

**SUBSTITUTE TO THE AMENDMENT IN THE NATURE
OF A SUBSTITUTE TO H.R. 5
OFFERED BY MR. GEORGE MILLER OF
CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

3 SEC. 2. REFERENCES.

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

10 SEC. 3. TABLE OF CONTENTS.

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

- Sec. 1. Short title.
- Sec. 2. References.
- Sec. 3. Table of contents.

**TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED**

- Sec. 101. Statement of purpose.
- Sec. 102. Authorization of appropriations.
- Sec. 103. State plans.
- Sec. 104. Eligible school attendance areas.
- Sec. 105. Academic assessment and local educational agency and school improvement; school support and recognition.

- Sec. 106. Parental involvement.
- Sec. 107. Comparable allocation of expenditures.
- Sec. 108. Coordination requirements.
- Sec. 109. Reservation of funds for the outlying areas and Bureau of Indian Education schools.
- Sec. 110. Support for high-quality assessments.

TITLE II—TEACHERS AND LEADERS

- Sec. 201. Great teachers and leaders.
- Sec. 202. HEA conforming amendments.

TITLE III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS

- Sec. 301. Language instruction.

TITLE IV—21ST CENTURY SCHOOLS

- Sec. 401. 21st Century schools.

TITLE V—WELL-ROUNDED STUDENTS AND ENGAGED FAMILIES

Subtitle A—Public Charter Schools

- Sec. 501. Purpose.
- Sec. 502. Program authorized.
- Sec. 503. Grants to support high-quality charter schools.
- Sec. 504. Facilities Financing Assistance.
- Sec. 505. National activities.
- Sec. 506. Records transfer.
- Sec. 507. Definitions.
- Sec. 508. Authorization of appropriations.
- Sec. 509. Conforming amendments.

Subtitle B—Fund for the Improvement of Education

- Sec. 511. Fund for the Improvement of Education.

Subtitle C—Family Engagement in Education Programs

- Sec. 521. Family engagement in education programs.

TITLE VI—FLEXIBILITY AND ACCOUNTABILITY

- Sec. 601. Flexibility and accountability.

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

- Sec. 701. Indian, Native Hawaiian, and Alaska Native Education.

TITLE VIII—IMPACT AID

- Sec. 801. Purpose.
- Sec. 802. Payments relating to Federal acquisition of real property.
- Sec. 803. Payments for eligible federally connected children.
- Sec. 804. Policies and procedures relating to children residing on Indian lands.
- Sec. 805. Application for payments under sections 8002 and 8003.
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- Sec. 807. Facilities.
- Sec. 808. State consideration of payments providing State aid.
- Sec. 809. Administrative hearings and judicial review.
- Sec. 810. Definitions.
- Sec. 811. Authorization of appropriations.
- Sec. 812. Conforming amendments.

TITLE IX—GENERAL PROVISIONS

- Sec. 900. General amendments.

Subtitle A—Protecting Students From Sexual and Violent Predators

- Sec. 901. Background checks.
- Sec. 902. Conforming amendment.

Subtitle B—Keeping All Students Safe

- Sec. 911. Keeping All Students Safe.

Subtitle C—Protecting Student Athletes From Concussions

- Sec. 921. Protecting Student Athletes from Concussions.

Subtitle D—Student Nondiscrimination

- Sec. 931. Student nondiscrimination and administrative enforcement.
- Sec. 932. Attorney’s fees.

Subtitle E—Evaluation Authority

- Sec. 941. Evaluation authority.

TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS

- Sec. 1001. Education for Homeless Children and Youths.

1 **TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE**
2 **DISADVANTAGED**

4 **SEC. 101. STATEMENT OF PURPOSE.**

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

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

8 “The purpose of this title is to ensure that all chil-
9 dren have a fair, equal, and significant opportunity to ob-

1 tain a high-quality education and to graduate ready to
2 succeed in college and the workforce by—

3 “(1) meeting the educational needs of low-
4 achieving children in our Nation’s highest-poverty
5 schools, English learners, migrant children, children
6 with disabilities, Indian children, and neglected or
7 delinquent children;

8 “(2) ensuring high-quality college and career
9 ready standards, academic assessments, account-
10 ability systems, teacher preparation and training,
11 curriculum, and instructional materials are devel-
12 oped and implemented to prepare students to com-
13 pete in the global economy;

14 “(3) closing the achievement gap between high-
15 and low-performing children, especially between mi-
16 nority and nonminority students and between dis-
17 advantaged children and their more advantaged
18 peers;

19 “(4) holding schools, local educational agencies,
20 and States accountable for improving the academic
21 achievement for all students and ensuring all stu-
22 dents graduate ready to succeed in college and the
23 workforce;

1 “(5) distributing and targeting resources to
2 support local educational agencies and schools with
3 the greatest need;

4 “(6) improving and maintaining accountability
5 for student achievement and graduation rates, and
6 increasing local flexibility and authority to improve
7 schools; and

8 “(7) ensuring parents have substantial and
9 meaningful opportunities to participate in the edu-
10 cation of their children.”.

11 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 1002 (20 U.S.C. 6302) is amended—

13 (1) by amending subsection (a) to read as fol-
14 lows:

15 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For
16 the purpose of carrying out part A, there are authorized
17 to be appropriated \$30,000,000,000 for fiscal year 2014
18 and such sums as may be necessary for each of the 5 suc-
19 ceeding fiscal years.”;

20 (2) in subsection (c)—

21 (A) by striking “\$410,000,000” and in-
22 serting “\$500,000,000”; and

23 (B) by striking “2002” and inserting
24 “2014”; and

25 (3) in subsection (d)—

1 (A) by striking “\$50,000,000” and insert-
2 ing “\$55,000,000”; and

3 (B) by striking “2002” and inserting
4 “2014”.

5 **SEC. 103. STATE PLANS.**

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

8 **“SEC. 1111. STATE PLAN.**

9 “(a) PLANS REQUIRED.—

10 “(1) IN GENERAL.—For any State desiring to
11 receive a grant under this part, the State edu-
12 cational agency shall submit to the Secretary a plan,
13 developed by the State educational agency, in con-
14 sultation with representatives of local educational
15 agencies, teachers, school leaders, specialized in-
16 structional support personnel, early childhood edu-
17 cation providers, parents, community organizations,
18 communities representing underserved populations,
19 and Indian tribes, that satisfies the requirements of
20 this section, and that is coordinated with other pro-
21 grams of this Act, the Individuals with Disabilities
22 Education Act, the Carl D. Perkins Career and
23 Technical Education Act of 2006, the Head Start
24 Act, the Adult Education and Family Literacy Act,
25 and the McKinney-Vento Homeless Assistance Act.

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

4 “(b) COLLEGE AND CAREER READY CONTENT
5 STANDARDS, ASSESSMENTS, AND ACHIEVEMENT STAND-
6 ARDS.—

7 “(1) GENERAL REQUIREMENTS.—Each State
8 plan shall include evidence that the State’s college
9 and career ready content standards, assessments,
10 and achievement standards under this subsection
11 are—

12 “(A) vertically aligned from kindergarten
13 through grade 12; and

14 “(B) developed and implemented to ensure
15 that proficiency in the content standards will
16 signify that a student is on-track to graduate
17 prepared for—

18 “(I) according to written affirmation
19 from the State’s public institutions of high-
20 er education, placement in credit-bearing,
21 nonremedial courses at the 2-and 4-year
22 public institutions of higher education in
23 the State; and

24 “(ii) success on relevant State career
25 and technical education standards.

1 “(2) COLLEGE AND CAREER READY CONTENT
2 STANDARDS.—

3 “(A) IN GENERAL.—Each State plan shall
4 demonstrate that, not later than the 2013–2014
5 school year the State educational agency will
6 adopt and implement high-quality, college and
7 career ready content standards that comply
8 with this paragraph.

9 “(B) SUBJECTS.—The State educational
10 agency shall have such high-quality, academic
11 content standards for students in kindergarten
12 through grade 12 for, at a minimum, English
13 language arts, math, and science.

14 “(C) ELEMENTS.—College and career
15 ready content standards under this paragraph
16 shall—

17 “(I) be developed through participa-
18 tion in a State-led process that engages—

19 “(I) kindergarten through-grade-
20 12 education experts (including teach-
21 ers and educational leaders); and

22 “(II) representatives of institu-
23 tions of higher education, the business
24 community, and the early learning
25 community;

1 “(ii) be rigorous, internationally
2 benchmarked, and evidence-based;

3 “(iii) be either—

4 “(I) validated, including through
5 written affirmation from the State’s
6 public institutions of higher education,
7 to ensure that proficiency in the con-
8 tent standards will signify that a stu-
9 dent is on-track to graduate prepared
10 for—

11 “(aa) placement in credit-
12 bearing, nonremedial courses at
13 the 2-and 4-year public institu-
14 tions of higher education in the
15 State; and

16 “(bb) success on relevant
17 State career and technical edu-
18 cation standards; or

19 “(II) State-developed and volun-
20 tarily adopted by a significant number
21 of States;

22 “(iv) for standards from kindergarten
23 through grade 3, reflect progression in how
24 children develop and learn the requisite

1 skills and content from earlier grades (in-
2 cluding preschool) to later grades; and

3 “(v) apply to all schools and students
4 in the State.

