPECIALLY QUALIFIED AGENCY DE-*
2 *FINED.—In this subpart, the term ‘specially*
3 *qualified agency’ means an eligible local edu-*
4 *cational agency served by a State educational*
5 *agency that does not participate in a program*
6 *under this subpart in a fiscal year, that may*
7 *apply directly to the Secretary for a grant in*
8 *such year under this subsection.*

9 “(b) *LOCAL AWARDS.—*

10 “(1) *ELIGIBILITY.—A local educational agency*
11 *shall be eligible to receive a grant under this subpart*
12 *if—*

13 “(A) *20 percent or more of the children ages*
14 *5 through 17 years served by the local edu-*
15 *cational agency are from families with incomes*
16 *below the poverty line; and*

17 “(B) *all of the schools served by the agency*
18 *are designated with a school locale code of 32,*
19 *33, 41, 42, 43, as determined by the Secretary.*

20 “(2) *AWARD BASIS.—A State educational agency*
21 *shall award grants to eligible local educational agen-*
22 *cies—*

23 “(A) *on a competitive basis;*

24 “(B) *according to a formula based on the*
25 *number of students in average daily attendance*

1 *served by the eligible local educational agencies*
2 *or schools in the State; or*

3 “(C) *according to an alternative formula, if,*
4 *prior to awarding the grants, the State edu-*
5 *cational agency demonstrates, to the satisfaction*
6 *of the Secretary, that the alternative formula en-*
7 *ables the State educational agency to allot the*
8 *grant funds in a manner that serves equal or*
9 *greater concentrations of children from families*
10 *with incomes below the poverty line, relative to*
11 *the concentrations that would be served if the*
12 *State educational agency used the formula de-*
13 *scribed in subparagraph (B).*

14 “(c) *RESERVATIONS.—From amounts reserved under*
15 *section 1235(a)(1) for this chapter for a fiscal year, the Sec-*
16 *retary shall reserve—*

17 “(1) *one-half of 1 percent to make awards to ele-*
18 *mentary schools or secondary schools operated or sup-*
19 *ported by the Bureau of Indian Education, to carry*
20 *out the activities authorized under this chapter; and*

21 “(2) *one-half of 1 percent to make awards to the*
22 *outlying areas in accordance with their respective*
23 *needs, to carry out the activities authorized under this*
24 *chapter.*

1 **“SEC. 1236. USES OF FUNDS.**

2 “(a) *LOCAL AWARDS.*—Grant funds awarded to local
3 educational agencies under this chapter shall be used for
4 activities authorized under any of the following:

5 “(1) *Part A of title I.*

6 “(2) *Title II.*

7 “(3) *Title III.*

8 “(b) *ADMINISTRATIVE COSTS.*—A State educational
9 agency receiving a grant under this chapter may not use
10 more than 5 percent of the amount of the grant for State
11 administrative costs and to provide technical assistance to
12 eligible local educational agencies.

13 **“SEC. 1237. APPLICATIONS.**

14 “(a) *IN GENERAL.*—Each State educational agency or
15 specially qualified agency desiring to receive a grant under
16 this chapter shall submit an application to the Secretary
17 at such time and in such manner as the Secretary may
18 require.

19 “(b) *CONTENTS.*—Each application submitted under
20 subsection (a) shall include—

21 “(1) a description of how the State educational
22 agency or specially qualified agency will ensure eligi-
23 ble local educational agencies receiving a grant under
24 this chapter will use such funds to help students meet
25 the State academic standards under section
26 1111(b)(1);

1 “(2) if the State educational agency or specially
2 qualified agency will competitively award grants to
3 eligible local educational agencies, as described in sec-
4 tion 1235(b)(2)(A), the application under the section
5 shall include—

6 “(A) the methods and criteria the State edu-
7 cational agency or specially qualified agency
8 will use for reviewing applications and award-
9 ing funds to local educational agencies on a com-
10 petitive basis; and

11 “(B) how the State educational agency or
12 specially qualified agency will notify eligible
13 local educational agencies of the grant competi-
14 tion; and

15 “(3) a description of how the State educational
16 agency or specially qualified agency will provide tech-
17 nical assistance to eligible local educational agencies
18 to help such agencies implement the activities de-
19 scribed in section 1236(a).

20 **“SEC. 1238. ACCOUNTABILITY.**

21 “Each State educational agency or specially qualified
22 agency that receives a grant under this chapter shall pre-
23 pare and submit an annual report to the Secretary. The
24 report shall describe—

1 “(1) *the methods and criteria the State edu-*
2 *catational agency or specially qualified agency used to*
3 *award grants to eligible local educational agencies,*
4 *and to provide assistance to schools, under this chap-*
5 *ter;*

6 “(2) *how local educational agencies and schools*
7 *used funds provided under this chapter; and*

8 “(3) *the degree to which progress has been made*
9 *toward having all students meet the State academic*
10 *standards under section 1111(b)(1).*

11 **“SEC. 1239. CHOICE OF PARTICIPATION.**

12 “(a) *IN GENERAL.—If a local educational agency is*
13 *eligible for funding under chapters A and B of this subpart,*
14 *such local educational agency may receive funds under ei-*
15 *ther chapter A or chapter B for a fiscal year, but may not*
16 *receive funds under both chapters.*

17 “(b) *NOTIFICATION.—A local educational agency eligi-*
18 *ble for both chapters A and B of this subpart shall notify*
19 *the Secretary and the State educational agency under which*
20 *of such chapters such local educational agency intends to*
21 *receive funds for a fiscal year by a date that is established*
22 *by the Secretary for the notification.*

1 **“CHAPTER C—GENERAL PROVISIONS**

2 **“SEC. 1241. ANNUAL AVERAGE DAILY ATTENDANCE DETER-**
 3 **MINATION.**

4 “(a) *CENSUS DETERMINATION.*—*Each local edu-*
 5 *cational agency desiring a grant under section 1231 and*
 6 *each local educational agency or specially qualified agency*
 7 *desiring a grant under chapter B shall—*

8 “(1) *not later than December 1 of each year, con-*
 9 *duct a census to determine the number of students in*
 10 *average daily attendance in kindergarten through*
 11 *grade 12 at the schools served by the agency; and*

12 “(2) *not later than March 1 of each year, submit*
 13 *the number described in paragraph (1) to the Sec-*
 14 *retary (and to the State educational agency, in the*
 15 *case of a local educational agency seeking a grant*
 16 *under subpart 2).*

17 “(b) *PENALTY.*—*If the Secretary determines that a*
 18 *local educational agency or specially qualified agency has*
 19 *knowingly submitted false information under subsection (a)*
 20 *for the purpose of gaining additional funds under section*
 21 *1231 or chapter B, then the agency shall be fined an amount*
 22 *equal to twice the difference between the amount the agency*
 23 *received under this section and the correct amount the agen-*
 24 *cy would have received under section 1231 or chapter B*

1 *if the agency had submitted accurate information under*
2 *subsection (a).*

3 **“SEC. 1242. SUPPLEMENT, NOT SUPPLANT.**

4 *“Funds made available under chapter A or chapter B*
5 *shall be used to supplement, and not supplant, any other*
6 *Federal, State, or local education funds.*

7 **“SEC. 1243. RULE OF CONSTRUCTION.**

8 *“Nothing in this subpart shall be construed to prohibit*
9 *a local educational agency that enters into cooperative ar-*
10 *rangements with other local educational agencies for the*
11 *provision of special, compensatory, or other education serv-*
12 *ices, pursuant to State law or a written agreement, from*
13 *entering into similar arrangements for the use, or the co-*
14 *ordination of the use, of the funds made available under*
15 *this subpart.”.*

16 *(b) STRIKE.—The Act is amended by striking title VII*
17 *(20 U.S.C. 7401 et seq.).*

18 ***Subtitle D—National Assessment***

19 ***SEC. 141. NATIONAL ASSESSMENT OF TITLE I.***

20 *(a) IN GENERAL.—Part E of title I (20 U.S.C. 6491*
21 *et seq.) is redesignated as part B of title I.*

22 *(b) REPEALS.—Sections 1502 and 1504 (20 U.S.C.*
23 *6492; 6494) are repealed.*

1 (c) *REDESIGNATIONS.*—Sections 1501 and 1503 (20
2 *U.S.C. 6491; 6493*) are redesignated as sections 1301 and
3 1302, respectively.

4 (d) *AMENDMENTS TO SECTION 1301.*—Section 1301
5 (20 *U.S.C. 6491*), as so redesignated, is amended—

6 (1) *in subsection (a)*—

7 (A) *in paragraph (1), by inserting “, acting*
8 *through the Director of the Institute of Edu-*
9 *cation Sciences (in this section and section 1302*
10 *referred to as the ‘Director’),” after “The Sec-*
11 *retary”;*

12 (B) *in paragraph (2)*—

13 (i) *by striking “Secretary” and insert-*
14 *ing “Director”;*

15 (ii) *in subparagraph (A), by striking*
16 *“reaching the proficient level” and all that*
17 *follows and inserting “graduating high*
18 *school prepared for postsecondary education*
19 *or the workforce.”;*

20 (iii) *in subparagraph (B), by striking*
21 *“reach the proficient” and all that follows*
22 *and inserting “meet State academic stand-*
23 *ards.”;*

24 (iv) *by striking subparagraphs (D)*
25 *and (G) and redesignating subparagraphs*

1 *(E), (F), and (H) through (O) as subpara-*
2 *graphs (D) through (M), respectively;*

3 *(v) in subparagraph (D)(v) (as so re-*
4 *designated), by striking “help schools in*
5 *which” and all that follows and inserting*
6 *“address disparities in the percentages of ef-*
7 *fective teachers teaching in low-income*
8 *schools.”;*

9 *(vi) in subparagraph (G) (as so redес-*
10 *ignated)—*

11 *(I) by striking “section 1116” and*
12 *inserting “section 1111(b)(3)(B)(iii)”;*
13 *and*

14 *(II) by striking “, including the*
15 *following” and all that follows and in-*
16 *serting a period;*

17 *(vii) in subparagraph (I) (as so redес-*
18 *ignated), by striking “qualifications” and*
19 *inserting “effectiveness”;*

20 *(viii) in subparagraph (J) (as so redес-*
21 *ignated), by striking “, including funds*
22 *under section 1002,”;*

23 *(ix) in subparagraph (L) (as so redес-*
24 *ignated), by striking “section*

1 1111(b)(2)(C)(v)(II)” and inserting “section
2 1111(b)(3)(B)(ii)(II)”;

3 (x) in subparagraph (M) (as so reded-
4 ignated), by striking “Secretary” and in-
5 serting “Director”;

6 (C) in paragraph (3), by striking “Sec-
7 retary” and inserting “Director”;

8 (D) in paragraph (4), by striking “Sec-
9 retary” and inserting “Director”;

10 (E) in paragraph (5), by striking “Sec-
11 retary” and inserting “Director”; and

12 (F) in paragraph (6)—

13 (i) by striking “No Child Left Behind
14 Act of 2001” each place it appears and in-
15 serting “Student Success Act”; and

16 (ii) by striking “Secretary” each place
17 it appears and inserting “Director”;

18 (2) in subsection (b), by striking “Secretary”
19 each place it appears and inserting “Director”;

20 (3) in subsection (c)—

21 (A) in paragraph (1)—

22 (i) by striking “Secretary” and insert-
23 ing “Director”; and

24 (ii) by striking “part A” and inserting
25 “subpart 1 of part A”;

1 (B) in paragraph (2)—

2 (i) by striking “Secretary” and insert-
3 ing “Director”;

4 (ii) in subparagraph (B), by striking
5 “challenging academic achievement stand-
6 ards” and inserting “State academic stand-
7 ards”;

8 (iii) in subparagraph (E), by striking
9 “effects of the availability” and all that fol-
10 lows and inserting “extent to which actions
11 authorized under section 1111(b)(3)(B)(iii)
12 improve the academic achievement of dis-
13 advantaged students and low-performing
14 schools.”; and

15 (iv) in subparagraph (F), by striking
16 “Secretary” and inserting “Director”; and

17 (C) in paragraph (3)—

18 (i) by striking “Secretary” and insert-
19 ing “Director”; and

20 (ii) by striking subparagraph (C) and
21 inserting the following:

22 “(C) analyzes varying models or strategies
23 for delivering school services, including
24 schoolwide and targeted services.”; and

1 (4) *in subsection (d), by striking “Secretary”*
2 *each place it appears and inserting “Director”.*

3 (e) *AMENDMENTS TO SECTION 1302.—Section 1302*
4 *(20 U.S.C. 6493), as so redesignated, is amended—*

5 (1) *in subsection (a)—*

6 (A) *by striking “Secretary” and inserting*
7 *“Director”; and*

8 (B) *by striking “and for making decisions*
9 *about the promotion and graduation of stu-*
10 *dents”;*

11 (2) *in subsection (b)—*

12 (A) *by striking “Secretary” the first place*
13 *it appears and inserting “Director”;*

14 (B) *by striking “process,” and inserting*
15 *“process consistent with section 1111(e)(1),”; and*

16 (C) *by striking “Assistant Secretary of*
17 *Educational Research and Improvement” and*
18 *inserting “Director”;*

19 (3) *in subsection (d)—*

20 (A) *in paragraph (1)—*

21 (i) *in subparagraph (A), by striking*
22 *“to the State-defined level of proficiency”*
23 *and inserting “toward meeting the State*
24 *academic standards”; and*

1 (ii) in subparagraph (C), by striking
2 “pupil-services” and inserting “specialized
3 instructional support services”;

4 (B) in paragraph (3), by striking “limited
5 and nonlimited English proficient students” and
6 inserting “English learners and non-English
7 learners”; and

8 (C) in paragraph (6), by striking “Sec-
9 retary” and inserting “Director”; and

10 (4) in subsection (f)—

11 (A) by striking “Secretary” and inserting
12 “Director”; and

13 (B) by striking “authorized to be appro-
14 priated for this part” and inserting “appro-
15 priated under section 3(a)(2)”.

16 ***Subtitle E—Title I General***
17 ***Provisions***

18 **SEC. 151. GENERAL PROVISIONS FOR TITLE I.**

19 *Part I of title I (20 U.S.C. 6571 et seq.)—*

20 (1) is transferred to appear after part B (as re-
21 designated); and

22 (2) is amended to read as follows:

1 **“PART C—GENERAL PROVISIONS**

2 **“SEC. 1401. FEDERAL REGULATIONS.**

3 “(a) *IN GENERAL.*—*The Secretary may, in accordance*
4 *with subsections (b) through (d), issue such regulations as*
5 *are necessary to reasonably ensure there is compliance with*
6 *this title.*

7 “(b) *NEGOTIATED RULEMAKING PROCESS.*—

8 “(1) *IN GENERAL.*—*Before publishing in the*
9 *Federal Register proposed regulations to carry out*
10 *this title, the Secretary shall obtain the advice and*
11 *recommendations of representatives of Federal, State,*
12 *and local administrators, parents, teachers, and mem-*
13 *bers of local school boards and other organizations in-*
14 *volved with the implementation and operation of pro-*
15 *grams under this title, including those representatives*
16 *and members nominated by local and national stake-*
17 *holder representatives.*

18 “(2) *MEETINGS AND ELECTRONIC EXCHANGE.*—
19 *Such advice and recommendations may be obtained*
20 *through such mechanisms as regional meetings and*
21 *electronic exchanges of information. Such regional*
22 *meetings and electronic exchanges of information*
23 *shall be public and notice of such meetings and ex-*
24 *changes shall be provided to interested stakeholders.*

1 “(3) *PROPOSED REGULATIONS.*—*After obtaining*
2 *such advice and recommendations, and before pub-*
3 *lishing proposed regulations, the Secretary shall—*

4 “(A) *establish a negotiated rulemaking*
5 *process;*

6 “(B) *select individuals to participate in*
7 *such process from among individuals or groups*
8 *that provided advice and recommendations, in-*
9 *cluding representation from all geographic re-*
10 *gions of the United States, in such numbers as*
11 *will provide an equitable balance between rep-*
12 *resentatives of parents and students and rep-*
13 *resentatives of educators and education officials;*
14 *and*

15 “(C) *prepare a draft of proposed policy op-*
16 *tions that shall be provided to the individuals se-*
17 *lected by the Secretary under subparagraph (B)*
18 *not less than 15 days before the first meeting*
19 *under such process.*

20 “(c) *PROPOSED RULEMAKING.*—*If the Secretary deter-*
21 *mines that a negotiated rulemaking process is unnecessary*
22 *or the individuals selected to participate in the process*
23 *under paragraph (3)(B) fail to reach unanimous agree-*
24 *ment, the Secretary may propose regulations under the fol-*
25 *lowing procedure:*

1 “(1) Not less than 30 days prior to beginning a
2 rulemaking process, the Secretary shall provide to
3 Congress, including the Committee on Education and
4 the Workforce of the House of Representatives and the
5 Committee on Health, Education, Labor, and Pen-
6 sions of the Senate, notice that shall include—

7 “(A) a copy of the proposed regulations;

8 “(B) the need to issue regulations;

9 “(C) the anticipated burden, including the
10 time, cost, and paperwork burden, the regula-
11 tions will have on State educational agencies,
12 local educational agencies, schools, and other en-
13 tities that may be impacted by the regulations;
14 and

15 “(D) any regulations that will be repealed
16 when the new regulations are issued.

17 “(2) 30 days after giving notice of the proposed
18 rule to Congress, the Secretary may proceed with the
19 rulemaking process after all comments received from
20 the Congress have been addressed and publishing how
21 such comments are addressed with the proposed rule.

22 “(3) The comment and review period for any
23 proposed regulation shall be 90 days unless an emer-
24 gency requires a shorter period, in which case such

1 *period shall be not less than 45 days and the Sec-*
2 *retary shall—*

3 “(A) *designate the proposed regulation as*
4 *an emergency with an explanation of the emer-*
5 *gency in the notice and report to Congress under*
6 *paragraph (1); and*

7 “(B) *publish the length of the comment and*
8 *review period in such notice and in the Federal*
9 *Register.*

10 “(4) *No regulation shall be made final after the*
11 *comment and review period until the Secretary has*
12 *published in the Federal Register an independent as-*
13 *essment (which shall include a representative sam-*
14 *pling of local educational agencies based on local edu-*
15 *cational agency enrollment, urban, suburban, or rural*
16 *character, and other factors impacted by the proposed*
17 *regulation) of—*

18 “(A) *the burden, including the time, cost,*
19 *and paperwork burden, the regulation will im-*
20 *pose on State educational agencies, local edu-*
21 *cational agencies, schools and other entities that*
22 *may be impacted by the regulation;*

23 “(B) *an explanation of how the entities de-*
24 *scribed in subparagraph (A) may cover the cost*

1 *of the burden assessed under subparagraph (A);*
2 *and*

3 “(C) *the proposed regulation, which thor-*
4 *oughly addresses, based on the comments received*
5 *during the comment and review period under*
6 *paragraph (3), whether the rule is financially,*
7 *operationally, and educationally viable at the*
8 *local level.*

9 “(d) *LIMITATION.—Regulations to carry out this title*
10 *may not require local programs to follow a particular in-*
11 *structional model, such as the provision of services outside*
12 *the regular classroom or school program.*

13 **“SEC. 1402. AGREEMENTS AND RECORDS.**

14 “(a) *AGREEMENTS.—In the case in which a negotiated*
15 *rule making process is established under subsection (b) of*
16 *section 1401, all published proposed regulations shall con-*
17 *form to agreements that result from the rulemaking de-*
18 *scribed in section 1401 unless the Secretary reopens the ne-*
19 *gotiated rulemaking process.*

20 “(b) *RECORDS.—The Secretary shall ensure that an*
21 *accurate and reliable record of agreements reached during*
22 *the negotiations process is maintained.*

23 **“SEC. 1403. STATE ADMINISTRATION.**

24 “(a) *RULEMAKING.—*

1 “(1) *IN GENERAL.*—*Each State that receives*
2 *funds under this title shall—*

3 “(A) *ensure that any State rules, regula-*
4 *tions, and policies relating to this title conform*
5 *to the purposes of this title and provide any such*
6 *proposed rules, regulations, and policies to the*
7 *committee of practitioners created under sub-*
8 *section (b) for review and comment;*

9 “(B) *minimize such rules, regulations, and*
10 *policies to which the State’s local educational*
11 *agencies and schools are subject;*

12 “(C) *eliminate or modify State and local*
13 *fiscal accounting requirements in order to facili-*
14 *tate the ability of schools to consolidate funds*
15 *under schoolwide programs;*

16 “(D) *identify any such rule, regulation, or*
17 *policy as a State-imposed requirement; and*

18 “(E)(i) *identify any duplicative or con-*
19 *trasting requirements between the State and Fed-*
20 *eral rules or regulations;*

21 “(ii) *eliminate the rules and regulations*
22 *that are duplicative of Federal requirements; and*

23 “(iii) *report any conflicting requirements to*
24 *the Secretary and determine which Federal or*
25 *State rule or regulation shall be followed.*

1 “(2) *SUPPORT AND FACILITATION.*—*State rules,*
2 *regulations, and policies under this title shall support*
3 *and facilitate local educational agency and school-*
4 *level systemic reform designed to enable all children*
5 *to meet the State academic standards.*

6 “(b) *COMMITTEE OF PRACTITIONERS.*—

7 “(1) *IN GENERAL.*—*Each State educational*
8 *agency that receives funds under this title shall create*
9 *a State committee of practitioners to advise the State*
10 *in carrying out its responsibilities under this title.*

11 “(2) *MEMBERSHIP.*—*Each such committee shall*
12 *include—*

13 “(A) *as a majority of its members, rep-*
14 *resentatives from local educational agencies;*

15 “(B) *administrators, including the admin-*
16 *istrators of programs described in other parts of*
17 *this title;*

18 “(C) *teachers from public charter schools,*
19 *traditional public schools, and career and tech-*
20 *nical educators;*

21 “(D) *parents;*

22 “(E) *members of local school boards;*

23 “(F) *representatives of public charter school*
24 *authorizers;*

25 “(G) *public charter school leaders;*

1 “(H) representatives of private school chil-
2 dren; and

3 “(I) specialized instructional support per-
4 sonnel.

5 “(3) *DUTIES.*—*The duties of such committee*
6 *shall include a review, before publication, of any pro-*
7 *posed or final State rule or regulation pursuant to*
8 *this title. In an emergency situation where such rule*
9 *or regulation must be issued within a very limited*
10 *time to assist local educational agencies with the op-*
11 *eration of the program under this title, the State edu-*
12 *cational agency may issue a regulation without prior*
13 *consultation, but shall immediately thereafter convene*
14 *the State committee of practitioners to review the*
15 *emergency regulation before issuance in final form.*

16 **“SEC. 1404. RULE OF CONSTRUCTION ON EQUALIZED**
17 **SPENDING.**

18 “Nothing in this title shall be construed to mandate
19 or prohibit equalized spending per pupil for a State, local
20 educational agency, or school.”

21 **TITLE II—TEACHER PREPARA-**
22 **TION AND EFFECTIVENESS**

23 **SEC. 201. TEACHER PREPARATION AND EFFECTIVENESS.**

24 (a) *HEADING.*—*The title heading for title II (20*
25 *U.S.C. 6601 et seq.) is amended to read as follows:*

1 **“TITLE II—TEACHER PREPARA-**
2 **TION AND EFFECTIVENESS”.**

3 (b) *PART A.—Part A of title II (20 U.S.C. 6601 et*
4 *seq.) is amended to read as follows:*

5 **“PART A—SUPPORTING EFFECTIVE INSTRUCTION**

6 **“SEC. 2101. PURPOSE.**

7 *“The purpose of this part is to provide grants to State*
8 *educational agencies and subgrants to local educational*
9 *agencies to—*

10 *“(1) increase student achievement consistent with*
11 *State academic standards under section 1111(b)(1);*

12 *“(2) improve teacher and school leader effective-*
13 *ness in classrooms and schools, respectively;*

14 *“(3) provide evidence-based, job-embedded, con-*
15 *tinuous professional development; and*

16 *“(4) if a State educational agency or local edu-*
17 *cational agency so chooses, develop and implement*
18 *teacher evaluation systems that use, in part, student*
19 *achievement data to determine teacher effectiveness.*

20 **“Subpart 1—Grants to States**

21 **“SEC. 2111. ALLOTMENTS TO STATES.**

22 *“(a) IN GENERAL.—Of the amounts appropriated*
23 *under section 3(b), the Secretary shall reserve 75 percent*
24 *to make grants to States with applications approved under*
25 *section 2112 to pay for the Federal share of the cost of car-*

1 *rying out the activities specified in section 2113. Each*
2 *grant shall consist of the allotment determined for a State*
3 *under subsection (b).*

4 “(b) *DETERMINATION OF ALLOTMENTS.—*

5 “(1) *RESERVATION OF FUNDS.—Of the amount*
6 *reserved under subsection (a) for a fiscal year, the*
7 *Secretary shall reserve—*

8 “(A) *not more than 1 percent to carry out*
9 *national activities under section 2132;*

10 “(B) *one-half of 1 percent for allotments to*
11 *outlying areas on the basis of their relative need,*
12 *as determined by the Secretary, in accordance*
13 *with the purpose of this part; and*

14 “(C) *one-half of 1 percent for the Secretary*
15 *of the Interior for programs under this part in*
16 *schools operated or funded by the Bureau of In-*
17 *dian Education.*

18 “(2) *STATE ALLOTMENTS.—*

19 “(A) *IN GENERAL.—Subject to subpara-*
20 *graph (B), from the funds reserved under sub-*
21 *section (a) for any fiscal year and not reserved*
22 *under paragraph (1), the Secretary shall allot to*
23 *each State the sum of—*

24 “(i) *an amount that bears the same re-*
25 *lationship to 50 percent of the funds as the*

1 *number of individuals age 5 through 17 in*
2 *the State, as determined by the Secretary on*
3 *the basis of the most recent satisfactory*
4 *data, bears to the number of those individ-*
5 *uals in all such States, as so determined;*
6 *and*

7 “(i) *an amount that bears the same*
8 *relationship to 50 percent of the funds as*
9 *the number of individuals age 5 through 17*
10 *from families with incomes below the pov-*
11 *erty line in the State, as determined by the*
12 *Secretary on the basis of the most recent*
13 *satisfactory data, bears to the number of*
14 *those individuals in all such States, as so*
15 *determined.*

16 “(B) *SMALL STATE MINIMUM.—No State re-*
17 *ceiving an allotment under subparagraph (A)*
18 *may receive less than one-half of 1 percent of the*
19 *total amount of funds allotted under such sub-*
20 *paragraph for a fiscal year.*

21 “(C) *APPLICABILITY.—*

22 “(i) *IN GENERAL.—Subparagraph (A)*
23 *shall not apply with respect to a fiscal year*
24 *unless the Secretary certifies in writing to*
25 *Congress for that fiscal year that the*

1 *amount of funds allotted under subpara-*
2 *graph (A) to local educational agencies that*
3 *serve a high percentage of students from*
4 *families with incomes below the poverty line*
5 *is not less than the amount allotted to such*
6 *local educational agencies for fiscal year*
7 *2015.*

8 “(i) *SPECIAL RULE.—For a fiscal*
9 *year for which subparagraph (A) does not*
10 *apply, the Secretary shall allocate to each*
11 *State the funds described in subparagraph*
12 *(A) according to the formula set forth in*
13 *subsection (b)(2)(B)(i) of this section as in*
14 *effect on the day before the date of the enact-*
15 *ment of the Student Success Act.*

16 “(c) *REALLOTMENT.—If a State does not apply for an*
17 *allotment under this section for any fiscal year or only a*
18 *portion of the State’s allotment is allotted under subsection*
19 *(b)(2), the Secretary shall reallocate the State’s entire allot-*
20 *ment or the remaining portion of its allotment, as the case*
21 *may be, to the remaining States in accordance with sub-*
22 *section (b).*

23 **“SEC. 2112. STATE APPLICATION.**

24 “(a) *IN GENERAL.—For a State to be eligible to receive*
25 *a grant under this subpart, the State educational agency*

1 *shall submit an application to the Secretary at such time*
2 *and in such a manner as the Secretary may reasonably*
3 *require, which shall include the following:*

4 “(1) *A description of how the State educational*
5 *agency will meet the requirements of this subpart.*

6 “(2) *A description of how the State educational*
7 *agency will use a grant received under section 2111,*
8 *including the grant funds the State will reserve for*
9 *State-level activities under section 2113(a)(2).*

10 “(3) *A description of how the State educational*
11 *agency will facilitate the sharing of evidence-based*
12 *and other effective strategies among local educational*
13 *agencies.*

14 “(4) *A description of how, and under what*
15 *timeline, the State educational agency will allocate*
16 *subgrants under subpart 2 to local educational agen-*
17 *cies.*

18 “(5) *If applicable, a description of how the State*
19 *educational agency will work with local educational*
20 *agencies in the State to develop or implement a teach-*
21 *er or school leader evaluation system.*

22 “(6) *An assurance that the State educational*
23 *agency will comply with section 6501 (regarding par-*
24 *ticipation by private school children and teachers).*

1 “(b) *DEEMED APPROVAL.*—*An application submitted*
2 *by a State educational agency under subsection (a) shall*
3 *be deemed to be approved by the Secretary unless the Sec-*
4 *retary makes a written determination, prior to the expira-*
5 *tion of the 120-day period beginning on the date on which*
6 *the Secretary received the application, that the application*
7 *is not in compliance with this subpart.*

8 “(c) *DISAPPROVAL.*—*The Secretary shall not finally*
9 *disapprove an application, except after giving the State*
10 *educational agency notice and an opportunity for a hear-*
11 *ing.*

12 “(d) *NOTIFICATION.*—*If the Secretary finds that an*
13 *application is not in compliance, in whole or in part, with*
14 *this subpart, the Secretary shall—*

15 “(1) *give the State educational agency notice*
16 *and an opportunity for a hearing; and*

17 “(2) *notify the State educational agency of the*
18 *finding of noncompliance and, in such notification,*
19 *shall—*

20 “(A) *cite the specific provisions in the ap-*
21 *plication that are not in compliance; and*

22 “(B) *request additional information, only*
23 *as to the noncompliant provisions, needed to*
24 *make the application compliant.*

1 “(e) *RESPONSE.*—If a State educational agency re-
2 sponds to a notification from the Secretary under subsection
3 (d)(2) during the 45-day period beginning on the date on
4 which the agency received the notification, and resubmits
5 the application with the requested information described in
6 subsection (d)(2)(B), the Secretary shall approve or dis-
7 approve such application prior to the later of—

8 “(1) the expiration of the 45-day period begin-
9 ning on the date on which the application is resub-
10 mitted; or

11 “(2) the expiration of the 120-day period de-
12 scribed in subsection (b).

13 “(f) *FAILURE TO RESPOND.*—If a State educational
14 agency does not respond to a notification from the Secretary
15 under subsection (d)(2) during the 45-day period beginning
16 on the date on which the agency received the notification,
17 such application shall be deemed to be disapproved.

18 **“SEC. 2113. STATE USE OF FUNDS.**

19 “(a) *IN GENERAL.*—A State educational agency that
20 receives a grant under section 2111 shall—

21 “(1) reserve 95 percent of the grant funds to
22 make subgrants to local educational agencies under
23 subpart 2; and

24 “(2) use the remainder of the funds, after reserv-
25 ing funds under paragraph (1), for the State activi-

1 *ties described in subsection (b), except that the State*
2 *may reserve not more than 1 percent of the grant*
3 *funds for planning and administration related to car-*
4 *rying out activities described in subsection (b).*

5 *“(b) STATE-LEVEL ACTIVITIES.—A State educational*
6 *agency that receives a grant under section 2111—*

7 *“(1) shall use the amount described in subsection*
8 *(a)(2) to fulfill the State educational agency’s respon-*
9 *sibilities with respect to the proper and efficient ad-*
10 *ministration of the subgrant program carried out*
11 *under this part; and*

12 *“(2) may use the amount described in subsection*
13 *(a)(2) to—*

14 *“(A) provide training and technical assist-*
15 *ance to local educational agencies on—*

16 *“(i) in the case of a State educational*
17 *agency not implementing a statewide teach-*
18 *er evaluation system—*

19 *“(I) the development and imple-*
20 *mentation of a teacher evaluation sys-*
21 *tem; and*

22 *“(II) training school leaders in*
23 *using such evaluation system; or*

24 *“(ii) in the case of a State educational*
25 *agency implementing a statewide teacher*

1 *evaluation system, implementing such eval-*
2 *uation system;*

3 “(B) disseminate and share evidence-based
4 and other effective practices, including practices
5 consistent with the principles of effectiveness de-
6 scribed in section 2222(b), related to teacher and
7 school leader effectiveness and professional devel-
8 opment;

9 “(C) provide professional development for
10 teachers and school leaders in the State con-
11 sistent with section 2123(6);

12 “(D) provide training and technical assist-
13 ance to local educational agencies on—

14 “(i) in the case of a State educational
15 agency not implementing a statewide school
16 leader evaluation system, the development
17 and implementation of a school leader eval-
18 uation system; and

19 “(ii) in the case of a State educational
20 agency implementing a statewide school
21 leader evaluation system, implementing
22 such evaluation system; and

23 “(E) develop and implement policies in the
24 State to address any teacher workforce shortages
25 in high-need subjects, including in science, tech-

1 *nology, engineering, math, computer science, and*
 2 *foreign languages.*

3 **“Subpart 2—Subgrants to Local Educational**
 4 **Agencies**

5 **“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**
 6 **CIES.**

7 “(a) *IN GENERAL.*—*Each State receiving a grant*
 8 *under section 2111 shall use the funds reserved under sec-*
 9 *tion 2113(a)(1) to award subgrants to local educational*
 10 *agencies under this section.*

11 “(b) *ALLOCATION OF FUNDS.*—*From the funds re-*
 12 *served by a State under section 2113(a)(1), the State edu-*
 13 *cational agency shall allocate to each local educational*
 14 *agency in the State the sum of—*

15 “(1) *an amount that bears the same relationship*
 16 *to 50 percent of the funds as the number of individ-*
 17 *uals age 5 through 17 in the geographic area served*
 18 *by the local educational agency, as determined by the*
 19 *State on the basis of the most recent satisfactory data,*
 20 *bears to the number of those individuals in the geo-*
 21 *graphic areas served by all the local educational agen-*
 22 *cies in the State, as so determined; and*

23 “(2) *an amount that bears the same relationship*
 24 *to 50 percent of the funds as the number of individ-*
 25 *uals age 5 through 17 from families with incomes*

1 *below the poverty line in the geographic area served*
2 *by the local educational agency, as determined by the*
3 *State on the basis of the most recent satisfactory data,*
4 *bears to the number of those individuals in the geo-*
5 *graphic areas served by all the local educational agen-*
6 *cies in the State, as so determined.*

7 **“SEC. 2122. LOCAL APPLICATIONS.**

8 *“To be eligible to receive a subgrant under this sub-*
9 *part, a local educational agency shall submit an applica-*
10 *tion to the State educational agency involved at such time,*
11 *in such a manner, and containing such information as the*
12 *State educational agency may reasonably require that, at*
13 *a minimum, shall include the following:*

14 *“(1) A description of—*

15 *“(A) how the local educational agency will*
16 *meet the requirements of this subpart;*

17 *“(B) how the activities to be carried out by*
18 *the local educational agency under this subpart*
19 *will be evidence-based, improve student academic*
20 *achievement, and improve teacher and school*
21 *leader effectiveness; and*

22 *“(C) if applicable, how, the local edu-*
23 *cational agency will work with parents, teachers,*
24 *school leaders, and other staff of the schools*
25 *served by the local educational agency in devel-*

1 *oping and implementing a teacher evaluation*
2 *system.*

3 *“(2) If applicable, a description of how the local*
4 *educational agency will develop and implement a*
5 *teacher or school leader evaluation system.*

6 *“(3) An assurance that the local educational*
7 *agency will comply with section 6501 (regarding par-*
8 *ticipation by private school children and teachers).*

9 **“SEC. 2123. LOCAL USE OF FUNDS.**

10 *“A local educational agency receiving a subgrant*
11 *under this subpart may use such funds for—*

12 *“(1) the development and implementation of a*
13 *teacher evaluation system, administered through*
14 *school leaders based on input from stakeholders listed*
15 *in subparagraph (E), that may—*

16 *“(A) use student achievement data derived*
17 *from a variety of sources as a significant factor*
18 *in determining a teacher’s evaluation, with the*
19 *weight given to such data defined by the local*
20 *educational agency;*

21 *“(B) use multiple measures of evaluation*
22 *for evaluating teachers;*

23 *“(C) have more than 2 categories for rating*
24 *the performance of teachers;*

1 “(D) be used to make personnel decisions, as
2 determined by the local educational agency; and

3 “(E) be based on input from parents, school
4 leaders, teachers, and other staff of schools served
5 by the local educational agency;

6 “(2) in the case of a local educational agency lo-
7 cated in a State implementing a statewide teacher
8 evaluation system, implementing such evaluation sys-
9 tem;

10 “(3) the training of school leaders or other indi-
11 viduals for the purpose of evaluating teachers or
12 school leaders under a teacher or school leader evalua-
13 tion system, as appropriate;

14 “(4) in the case of a local educational agency lo-
15 cated in a State implementing a statewide school
16 leader evaluation system, to implement such evalua-
17 tion system;

18 “(5) in the case of a local educational agency lo-
19 cated in a State not implementing a statewide school
20 leader evaluation system, the development and imple-
21 mentation of a school leader evaluation system;

22 “(6) professional development for teachers and
23 school leaders that is evidence-based, job-embedded,
24 and continuous, such as—

1 “(A) subject-based professional development
2 for teachers, including for teachers of civic edu-
3 cation, arts education, and computer science and
4 other science, technology, engineering, and math-
5 ematics subjects;

6 “(B) professional development aligned with
7 the State’s academic standards;

8 “(C) professional development to assist
9 teachers in meeting the needs of students with
10 different learning styles, particularly students
11 with disabilities, English learners, and gifted
12 and talented students;

13 “(D) professional development for teachers
14 or school leaders identified as in need of addi-
15 tional support through data provided by a teach-
16 er or school leader evaluation system, as appro-
17 priate;

18 “(E) professional development based on the
19 current science of learning, which includes re-
20 search on positive brain change and cognitive
21 skill development;

22 “(F) professional development for school
23 leaders, including evidence-based mentorship
24 programs for such leaders;

1 “(G) professional development on inte-
2 grated, interdisciplinary, and project-based
3 teaching strategies, including for career and
4 technical education teachers and teachers of com-
5 puter science and other science, technology, engi-
6 neering, and mathematics subjects; or

7 “(H) professional development on teaching
8 dual credit, dual enrollment, Advanced Place-
9 ment, or International Baccalaureate postsec-
10 ondary-level courses to secondary school students;

11 “(7) partnering with a public or private organi-
12 zation or a consortium of such organizations to de-
13 velop and implement a teacher evaluation system de-
14 scribed in subparagraph (A) or (B) of paragraph (1),
15 or to administer professional development, as appro-
16 priate;

17 “(8) any activities authorized under section
18 2222(a); or

19 “(9) class size reduction, except that the local
20 educational agency may use not more than 10 percent
21 of such funds for this purpose.

22 **“Subpart 3—General Provisions**

23 **“SEC. 2131. REPORTING REQUIREMENTS.**

24 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
25 educational agency receiving a subgrant under subpart 2

1 *shall submit to the State educational agency involved, on*
2 *an annual basis until the last year in which the local edu-*
3 *cational agency receives such subgrant funds, a report on—*

4 “(1) *how the local educational agency is meeting*
5 *the purposes of this part described in section 2101;*

6 “(2) *how the local educational agency is using*
7 *such subgrant funds;*

8 “(3) *in the case of a local educational agency*
9 *implementing a teacher or school leader evaluation*
10 *system, the results of such evaluation system, except*
11 *that such report shall not reveal personally identifi-*
12 *able information about an individual teacher or*
13 *school leader; and*

14 “(4) *any such other information as the State*
15 *educational agency may require, as long as student*
16 *and teacher privacy is maintained.*

17 “(b) *STATE EDUCATIONAL AGENCIES.—Each State*
18 *educational agency receiving a grant under subpart 1 shall*
19 *submit to the Secretary a report, on an annual basis until*
20 *the last year in which the State educational agency receives*
21 *such grant funds, on—*

22 “(1) *how the State educational agency is meeting*
23 *the purposes of this part described in section 2101;*
24 *and*

1 “(2) how the State educational agency is using
2 such grant funds.

3 **“SEC. 2132. NATIONAL ACTIVITIES.**

4 “From the funds reserved by the Secretary under sec-
5 tion 2111(b)(1)(A), the Secretary shall, directly or through
6 grants and contracts—

7 “(1) provide technical assistance to States and
8 local educational agencies in carrying out activities
9 under this part; and

10 “(2) acting through the Institute of Education
11 Sciences, conduct national evaluations of activities
12 carried out by State educational agencies and local
13 educational agencies under this part.

14 **“SEC. 2133. STATE DEFINED.**

15 “*In this part, the term ‘State’ means each of the 50*
16 *States, the District of Columbia, and the Commonwealth*
17 *of Puerto Rico.*”.

18 (c) *PART B.—Part B of title II (20 U.S.C. 6661 et*
19 *seq.) is amended to read as follows:*

20 **“PART B—TEACHER AND SCHOOL LEADER**
21 **FLEXIBLE GRANT**

22 **“SEC. 2201. PURPOSE.**

23 “*The purpose of this part is to improve student aca-*
24 *demic achievement by—*

1 “(1) supporting all State educational agencies,
2 local educational agencies, schools, teachers, and
3 school leaders to pursue innovative and evidence-based
4 practices to help all students meet the State’s aca-
5 demic standards; and

6 “(2) increasing the number of teachers and
7 school leaders who are effective in increasing student
8 academic achievement.

9 **“Subpart 1—Formula Grants to States**

10 **“SEC. 2211. STATE ALLOTMENTS.**

11 “(a) RESERVATIONS.—From the amount appropriated
12 under section 3(b) for any fiscal year, the Secretary—

13 “(1) shall reserve 25 percent to award grants to
14 States under this subpart; and

15 “(2) of the amount reserved under paragraph
16 (1), shall reserve—

17 “(A) not more than 1 percent for national
18 activities described in section 2233;

19 “(B) one-half of 1 percent for allotments to
20 outlying areas on the basis of their relative need,
21 as determined by the Secretary, in accordance
22 with the purpose of this part; and

23 “(C) one-half of 1 percent for the Secretary
24 of the Interior for programs under this part in

1 *schools operated or funded by the Bureau of In-*
2 *dian Education.*

3 “(b) *STATE ALLOTMENTS.*—

4 “(1) *IN GENERAL.*—*From the total amount re-*
5 *reserved under subsection (a)(1) for each fiscal year and*
6 *not reserved under subparagraphs (A) through (C) of*
7 *subsection (a)(2), the Secretary shall allot, and make*
8 *available in accordance with this section, to each*
9 *State an amount that bears the same ratio to such*
10 *sums as the school-age population of the State bears*
11 *to the school-age population of all States.*

12 “(2) *SMALL STATE MINIMUM.*—*No State receiv-*
13 *ing an allotment under paragraph (1) may receive*
14 *less than one-half of 1 percent of the total amount al-*
15 *lotted under such paragraph.*

16 “(3) *REALLOTMENT.*—*If a State does not receive*
17 *an allotment under this subpart for a fiscal year, the*
18 *Secretary shall reallocate the amount of the State’s allot-*
19 *ment to the remaining States in accordance with this*
20 *section.*

21 “(c) *STATE APPLICATION.*—*In order to receive an al-*
22 *lotment under this section for any fiscal year, a State shall*
23 *submit an application to the Secretary, at such time and*
24 *in such manner as the Secretary may reasonably require.*
25 *Such application shall—*

1 “(1) designate the State educational agency as
2 the agency responsible for the administration and su-
3 pervision of programs assisted under this part;

4 “(2) describe how the State educational agency
5 will use funds received under this section for State
6 level activities described in subsection (d)(3);

7 “(3) describe the procedures and criteria the
8 State educational agency will use for reviewing appli-
9 cations and awarding subgrants in a timely manner
10 to eligible entities under section 2221 on a competi-
11 tive basis;

12 “(4) describe how the State educational agency
13 will ensure that subgrants made under section 2221
14 are of sufficient size and scope to support effective
15 programs that will help increase academic achieve-
16 ment in the classroom and are consistent with the
17 purposes of this part;

18 “(5) describe the steps the State educational
19 agency will take to ensure that eligible entities use
20 subgrants received under section 2221 to carry out
21 programs that implement effective strategies, includ-
22 ing by providing ongoing technical assistance and
23 training, and disseminating evidence-based and other
24 effective strategies to such eligible entities;

1 “(6) describe how programs under this part will
2 be coordinated with other programs under this Act;
3 and

4 “(7) include an assurance that, other than pro-
5 viding technical and advisory assistance and moni-
6 toring compliance with this part, the State edu-
7 cational agency has not exercised, and will not exer-
8 cise, any influence in the decisionmaking processes of
9 eligible entities as to the expenditure of funds made
10 pursuant to an application submitted under section
11 2221(b).

12 “(d) STATE USE OF FUNDS.—

13 “(1) IN GENERAL.—Each State that receives an
14 allotment under this section shall reserve not less than
15 92 percent of the amount allotted to such State under
16 subsection (b), for each fiscal year, for subgrants to el-
17 igible entities under subpart 2.

18 “(2) STATE ADMINISTRATION.—A State edu-
19 cational agency may reserve not more than 1 percent
20 of the amount made available to the State under sub-
21 section (b) for the administrative costs of carrying out
22 such State educational agency’s responsibilities under
23 this subpart.

24 “(3) STATE-LEVEL ACTIVITIES.—

1 “(A) *INNOVATIVE TEACHER AND SCHOOL*
2 *LEADER ACTIVITIES.*—A State educational agen-
3 *cy shall reserve not more than 4 percent of the*
4 *amount made available to the State under sub-*
5 *section (b) to carry out, solely, or in partnership*
6 *with State agencies of higher education, 1 or*
7 *more of the following activities:*

8 “(i) *Reforming teacher and school lead-*
9 *er certification, recertification, licensing,*
10 *and tenure systems to ensure that such sys-*
11 *tems are rigorous and that—*

12 “(I) *each teacher has the subject*
13 *matter knowledge and teaching skills*
14 *necessary to help students meet the*
15 *State’s academic standards; and*

16 “(II) *school leaders have the in-*
17 *structional leadership skills to help*
18 *teachers instruct and students learn.*

19 “(ii) *Improving the quality of teacher*
20 *preparation programs within the State, in-*
21 *cluding through the use of appropriate stu-*
22 *dent achievement data and other factors to*
23 *evaluate the quality of teacher preparation*
24 *programs within the State.*

1 “(iii) Carrying out programs that es-
2 tablish, expand, or improve alternative
3 routes for State certification or licensure of
4 teachers and school leaders, including such
5 programs for—

6 “(I) mid-career professionals from
7 other occupations, including computer
8 science and other science, technology,
9 engineering, and math fields;

10 “(II) former military personnel;
11 and

12 “(III) recent graduates of an in-
13 stitution of higher education, with a
14 record of academic distinction, who
15 demonstrate the potential to become ef-
16 fective teachers or school leaders.

17 “(iv) Developing, or assisting eligible
18 entities in developing—

19 “(I) performance-based pay sys-
20 tems for teachers and school leaders;

21 “(II) strategies that provide dif-
22 ferential, incentive, or bonus pay for
23 teachers and school leaders; or

24 “(III) teacher and school leader
25 advancement initiatives that promote

1 professional growth and emphasize
2 multiple career paths and pay differen-
3 tiation.

4 “(v) Developing, or assisting eligible
5 entities in developing, new, evidence-based
6 teacher and school leader induction and
7 mentoring programs that are designed to—

8 “(I) improve instruction and stu-
9 dent academic achievement; and

10 “(II) increase the retention of ef-
11 fective teachers and school leaders.

12 “(vi) Providing professional develop-
13 ment for teachers and school leaders that is
14 focused on improving teaching and student
15 academic achievement, including for stu-
16 dents with different learning styles, particu-
17 larly students with disabilities, English
18 learners, gifted and talented students, and
19 other special populations.

20 “(vii) Providing training and tech-
21 nical assistance to eligible entities that re-
22 ceive a subgrant under section 2221.

23 “(viii) Other activities identified by
24 the State educational agency that meet the

1 *purposes of this part, including those activi-*
2 *ties authorized under subparagraph (B).*

3 “(B) *TEACHER OR SCHOOL LEADER PREPA-*
4 *RATION ACADEMIES.—*

5 “(i) *IN GENERAL.—In the case of a*
6 *State in which teacher or school leader*
7 *preparation academies are allowable under*
8 *State law, a State educational agency may*
9 *reserve not more than 3 percent of the*
10 *amount made available to the State under*
11 *subsection (b) to support the establishment*
12 *or expansion of one or more teacher or*
13 *school leader preparation academies and,*
14 *subject to the limitation under clause (iii),*
15 *to support State authorizers for such acad-*
16 *emies.*

17 “(ii) *MATCHING REQUIREMENT.—A*
18 *State educational agency shall not provide*
19 *funds under this subparagraph to support*
20 *the establishment or expansion of a teacher*
21 *or school leader preparation academy unless*
22 *the academy agrees to provide, either di-*
23 *rectly or through private contributions, non-*
24 *Federal matching funds equal to not less*
25 *than 10 percent of the amount of the funds*

1 *the academy will receive under this sub-*
2 *paragraph.*

3 “(iii) *FUNDING FOR STATE AUTHOR-*
4 *IZERS.—Not more than 5 percent of funds*
5 *provided to a teacher or school leader prepa-*
6 *ration academy under this subparagraph*
7 *may be used to support activities of State*
8 *authorizers for such academy.*

9 **“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLI-**
10 **CATIONS.**

11 “(a) *DEEMED APPROVAL.—An application submitted*
12 *by a State pursuant to section 2211(c) shall be deemed to*
13 *be approved by the Secretary unless the Secretary makes*
14 *a written determination, prior to the expiration of the 120-*
15 *day period beginning on the date on which the Secretary*
16 *received the application, that the application is not in com-*
17 *pliance with section 2211(c).*

18 “(b) *DISAPPROVAL PROCESS.—*

19 “(1) *IN GENERAL.—The Secretary shall not fi-*
20 *nally disapprove an application submitted under sec-*
21 *tion 2211(c), except after giving the State educational*
22 *agency notice and an opportunity for a hearing.*

23 “(2) *NOTIFICATION.—If the Secretary finds that*
24 *an application is not in compliance, in whole or in*
25 *part, with section 2211(c) the Secretary shall—*

1 “(A) give the State educational agency no-
2 tice and an opportunity for a hearing; and

3 “(B) notify the State educational agency of
4 the finding of noncompliance and, in such notifi-
5 cation, shall—

6 “(i) cite the specific provisions in the
7 application that are not in compliance; and

8 “(ii) request additional information,
9 only as to the noncompliant provisions,
10 needed to make the application compliant.

11 “(3) RESPONSE.—If a State educational agency
12 responds to a notification from the Secretary under
13 paragraph (2)(B) during the 45-day period beginning
14 on the date on which the State educational agency re-
15 ceived the notification, and resubmits the application
16 with the requested information described in para-
17 graph (2)(B)(ii), the Secretary shall approve or dis-
18 approve such application prior to the later of—

19 “(A) the expiration of the 45-day period be-
20 ginning on the date on which the application is
21 resubmitted; or

22 “(B) the expiration of the 120-day period
23 described in subsection (a).

24 “(4) FAILURE TO RESPOND.—If the State edu-
25 cational agency does not respond to a notification

1 *from the Secretary under paragraph (2)(B) during*
2 *the 45-day period beginning on the date on which the*
3 *State educational agency received the notification,*
4 *such application shall be deemed to be disapproved.*

5 **“Subpart 2—Local Competitive Grant Program**

6 **“SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.**

7 “(a) *IN GENERAL.*—*A State that receives an allotment*
8 *under section 2211(b) for a fiscal year shall use the amount*
9 *reserved under section 2211(d)(1) to award subgrants, on*
10 *a competitive basis, to eligible entities in accordance with*
11 *this section to enable such entities to carry out the programs*
12 *and activities described in section 2222.*

13 “(b) *APPLICATION.*—

14 “(1) *IN GENERAL.*—*To be eligible to receive a*
15 *subgrant under this section, an eligible entity shall*
16 *submit an application to the State educational agen-*
17 *cy at such time, in such manner, and including such*
18 *information as the State educational agency may rea-*
19 *sonably require.*

20 “(2) *CONTENTS.*—*Each application submitted*
21 *under paragraph (1) shall include—*

22 “(A) *a description of the programs and ac-*
23 *tivities to be funded and how they are consistent*
24 *with the purposes of this part; and*

1 “(B) an assurance that the eligible entity
2 will comply with section 6501 (regarding par-
3 ticipation by private school children and teach-
4 ers).

5 “(c) *PEER REVIEW*.—In reviewing applications under
6 this section, a State educational agency shall use a peer
7 review process or other methods of assuring the quality of
8 such applications but the review shall only judge the likeli-
9 hood of the activity to increase student academic achieve-
10 ment. The reviewers shall not make a determination based
11 on the policy of the proposed activity.

12 “(d) *GEOGRAPHIC DIVERSITY*.—A State educational
13 agency shall distribute funds under this section equitably
14 among geographic areas within the State, including rural,
15 suburban, and urban communities.

16 “(e) *DURATION OF AWARDS*.—A State educational
17 agency may award subgrants under this section for a period
18 of not more than 5 years.

19 “(f) *MATCHING*.—An eligible entity receiving a
20 subgrant under this section shall provide, either directly or
21 through private contributions, non-Federal matching funds
22 equal to not less than 10 percent of the amount of the
23 subgrant.