5 “(D) ENGLISH LANGUAGE PROFICIENCY
6 STANDARDS.—Each State educational agency
7 shall develop and implement statewide, high-
8 quality English language proficiency standards
9 that—

10 “(I) are aligned with the State’s aca-
11 demic content standards;

12 “(ii) reflect the academic language
13 that is required for success on the State
14 educational agency’s academic content as-
15 sessments;

16 “(iii) predict success on the applicable
17 grade level English language arts content
18 assessment;

19 “(iv) ensure proficiency in each of the
20 domains of speaking, listening, reading,
21 and writing in the appropriate amount of
22 time; and

23 “(v) address the different proficiency
24 levels of English learners.

1 “(E) EARLY LEARNING STANDARDS.—The
2 State educational agency shall, in collaboration
3 with the State agencies responsible for over-
4 seeing early care and education programs and
5 the State early care and education advisory
6 council, develop and implement early learning
7 standards across all major domains of develop-
8 ment for preschoolers that—

9 “(I) demonstrate alignment with the
10 State academic content standards;

11 “(ii) are implemented through dis-
12 semination, training, and other means to
13 applicable early care and education pro-
14 grams;

15 “(iii) reflect research and evidence-
16 based developmental and learning expecta-
17 tions;

18 “(iv) inform teaching practices and
19 professional development and services; and

20 “(v) for preschool age children, appro-
21 priately assist in the transition to kinder-
22 garten.

23 “(F) ASSURANCE.—Each State plan shall
24 include an assurance that the State has imple-
25 mented the same content standards for all stu-

1 dents in the same grade and does not have a
2 policy of using different content standards for
3 any student subgroup.

4 “(3) HIGH-QUALITY ASSESSMENTS.—

5 “(A) IN GENERAL.—Each State plan shall
6 demonstrate that the State educational agency
7 will adopt and implement high-quality assess-
8 ments in English language arts, math, and
9 science not later than the 2014–2015 school
10 year that comply with this paragraph.

11 “(B) ELEMENTS.—Such assessments
12 shall—

13 “(I) be valid, reliable, appropriate,
14 and of adequate technical quality for each
15 purpose required under this Act, and be
16 consistent with relevant, nationally recog-
17 nized professional and technical standards;

18 “(ii) measure the knowledge and skills
19 necessary to demonstrate proficiency in the
20 academic content standards under para-
21 graph (2) for the grade in which the stu-
22 dent is enrolled;

23 “(iii) be developed as part of a system
24 of assessments providing data (including
25 individual student achievement data and

1 individual student growth data), that shall
2 be used to—

3 “(I) improve teaching, learning,
4 and program outcomes; and

5 “(II) make determinations of in-
6 dividual principal and teacher effec-
7 tiveness for the purposes of evaluation
8 and professional development under
9 title II;

10 “(iv) be used in determining the per-
11 formance of each local educational agency
12 and school in the State in accordance with
13 the State’s accountability system under
14 subsection ©);

15 “(v) provide an accurate measure of—

16 “(I) student achievement at all
17 levels of student performance; and

18 “(II) student academic growth;

19 “(vi) allow for complex demonstra-
20 tions or applications of knowledge and
21 skills;

22 “(vii) be accessible for all students, in-
23 cluding students with disabilities and
24 English learners, by—

1 “(I) incorporating principles of
2 universal design as defined by section
3 3(a) of the Assistive Technology Act
4 of 1998 (29 U.S.C. 3002(a)); and

5 “(II) being interoperable when
6 using any digital assessment, such as
7 computer-based and online assess-
8 ments.

9 “(viii) provide for accommodations,
10 including for computer-based and online
11 assessments, for students with disabilities
12 and English learners to provide a valid and
13 reliable measure of such students’ achieve-
14 ment; and

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

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

3 “©) ADMINISTRATION.—Such assessments
4 shall—

5 “(I) be administered to all students,
6 including all subgroups described in sub-
7 section (c)(3)(A), in the same grade level
8 for each content area assessed, except as
9 provided under subparagraph (E),
10 through—

11 “(I) a single summative assess-
12 ment each school year; or

13 “(II) multiple statewide assess-
14 ments over the course of the school
15 year that result in a single summative
16 score that provides valid, reliable, and
17 transparent information on student
18 achievement for each tested content
19 area in each grade level;

20 “(ii) for English language arts and
21 math—

22 “(I) be administered annually, at
23 a minimum, for students in grade 3
24 through grade 8; and

1 “(II) be administered at least
2 once, but not earlier than 11th grade
3 for students in grades 9 through
4 grade 12; and

5 “(iii) for science, be administered at
6 least once during grades 3 through 5,
7 grades 6 through 8, and grades 9 through
8 12.

9 “(D) NATIVE LANGUAGE ASSESSMENTS.—
10 Each State educational agency with at least
11 10,000 English learners, at least 25 percent of
12 which speak the same language that is not
13 English, shall adopt and implement native lan-
14 guage assessments for that language consistent
15 with State law. Such assessments shall be for
16 students—

17 “(I) for whom the academic assess-
18 ment in the student’s native language
19 would likely yield more accurate and reli-
20 able information about such student’s con-
21 tent knowledge;

22 “(ii) who are literate in the native lan-
23 guage and have received formal education
24 in such language; or

1 “(iii) who are enrolled in a bilingual
2 or dual language program and the native
3 language assessment is consistent with
4 such program’s language of instruction.

5 “(E) ALTERNATE ASSESSMENTS FOR STU-
6 DENTS WITH THE MOST SIGNIFICANT COG-
7 NITIVE DISABILITIES.—In the case of a State
8 educational agency that adopts alternate
9 achievement standards for students with the
10 most significant cognitive disabilities described
11 in paragraph (4)(D), the State shall adopt and
12 implement high-quality statewide alternate as-
13 sessments aligned to such alternate achievement
14 standards that meet the requirements of sub-
15 paragraphs (B) and (C), so long as the State
16 ensures that in the State the total number of
17 students in each grade level assessed in each
18 subject does not exceed the cap established
19 under subsection (c)(3)(E)(iii)(II).

20 “(F) ENGLISH LANGUAGE PROFICIENCY
21 ASSESSMENTS.—Each State educational agency
22 shall adopt and implement statewide English
23 language proficiency assessments that—

24 “(I) are administered annually and
25 aligned with the State’s English language

1 proficiency standards and academic con-
2 tent standards;

3 “(ii) are accessible, valid, and reliable;

4 “(iii) measure proficiency in reading,
5 listening, speaking, and writing in English
6 both individually and collectively;

7 “(iv) assess progress and growth on
8 language and content acquisition; and

9 “(v) allow for the local educational
10 agency to retest a student in the individual
11 domain areas that the student did not
12 pass, unless the student is newly entering
13 a school in the State, or is in the third,
14 fifth, or eighth grades.

15 “(G) SPECIAL RULE WITH RESPECT TO
16 BUREAU FUNDED SCHOOLS.—In determining
17 the assessments to be used by each school oper-
18 ated or funded by the Department of the Inte-
19 rior’s Bureau of Indian Education receiving
20 funds under this part, the following shall apply:

21 “(I) Each such school that is accred-
22 ited by the State in which it is operating
23 shall use the assessments the State has de-
24 veloped and implemented to meet the re-
25 quirements of this section, or such other

1 appropriate assessment as approved by the
2 Secretary of the Interior.

3 “(ii) Each such school that is accred-
4 ited by a regional accrediting organization
5 shall adopt an appropriate assessment, in
6 consultation with and with the approval of,
7 the Secretary of the Interior and consistent
8 with assessments adopted by other schools
9 in the same State or region, that meets the
10 requirements of this section.

11 “(iii) Each such school that is accred-
12 ited by a tribal accrediting agency or tribal
13 division of education shall use an assess-
14 ment developed by such agency or division,
15 except that the Secretary of the Interior
16 shall ensure that such assessment meets
17 the requirements of this section.

18 “(H) ASSURANCE.—Each State plan shall
19 include an assurance that the State educational
20 agency will conduct an inventory of statewide
21 and local educational agency-wide student as-
22 sessments, including an analysis of assessment
23 purposes, practices, and use, and a description
24 of the actions the State will take to reduce du-
25 plicative assessments.

1 “(I) ACCOMMODATIONS.—Each State plan
2 shall describe the accommodations for English
3 learners and students with disabilities on the
4 assessments used by the State and include evi-
5 dence of their effectiveness in maintaining valid
6 results for the appropriate population.