1 **“SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.**

2 “(a) *IN GENERAL.*—*Each eligible entity receiving a*
3 *subgrant under section 2221 shall use such subgrant funds*
4 *to develop, implement, and evaluate comprehensive pro-*
5 *grams and activities, that are in accordance with the pur-*
6 *pose of this part and—*

7 “(1) *are consistent with the principles of effec-*
8 *tiveness described in subsection (b); and*

9 “(2) *may include, among other programs and*
10 *activities—*

11 “(A) *developing and implementing initia-*
12 *tives to assist in recruiting, hiring, and retain-*
13 *ing highly effective teachers and school leaders,*
14 *including initiatives that provide—*

15 “(i) *differential, incentive, or bonus*
16 *pay for teachers and school leaders;*

17 “(ii) *performance-based pay systems*
18 *for teachers and school leaders;*

19 “(iii) *teacher and school leader ad-*
20 *vancement initiatives that promote profes-*
21 *sional growth and emphasize multiple ca-*
22 *reer paths and pay differentiation;*

23 “(iv) *new teacher and school leader in-*
24 *duction and mentoring programs that are*
25 *designed to improve instruction, student*

1 *academic achievement, and to increase*
2 *teacher and school leader retention; and*

3 “(v) *teacher residency programs, and*
4 *school leader residency programs, designed*
5 *to develop and support new teachers or new*
6 *school leaders, respectively;*

7 “(B) *supporting the establishment or expan-*
8 *sion of teacher or school leader preparation acad-*
9 *emies under section 2211(d)(3)(B);*

10 “(C) *recruiting qualified individuals from*
11 *other fields, including individuals from computer*
12 *science and other science, technology, engineer-*
13 *ing, and math fields, mid-career professionals*
14 *from other occupations, and former military per-*
15 *sonnel;*

16 “(D) *establishing, improving, or expanding*
17 *model instructional programs to ensure that all*
18 *children meet the State’s academic standards;*

19 “(E) *providing evidence-based, job embed-*
20 *ded, continuous professional development for*
21 *teachers and school leaders focused on improving*
22 *teaching and student academic achievement;*

23 “(F) *implementing programs based on the*
24 *current science of learning, which includes re-*

1 *search on positive brain change and cognitive*
2 *skill development;*

3 “(G) *recruiting and training teachers to*
4 *teach dual credit, dual enrollment, Advanced*
5 *Placement, or International Baccalaureate post-*
6 *secondary-level courses to secondary school stu-*
7 *dents; and*

8 “(H) *other activities and programs identi-*
9 *fied as necessary by the local educational agency*
10 *that meet the purpose of this part.*

11 “(b) *PRINCIPLES OF EFFECTIVENESS.—For a pro-*
12 *gram or activity developed pursuant to this section to meet*
13 *the principles of effectiveness, such program or activity*
14 *shall—*

15 “(1) *be based upon an assessment of objective*
16 *data regarding the need for programs and activities*
17 *in the elementary schools and secondary schools served*
18 *to increase the number of teachers and school leaders*
19 *who are effective in improving student academic*
20 *achievement;*

21 “(2) *reflect evidence-based research, or in the ab-*
22 *sence of a strong research base, reflect effective strate-*
23 *gies in the field, that provide evidence that the pro-*
24 *gram or activity will improve student academic*
25 *achievement; and*

1 “(3) include meaningful and ongoing consulta-
2 tion with, and input from, teachers, school leaders,
3 and parents, in the development of the application
4 and administration of the program or activity.

5 **“Subpart 3—General Provisions**

6 **“SEC. 2231. PERIODIC EVALUATION.**

7 “(a) *IN GENERAL.*—Each eligible entity and each
8 teacher or school leader preparation academy that receives
9 funds under this part shall undergo a periodic evaluation
10 by the State educational agency involved to assess such enti-
11 ty’s or such academy’s progress toward achieving the pur-
12 poses of this part.

13 “(b) *USE OF RESULTS.*—The results of an evaluation
14 described in subsection (a) of an eligible entity or academy
15 shall be—

16 “(1) used to refine, improve, and strengthen such
17 eligible entity or such academy, respectively; and

18 “(2) made available to the public upon request,
19 with public notice of such availability provided.

20 **“SEC. 2232. REPORTING REQUIREMENTS.**

21 “(a) *ELIGIBLE ENTITIES AND ACADEMIES.*—Each eli-
22 gible entity and each teacher or school leader preparation
23 academy that receives funds from a State educational agen-
24 cy under this part shall prepare and submit annually to
25 such State educational agency a report that includes—

1 “(1) a description of the progress of the eligible
2 entity or teacher or school leader preparation acad-
3 emy, respectively, in meeting the purposes of this
4 part;

5 “(2) a description of the programs and activities
6 conducted by the eligible entity or teacher or school
7 leader preparation academy, respectively, with funds
8 received under this part;

9 “(3) how the eligible entity or teacher or school
10 leader preparation academy, respectively, is using
11 such funds; and

12 “(4) any such other information as the State
13 educational agency may reasonably require.

14 “(b) *STATE EDUCATIONAL AGENCIES.*—Each State
15 educational agency that receives a grant under this part
16 shall prepare and submit, annually, to the Secretary a re-
17 port that includes—

18 “(1) a description of the programs and activities
19 conducted by the State educational agency with grant
20 funds received under this part;

21 “(2) a description of the progress of the State
22 educational agency in meeting the purposes of this
23 part described in section 2201;

24 “(3) how the State educational agency is using
25 grant funds received under this part;

1 “(4) *the methods and criteria the State edu-*
2 *catinal agency used to award subgrants in a timely*
3 *manner to eligible entities under section 2221 and, if*
4 *applicable, funds in a timely manner to teacher or*
5 *school leader academies under section 2211(d)(3)(B);*
6 *and*

7 “(5) *the results of the periodic evaluations con-*
8 *ducted under section 2231.*

9 **“SEC. 2233. NATIONAL ACTIVITIES.**

10 *“From the funds reserved by the Secretary under sec-*
11 *tion 2211(a)(2)(A), the Secretary shall, directly or through*
12 *grants and contracts—*

13 “(1) *provide technical assistance to States and*
14 *eligible entities in carrying out activities under this*
15 *part; and*

16 “(2) *acting through the Institute of Education*
17 *Sciences, conduct national evaluations of activities*
18 *carried out by States and eligible entities under this*
19 *part.*

20 **“SEC. 2234. DEFINITIONS.**

21 *“In this part:*

22 “(1) *ELIGIBLE ENTITY.—The term ‘eligible enti-*
23 *ty’ means—*

24 “(A) *a local educational agency or consor-*
25 *tium of local educational agencies;*

1 “(B) an institution of higher education or
2 consortium of such institutions in partnership
3 with a local educational agency or consortium of
4 local educational agencies;

5 “(C) a for-profit organization, a nonprofit
6 organization, or a consortium of for-profit or
7 nonprofit organizations in partnership with a
8 local educational agency or consortium of local
9 educational agencies; or

10 “(D) a consortium of the entities described
11 in subparagraphs (B) and (C).

12 “(2) STATE.—The term ‘State’ means each of the
13 50 States, the District of Columbia, and the Common-
14 wealth of Puerto Rico.

15 “(3) STATE AUTHORIZER.—The term ‘State au-
16 thorizer’ means an entity designated by the Governor
17 of a State to authorize teacher or school leader prepa-
18 ration academies within the State that—

19 “(A) enters into an agreement with a teach-
20 er or school leader preparation academy that—

21 “(i) specifies the goals expected of the
22 academy, which, at a minimum, include the
23 goals described in paragraph (4); and

24 “(ii) does not reauthorize the academy
25 if such goals are not met; and

1 “(B) may be a nonprofit organization, a
2 State educational agency, or other public entity,
3 or consortium of such entities (including a con-
4 sortium of State educational agencies).

5 “(4) *TEACHER OR SCHOOL LEADER PREPARA-*
6 *TION ACADEMY.*—The term ‘teacher or school leader
7 preparation academy’ means a public or private enti-
8 ty, or a nonprofit or for-profit organization, which
9 may be an institution of higher education or an orga-
10 nization affiliated with an institution of higher edu-
11 cation, that will prepare teachers or school leaders to
12 serve in schools, and that—

13 “(A) enters into an agreement with a State
14 authorizer that specifies the goals expected of the
15 academy, including—

16 “(i) a requirement that prospective
17 teachers or school leaders who are enrolled
18 in a teacher or school leader preparation
19 academy receive a significant part of their
20 training through clinical preparation that
21 partners the prospective candidate with an
22 effective teacher or school leader, respec-
23 tively, with a demonstrated record of in-
24 creasing or producing high student achieve-
25 ment, while also receiving concurrent in-

1 *struction from the academy in the content*
2 *area (or areas) in which the prospective*
3 *teacher or school leader will become certified*
4 *or licensed;*

5 *“(ii) the number of effective teachers or*
6 *school leaders, respectively, who will dem-*
7 *onstrate success in increasing or producing*
8 *high student achievement that the academy*
9 *will produce; and*

10 *“(iii) a requirement that a teacher or*
11 *school leader preparation academy will only*
12 *award a certificate of completion after the*
13 *graduate demonstrates that the graduate is*
14 *an effective teacher or school leader, respec-*
15 *tively, with a demonstrated record of in-*
16 *creasing or producing high student achieve-*
17 *ment, except that an academy may award*
18 *a provisional certificate for the period nec-*
19 *essary to allow the graduate to demonstrate*
20 *such effectiveness;*

21 *“(B) does not have restrictions on the meth-*
22 *ods the academy will use to train prospective*
23 *teacher or school leader candidates, including—*

1 “(i) obligating (or prohibiting) the
2 academy’s faculty to hold advanced degrees
3 or conduct academic research;

4 “(ii) restrictions related to the acad-
5 emy’s physical infrastructure;

6 “(iii) restrictions related to the number
7 of course credits required as part of the pro-
8 gram of study;

9 “(iv) restrictions related to the under-
10 graduate coursework completed by teachers
11 teaching or working on alternative certifi-
12 cates, licenses, or credentials, as long as
13 such teachers have successfully passed all
14 relevant State-approved content area exami-
15 nations; or

16 “(v) restrictions related to obtaining
17 accreditation from an accrediting body for
18 purposes of becoming an academy;

19 “(C) limits admission to its program to
20 prospective teacher or school leader candidates
21 who demonstrate strong potential to improve stu-
22 dent achievement, based on a rigorous selection
23 process that reviews a candidate’s prior aca-
24 demic achievement or record of professional ac-
25 complishment; and

1 “(D) results in a certificate of completion
2 that the State may recognize as at least the
3 equivalent of a master’s degree in education for
4 the purposes of hiring, retention, compensation,
5 and promotion in the State.

6 “(5) *TEACHER RESIDENCY PROGRAM*.—The term
7 ‘teacher residency program’ means a school-based
8 teacher preparation program in which a prospective
9 teacher—

10 “(A) for one academic year, teaches along-
11 side an effective teacher, as determined by a
12 teacher evaluation system implemented under
13 part A, who is the teacher of record;

14 “(B) receives concurrent instruction during
15 the year described in subparagraph (A) from the
16 partner institution (as defined in section 200 of
17 the Higher Education Act of 1965 (20 U.S.C.
18 1021)), which courses may be taught by local
19 educational agency personnel or residency pro-
20 gram faculty, in the teaching of the content area
21 in which the teacher will become certified or li-
22 censed; and

23 “(C) acquires effective teaching skills.”.

24 (d) *PART C*.—Part C of title II (20 U.S.C. 6671 et
25 seq.) is amended—

- 1 (1) *by striking subparts 1 through 4;*
2 (2) *by striking the heading relating to subpart 5;*
3 (3) *by striking sections 2361 and 2368;*
4 (4) *in section 2362, by striking “principals” and*
5 *inserting “school leaders”;*
6 (5) *in section 2363(6)(A), by striking “prin-*
7 *cipal” and inserting “school leader”;*
8 (6) *in section 2366(b), by striking “ate law” and*
9 *inserting “(3) A State law”;*
10 (7) *by redesignating section 2362 as section*
11 *2361;*
12 (8) *by redesignating sections 2364 through 2367*
13 *as sections 2362 through 2365, respectively; and*
14 (9) *by redesignating section 2363 as section 2366*
15 *and transferring such section to appear after section*
16 *2365 (as so redesignated).*
17 (e) *PART D.—Part D of title II (20 U.S.C. 6751 et*
18 *seq.) is amended to read as follows:*

19 **“PART D—GENERAL PROVISIONS**
20 **“SEC. 2401. INCLUSION OF CHARTER SCHOOLS.**

21 *“In this title, the term ‘local educational agency’ in-*
22 *cludes a charter school (as defined in section 6101) that,*
23 *in the absence of this section, would not have received funds*
24 *under this title.*

1 **“SEC. 2402. PARENTS’ RIGHT TO KNOW.**

2 *“At the beginning of each school year, a local edu-*
 3 *cational agency that receives funds under this title shall no-*
 4 *tify the parents of each student attending any school receiv-*
 5 *ing funds under this title that the parents may request, and*
 6 *the agency will provide the parents on request (and in a*
 7 *timely manner), information regarding the professional*
 8 *qualifications of the student’s classroom teachers.*

9 **“SEC. 2403. SUPPLEMENT, NOT SUPPLANT.**

10 *“Funds received under this title shall be used to sup-*
 11 *plement, and not supplant, non-Federal funds that would*
 12 *otherwise be used for activities authorized under this title.”.*

13 **SEC. 202. CONFORMING REPEALS.**

14 (a) *CONFORMING REPEALS.*—*Title II of the Higher*
 15 *Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended*
 16 *by repealing sections 201 through 204.*

17 (b) *EFFECTIVE DATE.*—*The repeals made by sub-*
 18 *section (a) shall take effect October 1, 2015.*

19 **TITLE III—PARENTAL ENGAGE-**
 20 **MENT AND LOCAL FLEXI-**
 21 **BILITY**

22 **SEC. 301. PARENTAL ENGAGEMENT AND LOCAL FLEXI-**
 23 **BILITY.**

24 *Title III (20 U.S.C. 6801 et seq.) is amended to read*
 25 *as follows:*

1 **“TITLE III—PARENTAL ENGAGE-**
2 **MENT AND LOCAL FLEXI-**
3 **BILITY**

4 **“PART A—PARENTAL ENGAGEMENT**

5 **“Subpart 1—Charter School Program**

6 **“SEC. 3101. PURPOSE.**

7 *“It is the purpose of this subpart to—*

8 *“(1) improve the United States education system*
9 *and education opportunities for all Americans by*
10 *supporting innovation in public education in public*
11 *school settings that prepare students to compete and*
12 *contribute to the global economy and a stronger*
13 *America;*

14 *“(2) provide financial assistance for the plan-*
15 *ning, program design, and initial implementation of*
16 *charter schools;*

17 *“(3) expand the number of high-quality charter*
18 *schools available to students across the Nation;*

19 *“(4) evaluate the impact of such schools on stu-*
20 *dent achievement, families, and communities, and*
21 *share best practices between charter schools and other*
22 *public schools;*

23 *“(5) encourage States to provide support to char-*
24 *ter schools for facilities financing in an amount more*

1 *nearly commensurate to the amount the States have*
2 *typically provided for traditional public schools;*

3 “(6) *improve student services to increase oppor-*
4 *tunities for students with disabilities, English learn-*
5 *ers, and other traditionally underserved students to*
6 *attend charter schools and meet challenging State*
7 *academic achievement standards;*

8 “(7) *support efforts to strengthen the charter*
9 *school authorizing process to improve performance*
10 *management, including transparency, oversight, mon-*
11 *itoring, and evaluation of such schools; and*

12 “(8) *support quality accountability and trans-*
13 *parency in the operational performance of all author-*
14 *ized public chartering agencies, which include State*
15 *educational agencies, local educational agencies, and*
16 *other authorizing entities.*

17 **“SEC. 3102. PROGRAM AUTHORIZED.**

18 “(a) *IN GENERAL.—This subpart authorizes the Sec-*
19 *retary to carry out a charter school program that supports*
20 *charter schools that serve elementary school and secondary*
21 *school students by—*

22 “(1) *supporting the startup of charter schools,*
23 *and the replication and expansion of high-quality*
24 *charter schools;*

1 “(2) assisting charter schools in accessing credit
2 to acquire and renovate facilities for school use; and

3 “(3) carrying out national activities to sup-
4 port—

5 “(A) charter school development;

6 “(B) the dissemination of best practices of
7 charter schools for all schools;

8 “(C) the evaluation of the impact of the pro-
9 gram on schools participating in the program;

10 and

11 “(D) stronger charter school authorizing.

12 “(b) *FUNDING ALLOTMENT.*—From the amount made
13 available under section 3(c)(1)(A) for a fiscal year, the Sec-
14 retary shall—

15 “(1) reserve 12.5 percent to support charter
16 school facilities assistance under section 3104;

17 “(2) reserve not more than 10 percent to carry
18 out national activities under section 3105; and

19 “(3) use the remaining amount after the Sec-
20 retary reserves funds under paragraphs (1) and (2) to
21 carry out section 3103.

22 “(c) *PRIOR GRANTS AND SUBGRANTS.*—The recipient
23 of a grant or subgrant under this subpart or subpart 2,
24 as such subpart was in effect on the day before the date
25 of the enactment of the Student Success Act, shall continue

1 *to receive funds in accordance with the terms and condi-*
2 *tions of such grant or subgrant.*

3 “(d) *GAO REPORT.*—*Not later than 3 years after the*
4 *date of the enactment of the Student Success Act, the Comp-*
5 *troller General of the United States shall submit a report*
6 *to the Secretary and Congress that—*

7 “(1) *examines whether the funds authorized to be*
8 *reserved by State entities for administrative costs*
9 *under section 3103(b)(1)(C) is appropriate; and*

10 “(2) *if such reservation of funds is determined*
11 *not to be appropriate, makes recommendations on the*
12 *appropriate reservation of funding for such adminis-*
13 *trative costs.*

14 **“SEC. 3103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
15 **SCHOOLS.**

16 “(a) *IN GENERAL.*—*From the amount reserved under*
17 *section 3102(b)(3), the Secretary shall award grants to*
18 *State entities having applications approved pursuant to*
19 *subsection (f) to enable such entities to—*

20 “(1) *award subgrants to eligible applicants for*
21 *opening and preparing to operate—*

22 “(A) *new charter schools;*

23 “(B) *replicated, high-quality charter school*
24 *models; or*

1 “(C) *expanded, high-quality charter schools;*
2 *and*

3 “(2) *provide technical assistance to eligible ap-*
4 *plicants and authorized public chartering agencies in*
5 *carrying out the activities described in paragraph (1)*
6 *and work with authorized public chartering agencies*
7 *in the State to improve authorizing quality.*

8 “(b) *STATE USES OF FUNDS.—*

9 “(1) *IN GENERAL.—A State entity receiving a*
10 *grant under this section shall—*

11 “(A) *use not less than 90 percent of the*
12 *grant funds to award subgrants to eligible appli-*
13 *cants, in accordance with the quality charter*
14 *school program described in the State entity’s*
15 *application approved pursuant to subsection (f),*
16 *for the purposes described in subparagraphs (A)*
17 *through (C) of subsection (a)(1);*

18 “(B) *reserve not less than 7 percent of such*
19 *funds to carry out the activities described in sub-*
20 *section (a)(2); and*

21 “(C) *reserve not more than 3 percent of such*
22 *funds for administrative costs which may in-*
23 *clude technical assistance.*

24 “(2) *CONTRACTS AND GRANTS.—A State entity*
25 *may use a grant received under this section to carry*

1 *out the activities described in subparagraphs (A) and*
2 *(B) of paragraph (1) directly or through grants, con-*
3 *tracts, or cooperative agreements.*

4 *“(3) RULE OF CONSTRUCTION.—Nothing in this*
5 *Act shall prohibit the Secretary from awarding grants*
6 *to States that use a weighted lottery to give slightly*
7 *better chances for admission to all, or a subset of, edu-*
8 *cationally disadvantaged students if—*

9 *“(A) the use of weighted lotteries in favor of*
10 *such students is not prohibited by State law, and*
11 *such State law is consistent with laws described*
12 *in section 6101(3)(G); and*

13 *“(B) such weighted lotteries are not used for*
14 *the purpose of creating schools exclusively to*
15 *serve a particular subset of students.*

16 *“(c) PROGRAM PERIODS; PEER REVIEW; GRANT NUM-*
17 *BER AND AMOUNT; DIVERSITY OF PROJECTS; WAIVERS.—*

18 *“(1) PROGRAM PERIODS.—*

19 *“(A) GRANTS.—A grant awarded by the*
20 *Secretary to a State entity under this section*
21 *shall be for a period of not more than 5 years.*

22 *“(B) SUBGRANTS.—A subgrant awarded by*
23 *a State entity under this section shall be for a*
24 *period of not more than 5 years, of which an eli-*

1 *gible applicant may use not more than 18*
2 *months for planning and program design.*

3 *“(2) PEER REVIEW.—The Secretary, and each*
4 *State entity receiving a grant under this section, shall*
5 *use a peer review process to review applications for*
6 *assistance under this section.*

7 *“(3) GRANT AWARDS.—The Secretary shall—*

8 *“(A) for each fiscal year for which funds are*
9 *appropriated under section 3(c)(1)(A)—*

10 *“(i) award not less than 3 grants*
11 *under this section;*

12 *“(ii) wholly fund each grant awarded*
13 *under this section, without making continu-*
14 *ation awards; and*

15 *“(iii) fully obligate the funds appro-*
16 *priated for the purpose of awarding grants*
17 *under this section in the fiscal year for*
18 *which such grants are awarded; and*

19 *“(B) prior to the start of the final year of*
20 *the grant period of each grant awarded under*
21 *this section to a State entity, review whether the*
22 *State entity is using the grant funds for the*
23 *agreed upon uses of funds and whether the full*
24 *amount of the grant will be needed for the re-*
25 *mainder of the grant period and may, as deter-*

1 *mined necessary based on that review, terminate*
2 *or reduce the amount of the grant and reallocate*
3 *the remaining grant funds to other State entities*
4 *during the succeeding grant competition under*
5 *this section.*

6 “(4) *DIVERSITY OF PROJECTS.*—*Each State enti-*
7 *ty receiving a grant under this section shall award*
8 *subgrants under this section in a manner that, to the*
9 *extent possible, ensures that such subgrants—*

10 “(A) *are distributed throughout different*
11 *areas, including urban, suburban, and rural*
12 *areas; and*

13 “(B) *will assist charter schools representing*
14 *a variety of educational approaches.*

15 “(5) *WAIVERS.*—*The Secretary may waive any*
16 *statutory or regulatory requirement over which the*
17 *Secretary exercises administrative authority, except*
18 *for any such requirement relating to the elements of*
19 *a charter school described in section 6101(3), if—*

20 “(A) *the waiver is requested in an approved*
21 *application under this section; and*

22 “(B) *the Secretary determines that granting*
23 *such a waiver will promote the purposes of this*
24 *subpart.*

25 “(d) *LIMITATIONS.*—

1 “(1) *GRANTS.*—*The Secretary shall not award a*
2 *grant to a State entity under this section in a case*
3 *in which such award would result in more than 1*
4 *grant awarded under this section being carried out in*
5 *a State at the same time.*

6 “(2) *SUBGRANTS.*—*An eligible applicant may*
7 *not receive more than 1 subgrant under this section*
8 *per individual charter school for a 5-year period, un-*
9 *less the eligible applicant demonstrates to the State*
10 *entity not less than 3 years of improved educational*
11 *results in the areas described in subparagraphs (A)*
12 *and (D) of section 3110(7) for students enrolled in*
13 *such charter school.*

14 “(e) *APPLICATIONS.*—*A State entity desiring to receive*
15 *a grant under this section shall submit an application to*
16 *the Secretary at such time and in such manner as the Sec-*
17 *retary may require. The application shall include the fol-*
18 *lowing:*

19 “(1) *DESCRIPTION OF PROGRAM.*—*A description*
20 *of the State entity’s objectives under this section and*
21 *how the objectives of the State entity’s quality charter*
22 *school program will be carried out, including a de-*
23 *scription—*

24 “(A) *of how the State entity—*

1 “(i) will support the opening of new
2 charter schools, replicated, high-quality
3 charter school models, or expanded, high-
4 quality charter schools, and a description of
5 the proposed number of each type of charter
6 school or model, if applicable, to be opened
7 under the State entity’s program;

8 “(ii) will inform eligible charter
9 schools, developers, and authorized public
10 chartering agencies of the availability of
11 funds under the program;

12 “(iii) will work with eligible appli-
13 cants to ensure that the eligible applicants
14 access all Federal funds that they are eligi-
15 ble to receive, and help the charter schools
16 supported by the applicants and the stu-
17 dents attending the charter schools—

18 “(I) participate in the Federal
19 programs in which the schools and stu-
20 dents are eligible to participate;

21 “(II) receive the commensurate
22 share of Federal funds the schools and
23 students are eligible to receive under
24 such programs; and

1 “(III) meet the needs of students
2 served under such programs, including
3 students with disabilities and English
4 learners;

5 “(iv) will have clear plans and proce-
6 dures to assist students enrolled in a charter
7 school that closes or loses its charter to at-
8 tend other high-quality schools;

9 “(v) in the case in which the State en-
10 tity is not a State educational agency—

11 “(I) will work with the State edu-
12 cational agency and the charter schools
13 in the State to maximize charter school
14 participation in Federal and State
15 programs for charter schools; and

16 “(II) will work with the State
17 educational agency to adequately oper-
18 ate the State entity’s program under
19 this section, where applicable;

20 “(vi) will ensure each eligible appli-
21 cant that receives a subgrant under the
22 State entity’s program to open and prepare
23 to operate a new charter school, a rep-
24 licated, high-quality charter school model,

1 or an expanded, high-quality charter
2 school—

3 “(I) will ensure such school or
4 model meets the requirements under
5 section 6101(3); and

6 “(II) is prepared to continue to
7 operate such school or model, in a
8 manner consistent with the eligible ap-
9 plicant’s application, after the
10 subgrant funds have expired;

11 “(vii) will support charter schools in
12 local educational agencies with large num-
13 bers of schools identified by the State for
14 improvement, including supporting the use
15 of charter schools to improve, or in turning
16 around, struggling schools;

17 “(viii) will work with charter schools
18 to promote inclusion of all students, includ-
19 ing eliminating any barriers to enrollment
20 for foster youth or unaccompanied homeless
21 youth, and support all students once they
22 are enrolled to promote retention including
23 through the use of fair disciplinary practice;

24 “(ix) will work with charter schools on
25 recruitment practices, including efforts to

1 *engage groups that may otherwise have lim-*
2 *ited opportunities to participate in charter*
3 *schools, and to ensure such schools do not*
4 *have in effect policies or procedures that*
5 *may create barriers to enrollment of stu-*
6 *dents, including educationally disadvan-*
7 *tagged students, and are in compliance with*
8 *all Federal and State laws on enrollment*
9 *practices;*

10 *“(x) will share best and promising*
11 *practices between charter schools and other*
12 *public schools, including, where appro-*
13 *priate, instruction and professional develop-*
14 *ment in science, technology, engineering,*
15 *and math education, including computer*
16 *science, and other subjects;*

17 *“(xi) will ensure the charter schools re-*
18 *ceiving funds under the State entity’s pro-*
19 *gram meet the educational needs of their*
20 *students, including students with disabil-*
21 *ities and English learners;*

22 *“(xii) will support efforts to increase*
23 *quality initiatives, including meeting the*
24 *quality authorizing elements described in*
25 *paragraph (2)(E);*

1 “(xiii) in the case of a State entity not
2 described in clause (xiv), will provide over-
3 sight of authorizing activity, including how
4 the State will help ensure better author-
5 izing, such as by establishing authorizing
6 standards that may include approving, ac-
7 tively monitoring, and re-approving or re-
8 voking the authority of an authorized public
9 chartering agency based on the performance
10 of the charter schools authorized by such
11 agency in the areas of student achievement,
12 student safety, financial and operational
13 management, and compliance with all ap-
14 plicable statutes and regulations;

15 “(xiv) in the case of a State entity de-
16 fined in subsection (i)(4), will work with
17 the State to support the State’s system of
18 assistance and oversight of authorized pub-
19 lic chartering agencies for authorizing ac-
20 tivity described in clause (xiii); and

21 “(xv) will work with eligible appli-
22 cants receiving a subgrant under the State
23 entity’s program to support the opening of
24 charter schools or charter school models de-

1 scribed in clause (i) that are secondary
2 schools;

3 “(B) of the extent to which the State enti-
4 ty—

5 “(i) is able to meet and carry out the
6 priorities listed in subsection (f)(2); and

7 “(ii) is working to develop or strength-
8 en a cohesive statewide system to support
9 the opening of new charter schools, rep-
10 licated, high-quality charter school models,
11 or expanded, high-quality charter schools;

12 “(C) of how the State entity will carry out
13 the subgrant competition, including—

14 “(i) a description of the application
15 each eligible applicant desiring to receive a
16 subgrant will submit, including—

17 “(I) a description of the roles and
18 responsibilities of the eligible appli-
19 cant, partner organizations, and man-
20 agement organizations, including the
21 administrative and contractual roles
22 and responsibilities;

23 “(II) a description of the quality
24 controls agreed to between the eligible
25 applicant and the authorized public

1 *chartering agency involved, such as a*
2 *contract or performance agreement,*
3 *how a school’s performance in the*
4 *State’s academic accountability system*
5 *will be one of the most important fac-*
6 *tors for renewal or revocation of the*
7 *school’s charter, and how the State en-*
8 *tity and the authorized public char-*
9 *tering agency involved will reserve the*
10 *right to revoke or not renew a school’s*
11 *charter based on financial, structural,*
12 *or operational factors involving the*
13 *management of the school;*

14 “(III) a description of how the eli-

15 gible applicant will solicit and con-

16 sider input from parents and other

17 members of the community on the im-

18 plementation and operation of each

19 charter school that will receive funds

20 under the State entity’s program; and

21 “(IV) a description of the planned

22 activities and expenditures for the

23 subgrant funds for purposes of opening

24 and preparing to operate a new char-

25 ter school, a replicated, high-quality

1 *charter school model, or an expanded,*
2 *high-quality charter school, and how*
3 *the school or model will maintain fi-*
4 *nancial sustainability after the end of*
5 *the subgrant period; and*

6 “(ii) *a description of how the State en-*
7 *tity will review applications;*

8 “(D) *in the case of a State entity that part-*
9 *ners with an outside organization to carry out*
10 *the State entity’s quality charter school program,*
11 *in whole or in part, of the roles and responsibil-*
12 *ities of this partner;*

13 “(E) *of how the State entity will help the*
14 *charter schools receiving funds under the State*
15 *entity’s program consider the transportation*
16 *needs of the schools’ students; and*

17 “(F) *of how the State entity will support*
18 *diverse charter school models, including models*
19 *that serve rural communities.*

20 “(2) *ASSURANCES.—Assurances, including a de-*
21 *scription of how the assurances will be met, that—*

22 “(A) *each charter school receiving funds*
23 *under the State entity’s program will have a*
24 *high degree of autonomy over budget and oper-*
25 *ations;*

1 “(B) the State entity will support charter
2 schools in meeting the educational needs of their
3 students as described in paragraph (1)(A)(xi);

4 “(C) the State entity will ensure that the
5 authorized public chartering agency of any char-
6 ter school that receives funds under the State en-
7 tity’s program—

8 “(i) adequately monitors each such
9 charter school in recruiting, enrolling, and
10 meeting the needs of all students, including
11 students with disabilities and English
12 learners; and

13 “(ii) ensures that each such charter
14 school solicits and considers input from
15 parents and other members of the commu-
16 nity on the implementation and operation
17 of the school;

18 “(D) the State entity will provide adequate
19 technical assistance to eligible applicants to—

20 “(i) meet the objectives described in
21 clauses (viii) and (ix) of paragraph (1)(A)
22 and subparagraph (B) of this paragraph;
23 and

24 “(ii) recruit, enroll, and retain tradi-
25 tionally underserved students, including

1 *students with disabilities and English*
2 *learners, at rates similar to traditional*
3 *public schools;*

4 “(E) the State entity will promote quality
5 *authorizing, such as through providing technical*
6 *assistance and supporting all authorized public*
7 *chartering agencies in the State to improve the*
8 *oversight of their charter schools, including by—*

9 “(i) *assessing annual performance data*
10 *of the schools, including, as appropriate,*
11 *graduation rates, student academic growth,*
12 *and rates of student attrition;*

13 “(ii) *reviewing the schools’ inde-*
14 *pendent, annual audits of financial state-*
15 *ments conducted in accordance with gen-*
16 *erally accepted accounting principles, and*
17 *ensuring any such audits are publically re-*
18 *ported; and*

19 “(iii) *holding charter schools account-*
20 *able to the academic, financial, and oper-*
21 *ational quality controls agreed to between*
22 *the charter school and the authorized public*
23 *chartering agency involved, such as through*
24 *renewal, non-renewal, or revocation of the*
25 *school’s charter;*

1 “(F) the State entity will work to ensure
2 that charter schools are included with the tradi-
3 tional public schools in decisionmaking about the
4 public school system in the State; and

5 “(G) The State entity will ensure that each
6 charter school receiving funds under the State
7 entity’s program makes publicly available, con-
8 sistent with the dissemination requirements of
9 the annual State report card, information to
10 help parents make informed decisions about the
11 education options available to their children, in-
12 cluding information for each school on—

13 “(i) the educational program;

14 “(ii) student support services;

15 “(iii) annual performance and enroll-
16 ment data, disaggregated by the groups of
17 students described in section
18 1111(b)(3)(B)(ii)(II), except that such
19 disaggregation shall not be required in a
20 case in which the number of students in a
21 group is insufficient to yield statistically re-
22 liable information or the results would re-
23 veal personally identifiable information
24 about an individual student; and

1 “(iv) any other information the State
2 requires all other public schools to report for
3 purposes of section 1111(h)(1)(D).

4 “(3) *REQUESTS FOR WAIVERS.*—A request and
5 justification for waivers of any Federal statutory or
6 regulatory provisions that the State entity believes are
7 necessary for the successful operation of the charter
8 schools that will receive funds under the State entity’s
9 program under this section or, in the case of a State
10 entity defined in subsection (i)(4), a description of
11 how the State entity will work with the State to re-
12 quest such necessary waivers, where applicable, and a
13 description of any State or local rules, generally ap-
14 plicable to public schools, that will be waived, or oth-
15 erwise not apply to such schools.

16 “(f) *SELECTION CRITERIA; PRIORITY.*—

17 “(1) *SELECTION CRITERIA.*—The Secretary shall
18 award grants to State entities under this section on
19 the basis of the quality of the applications submitted
20 under subsection (e), after taking into consider-
21 ation—

22 “(A) the degree of flexibility afforded by the
23 State’s public charter school law and how the
24 State entity will work to maximize the flexibility
25 provided to charter schools under the law;

1 “(B) the ambitiousness of the State entity’s
2 objectives for the quality charter school program
3 carried out under this section;

4 “(C) the quality of the strategy for assessing
5 achievement of those objectives;

6 “(D) the likelihood that the eligible appli-
7 cants receiving subgrants under the program will
8 meet those objectives and improve educational re-
9 sults for students;

10 “(E) the State entity’s plan to—

11 “(i) adequately monitor the eligible ap-
12 plicants receiving subgrants under the State
13 entity’s program;

14 “(ii) work with the authorized public
15 chartering agencies involved to avoid dupli-
16 cation of work for the charter schools and
17 authorized public chartering agencies; and

18 “(iii) provide adequate technical as-
19 sistance and support for—

20 “(I) the charter schools receiving
21 funds under the State entity’s pro-
22 gram; and

23 “(II) quality authorizing efforts
24 in the State; and

1 “(F) the State entity’s plan to solicit and
2 consider input from parents and other members
3 of the community on the implementation and op-
4 eration of the charter schools in the State.

5 “(2) PRIORITY.—In awarding grants under this
6 section, the Secretary shall give priority to State enti-
7 ties to the extent that they meet the following criteria:

8 “(A) The State entity is located in a
9 State—

10 “(i) that allows at least one entity that
11 is not a local educational agency to be an
12 authorized public chartering agency for de-
13 velopers seeking to open a charter school in
14 the State; or

15 “(ii) in which local educational agen-
16 cies are the only authorized public char-
17 tering agencies and that has an appeals
18 process for the denial of an application for
19 a charter school;

20 “(B) The State entity is located in a State
21 that does not impose any limitation on the num-
22 ber or percentage of charter schools that may
23 exist or the number or percentage of students
24 that may attend charter schools in the State.

1 “(C) *The State entity is located in a State*
2 *that ensures equitable financing, as compared to*
3 *traditional public schools, for charter schools and*
4 *students in a prompt manner.*

5 “(D) *The State entity is located in a State*
6 *that uses best practices from charter schools to*
7 *help improve struggling schools and local edu-*
8 *cational agencies.*

9 “(E) *The State entity partners with an or-*
10 *ganization that has a demonstrated record of*
11 *success in developing management organizations*
12 *to support the development of charter schools in*
13 *the State.*

14 “(F) *The State entity supports charter*
15 *schools that support at-risk students through ac-*
16 *tivities such as dropout prevention, dropout re-*
17 *covery, or comprehensive career counseling prac-*
18 *tices.*

19 “(G) *The State entity authorizes all charter*
20 *schools in the State to serve as school food au-*
21 *thorities.*

22 “(H) *The State entity has taken steps to en-*
23 *sure that all authorizing public chartering agen-*
24 *cies implement best practices for charter school*
25 *authorizing.*

1 “(I) *The State entity is able to demonstrate*
2 *that its State provides charter schools one or*
3 *more of the following:*

4 “(i) *Funding for facilities.*

5 “(ii) *Assistance with the acquisition of*
6 *facilities.*

7 “(iii) *Access to public facilities.*

8 “(iv) *The right of first refusal to pur-*
9 *chase public school buildings.*

10 “(v) *Low or no cost leasing privileges.*

11 “(g) *LOCAL USES OF FUNDS.—An eligible applicant*
12 *receiving a subgrant under this section shall use such funds*
13 *to carry out activities related to opening and preparing to*
14 *operate a new charter school, a replicated, high-quality*
15 *charter school model, or an expanded, high-quality charter*
16 *school, such as—*

17 “(1) *preparing teachers and school leaders, in-*
18 *cluding through professional development;*

19 “(2) *acquiring equipment, educational materials,*
20 *and supplies; and*

21 “(3) *carrying out necessary renovations and*
22 *minor facilities repairs (excluding construction).*

23 “(h) *REPORTING REQUIREMENTS.—Each State entity*
24 *receiving a grant under this section shall submit to the Sec-*

1 *retary, at the end of the third year of the 5-year grant pe-*
2 *riod and at the end of such grant period, a report on—*

3 *“(1) the number of students served by each*
4 *subgrant awarded under this section and, if applica-*
5 *ble, how many new students were served during each*
6 *year of the subgrant period;*

7 *“(2) the progress the State entity made toward*
8 *meeting the priorities described in subsection (f)(2),*
9 *as applicable;*

10 *“(3) how the State entity met the objectives of the*
11 *quality charter school program described in the State*
12 *entity’s application under subsection (e), including*
13 *how the State entity met the objective of sharing best*
14 *and promising practices described in subsection*
15 *(e)(1)(A)(x) in areas such as instruction, professional*
16 *development, curricula development, and operations*
17 *between charter schools and other public schools, and*
18 *the extent to which, if known, such practices were*
19 *adopted and implemented by such other public*
20 *schools;*

21 *“(4) how the State entity complied with, and en-*
22 *sured that eligible applicants complied with, the as-*
23 *surances described in the State entity’s application;*

24 *“(5) how the State entity worked with authorized*
25 *public chartering agencies, including how the agencies*

1 *worked with the management company or leadership*
2 *of the schools that received subgrants under this sec-*
3 *tion;*

4 “(6) *the number of subgrants awarded under this*
5 *section to carry out each of the following:*

6 “(A) *the opening of new charter schools;*

7 “(B) *the opening of replicated, high-quality*
8 *charter school models; and*

9 “(C) *the opening of expanded, high-quality*
10 *charter schools; and*

11 “(7) *how the State entity has worked with char-*
12 *ter schools receiving funds under the State entity’s*
13 *program to foster community involvement in the*
14 *planning for and opening of such schools.*

15 “(i) *STATE ENTITY DEFINED.—For purposes of this*
16 *section, the term ‘State entity’ means—*

17 “(1) *a State educational agency;*

18 “(2) *a State charter school board;*

19 “(3) *a Governor of a State; or*

20 “(4) *a charter school support organization.*

21 **“SEC. 3104. FACILITIES FINANCING ASSISTANCE.**

22 “(a) *GRANTS TO ELIGIBLE ENTITIES.—*

23 “(1) *IN GENERAL.—From the amount reserved*
24 *under section 3102(b)(1), the Secretary shall not use*
25 *less than 50 percent to award grants to eligible enti-*

1 *ties that have the highest-quality applications ap-*
2 *proved under subsection (d), after considering the di-*
3 *versity of such applications, to demonstrate innova-*
4 *tive methods of assisting charter schools to address the*
5 *cost of acquiring, constructing, and renovating facili-*
6 *ties by enhancing the availability of loans or bond fi-*
7 *nancing.*

8 *“(2) ELIGIBLE ENTITY DEFINED.—For purposes*
9 *of this section, the term ‘eligible entity’ means—*

10 *“(A) a public entity, such as a State or*
11 *local governmental entity;*

12 *“(B) a private nonprofit entity; or*

13 *“(C) a consortium of entities described in*
14 *subparagraphs (A) and (B).*

15 *“(b) GRANTEE SELECTION.—The Secretary shall*
16 *evaluate each application submitted under subsection (d),*
17 *and shall determine whether the application is sufficient*
18 *to merit approval.*

19 *“(c) GRANT CHARACTERISTICS.—Grants under sub-*
20 *section (a) shall be of a sufficient size, scope, and quality*
21 *so as to ensure an effective demonstration of an innovative*
22 *means of enhancing credit for the financing of charter*
23 *school acquisition, construction, or renovation.*

24 *“(d) APPLICATIONS.—*

1 “(1) *IN GENERAL.*—*To receive a grant under*
2 *subsection (a), an eligible entity shall submit to the*
3 *Secretary an application in such form as the Sec-*
4 *retary may reasonably require.*

5 “(2) *CONTENTS.*—*An application submitted*
6 *under paragraph (1) shall contain—*

7 “(A) *a statement identifying the activities*
8 *proposed to be undertaken with funds received*
9 *under subsection (a), including how the eligible*
10 *entity will determine which charter schools will*
11 *receive assistance, and how much and what types*
12 *of assistance charter schools will receive;*

13 “(B) *a description of the involvement of*
14 *charter schools in the application’s development*
15 *and the design of the proposed activities;*

16 “(C) *a description of the eligible entity’s ex-*
17 *pertise in capital market financing;*

18 “(D) *a description of how the proposed ac-*
19 *tivities will leverage the maximum amount of*
20 *private-sector financing capital relative to the*
21 *amount of public funding used and otherwise en-*
22 *hance credit available to charter schools, includ-*
23 *ing how the eligible entity will offer a combina-*
24 *tion of rates and terms more favorable than the*
25 *rates and terms that a charter school could re-*

1 *ceive without assistance from the eligible entity*
2 *under subsection (a);*

3 “(E) *a description of how the eligible entity*
4 *possesses sufficient expertise in education to*
5 *evaluate the likelihood of success of a charter*
6 *school program for which facilities financing is*
7 *sought; and*

8 “(F) *in the case of an application submitted*
9 *by a State governmental entity, a description of*
10 *the actions that the entity has taken, or will*
11 *take, to ensure that charter schools within the*
12 *State receive the funding the charter schools need*
13 *to have adequate facilities.*

14 “(e) *CHARTER SCHOOL OBJECTIVES.—An eligible en-*
15 *tity receiving a grant under subsection (a) shall use the*
16 *funds deposited in the reserve account established under*
17 *subsection (f) to assist one or more charter schools to access*
18 *private sector capital to accomplish one or more of the fol-*
19 *lowing objectives:*

20 “(1) *The acquisition (by purchase, lease, dona-*
21 *tion, or otherwise) of an interest (including an inter-*
22 *est held by a third party for the benefit of a charter*
23 *school) in improved or unimproved real property that*
24 *is necessary to commence or continue the operation of*
25 *a charter school.*

1 “(2) *The construction of new facilities, or the*
2 *renovation, repair, or alteration of existing facilities,*
3 *necessary to commence or continue the operation of a*
4 *charter school.*

5 “(3) *The predevelopment costs required to assess*
6 *sites for purposes of paragraph (1) or (2) and which*
7 *are necessary to commence or continue the operation*
8 *of a charter school.*

9 “(f) *RESERVE ACCOUNT.—*

10 “(1) *USE OF FUNDS.—To assist charter schools*
11 *to accomplish the objectives described in subsection*
12 *(e), an eligible entity receiving a grant under sub-*
13 *section (a) shall, in accordance with State and local*
14 *law, directly or indirectly, alone or in collaboration*
15 *with others, deposit the funds received under sub-*
16 *section (a) (other than funds used for administrative*
17 *costs in accordance with subsection (g)) in a reserve*
18 *account established and maintained by the eligible en-*
19 *tity for this purpose. Amounts deposited in such ac-*
20 *count shall be used by the eligible entity for one or*
21 *more of the following purposes:*

22 “(A) *Guaranteeing, insuring, and rein-*
23 *sureing bonds, notes, evidences of debt, loans, and*
24 *interests therein, the proceeds of which are used*
25 *for an objective described in subsection (e).*

1 “(B) *Guaranteeing and insuring leases of*
2 *personal and real property for an objective de-*
3 *scribed in subsection (e).*

4 “(C) *Facilitating financing by identifying*
5 *potential lending sources, encouraging private*
6 *lending, and other similar activities that directly*
7 *promote lending to, or for the benefit of, charter*
8 *schools.*

9 “(D) *Facilitating the issuance of bonds by*
10 *charter schools, or by other public entities for the*
11 *benefit of charter schools, by providing technical,*
12 *administrative, and other appropriate assistance*
13 *(including the recruitment of bond counsel, un-*
14 *derwriters, and potential investors and the con-*
15 *solidation of multiple charter school projects*
16 *within a single bond issue).*

17 “(2) *INVESTMENT.—Funds received under sub-*
18 *section (a) and deposited in the reserve account estab-*
19 *lished under paragraph (1) shall be invested in obli-*
20 *gations issued or guaranteed by the United States or*
21 *a State, or in other similarly low-risk securities.*

22 “(3) *REINVESTMENT OF EARNINGS.—Any earn-*
23 *ings on funds received under subsection (a) shall be*
24 *deposited in the reserve account established under*

1 *paragraph (1) and used in accordance with such*
2 *paragraph.*

3 “(g) *LIMITATION ON ADMINISTRATIVE COSTS.—An eli-*
4 *gible entity may use not more than 2.5 percent of the funds*
5 *received under subsection (a) for the administrative costs*
6 *of carrying out its responsibilities under this section (ex-*
7 *cluding subsection (k)).*

8 “(h) *AUDITS AND REPORTS.—*

9 “(1) *FINANCIAL RECORD MAINTENANCE AND*
10 *AUDIT.—The financial records of each eligible entity*
11 *receiving a grant under subsection (a) shall be main-*
12 *tained in accordance with generally accepted account-*
13 *ing principles and shall be subject to an annual audit*
14 *by an independent public accountant.*

15 “(2) *REPORTS.—*

16 “(A) *GRANTEE ANNUAL REPORTS.—Each el-*
17 *igible entity receiving a grant under subsection*
18 *(a) annually shall submit to the Secretary a re-*
19 *port of its operations and activities under this*
20 *section (excluding subsection (k)).*

21 “(B) *CONTENTS.—Each annual report sub-*
22 *mitted under subparagraph (A) shall include—*

23 “(i) *a copy of the most recent financial*
24 *statements, and any accompanying opinion*
25 *on such statements, prepared by the inde-*

1 *pendent public accountant reviewing the fi-*
2 *nancial records of the eligible entity;*

3 *“(ii) a copy of any report made on an*
4 *audit of the financial records of the eligible*
5 *entity that was conducted under paragraph*
6 *(1) during the reporting period;*

7 *“(iii) an evaluation by the eligible en-*
8 *tity of the effectiveness of its use of the Fed-*
9 *eral funds provided under subsection (a) in*
10 *leveraging private funds;*

11 *“(iv) a listing and description of the*
12 *charter schools served during the reporting*
13 *period, including the amount of funds used*
14 *by each school, the type of project facilitated*
15 *by the grant, and the type of assistance pro-*
16 *vided to the charter schools;*

17 *“(v) a description of the activities car-*
18 *ried out by the eligible entity to assist char-*
19 *ter schools in meeting the objectives set forth*
20 *in subsection (e); and*

21 *“(vi) a description of the characteris-*
22 *tics of lenders and other financial institu-*
23 *tions participating in the activities under-*
24 *taken by the eligible entity under this sec-*

1 tion (excluding subsection (k)) during the
2 reporting period.

3 “(C) *SECRETARIAL REPORT.*—The Sec-
4 retary shall review the reports submitted under
5 subparagraph (A) and shall provide a com-
6 prehensive annual report to Congress on the ac-
7 tivities conducted under this section (excluding
8 subsection (k)).

9 “(i) *NO FULL FAITH AND CREDIT FOR GRANTEE OB-*
10 *LIGATION.*—No financial obligation of an eligible entity en-
11 tered into pursuant to this section (such as an obligation
12 under a guarantee, bond, note, evidence of debt, or loan)
13 shall be an obligation of, or guaranteed in any respect by,
14 the United States. The full faith and credit of the United
15 States is not pledged to the payment of funds which may
16 be required to be paid under any obligation made by an
17 eligible entity pursuant to any provision of this section.

18 “(j) *RECOVERY OF FUNDS.*—

19 “(1) *IN GENERAL.*—The Secretary, in accordance
20 with chapter 37 of title 31, United States Code, shall
21 collect—

22 “(A) all of the funds in a reserve account es-
23 tablished by an eligible entity under subsection
24 (f)(1) if the Secretary determines, not earlier
25 than 2 years after the date on which the eligible

1 *entity first received funds under subsection (a),*
2 *that the eligible entity has failed to make sub-*
3 *stantial progress in carrying out the purposes*
4 *described in subsection (f)(1); or*

5 *“(B) all or a portion of the funds in a re-*
6 *serve account established by an eligible entity*
7 *under subsection (f)(1) if the Secretary deter-*
8 *mines that the eligible entity has permanently*
9 *ceased to use all or a portion of the funds in*
10 *such account to accomplish any purpose de-*
11 *scribed in subsection (f)(1).*

12 *“(2) EXERCISE OF AUTHORITY.—The Secretary*
13 *shall not exercise the authority provided in paragraph*
14 *(1) to collect from any eligible entity any funds that*
15 *are being properly used to achieve one or more of the*
16 *purposes described in subsection (f)(1).*

17 *“(3) PROCEDURES.—The provisions of sections*
18 *451, 452, and 458 of the General Education Provi-*
19 *sions Act (20 U.S.C. 124, 1234a, 1234g) shall apply*
20 *to the recovery of funds under paragraph (1).*

21 *“(4) CONSTRUCTION.—This subsection shall not*
22 *be construed to impair or affect the authority of the*
23 *Secretary to recover funds under part D of the Gen-*
24 *eral Education Provisions Act (20 U.S.C. 1234 et*
25 *seq.).*

1 “(k) *PER-PUPIL FACILITIES AID PROGRAM.*—

2 “(1) *DEFINITION OF PER-PUPIL FACILITIES AID*
3 *PROGRAM.*—*In this subsection, the term ‘per-pupil fa-*
4 *cilities aid program’ means a program in which a*
5 *State makes payments, on a per-pupil basis, to char-*
6 *ter schools to provide the schools with financing—*

7 “(A) *that is dedicated solely for funding*
8 *charter school facilities; or*

9 “(B) *a portion of which is dedicated for*
10 *funding charter school facilities.*

11 “(2) *GRANTS.*—

12 “(A) *IN GENERAL.*—*From the amount*
13 *under section 3102(b)(1) remaining after the*
14 *Secretary makes grants under subsection (a), the*
15 *Secretary shall make grants, on a competitive*
16 *basis, to States to pay for the Federal share of*
17 *the cost of establishing or enhancing, and admin-*
18 *istering per-pupil facilities aid programs.*

19 “(B) *PERIOD.*—*The Secretary shall award*
20 *grants under this subsection for periods of not*
21 *more than 5 years.*

22 “(C) *FEDERAL SHARE.*—*The Federal share*
23 *of the cost described in subparagraph (A) for a*
24 *per-pupil facilities aid program shall be not*
25 *more than—*

1 “(i) 90 percent of the cost, for the first
2 fiscal year for which the program receives
3 assistance under this subsection;

4 “(ii) 80 percent in the second such
5 year;

6 “(iii) 60 percent in the third such
7 year;

8 “(iv) 40 percent in the fourth such
9 year; and

10 “(v) 20 percent in the fifth such year.

11 “(D) *STATE SHARE*.—A State receiving a
12 grant under this subsection may partner with 1
13 or more organizations to provide up to 50 per-
14 cent of the State share of the cost of establishing
15 or enhancing, and administering the per-pupil
16 facilities aid program.

17 “(E) *MULTIPLE GRANTS*.—A State may re-
18 ceive more than 1 grant under this subsection, so
19 long as the amount of such funds provided to
20 charter schools increases with each successive
21 grant.