7 “(J) ADAPTIVE ASSESSMENTS.—In the
8 case of a State educational agency that develops
9 and administers computer adaptive assess-
10 ments, such assessments shall meet the require-
11 ments of this paragraph, and must measure, at
12 a minimum, each student’s academic proficiency
13 against the State’s content standards as de-
14 scribed in paragraph (2) for the grade in which
15 the student is enrolled.

16 “(4) COLLEGE AND CAREER READY ACHIEVE-
17 MENT AND GROWTH STANDARDS.—

18 “(A) IN GENERAL.—Each State plan shall
19 demonstrate that the State will adopt and im-
20 plement college and career ready achievement
21 standards in English language arts, math, and
22 science by the 2013–2014 school year that com-
23 ply with this paragraph.

24 “(B) ELEMENTS.—Such academic achieve-
25 ment standards shall establish at a minimum, 3

1 levels of student achievement that describe how
2 well a student is demonstrating proficiency in
3 the State’s academic content standards that dif-
4 ferentiate levels of performance to—

5 “(I) describe 2 levels of high achieve-
6 ment (on-target and advanced) that indi-
7 cate, at a minimum, that a student is pro-
8 ficient in the academic content standards
9 under paragraph (2) as measured by the
10 performance on assessments under para-
11 graph (3); and

12 “(ii) describe a third level of achieve-
13 ment (catch-up) that provides information
14 about the progress of a student toward be-
15 coming proficient in the academic content
16 standards under paragraph (2) as meas-
17 ured by the performance on assessments
18 under paragraph (3).

19 “(c) VERTICAL ALIGNMENT.—Such
20 achievement standards are vertically aligned to
21 ensure a student who achieves at the on-target
22 or advanced levels under subparagraph (B)(I)
23 signifies that student is on-track to graduate
24 prepared for—

1 “(I) placement in credit-bearing, non-
2 remedial courses at the 2- and 4-year pub-
3 lic institutions of higher education in the
4 State; and

5 “(ii) success on relevant State career
6 and technical education standards.

7 “(D) ALTERNATE ACHIEVEMENT STAND-
8 ARDS.—If a State educational agency adopts al-
9 ternate achievement standards for students with
10 the most significant cognitive disabilities, such
11 academic achievement standards shall establish,
12 at a minimum, 3 levels of student achievement
13 that describe how well a student is dem-
14 onstrating proficiency in the State’s academic
15 content standards that—

16 “(I) are aligned to the State’s college
17 and career ready content standards under
18 paragraph (2);

19 “(ii) are vertically aligned to ensure
20 that a student who achieves at the on-tar-
21 get or advanced level under clause (v)(I)
22 signifies that the student is on-track to ac-
23 cess a postsecondary education or career;

1 “(ii) reflect concepts and skills that
2 students should know and understand for
3 each grade;

4 “(iv) are supported by evidence-based
5 learning progressions to age and grade-
6 level performance; and

7 “(v) establish, at a minimum—

8 “(I) 2 levels of high achievement
9 (on-target and advanced) that indi-
10 cate, at a minimum, that a student
11 with the most significant cognitive
12 disabilities is proficient in the aca-
13 demic content standards under para-
14 graph (2) as measured by the per-
15 formance on assessments under para-
16 graph (3)(E); and

17 “(II) a third level of achievement
18 (catch-up) that provides information
19 about the progress of a student with
20 the most significant cognitive disabil-
21 ities toward becoming proficient in the
22 academic content standards under
23 paragraph (2) as measured by the
24 performance on assessments under
25 paragraph (3)(E).

1 “(E) STUDENT GROWTH STANDARDS.—
2 Each State plan shall demonstrate that the
3 State will adopt and implement student growth
4 standards for students in the assessed grades
5 that comply with this subparagraph, as follows:

6 “(I) ON-TARGET AND ADVANCED LEV-
7 ELS.—For a student who is achieving at
8 the on-target or advanced level of achieve-
9 ment, the student growth standard is not
10 less than the rate of academic growth nec-
11 essary for the student to remain at that
12 level of student achievement for not less
13 than 3 years.

14 “(ii) CATCH-UP LEVEL.—For a stu-
15 dent who is achieving at the catch-up level
16 of achievement, the student growth stand-
17 ard is not less than the rate of academic
18 growth necessary for the student to achieve
19 an on-target level of achievement by the
20 end of the student’s current grade span or
21 within 3 years, whichever occurs first.

22 “(F) MODIFIED ACHIEVEMENT STAND-
23 ARDS.—If a State educational agency has modi-
24 fied achievement standards in accordance with
25 section 200.1(e) of title 34, Code of Federal

1 Regulations, prior to the date of the enactment
2 the Student Success Act, the State educational
3 agency may continue to use such modified
4 achievement standards for the purposes estab-
5 lished as of the day before the date of enact-
6 ment of such Act through not later than the
7 implementation of the assessments under para-
8 graph (3).

9 “(5) RULE OF CONSTRUCTION.—Nothing in
10 paragraph (3) shall be construed to prescribe the
11 use of the academic assessments established pursu-
12 ant to such paragraph for student promotion or
13 graduation purposes.

14 “(C) ACCOUNTABILITY AND SCHOOL IMPROVEMENT
15 SYSTEM.—The State plan shall demonstrate that not later
16 than the 2013–2014 school year, the State educational
17 agency, in consultation with representatives of local edu-
18 cational agencies, teachers, school leaders, parents, com-
19 munity organizations, communities representing under-
20 served populations, and Indian tribes, has developed a sin-
21 gle statewide accountability and school improvement sys-
22 tem (in this subsection known as the ‘accountability sys-
23 tem’) that ensures all students have the knowledge and
24 skills to successfully enter the workforce or postsecondary

1 education without the need for remediation by complying
2 with this subsection as follows:

3 “(1) ELEMENTS.—Each State accountability
4 system shall, at a minimum—

5 “(A) annually measure academic achieve-
6 ment for of all students, including each sub-
7 group described in paragraph (3)(A), in each
8 public school, including each charter school, in
9 the State, including—

10 “(I) student academic achievement in
11 accordance with the academic achievement
12 standards described in subsection (b)(4);

13 “(ii) student growth in accordance
14 with the student growth standards de-
15 scribed in subsection (b)(4)(E); and

16 “(iii) graduation rates in diploma
17 granting schools;

18 “(B) set clear performance and growth
19 targets in accordance with paragraph (2) to im-
20 prove the academic achievement of all students
21 as measured under subparagraph (A) of this
22 paragraph and to close achievement gaps so
23 that all students graduate ready for postsec-
24 ondary education and the workforce;

1 “©) annually differentiate performance of
2 schools based on the achievement measured
3 under subparagraph (A) and whether the
4 schools meet the performance and growth tar-
5 gets set under paragraph (2), and identify for
6 the purposes under section 1116, at a min-
7 imum—

8 “(I) persistently low-achieving schools
9 that—

10 “(I) have the lowest performance
11 in the local educational agency and
12 the State using current and prior year
13 academic achievement, growth, and
14 graduation rate data;

15 “(II) have a 4-year adjusted co-
16 hort graduation rate at or below 60
17 percent; or

18 “(III) as of the date of enact-
19 ment of the Student Success Act,
20 have been identified under section
21 1003(g);

22 “(ii) schools in need of improvement
23 that have not met one or more of the per-
24 formance targets set under paragraph (2)
25 for any subgroup described in paragraph

1 (3)(A) in the same grade level and subject,
2 for two consecutive years; and

3 “(iii) reward schools that have—

4 “(I) the highest performance in
5 the State for all students and student
6 subgroups described in paragraph
7 (3)(A); or

8 “(II) made the most progress
9 over at least the most recent 2-year
10 period in the State in increasing stu-
11 dent academic achievement and grad-
12 uation rates for all students and stu-
13 dent subgroups described in para-
14 graph (3)(A);

15 “(D) establish improvement indicators to
16 diagnose school challenges and measure school
17 progress within the improvement system de-
18 scribed in section 1116, including factors to
19 measure—

20 “(I) student engagement, including
21 student attendance rates, student discipline
22 data including suspension and expulsion
23 rates, incidents of bullying and harass-
24 ment, and surveys of student engagement;

1 “(ii) student advancement, such as
2 student on-time promotion rates, on-time
3 credit accumulation rates, course failure
4 rates, postsecondary entry rates, and work-
5 force entry rates;

6 “(iii) educator quality, such as teacher
7 attendance, vacancies, turnover, and rates
8 of qualified or effective teachers; and

9 “(iv) academic learning, such as the
10 percentage of students taking a college-
11 preparatory curriculum, and student suc-
12 cess on State or local educational agency
13 end-of-course examinations; and

14 “(E) may establish multiple measures for
15 all students described in paragraph (3)(A), in-
16 cluding as an index, to further differentiate
17 among the categories of schools described in
18 subparagraph (C) and as part of the improve-
19 ment system described in section 1116, which
20 may include indicators that measure—

21 “(I) college and career readiness, such
22 as—

23 “(I) credit accumulation in and
24 completion of a college and career
25 ready course of study aligned with ad-