22 “(3) *USE OF FUNDS*.—

23 “(A) *IN GENERAL*.—A State that receives a
24 grant under this subsection shall use the funds
25 made available through the grant to establish or

1 *enhance, and administer, a per-pupil facilities*
2 *aid program for charter schools in the State of*
3 *the applicant.*

4 “(B) *EVALUATIONS; TECHNICAL ASSIST-*
5 *ANCE; DISSEMINATION.—From the amount made*
6 *available to a State through a grant under this*
7 *subsection for a fiscal year, the State may re-*
8 *serve not more than 5 percent to carry out eval-*
9 *uations, to provide technical assistance, and to*
10 *disseminate information.*

11 “(C) *SUPPLEMENT, NOT SUPPLANT.—Funds*
12 *made available under this subsection shall be*
13 *used to supplement, and not supplant, State and*
14 *local public funds expended to provide per pupil*
15 *facilities aid programs, operations financing*
16 *programs, or other programs, for charter schools.*

17 “(4) *REQUIREMENTS.—*

18 “(A) *VOLUNTARY PARTICIPATION.—No State*
19 *may be required to participate in a program*
20 *carried out under this subsection.*

21 “(B) *STATE LAW.—*

22 “(i) *IN GENERAL.—Except as provided*
23 *in clause (ii), to be eligible to receive a*
24 *grant under this subsection, a State shall*
25 *establish or enhance, and administer, a per-*

1 *pupil facilities aid program for charter*
 2 *schools in the State, that—*

3 *“(I) is specified in State law; and*

4 *“(II) provides annual financing,*
 5 *on a per-pupil basis, for charter school*
 6 *facilities.*

7 *“(ii) SPECIAL RULE.—Notwith-*
 8 *standing clause (i), a State that is required*
 9 *under State law to provide its charter*
 10 *schools with access to adequate facility*
 11 *space, but which does not have a per-pupil*
 12 *facilities aid program for charter schools*
 13 *specified in State law, may be eligible to re-*
 14 *ceive a grant under this subsection if the*
 15 *State agrees to use the funds to develop a*
 16 *per-pupil facilities aid program consistent*
 17 *with the requirements of this subsection.*

18 *“(5) APPLICATIONS.—To be eligible to receive a*
 19 *grant under this subsection, a State shall submit an*
 20 *application to the Secretary at such time, in such*
 21 *manner, and containing such information as the Sec-*
 22 *retary may require.*

23 **“SEC. 3105. NATIONAL ACTIVITIES.**

24 *“(a) IN GENERAL.—Of the amount reserved under sec-*
 25 *tion 3102(b)(2), the Secretary shall—*

1 “(1) use not less than 75 percent of such amount
2 to award grants in accordance with subsection (b);
3 and

4 “(2) use not more than 25 percent of such
5 amount to—

6 “(A) provide technical assistance to State
7 entities in awarding subgrants under section
8 3103, and eligible entities and States receiving
9 grants under section 3104;

10 “(B) disseminate best practices; and

11 “(C) evaluate the impact of the charter
12 school program, including the impact on student
13 achievement, carried out under this subpart.

14 “(b) GRANTS.—

15 “(1) IN GENERAL.—The Secretary shall make
16 grants, on a competitive basis, to eligible applicants
17 for the purpose of carrying out the activities described
18 in section 3102(a)(1), subparagraphs (A) through (C)
19 of section 3103(a)(1), and section 3103(g).

20 “(2) TERMS AND CONDITIONS.—Except as other-
21 wise provided in this subsection, grants awarded
22 under this subsection shall have the same terms and
23 conditions as grants awarded to State entities under
24 section 3103.

1 “(3) *CHARTER MANAGEMENT ORGANIZATIONS.*—

2 *The Secretary shall—*

3 “(A) *of the amount described in subsection*
4 *(a)(1), use not less than 75 percent to make*
5 *grants, on a competitive basis, to eligible appli-*
6 *cants described in paragraph (4)(B); and*

7 “(B) *notwithstanding paragraphs (1)(A)*
8 *and (2) of section 3103(f)—*

9 “(i) *award grants to eligible appli-*
10 *cants on the basis of the quality of the ap-*
11 *plications submitted under this subsection;*
12 *and*

13 “(ii) *in awarding grants to eligible ap-*
14 *plicants described in paragraph (4)(B) of*
15 *this subsection, take into consideration*
16 *whether such an eligible applicant—*

17 “(I) *demonstrates a high propor-*
18 *tion of high-quality charter schools*
19 *within the network of the eligible ap-*
20 *plicant;*

21 “(II) *demonstrates success in serv-*
22 *ing students who are educationally dis-*
23 *advantaged;*

24 “(III) *does not have a significant*
25 *proportion of charter schools that have*

1 *been closed, had their charter revoked*
2 *for compliance issues, or had their af-*
3 *filiation with such eligible applicant*
4 *revoked;*

5 *“(IV) has sufficient procedures in*
6 *effect to ensure timely closure of low-*
7 *performing or financially mismanaged*
8 *charter schools and clear plans and*
9 *procedures in effect for the students in*
10 *such schools to attend other high-qual-*
11 *ity schools; and*

12 *“(V) demonstrates success in*
13 *working with schools identified for im-*
14 *provement by the State.*

15 *“(4) ELIGIBLE APPLICANT DEFINED.—For pur-*
16 *poses of this subsection, the term ‘eligible applicant’*
17 *means an eligible applicant (as defined in section*
18 *3110) that—*

19 *“(A) desires to open a charter school in—*

20 *“(i) a State that did not apply for a*
21 *grant under section 3103; or*

22 *“(ii) a State that did not receive a*
23 *grant under section 3103; or*

24 *“(B) is a charter management organization.*

1 “(c) *CONTRACTS AND GRANTS.*—*The Secretary may*
2 *carry out any of the activities described in this section di-*
3 *rectly or through grants, contracts, or cooperative agree-*
4 *ments.*

5 “**SEC. 3106. FEDERAL FORMULA ALLOCATION DURING**
6 **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**
7 **MENT EXPANSIONS.**

8 “(a) *IN GENERAL.*—*For purposes of the allocation to*
9 *schools by the States or their agencies of funds under part*
10 *A of title I, and any other Federal funds which the Sec-*
11 *retary allocates to States on a formula basis, the Secretary*
12 *and each State educational agency shall take such measures*
13 *as are necessary to ensure that every charter school receives*
14 *the Federal funding for which the charter school is eligible*
15 *not later than 5 months after the charter school first opens,*
16 *notwithstanding the fact that the identity and characteris-*
17 *tics of the students enrolling in that charter school are not*
18 *fully and completely determined until that charter school*
19 *actually opens. The measures similarly shall ensure that*
20 *every charter school expanding its enrollment in any subse-*
21 *quent year of operation receives the Federal funding for*
22 *which the charter school is eligible not later than 5 months*
23 *after such expansion.*

24 “(b) *ADJUSTMENT AND LATE OPENINGS.*—

1 “(1) *IN GENERAL.*—*The measures described in*
2 *subsection (a) shall include provision for appropriate*
3 *adjustments, through recovery of funds or reduction of*
4 *payments for the succeeding year, in cases where pay-*
5 *ments made to a charter school on the basis of esti-*
6 *mated or projected enrollment data exceed the*
7 *amounts that the school is eligible to receive on the*
8 *basis of actual or final enrollment data.*

9 “(2) *RULE.*—*For charter schools that first open*
10 *after November 1 of any academic year, the State, in*
11 *accordance with guidance provided by the Secretary*
12 *and applicable Federal statutes and regulations, shall*
13 *ensure that such charter schools that are eligible for*
14 *the funds described in subsection (a) for such aca-*
15 *demie year have a full and fair opportunity to receive*
16 *those funds during the charter schools’ first year of*
17 *operation.*

18 **“SEC. 3107. SOLICITATION OF INPUT FROM CHARTER**
19 **SCHOOL OPERATORS.**

20 *“To the extent practicable, the Secretary shall ensure*
21 *that administrators, teachers, and other individuals di-*
22 *rectly involved in the operation of charter schools are con-*
23 *sulted in the development of any rules or regulations re-*
24 *quired to implement this subpart, as well as in the develop-*
25 *ment of any rules or regulations relevant to charter schools*

1 *that are required to implement part A of title I, the Individ-*
2 *uals with Disabilities Education Act, or any other program*
3 *administered by the Secretary that provides education*
4 *funds to charter schools or regulates the activities of charter*
5 *schools.*

6 **“SEC. 3108. RECORDS TRANSFER.**

7 *“State educational agencies and local educational*
8 *agencies, as quickly as possible and to the extent prac-*
9 *ticable, shall ensure that a student’s records and, if applica-*
10 *ble, a student’s individualized education program as de-*
11 *finied in section 602(14) of the Individuals with Disabilities*
12 *Education Act, are transferred to a charter school upon the*
13 *transfer of the student to the charter school, and to another*
14 *public school upon the transfer of the student from a charter*
15 *school to another public school, in accordance with applica-*
16 *ble State law.*

17 **“SEC. 3109. PAPERWORK REDUCTION.**

18 *“To the extent practicable, the Secretary and each au-*
19 *thorized public chartering agency shall ensure that imple-*
20 *mentation of this subpart results in a minimum of paper-*
21 *work for any eligible applicant or charter school.*

22 **“SEC. 3110. DEFINITIONS.**

23 *“In this subpart:*

24 *“(1) CHARTER MANAGEMENT ORGANIZATION.—*

25 *The term ‘charter management organization’ means a*

1 *nonprofit organization that manages a network of*
2 *charter schools linked by centralized support, oper-*
3 *ations, and oversight.*

4 “(2) *CHARTER SCHOOL SUPPORT ORGANIZA-*
5 *TION.—The term ‘charter school support organization’*
6 *means a nonprofit, nongovernmental entity that is*
7 *not an authorized public chartering agency, which*
8 *provides on a statewide basis—*

9 “(A) *assistance to developers during the*
10 *planning, program design, and initial imple-*
11 *mentation of a charter school; and*

12 “(B) *technical assistance to charter schools*
13 *to operate such schools.*

14 “(3) *DEVELOPER.—The term ‘developer’ means*
15 *an individual or group of individuals (including a*
16 *public or private nonprofit organization), which may*
17 *include teachers, administrators and other school*
18 *staff, parents, or other members of the local commu-*
19 *nity in which a charter school project will be carried*
20 *out.*

21 “(4) *ELIGIBLE APPLICANT.—The term ‘eligible*
22 *applicant’ means a developer that has—*

23 “(A) *applied to an authorized public char-*
24 *tering authority to operate a charter school; and*

1 “(B) provided adequate and timely notice to
2 that authority.

3 “(5) *AUTHORIZED PUBLIC CHARTERING AGEN-*
4 *CY.—The term ‘authorized public chartering agency’*
5 *means a State educational agency, local educational*
6 *agency, or other public entity that has the authority*
7 *pursuant to State law and approved by the Secretary*
8 *to authorize or approve a charter school.*

9 “(6) *EXPANDED, HIGH-QUALITY CHARTER*
10 *SCHOOL.—The term ‘expanded, high-quality charter*
11 *school’ means a high-quality charter school that has*
12 *either significantly increased its enrollment or added*
13 *one or more grades to its school.*

14 “(7) *HIGH-QUALITY CHARTER SCHOOL.—The*
15 *term ‘high-quality charter school’ means a charter*
16 *school that—*

17 “(A) shows evidence of strong academic re-
18 sults, which may include strong academic growth
19 as determined by a State;

20 “(B) has no significant issues in the areas
21 of student safety, operational and financial man-
22 agement, or statutory or regulatory compliance;

23 “(C) has demonstrated success in signifi-
24 cantly increasing student academic achievement,
25 including graduation rates where applicable,

1 *consistent with the requirements under title I, for*
2 *all students served by the charter school; and*

3 “(D) *has demonstrated success in increasing*
4 *student academic achievement, including grad-*
5 *uation rates where applicable, for the groups of*
6 *students described in section*
7 *1111(b)(3)(B)(ii)(II), except that such dem-*
8 *onstration is not required in a case in which the*
9 *number of students in a group is insufficient to*
10 *yield statistically reliable information or the re-*
11 *sults would reveal personally identifiable infor-*
12 *mation about an individual student.*

13 “(8) *REPLICATED, HIGH-QUALITY CHARTER*
14 *SCHOOL MODEL.—The term ‘replicated, high-quality*
15 *charter school model’ means a high-quality charter*
16 *school that has opened a new campus under an exist-*
17 *ing charter or an additional charter if required or*
18 *permitted by State law.*

19 **“Subpart 2—Magnet School Assistance**

20 **“SEC. 3121. PURPOSE.**

21 *“The purpose of this subpart is to assist in the desegre-*
22 *gation of schools served by local educational agencies by*
23 *providing financial assistance to eligible local educational*
24 *agencies for—*

1 “(1) the elimination, reduction, or prevention of
2 minority group isolation in elementary schools and
3 secondary schools with substantial proportions of mi-
4 nority students, which shall include assisting in the
5 efforts of the United States to achieve voluntary deseg-
6 regation in public schools;

7 “(2) the development and implementation of
8 magnet school programs that will assist local edu-
9 cational agencies in achieving systemic reforms and
10 providing all students the opportunity to meet State
11 academic standards;

12 “(3) the development and design of innovative
13 educational methods and practices that promote di-
14 versity and increase choices in public elementary
15 schools and public secondary schools and public edu-
16 cational programs;

17 “(4) courses of instruction within magnet schools
18 that will substantially strengthen the knowledge of
19 academic subjects and the attainment of tangible and
20 marketable career, technical, and professional skills of
21 students attending such schools;

22 “(5) improving the ability of local educational
23 agencies, including through professional development,
24 to continue operating magnet schools at a high per-

1 *formance level after Federal funding for the magnet*
2 *schools is terminated; and*

3 *“(6) ensuring that students enrolled in the mag-*
4 *net school programs have equitable access to a quality*
5 *education that will enable the students to succeed aca-*
6 *demically and continue with postsecondary education*
7 *or employment.*

8 **“SEC. 3122. DEFINITION.**

9 *“For the purpose of this subpart, the term ‘magnet*
10 *school’ means a public elementary school, public secondary*
11 *school, public elementary education center, or public sec-*
12 *ondary education center that offers a special curriculum ca-*
13 *pable of attracting substantial numbers of students of dif-*
14 *ferent racial backgrounds.*

15 **“SEC. 3123. PROGRAM AUTHORIZED.**

16 *“From the amount appropriated under section*
17 *3(c)(1)(B), the Secretary, in accordance with this subpart,*
18 *is authorized to award grants to eligible local educational*
19 *agencies, and consortia of such agencies where appropriate,*
20 *to carry out the purpose of this subpart for magnet schools*
21 *that are—*

22 *“(1) part of an approved desegregation plan;*
23 *and*

1 “(2) designed to bring students from different so-
2 cial, economic, ethnic, and racial backgrounds to-
3 gether.

4 **“SEC. 3124. ELIGIBILITY.**

5 “A local educational agency, or consortium of such
6 agencies where appropriate, is eligible to receive a grant
7 under this subpart to carry out the purpose of this subpart
8 if such agency or consortium—

9 “(1) is implementing a plan undertaken pursu-
10 ant to a final order issued by a court of the United
11 States, or a court of any State, or any other State
12 agency or official of competent jurisdiction, that re-
13 quires the desegregation of minority-group-segregated
14 children or faculty in the elementary schools and sec-
15 ondary schools of such agency; or

16 “(2) without having been required to do so, has
17 adopted and is implementing, or will, if a grant is
18 awarded to such local educational agency, or consor-
19 tium of such agencies, under this subpart, adopt and
20 implement a plan that has been approved by the Sec-
21 retary as adequate under title VI of the Civil Rights
22 Act of 1964 for the desegregation of minority-group-
23 segregated children or faculty in such schools.

1 **“SEC. 3125. APPLICATIONS AND REQUIREMENTS.**

2 “(a) *APPLICATIONS.*—*An eligible local educational*
3 *agency, or consortium of such agencies, desiring to receive*
4 *a grant under this subpart shall submit an application to*
5 *the Secretary at such time and in such manner as the Sec-*
6 *retary may reasonably require.*

7 “(b) *INFORMATION AND ASSURANCES.*—*Each applica-*
8 *tion submitted under subsection (a) shall include—*

9 “(1) *a description of—*

10 “(A) *how a grant awarded under this sub-*
11 *part will be used to promote desegregation, in-*
12 *cluding how the proposed magnet school pro-*
13 *grams will increase interaction among students*
14 *of different social, economic, ethnic, and racial*
15 *backgrounds;*

16 “(B) *the manner and extent to which the*
17 *magnet school program will increase student*
18 *academic achievement in the instructional area*
19 *or areas offered by the school;*

20 “(C) *how the applicant will continue the*
21 *magnet school program after assistance under*
22 *this subpart is no longer available, and, if appli-*
23 *cable, an explanation of why magnet schools es-*
24 *tablished or supported by the applicant with*
25 *grant funds under this subpart cannot be contin-*

1 *ued without the use of grant funds under this*
2 *subpart;*

3 “(D) *how grant funds under this subpart*
4 *will be used—*

5 “(i) *to improve student academic*
6 *achievement for all students attending the*
7 *magnet school programs; and*

8 “(ii) *to implement services and activi-*
9 *ties that are consistent with other programs*
10 *under this Act, and other Acts, as appro-*
11 *priate; and*

12 “(E) *the criteria to be used in selecting stu-*
13 *dents to attend the proposed magnet school pro-*
14 *gram; and*

15 “(2) *assurances that the applicant will—*

16 “(A) *use grant funds under this subpart for*
17 *the purposes specified in section 3121;*

18 “(B) *employ effective teachers in the courses*
19 *of instruction assisted under this subpart;*

20 “(C) *not engage in discrimination based on*
21 *race, religion, color, national origin, sex, or dis-*
22 *ability in—*

23 “(i) *the hiring, promotion, or assign-*
24 *ment of employees of the applicant or other*

1 *personnel for whom the applicant has any*
2 *administrative responsibility;*

3 “(ii) *the assignment of students to*
4 *schools, or to courses of instruction within*
5 *the schools, of such applicant, except to*
6 *carry out the approved plan; and*

7 “(iii) *designing or operating extra-*
8 *curricular activities for students;*

9 “(D) *carry out a quality education program*
10 *that will encourage greater parental decision-*
11 *making and involvement; and*

12 “(E) *give students residing in the local at-*
13 *tendance area of the proposed magnet school pro-*
14 *gram equitable consideration for placement in*
15 *the program, consistent with desegregation guide-*
16 *lines and the capacity of the applicant to accom-*
17 *modate the students.*

18 “(c) *SPECIAL RULE.—No grant shall be awarded*
19 *under this subpart unless the Assistant Secretary of Edu-*
20 *cation for Civil Rights determines that the assurances de-*
21 *scribed in subsection (b)(2)(C) will be met.*

22 **“SEC. 3126. PRIORITY.**

23 *“In awarding grants under this subpart, the Secretary*
24 *shall give priority to applicants that—*

1 “(1) demonstrate the greatest need for assistance,
2 based on the expense or difficulty of effectively car-
3 rying out approved desegregation plans and the mag-
4 net school program for which the grant is sought;

5 “(2) propose to carry out new magnet school pro-
6 grams, or significantly revise existing magnet school
7 programs;

8 “(3) propose to select students to attend magnet
9 school programs by methods such as lottery, rather
10 than through academic examination; and

11 “(4) propose to serve the entire student popu-
12 lation of a school.

13 **“SEC. 3127. USE OF FUNDS.**

14 “(a) *IN GENERAL.*—Grant funds made available under
15 this subpart may be used by an eligible local educational
16 agency, or consortium of such agencies—

17 “(1) for planning and promotional activities di-
18 rectly related to the development, expansion, continu-
19 ation, or enhancement of academic programs and
20 services offered at magnet schools;

21 “(2) for the acquisition of books, materials, and
22 equipment, including computers and the maintenance
23 and operation of materials, equipment, and com-
24 puters, necessary to conduct programs in magnet
25 schools;

1 “(3) for the compensation, or subsidization of the
2 *compensation, of elementary school and secondary*
3 *school teachers, and instructional staff where applica-*
4 *ble, who are necessary to conduct programs in magnet*
5 *schools;*

6 “(4) with respect to a magnet school program of-
7 *fered to less than the entire student population of a*
8 *school, for instructional activities that—*

9 “(A) are designed to make available the spe-
10 *cial curriculum that is offered by the magnet*
11 *school program to students who are enrolled in*
12 *the school but who are not enrolled in the magnet*
13 *school program; and*

14 “(B) further the purpose of this subpart;

15 “(5) for activities, which may include profes-
16 *sional development, that will build the recipient’s ca-*
17 *capacity to operate magnet school programs once the*
18 *grant period has ended;*

19 “(6) to enable the local educational agency, or
20 *consortium of such agencies, to have more flexibility*
21 *in the administration of a magnet school program in*
22 *order to serve students attending a school who are not*
23 *enrolled in a magnet school program; and*

1 “(7) to enable the local educational agency, or
2 consortium of such agencies, to have flexibility in de-
3 signing magnet schools for students in all grades.

4 “(b) *SPECIAL RULE.*—Grant funds under this subpart
5 may be used for activities described in paragraphs (2) and
6 (3) of subsection (a) only if the activities are directly related
7 to improving student academic achievement based on the
8 State’s academic standards or directly related to improving
9 student reading skills or knowledge of mathematics, science,
10 history, geography, English, foreign languages, art, or
11 music, or to improving career, technical, and professional
12 skills.

13 “**SEC. 3128. LIMITATIONS.**

14 “(a) *DURATION OF AWARDS.*—A grant under this sub-
15 part shall be awarded for a period that shall not exceed
16 3 fiscal years.

17 “(b) *LIMITATION ON PLANNING FUNDS.*—A local edu-
18 cational agency, or consortium of such agencies, may ex-
19 pend for planning (professional development shall not be
20 considered to be planning for purposes of this subsection)
21 not more than 50 percent of the grant funds received under
22 this subpart for the first year of the program and not more
23 than 15 percent of such funds for each of the second and
24 third such years.

1 “(c) *AMOUNT.*—No local educational agency, or con-
2 sortium of such agencies, awarded a grant under this sub-
3 part shall receive more than \$4,000,000 under this subpart
4 for any 1 fiscal year.

5 “(d) *TIMING.*—To the extent practicable, the Secretary
6 shall award grants for any fiscal year under this subpart
7 not later than July 1 of the applicable fiscal year.

8 **“SEC. 3129. EVALUATIONS.**

9 “(a) *RESERVATION.*—The Secretary may reserve not
10 more than 2 percent of the funds appropriated under section
11 3(c)(1)(B) for any fiscal year to carry out evaluations, pro-
12 vide technical assistance, and carry out dissemination
13 projects with respect to magnet school programs assisted
14 under this subpart.

15 “(b) *CONTENTS.*—Each evaluation described in sub-
16 section (a), at a minimum, shall address—

17 “(1) how and the extent to which magnet school
18 programs lead to educational quality and academic
19 improvement;

20 “(2) the extent to which magnet school programs
21 enhance student access to a quality education;

22 “(3) the extent to which magnet school programs
23 lead to the elimination, reduction, or prevention of
24 minority group isolation in elementary schools and

1 *secondary schools with substantial proportions of mi-*
2 *nority students; and*

3 “(4) *the extent to which magnet school programs*
4 *differ from other school programs in terms of the or-*
5 *ganizational characteristics and resource allocations*
6 *of such magnet school programs.*

7 “(c) *DISSEMINATION.—The Secretary shall collect and*
8 *disseminate to the general public information on successful*
9 *magnet school programs.*

10 **“SEC. 3130. RESERVATION.**

11 *“In any fiscal year for which the amount appropriated*
12 *under section 3(c)(1)(B) exceeds \$75,000,000, the Secretary*
13 *shall give priority in using such amounts in excess of*
14 *\$75,000,000 to awarding grants to local educational agen-*
15 *cies or consortia of such agencies that did not receive a*
16 *grant under this subpart in the preceding fiscal year.*

17 **“Subpart 3—Family Engagement in Education**
18 **Programs**

19 **“SEC. 3141. PURPOSES.**

20 *“The purposes of this subpart are the following:*

21 “(1) *To provide financial support to organiza-*
22 *tions to provide technical assistance and training to*
23 *State and local educational agencies in the implemen-*
24 *tation and enhancement of systemic and effective fam-*
25 *ily engagement policies, programs, and activities that*

1 *lead to improvements in student development and*
2 *academic achievement.*

3 “(2) *To assist State educational agencies, local*
4 *educational agencies, community-based organizations,*
5 *schools, and educators in strengthening partnerships*
6 *among parents, teachers, school leaders, administra-*
7 *tors, and other school personnel in meeting the edu-*
8 *cational needs of children and fostering greater paren-*
9 *tal engagement.*

10 “(3) *To support State educational agencies, local*
11 *educational agencies, schools, educators, and parents*
12 *in developing and strengthening the relationship be-*
13 *tween parents and their children’s school in order to*
14 *further the developmental progress of children.*

15 “(4) *To coordinate activities funded under this*
16 *subpart with parent involvement initiatives funded*
17 *under section 1118 and other provisions of this Act.*

18 “(5) *To assist the Secretary, State educational*
19 *agencies, and local educational agencies in the coordi-*
20 *nation and integration of Federal, State, and local*
21 *services and programs to engage families in edu-*
22 *cation.*

23 **“SEC. 3142. GRANTS AUTHORIZED.**

24 “(a) *STATEWIDE FAMILY ENGAGEMENT CENTERS.—*
25 *From the amount appropriated under section 3(c)(1)(C),*

1 *the Secretary is authorized to award grants for each fiscal*
2 *year to statewide organizations (or consortia of such orga-*
3 *nizations), to establish Statewide Family Engagement Cen-*
4 *ters that provide comprehensive training and technical as-*
5 *sistance to State educational agencies, local educational*
6 *agencies, schools identified by State educational agencies*
7 *and local educational agencies, organizations that support*
8 *family-school partnerships, and other organizations that*
9 *carry out, or carry out directly, parent education and fam-*
10 *ily engagement in education programs.*

11 “(b) *MINIMUM AWARD.*—*In awarding grants under*
12 *this section, the Secretary shall, to the extent practicable,*
13 *ensure that a grant is awarded for a Statewide Family En-*
14 *gagement Center in an amount not less than \$500,000.*

15 **“SEC. 3143. APPLICATIONS.**

16 “(a) *SUBMISSIONS.*—*Each statewide organization, or*
17 *a consortium of such organizations, that desires a grant*
18 *under this subpart shall submit an application to the Sec-*
19 *retary at such time, in such manner, and including the in-*
20 *formation described in subsection (b).*

21 “(b) *CONTENTS.*—*Each application submitted under*
22 *subsection (a) shall include, at a minimum, the following:*

23 “(1) *A description of the applicant’s approach to*
24 *family engagement in education.*

1 “(2) A description of the support that the State-
2 wide Family Engagement Center that will be oper-
3 ated by the applicant will have from the State edu-
4 cational agency and any partner organization out-
5 lining the commitment to work with the center.

6 “(3) A description of the applicant’s plan for
7 building a statewide infrastructure for family engage-
8 ment in education, that includes—

9 “(A) management and governance;

10 “(B) statewide leadership; or

11 “(C) systemic services for family engage-
12 ment in education.

13 “(4) A description of the applicant’s dem-
14 onstrated experience in providing training, informa-
15 tion, and support to State educational agencies, local
16 educational agencies, schools, educators, parents, and
17 organizations on family engagement in education
18 policies and practices that are effective for parents
19 (including low-income parents) and families, English
20 learners, minorities, parents of students with disabil-
21 ities, parents of homeless students, foster parents and
22 students, and parents of migratory students, includ-
23 ing evaluation results, reporting, or other data exhib-
24 iting such demonstrated experience.

1 “(5) *A description of the steps the applicant will*
2 *take to target services to low-income students and*
3 *parents.*

4 “(6) *An assurance that the applicant will—*

5 “(A) *establish a special advisory committee,*
6 *the membership of which includes—*

7 “(i) *parents, who shall constitute a*
8 *majority of the members of the special advi-*
9 *sory committee;*

10 “(ii) *representatives of education pro-*
11 *essionals with expertise in improving serv-*
12 *ices for disadvantaged children;*

13 “(iii) *representatives of local elemen-*
14 *tary schools and secondary schools, includ-*
15 *ing students;*

16 “(iv) *representatives of the business*
17 *community; and*

18 “(v) *representatives of State edu-*
19 *cational agencies and local educational*
20 *agencies;*

21 “(B) *use not less than 65 percent of the*
22 *funds received under this subpart in each fiscal*
23 *year to serve local educational agencies, schools,*
24 *and community-based organizations that serve*
25 *high concentrations of disadvantaged students,*

1 *including English learners, minorities, parents*
2 *of students with disabilities, parents of homeless*
3 *students, foster parents and students, and par-*
4 *ents of migratory students;*

5 “(C) *operate a Statewide Family Engage-*
6 *ment Center of sufficient size, scope, and quality*
7 *to ensure that the Center is adequate to serve the*
8 *State educational agency, local educational agen-*
9 *cies, and community-based organizations;*

10 “(D) *ensure that the Center will retain staff*
11 *with the requisite training and experience to*
12 *serve parents in the State;*

13 “(E) *serve urban, suburban, and rural local*
14 *educational agencies and schools;*

15 “(F) *work with—*

16 “(i) *other Statewide Family Engage-*
17 *ment Centers assisted under this subpart;*
18 *and*

19 “(ii) *parent training and information*
20 *centers and community parent resource cen-*
21 *ters assisted under sections 671 and 672 of*
22 *the Individuals with Disabilities Education*
23 *Act;*

24 “(G) *use not less than 30 percent of the*
25 *funds received under this subpart for each fiscal*

1 year to establish or expand technical assistance
2 for evidence-based parent education programs;

3 “(H) provide assistance to State edu-
4 cational agencies and local educational agencies
5 and community-based organizations that support
6 family members in supporting student academic
7 achievement;

8 “(I) work with State educational agencies,
9 local educational agencies, schools, educators,
10 and parents to determine parental needs and the
11 best means for delivery of services to address
12 such needs;

13 “(J) conduct sufficient outreach to assist
14 parents, including parents who the applicant
15 may have a difficult time engaging with a school
16 or local educational agency; and

17 “(K) conduct outreach to low-income stu-
18 dents and parents, including low-income stu-
19 dents and parents who are not proficient in
20 English.

21 **“SEC. 3144. USES OF FUNDS.**

22 “(a) *IN GENERAL.*—Grantees shall use grant funds re-
23 ceived under this subpart, based on the needs determined
24 under section 3143(b)(6)(I), to provide training and tech-
25 nical assistance to State educational agencies, local edu-

1 *cational agencies, and organizations that support family-*
2 *school partnerships, and activities, services, and training*
3 *for local educational agencies, school leaders, educators, and*
4 *parents—*

5 “(1) to assist parents in participating effectively
6 in their children’s education and to help their chil-
7 dren meet State standards, such as assisting par-
8 ents—

9 “(A) to engage in activities that will im-
10 prove student academic achievement, including
11 understanding how they can support learning in
12 the classroom with activities at home and in
13 afterschool and extracurricular programs;

14 “(B) to communicate effectively with their
15 children, teachers, school leaders, counselors, ad-
16 ministrators, and other school personnel;

17 “(C) to become active participants in the
18 development, implementation, and review of
19 school-parent compacts, family engagement in
20 education policies, and school planning and im-
21 provement;

22 “(D) to participate in the design and provi-
23 sion of assistance to students who are not mak-
24 ing academic progress;

1 “(E) to participate in State and local deci-
2 sionmaking;

3 “(F) to train other parents; and

4 “(G) to help the parents learn and use tech-
5 nology applied in their children’s education;

6 “(2) to develop and implement, in partnership
7 with the State educational agency, statewide family
8 engagement in education policy and systemic initia-
9 tives that will provide for a continuum of services to
10 remove barriers for family engagement in education
11 and support school reform efforts; and

12 “(3) to develop and implement parental involve-
13 ment policies under this Act.

14 “(b) *MATCHING FUNDS FOR GRANT RENEWAL.*—For
15 each fiscal year after the first fiscal year for which an orga-
16 nization or consortium receives assistance under this sec-
17 tion, the organization or consortium shall demonstrate in
18 the application that a portion of the services provided by
19 the organization or consortium is supported through non-
20 Federal contributions, which may be in cash or in-kind.

21 “(c) *TECHNICAL ASSISTANCE.*—The Secretary shall re-
22 serve not more than 2 percent of the funds appropriated
23 under section 3(c)(1)(C) to carry out this subpart to provide
24 technical assistance, by competitive grant or contract, for

1 *the establishment, development, and coordination of State-*
2 *wide Family Engagement Centers.*

3 “(d) *RULE OF CONSTRUCTION.—Nothing in this sec-*
4 *tion shall be construed to prohibit a Statewide Family En-*
5 *gagement Center from—*

6 “(1) *having its employees or agents meet with a*
7 *parent at a site that is not on school grounds; or*

8 “(2) *working with another agency that serves*
9 *children.*

10 “(e) *PARENTAL RIGHTS.—Notwithstanding any other*
11 *provision of this section—*

12 “(1) *no person (including a parent who educates*
13 *a child at home, a public school parent, or a private*
14 *school parent) shall be required to participate in any*
15 *program of parent education or developmental screen-*
16 *ing under this section; and*

17 “(2) *no program or center assisted under this*
18 *section shall take any action that infringes in any*
19 *manner on the right of a parent to direct the edu-*
20 *cation of their children.*

21 **“SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

22 “*The Secretary of the Interior, in consultation with*
23 *the Secretary of Education, shall establish, or enter into*
24 *contracts and cooperative agreements with local Indian*

1 *nonprofit parent organizations to establish and operate*
2 *Family Engagement Centers.*

3 **“PART B—LOCAL ACADEMIC FLEXIBLE GRANT**

4 **“SEC. 3201. PURPOSE.**

5 *“The purpose of this part is to—*

6 *“(1) provide local educational agencies with the*
7 *opportunity to access funds to support the initiatives*
8 *important to their schools and students to improve*
9 *academic achievement and student engagement, in-*
10 *cluding protecting student safety; and*

11 *“(2) provide nonprofit and for-profit entities the*
12 *opportunity to work with students to improve aca-*
13 *demic achievement and student engagement, including*
14 *student safety.*

15 **“SEC. 3202. ALLOTMENTS TO STATES.**

16 *“(a) RESERVATIONS.—From the funds appropriated*
17 *under section 3(c)(2) for any fiscal year, the Secretary shall*
18 *reserve—*

19 *“(1) not more than one-half of 1 percent for na-*
20 *tional activities to provide technical assistance to eli-*
21 *gible entities in carrying out programs under this*
22 *part; and*

23 *“(2) not more than one-half of 1 percent for pay-*
24 *ments to the outlying areas and the Bureau of Indian*
25 *Education, to be allotted in accordance with their re-*

1 *spective needs for assistance under this part, as deter-*
2 *mined by the Secretary, to enable the outlying areas*
3 *and the Bureau to carry out the purpose of this part.*

4 *“(b) STATE ALLOTMENTS.—*

5 *“(1) DETERMINATION.—From the funds appro-*
6 *priated under section 3(c)(2) for any fiscal year and*
7 *remaining after the Secretary makes reservations*
8 *under subsection (a), the Secretary shall allot to each*
9 *State for the fiscal year an amount that bears the*
10 *same relationship to the remainder as the amount the*
11 *State received under chapter B of subpart 1 of part*
12 *A of title I for the preceding fiscal year bears to the*
13 *amount all States received under that chapter for the*
14 *preceding fiscal year, except that no State shall re-*
15 *ceive less than an amount equal to one-half of 1 per-*
16 *cent of the total amount made available to all States*
17 *under this subsection.*

18 *“(2) REALLOTMENT OF UNUSED FUNDS.—If a*
19 *State does not receive an allotment under this part*
20 *for a fiscal year, the Secretary shall reallocate the*
21 *amount of the State’s allotment to the remaining*
22 *States in accordance with this section.*

23 *“(c) STATE USE OF FUNDS.—*

24 *“(1) IN GENERAL.—Each State that receives an*
25 *allotment under this part shall reserve not less than*

1 75 percent of the amount allotted to the State under
2 subsection (b) for each fiscal year for awards to eligi-
3 ble entities under section 3204.

4 “(2) AWARDS TO NONGOVERNMENTAL ENTITIES
5 TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—
6 Each State that receives an allotment under sub-
7 section (b) for each fiscal year shall reserve not less
8 than 8 percent of the amount allotted to the State for
9 awards to nongovernmental entities under section
10 3205.

11 “(3) STATE ACTIVITIES AND STATE ADMINISTRA-
12 TION.—A State educational agency may reserve not
13 more than 17 percent of the amount allotted to the
14 State under subsection (b) for each fiscal year for one
15 or more of the following:

16 “(A) Enabling the State educational agen-
17 cy—

18 “(i) to pay the costs of developing the
19 State assessments and standards required
20 under section 1111(b), which may include
21 the costs of working, at the sole discretion of
22 the State, in voluntary partnerships with
23 other States to develop such assessments and
24 standards; or

1 “(ii) if the State has developed the as-
2 sessments and standards required under sec-
3 tion 1111(b), to administer those assess-
4 ments or carry out other activities related
5 to ensuring that the State’s schools and
6 local educational agencies are helping stu-
7 dents meet the State’s academic standards
8 under such section.

9 “(B) The administrative costs of carrying
10 out its responsibilities under this part, except
11 that not more than 5 percent of the reserved
12 amount may be used for this purpose.

13 “(C) Monitoring and evaluation of pro-
14 grams and activities assisted under this part.

15 “(D) Providing training and technical as-
16 sistance under this part.

17 “(E) Statewide academic focused programs.

18 “(F) Sharing evidence-based and other effec-
19 tive strategies with eligible entities.

20 “(G) Awarding grants for blended learning
21 projects under paragraph (4).

22 “(4) *BLENDED LEARNING PROJECTS.*—

23 “(A) *IN GENERAL.*—From the amount of
24 funds a State educational agency reserves under
25 subsection (c)(3) for each fiscal year to carry out

1 *this paragraph, the State educational agency*
2 *shall award grants on a competitive basis to eli-*
3 *gible entities in the State to carry out blended*
4 *learning projects described in this paragraph.*

5 “(B) *GEOGRAPHIC DIVERSITY.*— *In award-*
6 *ing grants under this paragraph, a State edu-*
7 *cational agency shall distribute funds equitably*
8 *among geographic areas of the State, including*
9 *rural and urban communities.*

10 “(C) *APPLICATION.*—*An eligible entity de-*
11 *siring to receive a grant under this paragraph*
12 *shall submit an application to the State edu-*
13 *cational agency at such time and in such man-*
14 *ner as the agency may require, and which de-*
15 *scribes—*

16 “(i) *the blended learning project to be*
17 *carried out by the eligible entity, including*
18 *the design of the instructional model to be*
19 *carried out by the eligible entity and how*
20 *such eligible entity will use funds provided*
21 *under this paragraph to carry out the*
22 *project;*

23 “(ii) *in the case of an eligible entity*
24 *described in subclause (I) or (III) of sub-*

1 paragraph (F)(ii), the schools that will par-
2 ticipate in the project;

3 “(iii) the expected impact on student
4 academic achievement;

5 “(iv) how the eligible entity will ensure
6 sufficient information technology is avail-
7 able to carry out the project;

8 “(v) how the eligible entity will ensure
9 sufficient digital instructional resources are
10 available to students participating in the
11 project;

12 “(vi) the ongoing professional develop-
13 ment to be provided for teachers, school
14 leaders, and other personnel carrying out
15 the project;

16 “(vii) the State policies and procedures
17 for which the eligible entity requests waivers
18 from the State to carry out the project,
19 which may include requests for the waivers
20 described in section 3203(a)(11)(B);

21 “(viii) as appropriate, how the eligible
22 entity will use the blended learning project
23 to improve instruction and access to the
24 curriculum for diverse groups of students,

1 *including students with disabilities and stu-*
2 *dents who are limited English proficient;*

3 *“(ix) how the eligible entity will evalu-*
4 *ate the project in terms of student academic*
5 *achievement and publicly report the results*
6 *of such evaluation; and*

7 *“(x) how the eligible entity will sustain*
8 *the project beyond the grant period.*

9 *“(D) USES OF FUNDS.—An eligible entity*
10 *receiving a grant under this paragraph shall use*
11 *such grant to carry out a blended learning*
12 *project, which shall include at least 1 of the fol-*
13 *lowing activities:*

14 *“(i) Planning activities, which may*
15 *include development of new instructional*
16 *models (including blended learning tech-*
17 *nology software and platforms), the pur-*
18 *chase of digital instructional resources, ini-*
19 *tial professional development activities, and*
20 *one-time information technology purchases,*
21 *except that such expenditures may not in-*
22 *clude expenditures related to significant*
23 *construction or renovation of facilities.*

24 *“(ii) Ongoing professional development*
25 *for teachers, school leaders, or other per-*

1 *sonnel involved in the project that is de-*
2 *signed to support the implementation and*
3 *academic success of the project.*

4 *“(E) NON-FEDERAL MATCH.—A State edu-*
5 *cational agency that carries out a grant program*
6 *under this paragraph shall provide non-Federal*
7 *matching funds equal to not less than 10 percent*
8 *of the grant funds awarded by the State edu-*
9 *cational agency to eligible entities under this*
10 *paragraph.*

11 *“(F) DEFINITIONS.—In this paragraph:*

12 *“(i) BLENDED LEARNING PROJECT.—*
13 *The term ‘blended learning project’ means a*
14 *formal education program—*

15 *“(I) that includes an element of*
16 *online learning, and instructional time*
17 *in a supervised location away from*
18 *home;*

19 *“(II) that includes an element of*
20 *student control over time, path, or*
21 *pace; and*

22 *“(III) in which the elements are*
23 *connected to provide an integrated*
24 *learning experience.*

1 “(i) *ELIGIBLE ENTITY*.—The term ‘eli-
2 gible entity’ means a—

3 “(I) local educational agency;

4 “(II) charter school; or

5 “(III) consortium of the entities
6 described in subclause (I) or (II),
7 which may be in partnership with a
8 for-profit or nonprofit entity.

9 **“SEC. 3203. STATE APPLICATION.**

10 “(a) *IN GENERAL*.—In order to receive an allotment
11 under section 3202 for any fiscal year, a State educational
12 agency shall submit to the Secretary, at such time as the
13 Secretary may require, an application that—

14 “(1) describes how the State educational agency
15 will use funds reserved for State-level activities, in-
16 cluding how, if any, of the funds will be used to sup-
17 port student safety;

18 “(2) describes the procedures and criteria the
19 State educational agency will use for reviewing appli-
20 cations and awarding funds to eligible entities on a
21 competitive basis, which shall include reviewing how
22 the proposed project will help increase student aca-
23 demic achievement and student engagement;

24 “(3) describes how the State educational agency
25 will ensure that awards made under this part are—

1 “(A) of sufficient size and scope to support
2 high-quality, effective programs that are con-
3 sistent with the purpose of this part; and

4 “(B) in amounts that are consistent with
5 section 3204(f);

6 “(4) describes the steps the State educational
7 agency will take to ensure that programs implement
8 effective strategies, including providing ongoing tech-
9 nical assistance and training, and dissemination of
10 evidence-based and other effective strategies;

11 “(5) describes how the State educational agency
12 will consider students across all grades when making
13 these awards;

14 “(6) an assurance that, other than providing
15 technical and advisory assistance and monitoring
16 compliance with this part, the State educational
17 agency has not exercised and will not exercise any in-
18 fluence in the decisionmaking process of eligible enti-
19 ties as to the expenditure of funds received by the eli-
20 gible entities under this part;

21 “(7) describes how programs under this part will
22 be coordinated with programs under this Act, and
23 other programs as appropriate;

24 “(8) contains an assurance that the State edu-
25 cational agency—

1 “(A) will make awards for programs for a
2 period of not more than 5 years; and

3 “(B) will require each eligible entity seeking
4 such an award to submit a plan describing how
5 the project to be funded through the award will
6 continue after funding under this part ends, if
7 applicable;

8 “(9) contains an assurance that funds appro-
9 priated to carry out this part will be used to supple-
10 ment, and not supplant, State and local public funds
11 expended to provide programs and activities author-
12 ized under this part and other similar programs;

13 “(10) an assurance that the State will support
14 projects from each of the categories listed in section
15 3204(b)(1)(D) in awarding subgrants to local edu-
16 cational agencies; and

17 “(11) in the case of a State that will carry out
18 a program to award grants under section 3202(c)(4),
19 a description of the program, which shall include—

20 “(A) the criteria the State will use to award
21 grants under such section to eligible entities to
22 carry out blended learning projects;

23 “(B) the State policies and procedures to be
24 waived by the State, consistent with Federal law,
25 for such eligible entities to carry out such

1 *projects, which may include waivers with respect*
2 *to—*

3 *“(i) restrictions on class sizes;*

4 *“(ii) restrictions on licensing or*
5 *credentialing of personnel supervising stu-*
6 *dent work in such projects;*

7 *“(iii) restrictions on the use of State*
8 *funding for instructional materials for the*
9 *purchase of digital instructional resources;*

10 *“(iv) restrictions on advancing stu-*
11 *dents based on demonstrated mastery of*
12 *learning outcomes, rather than seat-time re-*
13 *quirements; and*

14 *“(v) restrictions on secondary school*
15 *students in the State enrolling in online*
16 *coursework;*

17 *“(C) how the State will inform eligible enti-*
18 *ties of the availability of the waivers described in*
19 *subparagraph (B); and*

20 *“(D) how the State will provide the non-*
21 *Federal match required under section*
22 *3202(c)(4)(E).*

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 the*

1 *Secretary makes a written determination, prior to the expi-*
2 *ration of the 120-day period beginning on the date on which*
3 *the Secretary received the application, that the application*
4 *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 *shall—*

17 “(A) *cite the specific provisions in the ap-*
18 *plication that are not in compliance; and*

19 “(B) *request additional information, only*
20 *as to the noncompliant provisions, needed to*
21 *make the application compliant.*

22 “(e) *RESPONSE.—If the State educational agency re-*
23 *sponds to the Secretary’s notification described in sub-*
24 *section (d)(2) during the 45-day period beginning on the*
25 *date on which the agency received the notification, and re-*

1 *submits the application with the requested information de-*
2 *scribed in subsection (d)(2)(B), the Secretary shall approve*
3 *or disapprove such application prior to the later of—*

4 “(1) *the expiration of the 45-day period begin-*
5 *ning on the date on which the application is resub-*
6 *mitted; or*

7 “(2) *the expiration of the 120-day period de-*
8 *scribed in subsection (b).*

9 “(f) *FAILURE TO RESPOND.—If the State educational*
10 *agency does not respond to the Secretary’s notification de-*
11 *scribed in subsection (d)(2) during the 45-day period begin-*
12 *ning on the date on which the agency received the notifica-*
13 *tion, such application shall be deemed to be disapproved.*

14 “(g) *RULE OF CONSTRUCTION.—An application sub-*
15 *mitted by a State educational agency pursuant to sub-*
16 *section (a) shall not be approved or disapproved based upon*
17 *the activities for which the agency may make funds avail-*
18 *able to eligible entities under section 3204 if the agency’s*
19 *use of funds is consistent with section 3204(b).*

20 **“SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.**

21 “(a) *IN GENERAL.—A State that receives funds under*
22 *this part for a fiscal year shall provide the amount made*
23 *available under section 3202(c)(1) to eligible entities in ac-*
24 *cordance with this section.*

25 “(b) *USE OF FUNDS.—*

1 “(1) *IN GENERAL.*—An eligible entity that re-
2 ceives an award under this part shall use the funds
3 for activities that—

4 “(A) are evidence-based;

5 “(B) will improve student academic
6 achievement and student engagement;

7 “(C) are allowable under State law; and

8 “(D) focus on one or more projects from the
9 following two categories:

10 “(i) Supplemental student support ac-
11 tivities such as before, after, or summer
12 school activities, tutoring, and expanded
13 learning time, but not including athletics or
14 in-school learning activities.

15 “(ii) Activities designed to support stu-
16 dents, such as academic subject specific pro-
17 grams including computer science and other
18 science, technology, engineering, and mathe-
19 matics programs, arts education, civic edu-
20 cation, and adjunct teacher, extended-learn-
21 ing-time, and dual enrollment programs,
22 and parent engagement, but not including
23 activities to—

24 “(I) support smaller class sizes or
25 construction; or

1 “(II) provide compensation or
2 benefits to teachers, school leaders,
3 other school officials, or local edu-
4 cational agency staff.

5 “(2) *PARTICIPATION OF CHILDREN ENROLLED IN*
6 *PRIVATE SCHOOLS.*—An eligible entity that receives
7 an award under this part shall ensure compliance
8 with section 6501 (relating to participation of chil-
9 dren enrolled in private schools).

10 “(c) *APPLICATION.*—

11 “(1) *IN GENERAL.*—To be eligible to receive an
12 award under this part, an eligible entity shall submit
13 an application to the State educational agency at
14 such time, in such manner, and including such infor-
15 mation as the State educational agency may reason-
16 ably require, including the contents required by para-
17 graph (2).

18 “(2) *CONTENTS.*—Each application submitted
19 under paragraph (1) shall include—

20 “(A) a description of the activities to be
21 funded and how they are consistent with sub-
22 section (b), including any activities that will in-
23 crease student safety;

24 “(B) an assurance that funds under this
25 part will be used to increase the level of State,

1 *local, and other non-Federal funds that would,*
2 *in the absence of funds under this part, be made*
3 *available for programs and activities authorized*
4 *under this part, and in no case supplant State,*
5 *local, or non-Federal funds;*

6 “(C) *an assurance that the community will*
7 *be given notice of an intent to submit an appli-*
8 *cation with an opportunity for comment, and*
9 *that the application will be available for public*
10 *review after submission of the application; and*

11 “(D) *an assurance that students who benefit*
12 *from any activity funded under this part shall*
13 *continue to maintain enrollment in a public ele-*
14 *mentary or secondary school.*

15 “(d) *REVIEW.—In reviewing local applications under*
16 *this section, a State educational agency shall use a peer*
17 *review process or other methods of assuring the quality of*
18 *such applications but the review shall be limited to the like-*
19 *lihood that the project will increase student academic*
20 *achievement and student engagement.*

21 “(e) *GEOGRAPHIC DIVERSITY.—A State educational*
22 *agency shall distribute funds under this part equitably*
23 *among geographic areas within the State, including rural,*
24 *suburban, and urban communities.*

1 “(f) *AWARD.*—A grant shall be awarded to all eligible
2 entities that submit an application that meets the require-
3 ments of this section in an amount that is not less than
4 \$10,000, but there shall be only one annual award granted
5 to any one local educational agency, but such award may
6 be for multiple projects or programs with the local edu-
7 cational agency.

8 “(g) *DURATION OF AWARDS.*—Grants under this part
9 may be awarded for a period of not more than 5 years.

10 “(h) *ELIGIBLE ENTITY DEFINED.*—In this section, the
11 term ‘eligible entity’ means—

12 “(1) a local educational agency in partnership
13 with a community-based organization, institution of
14 higher education, business entity, or nongovernmental
15 entity;

16 “(2) a consortium of local educational agencies
17 working in partnership with a community-based or-
18 ganization, institution of higher education, business
19 entity, or nongovernmental entity;

20 “(3) a community-based organization or institu-
21 tion of higher education in partnership with a local
22 educational agency and, if applicable, a business enti-
23 ty or nongovernmental entity; or

24 “(4) a business entity in partnership with a
25 local educational agency and, if applicable, a commu-

1 nity-based organization, institution of higher edu-
2 cation, or nongovernmental entity.

3 **“SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO**
4 **IMPROVE ACADEMIC ACHIEVEMENT.**

5 “(a) *IN GENERAL.*—From the amount reserved under
6 section 3202(c)(2), a State educational agency shall award
7 grants to nongovernmental entities, including public or pri-
8 vate organizations, community-based or faith-based organi-
9 zations, institutions of higher education, and business enti-
10 ties for a program or project to increase the academic
11 achievement and student engagement of public school stu-
12 dents attending public elementary or secondary schools (or
13 both) in compliance with the requirements in this section.
14 Subject to the availability of funds, the State educational
15 agency shall award a grant to each eligible applicant that
16 meets the requirements in a sufficient size and scope to sup-
17 port the program.

18 “(b) *APPLICATION.*—The State educational agency
19 shall require an application that includes the following in-
20 formation:

21 “(1) A description of the program or project the
22 applicant will use the funds to support.

23 “(2) A description of how the applicant is using
24 or will use other State, local, or private funding to
25 support the program or project.

1 “(3) A description of how the program or project
2 will help increase student academic achievement and
3 student engagement, including the evidence to support
4 this claim.

5 “(4) A description of the student population the
6 program or project is targeting to impact, and if the
7 program will prioritize students in high-need local
8 educational agencies.

9 “(5) A description of how the applicant will con-
10 duct sufficient outreach to ensure students can par-
11 ticipate in the program or project.

12 “(6) A description of any partnerships the appli-
13 cant has entered into with local educational agencies
14 or other entities the applicant will work with, if ap-
15 plicable.

16 “(7) A description of how the applicant will
17 work to share evidence-based and other effective strat-
18 egies from the program or project with local edu-
19 cational agencies and other entities working with stu-
20 dents to increase academic achievement.

21 “(8) An assurance that students who benefit from
22 any program or project funded under this section
23 shall continue to maintain enrollment in a public ele-
24 mentary or secondary school.