1 missions requirements set by institu-
2 tions of higher education in the State;

3 “(II) participation and success
4 on Advanced Placement (AP), Inter-
5 national Baccalaureate (IB), SAT,
6 WorkKeys, ASVAB, or State-devel-
7 oped college readiness or career readi-
8 ness assessments; or

9 “(III) college enrollment and per-
10 sistence rates;

11 “(ii) evidence of academic learning,
12 such as—

13 “(I) valid and reliable academic
14 assessments that meet the require-
15 ments of subsection (3) in subjects
16 other than reading and math, such as
17 science, social studies, or writing;

18 “(II) percentage of students suc-
19 cessfully completing rigorous
20 coursework that aligns with State col-
21 lege and career ready standards de-
22 scribed under subsection (b)(2) such
23 as dual enrollment, Advanced Place-
24 ment (AP), or International Bacca-
25 laureate (IB) courses;

1 “(III) assessments developed by
2 local educational agencies that meet
3 the requirements of subsection (3)(b),
4 are aligned with State college and ca-
5 reer ready standards, and are com-
6 parable across all schools within the
7 local educational agency; or

8 “(IV) student performance-based
9 assessments that are valid, reliable,
10 and comparable across a local edu-
11 cational agency and meet the require-
12 ments of subsection (3)(b);

13 “(iii) Evidence of successful learning
14 conditions, such as the improvement indi-
15 cators described in subparagraph (D); or

16 “(iv) Evidence of parent and family
17 engagement.

18 “(2) GOALS AND TARGETS.—

19 “(A) IN GENERAL.—Each State edu-
20 cational agency shall establish goals and targets
21 for the State accountability and school improve-
22 ment system that comply with this paragraph.
23 Such targets shall be established separately for
24 all elementary school and secondary school stu-
25 dents, economically disadvantaged students,

1 students from major racial and ethnic groups,
2 students with disabilities, and English learners.

3 “(B) ACHIEVEMENT GOALS.—Each State
4 educational agency shall set goals that are con-
5 sistent with the academic and growth achieve-
6 ment standards under subsection (b)(4) to en-
7 sure that all students graduate prepared to
8 enter the workforce or postsecondary education
9 without the need for remediation.

10 “(C) PERFORMANCE TARGETS.—Each
11 State educational agency shall set ambitious,
12 but achievable annual performance targets sep-
13 arately for each subgroup of students described
14 in paragraph (3)(A), for each grade level and in
15 English language arts and math, to assist the
16 State educational agency in achieving its aca-
17 demic achievement goals established under sub-
18 paragraph (B) that either—

19 “(i) within 6 years of setting such
20 performance targets, reduce by half the
21 percentage of all students and each sub-
22 group described in paragraph (3)(A), who
23 are not, according to student performance
24 as of the year such targets are set, at the

1 on-target or advanced level of achievement;
2 or

3 “(ii) result in ambitious, but achiev-
4 able annual targets for local educational
5 agencies and schools for all students and
6 each subgroup of students described in
7 paragraph (3)(A) within a specified period
8 of time, approved by the Secretary, such
9 that—

10 “(I) the targets are equally rig-
11 orous as those in subsection (i); and

12 “(II) the targets reflect the
13 progress required for all students and
14 each subgroup of students described
15 in paragraph (3)(A) to reach the on-
16 target or advanced level of achieve-
17 ment within the specified period of
18 time.

19 “(D) GROWTH TARGETS.—Each State edu-
20 cational agency shall set ambitious but achiev-
21 able growth targets that—

22 “(i) assist the State in achieving the
23 academic achievement goals described in
24 subparagraph (B); and

1 “(ii) include targets that ensure all
2 students, including the subgroups of stu-
3 dents described in paragraph (3)(A), meet
4 the growth standards described in sub-
5 section (b)(4)(E).

6 “(E) GRADUATION RATE GOALS AND TAR-
7 GETS.—

8 “(i) GRADUATION GOALS.—Each
9 State educational agency shall set a grad-
10 uation goal of not less than 90 percent.

11 “(ii) GRADUATION RATE TARGETS.—
12 Each State educational agency shall estab-
13 lish graduation rate targets which shall not
14 be less rigorous than the targets approved
15 under section 200.19 of title 34, Code of
16 Federal Regulations (or a successor regula-
17 tion).

18 “(iii) EXTENDED-YEAR GRADUATION
19 RATE TARGETS.—In the case of a State
20 that chooses to use an extended-year grad-
21 uation rate in the accountability and school
22 improvement system described under this
23 subsection, the State shall set extended-
24 year graduation rate targets that are more
25 rigorous than the targets set under clause

1 (ii) and, if applicable, are not less rigorous
2 than the targets approved under section
3 200.19 of title 34, Code of Federal Regula-
4 tions (or a successor regulation).

5 “(3) FAIR ACCOUNTABILITY.—Each State edu-
6 cational agency shall establish fair and appropriate
7 policies and practices, as a component of the ac-
8 countability system established under this sub-
9 section, to measure school, local educational agency,
10 and State performance under the accountability sys-
11 tem that, at a minimum, comply with this paragraph
12 as follows:

13 “(A) DISAGGREGATE.—Each State edu-
14 cational agency shall disaggregate student
15 achievement data in a manner that complies
16 with the State’s group size requirements under
17 subparagraph (B) for the school’s, local edu-
18 cational agency’s, and the State’s performance
19 on its goals and performance targets established
20 under paragraph (2), by each content area and
21 each grade level for which such goals and tar-
22 gets are established, and, if applicable, by im-
23 provement indicators described in paragraph
24 (1)(D) for each of the following groups:

1 “(i) All public elementary and sec-
2 ondary school students.

3 “(ii) Economically disadvantaged stu-
4 dents.

5 “(iii) Students from major racial and
6 ethnic groups.

7 “(iv) Students with disabilities.

8 “(v) English learners.

9 “(B) SUBGROUP SIZE.—Each State edu-
10 cational agency shall establish group size re-
11 quirements for performance measurement and
12 reporting under the accountability system
13 that—

14 “(i) is the same for all subgroups de-
15 scribed in subparagraph (A);

16 “(ii) does not exceed 15 students;

17 “(iii) yields statistically reliable infor-
18 mation; and

19 “(iv) does not reveal personally identi-
20 fiable information about an individual stu-
21 dent.

22 “(C) PARTICIPATION.—Each State edu-
23 cational agency shall ensure that—

24 “(i) not less than 95 percent of the
25 students in each subgroup described sub-

1 paragraph (A) take the State’s assess-
2 ments under subsection (b)(2); and

3 “(ii) any school or local educational
4 agency that does not comply with the re-
5 quirement described in clause (i) of this
6 subparagraph may not be considered to
7 have met its goals or performance targets
8 under paragraph (2).

9 “(D) AVERAGING.—Each State educational
10 agency may average achievement data with the
11 year immediately preceding that school year for
12 the purpose of determining whether schools,
13 local educational agencies, and the State have
14 met their performance targets under paragraph
15 (2).

16 “(E) STUDENTS WITH THE MOST SIGNIFI-
17 CANT COGNITIVE DISABILITIES.—

18 “(i) IN GENERAL.—In calculating the
19 percentage of students scoring at the on-
20 target levels of achievement and the grad-
21 uation rate for the purpose of determining
22 whether schools, local educational agencies,
23 and the State have met their performance
24 targets under paragraph (2), a State shall
25 include all students with disabilities, even

1 those students with the most significant
2 cognitive disabilities, and—

3 “(I) may include the on-target
4 and advanced scores of students with
5 the most significant cognitive disabili-
6 ties taking alternate assessments
7 under subsection (b)(3)(E) provided
8 that the number and percentage of
9 such students who score at the on-tar-
10 get or advanced level on such alter-
11 nate assessments at the local edu-
12 cational agency and the State levels,
13 respectively, does not exceed the cap
14 established by the Secretary under
15 clause (iii) in the grades assessed and
16 subjects used under the accountability
17 system established under this sub-
18 section; and

19 “(II) may include students with
20 the most significant cognitive disabili-
21 ties, who are assessed using alternate
22 assessments described in subsection
23 (b)(3)(E) and who receive a State-de-
24 fined standards-based alternate di-
25 ploma aligned with alternate achieve-

1 ment standards described in subpara-
2 graph (4)(D) and with completion of
3 the student’s right to a free and ap-
4 propriate public education under the
5 Individuals with Disabilities Edu-
6 cation Act, as graduating with a reg-
7 ular secondary school diploma, pro-
8 vided that the number and percentage
9 of those students who receive a State-
10 defined standards-based alternate di-
11 ploma at the local educational agency
12 and the State levels, respectively, does
13 not exceed the cap established by the
14 Secretary under clause (iii).

15 “(ii) STATE REQUIREMENTS.—If the
16 number and percentage of students taking
17 alternate assessments or receiving a State-
18 defined standards-based alternate diploma
19 exceeds the cap under clause (iii) at the
20 local educational agency or State level, the
21 State educational agency, in determining
22 whether the local educational agency or
23 State, respectively, has met its perform-
24 ance targets under paragraph (2), shall—

1 “(I) include all students with the
2 most significant cognitive disabilities;

3 “(II) count at the catch-up level
4 of achievement or as not graduating
5 such students who exceed the cap;

6 “(III) include such students at
7 the catch-up level of achievement or
8 as not graduating in each applicable
9 subgroup at the school, local edu-
10 cational agency, and State level; and

11 “(IV) ensure that parents are in-
12 formed of the actual academic
13 achievement levels and graduation sta-
14 tus of their children with the most
15 significant cognitive disabilities.

16 “(iii) SECRETARIAL DUTIES.—The
17 Secretary shall establish a cap for the pur-
18 poses of this subparagraph which—

19 “(I) shall be based on the most
20 recently available data on—

21 “(aa) the incidence of stu-
22 dents with the most significant
23 cognitive disabilities;

24 “(bb) the participation
25 rates, including by disability cat-

1 egory, on alternate assessments
2 using alternate achievement
3 standards pursuant to subsection
4 (b)(3)(E);

5 “(cc) the percentage of stu-
6 dents, including by disability cat-
7 egory, scoring at each achieve-
8 ment level on such alternate as-
9 sessments; and

10 “(dd) other factors the Sec-
11 retary deems necessary; and

12 “(II) may not exceed 1 percent of
13 all students in the combined grades
14 assessed.

15 “(4) TRANSITION PROVISIONS.—

16 “(A) IN GENERAL.—The Secretary shall
17 take such steps as necessary to provide for the
18 orderly transition to the new accountability and
19 school improvement systems required under this
20 subsection from prior accountability and school
21 improvement systems in existence on the day
22 before the date of enactment of the Student
23 Success Act.

24 “(B) TRANSITION.—To enable the success-
25 ful transition described in this paragraph, each

1 State educational agency receiving funds under
2 this part shall—

3 “(i) administer assessments that were
4 in existence on the day before the date of
5 enactment of the Student Success Act and
6 beginning not later than the 2014–2015
7 school year, administer high-quality assess-
8 ments described in subsection (b)(3);

9 “(ii) report student performance on
10 the assessments described in subparagraph
11 (i), consistent with the requirements under
12 this title;

13 “(iii) set a new baseline for perform-
14 ance targets, as described in paragraph
15 (2)(C) and (2)(D), once new high-quality
16 assessments described in subsection (b)(3)
17 are implemented;

18 “(iv) implement the accountability
19 and school improvement requirements of
20 sections 1111 and 1116, except—

21 “(I) the State shall not be re-
22 quired to identify new persistently low
23 achieving schools or schools in need of
24 improvement under section 1116 for 1
25 year after high-quality assessments

1 described in subsection (b)(3) have
2 been implemented; and

3 “(II) shall continue to implement
4 school improvement requirements of
5 section 1116 in persistently low
6 achieving schools and schools in need
7 of improvement that were identified as
8 such in the year prior to implementa-
9 tion of new high-quality assessments;
10 and

11 “(v) assist local educational agencies
12 in providing training and professional de-
13 velopment on the implementation of new
14 college and career ready standards and
15 high-quality assessments.

16 “(C) END OF TRANSITION.—The transition
17 described in this paragraph shall be completed
18 by no later than 2 years from the date of enact-
19 ment of the Student Success Act.

20 “(d) OTHER PROVISIONS TO SUPPORT TEACHING
21 AND LEARNING.—Each State plan shall contain the fol-
22 lowing:

23 “(1) DESCRIPTIONS.—A description of—

1 “(A) how the State educational agency will
2 carry out the responsibilities of the State under
3 section 1116;

4 “(B) a plan to identify and reduce inequi-
5 ties in the allocation of State and local re-
6 sources, including personnel and nonpersonnel
7 resources, between schools that are receiving
8 funds under this title and schools that are not
9 receiving such funds under this title, consistent
10 with the requirements in section 1120A, includ-
11 ing—

12 “(i) a description of how the State
13 will support local educational agencies in
14 meeting the requirements of section
15 1120A; and

16 “(ii) a description of how the State
17 will support local educational agencies to
18 align plans under subparagraph (A), ef-
19 forts to improve educator supports and
20 working conditions described in section
21 2112(b)(3), and efforts to improve the eq-
22 uitable distribution of teachers and prin-
23 cipals described in section 2112(b)(5), with
24 efforts to improve the equitable allocation

1 of resources as described in this sub-
2 section;

3 “(C) how the State educational agency will
4 ensure that the results of the State assessments
5 described in subsection (b)(3) and the school
6 evaluations described in subsection (c)(1), re-
7 spectively, will be provided to local educational
8 agencies, schools, teachers, and parents prompt-
9 ly, but not later than before the beginning of
10 the school year following the school year in
11 which such assessments, other indicators, or
12 evaluations are taken or completed, and in a
13 manner that is clear and easy to understand;

14 “(D) how the State educational agency will
15 meet the diverse learning needs of students
16 by—

17 “(i) identifying and addressing State-
18 level barriers to implementation of uni-
19 versal design for learning, as described in
20 section 5429(b)(21), and multi-tier system
21 of supports; and

22 “(ii) developing and making available
23 to local educational agencies technical as-
24 sistance for implementing universal design
25 for learning, as described in section

1 5429(b)(21), and multi-tier system of sup-
2 ports;

3 “(E) for a State educational agency that
4 adopts alternate achievement standards for stu-
5 dents with the most significant cognitive dis-
6 abilities under subsection (b)(4)(D)—

7 “(i) the clear and appropriate guide-
8 lines for individualized education program
9 teams to apply in determining when a stu-
10 dent’s significant cognitive disability justi-
11 fies alternate assessment based on alter-
12 nate achievement standards, which shall
13 include guidelines to ensure—

14 “(I) students with the most sig-
15 nificant cognitive disabilities have ac-
16 cess to the general education cur-
17 riculum for the grade in which the
18 student is enrolled;

19 “(II) participation in an alternate
20 assessment does not influence a stu-
21 dent’s placement in the least restric-
22 tive environment;

23 “(III) determinations are made
24 separately for each subject and are re-
25 determined each year during the an-

1 nual individualized education program
2 team meeting;

3 “(IV) the student’s mode of com-
4 munication has been identified and
5 accommodated to the extent possible;
6 and

7 “(V) parents of such students are
8 informed of and understand that their
9 child’s achievement will be based on
10 alternate achievement standards and
11 whether participation in such assess-
12 ments precludes the student from
13 completing the requirements for a reg-
14 ular high school diploma; and

15 “(ii) the procedures the State edu-
16 cational agency will use to ensure and
17 monitor that individualized education pro-
18 gram teams implement the requirements of
19 clause (i); and

20 “(iii) the plan to disseminate informa-
21 tion on and promote use of appropriate ac-
22 commodations to increase the number of
23 students with the most significant cog-
24 nitive disabilities who are assessed using
25 achievement standards described in sub-

1 paragraphs (B) and (C) of subsection
2 (b)(4);

3 “(F) how the State educational agency will
4 meet the needs of English learners, including—

5 “(i) the method for identifying an
6 English learner that shall be used by all
7 local educational agencies in the State;

8 “(ii) the entrance and exit require-
9 ments for students enrolled in limited
10 English proficient classes, which shall—

11 “(I) be based on rigorous English
12 language standards; and

13 “(II) prepare such students to
14 successfully complete the State’s as-
15 sessments; and

16 “(iii) timelines and targets for moving
17 students from the lowest levels of English
18 language proficiency to the State-defined
19 English proficient level, including an assur-
20 ance that—

21 “(I) such targets will be based on
22 student’s initial language proficiency
23 level when first identified as limited
24 English proficient and grade; and

1 “(II) such timelines will ensure
2 students achieve English proficiency
3 by 18 years of age, unless the State
4 has obtained prior approval by the
5 Secretary;

6 “(G) how the State educational agency will
7 assist local educational agencies in improving
8 instruction in all core academic subjects;

9 “(H) how the State educational agency will
10 develop and improve the capacity of local edu-
11 cational agencies to use technology to improve
12 instruction; and

13 “(I) how any State educational agency
14 with a charter school law will support high-
15 quality public charter schools that receive funds
16 under this title by—

17 “(i) ensuring the quality of the au-
18 thorized public chartering agencies in the
19 State by establishing—

20 “(I) a system of periodic evalua-
21 tion and certification of public char-
22 tering agencies using nationally-recog-
23 nized professional standards; or

1 “(II) a statewide, independent
2 chartering agency that meets nation-
3 ally-recognized professional standards;

4 “(ii) including in the procedure estab-
5 lished pursuant to clause (i) requirements
6 for—