1 “(c) *MATCHING CONTRIBUTION.*—*An eligible appli-*
2 *cant receiving a grant under this section shall provide, ei-*
3 *ther directly or through private contributions, non-Federal*
4 *matching funds equal to not less than 50 percent of the*
5 *amount of the grant.*

6 “(d) *REVIEW.*—*The State educational agency shall re-*
7 *view the application to ensure that—*

8 “(1) *the applicant is an eligible applicant;*

9 “(2) *the application clearly describes the re-*
10 *quired elements in subsection (b);*

11 “(3) *the entity meets the matching requirement*
12 *described in subsection (c); and*

13 “(4) *the program is allowable and complies with*
14 *Federal, State, and local laws.*

15 “(e) *DISTRIBUTION OF FUNDS.*—*If the application re-*
16 *quests exceed the funds available, the State educational*
17 *agency shall prioritize projects that support students in*
18 *high-need local educational agencies and ensure geographic*
19 *diversity, including serving rural, suburban, and urban*
20 *areas.*

21 “(f) *ADMINISTRATIVE COSTS.*—*Not more than 1 per-*
22 *cent of a grant awarded under this section may be used*
23 *for administrative costs.*

1 **“SEC. 3206. REPORT.**

2 *“Each recipient of a grant under section 3204 or 3205*
3 *shall report to the State educational agency on—*

4 *“(1) the success of the program in reaching the*
5 *goals of the program;*

6 *“(2) a description of the students served by the*
7 *program and how the students’ academic achievement*
8 *improved; and*

9 *“(3) the results of any evaluation conducted on*
10 *the success of the program.”.*

11 ***TITLE IV—IMPACT AID***

12 ***SEC. 401. PURPOSE.***

13 *Section 8001 (20 U.S.C. 7701) is amended by striking*
14 *“challenging State standards” and inserting “State aca-*
15 *demic standards”.*

16 ***SEC. 402. PAYMENTS RELATING TO FEDERAL ACQUISITION***
17 ***OF REAL PROPERTY.***

18 *Section 8002 (20 U.S.C. 7702) is amended—*

19 *(1) in subsection (a)(1)(C), by amending the*
20 *matter preceding clause (i) to read as follows:*

21 *“(C) had an assessed value according to*
22 *original records (including facsimiles or other re-*
23 *productions of those records) documenting the as-*
24 *essed value of such property (determined as of*
25 *the time or times when so acquired) prepared by*
26 *the local officials referred to in subsection (b)(3)*

1 or, when such original records are not available
2 due to unintentional destruction (such as nat-
3 ural disaster, fire, flooding, pest infestation, or
4 deterioration due to age), other records, includ-
5 ing Federal agency records, local historical
6 records, or other records that the Secretary deter-
7 mines to be appropriate and reliable, aggre-
8 gating 10 percent or more of the assessed value
9 of—”;

10 (2) in subsection (b)(1)(B), by striking “section
11 8014(a)” and inserting “section 3(d)(1)”;

12 (3) by amending subsection (f) to read as follows:

13 “(f) *SPECIAL RULE.*—Beginning with fiscal year
14 2014, a local educational agency shall be deemed to meet
15 the requirements of subsection (a)(1)(C) if records to deter-
16 mine eligibility under such subsection were destroyed prior
17 to fiscal year 2000 and the agency received funds under
18 subsection (b) in the previous year.”;

19 (4) by amending subsection (g) to read as fol-
20 lows:

21 “(g) *FORMER DISTRICTS.*—

22 “(1) *CONSOLIDATIONS.*—For fiscal year 2006
23 and each succeeding fiscal year, if a local educational
24 agency described in subsection (b) is formed at any
25 time after 1938 by the consolidation of 2 or more

1 *former school districts, the local educational agency*
2 *may elect to have the Secretary determine its eligi-*
3 *bility for any fiscal year on the basis of 1 or more*
4 *of those former districts, as designated by the local*
5 *educational agency.*

6 “(2) *ELIGIBLE LOCAL EDUCATIONAL AGEN-*
7 *CIES.—A local educational agency referred to in sub-*
8 *section (a) is—*

9 “(A) *any local educational agency that, for*
10 *fiscal year 1994 or any preceding fiscal year,*
11 *applied, and was determined to be eligible under,*
12 *section 2(c) of the Act of September 30, 1950*
13 *(Public Law 874, 81st Congress) as that section*
14 *was in effect for that fiscal year; or*

15 “(B) *a local educational agency formed by*
16 *the consolidation of 2 or more districts, at least*
17 *1 of which was eligible for assistance under this*
18 *section for the fiscal year preceding the year of*
19 *the consolidation, if—*

20 “(i) *for fiscal years 2006 through 2015*
21 *the local educational agency notified the*
22 *Secretary not later than 30 days after the*
23 *date of the enactment of this Act; and*

24 “(ii) *for fiscal year 2016 the local edu-*
25 *cational agency includes the designation in*

1 *its application under section 8005 or any*
2 *timely amendment to such application.*

3 “(3) *AMOUNT.—A local educational agency eligi-*
4 *ble under subsection (b) shall receive a foundation*
5 *payment as provided for under subparagraphs (A)*
6 *and (B) of subsection (h)(1), except that the founda-*
7 *tion payment shall be calculated based on the most re-*
8 *cent payment received by the local educational based*
9 *on its former common status.”;*

10 (5) *in subsection (h)—*

11 (A) *in paragraph (2)—*

12 (i) *in subparagraph (C)(ii), by strik-*
13 *ing “section 8014(a)” and inserting “sec-*
14 *tion 3(d)(1)”;* and

15 (ii) *in subparagraph (D), by striking*
16 *“section 8014(a)” and inserting “section*
17 *3(d)(1)”;* and

18 (B) *in paragraph (4), by striking “Impact*
19 *Aid Improvement Act of 2012” and inserting*
20 *“Student Success Act”;*

21 (6) *by repealing subsections (k) and (m);*

22 (7) *by redesignating subsection (l) as subsection*
23 (j);

1 (8) by amending subsection (j) (as so redesignig-
2 nated) by striking “(h)(4)(B)” and inserting “(h)(2)”;
3 and

4 (9) by redesignating subsection (n) as subsection
5 (k).

6 **SEC. 403. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
7 **NECTED CHILDREN.**

8 (a) *COMPUTATION OF PAYMENT.*—Section 8003(a) (20
9 U.S.C. 7703(a)) is amended—

10 (1) in the matter preceding subparagraph (A) of
11 paragraph (1), by inserting after “schools of such
12 agency” the following: “(including those children en-
13 rolled in such agency as a result of the open enroll-
14 ment policy of the State in which the agency is lo-
15 cated, but not including children who are enrolled in
16 a distance education program at such agency and
17 who are not residing within the geographic bound-
18 aries of such agency)”; and

19 (2) in paragraph (5)(A), by striking “1984” and
20 all that follows through “situated” and inserting
21 “1984, or under lease of off-base property under sub-
22 chapter IV of chapter 169 of title 10, United States
23 Code, to be children described under paragraph (1)(B)
24 if the property described is within the fenced security
25 perimeter of the military facility or attached to and

1 *under any type of force protection agreement with the*
2 *military installation upon which such housing is sit-*
3 *uated”.*

4 *(b) BASIC SUPPORT PAYMENTS FOR HEAVILY IM-*
5 *PACTED LOCAL EDUCATIONAL AGENCIES.—Section 8003(b)*
6 *(20 U.S.C. 7703(b)) is amended—*

7 *(1) by striking “section 8014(b)” each place it*
8 *appears and inserting “section 3(d)(2)”;*

9 *(2) in paragraph (1), by repealing subparagraph*
10 *(E);*

11 *(3) in paragraph (2)—*

12 *(A) in subparagraph (B)—*

13 *(i) by striking “CONTINUING” in the*
14 *heading;*

15 *(ii) by amending clause (i) to read as*
16 *follows:*

17 *“(i) IN GENERAL.—A heavily impacted*
18 *local educational agency is eligible to re-*
19 *ceive a basic support payment under sub-*
20 *paragraph (A) with respect to a number of*
21 *children determined under subsection (a)(1)*
22 *if the agency—*

23 *“(I) is a local educational agen-*
24 *cy—*

1 “(aa) whose boundaries are
2 the same as a Federal military
3 installation or an island property
4 designated by the Secretary of the
5 Interior to be property that is
6 held in trust by the Federal Gov-
7 ernment; and

8 “(bb) that has no taxing au-
9 thority;

10 “(II) is a local educational agency
11 that—

12 “(aa) has an enrollment of
13 children described in subsection
14 (a)(1) that constitutes a percent-
15 age of the total student enrollment
16 of the agency that is not less than
17 45 percent;

18 “(bb) has a per-pupil ex-
19 penditure that is less than—

20 “(AA) for an agency
21 that has a total student en-
22 rollment of 500 or more stu-
23 dents, 125 percent of the av-
24 erage per-pupil expenditure

1 *of the State in which the*
2 *agency is located; or*

3 *“(BB) for any agency*
4 *that has a total student en-*
5 *rollment less than 500, 150*
6 *percent of the average per-*
7 *pupil expenditure of the*
8 *State in which the agency is*
9 *located or the average per-*
10 *pupil expenditure of 3 or*
11 *more comparable local edu-*
12 *cational agencies in the State*
13 *in which the agency is lo-*
14 *cated; and*

15 *“(cc) is an agency that has a*
16 *tax rate for general fund purposes*
17 *that is not less than 95 percent of*
18 *the average tax rate for general*
19 *fund purposes of comparable local*
20 *educational agencies in the State;*

21 *“(III) is a local educational agen-*
22 *cy that—*

23 *“(aa) has an enrollment of*
24 *children described in subsection*
25 *(a)(1) that constitutes a percent-*

1 *age of the total student enrollment*
2 *of the agency that is not less than*
3 *20 percent;*

4 *“(bb) for the 3 fiscal years*
5 *preceding the fiscal year for which*
6 *the determination is made, the av-*
7 *erage enrollment of children who*
8 *are not described in subsection*
9 *(a)(1) and who are eligible for a*
10 *free or reduced price lunch under*
11 *the Richard B. Russell National*
12 *School Lunch Act constitutes a*
13 *percentage of the total student en-*
14 *rollment of the agency that is not*
15 *less than 65 percent; and*

16 *“(cc) has a tax rate for gen-*
17 *eral fund purposes which is not*
18 *less than 125 percent of the aver-*
19 *age tax rate for general fund pur-*
20 *poses for comparable local edu-*
21 *cational agencies in the State;*

22 *“(IV) is a local educational agen-*
23 *cy that has a total student enrollment*
24 *of not less than 25,000 students, of*
25 *which—*

1 “(aa) not less than 50 per-
2 cent are children described in sub-
3 section (a)(1); and

4 “(bb) not less than 5,500 of
5 such children are children de-
6 scribed in subparagraphs (A) and
7 (B) of subsection (a)(1); or

8 “(V) is a local educational agency
9 that—

10 “(aa) has an enrollment of
11 children described in subsection
12 (a)(1) including, for purposes of
13 determining eligibility, those chil-
14 dren described in subparagraphs
15 (F) and (G) of such subsection,
16 that is not less than 35 percent of
17 the total student enrollment of the
18 agency; and

19 “(bb) was eligible to receive
20 assistance under subparagraph
21 (A) for fiscal year 2001.”; and

22 (iii) in clause (ii)—

23 (I) by striking “A heavily” and
24 inserting the following:

1 “(I) *IN GENERAL.*—Subject to
2 *subclause (II), a heavily*”; and

3 *(II) by adding at the end the fol-*
4 *lowing:*

5 “(II) *LOSS OF ELIGIBILITY DUE*
6 *TO FALLING BELOW 95 PERCENT OF*
7 *THE AVERAGE TAX RATE FOR GENERAL*
8 *FUND PURPOSES.*—*In a case of a heav-*
9 *ily impacted local educational agency*
10 *that is eligible to receive a basic sup-*
11 *port payment under subparagraph (A),*
12 *but that has had, for 2 consecutive fis-*
13 *cal years, a tax rate for general fund*
14 *purposes that falls below 95 percent of*
15 *the average tax rate for general fund*
16 *purposes of comparable local edu-*
17 *cational agencies in the State, such*
18 *agency shall be determined to be ineli-*
19 *gible under clause (i) and ineligible to*
20 *receive a basic support payment under*
21 *subparagraph (A) for each fiscal year*
22 *succeeding such 2 consecutive fiscal*
23 *years for which the agency has such a*
24 *tax rate for general fund purposes, and*
25 *until the fiscal year for which the*

1 *agency resumes such eligibility in ac-*
2 *cordance with clause (iii).”;*

3 *(B) by striking subparagraph (C);*

4 *(C) by redesignating subparagraphs (D)*
5 *through (H) as subparagraphs (C) through (G),*
6 *respectively;*

7 *(D) in subparagraph (C) (as so redesign-*
8 *ated)—*

9 *(i) in the heading, by striking “REG-*
10 *ULAR”;*

11 *(ii) by striking “Except as provided in*
12 *subparagraph (E)” and inserting “Except*
13 *as provided in subparagraph (D)”;*

14 *(iii) by amending subclause (I) of*
15 *clause (ii) to read as follows: “ (I)(aa) For*
16 *a local educational agency with respect to*
17 *which 35 percent or more of the total stu-*
18 *dent enrollment of the schools of the agency*
19 *are children described in subparagraph (D)*
20 *or (E) (or a combination thereof) of sub-*
21 *section (a)(1), and that has an enrollment*
22 *of children described in subparagraph (A),*
23 *(B), or (C) of such subsection equal to at*
24 *least 10 percent of the agency’s total enroll-*
25 *ment, the Secretary shall calculate the*

1 *weighted student units of those children de-*
2 *scribed in subparagraph (D) or (E) of such*
3 *subsection by multiplying the number of*
4 *such children by a factor of 0.55.*

5 *“(bb) Notwithstanding subitem (aa), a*
6 *local educational agency that received a*
7 *payment under this paragraph for fiscal*
8 *year 2013 shall not be required to have an*
9 *enrollment of children described in subpara-*
10 *graph (A), (B), or (C) of subsection (a)(1)*
11 *equal to at least 10 percent of the agency’s*
12 *total enrollment.”; and*

13 *(iv) by amending subclause (III) of*
14 *clause (ii) by striking “(B)(i)(II)(aa)” and*
15 *inserting “subparagraph (B)(i)(I)”;*

16 *(E) in subparagraph (D)(i)(II) (as so redesi-*
17 *gnated), by striking “6,000” and inserting*
18 *“5,500”;*

19 *(F) in subparagraph (E) (as so redesi-*
20 *gnated)—*

21 *(i) by striking “Secretary” and all*
22 *that follows through “shall use” and insert-*
23 *ing “Secretary shall use”;*

24 *(ii) by striking “; and” and inserting*
25 *a period; and*

1 (iii) by striking clause (ii);

2 (G) in subparagraph (F) (as so redesign-

3 nated), by striking “subparagraph

4 (C)(i)(II)(bb)” and inserting “subparagraph

5 (B)(i)(II)(bb)(BB)”; and

6 (H) in subparagraph (G) (as so redesign-

7 nated)—

8 (i) in clause (i)—

9 (I) by striking “subparagraph

10 (B), (C), (D), or (E)” and inserting

11 “subparagraph (B), (C), or (D)”;

12 (II) by striking “by reason of”

13 and inserting “due to”;

14 (III) by inserting after “clause

15 (iii)” the following “, or as the direct

16 result of base realignment and closure

17 or modularization as determined by

18 the Secretary of Defense and force

19 structure change or force relocation”;

20 and

21 (IV) by inserting before the pe-

22 riod, the following: “or during such

23 time as activities associated with base

24 closure and realignment,

1 *modularization, force structure change,*
2 *or force relocation are ongoing”; and*
3 *(ii) in clause (ii), by striking “(D) or*
4 *(E)” each place it appears and inserting*
5 *“(C) or (D)”;*

6 *(4) in paragraph (3)—*

7 *(A) in subparagraph (B)—*

8 *(i) by amending clause (iii) to read as*
9 *follows:*

10 *“(iii) In the case of a local educational*
11 *agency providing a free public education to stu-*
12 *dents enrolled in kindergarten through grade 12,*
13 *but which enrolls students described in subpara-*
14 *graphs (A), (B), and (D) of subsection (a)(1)*
15 *only in grades 9 through 12, and which received*
16 *a final payment in fiscal year 2009 calculated*
17 *under this paragraph (as this paragraph was in*
18 *effect on the day before the date of the enactment*
19 *of the Student Success Act) for students in*
20 *grades 9 through 12, the Secretary shall, in cal-*
21 *culating the agency’s payment, consider only*
22 *that portion of such agency’s total enrollment of*
23 *students in grades 9 through 12 when calculating*
24 *the percentage under clause (i)(I) and only that*
25 *portion of the total current expenditures attrib-*

1 *uted to the operation of grades 9 through 12 in*
2 *such agency when calculating the percentage*
3 *under clause (i)(II).”; and*

4 *(ii) by adding at the end the following:*

5 *“(v) In the case of a local educational agen-*
6 *cy that is providing a program of distance edu-*
7 *cation to children not residing within the geo-*
8 *graphic boundaries of the agency, the Secretary*
9 *shall—*

10 *“(I) for purposes of the calculation*
11 *under clause (i)(I), disregard such children*
12 *from the total number of children in aver-*
13 *age daily attendance at the schools served*
14 *by such agency; and*

15 *“(II) for purposes of the calculation*
16 *under clause (i)(II), disregard any funds re-*
17 *ceived for such children from the total cur-*
18 *rent expenditures for such agency.”;*

19 *(B) in subparagraph (C), by striking “sub-*
20 *paragraph (D) or (E) of paragraph (2), as the*
21 *case may be” and inserting “paragraph (2)(D)”;*

22 *(C) by amending subparagraph (D) to read*
23 *as follows:*

24 *“(D) RATABLE DISTRIBUTION.—For any*
25 *fiscal year described in subparagraph (A) for*

1 *which the sums available exceed the amount re-*
2 *quired to pay each local educational agency 100*
3 *percent of its threshold payment, the Secretary*
4 *shall distribute the excess sums to each eligible*
5 *local educational agency that has not received its*
6 *full amount computed under paragraph (1) or*
7 *(2) (as the case may be) by multiplying—*

8 *“(i) a percentage, the denominator of*
9 *which is the difference between the full*
10 *amount computed under paragraph (1) or*
11 *(2) (as the case may be) for all local edu-*
12 *cational agencies and the amount of the*
13 *threshold payment (as calculated under sub-*
14 *paragraphs (B) and (C)) of all local edu-*
15 *cational agencies, and the numerator of*
16 *which is the aggregate of the excess sums, by*

17 *“(ii) the difference between the full*
18 *amount computed under paragraph (1) or*
19 *(2) (as the case may be) for the agency and*
20 *the amount of the threshold payment as cal-*
21 *culated under subparagraphs (B) and (C) of*
22 *the agency.”; and*

23 *(D) by inserting at the end the following*
24 *new subparagraphs:*

1 “(E) *INSUFFICIENT PAYMENTS.*—For each
2 *fiscal year described in subparagraph (A) for*
3 *which the sums appropriated under section*
4 *3(d)(2) are insufficient to pay each local edu-*
5 *cational agency all of the local educational agen-*
6 *cy’s threshold payment described in subpara-*
7 *graph (D), the Secretary shall ratably reduce the*
8 *payment to each local educational agency under*
9 *this paragraph.*

10 “(F) *INCREASES.*—If the sums appropriated
11 under section 3(d)(2) are sufficient to increase
12 the threshold payment above the 100 percent
13 threshold payment described in subparagraph
14 (D), then the Secretary shall increase payments
15 on the same basis as such payments were re-
16 duced, except no local educational agency may
17 receive a payment amount greater than 100 per-
18 cent of the maximum payment calculated under
19 this subsection.”; and

20 (5) in paragraph (4)—

21 (A) in subparagraph (A), by striking
22 “through (D)” and inserting “and (C)”; and

23 (B) in subparagraph (B), by striking “sub-
24 paragraph (D) or (E)” and inserting “subpara-
25 graph (C) or (D)”.

1 (c) *PRIOR YEAR DATA.*—Paragraph (2) of section
2 8003(c) (20 U.S.C. 7703(c)) is amended to read as follows:

3 “(2) *EXCEPTION.*—Calculation of payments for a
4 local educational agency shall be based on data from
5 the fiscal year for which the agency is making an ap-
6 plication for payment if such agency—

7 “(A) is newly established by a State, for the
8 first year of operation of such agency only;

9 “(B) was eligible to receive a payment
10 under this section for the previous fiscal year
11 and has had an overall increase in enrollment
12 (as determined by the Secretary in consultation
13 with the Secretary of Defense, the Secretary of
14 the Interior, or the heads of other Federal agen-
15 cies)—

16 “(i) of not less than 10 percent, or 100
17 students, of children described in—

18 “(I) subparagraph (A), (B), (C),
19 or (D) of subsection (a)(1); or

20 “(II) subparagraphs (F) and (G)
21 of subsection (a)(1), but only to the ex-
22 tent such children are civilian depend-
23 ents of employees of the Department of
24 Defense or the Department of the Inte-
25 rior; and

1 “(ii) that is the direct result of closure
2 or realignment of military installations
3 under the base closure process or the reloca-
4 tion of members of the Armed Forces and
5 civilian employees of the Department of De-
6 fense as part of the force structure changes
7 or movements of units or personnel between
8 military installations or because of actions
9 initiated by the Secretary of the Interior or
10 the head of another Federal agency; or

11 “(C) was eligible to receive a payment
12 under this section for the previous fiscal year
13 and has had an increase in enrollment (as deter-
14 mined by the Secretary)—

15 “(i) of not less than 10 percent of chil-
16 dren described in subsection (a)(1) or not
17 less than 100 of such children; and

18 “(ii) that is the direct result of the clo-
19 sure of a local educational agency that re-
20 ceived a payment under subsection (b)(1) or
21 (b)(2) in the previous fiscal year.”.

22 (d) CHILDREN WITH DISABILITIES.—Section
23 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
24 “section 8014(c)” and inserting “section 3(d)(3)”.

1 (e) *HOLD-HARMLESS.—Section 8003(e) (20 U.S.C.*
2 *7703(e)) is amended—*

3 (1) *by amending paragraph (1) to read as fol-*
4 *lows:*

5 “(1) *IN GENERAL.—Subject to paragraph (2), the*
6 *total amount the Secretary shall pay a local edu-*
7 *cational agency under subsection (b)—*

8 “(A) *for fiscal year 2016, shall not be less*
9 *than 90 percent of the total amount that the*
10 *local educational agency received under sub-*
11 *section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal*
12 *year 2013;*

13 “(B) *for fiscal year 2017, shall not be less*
14 *than 85 percent of the total amount that the*
15 *local educational agency received under sub-*
16 *section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal*
17 *year 2013; and*

18 “(C) *for fiscal year 2018, shall not be less*
19 *than 80 percent of the total amount that the*
20 *local educational agency received under sub-*
21 *section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal*
22 *year 2013.”; and*

23 (2) *by amending paragraph (2) to read as fol-*
24 *lows:*

1 “(2) *MAXIMUM AMOUNT.*—*The total amount pro-*
2 *vided to a local educational agency under subpara-*
3 *graph (A), (B), or (C) of paragraph (1) for a fiscal*
4 *year shall not exceed the maximum basic support*
5 *payment amount for such agency determined under*
6 *paragraph (1) or (2) of subsection (b), as the case*
7 *may be, for such fiscal year.”.*

8 (f) *MAINTENANCE OF EFFORT.*—*Section 8003 (20*
9 *U.S.C. 7703) is amended by striking subsection (g).*

10 **SEC. 404. POLICIES AND PROCEDURES RELATING TO CHIL-**
11 **DREN RESIDING ON INDIAN LANDS.**

12 *Section 8004(e)(9) is amended by striking “Bureau of*
13 *Indian Affairs” both places such term appears and insert-*
14 *ing “Bureau of Indian Education”.*

15 **SEC. 405. APPLICATION FOR PAYMENTS UNDER SECTIONS**
16 **8002 AND 8003.**

17 *Section 8005(b) (20 U.S.C. 7705(b)) is amended in the*
18 *matter preceding paragraph (1) by striking “and shall con-*
19 *tain such information,”.*

20 **SEC. 406. CONSTRUCTION.**

21 *Section 8007 (20 U.S.C. 7707) is amended—*

22 (1) *in subsection (a)—*

23 (A) *in paragraph (1), by striking “section*
24 *8014(e)” and inserting “section 3(d)(4)”;*

1 (B) in paragraph (2), by adding at the end
2 the following:

3 “(C) The agency is eligible under section
4 4003(b)(2) or is receiving basic support pay-
5 ments under circumstances described in section
6 4003(b)(2)(B)(i).”; and

7 (C) in paragraph (3), by striking “section
8 8014(e)” each place it appears and inserting
9 “section 3(d)(4)”; and
10 (2) in subsection (b)—

11 (A) in paragraph (1), by striking “section
12 8014(e)” and inserting “section 3(d)(4)”;
13 (B) in paragraph (3)—

14 (i) in subparagraph (C)(i)(I), by add-
15 ing at the end the following:

16 “(cc) At least 10 percent of the
17 property in the agency is exempt from
18 State and local taxation under Federal
19 law.”; and

20 (ii) by adding at the end the following:

21 “(F) LIMITATIONS ON ELIGIBILITY RE-
22 QUIREMENTS.—The Secretary shall not limit eli-
23 gibility—

24 “(i) under subparagraph (C)(i)(I)(aa),
25 to those local educational agencies in which

1 the number of children determined under
2 section 4003(a)(1)(C) for each such agency
3 for the preceding school year constituted
4 more than 40 percent of the total student
5 enrollment in the schools of each such agen-
6 cy during the preceding school year; and

7 “(i) under subparagraph (C)(i)(I)(cc),
8 to those local educational agencies in which
9 more than 10 percent of the property in
10 each such agency is exempt from State and
11 local taxation under Federal law.”; and

12 (C) in paragraph (6)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “in such manner,
15 and accompanied by such information” and
16 inserting “and in such manner”; and

17 (ii) by striking subparagraph (F).

18 **SEC. 407. FACILITIES.**

19 Section 8008 (20 U.S.C. 7708) is amended in sub-
20 section (a), by striking “section 8014(f)” and inserting “sec-
21 tion 3(d)(5)”.

22 **SEC. 408. STATE CONSIDERATION OF PAYMENTS PRO-**
23 **VIDING STATE AID.**

24 Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is
25 amended by striking “and contain the information”.

1 **SEC. 409. FEDERAL ADMINISTRATION.**

2 *Section 8010(d)(2) (20 U.S.C. 7710(d)(2)) is amended,*
3 *by striking “section 8014” and inserting “section 3(d)”.*

4 **SEC. 410. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
5 **VIEW.**

6 *Section 8011(a) (20 U.S.C. 7711(a)) is amended by*
7 *striking “or under the Act” and all that follows through*
8 *“1994”.*

9 **SEC. 411. DEFINITIONS.**

10 *Section 8013 (20 U.S.C. 7713) is amended—*

11 *(1) in paragraph (1), by striking “and Marine*
12 *Corps” and inserting “Marine Corps, and Coast*
13 *Guard”;*

14 *(2) in paragraph (4), by striking “and title VI”;*

15 *(3) in paragraph (5)(A)(iii)—*

16 *(A) in subclause (II), by striking “Stewart*
17 *B. McKinney Homeless Assistance Act” and in-*
18 *serting “McKinney-Vento Homeless Assistance*
19 *Act (42 U.S.C. 11411)”;* and

20 *(B) in subclause (III), by inserting before*
21 *the semicolon “(25 U.S.C. 4101 et seq.)”;* and

22 *(4) in paragraph (8)(A), by striking “and*
23 *verified by” and inserting “, and verified by,”.*

24 **SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

25 *Section 8014 (20 U.S.C. 7801) is repealed.*

1 **SEC. 413. CONFORMING AMENDMENTS.**

2 (a) *IMPACT AID IMPROVEMENT ACT OF 2012.*—Section
3 563(c) of National Defense Authorization Act for Fiscal
4 Year 2013 (Public Law 112–239; 126 Stat. 1748; 20 U.S.C.
5 6301 note) (also known as the “Impact Aid Improvement
6 Act of 2012”), as amended by section 563 of division A of
7 Public Law 113–291, is amended—

8 (1) by striking paragraphs (1) and (4); and

9 (2) by redesignating paragraphs (2) and (3), as
10 paragraphs (1) and (2), respectively.

11 (b) *REPEALS.*—

12 (1) *TITLE IV.*—Title IV (20 U.S.C. 7101 et seq.),
13 as amended by section 601(b)(2) of this Act, is re-
14 pealed.

15 (2) *PL 113–76.*—Section 309 of division H of the
16 Consolidated Appropriations Act, 2014 (Public Law
17 113–76; 20 U.S.C. 7702 note) is repealed.

18 (c) *TRANSFER AND REDESIGNATION.*—Title VIII (20
19 U.S.C. 7701 et seq.), as amended by this title, is redesi-
20 gnated as title IV (20 U.S.C. 7101 et seq.), and transferred
21 and inserted after title III (as amended by this Act).

22 (d) *TITLE VIII REFERENCES.*—The Act (20 U.S.C.
23 6301 et seq.), as amended by this Act, is amended—

24 (1) by redesignating sections 8001 through 8005
25 as sections 4001 through 4005, respectively;

1 (2) *by redesignating sections 8007 through 8013*
2 *as sections 4007 through 4013, respectively;*

3 (3) *by striking “section 8002” each place it ap-*
4 *pears and inserting “section 4002”;*

5 (4) *by striking “section 8002(b)” each place it*
6 *appears and inserting “section 4002(b)”;*

7 (5) *by striking “section 8003” each place it ap-*
8 *pears and inserting “section 4003”, respectively;*

9 (6) *by striking “section 8003(a)” each place it*
10 *appears and inserting “section 4003(a)”;*

11 (7) *by striking “section 8003(a)(1)” each place it*
12 *appears and inserting “section 4003(a)(1)”;*

13 (8) *by striking “section 8003(a)(1)(C)” each*
14 *place it appears and inserting “section*
15 *4003(a)(1)(C)”;*

16 (9) *by striking “section 8002(a)(2)” each place it*
17 *appears and inserting “section 4002(a)(2)”;*

18 (10) *by striking “section 8003(b)” each place it*
19 *appears and inserting “section 4003(b)”;*

20 (11) *by striking “section 8003(b)(1)” each place*
21 *it appears and inserting “section 4003(b)(1)”;*

22 (12) *in section 4002(b)(1)(C) (as so redesign-*
23 *ated), by striking “section 8003(b)(1)(C)” and in-*
24 *serting “section 4003(b)(1)(C)”;*

1 (13) in section 4002(k)(1) (as so redesignated),
2 by striking “section 8013(5)(C)(iii)” and inserting
3 “section 4013(5)(C)(iii)”;

4 (14) in section 4005 (as so redesignated)—

5 (A) in the section heading, by striking
6 “**8002 AND 8003**” and inserting “**4002 AND**
7 **4003**”;

8 (B) by striking “or 8003” each place it ap-
9 pears and inserting “or 4003”;

10 (C) in subsection (b)(2), by striking “section
11 8004” and inserting “section 4004”; and

12 (D) in subsection (d)(2), by striking “sec-
13 tion 8003(e)” and inserting “section 4003(e)”;

14 (15) in the second subclause (II) of section
15 4007(a)(3)(A)(i) (as so redesignated), by striking
16 “section 8008(a)” and inserting “section 4008(a)”;

17 (16) in section 4007(a)(4) (as so redesignated),
18 by striking “section 8013(3)” and inserting “section
19 4013(3)”;

20 (17) in section 4009 (as so redesignated)—

21 (A) in subsection (b)(1)—

22 (i) by striking “or 8003(b)” and in-
23 serting “or 4003(b)”;

1 (ii) by striking “section
2 8003(a)(2)(B)” and inserting “section
3 4003(a)(2)(B)”; and
4 (iii) by striking “section 8003(b)(2)”
5 each place it appears and inserting “section
6 4003(b)(2)”; and
7 (B) by striking “section 8011(a)” each place
8 it appears and inserting “section 4011(a)”; and
9 (18) in section 4010(c)(2)(D) (as so redesignig-
10 nated) by striking “section 8009(b)” and inserting
11 “section 4009(b)”.

12 **TITLE V—THE FEDERAL GOV-**
13 **ERNMENT’S TRUST RESPON-**
14 **SIBILITY TO AMERICAN IN-**
15 **DIAN, ALASKA NATIVE, AND**
16 **NATIVE HAWAIIAN EDU-**
17 **CATION**

18 **SEC. 501. THE FEDERAL GOVERNMENT’S TRUST RESPONSI-**
19 **BILITY TO AMERICAN INDIAN, ALASKA NA-**
20 **TIVE, AND NATIVE HAWAIIAN EDUCATION.**

21 *Title V of the Act (20 U.S.C. 7201 et seq.) is amended*
22 *to read as follows:*

1 **“TITLE V—THE FEDERAL GOV-**
2 **ERNMENT’S TRUST RESPON-**
3 **SIBILITY TO AMERICAN IN-**
4 **DIAN, ALASKA NATIVE, AND**
5 **NATIVE HAWAIIAN EDU-**
6 **CATION**

7 **“PART A—INDIAN EDUCATION**

8 **“SEC. 5101. STATEMENT OF POLICY.**

9 *“It is the policy of the United States to fulfill the Fed-*
10 *eral Government’s unique and continuing trust relationship*
11 *with, and responsibility to, the Indian people for the edu-*
12 *cation of Indian children. The Federal Government will*
13 *continue to work with local educational agencies, Indian*
14 *tribes and organizations, postsecondary institutions, and*
15 *other entities toward the goal of ensuring that programs*
16 *that serve Indian children are of the highest quality and*
17 *provide for not only the basic elementary and secondary*
18 *educational needs, but also the unique educational and cul-*
19 *turally related academic needs of these children.*

20 **“SEC. 5102. PURPOSE.**

21 *“It is the purpose of this part to support the efforts*
22 *of local educational agencies, Indian tribes and organiza-*
23 *tions, postsecondary institutions, and other entities—*

24 *“(1) to meet the unique educational and cul-*
25 *turally related academic needs of American Indian*

1 “(1) *local educational agencies;*

2 “(2) *Indian tribes;*

3 “(3) *Indian organizations; and*

4 “(4) *Alaska Native Organizations.*

5 “(b) *LOCAL EDUCATIONAL AGENCIES.—*

6 “(1) *ENROLLMENT REQUIREMENTS.—A local*
7 *educational agency shall be eligible for a grant under*
8 *this subpart for any fiscal year if the number of In-*
9 *Indian children eligible under section 5117 who were*
10 *enrolled in the schools of the agency, and to whom the*
11 *agency provided free public education, during the pre-*
12 *ceding fiscal year—*

13 “(A) *was at least 10; or*

14 “(B) *constituted not less than 25 percent of*
15 *the total number of individuals enrolled in the*
16 *schools of such agency.*

17 “(2) *EXCLUSION.—The requirement of para-*
18 *graph (1) shall not apply in Alaska, California, or*
19 *Oklahoma, or with respect to any local educational*
20 *agency located on, or in proximity to, an Indian res-*
21 *ervation.*

22 “(c) *INDIAN TRIBES, INDIAN ORGANIZATIONS, ALASKA*
23 *NATIVE ORGANIZATIONS, AND CONSORTIA.—*

24 “(1) *IN GENERAL.—If a local educational agency*
25 *that is otherwise eligible for a grant under this sub-*

1 *part does not establish a committee under section*
2 *5114(c)(5) for such grant, an Indian tribe, Indian or-*
3 *ganization, Alaska Native Organization, or consor-*
4 *tium of such entities that represents not less than one-*
5 *third of the eligible Indian or Alaska Native children*
6 *who are served by such local educational agency may*
7 *apply for such grant.*

8 “(2) *SPECIAL RULE.*—

9 “(A) *IN GENERAL.*—*The Secretary shall*
10 *treat each Indian tribe, Indian organization,*
11 *Alaska Native Organization, or consortium of*
12 *such entities applying for a grant pursuant to*
13 *paragraph (1) as if such applicant were a local*
14 *educational agency for purposes of this subpart.*

15 “(B) *EXCEPTIONS.*—*Notwithstanding sub-*
16 *paragraph (A), such Indian tribe, Indian orga-*
17 *nization, Alaska Native Organization, or consor-*
18 *tium of such entities shall not be subject to the*
19 *requirements of section 5114(c)(5) or 5119.*

20 “(3) *ELIGIBILITY.*—*If more than 1 applicant*
21 *qualifies to apply for a grant under paragraph (1),*
22 *the entity that represents the most eligible Indian and*
23 *Alaska Native children who are served by the local*
24 *educational agency shall be eligible to receive the*

1 *grant or the applicants may apply in consortium and*
2 *jointly operate a program.*

3 “(d) *INDIAN AND ALASKA NATIVE COMMUNITY-BASED*
4 *ORGANIZATIONS.—*

5 “(1) *IN GENERAL.—If no local educational agen-*
6 *cy pursuant to subsection (b), and no Indian tribe,*
7 *tribal organization, Alaska Native Organization, or*
8 *consortium pursuant to subsection (c), applies for a*
9 *grant under this subpart, Indian and Alaska Native*
10 *community-based organizations serving the commu-*
11 *nity of the local educational agency may apply for*
12 *the grant.*

13 “(2) *APPLICABILITY OF SPECIAL RULE.—The*
14 *Secretary shall apply the special rule in subsection*
15 *(c)(2) to a community-based organization applying*
16 *or receiving a grant under paragraph (1) in the same*
17 *manner as such rule applies to an Indian tribe, In-*
18 *dian organization, Alaska Native Organization, or*
19 *consortium.*

20 “(3) *DEFINITION OF INDIAN AND ALASKA NATIVE*
21 *COMMUNITY-BASED ORGANIZATIONS.—In this sub-*
22 *section, the term ‘Indian and Alaska Native commu-*
23 *nity-based organizations’ means any organizations*
24 *that—*

1 “(A) are composed primarily of the family
2 members of Indian or Alaska Native students,
3 Indian or Alaska Native community members,
4 tribal government education officials, and tribal
5 members from a specific community;

6 “(B) assist in the social, cultural, and edu-
7 cational development of Indians or Alaska Na-
8 tives in such community;

9 “(C) meet the unique cultural, language,
10 and academic needs of Indian or Alaska Native
11 students; and

12 “(D) demonstrate organizational and ad-
13 ministrative capacity to effectively manage the
14 grant.

15 **“SEC. 5113. AMOUNT OF GRANTS.**

16 “(a) *AMOUNT OF GRANT AWARDS.*—

17 “(1) *IN GENERAL.*—*Except as provided in sub-*
18 *section (b) and paragraph (2), the Secretary shall al-*
19 *locate to each local educational agency that has an*
20 *approved application under this subpart an amount*
21 *equal to the product of—*

22 “(A) *the number of Indian children who are*
23 *eligible under section 5117 and served by such*
24 *agency; and*

25 “(B) *the greater of—*

1 “(i) *the average per pupil expenditure*
2 *of the State in which such agency is located;*
3 *or*

4 “(ii) *80 percent of the average per*
5 *pupil expenditure of all the States.*

6 “(2) *REDUCTION.*—*The Secretary shall reduce*
7 *the amount of each allocation otherwise determined*
8 *under this section in accordance with subsection (e).*

9 “(b) *MINIMUM GRANT.*—

10 “(1) *IN GENERAL.*—*Notwithstanding subsection*
11 *(e), an entity that is eligible for a grant under section*
12 *5112, and a school that is operated or supported by*
13 *the Bureau of Indian Education that is eligible for a*
14 *grant under subsection (d), that submits an applica-*
15 *tion that is approved by the Secretary, shall, subject*
16 *to appropriations, receive a grant under this subpart*
17 *in an amount that is not less than \$3,000.*

18 “(2) *CONSORTIA.*—*Local educational agencies*
19 *may form a consortium for the purpose of obtaining*
20 *grants under this subpart.*

21 “(3) *INCREASE.*—*The Secretary may increase*
22 *the minimum grant under paragraph (1) to not more*
23 *than \$4,000 for all grantees if the Secretary deter-*
24 *mines such increase is necessary to ensure the quality*
25 *of the programs provided.*

1 “(c) *DEFINITION.*—For the purpose of this section, the
2 term ‘average per pupil expenditure’, used with respect to
3 a State, means an amount equal to—

4 “(1) the sum of the aggregate current expendi-
5 tures of all the local educational agencies in the State,
6 plus any direct current expenditures by the State for
7 the operation of such agencies, without regard to the
8 sources of funds from which such local or State ex-
9 penditures were made, during the second fiscal year
10 preceding the fiscal year for which the computation is
11 made; divided by

12 “(2) the aggregate number of children who were
13 included in average daily attendance for whom such
14 agencies provided free public education during such
15 preceding fiscal year.

16 “(d) *SCHOOLS OPERATED OR SUPPORTED BY THE BU-*
17 *REAU OF INDIAN EDUCATION.*—

18 “(1) *IN GENERAL.*—Subject to subsection (e), in
19 addition to the grants awarded under subsection (a),
20 the Secretary shall allocate to the Secretary of the In-
21 terior an amount equal to the product of—

22 “(A) the total number of Indian children
23 enrolled in schools that are operated by—

24 “(i) the Bureau of Indian Education;

25 or

1 “(ii) an Indian tribe, or an organiza-
2 tion controlled or sanctioned by an Indian
3 tribal government, for the children of that
4 tribe under a contract with, or grant from,
5 the Department of the Interior under the
6 Indian Self-Determination Act or the Trib-
7 ally Controlled Schools Act of 1988; and

8 “(B) the greater of—

9 “(i) the average per pupil expenditure
10 of the State in which the school is located;
11 or

12 “(ii) 80 percent of the average per
13 pupil expenditure of all the States.

14 “(2) *SPECIAL RULE.*—Any school described in
15 paragraph (1)(A) that wishes to receive an allocation
16 under this subpart shall submit an application in ac-
17 cordance with section 5114, and shall otherwise be
18 treated as a local educational agency for the purpose
19 of this subpart, except that such school shall not be
20 subject to section 5114(c)(5) or section 5119.

21 “(e) *RATABLE REDUCTIONS.*—If the sums appro-
22 priated for any fiscal year to carry out this subpart are
23 insufficient to pay in full the amounts determined for local
24 educational agencies under subsection (a)(1) and for the

1 *Secretary of the Interior under subsection (d), each of those*
2 *amounts shall be ratably reduced.*

3 **“SEC. 5114. APPLICATIONS.**

4 “(a) *APPLICATION REQUIRED.—Each local edu-*
5 *cational agency that desires to receive a grant under this*
6 *subpart shall submit an application to the Secretary at*
7 *such time, in such manner, and containing such informa-*
8 *tion as the Secretary may reasonably require.*

9 “(b) *COMPREHENSIVE PROGRAM REQUIRED.—Each*
10 *application submitted under subsection (a) shall include a*
11 *description of a comprehensive program for meeting the*
12 *needs of Indian and Alaska Native children served by the*
13 *local educational agency, including the language and cul-*
14 *tural needs of the children, that—*

15 “(1) *describes how the comprehensive program*
16 *will offer programs and activities to meet the cul-*
17 *turally related academic needs of American Indian*
18 *and Alaska Native students;*

19 “(2)(A) *is consistent with the State, tribal, and*
20 *local plans submitted under other provisions of this*
21 *Act; and*

22 “(B) *includes academic content and student aca-*
23 *ademic achievement goals for such children, and bench-*
24 *marks for attaining such goals, that are based on*

1 *State academic content and student academic achieve-*
2 *ment standards adopted under title I for all children;*

3 “(3) *explains how the local educational agency*
4 *will use the funds made available under this subpart*
5 *to supplement other Federal, State, and local pro-*
6 *grams that serve such students;*

7 “(4) *demonstrates how funds made available*
8 *under this subpart will be used for activities described*
9 *in section 5115;*

10 “(5) *describes the professional development op-*
11 *portunities that will be provided, as needed, to ensure*
12 *that—*

13 “(A) *teachers and other school professionals*
14 *who are new to the Indian or Alaska Native*
15 *community are prepared to work with Indian*
16 *and Alaska Native children;*

17 “(B) *all teachers who will be involved in*
18 *programs assisted under this subpart have been*
19 *properly trained to carry out such programs;*
20 *and*

21 “(C) *those family members of Indian and*
22 *Alaska Native children and representatives of*
23 *tribes who are on the committee described in*
24 *(c)(5) will participate in the planning of profes-*
25 *sional development materials;*

1 “(6) describes how the local educational agen-
2 cy—

3 “(A) will periodically assess the progress of
4 all Indian children enrolled in the schools of the
5 local educational agency, including Indian chil-
6 dren who do not participate in programs as-
7 sisted under this subpart, in meeting the goals
8 described in paragraph (2);

9 “(B) will provide the results of each assess-
10 ment referred to in subparagraph (A) to—

11 “(i) the committee described in sub-
12 section (c)(5);

13 “(ii) the community served by the local
14 educational agency; and

15 “(iii) the tribes whose children are
16 served by the local educational agency; and

17 “(C) is responding to findings of any pre-
18 vious assessments that are similar to the assess-
19 ments described in subparagraph (A); and

20 “(7) explicitly delineates—

21 “(A) a formal, collaborative process that the
22 local educational agency used to directly involve
23 tribes, Indian organizations, or Alaska Native
24 Organizations in the development of the com-

1 *prehensive programs and the results of such*
2 *process; and*

3 “(B) *how the local educational agency plans*
4 *to ensure that tribes, Indian organizations, or*
5 *Alaska Native Organizations will play an active,*
6 *meaningful, and ongoing role in the functioning*
7 *of the comprehensive programs.*

8 “(c) *ASSURANCES.—Each application submitted*
9 *under subsection (a) shall include assurances that—*

10 “(1) *the local educational agency will use funds*
11 *received under this subpart only to supplement the*
12 *funds that, in the absence of the Federal funds made*
13 *available under this subpart, such agency would make*
14 *available for services described in this subsection, and*
15 *not to supplant such funds;*

16 “(2) *the local educational agency will use funds*
17 *received under this subpart only for activities de-*
18 *scribed and authorized under this subpart;*

19 “(3) *the local educational agency will prepare*
20 *and submit to the Secretary such reports, in such*
21 *form and containing such information, as the Sec-*
22 *retary may require to—*

23 “(A) *carry out the functions of the Sec-*
24 *retary under this subpart;*

1 “(B) determine the extent to which activi-
2 ties carried out with funds provided to the local
3 educational agency under this subpart are effec-
4 tive in improving the educational achievement of
5 Indian and Alaska Native students served by
6 such agency; and

7 “(C) determine the extent to which such ac-
8 tivities address the unique cultural, language,
9 and educational needs of Indian students;

10 “(4) the program for which assistance is
11 sought—

12 “(A) is based on a comprehensive local as-
13 sessment and prioritization of the unique edu-
14 cational and culturally related academic needs of
15 the American Indian and Alaska Native students
16 for whom the local educational agency is pro-
17 viding an education;

18 “(B) will use the best available talents and
19 resources, including individuals from the Indian
20 or Alaska Native community; and

21 “(C) was developed by such agency in open
22 consultation with the families of Indian or Alas-
23 ka Native children, Indian or Alaska Native
24 teachers, Indian or Alaska Native students from
25 secondary schools, and representatives of tribes,

1 *Indian organizations, or Alaska Native Organi-*
2 *zations in the community including through*
3 *public hearings held by such agency to provide*
4 *to the individuals described in this subparagraph*
5 *a full opportunity to understand the program*
6 *and to offer recommendations regarding the pro-*
7 *gram;*

8 “(5) *the local educational agency developed the*
9 *program with the participation and written approval*
10 *of a committee—*

11 “(A) *that is composed of, and selected by—*

12 “(i) *family members of Indian and*
13 *Alaska Native children that are attending*
14 *the local educational agency’s schools;*

15 “(ii) *teachers in the schools; and*

16 “(iii) *Indian and Alaska Native stu-*
17 *dents attending secondary schools of the*
18 *agency;*

19 “(B) *a majority of whose members are fam-*
20 *ily members of Indian and Alaska Native chil-*
21 *dren that are attending the local educational*
22 *agency’s schools;*

23 “(C) *that has set forth such policies and*
24 *procedures, including policies and procedures re-*
25 *lating to the hiring of personnel, as will ensure*

1 *that the program for which assistance is sought*
2 *will be operated and evaluated in consultation*
3 *with, and with the involvement of, parents of the*
4 *children, and representatives of the area, to be*
5 *served;*

6 “(D) *with respect to an application describ-*
7 *ing a schoolwide program in accordance with*
8 *section 5115(c), that has—*

9 “(i) *reviewed in a timely fashion the*
10 *program;*

11 “(ii) *determined that the program will*
12 *not diminish the availability of culturally*
13 *related activities for American Indian and*
14 *Alaska Native students; and*

15 “(iii) *will directly enhance the edu-*
16 *cational experience of American Indian and*
17 *Alaska Native students; and*

18 “(E) *that has adopted reasonable bylaws for*
19 *the conduct of the activities of the committee and*
20 *abides by such bylaws; and*

21 “(6) *the local educational agency conducted ade-*
22 *quate outreach to family members to meet the require-*
23 *ments under subsection (c)(5).*

1 **“SEC. 5115. AUTHORIZED SERVICES AND ACTIVITIES.**

2 “(a) *GENERAL REQUIREMENTS.*—*Each local edu-*
3 *cational agency that receives a grant under this subpart*
4 *shall use the grant funds, in a manner consistent with the*
5 *purpose specified in section 5111, for services and activities*
6 *that—*

7 “(1) *are designed to carry out the comprehensive*
8 *program of the local educational agency for Indian*
9 *students, and described in the application of the local*
10 *educational agency submitted to the Secretary under*
11 *section 5114(a) solely for the services and activities*
12 *described in such application;*

13 “(2) *are designed with special regard for the lan-*
14 *guage and cultural needs of the Indian students; and*

15 “(3) *supplement and enrich the regular school*
16 *program of such agency.*

17 “(b) *PARTICULAR ACTIVITIES.*—*The services and ac-*
18 *tivities referred to in subsection (a) may include—*

19 “(1) *activities that support Native American*
20 *language immersion programs and Native American*
21 *language restoration programs, which may be taught*
22 *by traditional leaders;*

23 “(2) *culturally related activities that support the*
24 *program described in the application submitted by*
25 *the local educational agency;*

1 “(3) *early childhood and family programs that*
2 *emphasize school readiness;*

3 “(4) *enrichment programs that focus on problem*
4 *solving and cognitive skills development and directly*
5 *support the attainment of challenging State academic*
6 *content and student academic achievement standards;*

7 “(5) *integrated educational services in combina-*
8 *tion with other programs including programs that en-*
9 *hance student achievement by promoting increased in-*
10 *volvement of parents and families in school activities;*

11 “(6) *career preparation activities to enable In-*
12 *dian students to participate in programs such as the*
13 *programs supported by the Carl D. Perkins Career*
14 *and Technical Education Improvement Act of 2006,*
15 *including programs for tech-prep education, men-*
16 *toring, and apprenticeship;*

17 “(7) *activities to educate individuals so as to*
18 *prevent violence, suicide, and substance abuse;*

19 “(8) *the acquisition of equipment, but only if the*
20 *acquisition of the equipment is essential to achieve the*
21 *purpose described in section 5111;*

22 “(9) *activities that promote the incorporation of*
23 *culturally responsive teaching and learning strategies*
24 *into the educational program of the local educational*
25 *agency;*

1 “(10) activities that incorporate culturally and
2 linguistically relevant curriculum content into class-
3 room instruction that is responsive to the unique
4 learning styles of Indian and Alaska Native children
5 and ensures that children are better able to meet State
6 standards;

7 “(11) family literacy services;

8 “(12) activities that recognize and support the
9 unique cultural and educational needs of Indian chil-
10 dren, and incorporate appropriately qualified tribal
11 elders and seniors;

12 “(13) dropout prevention strategies for Indian
13 and Alaska Native students; and

14 “(14) strategies to meet the educational needs of
15 at-risk Indian students in correctional facilities, in-
16 cluding such strategies that support Indian and Alas-
17 ka Native students who are transitioning from such
18 facilities to schools served by local educational agen-
19 cies.

20 “(c) *SCHOOLWIDE PROGRAMS*.—Notwithstanding any
21 other provision of law, a local educational agency may use
22 funds made available to such agency under this subpart to
23 support a schoolwide program under section 1114 if—

1 “(1) the committee established pursuant to sec-
2 tion 5114(c)(5) approves the use of the funds for the
3 schoolwide program;

4 “(2) the schoolwide program is consistent with
5 the purpose described in section 5111; and

6 “(3) the local educational agency identifies in its
7 application how the use of such funds in a schoolwide
8 program will produce benefits to the American Indian
9 and Alaska Native students that would not be
10 achieved if the funds were not used in a schoolwide
11 program.

12 “(d) *LIMITATION ON ADMINISTRATIVE COSTS.*—Not
13 more than 5 percent of the funds provided to a grantee
14 under this subpart for any fiscal year may be used for ad-
15 ministrative purposes.

16 “(e) *LIMITATION ON THE USE OF FUNDS.*—Funds pro-
17 vided to a grantee under this subpart may not be used for
18 long-distance travel expenses for training activities avail-
19 able locally or regionally.

20 “**SEC. 5116. INTEGRATION OF SERVICES AUTHORIZED.**

21 “(a) *PLAN.*—An entity receiving funds under this sub-
22 part may submit a plan to the Secretary for the integration
23 of education and related services provided to Indian stu-
24 dents.

1 “(b) *CONSOLIDATION OF PROGRAMS.*—Upon the re-
2 *ceipt of an acceptable plan under subsection (a), the Sec-*
3 *retary, in cooperation with each Federal agency providing*
4 *grants for the provision of education and related services*
5 *to the entity, shall authorize the entity to consolidate, in*
6 *accordance with such plan, the federally funded education*
7 *and related services programs of the entity and the Federal*
8 *programs, or portions of the programs, serving Indian stu-*
9 *dents in a manner that integrates the program services in-*
10 *volved into a single, coordinated, comprehensive program*
11 *and reduces administrative costs by consolidating adminis-*
12 *trative functions.*

13 “(c) *PROGRAMS AFFECTED.*—The funds that may be
14 *consolidated in a demonstration project under any such*
15 *plan referred to in subsection (a) shall include funds for*
16 *any Federal program exclusively serving Indian children,*
17 *or the funds reserved under any Federal program to exclu-*
18 *sively serve Indian children, under which the entity is eligi-*
19 *ble for receipt of funds under a statutory or administrative*
20 *formula for the purposes of providing education and related*
21 *services that would be used to serve Indian students.*

22 “(d) *PLAN REQUIREMENTS.*—For a plan to be accept-
23 *able pursuant to subsection (b), the plan shall—*

24 “(1) *identify the programs or funding sources to*
25 *be consolidated;*

1 “(2) be consistent with the objectives of this sec-
2 tion concerning authorizing the services to be inte-
3 grated in a demonstration project;

4 “(3) describe a comprehensive strategy that iden-
5 tifies the full range of potential educational opportu-
6 nities and related services to be provided to assist In-
7 dian students to achieve the objectives set forth in this
8 subpart;

9 “(4) describe the way in which services are to be
10 integrated and delivered and the results expected from
11 the plan;

12 “(5) identify the projected expenditures under
13 the plan in a single budget;

14 “(6) identify the State, tribal, or local agency or
15 agencies to be involved in the delivery of the services
16 integrated under the plan;

17 “(7) identify any statutory provisions, regula-
18 tions, policies, or procedures that the entity believes
19 need to be waived in order to implement the plan;

20 “(8) set forth measures for academic content and
21 student academic achievement goals designed to be
22 met within a specific period of time; and

23 “(9) be approved by a committee formed in ac-
24 cordance with section 5114(c)(5), if such a committee
25 exists.

1 “(e) *PLAN REVIEW.*—Upon receipt of the plan from
2 an eligible entity, the Secretary shall consult with the Sec-
3 retary of each Federal department providing funds to be
4 used to implement the plan, and with the entity submitting
5 the plan. The parties so consulting shall identify any waiv-
6 ers of statutory requirements or of Federal departmental
7 regulations, policies, or procedures necessary to enable the
8 entity to implement the plan. Notwithstanding any other
9 provision of law, the Secretary of the affected department
10 shall have the authority to waive any regulation, policy,
11 or procedure promulgated by that department that has been
12 so identified by the entity or department, unless the Sec-
13 retary of the affected department determines that such a
14 waiver is inconsistent with the objectives of this subpart or
15 those provisions of the statute from which the program in-
16 volved derives authority that are specifically applicable to
17 Indian students.

18 “(f) *PLAN APPROVAL.*—Within 90 days after the re-
19 ceipt of an entity’s plan by the Secretary, the Secretary
20 shall inform the entity, in writing, of the Secretary’s ap-
21 proval or disapproval of the plan. If the plan is dis-
22 approved, the entity shall be informed, in writing, of the
23 reasons for the disapproval and shall be given an oppor-
24 tunity to amend the plan or to petition the Secretary to
25 reconsider such disapproval.

1 “(g) *RESPONSIBILITIES OF DEPARTMENT OF EDU-*
2 *CATION.*—Not later than 180 days after the date of the en-
3 *actment of the Student Success Act, the Secretary of Edu-*
4 *cation, the Secretary of the Interior, the Secretary of the*
5 *Department of Health and Human Services, and the head*
6 *of any other Federal department or agency identified by*
7 *the Secretary of Education, shall enter into an interdepart-*
8 *mental memorandum of agreement providing for the imple-*
9 *mentation and coordination of the demonstration projects*
10 *authorized under this section. The lead agency head for a*
11 *demonstration project under this section shall be—*

12 “(1) *the Secretary of the Interior, in the case of*
13 *an entity meeting the definition of a contract or*
14 *grant school under title XI of the Education Amend-*
15 *ments of 1978; or*

16 “(2) *the Secretary of Education, in the case of*
17 *any other entity.*

18 “(h) *RESPONSIBILITIES OF LEAD AGENCY.*—*The re-*
19 *sponsibilities of the lead agency shall include—*

20 “(1) *the use of a single report format related to*
21 *the plan for the individual project, which shall be*
22 *used by an eligible entity to report on the activities*
23 *undertaken under the project;*

24 “(2) *the use of a single report format related to*
25 *the projected expenditures for the individual project*

1 *which shall be used by an eligible entity to report on*
2 *all project expenditures;*

3 “(3) *the development of a single system of Fed-*
4 *eral oversight for the project, which shall be imple-*
5 *mented by the lead agency; and*

6 “(4) *the provision of technical assistance to an*
7 *eligible entity appropriate to the project, except that*
8 *an eligible entity shall have the authority to accept or*
9 *reject the plan for providing such technical assistance*
10 *and the technical assistance provider.*

11 “(i) *REPORT REQUIREMENTS.—A single report format*
12 *shall be developed by the Secretary, consistent with the re-*
13 *quirements of this section. Such report format shall require*
14 *that reports described in subsection (h), together with*
15 *records maintained on the consolidated program at the local*
16 *level, shall contain such information as will allow a deter-*
17 *mination that the eligible entity has complied with the re-*
18 *quirements incorporated in its approved plan, including*
19 *making a demonstration of student academic achievement,*
20 *and will provide assurances to each Secretary that the eligi-*
21 *ble entity has complied with all directly applicable statu-*
22 *tory requirements and with those directly applicable regu-*
23 *latory requirements that have not been waived.*

24 “(j) *NO REDUCTION IN AMOUNTS.—In no case shall*
25 *the amount of Federal funds available to an eligible entity*

1 *involved in any demonstration project be reduced as a re-*
2 *sult of the enactment of this section.*

3 “(k) *INTERAGENCY FUND TRANSFERS AUTHORIZED.*—
4 *The Secretary is authorized to take such action as may be*
5 *necessary to provide for an interagency transfer of funds*
6 *otherwise available to an eligible entity in order to further*
7 *the objectives of this section.*

8 “(l) *ADMINISTRATION OF FUNDS.*—

9 “(1) *IN GENERAL.*—*Program funds for the con-*
10 *solidated programs shall be administered in such a*
11 *manner as to allow for a determination that funds*
12 *from a specific program are spent on allowable activi-*
13 *ties authorized under such program, except that the*
14 *eligible entity shall determine the proportion of the*
15 *funds granted that shall be allocated to such program.*

16 “(2) *SEPARATE RECORDS NOT REQUIRED.*—
17 *Nothing in this section shall be construed as requiring*
18 *the eligible entity to maintain separate records trac-*
19 *ing any services or activities conducted under the ap-*
20 *proved plan to the individual programs under which*
21 *funds were authorized for the services or activities,*
22 *nor shall the eligible entity be required to allocate ex-*
23 *penditures among such individual programs.*

24 “(m) *OVERAGE.*—*The eligible entity may commingle*
25 *all administrative funds from the consolidated programs*

1 *and shall be entitled to the full amount of such funds (under*
2 *each program’s or agency’s regulations). The overage (de-*
3 *fin ed as the difference between the amount of the commin-*
4 *gled funds and the actual administrative cost of the pro-*
5 *grams) shall be considered to be properly spent for Federal*
6 *audit purposes, if the overage is used for the purposes pro-*
7 *vided for under this section.*

8 “(n) *FISCAL ACCOUNTABILITY.—Nothing in this part*
9 *shall be construed so as to interfere with the ability of the*
10 *Secretary or the lead agency to fulfill the responsibilities*
11 *for the safeguarding of Federal funds pursuant to chapter*
12 *75 of title 31, United States Code.*

13 “(o) *REPORT ON STATUTORY OBSTACLES TO PROGRAM*
14 *INTEGRATION.—*

15 “(1) *PRELIMINARY REPORT.—Not later than 2*
16 *years after the date of the enactment of the Student*
17 *Success Act, the Secretary of Education shall submit*
18 *a preliminary report to the Committee on Education*
19 *and the Workforce and the Committee on Natural Re-*
20 *sources of the House of Representatives and the Com-*
21 *mittee on Health, Education, Labor, and Pensions*
22 *and the Committee on Indian Affairs of the Senate on*
23 *the status of the implementation of the demonstration*
24 *projects authorized under this section.*

1 “(2) *FINAL REPORT.*—Not later than 5 years
2 after the date of the enactment of the Student Success
3 Act, the Secretary of Education shall submit a report
4 to the Committee on Education and the Workforce
5 and the Committee on Natural Resources of the House
6 of Representatives and the Committee on Health,
7 Education, Labor, and Pensions and the Committee
8 on Indian Affairs of the Senate on the results of the
9 implementation of the demonstration projects author-
10 ized under this section. Such report shall identify
11 statutory barriers to the ability of participants to in-
12 tegrate more effectively their education and related
13 services to Indian students in a manner consistent
14 with the objectives of this section.

15 “(p) *DEFINITIONS.*—For the purposes of this section,
16 the term ‘Secretary’ means—

17 “(1) the Secretary of the Interior, in the case of
18 an entity meeting the definition of a contract or
19 grant school under title XI of the Education Amend-
20 ments of 1978; or

21 “(2) the Secretary of Education, in the case of
22 any other entity.

23 **“SEC. 5117. STUDENT ELIGIBILITY FORMS.**

24 “(a) *IN GENERAL.*—The Secretary shall require that,
25 as part of an application for a grant under this subpart,

1 *each applicant shall maintain a file, with respect to each*
2 *Indian child for whom the local educational agency pro-*
3 *vides a free public education, that contains a form that sets*
4 *forth information establishing the status of the child as an*
5 *Indian child eligible for assistance under this subpart, and*
6 *that otherwise meets the requirements of subsection (b).*

7 “(b) *FORMS.*—*The form described in subsection (a)*
8 *shall include—*

9 “(1) *either—*

10 “(A)(i) *the name of the tribe or band of In-*
11 *dians (as defined in section 5151) with respect*
12 *to which the child claims membership;*

13 “(ii) *the enrollment or membership number*
14 *establishing the membership of the child (if read-*
15 *ily available); and*

16 “(iii) *the name and address of the organiza-*
17 *tion that maintains updated and accurate mem-*
18 *bership data for such tribe or band of Indians;*
19 *or*

20 “(B) *the name, the enrollment or member-*
21 *ship number (if readily available), and the name*
22 *and address of the organization responsible for*
23 *maintaining updated and accurate membership*
24 *data, of any parent or grandparent of the child*
25 *from whom the child claims eligibility under this*

1 subpart, if the child is not a member of the tribe
2 or band of Indians (as so defined);

3 “(2) a statement of whether the tribe or band of
4 Indians (as so defined), with respect to which the
5 child, or parent or grandparent of the child, claims
6 membership, is federally recognized;

7 “(3) the name and address of the parent or legal
8 guardian of the child;

9 “(4) a signature of the parent or legal guardian
10 of the child that verifies the accuracy of the informa-
11 tion supplied;

12 “(5) any other information that the Secretary
13 considers necessary to provide an accurate program
14 profile; and

15 “(6) all individual data collected will be pro-
16 tected by the local educational agencies and only ag-
17 gregated data will be reported to the Secretary.

18 “(c) *STATUTORY CONSTRUCTION.*—Nothing in this sec-
19 tion shall be construed to affect a definition contained in
20 section 5151.

21 “(d) *DOCUMENTATION AND TYPES OF PROOF.*—

22 “(1) *TYPES OF PROOF.*—For purposes of deter-
23 mining whether a child is eligible to be counted for
24 the purpose of computing the amount of a grant
25 award under section 5113, the membership of the

1 *child, or any parent or grandparent of the child, in*
2 *a tribe or band of Indians (as so defined) may be es-*
3 *tablished by proof other than an enrollment number,*
4 *notwithstanding the availability of an enrollment*
5 *number for a member of such tribe or band. Nothing*
6 *in subsection (b) shall be construed to require the fur-*
7 *nishing of an enrollment number.*

8 “(2) *NO NEW OR DUPLICATIVE DETERMINA-*
9 *TIONS.—Once a child is determined to be an Indian*
10 *eligible to be counted for such grant award, the local*
11 *education agency shall maintain a record of such de-*
12 *termination and shall not require a new or duplicate*
13 *determination to be made for such child for a subse-*
14 *quent application for a grant under this subpart.*

15 “(3) *PREVIOUSLY FILED FORMS.—An Indian*
16 *student eligibility form that was on file as required*
17 *by this section on the day before the date of the enact-*
18 *ment of the Student Success Act and that met the re-*
19 *quirements of this section, as this section was in effect*
20 *on the day before the date of the enactment of such*
21 *Act, shall remain valid for such Indian student.*

22 “(e) *MONITORING AND EVALUATION REVIEW.—*

23 “(1) *IN GENERAL.—*

24 “(A) *REVIEW.—For each fiscal year, in*
25 *order to provide such information as is necessary*

1 to carry out the responsibility of the Secretary to
2 provide technical assistance under this subpart,
3 the Secretary shall conduct a monitoring and
4 evaluation review of a sampling of the recipients
5 of grants under this subpart. The sampling con-
6 ducted under this subparagraph shall take into
7 account the size of and the geographic location of
8 each local educational agency.

9 “(B) *EXCEPTION.*—A local educational
10 agency may not be held liable to the United
11 States or be subject to any penalty, by reason of
12 the findings of an audit that relates to the date
13 of completion, or the date of submission, of any
14 forms used to establish, before April 28, 1988, the
15 eligibility of a child for an entitlement under the
16 Indian Elementary and Secondary School As-
17 sistance Act.

18 “(2) *FALSE INFORMATION.*—Any local edu-
19 cational agency that provides false information in an
20 application for a grant under this subpart shall—

21 “(A) be ineligible to apply for any other
22 grant under this subpart; and

23 “(B) be liable to the United States for any
24 funds from the grant that have not been ex-
25 pended.

1 “(3) *EXCLUDED CHILDREN.*—A student who pro-
2 vides false information for the form required under
3 subsection (a) shall not be counted for the purpose of
4 computing the amount of a grant under section 5113.

5 “(f) *TRIBAL GRANT AND CONTRACT SCHOOLS.*—Not-
6 withstanding any other provision of this section, in calcu-
7 lating the amount of a grant under this subpart to a tribal
8 school that receives a grant or contract from the Bureau
9 of Indian Education, the Secretary shall use only one of
10 the following, as selected by the school:

11 “(1) A count of the number of students in the
12 schools certified by the Bureau.

13 “(2) A count of the number of students for whom
14 the school has eligibility forms that comply with this
15 section.

16 “(g) *TIMING OF CHILD COUNTS.*—For purposes of de-
17 termining the number of children to be counted in calcu-
18 lating the amount of a local educational agency’s grant
19 under this subpart (other than in the case described in sub-
20 section (f)(1)), the local educational agency shall—

21 “(1) establish a date on, or a period not longer
22 than 31 consecutive days during, which the agency
23 counts those children, if that date or period occurs be-
24 fore the deadline established by the Secretary for sub-
25 mitting an application under section 5114; and

1 “(2) determine that each such child was enrolled,
2 and receiving a free public education, in a school of
3 the agency on that date or during that period, as the
4 case may be.

5 **“SEC. 5118. PAYMENTS.**

6 “(a) *IN GENERAL.*—Subject to subsection (b), the Sec-
7 retary shall pay to each local educational agency that sub-
8 mits an application that is approved by the Secretary
9 under this subpart the amount determined under section
10 5113. The Secretary shall notify the local educational agen-
11 cy of the amount of the payment not later than June 1
12 of the year for which the Secretary makes the payment.

13 “(b) *PAYMENTS TAKEN INTO ACCOUNT BY THE*
14 *STATE.*—The Secretary may not make a grant under this
15 subpart to a local educational agency for a fiscal year if,
16 for such fiscal year, the State in which the local educational
17 agency is located takes into consideration payments made
18 under this chapter in determining the eligibility of the local
19 educational agency for State aid, or the amount of the State
20 aid, with respect to the free public education of children
21 during such fiscal year or the preceding fiscal year.

22 “(c) *REALLOCATIONS.*—The Secretary may reallocate,
23 in a manner that the Secretary determines will best carry
24 out the purpose of this subpart, any amounts that—

1 “(1) based on estimates made by local edu-
 2 cational agencies or other information, the Secretary
 3 determines will not be needed by such agencies to
 4 carry out approved programs under this subpart; or
 5 “(2) otherwise become available for reallocation
 6 under this subpart.

7 **“SEC. 5119. STATE EDUCATIONAL AGENCY REVIEW.**

8 “Before submitting an application to the Secretary
 9 under section 5114, a local educational agency shall submit
 10 the application to the State educational agency, which may
 11 comment on such application. If the State educational
 12 agency comments on the application, the agency shall com-
 13 ment on all applications submitted by local educational
 14 agencies in the State and shall provide those comments to
 15 the respective local educational agencies, with an oppor-
 16 tunity to respond.

17 **“Subpart 2—Special Programs and Projects To Im-
 18 prove Educational Opportunities for Indian Chil-
 19 dren and Youth**

20 **“SEC. 5121. SPECIAL PROGRAMS AND PROJECTS TO IM-
 21 PROVE EDUCATIONAL OPPORTUNITIES FOR
 22 INDIAN CHILDREN AND YOUTH.**

23 “(a) PURPOSE.—

24 “(1) IN GENERAL.—It is the purpose of this sec-
 25 tion to support projects to develop, test, and dem-

1 *onstrate the effectiveness of services and programs to*
2 *improve educational opportunities and achievement of*
3 *Indian children and youth.*

4 “(2) *COORDINATION.*—*The Secretary shall take*
5 *the necessary actions to achieve the coordination of*
6 *activities assisted under this subpart with—*

7 *“(A) other programs funded under this Act;*
8 *and*

9 *“(B) other Federal programs operated for*
10 *the benefit of American Indian and Alaska Na-*
11 *tive children and youth.*

12 “(b) *ELIGIBLE ENTITIES.*—*In this section, the term*
13 *‘eligible entity’ means a State educational agency, local*
14 *educational agency, Indian tribe, Indian organization, fed-*
15 *erally supported elementary school or secondary school for*
16 *Indian students, Indian institution (including an Indian*
17 *institution of higher education), Alaska Native Organiza-*
18 *tion, or a consortium of such entities.*

19 “(c) *GRANTS AUTHORIZED.*—

20 *“(1) IN GENERAL.*—*The Secretary shall award*
21 *grants to eligible entities to enable such entities to*
22 *carry out activities that meet the purpose of this sec-*
23 *tion, including—*

1 “(A) innovative programs related to the
2 educational needs of educationally disadvantaged
3 children and youth;

4 “(B) educational services that are not avail-
5 able to such children and youth in sufficient
6 quantity or quality, including remedial instruc-
7 tion, to raise the achievement of Indian and
8 Alaska Native children in one or more of the sub-
9 jects of English, mathematics, science, foreign
10 languages, art, history, and geography;

11 “(C) bilingual and bicultural programs and
12 projects;

13 “(D) special health and nutrition services,
14 and other related activities, that address the spe-
15 cial health, social, emotional, and psychological
16 problems of Indian children;

17 “(E) special compensatory and other pro-
18 grams and projects designed to assist and en-
19 courage Indian children to enter, remain in, or
20 reenter school, and to increase the rate of high
21 school graduation for Indian children;

22 “(F) comprehensive guidance, counseling,
23 and testing services;

24 “(G) high quality early childhood education
25 programs that are effective in preparing young

1 *children to make sufficient academic growth by*
2 *the end of grade 3, including kindergarten and*
3 *pre-kindergarten programs, family-based pre-*
4 *school programs that emphasize school readiness,*
5 *screening and referral, and the provision of serv-*
6 *ices to Indian children and youth with disabil-*
7 *ities;*

8 *“(H) partnership projects between local edu-*
9 *cational agencies and institutions of higher edu-*
10 *cation that allow secondary school students to*
11 *enroll in courses at the postsecondary level to aid*
12 *such students in the transition from secondary to*
13 *postsecondary education;*

14 *“(I) partnership projects between schools*
15 *and local businesses for career preparation pro-*
16 *grams designed to provide Indian youth with the*
17 *knowledge and skills such youth need to make an*
18 *effective transition from school to a high-skill,*
19 *high-wage career;*

20 *“(J) programs designed to encourage and*
21 *assist Indian students to work toward, and gain*
22 *entrance into, an institution of higher education;*

23 *“(K) family literacy services;*

24 *“(L) activities that recognize and support*
25 *the unique cultural and educational needs of In-*

1 dian children, and incorporate appropriately
2 qualified tribal elders and seniors;

3 “(M) high quality professional development
4 of teaching professionals and paraprofessionals;
5 or

6 “(N) other services that meet the purpose
7 described in this section.

8 “(d) GRANT REQUIREMENTS AND APPLICATIONS.—

9 “(1) GRANT REQUIREMENTS.—

10 “(A) IN GENERAL.—The Secretary may
11 make multiyear grants under subsection (c) for
12 the planning, development, pilot operation, or
13 demonstration of any activity described in sub-
14 section (c) for a period not to exceed 5 years.

15 “(B) PRIORITY.—In making multiyear
16 grants described in this paragraph, the Secretary
17 shall give priority to entities submitting applica-
18 tions that present a plan for combining two or
19 more of the activities described in subsection (c)
20 over a period of more than 1 year.

21 “(C) PROGRESS.—The Secretary shall make
22 a grant payment for a grant described in this
23 paragraph to an eligible entity after the initial
24 year of the multiyear grant only if the Secretary
25 determines that the eligible entity has made sub-

1 *stantial progress in carrying out the activities*
2 *assisted under the grant in accordance with the*
3 *application submitted under paragraph (3) and*
4 *any subsequent modifications to such applica-*
5 *tion.*

6 “(2) *DISSEMINATION GRANTS.*—

7 “(A) *IN GENERAL.*—*In addition to award-*
8 *ing the multiyear grants described in paragraph*
9 *(1), the Secretary may award grants under sub-*
10 *section (c) to eligible entities for the dissemina-*
11 *tion of exemplary materials or programs assisted*
12 *under this section.*

13 “(B) *DETERMINATION.*—*The Secretary may*
14 *award a dissemination grant described in this*
15 *paragraph if, prior to awarding the grant, the*
16 *Secretary determines that the material or pro-*
17 *gram to be disseminated—*

18 “(i) *has been adequately reviewed;*

19 “(ii) *has demonstrated educational*
20 *merit; and*

21 “(iii) *can be replicated.*

22 “(3) *APPLICATION.*—

23 “(A) *IN GENERAL.*—*Any eligible entity that*
24 *desires to receive a grant under this section shall*
25 *submit an application to the Secretary at such*

1 *time and in such manner as the Secretary may*
2 *reasonably require.*

3 “(B) *CONTENTS.—Each application sub-*
4 *mitted to the Secretary under subparagraph (A),*
5 *other than an application for a dissemination*
6 *grant under paragraph (2), shall contain—*

7 “(i) *a description of how parents of In-*
8 *dian children and representatives of Indian*
9 *tribes have been, and will be, involved in*
10 *developing and implementing the activities*
11 *for which assistance is sought;*

12 “(ii) *assurances that the applicant will*
13 *participate, at the request of the Secretary,*
14 *in any national evaluation of activities as-*
15 *sisted under this section;*

16 “(iii) *information demonstrating that*
17 *the proposed program for the activities is a*
18 *scientifically based research program, where*
19 *applicable, which may include a program*
20 *that has been modified to be culturally ap-*
21 *propriate for students who will be served;*

22 “(iv) *a description of how the appli-*
23 *cant will incorporate the proposed activities*
24 *into the ongoing school program involved*
25 *once the grant period is over; and*

1 “(v) *such other assurances and infor-*
2 *mation as the Secretary may reasonably re-*
3 *quire.*

4 “(e) *ADMINISTRATIVE COSTS.—Not more than 5 per-*
5 *cent of the funds provided to a grantee under this subpart*
6 *for any fiscal year may be used for administrative pur-*
7 *poses.*

8 **“SEC. 5122. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
9 **AND EDUCATION PROFESSIONALS.**

10 “(a) *PURPOSES.—The purposes of this section are—*

11 “(1) *to increase the number of qualified Indian*
12 *and Alaska Native teachers and administrators serv-*
13 *ing Indian and Alaska Native students;*

14 “(2) *to provide training to qualified Indian and*
15 *Alaska Native individuals to become educators and*
16 *education support service professionals; and*

17 “(3) *to improve the skills of qualified Indian in-*
18 *dividuals who serve in the capacities described in*
19 *paragraph (2).*

20 “(b) *ELIGIBLE ENTITIES.—For the purpose of this sec-*
21 *tion, the term ‘eligible entity’ means—*

22 “(1) *an institution of higher education, includ-*
23 *ing an Indian institution of higher education;*

1 “(2) a State educational agency or local edu-
2 cational agency, in consortium with an institution of
3 higher education;

4 “(3) an Indian tribe or organization, in consor-
5 tium with an institution of higher education; and

6 “(4) a Bureau-funded school (as defined in sec-
7 tion 1146 of the Education Amendments of 1978).

8 “(c) PROGRAM AUTHORIZED.—The Secretary is au-
9 thorized to award grants to eligible entities having applica-
10 tions approved under this section to enable those entities
11 to carry out the activities described in subsection (d).

12 “(d) AUTHORIZED ACTIVITIES.—

13 “(1) IN GENERAL.—Grant funds under this sec-
14 tion shall be used for activities to provide support
15 and training for Indian individuals in a manner
16 consistent with the purposes of this section. Such ac-
17 tivities may include continuing programs, symposia,
18 workshops, conferences, and direct financial support,
19 and may include programs designed to train tribal
20 elders and seniors.

21 “(2) SPECIAL RULES.—

22 “(A) TYPE OF TRAINING.—For education
23 personnel, the training received pursuant to a
24 grant under this section may be inservice or
25 preservice training.

1 “(B) PROGRAM.—For individuals who are
2 being trained to enter any field other than teach-
3 ing, the training received pursuant to a grant
4 under this section shall be in a program that re-
5 sults in a graduate degree.

6 “(e) APPLICATION.—Each eligible entity desiring a
7 grant under this section shall submit an application to the
8 Secretary at such time, in such manner, and accompanied
9 by such information, as the Secretary may reasonably re-
10 quire.

11 “(f) SPECIAL RULE.—In awarding grants under this
12 section, the Secretary—

13 “(1) shall consider the prior performance of the
14 eligible entity; and

15 “(2) may not limit eligibility to receive a grant
16 under this section on the basis of—

17 “(A) the number of previous grants the Sec-
18 retary has awarded such entity; or

19 “(B) the length of any period during which
20 such entity received such grants.

21 “(g) GRANT PERIOD.—Each grant under this section
22 shall be awarded for a period of not more than 5 years.

23 “(h) SERVICE OBLIGATION.—

1 “(1) *IN GENERAL.*—*The Secretary shall require,*
2 *by regulation, that an individual who receives train-*
3 *ing pursuant to a grant made under this section—*

4 “(A) *perform work—*

5 “(i) *related to the training received*
6 *under this section; and*

7 “(ii) *that benefits Indian people; or*

8 “(B) *repay all or a prorated part of the as-*
9 *sistance received.*

10 “(2) *REPORTING.*—*The Secretary shall establish,*
11 *by regulation, a reporting procedure under which a*
12 *grant recipient under this section shall, not later than*
13 *12 months after the date of completion of the train-*
14 *ing, and periodically thereafter, provide information*
15 *concerning compliance with the work requirement*
16 *under paragraph (1).*

17 **“SEC. 5123. TRIBAL EDUCATION AGENCIES COOPERATIVE**
18 **AGREEMENTS.**

19 “(a) *PURPOSE.*—*Tribes may enter into written cooper-*
20 *ative agreements with the State educational agency and the*
21 *local educational agencies operating a school or schools*
22 *within Indian lands. For purposes of this section, the term*
23 *‘Indian land’ has the meaning given that term in section*
24 *8013.*

1 “(b) *COOPERATIVE AGREEMENT.*—*If requested by the*
2 *Indian tribe, the State educational agency or the local edu-*
3 *cational agency may enter into a cooperative agreement*
4 *with the Indian tribe. Such cooperative agreement—*

5 “(1) *may authorize the tribe or such tribe’s re-*
6 *spective tribal education agency to plan, conduct, con-*
7 *solidate, and administer programs, services, func-*
8 *tions, and activities, or portions thereof, administered*
9 *by the State educational agency or the local edu-*
10 *cational agency;*

11 “(2) *may authorize the tribe or such tribe’s re-*
12 *spective tribal education agency to reallocate funds*
13 *for such programs, services, functions, and activities,*
14 *or portions thereof as necessary; and*

15 “(3) *shall—*

16 “(A) *only confer the tribe or such tribe’s re-*
17 *spective tribal education agency with responsibil-*
18 *ities to conduct activities described in paragraph*
19 *(1) such that the burden assumed by the tribe or*
20 *the tribal education agency for conducting such*
21 *is commensurate with the benefit that doing so*
22 *conveys to all parties of the agreement; and*

23 “(B) *be based solely on terms of the written*
24 *agreement decided upon by the Indian tribe and*

1 *the State educational agency or local education*
2 *agency.*

3 “(c) *DISAGREEMENT.*—*Agreements shall only be valid*
4 *if the Indian tribe and State educational agency or local*
5 *educational agency agree fully in writing to all of the terms*
6 *of the written cooperative agreement.*

7 “(d) *COMPLIANCE WITH APPLICABLE LAW.*—*Nothing*
8 *in this section shall be construed to relieve any party to*
9 *a cooperative agreement from complying with all applicable*
10 *Federal, State, local laws. State and local educational agen-*
11 *cies are still the ultimate responsible, liable parties for com-*
12 *plying with all laws and funding requirements for any*
13 *functions that are conveyed to tribes and tribal education*
14 *agencies through the cooperative agreements.*

15 “(e) *DEFINITION.*—*For the purposes of this subpart,*
16 *the term ‘Indian Tribe’ means any tribe or band that is*
17 *officially recognized by the Secretary of the Interior.*

18 **“Subpart 3—National Activities**

19 **“SEC. 5131. NATIONAL RESEARCH ACTIVITIES.**

20 “(a) *AUTHORIZED ACTIVITIES.*—*The Secretary may*
21 *use funds made available to carry out this subpart for each*
22 *fiscal year to—*

23 “(1) *conduct research related to effective ap-*
24 *proaches for improving the academic achievement and*

1 *development of Indian and Alaska Native children*
2 *and adults;*

3 “(2) *collect and analyze data on the educational*
4 *status and needs of Indian and Alaska Native stu-*
5 *dents; and*

6 “(3) *carry out other activities that are consistent*
7 *with the purpose of this part.*

8 “(b) *ELIGIBILITY.—The Secretary may carry out any*
9 *of the activities described in subsection (a) directly or*
10 *through grants to, or contracts or cooperative agreements*
11 *with, Indian tribes, Indian organizations, State edu-*
12 *cational agencies, local educational agencies, institutions of*
13 *higher education, including Indian institutions of higher*
14 *education, and other public and private agencies and insti-*
15 *tutions.*

16 “(c) *COORDINATION.—Research activities supported*
17 *under this section—*

18 “(1) *shall be coordinated with appropriate offices*
19 *within the Department; and*

20 “(2) *may include collaborative research activities*
21 *that are jointly funded and carried out by the Office*
22 *of Indian Education Programs, the Office of Edu-*
23 *cational Research and Improvement, the Bureau of*
24 *Indian Education, and the Institute of Education*
25 *Sciences.*

1 **“SEC. 5132. IMPROVEMENT OF ACADEMIC SUCCESS FOR**
2 **STUDENTS THROUGH NATIVE AMERICAN**
3 **LANGUAGE.**

4 “(a) *PURPOSE.*—*It is the purpose of this section to im-*
5 *prove educational opportunities and academic achievement*
6 *of Indian and Alaska Native students through Native Amer-*
7 *ican language programs and to foster the acquisition of Na-*
8 *tive American language.*

9 “(b) *DEFINITION OF ELIGIBLE ENTITY.*—*In this sec-*
10 *tion, the term ‘eligible entity’ means a State educational*
11 *agency, local educational agency, Indian tribe, Indian or-*
12 *ganization, federally supported elementary school or sec-*
13 *ondary school for Indian students, Indian institution (in-*
14 *cluding an Indian institution of higher education), or a*
15 *consortium of such entities.*

16 “(c) *GRANTS AUTHORIZED.*—*The Secretary shall*
17 *award grants to eligible entities to enable such entities to*
18 *carry out the following activities:*

19 “(1) *Native American language programs that—*

20 “(A) *provide instruction through the use of*
21 *a Native American language for not less than 10*
22 *children for an average of not less than 500*
23 *hours per year per student;*

24 “(B) *provide for the involvement of parents,*
25 *caregivers, and families of students enrolled in*
26 *the program;*

1 “(C) utilize, and may include the develop-
2 ment of, instructional courses and materials for
3 learning Native American languages and for in-
4 struction through the use of Native American
5 languages;

6 “(D) provide support for professional devel-
7 opment activities; and

8 “(E) include a goal of all students achiev-
9 ing—

10 “(i) fluency in a Native American lan-
11 guage; and

12 “(ii) academic proficiency in mathe-
13 matics, English, reading or language arts,
14 and science.

15 “(2) Native American language restoration pro-
16 grams that—

17 “(A) provide instruction in not less than 1
18 Native American language;

19 “(B) provide support for professional devel-
20 opment activities for teachers of Native Amer-
21 ican languages;

22 “(C) develop instructional materials for the
23 programs; and

1 “(D) include the goal of increasing pro-
2 ficiency and fluency in not less than 1 Native
3 American language.

4 “(d) APPLICATION.—

5 “(1) IN GENERAL.—An eligible entity that de-
6 sires to receive a grant under this section shall submit
7 an application to the Secretary at such time, in such
8 manner, and accompanied by such information as the
9 Secretary may require.

10 “(2) CERTIFICATION.—An eligible entity that
11 submits an application for a grant to carry out the
12 activity specified in subsection (c)(1), shall include in
13 such application a certification that assures that such
14 entity has experience and a demonstrated record of ef-
15 fectiveness in operating and administering a Native
16 American language program or any other educational
17 program in which instruction is conducted in a Na-
18 tive American language.

19 “(e) GRANT DURATION.—The Secretary shall make
20 grants under this section only on a multi-year basis. Each
21 such grant shall be for a period not to exceed 5 years.

22 “(f) DEFINITION.—In this section, the term ‘average’
23 means the aggregate number of hours of instruction through
24 the use of a Native American language to all students en-
25 rolled in a Native American language program during a

1 *school year divided by the total number of students enrolled*
2 *in the program.*

3 “(g) *ADMINISTRATIVE COSTS.*—

4 “(1) *IN GENERAL.*—*Except as provided in para-*
5 *graph (2), not more than 5 percent of the funds pro-*
6 *vided to a grantee under this section for any fiscal*
7 *year may be used for administrative purposes.*

8 “(2) *EXCEPTION.*—*An elementary school or sec-*
9 *ondary school for Indian students that receives funds*
10 *from a recipient of a grant under subsection (c) for*
11 *any fiscal year may use not more than 10 percent of*
12 *the funds for administrative purposes.*

13 **“SEC. 5133. GRANTS TO TRIBES FOR EDUCATION ADMINIS-**
14 **TRATIVE PLANNING AND DEVELOPMENT.**

15 “(a) *IN GENERAL.*—*The Secretary may make grants*
16 *to Indian tribes, and tribal organizations approved by In-*
17 *dian tribes, to plan and develop a centralized tribal admin-*
18 *istrative entity to—*

19 “(1) *coordinate all education programs operated*
20 *by the tribe or within the territorial jurisdiction of*
21 *the tribe;*

22 “(2) *develop education codes for schools within*
23 *the territorial jurisdiction of the tribe;*

24 “(3) *provide support services and technical as-*
25 *sistance to schools serving children of the tribe; and*

1 “(4) *perform child-find screening services for the*
2 *preschool-aged children of the tribe to—*

3 “(A) *ensure placement in appropriate edu-*
4 *cational facilities; and*

5 “(B) *coordinate the provision of any needed*
6 *special services for conditions such as disabilities*
7 *and English language skill deficiencies.*

8 “(b) *PERIOD OF GRANT.—Each grant awarded under*
9 *this section may be awarded for a period of not more than*
10 *3 years. Such grant may be renewed upon the termination*
11 *of the initial period of the grant if the grant recipient dem-*
12 *onstrates to the satisfaction of the Secretary that renewing*
13 *the grant for an additional 3-year period is necessary to*
14 *carry out the objectives of the grant described in subsection*
15 *(c)(2)(A).*

16 “(c) *APPLICATION FOR GRANT.—*

17 “(1) *IN GENERAL.—Each Indian tribe and tribal*
18 *organization desiring a grant under this section shall*
19 *submit an application to the Secretary at such time,*
20 *in such manner, containing such information, and*
21 *consistent with such criteria, as the Secretary may*
22 *prescribe in regulations.*

23 “(2) *CONTENTS.—Each application described in*
24 *paragraph (1) shall contain—*

1 “(A) a statement describing the activities to
2 be conducted, and the objectives to be achieved,
3 under the grant; and

4 “(B) a description of the method to be used
5 for evaluating the effectiveness of the activities
6 for which assistance is sought and for deter-
7 mining whether such objectives are achieved.

8 “(3) APPROVAL.—The Secretary may approve an
9 application submitted by a tribe or tribal organiza-
10 tion pursuant to this section only if the Secretary is
11 satisfied that such application, including any docu-
12 mentation submitted with the application—

13 “(A) demonstrates that the applicant has
14 consulted with other education entities, if any,
15 within the territorial jurisdiction of the appli-
16 cant who will be affected by the activities to be
17 conducted under the grant;

18 “(B) provides for consultation with such
19 other education entities in the operation and
20 evaluation of the activities conducted under the
21 grant; and

22 “(C) demonstrates that there will be ade-
23 quate resources provided under this section or
24 from other sources to complete the activities for
25 which assistance is sought, except that the avail-

1 *ability of such other resources shall not be a*
2 *basis for disapproval of such application.*

3 “(d) *RESTRICTION.—A tribe may not receive funds*
4 *under this section if such tribe receives funds under section*
5 *1144 of the Education Amendments of 1978.*

6 **“Subpart 4—Federal Administration**

7 **“SEC. 5141. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-**
8 **CATION.**

9 “(a) *MEMBERSHIP.—There is established a National*
10 *Advisory Council on Indian Education (hereafter in this*
11 *section referred to as the ‘Council’), which shall—*

12 “(1) *consist of 15 Indian members, who shall be*
13 *appointed by the President from lists of nominees fur-*
14 *nished, from time to time, by Indian tribes and orga-*
15 *nizations; and*

16 “(2) *represent different geographic areas of the*
17 *United States.*

18 “(b) *DUTIES.—The Council shall—*

19 “(1) *advise the Secretary concerning the funding*
20 *and administration (including the development of*
21 *regulations and administrative policies and practices)*
22 *of any program, including any program established*
23 *under this part—*

24 “(A) *with respect to which the Secretary has*
25 *jurisdiction; and*

1 “(B)(i) that includes Indian children or
2 adults as participants; or

3 “(ii) that may benefit Indian children or
4 adults;

5 “(2) make recommendations to the Secretary for
6 filling the position of Director of Indian Education
7 whenever a vacancy occurs; and

8 “(3) submit to Congress, not later than June 30
9 of each year, a report on the activities of the Council,
10 including—

11 “(A) any recommendations that the Council
12 considers appropriate for the improvement of
13 Federal education programs that include Indian
14 children or adults as participants, or that may
15 benefit Indian children or adults; and

16 “(B) recommendations concerning the fund-
17 ing of any program described in subparagraph
18 (A).

19 **“SEC. 5142. PEER REVIEW.**

20 “The Secretary may use a peer review process to re-
21 view applications submitted to the Secretary under subpart
22 2 or subpart 3.

23 **“SEC. 5143. PREFERENCE FOR INDIAN APPLICANTS.**

24 “In making grants and entering into contracts or co-
25 operative agreements under subpart 2 or subpart 3, the Sec-

1 *retary shall give a preference to Indian tribes, organiza-*
2 *tions, and institutions of higher education under any pro-*
3 *gram with respect to which Indian tribes, organizations,*
4 *and institutions are eligible to apply for grants, contracts,*
5 *or cooperative agreements.*

6 **“SEC. 5144. MINIMUM GRANT CRITERIA.**

7 *“The Secretary may not approve an application for*
8 *a grant, contract, or cooperative agreement under subpart*
9 *2 or subpart 3 unless the application is for a grant, con-*
10 *tract, or cooperative agreement that is—*

11 *“(1) of sufficient size, scope, and quality to*
12 *achieve the purpose or objectives of such grant, con-*
13 *tract, or cooperative agreement; and*

14 *“(2) based on relevant research findings.*

15 **“Subpart 5—Definitions; Authorizations of**
16 **Appropriations**

17 **“SEC. 5151. DEFINITIONS.**

18 *“For the purposes of this part:*

19 *“(1) ADULT.—The term ‘adult’ means an indi-*
20 *vidual who—*

21 *“(A) has attained the age of 16 years; or*

22 *“(B) has attained an age that is greater*
23 *than the age of compulsory school attendance*
24 *under an applicable State law.*

1 “(2) *FREE PUBLIC EDUCATION.*—*The term ‘free*
2 *public education’ means education that is—*

3 “(A) *provided at public expense, under pub-*
4 *lic supervision and direction, and without tui-*
5 *tion charge; and*

6 “(B) *provided as elementary or secondary*
7 *education in the applicable State or to preschool*
8 *children.*

9 “(3) *INDIAN.*—*The term ‘Indian’ means an indi-*
10 *vidual who is—*

11 “(A) *a member of an Indian tribe or band,*
12 *as membership is defined by the tribe or band,*
13 *including—*

14 “(i) *any tribe or band terminated since*
15 *1940; and*

16 “(ii) *any tribe or band recognized by*
17 *the State in which the tribe or band resides;*

18 “(B) *a descendant, in the first or second de-*
19 *gree, of an individual described in subparagraph*
20 *(A);*

21 “(C) *considered by the Secretary of the Inte-*
22 *rior to be an Indian for any purpose;*

23 “(D) *an Alaska Native, as defined in sec-*
24 *tion 5206(1); or*

1 “(E) a member of an organized Indian
2 group that received a grant under the Indian
3 Education Act of 1988 as in effect the day pre-
4 ceding the date of the enactment of the Improv-
5 ing America’s Schools Act of 1994.

6 “(4) ALASKA NATIVE ORGANIZATION.—The term
7 ‘Alaska Native Organization’ has the same meaning
8 as defined in section 5206(2).

9 **“SEC. 5152. AUTHORIZATIONS OF APPROPRIATIONS.**

10 “(a) SUBPART 1.—For the purpose of carrying out
11 subpart 1, there are authorized to be appropriated
12 \$105,921,000 for each of fiscal years 2016 through 2021.

13 “(b) SUBPARTS 2 AND 3.—For the purpose of carrying
14 out subparts 2 and 3, there are authorized to be appro-
15 priated \$24,858,000 for each of fiscal years 2016 through
16 2021.

17 **“PART B—ALASKA NATIVE EDUCATION**

18 **“SEC. 5201. SHORT TITLE.**

19 “*This part may be cited as the ‘Alaska Native Edu-*
20 *cational Equity, Support, and Assistance Act’.*

21 **“SEC. 5202. FINDINGS.**

22 “*Congress finds and declares the following:*

23 “(1) *It is the policy of the Federal Government*
24 *to maximize the leadership of and participation by*
25 *Alaska Natives in the planning and the management*

1 *of Alaska Native education programs and to support*
2 *efforts developed by and undertaken within the Alaska*
3 *Native community to improve educational oppor-*
4 *tunity for all students.*

5 “(2) *Many Alaska Native children enter and exit*
6 *school with serious educational disadvantages.*

7 “(3) *Overcoming the magnitude of the geographic*
8 *challenges, historical inequities, and other barriers to*
9 *successfully improving educational outcomes for Alas-*
10 *ka Native students in rural, village, and urban set-*
11 *tings is challenging. Significant disparities between*
12 *academic achievement of Alaska Native students and*
13 *non-Native students continues, including lower grad-*
14 *uation rates, increased school dropout rates, and*
15 *lower achievement scores on standardized tests.*

16 “(4) *The preservation of Alaska Native cultures*
17 *and languages and the integration of Alaska Native*
18 *cultures and languages into education, positive iden-*
19 *tity development for Alaska Native students, and*
20 *local, place-based, and culture-based programming*
21 *are critical to the attainment of educational success*
22 *and the long-term well-being of Alaska Native stu-*
23 *dents.*

1 “(5) *Improving educational outcomes for Alaska*
2 *Native students increases access to employment oppor-*
3 *tunities.*

4 “(6) *The programs and activities authorized*
5 *under this part give priority to Alaska Native organi-*
6 *zations as a means of increasing Alaska Native par-*
7 *ents’ and community involvement in the promotion of*
8 *academic success of Alaska Native students.*

9 “(7) *The Federal Government should lend sup-*
10 *port to efforts developed by and undertaken within the*
11 *Alaska Native community to improve educational op-*
12 *portunity for Alaska Native students. In 1983, pursu-*
13 *ant to Public Law 98–63, Alaska ceased to receive*
14 *educational funding from the Bureau of Indian Af-*
15 *airs. The Bureau of Indian Education does not oper-*
16 *ate any schools in Alaska, nor operate or fund Alaska*
17 *Native education programs. The program under this*
18 *part supports the Federal trust responsibility of the*
19 *United States to Alaska Natives.*

20 **“SEC. 5203. PURPOSES.**

21 *“The purposes of this part are as follows:*

22 “(1) *To recognize and address the unique edu-*
23 *cational needs of Alaska Natives.*

1 “(2) *To recognize the role of Alaska Native lan-*
2 *guages and cultures in the educational success and*
3 *long-term well-being of Alaska Native students.*

4 “(3) *To integrate Alaska Native cultures and*
5 *languages into education, develop Alaska Native stu-*
6 *dents’ positive identity, and support local place-based*
7 *and culture-based curriculum and programming.*

8 “(4) *To authorize the development, management,*
9 *and expansion of effective supplemental educational*
10 *programs to benefit Alaska Natives.*

11 “(5) *To provide direction and guidance to ap-*
12 *propriate Federal, State, and local agencies to focus*
13 *resources, including resources made available under*
14 *this part, on meeting the educational needs of Alaska*
15 *Natives.*

16 “(6) *To ensure the maximum participation by*
17 *Alaska Native educators and leaders in the planning,*
18 *development, management, and evaluation of pro-*
19 *grams designed to serve Alaska Natives students, and*
20 *to ensure Alaska Native organizations play a mean-*
21 *ingful role in supplemental educational services pro-*
22 *vided to Alaska Native students.*

23 **“SEC. 5204. PROGRAM AUTHORIZED.**

24 “(a) *GENERAL AUTHORITY.—*

1 “(1) *GRANTS AND CONTRACTS.*—*The Secretary is*
2 *authorized to make grants to, or enter into contracts*
3 *with, Alaska Native organizations, State educational*
4 *agencies, local educational agencies, educational enti-*
5 *ties with experience in developing or operating Alaska*
6 *Native educational programs or programs of instruc-*
7 *tion conducted in Alaska Native languages, cultural*
8 *and community-based organizations with experience*
9 *in developing or operating programs to benefit the*
10 *educational needs of Alaska Natives, and consortia of*
11 *organizations and entities described in this para-*
12 *graph, to carry out programs that meet the purposes*
13 *of this part.*

14 “(2) *ADDITIONAL REQUIREMENT.*—*A State edu-*
15 *cational agency, local educational agency, educational*
16 *entity with experience in developing or operating*
17 *Alaska Native educational programs or programs of*
18 *instruction conducted in Alaska Native languages,*
19 *cultural and community-based organization with ex-*
20 *perience in developing or operating programs to ben-*
21 *efit the educational needs of Alaska Natives, or con-*
22 *sortium of such organizations and entities is eligible*
23 *for an award under this part only as part of a part-*
24 *nership involving an Alaska Native organization.*

1 “(3) *MANDATORY ACTIVITIES.*—Activities pro-
2 vided through the programs carried out under this
3 part shall include the following which shall only be
4 provided specifically in the context of elementary and
5 secondary education:

6 “(A) *The development and implementation*
7 of plans, methods, and strategies to improve the
8 educational outcomes of Alaska Native people.

9 “(B) *The collection of data to assist in the*
10 evaluation of the programs carried out under
11 this part.

12 “(4) *PERMISSIBLE ACTIVITIES.*—Activities pro-
13 vided through programs carried out under this part
14 may include the following which shall only be pro-
15 vided specifically in the context of elementary and
16 secondary education:

17 “(A) *The development of curricula and pro-*
18 grams that address the educational needs of Alas-
19 ka Native students, including the following:

20 “(i) *Curriculum materials that reflect*
21 the cultural diversity, languages, history, or
22 the contributions of Alaska Native people.

23 “(ii) *Instructional programs that make*
24 use of Alaska Native languages and cul-
25 tures.

1 “(iii) Networks that develop, test, and
2 disseminate best practices and introduce
3 successful programs, materials, and tech-
4 niques to meet the educational needs of
5 Alaska Native students in urban and rural
6 schools.

7 “(B) Training and professional development
8 activities for educators, including the following:

9 “(i) Pre-service and in-service training
10 and professional development programs to
11 prepare teachers to develop appreciation for,
12 and understanding of, Alaska Native his-
13 tory, cultures, values, ways of knowing and
14 learning in order to effectively address the
15 cultural diversity and unique needs of Alas-
16 ka Native students.

17 “(ii) Recruitment and preparation of
18 teachers who are Alaska Native.

19 “(iii) Programs that will lead to the
20 certification and licensing of Alaska Native
21 teachers, principals, and superintendents.

22 “(C) The development and operation of stu-
23 dent enrichment programs, including those in
24 science, technology, engineering, and mathe-
25 matics that—

1 “(i) are designed to prepare Alaska
2 Native students to excel in such subjects;

3 “(ii) provide appropriate support serv-
4 ices to enable such students to benefit from
5 the programs; and

6 “(iii) include activities that recognize
7 and support the unique cultural and edu-
8 cational needs of Alaska Native children,
9 and incorporate appropriately qualified
10 Alaska Native elders and other tradition
11 bearers.

12 “(D) Research and data collection activities
13 to determine the educational status and needs of
14 Alaska Native children and other research and
15 evaluation activities related to programs carried
16 out under this part.

17 “(E) Activities designed to increase the
18 graduation rates of Alaska Native students and
19 prepare Alaska Native students to be college and
20 career ready upon graduation from secondary
21 school, such as—

22 “(i) remedial and enrichment pro-
23 grams; and

24 “(ii) culturally based education pro-
25 grams, such as—

1 “(I) programs of study and other
2 instruction in Alaska Native history
3 and way of living, to share the rich
4 and diverse cultures of Alaska Native
5 peoples among Alaska Native youth
6 and elders, non-Native students, teach-
7 ers, and the larger community;

8 “(II) instruction in leadership,
9 communication, Native culture, arts,
10 and languages to Alaska Native youth;

11 “(III) instruction in Alaska Na-
12 tive history and ways of living to stu-
13 dents and teachers in the local school
14 district;

15 “(IV) intergenerational learning
16 and internship opportunities to Alaska
17 Native youth and young adults; and

18 “(V) providing cultural immer-
19 sion activities aimed at Alaska Native
20 cultural preservation.

21 “(F) Statewide on-site exchange programs,
22 for both students and teachers, that work to fa-
23 cilitate cultural relationships between urban and
24 rural Alaskans to build mutual respect and un-
25 derstanding, and foster a statewide sense of com-

1 *mon identity through host family, school, and*
2 *community cross-cultural immersion.*

3 “(G) *Education programs for at-risk urban*
4 *Alaska Native students in kindergarten through*
5 *grade 12 that are designed to improve academic*
6 *proficiency and graduation rates, utilize strate-*
7 *gies otherwise permissible under this part, and*
8 *incorporate a strong data collection and contin-*
9 *uous evaluation component.*

10 “(H) *Statewide programs that provide tech-*
11 *nical assistance and support to schools and com-*
12 *munities to engage adults in promoting the aca-*
13 *ademic progress and overall well-being of Alaska*
14 *Native people through child and youth develop-*
15 *ment, positive youth-adult relationships, im-*
16 *proved conditions for learning (school climate,*
17 *student connection to school and community),*
18 *and increased connections between schools and*
19 *families.*

20 “(I) *Career preparation activities to enable*
21 *Alaska Native children and adults to prepare for*
22 *meaningful employment, including programs*
23 *providing tech-prep, mentoring, training, and*
24 *apprenticeship activities.*

1 “(J) Support for the development and oper-
2 ational activities of regional vocational schools
3 in rural areas of Alaska to provide students with
4 necessary resources to prepare for skilled employ-
5 ment opportunities.

6 “(K) Regional leadership academies that
7 demonstrate effectiveness in building respect, un-
8 derstanding, and fostering a sense of Alaska Na-
9 tive identity to promote their pursuit of and suc-
10 cess in completing higher education or career
11 training.

12 “(L) Strategies designed to increase the in-
13 volvement of parents in their children’s edu-
14 cation.

15 “(b) *LIMITATION ON ADMINISTRATIVE COSTS.*—Not
16 more than 5 percent of funds provided to an award recipi-
17 ent under this part for any fiscal year may be used for
18 administrative purposes.

19 “(c) *PRIORITIES.*—In awarding grants or contracts to
20 carry out activities described in this subpart, the Secretary
21 shall give priority to applications from Alaska Native Or-
22 ganizations. Such priority shall be explicitly delineated in
23 the Secretary’s process for evaluating applications and ap-
24 plied consistently and transparently to all applications
25 from Alaska Native Organizations.

1 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
2 *are authorized to be appropriated to carry out this part*
3 *\$33,185,000 for each of fiscal years 2016 through 2021.*

4 “**SEC. 5205. ADMINISTRATIVE PROVISIONS.**

5 “(a) *APPLICATION REQUIRED.*—

6 “(1) *IN GENERAL.*—*No grant may be made*
7 *under this part, and no contract may be entered into*
8 *under this part, unless the Alaska Native organiza-*
9 *tion or entity seeking the grant or contract submits*
10 *an application to the Secretary in such form, in such*
11 *manner, and containing such information as the Sec-*
12 *retary may determine necessary to carry out the pro-*
13 *visions of this part.*

14 “(2) *REQUIREMENT FOR CERTAIN APPLICANTS.*—
15 *An applicant described in section 5204(a)(2) shall, in*
16 *the application submitted under this paragraph—*

17 “(A) *demonstrate that an Alaska Native or-*
18 *ganization was directly involved in the develop-*
19 *ment of the program for which the application*
20 *seeks funds and explicitly delineate the meaning-*
21 *ful role that the Alaska Native organization will*
22 *play in the implementation and evaluation of*
23 *the program for which funding is sought; and*

24 “(B) *provide a copy of the Alaska Native*
25 *organization’s governing document.*

1 “(b) *CONSULTATION REQUIRED.*—Each applicant for
2 an award under this part shall provide for ongoing advice
3 from and consultation with representatives of the Alaska
4 Native community.

5 “(c) *LOCAL EDUCATIONAL AGENCY COORDINATION.*—
6 Each applicant for an award under this part shall inform
7 each local educational agency serving students who would
8 participate in the program to be carried out under the
9 grant or contract about the application.

10 “(d) *CONTINUATION AWARDS.*—An applicant de-
11 scribed in section 5204(a)(2) that receives funding under
12 this part shall periodically demonstrate to the Secretary,
13 during the term of the award, that the applicant is con-
14 tinuing to meet the requirements of subsection (a)(2)(A).

15 **“SEC. 5206. DEFINITIONS.**

16 *“In this part:*

17 “(1) *ALASKA NATIVE.*—The term ‘Alaska Native’
18 has the same meaning as the term ‘Native’ has in sec-
19 tion 3(b) of the Alaska Native Claims Settlement Act
20 and their descendants.

21 “(2) *ALASKA NATIVE ORGANIZATION.*—The term
22 ‘Alaska Native organization’ means a federally recog-
23 nized tribe, consortium of tribes, regional nonprofit
24 Native association, and an organization, that—

1 “(A) has or commits to acquire expertise in
2 the education of Alaska Natives; and

3 “(B) has Alaska Native people in sub-
4 stantive and policymaking positions within the
5 organization.