7 “(I) the annual filing and public
8 reporting of independently audited fi-
9 nancial statements including disclo-
10 sure of amount and duration of any
11 nonpublic financial and in-kind con-
12 tributions of support, by each public
13 chartering agency, for each school au-
14 thorized by such agency, and by each
15 local educational agency and the
16 State; and

17 “(II) a legally binding charter or
18 performance contract between each
19 charter school and the school’s au-
20 thorized public chartering agency
21 that—

22 “(aa) describes the rights,
23 duties, and remedies of the
24 school and the public chartering
25 agency; and

1 “(bb) bases charter renewal
2 and revocation decisions on an
3 agreed-to school accountability
4 plan which includes financial and
5 organizational indicators, with
6 significant weight given to the
7 student achievement on the
8 achievement goals, performance
9 targets, and growth targets es-
10 tablished pursuant to subpara-
11 graphs (B), (C), and (D) of sub-
12 section (c)(2), respectively, for
13 each student subgroup described
14 in subsection (c)(3)(A), as well as
15 “(iii) developing and implementing, in
16 consultation and coordination with local
17 educational agencies, a system of interven-
18 tion, revocation, or closure for charter
19 schools and public chartering agencies fail-
20 ing to meet the requirements and stand-
21 ards described in clauses (i) and (ii),
22 which, at a minimum provides for—
23 “(I) initial and regular review, no
24 less than once every 3 years, of each
25 public chartering agency; and

1 “(II) intervention, revocation, or
2 closure of any charter school identi-
3 fied for school improvement under
4 section 1116.

5 “(2) ASSURANCES.—Assurances that—

6 “(A) the State educational agency will par-
7 ticipate in biennial State academic assessments
8 of 4th, 8th, and 12th grade reading, mathe-
9 matics, and science under the National Assess-
10 ment of Educational Progress carried out under
11 section 303(b)(2) of the National Assessment of
12 Educational Progress Authorization Act, if the
13 Secretary pays the costs of administering such
14 assessments;

15 “(B) the State educational agency will—

16 “(i) notify local educational agencies
17 and the public of the content and student
18 academic achievement standards and aca-
19 demic assessments developed under this
20 section, and of the authority to operate
21 schoolwide programs; and

22 “(ii) fulfill the State educational agen-
23 cy’s responsibilities regarding local edu-
24 cational agency and school improvement
25 under section 1116;

1 “(C) the State educational agency will en-
2 courage local educational agencies to consoli-
3 date funds from other Federal, State, and local
4 sources for school improvement activities under
5 1116 and for schoolwide programs under sec-
6 tion 1114;

7 “(D) the State educational agency has
8 modified or eliminated State fiscal and account-
9 ing barriers so that schools can easily consoli-
10 date funds from other Federal, State, and local
11 sources for schoolwide programs under section
12 1114;

13 “(E) that State educational agency will co-
14 ordinate data collection efforts to fulfill the re-
15 quirements of this Act and reduce the duplica-
16 tion of data collection to the extent practicable;

17 “(F) the State educational agency will pro-
18 vide the least restrictive and burdensome regu-
19 lations for local educational agencies and indi-
20 vidual schools participating in a program as-
21 sisted under this part;

22 “(G) the State educational agency will in-
23 form local educational agencies in the State of
24 the local educational agency’s authority—

25 “(i) to transfer funds under title VI;

1 “(ii) to obtain waivers under part D
2 of title IX; and

3 “(iii) if the State is an Ed-Flex Part-
4 nership State, to obtain waivers under the
5 Education Flexibility Partnership Act of
6 1999;

7 “(H) the State educational agency will
8 work with other agencies, including educational
9 service agencies or other local consortia and
10 comprehensive centers established under the
11 Educational Technical Assistance Act of 2002,
12 and institutions to provide professional develop-
13 ment and technical assistance to local edu-
14 cational agencies and schools;

15 “(I) the State educational agency will en-
16 sure that local educational agencies in the State
17 comply with the requirements of subtitle B of
18 title VII of the McKinney-Vento Homeless As-
19 sistance Act (42 U.S.C. 1117); and

20 “(J) the State educational agency has en-
21 gaged in timely and meaningful consultation
22 with representatives of Indian tribes located in
23 the State in the development of the State plan
24 to serve local educational agencies under its ju-
25 risdiction in order to—

1 “(i) improve the coordination of ac-
2 tivities under this Act;

3 “(ii) meet the purpose of this title;
4 and

5 “(iii) meet the unique cultural, lan-
6 guage, and educational needs of Indian
7 students.

8 “(e) FAMILY ENGAGEMENT.—Each State plan shall
9 include a plan for strengthening family engagement in
10 education. Each such plan shall, at a minimum, include—

11 “(1) a description of the State’s criteria and
12 schedule for review and approval of local educational
13 agency engagement policies and practices pursuant
14 to section 1112(e)(3);

15 “(2) a description of the State’s system and
16 process for assessing local educational agency imple-
17 mentation of section 1118 responsibilities;

18 “(3) a description of the State’s criteria for
19 identifying local educational agencies that would
20 benefit from training and support related to family
21 engagement in education;

22 “(4) a description of the State’s statewide sys-
23 tem of capacity-building and technical assistance for
24 local educational agencies and schools on effectively

1 implementing family engagement in education prac-
2 tices and policies to increase student achievement;

3 “(5) an assurance that the State will refer to
4 Statewide Family Engagement Centers, as described
5 in section 5702, those local educational agencies that
6 would benefit from training and support related to
7 family engagement in education; and

8 “(6) a description of the relationship between
9 the State educational agency and Statewide Family
10 Engagement Centers, parent training and informa-
11 tion centers, and community parent resource centers
12 in the State established under sections 671 and 672
13 of the Individuals with Disabilities Education Act.

14 “(f) PEER REVIEW AND SECRETARIAL APPROVAL.—

15 “(1) SECRETARIAL DUTIES.—The Secretary
16 shall—

17 “(A) establish a peer-review process to as-
18 sist in the review of State plans;

19 “(B) appoint individuals to the peer-review
20 process who are representative of parents,
21 teachers, State educational agencies, local edu-
22 cational agencies, and experts and who are fa-
23 miliar with educational standards, assessments,
24 accountability, the needs of low-performing

1 schools, and other educational needs of stu-
2 dents;

3 “(C) approve a State plan within 120 days
4 of its submission unless the Secretary deter-
5 mines that the plan does not meet the require-
6 ments of this section;

7 “(D) if the Secretary determines that the
8 State plan does not meet the requirements of
9 this section immediately notify the State of
10 such determination and the reasons for such de-
11 termination;

12 “(E) not decline to approve a State’s plan
13 before—

14 “(i) offering the State an opportunity
15 to revise its plan;

16 “(ii) providing technical assistance in
17 order to assist the State to meet the re-
18 quirements of this section; and

19 “(iii) providing a hearing; and

20 “(F) have the authority to disapprove a
21 State plan for not meeting the requirements of
22 this part, but shall not have the authority to re-
23 quire a State, as a condition of approval of the
24 State plan, to include in, or delete from, such
25 plan one or more specific elements of the

1 State's academic content standards or to use
2 specific academic assessment instruments or
3 items.

4 “(2) STATE REVISIONS.—A State plan shall be
5 revised by the State educational agency if the revi-
6 sion is necessary to satisfy the requirements of this
7 section.

8 “(3) PUBLIC REVIEW.—Notifications under this
9 subsection shall be made available to the public
10 through the website of the Department, including—

11 “(A) State plans submitted or resubmitted
12 by a State;

13 “(B) peer review comments;

14 “(C) State plan determinations by the Sec-
15 retary, including approvals or disapprovals;

16 “(D) amendments or changes to State
17 plans; and

18 “(E) hearings.

19 “(g) DURATION OF THE PLAN.—

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

21 “(A) remain in effect for the duration of
22 the State's participation under this part or 4
23 years, whichever is shorter; and

24 “(B) be periodically reviewed and revised
25 as necessary by the State educational agency to

1 reflect changes in the State’s strategies and
2 programs under this part, including information
3 on progress the State has made in—

4 “(2) RENEWAL.—A State educational agency
5 that desires to continue participation under this part
6 shall submit a renewed plan every 4 years, including
7 information on progress the State has made in—

8 “(A) implementing college- and career-
9 ready content and achievement standards and
10 high-quality assessments described in paragraph
11 (b);

12 “(B) meeting its goals and performance
13 targets described in subsection (c)(2); and

14 “(C) improving the capacity and skills of
15 teachers and principals as described in section
16 2112.

17 “(2) ADDITIONAL INFORMATION.—If significant
18 changes are made to a State’s plan, such as the
19 adoption of new State academic content standards
20 and State student achievement standards, new aca-
21 demic assessments, or new performance goals or tar-
22 get, growth goals or targets, or graduation goals or
23 targets, such information shall be submitted to the
24 Secretary for approval.

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

6 “(i) REPORTS.—

7 “(1) ANNUAL STATE REPORT CARD.—

8 “(A) IN GENERAL.—A State that receives
9 assistance under this part 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
13 of 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 and, to the extent
19 practicable, provided in a language that
20 the parents can understand.

21 “(C) REQUIRED INFORMATION.—The
22 State shall include in its annual State report
23 card—

24 “(i) information, in the aggregate,
25 and disaggregated and cross-tabulated by

1 race, ethnicity, gender, disability status,
2 migrant status, English proficiency, and
3 status as economically disadvantaged, ex-
4 cept that such disaggregation and cross-
5 tabulation shall not be required in a case
6 in which the number of students in a cat-
7 egory is insufficient to yield statistically re-
8 liable information or the results would re-
9 veal personally identifiable information
10 about an individual student on—

11 “(I) student achievement at each
12 achievement level on the State aca-
13 demic assessments described in sub-
14 section (b)(3), including the most re-
15 cent 2-year trend;

16 “(II) student growth on the State
17 academic assessments described in
18 subsection (b)(3), including the most-
19 recent 2-year trend;

20 “(III) the four-year adjusted co-
21 hort rate, the extended-year gradua-
22 tion rate (where applicable), and the
23 graduation rate by type of diploma,
24 including the most recent 2-year
25 trend;

1 “(IV) the State established im-
2 provement indicators under subsection
3 (c)(1)(D);

4 “(V) the percentage of students
5 who did not take the State assess-
6 ments; and

7 “(VI) the most recent 2-year
8 trend in student achievement and stu-
9 dent growth in each subject area and
10 for each grade level, for which assess-
11 ments under this section are required;

12 “(ii) information that provides a com-
13 parison between the actual achievement
14 levels and growth of each group of stu-
15 dents described in subsection (c)(3)(A) and
16 the performance targets and growth tar-
17 gets in subsection (c)(2) for each such
18 group of students on each of the academic
19 assessments and for graduation rates re-
20 quired under this part;

21 “(iii) if a State adopts alternate
22 achievement standards for students with
23 the most significant cognitive disabilities,
24 the number and percentage of students
25 taking the alternate assessments and infor-

1 mation on student achievement at each
2 achievement level and student growth, by
3 grade and subject;

4 “(iv) the number of students who are
5 English learners, and the performance of
6 such students, on the State’s English lan-
7 guage proficiency assessments, including
8 the students’ attainment of, and progress
9 toward, higher levels of English language
10 proficiency;

11 “(v) information on the performance
12 of local educational agencies in the State
13 regarding school improvement, including
14 the number and names of each school iden-
15 tified for school improvement under section
16 1116 and information on the outcomes of
17 the improvement indicators outlined in sec-
18 tion 1111(c)(1)(D);

19 “(vi) the professional qualifications of
20 teachers in the State, the percentage of
21 such teachers teaching with emergency or
22 provisional credentials, and the percentage
23 of classes in the State not taught by quali-
24 fied teachers, in the aggregate and
25 disaggregated by high-poverty compared to

1 low-poverty schools which, for the purpose
2 of this clause, means schools in the top
3 quartile of poverty and the bottom quartile
4 of poverty in the State;

5 “(vii) information on teacher effective-
6 ness, as described in section
7 2112(b)(1)(C), in the aggregate and
8 disaggregated by high-poverty compared to
9 low-poverty schools which, for the purpose
10 of this clause, means schools in the top
11 quartile of poverty and the bottom quartile
12 of poverty in the State;

13 “(viii) a clear and concise description
14 of the State’s accountability system, in-
15 cluding a description of the criteria by
16 which the State educational agency evalu-
17 ates school performance, and the criteria
18 that the State educational agency has es-
19 tablished, consistent with subsection (c), to
20 determine the status of schools with re-
21 spect to school improvement; and

22 “(ix) outcomes related to quality char-
23 ter authorizing standards as described in
24 subsection (d)(1)(I), including, at a min-

1 imum, annual filing as described in sub-
2 section (d)(1)(I)(ii)(I).

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

5 “(A) REPORT CARDS.—A local educational
6 agency that receives assistance under this part
7 shall prepare and disseminate an annual local
8 educational agency report card.

9 “(B) MINIMUM REQUIREMENTS.—The
10 State educational agency shall ensure that each
11 local educational agency collects appropriate
12 data and includes in the local educational agen-
13 cy’s annual report the information described in
14 paragraph (1)(C) as applied to the local edu-
15 cational agency and each school served by the
16 local educational agency, and—

17 “(i) in the case of a local educational
18 agency—

19 “(I) the number and percentage
20 of schools identified for school im-
21 provement under section 1116 and
22 how long the schools have been so
23 identified; and

24 “(II) information that shows how
25 students served by the local edu-

1 cational agency achieved on the state-
2 wide academic assessment compared
3 to students in the State as a whole;

4 “(III) per-pupil expenditures
5 from Federal, State, and local
6 sources, including personnel and non-
7 personnel resources, for each school in
8 the local educational agency, con-
9 sistent with the requirements under
10 section 1120A; and

11 “(IV) the number and percentage
12 of secondary school students who have
13 been removed from the 4-year ad-
14 justed cohort by leaver code, and the
15 number and percentage of students
16 from each adjusted cohort that have
17 been enrolled in high school for more
18 than 4 years but have not graduated
19 with a regular diploma; and

20 “(ii) in the case of a school—

21 “(I) whether the school has been
22 identified for school improvement; and

23 “(II) information that shows how
24 the school’s students achievement on
25 the statewide academic assessments

1 and other improvement indicators
2 compared to students in the local edu-
3 cational agency and the State as a
4 whole.

5 “(C) OTHER INFORMATION.—A local edu-
6 cational agency may include in its annual local
7 educational agency report card any other appro-
8 priate information, whether or not such infor-
9 mation is included in the annual State report
10 card.

11 “(D) DATA.—A local educational agency
12 or school shall only include in its annual local
13 educational agency report card data that are
14 sufficient to yield statistically reliable informa-
15 tion, as determined by the State, and that do
16 not reveal personally identifiable information
17 about an individual student.

18 “(E) PUBLIC DISSEMINATION.—The local
19 educational agency shall publicly disseminate
20 the report cards described in this paragraph to
21 all schools in the school district served by the
22 local educational agency and to all parents of
23 students attending those schools in an acces-
24 sible, understandable, and uniform format and,
25 to the extent practicable, provided in a lan-

1 guage that the parents can understand, and
2 make the information widely available through
3 public means, such as posting on the Internet,
4 distribution to the media, and distribution
5 through public agencies.

6 “(3) PREEXISTING REPORT CARDS.—A State
7 educational agency or local educational agency that
8 was providing public report cards on the perform-
9 ance of students, schools, local educational agencies,
10 or the State prior to the date of enactment of the
11 Student Success Act may use those report cards for
12 the purpose of this subsection, so long as any such
13 report card is modified, as may be needed, to con-
14 tain the information required by this subsection.

15 “(4) COST REDUCTION.—Each State edu-
16 cational agency and local educational agency receiv-
17 ing assistance under this part shall, wherever pos-
18 sible, take steps to reduce data collection costs and
19 duplication of effort by obtaining the information re-
20 quired under this subsection through existing data
21 collection efforts.

22 “(5) ANNUAL STATE REPORT TO THE SEC-
23 RETARY.—Each State educational agency receiving
24 assistance under this part shall report annually to

1 the Secretary, and make widely available within the
2 State—

3 “(A) information on the State’s progress in
4 developing and implementing

5 “(i) the college and career ready
6 standards described in subsection (b)(2);

7 “(ii) the academic assessments de-
8 scribed in subsection (b)(3);

9 “(iii) the accountability and school im-
10 provement system described in subsection
11 (c); and

12 “(iv) teacher and principal evaluation
13 systems described in section 2112(b)(1);
14 and

15 “(B) the annual State report card under
16 paragraph (1).

17 “(6) REPORT TO CONGRESS.—The Secretary
18 shall transmit annually to the Committee on Edu-
19 cation and the Workforce of the House of Rep-
20 resentatives and the Committee on Health, Edu-
21 cation, Labor, and Pensions of the Senate a report
22 that provides national and State-level data on the in-
23 formation collected under paragraph (4).

24 “(7) PARENTS RIGHT-TO-KNOW.—

1 “(A) ACHIEVEMENT INFORMATION.—At
2 the beginning of each school year, a school that
3 receives funds under this subpart shall provide
4 to each individual parent—

5 “(i) information on the level of
6 achievement and growth of the parent’s
7 child on each of the State academic assess-
8 ments and, as appropriate, other improve-
9 ment indicators adopted in accordance with
10 this subpart; and

11 “(ii) timely notice that the parent’s
12 child has been assigned, or has been
13 taught for four or more consecutive weeks
14 by, a teacher who is not qualified or has
15 been found to be ineffective consistent with
16 the local educational agency evaluation, as
17 described in section 2112(b)(1).