6 **“PART C—NATIVE HAWAIIAN EDUCATION**

7 **“SEC. 5301. FINDINGS.**

8 “Congress finds the following:

9 “(1) Native Hawaiians are a distinct and
10 unique indigenous people with a historical continuity
11 to the original inhabitants of the Hawaiian archi-
12 pelago, whose society was organized as a nation and
13 internationally recognized as a nation by the United
14 States, and many other countries.

15 “(2) Native Hawaiians have a cultural, historic,
16 and land-based link to the indigenous people who ex-
17 ercised sovereignty over the Hawaiian Islands.

18 “(3) The political status of Native Hawaiians is
19 comparable to that of American Indians and Alaska
20 Natives.

21 “(4) The political relationship between the
22 United States and the Native Hawaiian people has
23 been recognized and reaffirmed by the United States,
24 as evidenced by the inclusion of Native Hawaiians in
25 many Federal statutes, including—

1 “(A) *the Native American Programs Act of*
2 *1974 (42 U.S.C. 2991 et seq.);*

3 “(B) *Public Law 95–341 (commonly known*
4 *as the ‘American Indian Religious Freedom Act’*
5 *(42 U.S.C. 1996));*

6 “(C) *the National Museum of the American*
7 *Indian Act (20 U.S.C. 80q et seq.);*

8 “(D) *the Native American Graves Protec-*
9 *tion and Repatriation Act (25 U.S.C. 3001 et*
10 *seq.);*

11 “(E) *the National Historic Preservation Act*
12 *(16 U.S.C. 470 et seq.);*

13 “(F) *the Native American Languages Act*
14 *(25 U.S.C. 2901 et seq.);*

15 “(G) *the American Indian, Alaska Native,*
16 *and Native Hawaiian Culture and Art Develop-*
17 *ment Act (20 U.S.C. 4401 et seq.);*

18 “(H) *the Workforce Investment Act of 1998*
19 *(29 U.S.C. 2801 et seq.); and*

20 “(I) *the Older Americans Act of 1965 (42*
21 *U.S.C. 3001 et seq.).*

22 “(5) *Many Native Hawaiian students lag behind*
23 *other students in terms of—*

24 “(A) *school readiness factors;*

1 “(B) scoring below national norms on edu-
2 cation achievement tests at all grade levels;

3 “(C) underrepresentation in the uppermost
4 achievement levels and in gifted and talented
5 programs;

6 “(D) overrepresentation among students
7 qualifying for special education programs;

8 “(E) underrepresentation in institutions of
9 higher education and among adults who have
10 completed 4 or more years of college.

11 “(6) The percentage of Native Hawaiian stu-
12 dents served by the State of Hawaii Department of
13 Education rose 30 percent from 1980 to 2008, and
14 there are and will continue to be geographically rural,
15 isolated areas with a high Native Hawaiian popu-
16 lation density.

17 “(7) The Native Hawaiian people are deter-
18 mined to preserve, develop, and transmit to future
19 generations their ancestral territory and their cul-
20 tural identity in accordance with their own spiritual
21 and traditional beliefs, customs, practices, language,
22 and social institutions.

23 **“SEC. 5302. PURPOSES.**

24 “The purposes of this part are—

1 “(1) to authorize, develop, implement, assess, and
2 *evaluate innovative educational programs, Native*
3 *Hawaiian language medium programs, Native Ha-*
4 *waiian culture-based education programs, and other*
5 *education programs to improve the academic achieve-*
6 *ment of Native Hawaiian students by meeting their*
7 *unique cultural and language needs in order to help*
8 *such students meet challenging State student aca-*
9 *demical achievement standards;*

10 “(2) to provide guidance to appropriate Federal,
11 State, and local agencies to more effectively and effi-
12 ciently focus resources, including resources made
13 available under this part, on the development and im-
14 plementation of—

15 “(A) innovative educational programs for
16 Native Hawaiians;

17 “(B) rigorous and substantive Native Ha-
18 waiian language programs; and

19 “(C) Native Hawaiian culture-based edu-
20 cational programs; and

21 “(3) to create a system by which information
22 from programs funded under this part will be col-
23 lected, analyzed, evaluated, reported, and used in de-
24 cisionmaking activities regarding the types of grants
25 awarded under this part.

1 **“SEC. 5303. NATIVE HAWAIIAN EDUCATION COUNCIL**
2 **GRANT.**

3 “(a) *GRANT AUTHORIZED.*—*In order to better effec-*
4 *tuate the purposes of this part through the coordination of*
5 *educational and related services and programs available to*
6 *Native Hawaiians, including those programs that receive*
7 *funding under this part, the Secretary shall award a grant*
8 *to an education council, as described under subsection (b).*

9 “(b) *EDUCATION COUNCIL.*—

10 “(1) *ELIGIBILITY.*—*To be eligible to receive the*
11 *grant under subsection (a), the council shall be an*
12 *education council (referred to in this section as the*
13 *‘Education Council’) that meets the requirements of*
14 *this subsection.*

15 “(2) *COMPOSITION.*—*The Education Council*
16 *shall consist of 15 members of whom—*

17 “(A) *one shall be the President of the Uni-*
18 *versity of Hawaii (or a designee);*

19 “(B) *one shall be the Governor of the State*
20 *of Hawaii (or a designee);*

21 “(C) *one shall be the Superintendent of the*
22 *State of Hawaii Department of Education (or a*
23 *designee);*

24 “(D) *one shall be the chairperson of the Of-*
25 *fice of Hawaiian Affairs (or a designee);*

1 “(E) one shall be the executive director of
2 Hawaii’s Charter School Network (or a des-
3 ignee);

4 “(F) one shall be the chief executive officer
5 of the Kamehameha Schools (or a designee);

6 “(G) one shall be the Chief Executive Officer
7 of the Queen Liliuokalani Trust (or a designee);

8 “(H) one shall be a member, selected by the
9 other members of the Education Council, who
10 represents a private grant-making entity;

11 “(I) one shall be the Mayor of the County
12 of Hawaii (or a designee);

13 “(J) one shall be the Mayor of Maui County
14 (or a designee from the Island of Maui);

15 “(K) one shall be the Mayor of the County
16 of Kauai (or a designee);

17 “(L) one shall be appointed by the Mayor of
18 Maui County from the Island of either Molokai
19 or Lanai;

20 “(M) one shall be the Mayor of the City and
21 County of Honolulu (or a designee);

22 “(N) one shall be the chairperson of the Ha-
23 waiian Homes Commission (or a designee); and

1 “(O) one shall be the chairperson of the Ha-
2 waii Workforce Development Council (or a des-
3 ignee representing the private sector).

4 “(3) *REQUIREMENTS.*—Any designee serving on
5 the Education Council shall demonstrate, as deter-
6 mined by the individual who appointed such designee
7 with input from the Native Hawaiian community,
8 not less than 5 years of experience as a consumer or
9 provider of Native Hawaiian education or cultural
10 activities, with traditional cultural experience given
11 due consideration.

12 “(4) *LIMITATION.*—A member (including a des-
13 ignee), while serving on the Education Council, shall
14 not be a recipient of grant funds that are awarded
15 under this part.

16 “(5) *TERM OF MEMBERS.*—A member who is a
17 designee shall serve for a term of not more than 4
18 years.

19 “(6) *CHAIR, VICE CHAIR.*—

20 “(A) *SELECTION.*—The Education Council
21 shall select a Chair and a Vice Chair from
22 among the members of the Education Council.

23 “(B) *TERM LIMITS.*—The Chair and Vice
24 Chair shall each serve for a 2-year term.

1 “(7) *ADMINISTRATIVE PROVISIONS RELATING TO*
2 *EDUCATION COUNCIL.*—*The Education Council shall*
3 *meet at the call of the Chair of the Council, or upon*
4 *request by a majority of the members of the Edu-*
5 *cation Council, but in any event not less often than*
6 *every 120 days.*

7 “(8) *NO COMPENSATION.*—*None of the funds*
8 *made available through the grant may be used to pro-*
9 *vide compensation to any member of the Education*
10 *Council or member of a working group established by*
11 *the Education Council, for functions described in this*
12 *section.*

13 “(c) *USE OF FUNDS FOR COORDINATION ACTIVI-*
14 *TIES.*—*The Education Council shall use funds made avail-*
15 *able through the grant to carry out each of the following*
16 *activities:*

17 “(1) *Providing advice about the coordination,*
18 *and serving as a clearinghouse for, the educational*
19 *and related services and programs available to Native*
20 *Hawaiians, including the programs assisted under*
21 *this part.*

22 “(2) *Assessing the extent to which such services*
23 *and programs meet the needs of Native Hawaiians,*
24 *and collecting data on the status of Native Hawaiian*
25 *education.*

1 “(3) *Providing direction and guidance, through*
2 *the issuance of reports and recommendations, to ap-*
3 *propriate Federal, State, and local agencies in order*
4 *to focus and improve the use of resources, including*
5 *resources made available under this part, relating to*
6 *Native Hawaiian education, and serving, where ap-*
7 *propriate, in an advisory capacity.*

8 “(4) *Awarding grants, if such grants enable the*
9 *Education Council to carry out the activities de-*
10 *scribed in paragraphs (1) through (3).*

11 “(5) *Hiring an executive director who shall as-*
12 *sist in executing the duties and powers of the Edu-*
13 *cation Council, as described in subsection (d).*

14 “(d) *USE OF FUNDS FOR TECHNICAL ASSISTANCE.—*
15 *The Education Council shall use funds made available*
16 *through the grant to—*

17 “(1) *provide technical assistance to Native Ha-*
18 *waiian organizations that are grantees or potential*
19 *grantees under this part;*

20 “(2) *obtain from such grantees information and*
21 *data regarding grants awarded under this part, in-*
22 *cluding information and data about—*

23 “(A) *the effectiveness of such grantees in*
24 *meeting the educational priorities established by*
25 *the Education Council, as described in para-*

1 *graph (6)(D), using metrics related to these pri-*
2 *orities; and*

3 *“(B) the effectiveness of such grantees in*
4 *carrying out any of the activities described in*
5 *section 5304(c) that are related to the specific*
6 *goals and purposes of each grantee’s grant*
7 *project, using metrics related to these priorities;*

8 *“(3) assess and define the educational needs of*
9 *Native Hawaiians;*

10 *“(4) assess the programs and services available*
11 *to address the educational needs of Native Hawaiians;*

12 *“(5) assess and evaluate the individual and ag-*
13 *gregate impact achieved by grantees under this part*
14 *in improving Native Hawaiian educational perform-*
15 *ance and meeting the goals of this part, using metrics*
16 *related to these goals; and*

17 *“(6) prepare and submit to the Secretary, at the*
18 *end of each calendar year, an annual report that con-*
19 *tains—*

20 *“(A) a description of the activities of the*
21 *Education Council during the calendar year;*

22 *“(B) a description of significant barriers to*
23 *achieving the goals of this part;*

24 *“(C) a summary of each community con-*
25 *sultation session described in subsection (e); and*

1 “(D) recommendations to establish prior-
2 ities for funding under this part, based on an as-
3 sessment of—

4 “(i) the educational needs of Native
5 Hawaiians;

6 “(ii) programs and services available
7 to address such needs;

8 “(iii) the effectiveness of programs in
9 improving the educational performance of
10 Native Hawaiian students to help such stu-
11 dents meet challenging State student aca-
12 demic achievement standards; and

13 “(iv) priorities for funding in specific
14 geographic communities.

15 “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-
16 TIONS.—The Education Council shall use funds made avail-
17 able through the grant under subsection (a) to hold not less
18 than one community consultation each year on each of the
19 islands of Hawaii, Maui, Molokai, Lanai, Oahu, and
20 Kauai, at which—

21 “(1) not less than three members of the Edu-
22 cation Council shall be in attendance;

23 “(2) the Education Council shall gather commu-
24 nity input regarding—

1 “(A) current grantees under this part, as of
2 the date of the consultation;

3 “(B) priorities and needs of Native Hawai-
4 ians; and

5 “(C) other Native Hawaiian education
6 issues; and

7 “(3) the Education Council shall report to the
8 community on the outcomes of the activities supported
9 by grants awarded under this part.

10 “(f) FUNDING.—For each fiscal year, the Secretary
11 shall use the amount described in section 5305(d)(2), to
12 make a payment under the grant. Funds made available
13 through the grant shall remain available until expended.

14 “(g) REPORT.—Beginning not later than 2 years after
15 the date of the enactment of the Student Success Act, and
16 for each subsequent year, the Secretary shall prepare and
17 submit to the Committee on Education and the Workforce
18 of the House of Representatives, and the Committee on In-
19 dian Affairs and the Committee on Health, Education,
20 Labor, and Pensions of the Senate, a report that—

21 “(1) summarizes the annual reports of the Edu-
22 cation Council;

23 “(2) describes the allocation and use of funds
24 under this part and the information gathered since

1 *the first annual report submitted by the Education*
2 *Council to the Secretary under this section; and*

3 *“(3) contains recommendations for changes in*
4 *Federal, State, and local policy to advance the pur-*
5 *poses of this part.*

6 **“SEC. 5304. GRANT PROGRAM AUTHORIZED.**

7 *“(a) GRANTS AND CONTRACTS.—In order to carry out*
8 *programs that meet the purposes of this part, the Secretary*
9 *is authorized to award grants to, or enter into contracts*
10 *with—*

11 *“(1) Native Hawaiian educational organiza-*
12 *tions;*

13 *“(2) Native Hawaiian community-based organi-*
14 *zations;*

15 *“(3) public and private nonprofit organizations,*
16 *agencies, and institutions with experience in devel-*
17 *oping or operating Native Hawaiian education and*
18 *workforce development programs or programs of in-*
19 *struction in the Native Hawaiian language;*

20 *“(4) charter schools; and*

21 *“(5) consortia of the organizations, agencies, and*
22 *institutions described in paragraphs (1) through (4).*

23 *“(b) PRIORITY.—In awarding grants and entering*
24 *into contracts under this part, the Secretary shall give pri-*
25 *ority to—*

1 “(1) programs that meet the educational priority
2 *recommendations of the Education Council, as de-*
3 *scribed under section 5303(d)(6)(D);*

4 “(2) the repair and renovation of public schools
5 *that serve high concentrations of Native Hawaiian*
6 *students;*

7 “(3) programs designed to improve the academic
8 *achievement of Native Hawaiian students by meeting*
9 *their unique cultural and language needs in order to*
10 *help such students meet challenging State student*
11 *academic achievement standards, including activities*
12 *relating to—*

13 “(A) achieving competence in reading, lit-
14 *eracy, mathematics, and science for students in*
15 *preschool through grade 3;*

16 “(B) the educational needs of at-risk chil-
17 *dren and youth;*

18 “(C) professional development for teachers
19 *and administrators;*

20 “(D) the use of Native Hawaiian language
21 *and preservation or reclamation of Native Ha-*
22 *waiian culture-based educational practices; and*

23 “(E) other programs relating to the activi-
24 *ties described in this part; and*

1 “(4) programs in which a local educational
2 agency, institution of higher education, or a State
3 educational agency in partnership with a nonprofit
4 entity serving underserved communities within the
5 Native Hawaiian population apply for a grant or
6 contract under this part as part of a partnership or
7 consortium.

8 “(c) *AUTHORIZED ACTIVITIES.*—Activities provided
9 through programs carried out under this part may in-
10 clude—

11 “(1) the development and maintenance of a
12 statewide Native Hawaiian early education and care
13 system to provide a continuum of high-quality early
14 learning services for Native Hawaiian children from
15 the prenatal period through the age of kindergarten
16 entry;

17 “(2) the operation of family-based education cen-
18 ters that provide such services as—

19 “(A) early care and education programs for
20 Native Hawaiians; and

21 “(B) research on, and development and as-
22 sessment of, family-based, early childhood, and
23 preschool programs for Native Hawaiians;

24 “(3) activities that enhance beginning reading
25 and literacy in either the Hawaiian or the English

1 *language among Native Hawaiian students in kinder-*
2 *garten through grade 3 and assistance in addressing*
3 *the distinct features of combined English and Hawai-*
4 *ian literacy for Hawaiian speakers in grades 5 and*
5 *6;*

6 *“(4) activities to meet the special needs of Native*
7 *Hawaiian students with disabilities, including—*

8 *“(A) the identification of such students and*
9 *their needs;*

10 *“(B) the provision of support services to the*
11 *families of such students; and*

12 *“(C) other activities consistent with the re-*
13 *quirements of the Individuals with Disabilities*
14 *Education Act;*

15 *“(5) activities that address the special needs of*
16 *Native Hawaiian students who are gifted and tal-*
17 *ented, including—*

18 *“(A) educational, psychological, and devel-*
19 *opmental activities designed to assist in the edu-*
20 *cational progress of such students; and*

21 *“(B) activities that involve the parents of*
22 *such students in a manner designed to assist in*
23 *the educational progress of such students;*

24 *“(6) the development of academic and vocational*
25 *curricula to address the needs of Native Hawaiian*

1 *students, including curricula materials in the Hawai-*
2 *ian language and mathematics and science curricula*
3 *that incorporate Native Hawaiian tradition and cul-*
4 *ture;*

5 *“(7) professional development activities for edu-*
6 *cators, including—*

7 *“(A) the development of programs to pre-*
8 *pare prospective teachers to address the unique*
9 *needs of Native Hawaiian students within the*
10 *context of Native Hawaiian culture, language,*
11 *and traditions;*

12 *“(B) in-service programs to improve the*
13 *ability of teachers who teach in schools with high*
14 *concentrations of Native Hawaiian students to*
15 *meet the unique needs of such students; and*

16 *“(C) the recruitment and preparation of*
17 *Native Hawaiians, and other individuals who*
18 *live in communities with a high concentration of*
19 *Native Hawaiians, to become teachers;*

20 *“(8) the operation of community-based learning*
21 *centers that address the needs of Native Hawaiian*
22 *students, parents, families, and communities through*
23 *the coordination of public and private programs and*
24 *services, including—*

25 *“(A) early education programs;*

1 “(B) before, after, and Summer school pro-
2 grams, expanded learning time, or weekend
3 academies;

4 “(C) career and technical education pro-
5 grams; and

6 “(D) programs that recognize and support
7 the unique cultural and educational needs of Na-
8 tive Hawaiian children, and incorporate appro-
9 priately qualified Native Hawaiian elders and
10 seniors;

11 “(9) activities, including program co-location,
12 that ensure Native Hawaiian students graduate col-
13 lege and career ready including—

14 “(A) family literacy services;

15 “(B) counseling, guidance, and support
16 services for students; and

17 “(C) professional development activities de-
18 signed to help educators improve the college and
19 career readiness of Native Hawaiian students;

20 “(10) research and data collection activities to
21 determine the educational status and needs of Native
22 Hawaiian children and adults;

23 “(11) other research and evaluation activities re-
24 lated to programs carried out under this part; and

1 “(12) *other activities, consistent with the pur-*
2 *poses of this part, to meet the educational needs of*
3 *Native Hawaiian children and adults.*

4 “(d) *ADDITIONAL ACTIVITIES.—Notwithstanding any*
5 *other provision of this part, funds made available to carry*
6 *out this section as of the day before the date of the enact-*
7 *ment of the Student Success Act shall remain available*
8 *until expended. The Secretary shall use such funds to sup-*
9 *port the following:*

10 “(1) *The repair and renovation of public schools*
11 *that serve high concentrations of Native Hawaiian*
12 *students.*

13 “(2) *The perpetuation of, and expansion of ac-*
14 *cess to, Hawaiian culture and history through digital*
15 *archives.*

16 “(3) *Informal education programs that connect*
17 *traditional Hawaiian knowledge, science, astronomy,*
18 *and the environment through State museums or*
19 *learning centers.*

20 “(4) *Public charter schools serving high con-*
21 *centrations of Native Hawaiian students.*

22 “(e) *ADMINISTRATIVE COSTS.—*

23 “(1) *IN GENERAL.—Except as provided in para-*
24 *graph (2), not more than 5 percent of funds provided*
25 *to a recipient of a grant or contract under this sec-*

1 *tion for any fiscal year may be used for administra-*
2 *tive purposes.*

3 “(2) *EXCEPTION.—The Secretary may waive the*
4 *requirement of paragraph (1) for a nonprofit entity*
5 *that receives funding under this section and allow not*
6 *more than 10 percent of funds provided to such non-*
7 *profit entity under this section for any fiscal year to*
8 *be used for administrative purposes.*

9 **“SEC. 5305. ADMINISTRATIVE PROVISIONS.**

10 “(a) *APPLICATION REQUIRED.—No grant may be*
11 *made under this part, and no contract may be entered into*
12 *under this part, unless the entity seeking the grant or con-*
13 *tract submits an application to the Secretary at such time,*
14 *in such manner, and containing such information as the*
15 *Secretary may determine to be necessary to carry out the*
16 *provisions of this part.*

17 “(b) *DIRECT GRANT APPLICATIONS.—The Secretary*
18 *shall provide a copy of all direct grant applications to the*
19 *Education Council.*

20 “(c) *SUPPLEMENT NOT SUPPLANT.—*

21 “(1) *IN GENERAL.—Except as provided in para-*
22 *graph (2), funds made available under this part shall*
23 *be used to supplement, and not supplant, any State*
24 *or local funds used to achieve the purposes of this*
25 *part.*

1 “(2) *EXCEPTION.*—*Paragraph (1) shall not*
 2 *apply to any nonprofit entity or Native Hawaiian*
 3 *community-based organization that receives a grant*
 4 *or other funds under this part.*

5 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—

6 “(1) *IN GENERAL.*—*There are authorized to be*
 7 *appropriated to carry out this part \$34,181,000 for*
 8 *each of fiscal years 2016 through 2021.*

9 “(2) *RESERVATION.*—*Of the funds appropriated*
 10 *under this subsection, the Secretary shall reserve, for*
 11 *each fiscal year after the date of the enactment of the*
 12 *Student Success Act not less than \$500,000 for the*
 13 *grant to the Education Council under section 5303.*

14 “(3) *AVAILABILITY.*—*Funds appropriated under*
 15 *this subsection shall remain available until ex-*
 16 *pended.”.*

17 ***TITLE VI—GENERAL PROVISIONS***
 18 ***FOR THE ACT***

19 ***SEC. 601. GENERAL PROVISIONS FOR THE ACT.***

20 “(a) *AMENDING TITLE VI.*—*Title VI (20 U.S.C. 7301*
 21 *et seq.) is amended to read as follows:*

1 **“TITLE VI—GENERAL**
2 **PROVISIONS**

3 **“PART A—DEFINITIONS**

4 **“SEC. 6101. DEFINITIONS.**

5 *“Except as otherwise provided, in this Act:*

6 *“(1) AVERAGE DAILY ATTENDANCE.—*

7 *“(A) IN GENERAL.—Except as provided oth-*
8 *erwise by State law or this paragraph, the term*
9 *‘average daily attendance’ means—*

10 *“(i) the aggregate number of days of*
11 *attendance of all students during a school*
12 *year; divided by*

13 *“(ii) the number of days school is in*
14 *session during that year.*

15 *“(B) CONVERSION.—The Secretary shall*
16 *permit the conversion of average daily member-*
17 *ship (or other similar data) to average daily at-*
18 *tendance for local educational agencies in States*
19 *that provide State aid to local educational agen-*
20 *cies on the basis of average daily membership (or*
21 *other similar data).*

22 *“(C) SPECIAL RULE.—If the local edu-*
23 *cational agency in which a child resides makes*
24 *a tuition or other payment for the free public*
25 *education of the child in a school located in an-*

1 *other school district, the Secretary shall, for the*
2 *purpose of this Act—*

3 “(i) *consider the child to be in attend-*
4 *ance at a school of the agency making the*
5 *payment; and*

6 “(ii) *not consider the child to be in at-*
7 *tendance at a school of the agency receiving*
8 *the payment.*

9 “(D) *CHILDREN WITH DISABILITIES.—If a*
10 *local educational agency makes a tuition pay-*
11 *ment to a private school or to a public school of*
12 *another local educational agency for a child with*
13 *a disability, as defined in section 602 of the In-*
14 *dividuals with Disabilities Education Act, the*
15 *Secretary shall, for the purpose of this Act, con-*
16 *sider the child to be in attendance at a school of*
17 *the agency making the payment.*

18 “(2) *AVERAGE PER-PUPIL EXPENDITURE.—The*
19 *term ‘average per-pupil expenditure’ means, in the*
20 *case of a State or of the United States—*

21 “(A) *without regard to the source of*
22 *funds—*

23 “(i) *the aggregate current expenditures,*
24 *during the third fiscal year preceding the*
25 *fiscal year for which the determination is*

1 *made (or, if satisfactory data for that year*
2 *are not available, during the most recent*
3 *preceding fiscal year for which satisfactory*
4 *data are available) of all local educational*
5 *agencies in the State or, in the case of the*
6 *United States, for all States (which, for the*
7 *purpose of this paragraph, means the 50*
8 *States and the District of Columbia); plus*

9 *“(ii) any direct current expenditures*
10 *by the State for the operation of those agen-*
11 *cies; divided by*

12 *“(B) the aggregate number of children in*
13 *average daily attendance to whom those agencies*
14 *provided free public education during that pre-*
15 *ceding year.*

16 *“(3) CHARTER SCHOOL.—The term ‘charter*
17 *school’ means a public school that—*

18 *“(A) in accordance with a specific State*
19 *statute authorizing the granting of charters to*
20 *schools, is exempt from significant State or local*
21 *rules that inhibit the flexible operation and man-*
22 *agement of public schools, but not from any rules*
23 *relating to the other requirements of this para-*
24 *graph;*

1 “(B) is created by a developer as a public
2 school, or is adapted by a developer from an ex-
3 isting public school, and is operated under pub-
4 lic supervision and direction;

5 “(C) operates in pursuit of a specific set of
6 educational objectives determined by the school’s
7 developer and agreed to by the authorized public
8 chartering agency;

9 “(D) provides a program of elementary or
10 secondary education, or both;

11 “(E) is nonsectarian in its programs, ad-
12 missions policies, employment practices, and all
13 other operations, and is not affiliated with a sec-
14 tarian school or religious institution;

15 “(F) does not charge tuition;

16 “(G) complies with the Age Discrimination
17 Act of 1975, title VI of the Civil Rights Act of
18 1964, title IX of the Education Amendments of
19 1972, section 504 of the Rehabilitation Act of
20 1973, part B of the Individuals with Disabilities
21 Education Act, the Americans with Disabilities
22 Act of 1990 (42 U.S.C. 12101 et seq.), and sec-
23 tion 444 of the General Education Provisions
24 Act (20 U.S.C. 1232(g)) (commonly known as

1 the ‘Family Education Rights and Privacy Act
2 of 1974’);

3 “(H) is a school to which parents choose to
4 send their children, and admits students on the
5 basis of a lottery if more students apply for ad-
6 mission than can be accommodated, except that
7 in cases in which students who are enrolled in
8 a charter school affiliated (such as by sharing a
9 network) with another charter school, those stu-
10 dents may be automatically enrolled in the next
11 grade level at such other charter school, so long
12 as a lottery is used to fill seats created through
13 regular attrition in student enrollment;

14 “(I) agrees to comply with the same Federal
15 and State audit requirements as do other elemen-
16 tary schools and secondary schools in the State,
17 unless such State audit requirements are waived
18 by the State;

19 “(J) meets all applicable Federal, State,
20 and local health and safety requirements;

21 “(K) operates in accordance with State law;

22 “(L) has a written performance contract
23 with the authorized public chartering agency in
24 the State that includes a description of how stu-
25 dent performance will be measured in charter

1 *schools pursuant to State assessments that are*
2 *required of other schools and pursuant to any*
3 *other assessments mutually agreeable to the au-*
4 *thorized public chartering agency and the char-*
5 *ter school; and*

6 “(M) *may serve prekindergarten or postsec-*
7 *ondary students.*

8 “(4) *CHILD.—The term ‘child’ means any person*
9 *within the age limits for which the State provides free*
10 *public education.*

11 “(5) *CHILD WITH A DISABILITY.—The term*
12 *‘child with a disability’ has the same meaning given*
13 *that term in section 602 of the Individuals with Dis-*
14 *abilities Education Act.*

15 “(6) *COMMUNITY-BASED ORGANIZATION.—The*
16 *term ‘community-based organization’ means a public*
17 *or private nonprofit organization of demonstrated ef-*
18 *fectiveness that—*

19 “(A) *is representative of a community or*
20 *significant segments of a community; and*

21 “(B) *provides educational or related services*
22 *to individuals in the community.*

23 “(7) *CONSOLIDATED LOCAL APPLICATION.—The*
24 *term ‘consolidated local application’ means an appli-*

1 *tion submitted by a local educational agency pursu-*
2 *ant to section 6305.*

3 “(8) *CONSOLIDATED LOCAL PLAN.*—*The term*
4 *‘consolidated local plan’ means a plan submitted by*
5 *a local educational agency pursuant to section 6305.*

6 “(9) *CONSOLIDATED STATE APPLICATION.*—*The*
7 *term ‘consolidated State application’ means an appli-*
8 *cation submitted by a State educational agency pur-*
9 *suant to section 6302.*

10 “(10) *CONSOLIDATED STATE PLAN.*—*The term*
11 *‘consolidated State plan’ means a plan submitted by*
12 *a State educational agency pursuant to section 6302.*

13 “(11) *COUNTY.*—*The term ‘county’ means one of*
14 *the divisions of a State used by the Secretary of Com-*
15 *merce in compiling and reporting data regarding*
16 *counties.*

17 “(12) *COVERED PROGRAM.*—*The term ‘covered*
18 *program’ means each of the programs authorized*
19 *by—*

20 “(A) *part A of title I;*

21 “(B) *title II; and*

22 “(C) *part B of title III.*

23 “(13) *CURRENT EXPENDITURES.*—*The term ‘cur-*
24 *rent expenditures’ means expenditures for free public*
25 *education—*

1 “(A) including expenditures for administra-
2 tion, instruction, attendance and health services,
3 pupil transportation services, operation and
4 maintenance of plant, fixed charges, and net ex-
5 penditures to cover deficits for food services and
6 student body activities; but

7 “(B) not including expenditures for commu-
8 nity services, capital outlay, and debt service, or
9 any expenditures made from funds received
10 under title I.

11 “(14) *DEPARTMENT.*—The term ‘Department’
12 means the Department of Education.

13 “(15) *DIRECT STUDENT SERVICES.*—The term
14 ‘direct student services’ means public school choice or
15 high-quality academic tutoring that are designed to
16 help increase academic achievement for students.

17 “(16) *DISTANCE EDUCATION.*—The term ‘dis-
18 tance education’ means the use of one or more tech-
19 nologies to deliver instruction to students who are
20 separated from the instructor and to support regular
21 and substantive interaction between the students and
22 the instructor synchronously or nonsynchronously.

23 “(17) *EDUCATIONAL SERVICE AGENCY.*—The
24 term ‘educational service agency’ means a regional
25 public multiservice agency authorized by State statute

1 to develop, manage, and provide services or programs
2 to local educational agencies.

3 “(18) *ELEMENTARY SCHOOL*.—The term ‘elemen-
4 tary school’ means a nonprofit institutional day or
5 residential school, including a public elementary
6 charter school, that provides elementary education, as
7 determined under State law.

8 “(19) *ENGLISH LEARNER*.—The term ‘English
9 learner’, when used with respect to an individual,
10 means an individual—

11 “(A) who is aged 3 through 21;

12 “(B) who is enrolled or preparing to enroll
13 in an elementary school or secondary school;

14 “(C)(i) who was not born in the United
15 States or whose native language is a language
16 other than English;

17 “(ii)(I) who is a Native American or Alaska
18 Native, or a native resident of the outlying
19 areas; and

20 “(II) who comes from an environment
21 where a language other than English has had a
22 significant impact on the individual’s level of
23 English language proficiency; or

24 “(iii) who is migratory, whose native lan-
25 guage is a language other than English, and who

1 *comes from an environment where a language*
 2 *other than English is dominant; and*

3 “(D) *whose difficulties in speaking, reading,*
 4 *writing, or understanding the English language*
 5 *may be sufficient to deny the individual—*

6 “(i) *the ability to meet the State’s aca-*
 7 *demical standards described in section 1111;*

8 “(ii) *the ability to successfully achieve*
 9 *in classrooms where the language of instruc-*
 10 *tion is English; or*

11 “(iii) *the opportunity to participate*
 12 *fully in society.*

13 “(20) *EXTENDED-YEAR ADJUSTED COHORT*
 14 *GRADUATION RATE.—*

15 “(A) *IN GENERAL.—The term ‘extended-*
 16 *year adjusted cohort graduation rate’ means the*
 17 *ratio where—*

18 “(i) *the denominator consists of the*
 19 *number of students who form the original*
 20 *cohort of entering first-time 9th grade stu-*
 21 *dents enrolled in the high school no later*
 22 *than the effective date for student member-*
 23 *ship data submitted annually by State edu-*
 24 *cational agencies to the National Center for*
 25 *Education Statistics under section 153 of*

1 *the Education Sciences Reform Act, ad-*
2 *justed by—*

3 “(I) *adding the students who*
4 *joined that cohort, after the time of the*
5 *determination of the original cohort;*
6 *and*

7 “(II) *subtracting only those stu-*
8 *dents who left that cohort, after the*
9 *time of the determination of the origi-*
10 *nal cohort, as described in subpara-*
11 *graph (B); and*

12 “(ii) *the numerator consists of the*
13 *number of students in the cohort, as ad-*
14 *justed under clause (i), who earned a reg-*
15 *ular high school diploma before, during, or*
16 *at the conclusion of—*

17 “(I) *one or more additional years*
18 *beyond the fourth year of high school;*
19 *or*

20 “(II) *a summer session imme-*
21 *diately following the additional year of*
22 *high school.*

23 “(B) *COHORT REMOVAL.—To remove a stu-*
24 *dent from a cohort, a school or local educational*
25 *agency shall require documentation to confirm*

1 *that the student has transferred out, emigrated to*
2 *another country, transferred to a prison or juve-*
3 *nile facility, or is deceased.*

4 “(C) *TRANSFERRED OUT.*—

5 “(i) *IN GENERAL.*—*For purposes of*
6 *this paragraph, the term ‘transferred out’*
7 *means a student who the high school or*
8 *local educational agency has confirmed, ac-*
9 *ording to clause (ii), has transferred—*

10 “(I) *to another school from which*
11 *the student is expected to receive a reg-*
12 *ular high school diploma; or*

13 “(II) *to another educational pro-*
14 *gram from which the student is ex-*
15 *pected to receive a regular high school*
16 *diploma.*

17 “(ii) *CONFIRMATION REQUIRE-*
18 *MENTS.*—

19 “(I) *DOCUMENTATION RE-*
20 *QUIRED.*—*The confirmation of a stu-*
21 *dent’s transfer to another school or*
22 *educational program described in*
23 *clause (i) requires documentation from*
24 *the receiving school or program that*

1 *the student enrolled in the receiving*
2 *school or program.*

3 “(II) *LACK OF CONFIRMATION.*—A
4 *student who was enrolled, but for*
5 *whom there is no confirmation of the*
6 *student having transferred out, shall*
7 *remain in the denominator of the ex-*
8 *tended-year adjusted cohort.*

9 “(iii) *PROGRAMS NOT PROVIDING*
10 *CREDIT.*—A *student who is retained in*
11 *grade or who is enrolled in a GED or other*
12 *alternative educational program that does*
13 *not issue or provide credit toward the*
14 *issuance of a regular high school diploma*
15 *shall not be considered transferred out and*
16 *shall remain in the extended-year adjusted*
17 *cohort.*

18 “(D) *SPECIAL RULE.*—*For those high*
19 *schools that start after grade 9, the original co-*
20 *hort shall be calculated for the earliest high*
21 *school grade students attend no later than the ef-*
22 *fective date for student membership data sub-*
23 *mitted annually by State educational agencies to*
24 *the National Center for Education Statistics*

1 *pursuant to section 153 of the Education*
2 *Sciences Reform Act.*

3 “(21) *FAMILY LITERACY SERVICES.*—*The term*
4 *‘family literacy services’ means services provided to*
5 *participants on a voluntary basis that are of suffi-*
6 *cient intensity in terms of hours, and of sufficient du-*
7 *ration, to make sustainable changes in a family, and*
8 *that integrate all of the following activities:*

9 “(A) *Interactive literacy activities between*
10 *parents and their children.*

11 “(B) *Training for parents regarding how to*
12 *be the primary teacher for their children and full*
13 *partners in the education of their children.*

14 “(C) *Parent literacy training that leads to*
15 *economic self-sufficiency.*

16 “(D) *An age-appropriate education to pre-*
17 *pare children for success in school and life expe-*
18 *riences.*

19 “(22) *FOUR-YEAR ADJUSTED COHORT GRADUA-*
20 *TION RATE.*—

21 “(A) *IN GENERAL.*—*The term ‘four-year ad-*
22 *justed cohort graduation rate’ means the ratio*
23 *where—*

24 “(i) *the denominator consists of the*
25 *number of students who form the original*

1 *cohort of entering first-time 9th grade stu-*
2 *dents enrolled in the high school no later*
3 *than the effective date for student member-*
4 *ship data submitted annually by State edu-*
5 *cational agencies to the National Center for*
6 *Education Statistics pursuant to section*
7 *153 of the Education Sciences Reform Act,*
8 *adjusted by—*

9 *“(I) adding the students who*
10 *joined that cohort, after the time of the*
11 *determination of the original cohort;*
12 *and*

13 *“(II) subtracting only those stu-*
14 *dents who left that cohort, after the*
15 *time of the determination of the origi-*
16 *nal cohort, as described in subpara-*
17 *graph (B); and*

18 *“(ii) the numerator consists of the*
19 *number of students in the cohort, as ad-*
20 *justed under clause (i), who earned a reg-*
21 *ular high school diploma before, during, or*
22 *at the conclusion of—*

23 *“(I) the fourth year of high school;*

24 *or*

1 “(II) a summer session imme-
2 diately following the fourth year of
3 high school.

4 “(B) COHORT REMOVAL.—To remove a stu-
5 dent from a cohort, a school or local educational
6 agency shall require documentation to confirm
7 that the student has transferred out, emigrated to
8 another country, transferred to a prison or juve-
9 nile facility, or is deceased.

10 “(C) TRANSFERRED OUT.—

11 “(i) IN GENERAL.—For purposes of
12 this paragraph, the term ‘transferred out’
13 means a student who the high school or
14 local educational agency has confirmed, ac-
15 cording to clause (ii), has transferred—

16 “(I) to another school from which
17 the student is expected to receive a reg-
18 ular high school diploma; or

19 “(II) to another educational pro-
20 gram from which the student is ex-
21 pected to receive a regular high school
22 diploma.

23 “(ii) CONFIRMATION REQUIRE-
24 MENTS.—

1 “(I) DOCUMENTATION RE-
2 QUIRED.—The confirmation of a stu-
3 dent’s transfer to another school or
4 educational program described in
5 clause (i) requires documentation from
6 the receiving school or program that
7 the student enrolled in the receiving
8 school or program.

9 “(II) LACK OF CONFIRMATION.—A
10 student who was enrolled, but for
11 whom there is no confirmation of the
12 student having transferred out, shall
13 remain in the adjusted cohort.

14 “(iii) PROGRAMS NOT PROVIDING
15 CREDIT.—A student who is retained in
16 grade or who is enrolled in a GED or other
17 alternative educational program that does
18 not issue or provide credit toward the
19 issuance of a regular high school diploma
20 shall not be considered transferred out and
21 shall remain in the adjusted cohort.

22 “(D) SPECIAL RULE.—For those high
23 schools that start after grade 9, the original co-
24 hort shall be calculated for the earliest high
25 school grade students attend no later than the ef-

1 *fective date for student membership data sub-*
2 *mitted annually by State educational agencies to*
3 *the National Center for Education Statistics*
4 *pursuant to section 153 of the Education*
5 *Sciences Reform Act.*

6 “(23) *FREE PUBLIC EDUCATION.*—*The term ‘free*
7 *public education’ means education that is provided—*

8 “(A) *at public expense, under public super-*
9 *vision and direction, and without tuition charge;*
10 *and*

11 “(B) *as elementary school or secondary*
12 *school education as determined under applicable*
13 *State law, except that the term does not include*
14 *any education provided beyond grade 12.*

15 “(24) *GIFTED AND TALENTED.*—*The term ‘gifted*
16 *and talented’, when used with respect to students,*
17 *children, or youth, means students, children, or youth*
18 *who give evidence of high achievement capability in*
19 *areas such as intellectual, creative, artistic, or leader-*
20 *ship capacity, or in specific academic fields, and who*
21 *need services or activities not ordinarily provided by*
22 *the school in order to fully develop those capabilities.*

23 “(25) *HIGH-QUALITY ACADEMIC TUTORING.*—*The*
24 *term ‘high-quality academic tutoring’ means supple-*
25 *mental academic services that—*

1 “(A) are in addition to instruction provided
2 during the school day;

3 “(B) are provided by a non-governmental
4 entity or local educational agency that—

5 “(i) is included on a State educational
6 agency approved provider list after dem-
7 onstrating to the State educational agency
8 that its program consistently improves the
9 academic achievement of students; and

10 “(ii) agrees to provide parents of chil-
11 dren receiving high-quality academic tutor-
12 ing, the appropriate local educational agen-
13 cy, and school with information on partici-
14 pating students increases in academic
15 achievement, in a format, and to the extent
16 practicable, a language that such parent
17 can understand, and in a manner that pro-
18 tects the privacy of individuals consistent
19 with section 444 of the General Education
20 Provisions Act (20 U.S.C. 1232g);

21 “(C) are selected by the parents of students
22 who are identified by the local educational agen-
23 cy as being eligible for such services from among
24 providers on the approved provider list described
25 in subparagraph (B)(i);

1 “(D) meet all applicable Federal, State, and
2 local health, safety, and civil rights laws; and

3 “(E) ensure that all instruction and content
4 are secular, neutral, and non-ideological.

5 “(26) HIGH SCHOOL.—The term ‘high school’
6 means a secondary school that—

7 “(A) grants a diploma, as defined by the
8 State; and

9 “(B) includes, at least, grade 12.

10 “(27) INSTITUTION OF HIGHER EDUCATION.—
11 The term ‘institution of higher education’ has the
12 meaning given that term in section 101(a) of the
13 Higher Education Act of 1965.

14 “(28) LOCAL EDUCATIONAL AGENCY.—

15 “(A) IN GENERAL.—The term ‘local edu-
16 cational agency’ means a public board of edu-
17 cation or other public authority legally con-
18 stituted within a State for either administrative
19 control or direction of, or to perform a service
20 function for, public elementary schools or sec-
21 ondary schools in a city, county, township,
22 school district, or other political subdivision of a
23 State, or of or for a combination of school dis-
24 tricts or counties that is recognized in a State as

1 *an administrative agency for its public elemen-*
2 *tary schools or secondary schools.*

3 “(B) *ADMINISTRATIVE CONTROL AND DI-*
4 *RECTION.*—*The term includes any other public*
5 *institution or agency having administrative con-*
6 *trol and direction of a public elementary school*
7 *or secondary school.*

8 “(C) *BIE SCHOOLS.*—*The term includes an*
9 *elementary school or secondary school funded by*
10 *the Bureau of Indian Education but only to the*
11 *extent that including the school makes the school*
12 *eligible for programs for which specific eligibility*
13 *is not provided to the school in another provision*
14 *of law and the school does not have a student*
15 *population that is smaller than the student pop-*
16 *ulation of the local educational agency receiving*
17 *assistance under this Act with the smallest stu-*
18 *dent population, except that the school shall not*
19 *be subject to the jurisdiction of any State edu-*
20 *cational agency other than the Bureau of Indian*
21 *Education.*

22 “(D) *EDUCATIONAL SERVICE AGENCIES.*—
23 *The term includes educational service agencies*
24 *and consortia of those agencies.*

1 “(E) *STATE EDUCATIONAL AGENCY.*—*The*
2 *term includes the State educational agency in a*
3 *State in which the State educational agency is*
4 *the sole educational agency for all public schools.*

5 “(29) *NATIVE AMERICAN AND NATIVE AMERICAN*
6 *LANGUAGE.*—*The terms ‘Native American’ and ‘Na-*
7 *tive American language’ have the same meaning given*
8 *those terms in section 103 of the Native American*
9 *Languages Act of 1990.*

10 “(30) *OTHER STAFF.*—*The term ‘other staff’*
11 *means specialized instructional support personnel, li-*
12 *brarians, career guidance and counseling personnel,*
13 *education aides, and other instructional and adminis-*
14 *trative personnel.*

15 “(31) *OUTLYING AREA.*—*The term ‘outlying*
16 *area’—*

17 “(A) *means American Samoa, the Common-*
18 *wealth of the Northern Mariana Islands, Guam,*
19 *and the United States Virgin Islands;*

20 “(B) *means the Republic of Palau, to the*
21 *extent permitted under section 105(f)(1)(B)(ix)*
22 *of the Compact of Free Association Amendments*
23 *Act of 2003 (Public Law 99–658; 117 Stat.*
24 *2751) and until an agreement for the extension*
25 *of United States education assistance under the*

1 *Compact of Free Association becomes effective for*
2 *the Republic of Palau; and*

3 “(C) for the purpose of any discretionary
4 grant program under this Act, includes the Re-
5 public of the Marshall Islands and the Federated
6 States of Micronesia, to the extent permitted
7 under section 105(f)(1)(B)(viii) of the Compact
8 of Free Association Amendments Act of 2003
9 (Public Law 108–188; 117 Stat. 2751).

10 “(32) PARENT.—The term ‘parent’ includes a
11 legal guardian or other person standing in loco
12 parentis (such as a grandparent, stepparent, or foster
13 parent with whom the child lives, or a person who is
14 legally responsible for the child’s welfare).

15 “(33) PARENTAL INVOLVEMENT.—The term ‘pa-
16 rental involvement’ means the participation of par-
17 ents in regular, two-way, and meaningful commu-
18 nication involving student academic learning and
19 other school activities, including ensuring—

20 “(A) that parents play an integral role in
21 assisting in their child’s learning;

22 “(B) that parents are encouraged to be ac-
23 tively involved in their child’s education at
24 school;

1 “(C) that parents are full partners in their
2 child’s education and are included, as appro-
3 priate, in decisionmaking and on advisory com-
4 mittees to assist in the education of their child;
5 and

6 “(D) the carrying out of other activities,
7 such as those described in section 1118.

8 “(34) *POVERTY LINE*.—The term ‘poverty line’
9 means the poverty line (as defined by the Office of
10 Management and Budget and revised annually in ac-
11 cordance with section 673(2) of the Community Serv-
12 ices Block Grant Act) applicable to a family of the
13 size involved.

14 “(35) *PROFESSIONAL DEVELOPMENT*.—The term
15 ‘professional development’—

16 “(A) includes evidence-based, job-embedded,
17 continuous activities that—

18 “(i) improve and increase teachers’
19 knowledge of the academic subjects the
20 teachers teach, and enable teachers to be-
21 come effective educators;

22 “(ii) are an integral part of broad
23 schoolwide and districtwide educational im-
24 provement plans;

1 “(iii) give teachers, school leaders,
2 other staff, and administrators the knowl-
3 edge and skills to provide students with the
4 opportunity to meet State academic stand-
5 ards;

6 “(iv) improve classroom management
7 skills;

8 “(v)(I) have a positive and lasting im-
9 pact on classroom instruction and the
10 teacher’s performance in the classroom; and

11 “(II) are not 1-day or short-term work-
12 shops or conferences;

13 “(vi) support the recruiting, hiring,
14 and training of effective teachers, including
15 teachers who became certified or licensed
16 through State and local alternative routes to
17 certification;

18 “(vii) advance teacher understanding
19 of effective instructional strategies that are
20 strategies for improving student academic
21 achievement or substantially increasing the
22 knowledge and teaching skills of teachers,
23 including through addressing the social and
24 emotional development needs of students;

1 “(viii) are aligned with and directly
2 related to—

3 “(I) State academic standards
4 and assessments; and

5 “(II) the curricula and programs
6 tied to the standards described in sub-
7 clause (I);

8 “(ix) are developed with extensive par-
9 ticipation of teachers, school leaders, par-
10 ents, and administrators of schools to be
11 served under this Act;

12 “(x) are designed to give teachers of
13 English learners and other teachers and in-
14 structional staff, the knowledge and skills to
15 provide instruction and appropriate lan-
16 guage and academic support services to
17 those children, including the appropriate
18 use of curricula and assessments;

19 “(xi) to the extent appropriate, provide
20 training for teachers, other staff, and school
21 leaders in the use of technology so that tech-
22 nology and technology applications are ef-
23 fectively used to improve teaching and
24 learning in the curricula and core academic

1 *subjects in which the students receive in-*
2 *struction;*

3 *“(xii) as a whole, are regularly evalu-*
4 *ated for their impact on increased teacher*
5 *effectiveness and improved student academic*
6 *achievement, with the findings of the eval-*
7 *uations used to improve the quality of the*
8 *professional development;*

9 *“(xiii) provide instruction in methods*
10 *of teaching children with special needs;*

11 *“(xiv) include instruction in the use of*
12 *data and assessments to inform and in-*
13 *struct classroom practice; and*

14 *“(xv) include instruction in ways that*
15 *teachers, school leaders, specialized instruc-*
16 *tional support personnel, other staff, and*
17 *school administrators may work more effec-*
18 *tively with parents; and*

19 *“(B) may include evidence-based, job-em-*
20 *bedded, continuous activities that—*

21 *“(i) involve the forming of partner-*
22 *ships with institutions of higher education*
23 *to establish school-based teacher training*
24 *programs that provide prospective teachers*
25 *and new teachers with an opportunity to*

1 *work under the guidance of experienced*
2 *teachers and college faculty;*

3 “(ii) *create programs to enable para-*
4 *professionals (assisting teachers employed*
5 *by a local educational agency receiving as-*
6 *sistance under subpart 1 of part A of title*
7 *I) to obtain the education necessary for*
8 *those paraprofessionals to become certified*
9 *and licensed teachers; and*

10 “(iii) *provide follow-up training to in-*
11 *dividuals who have participated in activi-*
12 *ties described in subparagraph (A) or an-*
13 *other clause of this subparagraph that are*
14 *designed to ensure that the knowledge and*
15 *skills learned by the teachers are imple-*
16 *mented in the classroom.*

17 “(36) *REGULAR HIGH SCHOOL DIPLOMA.—*

18 “(A) *IN GENERAL.—The term ‘regular high*
19 *school diploma’ means the standard high school*
20 *diploma awarded to the preponderance of stu-*
21 *dents in the State that is fully aligned with*
22 *State standards, or a higher diploma. Such term*
23 *shall not include a GED or other recognized*
24 *equivalent of a diploma, a certificate of attend-*
25 *ance, or any lesser diploma award.*

1 “(B) *EXCEPTION FOR STUDENTS WITH SIG-*
2 *NIFICANT COGNITIVE DISABILITIES.—For a stu-*
3 *dent who is assessed using an alternate assess-*
4 *ment aligned to alternate academic standards*
5 *under section 1111(b)(1)(D), receipt of a regular*
6 *high school diploma as defined under subpara-*
7 *graph (A) or a State-defined alternate diploma*
8 *obtained within the time period for which the*
9 *State ensures the availability of a free appro-*
10 *priate public education and in accordance with*
11 *section 612(a)(1) of the Individuals with Dis-*
12 *abilities Education Act shall be counted as grad-*
13 *uating with a regular high school diploma for*
14 *the purposes of this Act.*

15 “(37) *SCHOOL LEADER.—The term ‘school lead-*
16 *er’ means a principal, assistant principal, or other*
17 *individual who is—*

18 “(A) *an employee or officer of a school, local*
19 *educational agency, or other entity operating the*
20 *school; and*

21 “(B) *responsible for—*

22 “(i) *the daily instructional leadership*
23 *and managerial operations of the school;*
24 *and*

1 “(ii) *creating the optimum conditions*
2 *for student learning.*

3 “(38) *SECONDARY SCHOOL.—The term ‘sec-*
4 *ondary school’ means a nonprofit institutional day or*
5 *residential school, including a public secondary char-*
6 *ter school, that provides secondary education, as de-*
7 *termined under State law, except that the term does*
8 *not include any education beyond grade 12.*

9 “(39) *SECRETARY.—The term ‘Secretary’ means*
10 *the Secretary of Education.*

11 “(40) *SPECIALIZED INSTRUCTIONAL SUPPORT*
12 *PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT*
13 *SERVICES.—*

14 “(A) *SPECIALIZED INSTRUCTIONAL SUP-*
15 *PORT PERSONNEL.—The term ‘specialized in-*
16 *structional support personnel’ means school*
17 *counselors, school social workers, school psycholo-*
18 *gists, and other qualified professional personnel*
19 *involved in providing assessment, diagnosis,*
20 *counseling, educational, therapeutic, and other*
21 *necessary services (including related services as*
22 *that term is defined in section 602 of the Indi-*
23 *viduals with Disabilities Education Act) as part*
24 *of a comprehensive program to meet student*
25 *needs.*

1 “(B) *SPECIALIZED INSTRUCTIONAL SUP-*
2 *PORT SERVICES.*—*The term ‘specialized instruc-*
3 *tional support services’ means the services pro-*
4 *vided by specialized instructional support per-*
5 *sonnel.*

6 “(41) *STATE.*—*The term ‘State’ means each of*
7 *the 50 States, the District of Columbia, the Common-*
8 *wealth of Puerto Rico, and each of the outlying areas.*

9 “(42) *STATE EDUCATIONAL AGENCY.*—*The term*
10 *‘State educational agency’ means the agency pri-*
11 *marily responsible for the State supervision of public*
12 *elementary schools and secondary schools.*

13 “(43) *TECHNOLOGY.*—*The term ‘technology’*
14 *means modern information, computer and commu-*
15 *nication technology products, services, or tools, in-*
16 *cluding, but not limited to, the Internet and other*
17 *communications networks, computer devices and other*
18 *computer and communications hardware, software*
19 *applications, data systems, and other electronic con-*
20 *tent and data storage.*

21 **“SEC. 6102. APPLICABILITY OF TITLE.**

22 *“Parts B, C, D, and E of this title do not apply to*
23 *title IV of this Act.*

1 **“SEC. 6103. APPLICABILITY TO BUREAU OF INDIAN EDU-**
2 **CATION OPERATED SCHOOLS.**

3 *“For the purpose of any competitive program under*
4 *this Act—*

5 *“(1) a consortium of schools operated by the Bu-*
6 *reau of Indian Education;*

7 *“(2) a school operated under a contract or grant*
8 *with the Bureau of Indian Education in consortium*
9 *with another contract or grant school or a tribal or*
10 *community organization; or*

11 *“(3) a Bureau of Indian Education school in*
12 *consortium with an institution of higher education, a*
13 *contract or grant school, or a tribal or community or-*
14 *ganization,*

15 *shall be given the same consideration as a local educational*
16 *agency.*

17 **“PART B—FLEXIBILITY IN THE USE OF**
18 **ADMINISTRATIVE AND OTHER FUNDS**

19 **“SEC. 6201. CONSOLIDATION OF STATE ADMINISTRATIVE**
20 **FUNDS FOR ELEMENTARY AND SECONDARY**
21 **EDUCATION PROGRAMS.**

22 *“(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—*

23 *“(1) IN GENERAL.—A State educational agency*
24 *may consolidate the amounts specifically made avail-*
25 *able to it for State administration under one or more*
26 *of the programs under paragraph (2).*

1 “(2) *APPLICABILITY.*—*This section applies to*
2 *any program under this Act under which funds are*
3 *authorized to be used for administration, and such*
4 *other programs as the Secretary may designate.*

5 “(b) *USE OF FUNDS.*—

6 “(1) *IN GENERAL.*—*A State educational agency*
7 *shall use the amount available under this section for*
8 *the administration of the programs included in the*
9 *consolidation under subsection (a).*

10 “(2) *ADDITIONAL USES.*—*A State educational*
11 *agency may also use funds available under this sec-*
12 *tion for administrative activities designed to enhance*
13 *the effective and coordinated use of funds under pro-*
14 *grams included in the consolidation under subsection*
15 *(a), such as—*

16 “(A) *the coordination of those programs*
17 *with other Federal and non-Federal programs;*

18 “(B) *the establishment and operation of*
19 *peer-review mechanisms under this Act;*

20 “(C) *the administration of this title;*

21 “(D) *the dissemination of information re-*
22 *garding model programs and practices;*

23 “(E) *technical assistance under any pro-*
24 *gram under this Act;*

1 “(F) State-level activities designed to carry
2 out this title;

3 “(G) training personnel engaged in audit
4 and other monitoring activities; and

5 “(H) implementation of the Cooperative
6 Audit Resolution and Oversight Initiative of the
7 Department.