18 “(B) QUALIFICATIONS.—At the beginning
19 of each school year, a local educational agency
20 that receives funds under this part shall notify
21 the parents of each student attending any
22 school receiving funds under this part, informa-
23 tion regarding the professional qualifications of
24 the student’s classroom teachers, including, at a
25 minimum, the following:

1 “(i) Whether the teacher has met
2 State qualification and licensing criteria
3 for the grade levels and subject areas in
4 which the teacher provides instruction.

5 “(ii) Whether the teacher is teaching
6 under emergency or other provisional sta-
7 tus through which State qualification or li-
8 censing criteria have been waived.

9 “(iii) Whether the teacher is currently
10 enrolled in an alternative certification pro-
11 gram.

12 “(iv) Whether the child is provided
13 services by paraprofessionals or specialized
14 instructional support personnel and, if so,
15 their qualifications.

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

21 “(j) **PRIVACY.**—Information collected under this sec-
22 tion shall be collected and disseminated in a manner that
23 protects the privacy of individuals.

24 “(k) **TECHNICAL ASSISTANCE.**—The Secretary shall
25 provide a State educational agency, at the State edu-

1 cational agency’s request, technical assistance in meeting
2 the requirements of this section, including the provision
3 of advice by experts in the development of college and ca-
4 reer ready standards, high-quality academic assessments,
5 and goals and targets that are valid and reliable, and other
6 relevant areas.

7 “(l) VOLUNTARY PARTNERSHIPS.—A State may
8 enter into a voluntary partnership with another State to
9 develop and implement the academic assessments and
10 standards required under this section.

11 “(m) DEFINITIONS.—In this section:

12 “(1) ADJUSTED COHORT; EXTENDED-YEAR; EN-
13 TERING COHORT; TRANSFERRED INTO; TRANS-
14 FERRED OUT.—

15 “(A) ADJUSTED COHORT.—Subject to sub-
16 paragraph (D)(ii) through (G), the term ‘ad-
17 justed cohort’ means the difference of—

18 “(i) the sum of—

19 “(I) the entering cohort; plus

20 “(II) any students that trans-
21 ferred into the cohort in any of grades
22 9 through 12; minus

23 “(ii) any students that are removed
24 from the cohort as described in subpara-
25 graph (E).

1 “(B) EXTENDED YEAR.—The term ‘ex-
2 tended year’ when used with respect to a grad-
3 uation rate, means the fifth or sixth year after
4 the school year in which the entering cohort, as
5 described in subparagraph (C), is established
6 for the purpose of calculating the adjusted co-
7 hort.

8 “(C) ENTERING COHORT.—The term ‘en-
9 tering cohort’ means the number of first-time
10 9th graders enrolled in a secondary school 1
11 month after the start of the secondary school’s
12 academic year.

13 “(D) TRANSFERRED INTO.—The term
14 ‘transferred into’ when used with respect to a
15 secondary school student, means a student
16 who—

17 “(i) was a first-time 9th grader dur-
18 ing the same school year as the entering
19 cohort; and

20 “(ii) enrolls after the entering cohort
21 is calculated as described in subparagraph
22 (B).

23 “(E) TRANSFERRED OUT.—

24 “(i) IN GENERAL.—The term ‘trans-
25 ferred out’ when used with respect to a

1 secondary school student, means a student
2 who the secondary school or local edu-
3 cational agency has confirmed has trans-
4 ferred to another—

5 “(I) school from which the stu-
6 dent is expected to receive a regular
7 secondary school diploma; or

8 “(II) educational program from
9 which the student is expected to re-
10 ceive a regular secondary school di-
11 ploma.

12 “(ii) CONFIRMATION REQUIRE-
13 MENTS.—

14 “(I) DOCUMENTATION RE-
15 QUIRED.—The confirmation of a stu-
16 dent’s transfer to another school or
17 educational program described in
18 clause (i) requires documentation
19 from the receiving school or program
20 that the student enrolled in the receiv-
21 ing school or program.

22 “(II) LACK OF CONFIRMATION.—
23 A student who was enrolled, but for
24 whom there is no confirmation of the
25 student having transferred out, shall

1 remain in the cohort as a non-grad-
2 uate for reporting and accountability
3 purposes under this section.

4 “(iii) PROGRAMS NOT PROVIDING
5 CREDIT.—A student enrolled in a GED or
6 other alternative educational program that
7 does not issue or provide credit toward the
8 issuance of a regular secondary school di-
9 ploma shall not be considered transferred
10 out.

11 “(F) COHORT REMOVAL.—To remove a
12 student from a cohort, a school or local edu-
13 cational agency shall require documentation to
14 confirm that the student has transferred out,
15 emigrated to another country, or is deceased.

16 “(G) TREATMENT OF OTHER LEAVERS
17 AND WITHDRAWALS.—A student who was re-
18 tained in a grade, enrolled in a GED program,
19 aged-out of a secondary school or secondary
20 school program, or left secondary school for any
21 other reason, including expulsion, shall not be
22 considered transferred out, and shall remain in
23 the adjusted cohort.

24 “(H) SPECIAL RULE.—For those sec-
25 ondary schools that start after grade 9, the en-

1 tering cohort shall be calculated 1 month after
2 the start of the secondary school's academic
3 year in the earliest secondary school grade at
4 the secondary school.

5 “(2) 4-YEAR ADJUSTED COHORT GRADUATION
6 RATE.—The term ‘4-year adjusted cohort graduation
7 rate’ means the percent obtained by calculating the
8 product of—

9 “(A) the result of—

10 “(i) the number of students who—

11 “(I) formed the adjusted cohort 4
12 years earlier; and

13 “(II) graduate in 4 years or less
14 with a regular secondary school di-
15 ploma; divided by

16 “(ii) the number of students who
17 formed the adjusted cohort for that year's
18 graduating class 4 years earlier; multiplied
19 by

20 “(B) 100.

21 “(3) EXTENDED-YEAR GRADUATION RATE.—
22 The term ‘extended-year graduation rate’ for a
23 school year is defined as the percent obtained by cal-
24 culating the product of the result of—

25 “(A) the sum of—

1 “(i) the number of students who—
2 “(I) form the adjusted cohort for
3 that year’s graduating class; and
4 “(II) graduate in an extended
5 year with a regular secondary school
6 diploma; or
7 “(III) graduate before exceeding
8 the age for eligibility for a free appro-
9 priate public education (as defined in
10 section 602 of the Individuals with
11 Disabilities Education Act) under
12 State law; divided by
13 “(ii) the result of—
14 “(I) the number of students who
15 form the adjusted cohort for that
16 year’s graduating class; plus
17 “(II) the number of students who
18 transferred in during the extended
19 year defined in paragraph (1)(B),
20 minus
21 “(III) students who transferred
22 out, emigrated, or died during the ex-
23 tended year defined in paragraph
24 (1)(B); multiplied by
25 “(B) 100.

1 “(4) LEAVER CODE.—The term ‘leaver code’
2 means a number or series of numbers and letters as-
3 signed to a categorical reason for why a student left
4 the high school from which she or he is enrolled
5 without having earned a regular high school di-
6 ploma, except that—

7 “(A) an individual student with either a
8 duplicative code or whom has not been assigned
9 a leaver code shall not be removed from the co-
10 hort assigned for the purpose of calculating the
11 adjusted cohort graduation rate; and

12 “(B) the number of students with either a
13 duplicative leaver code or who have not been as-
14 signed a leaver code shall be included in report-
15 ing requirements for the leaver code.

16 “(5) MULTI-TIER SYSTEM OF SUPPORTS.—The
17 term ‘multi-tier system of supports’ means a com-
18 prehensive system of differentiated supports that in-
19 cludes evidence-based instruction, universal screen-
20 ing, progress monitoring, formative assessment, and
21 research-based interventions matched to student
22 needs, and educational decision-making using stu-
23 dent outcome data.

1 “(6) GRADUATION RATE.—The term ‘gradua-
2 tion rate’ means a 4-year adjusted cohort graduation
3 rate and the extended-year graduation rate.

4 “(7) REGULAR SECONDARY SCHOOL DI-
5 PLOMA.—The term ‘regular secondary school di-
6 ploma’ means the standard secondary school diploma
7 awarded to the preponderance of students in the
8 State that is fully aligned with State standards, or
9 a higher diploma. Such term shall not include
10 GED’s, certificates of attendance, or any lesser di-
11 ploma award.”.

12 **SEC. 104. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

13 Section 1113(c)(3) (20 U.S.C. 6313(c)(3)) is amend-
14 ed to read as follows:

15 “(3) RESERVATION.—

16 “(A) IN GENERAL.—A local educational
17 agency shall reserve such funds as are nec-
18 essary under this part to provide services com-
19 parable to those provided to children in schools
20 funded under this part to serve—

21 “(i) homeless children who are attend-
22 ing any public school served by the local
23 educational agency, including providing
24 educationally related support services to

1 children in shelters and other locations
2 where children may live;

3 “(ii) children in local institutions for
4 neglected children; and

5 “(iii