8 “(c) RECORDS.—A State educational agency that con-
9 solidates administrative funds under this section shall not
10 be required to keep separate records, by individual program,
11 to account for costs relating to the administration of pro-
12 grams included in the consolidation under subsection (a).

13 “(d) REVIEW.—To determine the effectiveness of State
14 administration under this section, the Secretary may peri-
15 odically review the performance of State educational agen-
16 cies in using consolidated administrative funds under this
17 section and take such steps as the Secretary finds appro-
18 priate to ensure the effectiveness of that administration.

19 “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State
20 educational agency does not use all of the funds available
21 to the agency under this section for administration, the
22 agency may use those funds during the applicable period
23 of availability as funds available under one or more pro-
24 grams included in the consolidation under subsection (a).

1 *tions on the amount of funds under those programs that*
2 *may be used for administration on a consolidated basis.*

3 “(c) *CONDITIONS.—A local educational agency that*
4 *consolidates administrative funds under this section for any*
5 *fiscal year shall not use any other funds under the programs*
6 *included in the consolidation for administration for that*
7 *fiscal year.*

8 “(d) *USES OF ADMINISTRATIVE FUNDS.—A local edu-*
9 *cational agency that consolidates administrative funds*
10 *under this section may use the consolidated funds for the*
11 *administration of the programs and for uses, at the school*
12 *district and school levels, comparable to those described in*
13 *section 6201(b)(2).*

14 “(e) *RECORDS.—A local educational agency that con-*
15 *solidates administrative funds under this section shall not*
16 *be required to keep separate records, by individual program,*
17 *to account for costs relating to the administration of the*
18 *programs included in the consolidation.*

19 **“SEC. 6204. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**
20 **OF THE INTERIOR FUNDS.**

21 “(a) *GENERAL AUTHORITY.—*

22 “(1) *TRANSFER.—The Secretary shall transfer to*
23 *the Department of the Interior, as a consolidated*
24 *amount for covered programs, the Indian education*
25 *programs under part A of title V, and the education*

1 *for homeless children and youth program under sub-*
2 *title B of title VII of the McKinney-Vento Homeless*
3 *Assistance Act, the amounts allotted to the Depart-*
4 *ment of the Interior under those programs.*

5 “(2) *AGREEMENT.*—

6 “(A) *IN GENERAL.*—*The Secretary and the*
7 *Secretary of the Interior shall enter into an*
8 *agreement, consistent with the requirements of*
9 *the programs specified in paragraph (1), for the*
10 *distribution and use of those program funds*
11 *under terms that the Secretary determines best*
12 *meet the purposes of those programs.*

13 “(B) *CONTENTS.*—*The agreement shall—*

14 “(i) *set forth the plans of the Secretary*
15 *of the Interior for the use of the amount*
16 *transferred and the achievement measures to*
17 *assess program effectiveness; and*

18 “(ii) *be developed in consultation with*
19 *Indian tribes.*

20 “(b) *ADMINISTRATION.*—*The Department of the Inte-*
21 *rior may use not more than 1.5 percent of the funds consoli-*
22 *dated under this section for its costs related to the adminis-*
23 *tration of the funds transferred under this section.*

1 **“PART C—COORDINATION OF PROGRAMS; CON-**
2 **SOLIDATED STATE AND LOCAL PLANS AND**
3 **APPLICATIONS**

4 **“SEC. 6301. PURPOSES.**

5 *“The purposes of this part are—*

6 *“(1) to improve teaching and learning by en-*
7 *couraging greater cross-program coordination, plan-*
8 *ning, and service delivery;*

9 *“(2) to provide greater flexibility to State and*
10 *local authorities through consolidated plans, applica-*
11 *tions, and reporting; and*

12 *“(3) to enhance the integration of programs*
13 *under this Act with State and local programs.*

14 **“SEC. 6302. OPTIONAL CONSOLIDATED STATE PLANS OR AP-**
15 **PLICATIONS.**

16 *“(a) GENERAL AUTHORITY.—*

17 *“(1) SIMPLIFICATION.—In order to simplify ap-*
18 *plication requirements and reduce the burden for*
19 *State educational agencies under this Act, the Sec-*
20 *retary, in accordance with subsection (b), shall estab-*
21 *lish procedures and criteria under which, after con-*
22 *sultation with the Governor, a State educational*
23 *agency may submit a consolidated State plan or a*
24 *consolidated State application meeting the require-*
25 *ments of this section for—*

1 “(A) each of the covered programs in which
2 the State participates; and

3 “(B) such other programs as the Secretary
4 may designate.

5 “(2) CONSOLIDATED APPLICATIONS AND
6 PLANS.—After consultation with the Governor, a
7 State educational agency that submits a consolidated
8 State plan or a consolidated State application under
9 this section shall not be required to submit separate
10 State plans or applications under any of the pro-
11 grams to which the consolidated State plan or consoli-
12 dated State application under this section applies.

13 “(b) COLLABORATION.—

14 “(1) IN GENERAL.—In establishing criteria and
15 procedures under this section, the Secretary shall col-
16 laborate with State educational agencies and, as ap-
17 propriate, with other State agencies, local educational
18 agencies, public and private agencies, organizations,
19 and institutions, private schools, and parents, stu-
20 dents, and teachers.

21 “(2) CONTENTS.—Through the collaborative
22 process described in paragraph (1), the Secretary
23 shall establish, for each program under this Act to
24 which this section applies, the descriptions, informa-
25 tion, assurances, and other material required to be in-

1 *cluded in a consolidated State plan or consolidated*
2 *State application.*

3 “(3) *NECESSARY MATERIALS.*—*The Secretary*
4 *shall require only descriptions, information, assur-*
5 *ances (including assurances of compliance with appli-*
6 *cable provisions regarding participation by private*
7 *school children and teachers), and other materials*
8 *that are absolutely necessary for the consideration of*
9 *the consolidated State plan or consolidated State ap-*
10 *plication.*

11 **“SEC. 6303. CONSOLIDATED REPORTING.**

12 “(a) *IN GENERAL.*—*In order to simplify reporting re-*
13 *quirements and reduce reporting burdens, the Secretary*
14 *shall establish procedures and criteria under which a State*
15 *educational agency, in consultation with the Governor of*
16 *the State, may submit a consolidated State annual report.*

17 “(b) *CONTENTS.*—*The report shall contain informa-*
18 *tion about the programs included in the report, including*
19 *the performance of the State under those programs, and*
20 *other matters as the Secretary determines are necessary,*
21 *such as monitoring activities.*

22 “(c) *REPLACEMENT.*—*The report shall replace sepa-*
23 *rate individual annual reports for the programs included*
24 *in the consolidated State annual report.*

1 **“SEC. 6304. GENERAL APPLICABILITY OF STATE EDU-**
2 **CATIONAL AGENCY ASSURANCES.**

3 *“(a) ASSURANCES.—A State educational agency, in*
4 *consultation with the Governor of the State, that submits*
5 *a consolidated State plan or consolidated State application*
6 *under this Act, whether separately or under section 6302,*
7 *shall have on file with the Secretary a single set of assur-*
8 *ances, applicable to each program for which the plan or*
9 *application is submitted, that provides that—*

10 *“(1) each such program will be administered in*
11 *accordance with all applicable statutes, regulations,*
12 *program plans, and applications;*

13 *“(2)(A) the control of funds provided under each*
14 *such program and title to property acquired with*
15 *program funds will be in a public agency, an eligible*
16 *private agency, institution, or organization, or an In-*
17 *Indian tribe, if the law authorizing the program pro-*
18 *vides for assistance to those entities; and*

19 *“(B) the public agency, eligible private agency,*
20 *institution, or organization, or Indian tribe will ad-*
21 *minister those funds and property to the extent re-*
22 *quired by the authorizing law;*

23 *“(3) the State will adopt and use proper methods*
24 *of administering each such program, including—*

25 *“(A) the enforcement of any obligations im-*
26 *posed by law on agencies, institutions, organiza-*

1 *tions, and other recipients responsible for car-*
2 *rying out each program;*

3 “(B) *the correction of deficiencies in pro-*
4 *gram operations that are identified through au-*
5 *ditions, monitoring, or evaluation; and*

6 “(C) *the adoption of written procedures for*
7 *the receipt and resolution of complaints alleging*
8 *violations of law in the administration of the*
9 *programs;*

10 “(4) *the State will cooperate in carrying out any*
11 *evaluation of each such program conducted by or for*
12 *the Secretary or other Federal officials;*

13 “(5) *the State will use such fiscal control and*
14 *fund accounting procedures that will ensure proper*
15 *disbursement of, and accounting for, Federal funds*
16 *paid to the State under each such program;*

17 “(6) *the State will—*

18 “(A) *make reports to the Secretary as may*
19 *be necessary to enable the Secretary to perform*
20 *the Secretary’s duties under each such program;*
21 *and*

22 “(B) *maintain such records, provide such*
23 *information to the Secretary, and afford such ac-*
24 *cess to the records as the Secretary may find nec-*
25 *essary to carry out the Secretary’s duties; and*

1 “(7) before the plan or application was sub-
2 mitted to the Secretary, the State afforded a reason-
3 able opportunity for public comment on the plan or
4 application and considered such comment.

5 “(b) *GEPA PROVISION.*—Section 441 of the General
6 Education Provisions Act shall not apply to programs
7 under this Act.

8 “**SEC. 6305. CONSOLIDATED LOCAL PLANS OR APPLICA-**
9 **TIONS.**

10 “(a) *GENERAL AUTHORITY.*—

11 “(1) *CONSOLIDATED PLAN.*—A local educational
12 agency receiving funds under more than one covered
13 program may submit plans or applications to the
14 State educational agency under those programs on a
15 consolidated basis.

16 “(2) *AVAILABILITY TO GOVERNOR.*—The State
17 educational agency shall make any consolidated local
18 plans and applications available to the Governor.

19 “(b) *REQUIRED CONSOLIDATED PLANS OR APPLICA-*
20 *TIONS.*—A State educational agency that has an approved
21 consolidated State plan or application under section 6302
22 may require local educational agencies in the State receiv-
23 ing funds under more than one program included in the
24 consolidated State plan or consolidated State application
25 to submit consolidated local plans or applications under

1 *those programs, but may not require those agencies to sub-*
2 *mit separate plans.*

3 “(c) *COLLABORATION.*—*A State educational agency, in*
4 *consultation with the Governor, shall collaborate with local*
5 *educational agencies in the State in establishing procedures*
6 *for the submission of the consolidated State plans or consoli-*
7 *dated State applications under this section.*

8 “(d) *NECESSARY MATERIALS.*—*The State educational*
9 *agency shall require only descriptions, information, assur-*
10 *ances, and other material that are absolutely necessary for*
11 *the consideration of the local educational agency plan or*
12 *application.*

13 **“SEC. 6306. OTHER GENERAL ASSURANCES.**

14 “(a) *ASSURANCES.*—*Any applicant, other than a State*
15 *educational agency that submits a plan or application*
16 *under this Act, shall have on file with the State educational*
17 *agency a single set of assurances, applicable to each pro-*
18 *gram for which a plan or application is submitted, that*
19 *provides that—*

20 “(1) *each such program will be administered in*
21 *accordance with all applicable statutes, regulations,*
22 *program plans, and applications;*

23 “(2)(A) *the control of funds provided under each*
24 *such program and title to property acquired with*
25 *program funds will be in a public agency or in an*

1 *eligible private agency, institution, organization, or*
2 *Indian tribe, if the law authorizing the program pro-*
3 *vides for assistance to those entities; and*

4 *“(B) the public agency, eligible private agency,*
5 *institution, or organization, or Indian tribe will ad-*
6 *minister the funds and property to the extent required*
7 *by the authorizing statutes;*

8 *“(3) the applicant will adopt and use proper*
9 *methods of administering each such program, includ-*
10 *ing—*

11 *“(A) the enforcement of any obligations im-*
12 *posed by law on agencies, institutions, organiza-*
13 *tions, and other recipients responsible for car-*
14 *rying out each program; and*

15 *“(B) the correction of deficiencies in pro-*
16 *gram operations that are identified through au-*
17 *ditions, monitoring, or evaluation;*

18 *“(4) the applicant will cooperate in carrying out*
19 *any evaluation of each such program conducted by or*
20 *for the State educational agency, the Secretary, or*
21 *other Federal officials;*

22 *“(5) the applicant will use such fiscal control*
23 *and fund accounting procedures as will ensure proper*
24 *disbursement of, and accounting for, Federal funds*
25 *paid to the applicant under each such program;*

1 “(6) the applicant will—

2 “(A) submit such reports to the State edu-
3 cational agency (which shall make the reports
4 available to the Governor) and the Secretary as
5 the State educational agency and Secretary may
6 require to enable the State educational agency
7 and the Secretary to perform their duties under
8 each such program; and

9 “(B) maintain such records, provide such
10 information, and afford such access to the
11 records as the State educational agency (after
12 consultation with the Governor) or the Secretary
13 may reasonably require to carry out the State
14 educational agency’s or the Secretary’s duties;
15 and

16 “(7) before the application was submitted, the
17 applicant afforded a reasonable opportunity for pub-
18 lic comment on the application and considered such
19 comment.

20 “(b) *GEPA PROVISION.*—Section 442 of the General
21 Education Provisions Act shall not apply to programs
22 under this Act.

“PART D—WAIVERS**“SEC. 6401. WAIVERS OF STATUTORY AND REGULATORY RE-
QUIREMENTS.**

“(a) *IN GENERAL.*—

“(1) *REQUEST FOR WAIVER.*—A State educational agency, local educational agency, or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

“(2) *RECEIPT OF WAIVER.*—Except as provided in subsection (c) and subject to the limits in subsection (b)(5)(A), the Secretary shall waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school (through a local educational agency), that submits a waiver request pursuant to this subsection.

“(b) *PLAN.*—

“(1) *IN GENERAL.*—A State educational agency, local educational agency, or Indian tribe that desires a waiver under this section shall submit a waiver request to the Secretary, which shall include a plan that—

“(A) identifies the Federal programs affected by the requested waiver;

1 “(B) describes which Federal statutory or
2 regulatory requirements are to be waived;

3 “(C) reasonably demonstrates that the waiver
4 will improve instruction for students and advance
5 student academic achievement;

6 “(D) describes the methods the State educational
7 agency, local educational agency, or Indian tribe will use to monitor the effectiveness of
8 the implementation of the plan; and

9 “(E) describes how schools will continue to
10 provide assistance to the same populations served
11 by programs for which the waiver is requested.

12 “(2) *ADDITIONAL INFORMATION.*—A waiver request
13 under this section—

14 “(A) may provide for waivers of requirements
15 applicable to State educational agencies,
16 local educational agencies, Indian tribes, and
17 schools; and

18 “(B) shall be developed and submitted—

19 “(i)(I) by local educational agencies
20 (on behalf of those agencies and schools) to
21 State educational agencies; and

22 “(II) by State educational agencies (on
23 their own behalf, or on behalf of, and based
24

1 *on the requests of, local educational agencies*
2 *in the State) to the Secretary; or*

3 “(ii) *by Indian tribes (on behalf of*
4 *schools operated by the tribes) to the Sec-*
5 *retary.*

6 “(3) *GENERAL REQUIREMENTS.—*

7 “(A) *STATE EDUCATIONAL AGENCIES.—In*
8 *the case of a waiver request submitted by a State*
9 *educational agency acting on its own behalf, or*
10 *on behalf of local educational agencies in the*
11 *State, the State educational agency shall—*

12 “(i) *provide the public and local edu-*
13 *cational agencies in the State with notice*
14 *and a reasonable opportunity to comment*
15 *and provide input on the request;*

16 “(ii) *submit the comments and input*
17 *to the Secretary, with a description of how*
18 *the State addressed the comments and*
19 *input; and*

20 “(iii) *provide notice and a reasonable*
21 *time to comment to the public and local*
22 *educational agencies in the manner in*
23 *which the applying agency customarily pro-*
24 *vides similar notice and opportunity to*
25 *comment to the public.*

1 “(B) *LOCAL EDUCATIONAL AGENCIES.*—*In*
2 *the case of a waiver request submitted by a local*
3 *educational agency that receives funds under this*
4 *Act—*

5 “(i) *the request shall be reviewed by the*
6 *State educational agency and be accom-*
7 *panied by the comments, if any, of the State*
8 *educational agency and the public; and*

9 “(ii) *notice and a reasonable oppor-*
10 *tunity to comment regarding the waiver re-*
11 *quest shall be provided to the State edu-*
12 *cational agency and the public by the agen-*
13 *cy requesting the waiver in the manner in*
14 *which that agency customarily provides*
15 *similar notice and opportunity to comment*
16 *to the public.*

17 “(4) *PEER REVIEW.*—

18 “(A) *ESTABLISHMENT.*—*The Secretary shall*
19 *establish a multi-disciplinary peer review team,*
20 *which shall meet the requirements of section*
21 *6543, to review waiver requests under this sec-*
22 *tion.*

23 “(B) *APPLICABILITY.*—*The Secretary may*
24 *approve a waiver request under this section*
25 *without conducting a peer review of the request,*

1 *but shall use the peer review process under this*
2 *paragraph before disapproving such a request.*

3 “(C) *STANDARD AND NATURE OF REVIEW.—*
4 *Peer reviewers shall conduct a good faith review*
5 *of waiver requests submitted to them under this*
6 *section. Peer reviewers shall review such waiver*
7 *requests—*

8 *“(i) in their totality;*

9 *“(ii) in deference to State and local*
10 *judgment; and*

11 *“(iii) with the goal of promoting State-*
12 *and local-led innovation.*

13 “(5) *WAIVER DETERMINATION, DEMONSTRATION,*
14 *AND REVISION.—*

15 “(A) *IN GENERAL.—The Secretary shall ap-*
16 *prove a waiver request not more than 60 days*
17 *after the date on which such request is submitted,*
18 *unless the Secretary determines and dem-*
19 *onstrates that—*

20 *“(i) the waiver request does not meet*
21 *the requirements of this section;*

22 *“(ii) the waiver is not permitted under*
23 *subsection (c);*

24 *“(iii) the plan that is required under*
25 *paragraph (1)(C), and reviewed with def-*

1 *erence to State and local judgment, provides*
2 *no reasonable evidence to determine that a*
3 *waiver will enhance student academic*
4 *achievement; or*

5 *“(iv) the waiver request does not pro-*
6 *vide for adequate evaluation to ensure re-*
7 *view and continuous improvement of the*
8 *plan.*

9 *“(B) WAIVER DETERMINATION AND REVI-*
10 *SION.—If the Secretary determines and dem-*
11 *onstrates that the waiver request does not meet*
12 *the requirements of this section, the Secretary*
13 *shall—*

14 *“(i) immediately—*

15 *“(I) notify the State educational*
16 *agency, local educational agency, or*
17 *Indian tribe of such determination;*
18 *and*

19 *“(II) at the request of the State*
20 *educational agency, local educational*
21 *agency, or Indian tribe, provide de-*
22 *tailed reasons for such determination*
23 *in writing;*

24 *“(ii) offer the State educational agen-*
25 *cy, local educational agency, or Indian tribe*

1 *an opportunity to revise and resubmit the*
2 *waiver request not more than 60 days after*
3 *the date of such determination; and*

4 *“(iii) if the Secretary determines that*
5 *the resubmission does not meet the require-*
6 *ments of this section, at the request of the*
7 *State educational agency, local educational*
8 *agency, or Indian tribe, conduct a public*
9 *hearing not more than 30 days after the*
10 *date of such resubmission.*

11 *“(C) WAIVER DISAPPROVAL.—The Secretary*
12 *may disapprove a waiver request if—*

13 *“(i) the State educational agency, local*
14 *educational agency, or Indian tribe has*
15 *been notified and offered an opportunity to*
16 *revise and resubmit the waiver request, as*
17 *described under clauses (i) and (ii) of sub-*
18 *paragraph (B); and*

19 *“(ii) the State educational agency,*
20 *local educational agency, or Indian tribe—*

21 *“(I) does not revise and resubmit*
22 *the waiver request; or*

23 *“(II) revises and resubmits the*
24 *waiver request, and the Secretary de-*
25 *termines that such waiver request does*

1 *not meet the requirements of this sec-*
2 *tion after a hearing conducted under*
3 *subparagraph (B)(iii), if requested.*

4 “(D) *EXTERNAL CONDITIONS.—The Sec-*
5 *retary shall not, directly or indirectly, require or*
6 *impose new or additional requirements in ex-*
7 *change for receipt of a waiver if such require-*
8 *ments are not specified in this Act.*

9 “(c) *RESTRICTIONS.—The Secretary shall not waive*
10 *under this section any statutory or regulatory requirements*
11 *relating to—*

12 “(1) *the allocation or distribution of funds to*
13 *States, local educational agencies, Indian tribes, or*
14 *other recipients of funds under this Act;*

15 “(2) *comparability of services;*

16 “(3) *use of Federal funds to supplement, not sup-*
17 *plant, non-Federal funds;*

18 “(4) *equitable participation of private school stu-*
19 *dents and teachers;*

20 “(5) *parental participation and involvement;*

21 “(6) *applicable civil rights requirements;*

22 “(7) *the prohibitions—*

23 “(A) *in subpart 2 of part E;*

24 “(B) *regarding use of funds for religious*
25 *worship or instruction in section 6505; and*

1 “(C) regarding activities in section 6524; or

2 “(8) the selection of a school attendance area or
3 school under subsections (a) and (b) of section 1113,
4 except that the Secretary may grant a waiver to allow
5 a school attendance area or school to participate in
6 activities under subpart 1 of part A of title I if the
7 percentage of children from low-income families in
8 the school attendance area or who attend the school is
9 not more than 10 percentage points below the lowest
10 percentage of those children for any school attendance
11 area or school of the local educational agency that
12 meets the requirements of subsections (a) and (b) of
13 section 1113.

14 “(d) *DURATION AND EXTENSION OF WAIVER; LIMITA-*
15 *TIONS.—*

16 “(1) *IN GENERAL.—*Except as provided in para-
17 graph (2), a waiver approved by the Secretary under
18 this section may be for a period not to exceed 3 years.

19 “(2) *EXTENSION.—*The Secretary may extend the
20 period described in paragraph (1) if the State dem-
21 onstrates that—

22 “(A) the waiver has been effective in ena-
23 bling the State or affected recipient to carry out
24 the activities for which the waiver was requested

1 *and the waiver has contributed to improved stu-*
2 *dent achievement; and*

3 “(B) *the extension is in the public interest.*

4 “(3) *SPECIFIC LIMITATIONS.—The Secretary*
5 *shall not require a State educational agency, local*
6 *educational agency, or Indian tribe, as a condition of*
7 *approval of a waiver request, to—*

8 “(A) *include in, or delete from, such request,*
9 *specific academic standards, such as the Com-*
10 *mon Core State Standards developed under the*
11 *Common Core State Standards Initiative or any*
12 *other standards common to a significant number*
13 *of States;*

14 “(B) *use specific academic assessment in-*
15 *struments or items, including assessments*
16 *aligned to the standards described in subpara-*
17 *graph (A); or*

18 “(C) *include in, or delete from, such waiver*
19 *request any criterion that specifies, defines, de-*
20 *scribes, or prescribes the standards or measures*
21 *that a State or local educational agency or In-*
22 *Indian tribe uses to establish, implement, or im-*
23 *prove—*

24 “(i) *State academic standards;*

25 “(ii) *academic assessments;*

1 “(iii) *State accountability systems; or*
2 “(iv) *teacher and school leader evalua-*
3 *tion systems.*

4 “(e) *REPORTS.—*

5 “(1) *WAIVER REPORTS.—A State educational*
6 *agency, local educational agency, or Indian tribe that*
7 *receives a waiver under this section shall, at the end*
8 *of the second year for which a waiver is received*
9 *under this section and each subsequent year, submit*
10 *a report to the Secretary that—*

11 “(A) *describes the uses of the waiver by the*
12 *agency or by schools;*

13 “(B) *describes how schools continued to pro-*
14 *vide assistance to the same populations served by*
15 *the programs for which waivers were granted;*
16 *and*

17 “(C) *evaluates the progress of the agency*
18 *and schools, or Indian tribe, in improving the*
19 *quality of instruction or the academic achieve-*
20 *ment of students.*

21 “(2) *REPORT TO CONGRESS.—The Secretary*
22 *shall annually submit to the Committee on Education*
23 *and the Workforce of the House of Representatives*
24 *and the Committee on Health, Education, Labor, and*
25 *Pensions of the Senate a report—*

1 “(A) summarizing the uses of waivers by
2 State educational agencies, local educational
3 agencies, Indian tribes, and schools; and

4 “(B) describing the status of the waivers in
5 improving academic achievement.

6 “(f) *TERMINATION OF WAIVERS.*—*The Secretary shall*
7 *terminate a waiver under this section if the Secretary deter-*
8 *mines, after notice and an opportunity for a hearing, that*
9 *the performance of the State or other recipient affected by*
10 *the waiver has been inadequate to justify a continuation*
11 *of the waiver and the recipient of the waiver has failed to*
12 *make revisions needed to carry out the purpose of the waiv-*
13 *er, or if the waiver is no longer necessary to achieve its*
14 *original purpose.*

15 “(g) *PUBLICATION.*—*A notice of the Secretary’s deci-*
16 *sion to grant each waiver under subsection (a) shall be pub-*
17 *lished in the Federal Register and the Secretary shall pro-*
18 *vide for the dissemination of the notice to State educational*
19 *agencies, interested parties, including educators, parents,*
20 *students, advocacy and civil rights organizations, and the*
21 *public.*

1 **“PART E—UNIFORM PROVISIONS**

2 **“Subpart 1—Private Schools**

3 **“SEC. 6501. PARTICIPATION BY PRIVATE SCHOOL CHIL-**
4 **DREN AND TEACHERS.**

5 “(a) *PRIVATE SCHOOL PARTICIPATION.*—

6 “(1) *IN GENERAL.*—*Except as otherwise provided*
7 *in this Act, to the extent consistent with the number*
8 *of eligible children in areas served by a State edu-*
9 *cational agency, local educational agency, educational*
10 *service agency, consortium of those agencies, or an-*
11 *other entity receiving financial assistance under a*
12 *program specified in subsection (b), who are enrolled*
13 *in private elementary schools and secondary schools*
14 *in areas served by such agency, consortium, or entity,*
15 *the agency, consortium, or entity shall, after timely*
16 *and meaningful consultation with appropriate pri-*
17 *rate school officials or their representatives, provide to*
18 *those children and their teachers or other educational*
19 *personnel, on an equitable basis, special educational*
20 *services or other benefits that address their needs*
21 *under the program.*

22 “(2) *SECULAR, NEUTRAL, AND NONIDEOLOGICAL*
23 *SERVICES OR BENEFITS.*—*Educational services or*
24 *other benefits, including materials and equipment,*
25 *provided under this section, shall be secular, neutral,*
26 *and nonideological.*

1 “(3) *SPECIAL RULE.*—

2 “(A) *IN GENERAL.*—*Educational services*
3 *and other benefits provided under this section for*
4 *private school children, teachers, and other edu-*
5 *cational personnel shall be equitable in compari-*
6 *son to services and other benefits for public*
7 *school children, teachers, and other educational*
8 *personnel participating in the program and*
9 *shall be provided in a timely manner.*

10 “(B) *OMBUDSMAN.*—*To help ensure equi-*
11 *table services are provided to private school chil-*
12 *dren, teachers, and other educational personnel*
13 *under this section, the State educational agency*
14 *involved shall designate the ombudsman des-*
15 *ignated by the agency under section*
16 *1120(a)(3)(B) to monitor and enforce require-*
17 *ments of this section.*

18 “(4) *EXPENDITURES.*—

19 “(A) *IN GENERAL.*—*Expenditures for edu-*
20 *cational services and other benefits to eligible*
21 *private school children, teachers, and other serv-*
22 *ice personnel shall be equal to the expenditures*
23 *for participating public school children, taking*
24 *into account the number and educational needs,*
25 *of the children to be served.*

1 “(B) *OBLIGATION OF FUNDS.*—*Funds allo-*
2 *cated to a local educational agency for edu-*
3 *cational services and other benefits to eligible*
4 *private school children shall—*

5 “(i) *be obligated in the fiscal year for*
6 *which the funds are received by the agency;*
7 *and*

8 “(ii) *with respect to any such funds*
9 *that cannot be so obligated, be used to serve*
10 *such children in the following fiscal year.*

11 “(C) *NOTICE OF ALLOCATION.*—*Each State*
12 *educational agency shall—*

13 “(i) *determine, in a timely manner,*
14 *the proportion of funds to be allocated to*
15 *each local educational agency in the State*
16 *for educational services and other benefits*
17 *under this subpart to eligible private school*
18 *children; and*

19 “(ii) *provide notice, simultaneously, to*
20 *each such local educational agency and the*
21 *appropriate private school officials or their*
22 *representatives in the State of such alloca-*
23 *tion of funds.*

24 “(5) *PROVISION OF SERVICES.*—*An agency, con-*
25 *sortium, or entity described in subsection (a)(1) of*

1 *this section may provide those services directly or*
2 *through contracts with public and private agencies,*
3 *organizations, and institutions.*

4 “(b) *APPLICABILITY.*—

5 “(1) *IN GENERAL.*—*This section applies to pro-*
6 *grams under—*

7 “(A) *subpart 2 of part A of title I;*

8 “(B) *subpart 4 of part A of title I;*

9 “(C) *part A of title II;*

10 “(D) *part B of title II; and*

11 “(E) *part B of title III.*

12 “(2) *DEFINITION.*—*For the purpose of this sec-*
13 *tion, the term ‘eligible children’ means children eligi-*
14 *ble for services under a program described in para-*
15 *graph (1).*

16 “(c) *CONSULTATION.*—

17 “(1) *IN GENERAL.*—*To ensure timely and mean-*
18 *ingful consultation, a State educational agency, local*
19 *educational agency, educational service agency, con-*
20 *sortium of those agencies, or entity shall consult, in*
21 *order to reach an agreement, with appropriate pri-*
22 *ivate school officials or their representatives during the*
23 *design and development of the programs under this*
24 *Act, on issues such as—*

1 “(A) *how the children’s needs will be identi-*
2 *fied;*

3 “(B) *what services will be offered;*

4 “(C) *how, where, and by whom the services*
5 *will be provided;*

6 “(D) *how the services will be assessed and*
7 *how the results of the assessment will be used to*
8 *improve those services;*

9 “(E) *the size and scope of the equitable serv-*
10 *ices to be provided to the eligible private school*
11 *children, teachers, and other educational per-*
12 *sonnel, the proportion of funds that are allocated*
13 *for such services, how that proportion of funds is*
14 *determined, and an itemization of the costs of*
15 *the services to be provided;*

16 “(F) *how and when the agency, consortium,*
17 *or entity will make decisions about the delivery*
18 *of services, including a thorough consideration*
19 *and analysis of the views of the private school of-*
20 *ficials or their representatives on the provision of*
21 *services through potential third-party providers*
22 *or contractors;*

23 “(G) *how, if the agency disagrees with the*
24 *views of the private school officials or their rep-*
25 *resentatives on the provision of services through*

1 *a contract, the local educational agency will pro-*
2 *vide in writing to such private school officials or*
3 *their representatives an analysis of the reasons*
4 *why the local educational agency has chosen not*
5 *to use a contractor;*

6 *“(H) whether the agency will provide serv-*
7 *ices under this section directly or through con-*
8 *tracts with public or private agencies, organiza-*
9 *tions, or institutions; and*

10 *“(I) whether to provide equitable services to*
11 *eligible private school children—*

12 *“(i) by creating a pool or pools of*
13 *funds with all of the funds allocated under*
14 *subsection (a)(4) based on all the children*
15 *from low-income families who attend pri-*
16 *vate schools in a participating school at-*
17 *tendance area from which the local edu-*
18 *cational agency will provide such services to*
19 *all such children; or*

20 *“(ii) by providing such services to eli-*
21 *gible children in each private school in the*
22 *local educational agency’s participating*
23 *school attendance area with the proportion*
24 *of funds allocated under subsection (a)(4)*

1 *based on the number of children from low-*
2 *income families who attend such school.*

3 “(2) *DISAGREEMENT.*—*If the agency, consor-*
4 *tium, or entity disagrees with the views of the private*
5 *school officials or their representatives with respect to*
6 *an issue described in paragraph (1), the agency, con-*
7 *sortium, or entity shall provide to the private school*
8 *officials or their representatives a written explanation*
9 *of the reasons why the local educational agency has*
10 *chosen not to adopt the course of action requested by*
11 *such officials or their representatives.*

12 “(3) *TIMING.*—*The consultation required by*
13 *paragraph (1) shall occur before the agency, consor-*
14 *tium, or entity makes any decision that affects the op-*
15 *portunities of eligible private school children, teachers,*
16 *and other educational personnel to participate in pro-*
17 *grams under this Act, and shall continue throughout*
18 *the implementation and assessment of activities under*
19 *this section.*

20 “(4) *DISCUSSION REQUIRED.*—*The consultation*
21 *required by paragraph (1) shall include a discussion*
22 *of service delivery mechanisms that the agency, con-*
23 *sortium, or entity could use to provide equitable serv-*
24 *ices to eligible private school children, teachers, ad-*
25 *ministrators, and other staff.*

1 “(5) *DOCUMENTATION.*—*Each local educational*
2 *agency shall maintain in the agency’s records and*
3 *provide to the State educational agency involved a*
4 *written affirmation signed by officials or their rep-*
5 *resentatives of each participating private school that*
6 *the meaningful consultation required by this section*
7 *has occurred. The written affirmation shall provide*
8 *the option for private school officials or their rep-*
9 *resentatives to indicate that timely and meaningful*
10 *consultation has not occurred or that the program de-*
11 *sign is not equitable with respect to eligible private*
12 *school children. If such officials or their representa-*
13 *tives do not provide such affirmation within a rea-*
14 *sonable period of time, the local educational agency*
15 *shall forward the documentation that such consulta-*
16 *tion has, or attempts at such consultation have, taken*
17 *place to the State educational agency.*

18 “(6) *COMPLIANCE.*—

19 “(A) *IN GENERAL.*—*If the consultation re-*
20 *quired under this section is with a local edu-*
21 *cational agency or educational service agency, a*
22 *private school official or representative shall*
23 *have the right to file a complaint with the State*
24 *educational agency that the consultation re-*
25 *quired under this section was not meaningful*

1 *and timely, did not give due consideration to the*
2 *views of the private school official or representa-*
3 *tive, or did not treat the private school or its stu-*
4 *dents equitably as required by this section.*

5 “(B) *PROCEDURE.*—*If the private school of-*
6 *ficial or representative wishes to file a com-*
7 *plaint, the private school official or representa-*
8 *tive shall provide the basis of the noncompliance*
9 *with this section and all parties shall provide the*
10 *appropriate documentation to the appropriate*
11 *officials or representatives.*

12 “(C) *SERVICES.*—*A State educational agen-*
13 *cy shall provide services under this section di-*
14 *rectly or through contracts with public and pri-*
15 *rate agencies, organizations, and institutions,*
16 *if—*

17 “(i) *the appropriate private school offi-*
18 *cials or their representatives have—*

19 “(I) *requested that the State edu-*
20 *cational agency provide such services*
21 *directly; and*

22 “(II) *demonstrated that the local*
23 *educational agency or Education Serv-*
24 *ice Agency involved has not met the re-*
25 *quirements of this section; or*

1 “(ii) *in a case in which—*

2 “(I) *a local educational agency*
3 *has more than 10,000 children from*
4 *low-income families who attend private*
5 *elementary schools or secondary schools*
6 *in such agency’s school attendance*
7 *areas, as defined in section*
8 *1113(a)(2)(A), that are not being*
9 *served by the agency’s program under*
10 *this section; or*

11 “(II) *90 percent of the eligible*
12 *private school students in a school at-*
13 *tendance area, as defined in section*
14 *1113(a)(2)(A), are not being served by*
15 *the agency’s program under this sec-*
16 *tion.*

17 “(d) *PUBLIC CONTROL OF FUNDS.—*

18 “(1) *IN GENERAL.—The control of funds used to*
19 *provide services under this section, and title to mate-*
20 *rials, equipment, and property purchased with those*
21 *funds, shall be in a public agency for the uses and*
22 *purposes provided in this Act, and a public agency*
23 *shall administer the funds and property.*

24 “(2) *PROVISION OF SERVICES.—*

1 “(A) *IN GENERAL.*—*The provision of serv-*
2 *ices under this section shall be provided—*

3 “(i) *by employees of a public agency;*

4 *or*

5 “(ii) *through contract by the public*
6 *agency with an individual, association,*
7 *agency, organization, or other entity.*

8 “(B) *INDEPENDENCE; PUBLIC AGENCY.*—*In*
9 *the provision of those services, the employee, per-*
10 *son, association, agency, organization, or other*
11 *entity shall be independent of the private school*
12 *and of any religious organization, and the em-*
13 *ployment or contract shall be under the control*
14 *and supervision of the public agency.*

15 “(C) *COMMINGLING OF FUNDS PROHIB-*
16 *ITED.*—*Funds used to provide services under this*
17 *section shall not be commingled with non-Fed-*
18 *eral funds.*

19 **“SEC. 6502. STANDARDS FOR BY-PASS.**

20 “(a) *IN GENERAL.*—*If, by reason of any provision of*
21 *law, a State educational agency, local educational agency,*
22 *educational service agency, consortium of those agencies, or*
23 *other entity is prohibited from providing for the participa-*
24 *tion in programs of children enrolled in, or teachers or other*
25 *educational personnel from, private elementary schools and*

1 *secondary schools, on an equitable basis, or if the Secretary*
2 *determines that the agency, consortium, or entity has sub-*
3 *stantially failed or is unwilling to provide for that partici-*
4 *pation, as required by section 6501, the Secretary shall—*

5 “(1) *waive the requirements of that section for*
6 *the agency, consortium, or entity; and*

7 “(2) *arrange for the provision of equitable serv-*
8 *ices to those children, teachers, or other educational*
9 *personnel through arrangements that shall be subject*
10 *to the requirements of this section and of sections*
11 *6501, 6503, and 6504.*

12 “(b) *DETERMINATION.—In making the determination*
13 *under subsection (a), the Secretary shall consider one or*
14 *more factors, including the quality, size, scope, and location*
15 *of the program, and the opportunity of private school chil-*
16 *dren, teachers, and other educational personnel to partici-*
17 *pate in the program.*

18 **“SEC. 6503. COMPLAINT PROCESS FOR PARTICIPATION OF**
19 **PRIVATE SCHOOL CHILDREN.**

20 “(a) *PROCEDURES FOR COMPLAINTS.—The Secretary*
21 *shall develop and implement written procedures for receiv-*
22 *ing, investigating, and resolving complaints from parents,*
23 *teachers, or other individuals and organizations concerning*
24 *violations of section 6501 by a State educational agency,*
25 *local educational agency, educational service agency, con-*

1 *sortium of those agencies, or entity. The individual or orga-*
2 *nization shall submit the complaint to the State educational*
3 *agency for a written resolution by the State educational*
4 *agency within 45 days.*

5 “(b) *APPEALS TO SECRETARY.*—*The resolution may be*
6 *appealed by an interested party to the Secretary not later*
7 *than 30 days after the State educational agency resolves*
8 *the complaint or fails to resolve the complaint within the*
9 *45-day time limit. The appeal shall be accompanied by a*
10 *copy of the State educational agency’s resolution, and, if*
11 *there is one, a complete statement of the reasons supporting*
12 *the appeal. The Secretary shall investigate and resolve the*
13 *appeal not later than 90 days after receipt of the appeal.*

14 **“Subpart 2—Prohibitions**

15 **“SEC. 6521. PROHIBITION AGAINST FEDERAL MANDATES,**
16 **DIRECTION, OR CONTROL.**

17 “(a) *IN GENERAL.*—*No officer or employee of the Fed-*
18 *eral Government shall, directly or indirectly, through*
19 *grants, contracts, or other cooperative agreements, mandate,*
20 *direct, incentivize, or control a State, local educational*
21 *agency, or school’s specific instructional content, academic*
22 *standards and assessments, curricula, or program of in-*
23 *struction, (including any requirement, direction, incentive,*
24 *or mandate to adopt the Common Core State Standards*
25 *developed under the Common Core State Standards Initia-*

1 *tive or any other academic standards common to a signifi-*
2 *cant number of States), nor shall anything in this Act be*
3 *construed to authorize such officer or employee to do so.*

4 “(b) *FINANCIAL SUPPORT.*—No officer or employee of
5 *the Federal Government shall, directly or indirectly,*
6 *through grants, contracts, or other cooperative agreements,*
7 *make financial support available in a manner that is con-*
8 *ditioned upon a State, local educational agency, or school’s*
9 *adoption of specific instructional content, academic stand-*
10 *ards and assessments, curriculum, or program of instruc-*
11 *tion, (including any requirement, direction, or mandate to*
12 *adopt the Common Core State Standards developed under*
13 *the Common Core State Standards Initiative, any other*
14 *academic standards common to a significant number of*
15 *States, or any assessment, instructional content, or cur-*
16 *riculum aligned to such standards), even if such require-*
17 *ments are specified in an Act other than this Act, nor shall*
18 *anything in this Act be construed to authorize such officer*
19 *or employee to do so.*

20 **“SEC. 6522. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
21 **USE OF FEDERAL FUNDS.**

22 “(a) *GENERAL PROHIBITION.*—Nothing in this Act
23 *shall be construed to authorize an officer or employee of the*
24 *Federal Government directly or indirectly, whether through*
25 *a grant, contract, or cooperative agreement, to mandate, di-*

1 *rect, or control a State, local educational agency, or school’s*
2 *curriculum, program of instruction, or allocation of State*
3 *or local resources, or mandate a State or any subdivision*
4 *thereof to spend any funds or incur any costs not paid for*
5 *under this Act.*

6 “(b) *PROHIBITION ON ENDORSEMENT OF CUR-*
7 *RICULUM.*—*Notwithstanding any other prohibition of Fed-*
8 *eral law, no funds provided to the Department under this*
9 *Act may be used by the Department directly or indirectly—*
10 *whether through a grant, contract, or cooperative agree-*
11 *ment—to endorse, approve, develop, require, or sanction*
12 *any curriculum, including any curriculum aligned to the*
13 *Common Core State Standards developed under the Com-*
14 *mon Core State Standards Initiative or any other academic*
15 *standards common to a significant number of States, de-*
16 *signed to be used in an elementary school or secondary*
17 *school.*

18 “(c) *LOCAL CONTROL.*—*Nothing in this Act shall be*
19 *construed to—*

20 “(1) *authorize an officer or employee of the Fed-*
21 *eral Government directly or indirectly—whether*
22 *through a grant, contract, or cooperative agreement—*
23 *to mandate, direct, review, or control a State, local*
24 *educational agency, or school’s instructional content,*
25 *curriculum, and related activities;*

1 “(2) *limit the application of the General Edu-*
2 *cation Provisions Act;*

3 “(3) *require the distribution of scientifically or*
4 *medically false or inaccurate materials or to prohibit*
5 *the distribution of scientifically or medically true or*
6 *accurate materials; or*

7 “(4) *create any legally enforceable right.*

8 “(d) *PROHIBITION ON REQUIRING FEDERAL AP-*
9 *PROVAL OR CERTIFICATION OF STANDARDS.—Notwith-*
10 *standing any other provision of Federal law, no State shall*
11 *be required to have academic standards approved or cer-*
12 *tified by the Federal Government, in order to receive assist-*
13 *ance under this Act.*

14 “(e) *RULE OF CONSTRUCTION ON BUILDING STAND-*
15 *ARDS.—Nothing in this Act shall be construed to mandate*
16 *national school building standards for a State, local edu-*
17 *cational agency, or school.*

18 “**SEC. 6523. PROHIBITION ON FEDERALLY SPONSORED**
19 **TESTING.**

20 “(a) *GENERAL PROHIBITION.—Notwithstanding any*
21 *other provision of Federal law and except as provided in*
22 *subsection (b), no funds provided under this Act to the Sec-*
23 *retary or to the recipient of any award may be used to*
24 *develop, pilot test, field test, implement, administer, or dis-*
25 *tribute any federally sponsored national test or testing ma-*

1 *terials in reading, mathematics, or any other subject, unless*
2 *specifically and explicitly authorized by law.*

3 “(b) *EXCEPTIONS.—Subsection (a) shall not apply to*
4 *international comparative assessments developed under the*
5 *authority of section 153(a)(5) of the Education Sciences Re-*
6 *form Act of 2002 and administered to only a representative*
7 *sample of pupils in the United States and in foreign na-*
8 *tions.*

9 “**SEC. 6524. LIMITATIONS ON NATIONAL TESTING OR CER-**
10 **TIFICATION FOR TEACHERS.**

11 “(a) *MANDATORY NATIONAL TESTING OR CERTIFI-*
12 *CATION OF TEACHERS.—Notwithstanding any other provi-*
13 *sion of this Act or any other provision of law, no funds*
14 *available to the Department or otherwise available under*
15 *this Act may be used for any purpose relating to a manda-*
16 *tory nationwide test or certification of teachers or education*
17 *paraprofessionals, including any planning, development,*
18 *implementation, or administration of such test or certifi-*
19 *cation.*

20 “(b) *PROHIBITION ON WITHHOLDING FUNDS.—The*
21 *Secretary is prohibited from withholding funds from any*
22 *State educational agency or local educational agency if the*
23 *State educational agency or local educational agency fails*
24 *to adopt a specific method of teacher or paraprofessional*
25 *certification.*

1 **“SEC. 6525. PROHIBITED USES OF FUNDS.**

2 *“No funds under this Act may be used—*

3 *“(1) for construction, renovation, or repair of*
4 *any school facility, except as authorized under title IV*
5 *or otherwise authorized under this Act;*

6 *“(2) for medical services, drug treatment or re-*
7 *habilitation, except for specialized instructional sup-*
8 *port services or referral to treatment for students who*
9 *are victims of, or witnesses to, crime or who illegally*
10 *use drugs;*

11 *“(3) for transportation unless otherwise author-*
12 *ized under this Act;*

13 *“(4) to develop or distribute materials, or oper-*
14 *ate programs or courses of instruction directed at*
15 *youth, that are designed to promote or encourage sex-*
16 *ual activity, or normalize teen sexual activity as an*
17 *expected behavior, implicitly or explicitly, whether ho-*
18 *mosexual or heterosexual;*

19 *“(5) to distribute or to aid in the distribution on*
20 *school grounds by any organization of legally obscene*
21 *materials to minors or any instruction or materials*
22 *that normalize teen sexual activity as an expected be-*
23 *havior;*

24 *“(6) to provide sex education or HIV-prevention*
25 *education in schools unless that instruction is age ap-*

1 *appropriate and includes the health benefits of absti-*
2 *nence; or*

3 *“(7) to operate a program of contraceptive dis-*
4 *tribution in schools.*

5 **“SEC. 6529. PROHIBITION REGARDING STATE AID.**

6 *“A State shall not take into consideration payments*
7 *under this Act (other than under title IV) in determining*
8 *the eligibility of any local educational agency in that State*
9 *for State aid, or the amount of State aid, with respect to*
10 *free public education of children.*

11 **“SEC. 6530. PROHIBITION ON REQUIRING STATE PARTICIPA-**
12 **TION.**

13 *“Any State that opts out of receiving funds, or that*
14 *has not been awarded funds, under one or more programs*
15 *under this Act shall not be required to carry out any of*
16 *the requirements of such program or programs, and nothing*
17 *in this Act shall be construed to require a State to partici-*
18 *pate in any program under this Act.*

19 **“SEC. 6531. LOCAL CONTROL.**

20 *“The Secretary shall not—*

21 *“(1) impose any requirements or exercise any*
22 *governance or authority over school administration,*
23 *including the development and expenditure of school*
24 *budgets, unless explicitly authorized under this Act;*

1 “(2) *issue any regulations or non-regulatory*
 2 *guidance without first consulting with local stake-*
 3 *holders and fairly addressing their concerns; or*

4 “(3) *deny any local educational agency the right*
 5 *to object to any administrative requirement, includ-*
 6 *ing actions that place additional burdens or cost on*
 7 *the local educational agency.*

8 **“Subpart 3—Other Provisions**

9 **“SEC. 6541. ARMED FORCES RECRUITER ACCESS TO STU-**
 10 **DENTS AND STUDENT RECRUITING INFORMA-**
 11 **TION.**

12 “(a) *POLICY.—*

13 “(1) *ACCESS TO STUDENT RECRUITING INFORMA-*
 14 *TION.—Notwithstanding section 444(a)(5)(B) of the*
 15 *General Education Provisions Act, each local edu-*
 16 *cational agency receiving assistance under this Act*
 17 *shall provide, upon a request made by a military re-*
 18 *cruiter or an institution of higher education, access to*
 19 *the name, address, and telephone listing of each sec-*
 20 *ondary school student served by the local educational*
 21 *agency, unless the parent of such student has sub-*
 22 *mitted the prior consent request under paragraph (2).*

23 “(2) *CONSENT.—*

24 “(A) *OPT-OUT PROCESS.—A parent of a*
 25 *secondary school student may submit a written*

1 *request, to the local educational agency, that the*
2 *student's name, address, and telephone listing*
3 *not be released for purposes of paragraph (1)*
4 *without prior written consent of the parent.*
5 *Upon receiving such request, the local edu-*
6 *cational agency may not release the student's*
7 *name, address, and telephone listing for such*
8 *purposes without the prior written consent of the*
9 *parent.*

10 “(B) *NOTIFICATION OF OPT-OUT PROC-*
11 *ESS.—Each local educational agency shall notify*
12 *the parents of the students served by the agency*
13 *of the option to make a request described in sub-*
14 *paragraph (A).*

15 “(3) *SAME ACCESS TO STUDENTS.—Each local*
16 *educational agency receiving assistance under this*
17 *Act shall provide military recruiters the same access*
18 *to secondary school students as is provided generally*
19 *to institutions of higher education or to prospective*
20 *employers of those students.*

21 “(4) *RULE OF CONSTRUCTION PROHIBITING OPT-*
22 *IN PROCESSES.—Nothing in this subsection shall be*
23 *construed to allow a local educational agency to with-*
24 *hold access to a student's name, address, and tele-*
25 *phone listing from a military recruiter or institution*

1 of higher education by implementing an opt-in proc-
2 ess or any other process other than the written con-
3 sent request process under paragraph (2)(A).

4 “(5) *PARENTAL CONSENT.*—For purposes of this
5 subsection, whenever a student has attained 18 years
6 of age, the permission or consent required of and the
7 rights accorded to the parents of the student shall only
8 be required of and accorded to the student.

9 “(b) *NOTIFICATION.*—The Secretary, in consultation
10 with the Secretary of Defense, shall, not later than 120 days
11 after the date of the enactment of the Student Success Act,
12 notify school leaders, school administrators, and other edu-
13 cators about the requirements of this section.

14 “(c) *EXCEPTION.*—The requirements of this section do
15 not apply to a private secondary school that maintains a
16 religious objection to service in the Armed Forces if the ob-
17 jection is verifiable through the corporate or other organiza-
18 tional documents or materials of that school.

19 **“SEC. 6542. RULEMAKING.**

20 “The Secretary shall issue regulations under this Act
21 as prescribed under section 1401 only to the extent that such
22 regulations are necessary to ensure that there is compliance
23 with the specific requirements and assurances required by
24 this Act.

1 **“SEC. 6543. PEER REVIEW.**

2 “(a) *IN GENERAL.*—*If the Secretary uses a peer review*
3 *panel to evaluate an application for any program required*
4 *under this Act, the Secretary shall conduct the panel in ac-*
5 *cordance with this section.*

6 “(b) *MAKEUP.*—*The Secretary shall—*

7 “(1) *solicit nominations for peers to serve on the*
8 *panel from States that are—*

9 “(A) *practitioners in the subject matter; or*

10 “(B) *experts in the subject matter; and*

11 “(2) *select the peers from such nominees, except*
12 *that there shall be at least 75 percent practitioners on*
13 *each panel and in each group formed from the panel.*

14 “(c) *GUIDANCE.*—*The Secretary shall issue the peer re-*
15 *view guidance concurrently with the notice of the grant.*

16 “(d) *REPORTING.*—*The Secretary shall—*

17 “(1) *make the names of the peer reviewers avail-*
18 *able to the public before the final deadline for the ap-*
19 *plication of the grant;*

20 “(2) *make the peer review notes publically avail-*
21 *able once the review has concluded; and*

22 “(3) *make any deviations from the peer review-*
23 *ers’ recommendations available to the public with an*
24 *explanation of the deviation.*

25 “(e) *APPLICANT REVIEWS.*—*An applicant shall have*
26 *an opportunity within 30 days to review the peer review*

1 notes and appeal the score to the Secretary prior to the Sec-
2 retary making any final determination.

3 “(f) *PROHIBITION.*—The Secretary, and the Sec-
4 retary’s staff, may not attempt to participate in, or influ-
5 ence, the peer review process. No Federal employee may par-
6 ticipate in, or attempt to influence the peer review process,
7 except to respond to questions of a technical nature, which
8 shall be publicly reported.

9 **“SEC. 6544. PARENTAL CONSENT.**

10 “Upon receipt of written notification from the parents
11 or legal guardians of a student, the local educational agency
12 shall withdraw such student from any program funded
13 under part B of title III. The local educational agency shall
14 make reasonable efforts to inform parents or legal guardians
15 of the content of such programs or activities funded under
16 this Act, other than classroom instruction.

17 **“SEC. 6548. SEVERABILITY.**

18 “If any provision of this Act is held invalid, the re-
19 mainder of this Act shall be unaffected thereby.

20 **“SEC. 6549. DEPARTMENT STAFF.**

21 “The Secretary shall—

22 “(1) not later than 60 days after the date of the
23 enactment of the Student Success Act, identify the
24 number of Department employees who worked on or
25 administered each education program and project au-

1 *thorized under this Act, as such program or project*
2 *was in effect on the day before such enactment date,*
3 *and publish such information on the Department's*
4 *website;*

5 *“(2) not later than 60 days after such enactment*
6 *date, identify the number of full-time equivalent em-*
7 *ployees who work on or administer programs or*
8 *projects authorized under this Act, as in effect on the*
9 *day before such enactment date, that have been elimi-*
10 *nated or consolidated since such date;*

11 *“(3) not later than 1 year after such enactment*
12 *date, reduce the workforce of the Department by the*
13 *number of full-time equivalent employees the Depart-*
14 *ment calculated under paragraph (2); and*

15 *“(4) not later than 1 year after such enactment*
16 *date, report to the Congress on—*

17 *“(A) the number of employees associated*
18 *with each program or project authorized under*
19 *this Act administered by the Department;*

20 *“(B) the number of full-time equivalent em-*
21 *ployees who were determined to be associated*
22 *with eliminated or consolidated programs or*
23 *projects under paragraph (2);*

1 “(C) *how the Secretary reduced the number*
2 *of employees at the Department under paragraph*
3 *(3);*

4 “(D) *the average salary of the employees de-*
5 *scribed in subparagraph (B) whose positions*
6 *were eliminated; and*

7 “(E) *the average salary of the full-time*
8 *equivalent employees who work on or administer*
9 *a program or project authorized under this Act*
10 *by the Department, disaggregated by employee*
11 *function with each such program or project.*

12 **“SEC. 6550. CRIMINAL BACKGROUND CHECKS.**

13 “(a) *CONDITION OF RECEIPT OF FUNDS.—A local edu-*
14 *cational agency or State educational agency shall be ineli-*
15 *gible for funds under this Act if such agency—*

16 “(1) *employs an individual who—*

17 “(A) *refuses to consent to a criminal back-*
18 *ground check that includes—*

19 “(i) *a search of the State criminal reg-*
20 *istry or repository in the State where the*
21 *individual resides;*

22 “(ii) *a search of State-based child*
23 *abuse and neglect registries and databases*
24 *in the State where the individual resides;*

1 “(iii) a search of the National Crime
2 Information Center;

3 “(iv) a Federal Bureau of Investiga-
4 tion fingerprint check using the Integrated
5 Automated Fingerprint Identification Sys-
6 tem; and

7 “(v) a search of the National Sex Of-
8 fender Registry established under the Adam
9 Walsh Child Protection and Safety Act of
10 2006 (42 U.S.C. 16901 et seq.);

11 “(B) makes a false statement in connection
12 with such criminal background check;

13 “(C) is registered or is required to be reg-
14 istered on a State sex offender registry or the Na-
15 tional Sex Offender Registry established under
16 the Adam Walsh Child Protection and Safety Act
17 of 2006 (42 U.S.C. 16901 et seq.); or

18 “(D) has been convicted of a felony con-
19 sisting of—

20 “(i) homicide;

21 “(ii) child abuse or neglect;

22 “(iii) a crime against children, includ-
23 ing child pornography;

24 “(iv) domestic violence;

1 “(v) a crime involving rape or sexual
2 assault;

3 “(vi) kidnapping;

4 “(vii) arson; or

5 “(viii) physical assault, battery, or a
6 drug-related offense, committed on or after
7 the date that is 5 years before the date of the
8 individual’s criminal background check
9 under this section; or

10 “(2) knowingly facilitates the transfer of an em-
11 ployee if the agency knows, or has probable cause to
12 believe, that the employee engaged in sexual mis-
13 conduct with a student.

14 “(b) *FEES FOR BACKGROUND CHECKS.*—The Attorney
15 General or a State may charge any applicable fees for con-
16 ducting a criminal background check under this section.

17 “(c) *DEFINITION.*—In this section, the term ‘employee’
18 means—

19 “(1) an employee of, or person seeking employ-
20 ment with, a local educational agency or State edu-
21 cational agency, and who, as a result of such employ-
22 ment has (or will have) a job duty that results in un-
23 supervised access to elementary school or secondary
24 school students; or

1 “(2) any person, or an employee of any person
2 who—

3 “(A) has a contract or agreement to provide
4 services to an elementary school or secondary
5 school, local educational agency, or State edu-
6 cational agency; and

7 “(B) as a result of such contract or agree-
8 ment has a job duty that results in unsupervised
9 access to elementary school or secondary school
10 students.

11 **“SEC. 6551. REDUCTION IN FEDERAL SPENDING.**

12 *“To ensure the reduced Federal role established under*
13 *this Act is recognized when allocating spending amounts*
14 *and appropriations for the programs under this Act, the*
15 *Secretary, through the director of the Institute for Edu-*
16 *cation Sciences, shall—*

17 “(1) not later than 60 days after the date of the
18 enactment of the Student Success Act, contract with
19 an economist with an expertise in workforce and gov-
20 ernment efficiency;

21 “(2) not later than 1 year after the date of the
22 enactment of the Student Success Act and before the
23 Administration’s annual budget request for a fiscal
24 year is submitted to Congress annually thereafter, re-
25 quire the economist to issue a report that—

1 “(A) examines the annual cost savings from
2 the reduced Federal requirements under this Act,
3 as amended by the Student Success Act, as com-
4 pared to the requirements under this Act as in
5 effect after fiscal year 2002 and prior to the date
6 of the enactment of the Student Success Act and
7 each year thereafter;

8 “(B) determines the reduced need for Fed-
9 eral funds to meet the Federal requirements
10 under this Act, as amended by the Student Suc-
11 cess Act, as compared to the requirements under
12 this Act as in effect after fiscal year 2002 and
13 prior to the date of the enactment of the Student
14 Success Act; and

15 “(C) includes the specific reduced Federal
16 funding amounts and reduced number of employ-
17 ees at the Department necessary for compliance
18 with the provisions of this Act, as amended by
19 the Student Success Act; and

20 “(3) not later than one week after Administra-
21 tion’s budget request is submitted to Congress for each
22 fiscal year, submit the report to the Committees on
23 Budget and the Committees on Appropriations of the
24 House of Representatives and the Senate, and the
25 Committee on Education and the Workforce of the

1 *House of Representatives and the Committee on*
2 *Health, Education, Labor, and Pensions of the Sen-*
3 *ate.*

4 **“Subpart 4—Restoration of State Sovereignty Over**
5 **Public Education and Parental Rights Over the**
6 **Education of Their Children**

7 **“SEC. 6561. STATES TO RETAIN RIGHTS AND AUTHORITIES**
8 **THEY DO NOT EXPRESSLY WAIVE.**

9 “(a) *RETENTION OF RIGHTS AND AUTHORITIES.—No*
10 *officer, employee, or other authority of the Secretary shall*
11 *enforce against an authority of a State, nor shall any au-*
12 *thority of a State have any obligation to obey, any require-*
13 *ment imposed as a condition of receiving assistance under*
14 *a grant program established under this Act, nor shall such*
15 *program operate within a State, unless the legislature of*
16 *that State shall have by law expressly approved that pro-*
17 *gram and, in doing so, have waived the State’s rights and*
18 *authorities to act inconsistently with any requirement that*
19 *might be imposed by the Secretary as a condition of receiv-*
20 *ing that assistance.*

21 “(b) *AMENDMENT OF TERMS OF RECEIPT OF FEDERAL*
22 *FINANCIAL ASSISTANCE.—An officer, employee, or other au-*
23 *thority of the Secretary may release assistance under a*
24 *grant program established under this Act to a State only*
25 *after the legislature of the State has by law expressly ap-*

1 *proved the program (as described in subsection (a)). This*
2 *approval may be accomplished by a vote to affirm a State*
3 *budget that includes the use of such Federal funds and any*
4 *such State budget must expressly include any requirement*
5 *imposed as a condition of receiving assistance under a*
6 *grant program established under this Act so that by approv-*
7 *ing the budget, the State legislature is expressly approving*
8 *the grant program and, in doing so, waiving the State's*
9 *rights and authorities to act inconsistently with any re-*
10 *quirement that might be imposed by the Secretary as a con-*
11 *dition of receiving that assistance.*

12 “(c) *SPECIAL RULE FOR STATES WITH BIENNIAL*
13 *LEGISLATURES.—In the case of a State with a biennial leg-*
14 *islature—*

15 “(1) *during a year in which the State legislature*
16 *does not meet, subsections (a) and (b) shall not apply;*
17 *and*

18 “(2) *during a year in which the State legislature*
19 *meets, subsections (a) and (b) shall apply, and, with*
20 *respect to any grant program established under this*
21 *Act during the most recent year in which the State*
22 *legislature did not meet, the State may by law ex-*
23 *pressly disapprove the grant program, and, if such*
24 *disapproval occurs, an officer, employee, or other au-*
25 *thority of the Secretary may not release any addi-*

1 *tional assistance to the State under that grant pro-*
2 *gram.*

3 “(d) *DEFINITION OF STATE AUTHORITY.*—*As used in*
4 *this section, the term ‘authority of a State’ includes any*
5 *administering agency of the State, any officer or employee*
6 *of the State, and any local government authority of the*
7 *State.*

8 “(e) *EFFECTIVE DATE.*—*This section applies in each*
9 *State beginning on the 90th day after the end of the first*
10 *regular session of the legislature of that State that begins*
11 *5 years after the date of the enactment of the Student Suc-*
12 *cess Act and shall continue to apply in subsequent years*
13 *until otherwise provided by law.*

14 **“SEC. 6562. DEDICATION OF SAVINGS TO DEFICIT REDUC-**
15 **TION.**

16 “*Notwithstanding any formula reallocations stipu-*
17 *lated under the Student Success Act, any funds under such*
18 *Act not allocated to a State because a State did not affirma-*
19 *tively agree to the receipt of such funds shall not be reallo-*
20 *cated among the States.*

21 **“SEC. 6563. DEFINITION OF STATE WITH BIENNIAL LEGISLA-**
22 **TURE.**

23 “*In this Act, the term ‘State with a biennial legisla-*
24 *ture’ means a State the legislature of which meets every*
25 *other year.*

1 **“SEC. 6564. INTENT OF CONGRESS.**

2 *“It is the intent of Congress that other than the terms*
3 *and conditions expressly approved by State law under the*
4 *terms of this subpart, control over public education and pa-*
5 *rental rights to control the education of their children are*
6 *vested exclusively within the autonomous zone of inde-*
7 *pendent authority reserved to the States and individual*
8 *Americans by the United States Constitution, other than*
9 *the Federal Government’s undiminishable obligation to en-*
10 *force minimum Federal standards of equal protection and*
11 *due process.*

12 **“PART F—EVALUATIONS**

13 **“SEC. 6601. EVALUATIONS.**

14 *“(a) RESERVATION OF FUNDS.—Except as provided in*
15 *subsections (c) and (d), the Secretary may reserve not more*
16 *than 0.5 percent of the amount appropriated to carry out*
17 *each categorical program authorized under this Act. The re-*
18 *served amounts shall be used by the Secretary, acting*
19 *through the Director of the Institute of Education*
20 *Sciences—*

21 *“(1) to conduct—*

22 *“(A) comprehensive evaluations of the pro-*
23 *gram or project;*

24 *“(B) studies of the effectiveness of the pro-*
25 *gram or project and its administrative impact*
26 *on schools and local educational agencies; and*

1 “(C) *the wide dissemination of evaluation*
2 *findings under this section with respect to pro-*
3 *grams authorized under this Act—*

4 “(i) *in a timely fashion;*

5 “(ii) *in forms that are understandable,*
6 *easily accessible, and usable or adaptable*
7 *for use in the improvement of educational*
8 *practice;*

9 “(iii) *through electronic transfer, and*
10 *other means, such as posting, as available,*
11 *to the websites of State educational agencies,*
12 *local educational agencies, the Institute of*
13 *Education Sciences, the Department, and*
14 *other relevant places; and*

15 “(iv) *in a manner that promotes the*
16 *utilization of such findings.*

17 “(2) *to evaluate the aggregate short- and long-*
18 *term effects and cost efficiencies across Federal pro-*
19 *grams assisted or authorized under this Act and re-*
20 *lated Federal preschool, elementary, and secondary*
21 *programs under any other Federal law; and*

22 “(3) *to increase the usefulness of evaluations of*
23 *grant recipients in order to ensure the continuous*
24 *progress of the program or project by improving the*

1 *quality, timeliness, efficiency, and use of information*
2 *relating to performance under the program or project.*

3 “(b) *REQUIRED PLAN.*—*The Secretary, acting through*
4 *the Director of the Institute of Education Sciences, may use*
5 *the reserved amount under subsection (a) only after comple-*
6 *tion of a comprehensive, multi-year plan—*

7 “(1) *for the periodic evaluation of each of the*
8 *major categorical programs authorized under this Act,*
9 *and as resources permit, the smaller categorical pro-*
10 *grams authorized under this Act;*

11 “(2) *that shall be developed and implemented*
12 *with the involvement of other officials at the Depart-*
13 *ment, as appropriate; and*

14 “(3) *that shall not be finalized until—*

15 “(A) *the publication of a notice in the Fed-*
16 *eral Register seeking public comment on such*
17 *plan and after review by the Secretary of such*
18 *comments; and*

19 “(B) *the plan is submitted for comment to*
20 *the Committee on Education and the Workforce*
21 *of the House of Representatives and the Com-*
22 *mittee on Health, Education, Labor, and Pen-*
23 *sions of the Senate and after review by the Sec-*
24 *retary of such comments.*

1 “(c) *TITLE I EXCLUDED.*—*The Secretary may not re-*
2 *serve under subsection (a) funds appropriated to carry out*
3 *any program authorized under title I.*

4 “(d) *EVALUATION ACTIVITIES AUTHORIZED ELSE-*
5 *WHERE.*—*If, under any other provision of this Act (other*
6 *than title I), funds are authorized to be reserved or used*
7 *for evaluation activities with respect to a program or*
8 *project, the Secretary may not reserve additional funds*
9 *under this section for the evaluation of that program or*
10 *project.”.*

11 (b) *TECHNICAL AMENDMENTS.*—

12 (1) *TITLE IX.*—

13 (A) *SUBPART 1 OF PART E OF TITLE VI.*—

14 (i) *TRANSFER AND REDESIGNATION.*—

15 *Sections 9504 through 9506 (20 U.S.C.*
16 *7884, 7885, and 7886) are—*

17 (I) *transferred to title VI, as*
18 *amended by subsection (a) of this sec-*
19 *tion;*

20 (II) *inserted after section 6503 of*
21 *such title; and*

22 (III) *redesignated as sections 6504*
23 *through 6506, respectively.*

24 (ii) *AMENDMENTS.*—*Section 6504 (as*
25 *so redesignated) is amended—*

1 (I) in subsection (a)(1)(A), by
2 striking “section 9502” and inserting
3 “section 6502”;

4 (II) in subsection (b), by striking
5 “section 9501” and inserting “section
6 6501”; and

7 (III) in subsection (d), by striking
8 “No Child Left Behind Act of 2001”
9 and inserting “Student Success Act”.

10 (B) SUBPART 2 OF PART E OF TITLE VI.—

11 (i) TRANSFER AND REDESIGNATION.—
12 Sections 9531, 9533, and 9534 (20 U.S.C.
13 7911, 7913, and 7914) are—

14 (I) transferred to title VI, as
15 amended by subparagraph (A) of this
16 paragraph;

17 (II) inserted after section 6525 of
18 such title; and

19 (III) redesignated as sections 6526
20 through 6528, respectively.

21 (ii) AMENDMENTS.—Section 6528 (as
22 so redesignated) is amended—

23 (I) by striking “(a) IN GEN-
24 ERAL.—Nothing” and inserting “Noth-
25 ing”; and

1 (II) by striking subsection (b).

2 (C) SUBPART 3 OF PART E OF TITLE VI.—
3 Sections 9523, 9524, and 9525 (20 U.S.C. 7903,
4 7904, and 7905) are—

5 (i) transferred to title VI, as amended
6 by subparagraph (B) of this paragraph;

7 (ii) inserted after section 6544 of such
8 title; and

9 (iii) redesignated as sections 6545
10 through 6547, respectively.

11 (2) TITLE IV.—Sections 4141 and 4155 (20
12 U.S.C. 7151 and 7161) are—

13 (A) transferred to title VI, as amended by
14 this Act;

15 (B) inserted after section 6551; and

16 (C) redesignated as sections 6552 and 6553,
17 respectively.

18 **SEC. 602. REPEAL.**

19 Title IX (20 U.S.C. 7801 et seq.), as amended by sec-
20 tion 601(b)(1) of this title, is repealed.

21 **SEC. 603. OTHER LAWS.**

22 Beginning on the date of the enactment of this Act,
23 any reference in law to the term “highly qualified” as de-
24 fined in section 9101 of the Elementary and Secondary
25 Education Act of 1965 shall be treated as a reference to

1 *such term under section 9101 of the Elementary and Sec-*
2 *ondary Education Act of 1965 as in effect on the day before*
3 *the date of the enactment of this Act.*

4 **SEC. 604. AMENDMENT TO IDEA.**

5 *Section 602 of the Individuals with Disabilities Edu-*
6 *cation Act (20 U.S.C. 1401) is amended by striking para-*
7 *graph (10).*

8 **TITLE VII—HOMELESS**
9 **EDUCATION**

10 **SEC. 701. STATEMENT OF POLICY.**

11 *Section 721 of the McKinney-Vento Homeless Assist-*
12 *ance Act (42 U.S.C. 11431) is amended—*

13 *(1) by amending paragraph (2) to read as fol-*
14 *lows:*

15 *“(2) In any State where compulsory residency*
16 *requirements or other requirements, laws, regulations,*
17 *practices, or policies may act as a barrier to the iden-*
18 *tification, enrollment, attendance, or success in school*
19 *of homeless children and youths, the State and local*
20 *educational agencies will review and undertake steps*
21 *to revise such laws, regulations, practices, or policies*
22 *to ensure that homeless children and youths are af-*
23 *forded the same free, appropriate public education as*
24 *is provided to other children and youths.”;*

25 *(2) in paragraph (3), by striking “alone”; and*

1 (3) in paragraph (4), by striking “challenging
2 State student academic achievement” and inserting
3 “State academic”.

4 **SEC. 702. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
5 **THE EDUCATION OF HOMELESS CHILDREN**
6 **AND YOUTHS.**

7 Section 722 of such Act (42 U.S.C. 11432) is amend-
8 ed—

9 (1) in subsection (a), by striking “(g).” and in-
10 serting “(h).”;

11 (2) by striking subsection (b);

12 (3) in subsection (c)—

13 (A) in paragraph (1)(A)—

14 (i) in clause (i), by adding “or” at the
15 end;

16 (ii) in clause (ii), by striking “; or” at
17 the end and inserting a period; and

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

19 (B) by striking paragraph (3);

20 (4) in subsection (d)—

21 (A) in the matter preceding paragraph (1),
22 by striking “Grants” and inserting “Grant funds
23 from a grant made to a State”;

24 (B) by amending paragraph (2) to read as
25 follows:

1 “(2) To provide services and activities to im-
2 prove the identification of homeless children (includ-
3 ing preschool-aged homeless children and youths) that
4 enable such children and youths to enroll in, attend,
5 and succeed in school, or, if appropriate, in preschool
6 programs.”;

7 (C) in paragraph (3), by inserting before
8 the period at the end the following: “that can
9 sufficiently carry out the duties described in this
10 subtitle”; and

11 (D) by amending paragraph (5) to read as
12 follows:

13 “(5) To develop and implement professional de-
14 velopment programs for liaisons designated under
15 subsection (g)(1)(J)(ii) and other local educational
16 agency personnel—

17 “(A) to improve their identification of
18 homeless children and youths; and

19 “(B) to heighten their awareness of, and ca-
20 pacity to respond to, specific needs in the edu-
21 cation of homeless children and youths.”;

22 (5) in subsection (e)—

23 (A) in paragraph (1)—

24 (i) by striking “sums” and inserting
25 “grant funds”; and

1 (ii) by inserting “a State under sub-
2 section (a) to” after “each year to”;

3 (B) in paragraph (2), by striking “funds
4 made available for State use under this subtitle”
5 and inserting “the grant funds remaining after
6 the State educational agency distributes sub-
7 grants under paragraph (1)”; and

8 (C) in paragraph (3)—

9 (i) in subparagraph (C)(iv)(II), by
10 striking “sections 1111 and 1116” and in-
11 serting “section 1111”; and

12 (ii) in subparagraph (F)—

13 (I) in clause (i)—

14 (aa) in the matter preceding
15 subclause (I), by striking “a re-
16 port” and inserting “an annual
17 report”;

18 (bb) by striking “and” at the
19 end of subclause (II);

20 (cc) by striking the period at
21 the end of subclause (III) and in-
22 serting “; and”; and

23 (dd) by adding at the end the
24 following:

1 “(IV) the progress the separate
2 schools are making in helping all stu-
3 dents meet the State academic stand-
4 ards.”; and

5 (II) in clause (iii), by striking
6 “Not later than 2 years after the date
7 of enactment of the McKinney-Vento
8 Homeless Education Assistance Im-
9 provements Act of 2001, the” and in-
10 serting “The”;

11 (6) by amending subsection (f) to read as follows:

12 “(f) *FUNCTIONS OF THE OFFICE OF COORDINATOR.—*
13 *The Coordinator for Education of Homeless Children and*
14 *Youths established in each State shall—*

15 “(1) gather and make publically available reli-
16 able, valid, and comprehensive information on—

17 “(A) the number of homeless children and
18 youths identified in the State, posted annually
19 on the State educational agency’s website;

20 “(B) the nature and extent of the problems
21 homeless children and youths have in gaining ac-
22 cess to public preschool programs and to public
23 elementary schools and secondary schools;

1 “(C) the difficulties in identifying the spe-
2 cial needs and barriers to the participation and
3 achievement of such children and youths;

4 “(D) any progress made by the State edu-
5 cational agency and local educational agencies
6 in the State in addressing such problems and
7 difficulties; and

8 “(E) the success of the programs under this
9 subtitle in identifying homeless children and
10 youths and allowing such children and youths to
11 enroll in, attend, and succeed in, school;

12 “(2) develop and carry out the State plan de-
13 scribed in subsection (g);

14 “(3) collect data for and transmit to the Sec-
15 retary, at such time and in such manner as the Sec-
16 retary may require, a report containing information
17 necessary to assess the educational needs of homeless
18 children and youths within the State, including data
19 necessary for the Secretary to fulfill the responsibil-
20 ities under section 724(h);

21 “(4) in order to improve the provision of com-
22 prehensive education and related support services to
23 homeless children and youths and their families, co-
24 ordinate and collaborate with—

1 “(A) educators, including teachers, special
2 education personnel, administrators, and child
3 development and preschool program personnel;

4 “(B) providers of services to homeless chil-
5 dren and youths and their families, including
6 services of public and private child welfare and
7 social services agencies, law enforcement agen-
8 cies, juvenile and family courts, agencies pro-
9 viding mental health services, domestic violence
10 agencies, child care providers, runaway and
11 homeless youth centers, and providers of services
12 and programs funded under the Runaway and
13 Homeless Youth Act (42 U.S.C. 5701 et seq.);

14 “(C) providers of emergency, transitional,
15 and permanent housing to homeless children and
16 youths, and their families, including public
17 housing agencies, shelter operators, operators of
18 transitional housing facilities, and providers of
19 transitional living programs for homeless youths;

20 “(D) local educational agency liaisons des-
21 ignated under subsection (g)(1)(J)(ii) for home-
22 less children and youths; and

23 “(E) community organizations and groups
24 representing homeless children and youths and
25 their families;

1 “(5) provide technical assistance to local edu-
2 cational agencies, in coordination with local edu-
3 cational agency liaisons designated under subsection
4 (g)(1)(J)(ii), to ensure that local educational agencies
5 comply with the requirements of subsection (e)(3),
6 paragraphs (3) through (7) of subsection (g), and sub-
7 section (h);

8 “(6) provide professional development opportuni-
9 ties for local educational agency personnel and the
10 homeless liaison designated under subsection
11 (g)(1)(J)(ii) to assist such personnel in meeting the
12 needs of homeless children and youths; and

13 “(7) respond to inquiries from parents and
14 guardians of homeless children and youths and unac-
15 companied youths to ensure that each child or youth
16 who is the subject of such an inquiry receives the full
17 protections and services provided by this subtitle.”;

18 (7) by amending subsection (g) to read as fol-
19 lows:

20 “(g) STATE PLAN.—

21 “(1) IN GENERAL.—In order to be eligible to re-
22 ceive a grant under this section, each State edu-
23 cational agency shall submit to the Secretary a plan
24 to provide for the education of homeless children and
25 youths within the State that includes the following:

1 “(A) A description of how such children and
2 youths are (or will be) given the opportunity to
3 meet the same State academic standards that all
4 students are expected to meet.

5 “(B) A description of the procedures the
6 State educational agency will use to identify
7 such children and youths in the State and to as-
8 sess their needs.

9 “(C) A description of procedures for the
10 prompt resolution of disputes regarding the edu-
11 cational placement of homeless children and
12 youths.

13 “(D) A description of programs for school
14 personnel (including liaisons, school leaders, at-
15 tendance officers, teachers, enrollment personnel,
16 and specialized instructional support personnel)
17 to heighten the awareness of such personnel of the
18 specific needs of homeless adolescents, including
19 runaway and homeless youths.

20 “(E) A description of procedures that ensure
21 that homeless children and youths who meet the
22 relevant eligibility criteria are able to partici-
23 pate in Federal, State, or local nutrition pro-
24 grams.

1 “(F) A description of procedures that ensure
2 that—

3 “(i) homeless children have equal ac-
4 cess to public preschool programs, adminis-
5 tered by the State educational agency or
6 local educational agency, as provided to
7 other children in the State;

8 “(ii) homeless youths and youths sepa-
9 rated from public schools are identified and
10 accorded equal access to appropriate sec-
11 ondary education and support services; and

12 “(iii) homeless children and youths
13 who meet the relevant eligibility criteria are
14 able to participate in Federal, State, or
15 local education programs.

16 “(G) Strategies to address problems identi-
17 fied in the report provided to the Secretary
18 under subsection (f)(3).

19 “(H) Strategies to address other problems
20 with respect to the education of homeless children
21 and youths, including problems resulting from
22 enrollment delays that are caused by—

23 “(i) immunization and other health
24 records requirements;

25 “(ii) residency requirements;

1 “(iii) lack of birth certificates, school
2 records, or other documentation;

3 “(iv) guardianship issues; or

4 “(v) uniform or dress code require-
5 ments.

6 “(I) A demonstration that the State edu-
7 cational agency and local educational agencies
8 in the State have developed, and shall review
9 and revise, policies to remove barriers to the
10 identification, enrollment, and retention of
11 homeless children and youths in schools in the
12 State.

13 “(J) Assurances that the following will be
14 carried out:

15 “(i) The State educational agency and
16 local educational agencies in the State will
17 adopt policies and practices to ensure that
18 homeless children and youths are not stig-
19 matized or segregated on the basis of their
20 status as homeless.

21 “(ii) Local educational agencies will
22 designate an appropriate staff person, who
23 may also be a coordinator for other Federal
24 programs, as a local educational agency li-
25 aison for homeless children and youths, to

1 *carry out the duties described in paragraph*
2 *(6)(A).*

3 “(iii) *The State and its local edu-*
4 *cational agencies will adopt policies and*
5 *practices to ensure that transportation is*
6 *provided, at the request of the parent or*
7 *guardian (or in the case of an unaccom-*
8 *panied youth, the liaison), to and from the*
9 *school of origin, as determined in para-*
10 *graph (3)(A), in accordance with the fol-*
11 *lowing, as applicable:*

12 “(I) *If the child or youth con-*
13 *tinues to live in the area served by the*
14 *local educational agency in which the*
15 *school of origin is located, the child’s or*
16 *youth’s transportation to and from the*
17 *school of origin shall be provided or ar-*
18 *ranged by the local educational agency*
19 *in which the school of origin is located.*

20 “(II) *If the child’s or youth’s liv-*
21 *ing arrangements in the area served by*
22 *the local educational agency of origin*
23 *terminate and the child or youth,*
24 *though continuing his or her education*
25 *in the school of origin, begins living in*

1 *an area served by another local edu-*
2 *catational agency, the local educational*
3 *agency of origin and the local edu-*
4 *catational agency in which the child or*
5 *youth is living shall agree upon a*
6 *method to apportion the responsibility*
7 *and costs for providing the child with*
8 *transportation to and from the school*
9 *of origin. If the local educational agen-*
10 *cies are unable to agree upon such*
11 *method, the responsibility and costs for*
12 *transportation shall be shared equally.*

13 “(2) COMPLIANCE.—

14 “(A) IN GENERAL.—Each plan adopted
15 under this subsection shall also describe how the
16 State will ensure that local educational agencies
17 in the State will comply with the requirements
18 of paragraphs (3) through (7).

19 “(B) COORDINATION.—Such plan shall in-
20 dicate what technical assistance the State will
21 furnish to local educational agencies and how
22 compliance efforts will be coordinated with the
23 local educational agency liaisons designated
24 under paragraph (1)(J)(ii).

1 “(3) *LOCAL EDUCATIONAL AGENCY REQUIRE-*
2 *MENTS.—*

3 “(A) *IN GENERAL.—The local educational*
4 *agency serving each child or youth to be assisted*
5 *under this subtitle shall, according to the child’s*
6 *or youth’s best interest—*

7 “(i) *continue the child’s or youth’s edu-*
8 *cation in the school of origin for the dura-*
9 *tion of homelessness—*

10 “(I) *in any case in which a fam-*
11 *ily becomes homeless between academic*
12 *years or during an academic year; or*

13 “(II) *for the remainder of the aca-*
14 *demie year, if the child or youth be-*
15 *comes permanently housed during an*
16 *academic year; or*

17 “(ii) *enroll the child or youth in any*
18 *public school that nonhomeless students who*
19 *live in the attendance area in which the*
20 *child or youth is actually living are eligible*
21 *to attend.*

22 “(B) *SCHOOL STABILITY.—In determining*
23 *the best interest of the child or youth under sub-*
24 *paragraph (A), the local educational agency*
25 *shall—*

1 “(i) presume that keeping the child or
2 youth in the school of origin is in the child
3 or youth’s best interest, except when doing
4 so is contrary to the wishes of the child’s or
5 youth’s parent or guardian, or the unac-
6 companied youth;

7 “(ii) consider student-centered factors
8 related to the child’s or youth’s best interest,
9 including factors related to the impact of
10 mobility on achievement, education, health,
11 and safety of homeless children and youth,
12 giving priority to the wishes of the homeless
13 child’s or youth’s parent of guardian or the
14 unaccompanied youth involved;

15 “(iii) if, after conducting the best in-
16 terest determination based on consideration
17 of the presumption in clause (i) and the
18 student-centered factors in clause (ii), the
19 local educational agency determines that it
20 is not in the child’s or youth’s best interest
21 to attend the school of origin or the school
22 requested by the parent, guardian, or unac-
23 companied youth, provide the child’s or
24 youth’s parent or guardian or the unaccom-
25 panied youth with a written explanation of

1 *the reasons for its determination, in a man-*
2 *ner and form understandable to such par-*
3 *ent, guardian, or unaccompanied youth, in-*
4 *cluding information regarding the right to*
5 *appeal under subparagraph (E); and*

6 *“(iv) in the case of an unaccompanied*
7 *youth, ensure that the homeless liaison des-*
8 *ignated under paragraph (1)(J)(ii) assists*
9 *in placement or enrollment decisions under*
10 *this subparagraph, gives priority to the*
11 *views of such unaccompanied youth, and*
12 *provides notice to such youth of the right to*
13 *appeal under subparagraph (E).*

14 “(C) *ENROLLMENT.*—

15 “(i) *IN GENERAL.*—*The school selected*
16 *in accordance with this paragraph shall im-*
17 *mediately enroll the homeless child or youth,*
18 *even if the child or youth—*

19 “(I) *is unable to produce records*
20 *normally required for enrollment, such*
21 *as previous academic records, records*
22 *of immunization and other required*
23 *health records, proof of residency, or*
24 *other documentation; or*

1 “(II) *has missed application or*
2 *enrollment deadlines during any pe-*
3 *riod of homelessness.*

4 “(ii) *RELEVANT ACADEMIC*
5 *RECORDS.—The enrolling school shall im-*
6 *mediately contact the school last attended*
7 *by the child or youth to obtain relevant aca-*
8 *demic and other records.*

9 “(iii) *RELEVANT HEALTH RECORDS.—*
10 *If the child or youth needs to obtain immu-*
11 *nizations or other required health records,*
12 *the enrolling school shall immediately refer*
13 *the parent or guardian of the child or*
14 *youth, or the unaccompanied child or youth,*
15 *to the local educational agency liaison des-*
16 *ignated under paragraph (1)(J)(ii), who*
17 *shall assist in obtaining necessary immuni-*
18 *zations or screenings, or immunization or*
19 *other required health records, in accordance*
20 *with subparagraph (D).*

21 “(D) *RECORDS.—Any record ordinarily*
22 *kept by the school, including immunization or*
23 *other required health records, academic records,*
24 *birth certificates, guardianship records, and*
25 *evaluations for special services or programs, re-*

1 *garding each homeless child or youth shall be*
2 *maintained—*

3 “(i) *so that the records involved are*
4 *available, in a timely fashion, when a child*
5 *or youth enters a new school or school dis-*
6 *trict; and*

7 “(ii) *in a manner consistent with sec-*
8 *tion 444 of the General Education Provi-*
9 *sions Act (20 U.S.C. 1232g).*

10 “(E) *ENROLLMENT DISPUTES.—If a dispute*
11 *arises over school selection or enrollment in a*
12 *school—*

13 “(i) *the child or youth shall be imme-*
14 *diately enrolled in the school in which en-*
15 *rollment is sought, pending final resolution*
16 *of the dispute, including all available ap-*
17 *peals;*

18 “(ii) *the parent, guardian, or unac-*
19 *companied youth shall be provided with a*
20 *written explanation of any decisions made*
21 *by the school, the local educational agency,*
22 *or the State educational agency involved,*
23 *including the rights of the parent, guardian,*
24 *or youth to appeal such decisions;*

1 “(iii) the parent, guardian, or unac-
2 companied youth shall be referred to the
3 local educational agency liaison designated
4 under paragraph (1)(J)(ii), who shall carry
5 out the dispute resolution process as de-
6 scribed in paragraph (1)(C) as expedi-
7 tiously as possible after receiving notice of
8 the dispute; and

9 “(iv) in the case of an unaccompanied
10 youth, the liaison shall ensure that the
11 youth is immediately enrolled in school in
12 which the youth seeks enrollment pending
13 resolution of such dispute.

14 “(F) *PLACEMENT CHOICE.*—The choice re-
15 garding placement shall be made regardless of
16 whether the child or youth lives with the home-
17 less parents or has been temporarily placed else-
18 where.

19 “(G) *SCHOOL OF ORIGIN DEFINED.*—

20 “(i) *IN GENERAL.*—In this paragraph,
21 the term ‘school of origin’ means the school
22 that a child or youth attended when perma-
23 nently housed or the school in which the
24 child or youth was last enrolled.

1 “(i) *RECEIVING SCHOOL.*—When the
2 child or youth completes the final grade
3 level served by the school of origin, as de-
4 scribed in clause (i), the term “school of ori-
5 gin” shall include the designated receiving
6 school at the next grade level for all feeder
7 schools.

8 “(H) *CONTACT INFORMATION.*—Nothing in
9 this subtitle shall prohibit a local educational
10 agency from requiring a parent or guardian of
11 a homeless child to submit contact information.

12 “(I) *PRIVACY.*—Information about a home-
13 less child’s or youth’s living situation shall be
14 treated as a student education record under sec-
15 tion 444 of the General Education Provisions
16 Act (20 U.S.C. 1232g) and shall not be released
17 to housing providers, employers, law enforcement
18 personnel, or other persons or agencies not au-
19 thorized to have such information under section
20 99.31 of title 34, Code of Federal Regulations.

21 “(J) *ACADEMIC ACHIEVEMENT.*—The school
22 selected in accordance with this paragraph shall
23 ensure that homeless children and youths have
24 opportunities to meet the same State academic
25 standards to which other students are held.

1 “(4) *COMPARABLE SERVICES.*—*Each homeless*
2 *child or youth to be assisted under this subtitle shall*
3 *be provided services comparable to services offered to*
4 *other students in the school selected under paragraph*
5 *(3), including the following:*

6 “(A) *Transportation services.*

7 “(B) *Educational services for which the*
8 *child or youth meets the eligibility criteria, such*
9 *as services provided under title I of the Elemen-*
10 *tary and Secondary Education Act of 1965 (20*
11 *U.S.C. 6301 et seq.) or similar State or local*
12 *programs, educational programs for children*
13 *with disabilities, and educational programs for*
14 *English learners.*

15 “(C) *Programs in career and technical edu-*
16 *cation.*

17 “(D) *Programs for gifted and talented stu-*
18 *dents.*

19 “(E) *School nutrition programs.*

20 “(5) *COORDINATION.*—

21 “(A) *IN GENERAL.*—*Each local educational*
22 *agency serving homeless children and youths that*
23 *receives assistance under this subtitle shall co-*
24 *ordinate—*

1 “(i) the provision of services under this
2 subtitle with local social services agencies
3 and other agencies or entities providing
4 services to homeless children and youths and
5 their families, including services and pro-
6 grams funded under the Runaway and
7 Homeless Youth Act (42 U.S.C. 5701 et
8 seq.); and

9 “(ii) transportation, transfer of school
10 records, and other interdistrict activities,
11 with other local educational agencies.

12 “(B) HOUSING ASSISTANCE.—If applicable,
13 each State educational agency and local edu-
14 cational agency that receives assistance under
15 this subtitle shall coordinate with State and local
16 housing agencies responsible for developing the
17 comprehensive housing affordability strategy de-
18 scribed in section 105 of the Cranston-Gonzalez
19 National Affordable Housing Act (42 U.S.C.
20 12705) to minimize educational disruption for
21 children and youths who become homeless.

22 “(C) COORDINATION PURPOSE.—The coordi-
23 nation required under subparagraphs (A) and
24 (B) shall be designed to—

1 “(i) ensure that all homeless children
2 and youths are promptly identified;

3 “(ii) ensure that homeless children and
4 youths have access to, and are in reasonable
5 proximity to, available education and re-
6 lated support services; and

7 “(iii) raise the awareness of school per-
8 sonnel and service providers of the effects of
9 short-term stays in a shelter and other chal-
10 lenges associated with homelessness.

11 “(D) *HOMELESS CHILDREN AND YOUTHS*
12 *WITH DISABILITIES.*—For children and youths
13 who are to be assisted both under this subtitle,
14 and under the *Individuals with Disabilities*
15 *Education Act* (20 U.S.C. 1400 et seq.) or section
16 504 of the *Rehabilitation Act of 1973* (29 U.S.C.
17 794), each local educational agency shall coordi-
18 nate the provision of services under this subtitle
19 with the provision of programs for children with
20 disabilities served by that local educational agen-
21 cy and other involved local educational agencies.

22 “(6) *LOCAL EDUCATIONAL AGENCY LIAISON.*—

23 “(A) *DUTIES.*—Each local educational
24 agency liaison for homeless children and youths,

1 *designated under paragraph (1)(J)(ii), shall en-*
2 *sure that—*

3 “(i) *homeless children and youths are*
4 *identified by school personnel through out-*
5 *reach and coordination activities with other*
6 *entities and agencies;*

7 “(ii) *homeless children and youths are*
8 *enrolled in, and have a full and equal op-*
9 *portunity to succeed in, schools of that local*
10 *educational agency;*

11 “(iii) *homeless families, children, and*
12 *youths have access to and receive edu-*
13 *cational services for which such families,*
14 *children, and youths are eligible, including*
15 *services through Head Start, Early Head*
16 *Start, early intervention, and preschool pro-*
17 *grams administered by the local educational*
18 *agency;*

19 “(iv) *homeless families, children, and*
20 *youths receive referrals to health care serv-*
21 *ices, dental services, mental health and sub-*
22 *stances abuse services, housing services, and*
23 *other appropriate services;*

24 “(v) *the parents or guardians of home-*
25 *less children and youths are informed of the*

1 *educational and related opportunities avail-*
2 *able to their children and are provided with*
3 *meaningful opportunities to participate in*
4 *the education of their children;*

5 “(vi) public notice of the educational
6 rights of homeless children and youths is
7 disseminated in locations frequented by par-
8 ents or guardians of such children and
9 youths, and unaccompanied youths, includ-
10 ing schools, shelters, public libraries, and
11 soup kitchens in a manner and form under-
12 standable to the parents and guardians of
13 homeless children and youths, and unac-
14 companied youths;

15 “(vii) enrollment disputes are mediated
16 in accordance with paragraph (3)(E);

17 “(viii) the parent or guardian of a
18 homeless child or youth, and any unaccom-
19 panied youth, is fully informed of all trans-
20 portation services, including transportation
21 to the school of origin, as described in para-
22 graph (1)(J)(iii), and is assisted in access-
23 ing transportation to the school that is se-
24 lected under paragraph (3)(A);

1 “(ix) school personnel providing serv-
2 ices under this subtitle receive professional
3 development and other support; and

4 “(x) unaccompanied youths—

5 “(I) are enrolled in school;

6 “(II) have opportunities to meet
7 the same State academic standards to
8 which other students are held, includ-
9 ing through implementation of the
10 policies and practices required by
11 paragraph (1)(F)(i); and

12 “(III) are informed of their status
13 as independent students under section
14 480 of the Higher Education Act of
15 1965 (20 U.S.C. 1087vv) and receive
16 verification of such status for purposes
17 of the Free Application for Federal
18 Student Aid described in section 483 of
19 such Act (20 U.S.C. 1090).

20 “(B) NOTICE.—State coordinators estab-
21 lished under subsection (d)(3) and local edu-
22 cational agencies shall inform school personnel,
23 service providers, advocates working with home-
24 less families, parents and guardians of homeless
25 children and youths, and homeless children and

1 *youths of the duties of the local educational agen-*
2 *cy liaisons, including publishing an annually*
3 *updated list of the liaisons on the State edu-*
4 *cational agency’s website.*

5 “(C) *LOCAL AND STATE COORDINATION.*—

6 *Local educational agency liaisons for homeless*
7 *children and youths shall, as a part of their du-*
8 *ties, coordinate and collaborate with State coor-*
9 *dinators and community and school personnel*
10 *responsible for the provision of education and re-*
11 *lated services to homeless children and youths.*
12 *Such coordination shall include collecting and*
13 *providing to the State Coordinator the reliable,*
14 *valid, and comprehensive data needed to meet*
15 *the requirements of paragraphs (1) and (3) of*
16 *subsection (f).*

17 “(7) *REVIEW AND REVISIONS.*—

18 “(A) *IN GENERAL.*—*Each State educational*
19 *agency and local educational agency that re-*
20 *ceives assistance under this subtitle shall review*
21 *and revise any policies that may act as barriers*
22 *to the enrollment of homeless children and youths*
23 *in schools that are selected under paragraph (3).*

24 “(B) *CONSIDERATION.*—*In reviewing and*
25 *revising such policies, consideration shall be*

1 *given to issues concerning transportation, immu-*
2 *nization, residency, birth certificates, school*
3 *records and other documentation, and guardian-*
4 *ship.*

5 “(C) *SPECIAL ATTENTION.*—*Special atten-*
6 *tion shall be given to ensuring the enrollment*
7 *and attendance of homeless children and youths*
8 *who are not currently attending school.”;*

9 (8) *in subsection (h)(1)(A), by striking “fiscal*
10 *year 2009,” and inserting “fiscal years 2014 through*
11 *2019,”; and*

12 (9) *in subsection (h)(4), by striking “fiscal year*
13 *2009” and inserting “fiscal years 2014 through*
14 *2019”.*

15 **SEC. 703. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
16 **THE EDUCATION OF HOMELESS CHILDREN**
17 **AND YOUTHS.**

18 *Section 723 of such Act (42 U.S.C. 11433) is amend-*
19 *ed—*

20 (1) *in subsection (a)—*

21 (A) *in paragraph (1), by striking “facili-*
22 *tating the enrollment,” and inserting “facili-*
23 *tating the identification, enrollment,”;*

24 (B) *in paragraph (2)(A)—*

1 (i) by adding “and” at the end of
2 clause (i);

3 (ii) by striking “; and” and inserting
4 a period at the end of clause (ii); and

5 (iii) by striking clause (iii); and

6 (C) by adding at the end the following:

7 “(4) *DURATION OF GRANTS.*—Subgrants award-
8 ed under this section shall be for terms of not to ex-
9 ceed 3 years.”;

10 (2) in subsection (b)—

11 (A) by striking paragraph (3) and redesignig-
12 nating paragraphs (4) and (5) as paragraphs
13 (3) and (4), respectively; and

14 (B) by adding at the end the following:

15 “(5) An assurance that the local educational
16 agency will collect and promptly provide data re-
17 quested by the State Coordinator pursuant to para-
18 graphs (1) and (3) of section 722(f).

19 “(6) An assurance that the local educational
20 agency has removed barriers to complying with the
21 requirements of section 722(g)(1)(I).”;

22 (3) in subsection (c)—

23 (A) in paragraph (1), by striking “726”
24 and inserting “722(a)”;

25 (B) in paragraph (2)—

1 (i) in subparagraph (A), by inserting
2 “identification,” before “enrollment”;

3 (ii) by amending subparagraph (B) to
4 read as follows:

5 “(B) The extent to which the application re-
6 flects coordination with other local and State
7 agencies that serve homeless children and
8 youths.”; and

9 (iii) in subparagraph (C), by inserting
10 “(as of the date of submission of the appli-
11 cation)” after “current practice”;

12 (C) in paragraph (3)—

13 (i) by amending subparagraph (C) to
14 read as follows:

15 “(C) The extent to which the applicant will
16 promote meaningful involvement of parents or
17 guardians of homeless children or youths in the
18 education of their children.”;

19 (ii) in subparagraph (D), by striking
20 “within” and inserting “into”;

21 (iii) in subparagraph (G)—

22 (I) by striking “Such” and insert-
23 ing “The extent to which the appli-
24 cant’s program meets such”; and

1 (II) by striking “case manage-
2 ment or related”;

3 (iv) by redesignating subparagraph
4 (G) as subparagraph (I) and inserting after
5 subparagraph (F) the following:

6 “(G) The extent to which the local edu-
7 cational agency will use the subgrant to leverage
8 resources, including by maximizing nonsubgrant
9 funding for the position of the liaison described
10 in section 722(g)(1)(J)(ii) and the provision of
11 transportation.

12 “(H) How the local educational agency uses
13 funds to serve homeless children and youths
14 under section 1113(c)(3) of the Elementary and
15 Secondary Education Act of 1965 (20 U.S.C.
16 6313(c)(3)).”; and

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

18 “(J) An assurance that the applicant will
19 meet the requirements of section 722(g)(3).”; and

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

21 (4) in subsection (d)—

22 (A) in paragraph (1)—

23 (i) by striking “challenging State aca-
24 demic content standards” and inserting

25 “State academic standards”; and

1 (ii) by striking “and challenging State
2 student academic achievement standards”;

3 (B) in paragraph (2)—

4 (i) by striking “students with limited
5 English proficiency,” and inserting
6 “English learners,”; and

7 (ii) by striking “vocational” and in-
8 serting “career”;

9 (C) in paragraph (3), by striking “pupil
10 services” and inserting “specialized instructional
11 support”;

12 (D) in paragraph (7), by striking “, and
13 unaccompanied youths,” and inserting “, par-
14 ticularly homeless children and youths who are
15 not enrolled in school,”;

16 (E) in paragraph (9) by striking “medical”
17 and inserting “other required health”;

18 (F) in paragraph (10), by inserting before
19 the period at the end “, and other activities de-
20 signed to increase the meaningful involvement of
21 parents or guardians of homeless children or
22 youths in the education of their children”;

23 (G) in paragraph (12), by striking “pupil”
24 and inserting “specialized instructional sup-
25 port”; and

1 (H) in paragraph (13), by inserting before
2 the period at the end “and parental mental
3 health or substance abuse problems”.

4 **SEC. 704. SECRETARIAL RESPONSIBILITIES.**

5 Section 724 of such Act (42 U.S.C. 11434) is amend-
6 ed—

7 (1) by amending subsection (c) to read as fol-
8 lows:

9 “(c) NOTICE.—

10 “(1) IN GENERAL.—The Secretary shall, before
11 the next school year that begins after the date of the
12 enactment of the Student Success Act, update and dis-
13 seminate nationwide the public notice described in
14 this subsection (as in effect prior to such date) of the
15 educational rights of homeless children and youths.

16 “(2) DISSEMINATION.—The Secretary shall dis-
17 seminate the notice nationally to all Federal agencies,
18 program grantees, and grant recipients serving home-
19 less families, children, and youths.”;

20 (2) in subsection (d), by striking “and dissemi-
21 nation” and inserting “, dissemination, and technical
22 assistance”;

23 (3) in subsection (e)—

1 (A) by striking “applications for grants
2 under this subtitle” and inserting “plans for the
3 use of grant funds under section 722”;

4 (B) by striking “60-day” and inserting
5 “120-day”; and

6 (C) by striking “120-day” and inserting
7 “180-day”;

8 (4) in subsection (f), by adding at the end the
9 following: “The Secretary shall provide support and
10 technical assistance to State educational agencies in
11 areas in which barriers to a free appropriate public
12 education persist.”;

13 (5) by amending subsection (g) to read as fol-
14 lows:

15 “(g) *GUIDELINES.*—The Secretary shall develop, issue,
16 and publish in the Federal Register, not later than 60 days
17 after the date of the enactment of the Student Success Act,
18 strategies by which a State—

19 “(1) may assist local educational agencies to im-
20 plement the provisions amended by the Act; and

21 “(2) can review and revise State policies and
22 procedures that may present barriers to the identi-
23 fication, enrollment, attendance, and success of home-
24 less children and youths in school.”;

1 (6) *in subsection (h)(1)(A), by inserting “in all*
2 *areas served by local educational agencies” before the*
3 *semicolon at the end; and*

4 (7) *in subsection (i), by striking “McKinney-*
5 *Vento Homeless Education Assistance Improvements*
6 *Act of 2001” and inserting “Student Success Act”.*

7 **SEC. 705. DEFINITIONS.**

8 *Section 725 of such Act (42 U.S.C. 11434a) is amend-*
9 *ed—*

10 (1) *in paragraph (2)(B)(iv), by striking “1309”*
11 *and inserting “1139”; and*

12 (2) *in paragraph (3), by striking “9101” and in-*
13 *serting “6101”.*

14 **SEC. 706. AUTHORIZATION OF APPROPRIATIONS.**

15 *Section 726 of such Act (42 U.S.C. 11435) is amended*
16 *to read as follows:*

17 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

18 *“For the purpose of carrying out this subtitle, there*
19 *are authorized to be appropriated \$65,042,000 for each of*
20 *fiscal years 2016 through 2021.”.*

21 **TITLE VIII—MISCELLANEOUS**
22 **PROVISIONS**

23 **SEC. 801. FINDINGS; SENSE OF THE CONGRESS.**

24 (a) *FINDINGS.—The Congress finds as follows:*

1 (1) *To avoid negative attention and litigation,*
2 *some local educational agencies have entered into*
3 *agreements with employees who are suspected of abus-*
4 *ing or are known to have abused students.*

5 (2) *Instead of reporting sexual misconduct with*
6 *minors to the proper authorities such as the police or*
7 *child welfare services, under such agreements the local*
8 *educational agencies, schools, and employees keep the*
9 *information private and facilitate the employee's*
10 *transfer to another local educational agency.*

11 (b) *SENSE OF THE CONGRESS.—It is the sense of the*
12 *Congress that—*

13 (1) *confidentiality agreements between local edu-*
14 *cational agencies or schools and suspected child sex*
15 *abusers should be prohibited;*

16 (2) *the practice of employee transfers after sus-*
17 *pected or proven sexual misconduct should be stopped,*
18 *and States should require local educational agencies*
19 *and schools to provide law enforcement with all infor-*
20 *mation regarding sexual conduct between an employee*
21 *and a minor; and*

22 (3) *Congress should help protect children and*
23 *help stop this unacceptable practice in our schools.*

Union Calendar No. 16

114TH CONGRESS
1ST Session

H. R. 5

[Report No. 114-24, Part I]

A BILL

To support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes.

FEBRUARY 20, 2015

Reported from the Committee on Education and the
Workforce with an amendment

FEBRUARY 20, 2015

The Committee on Financial Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed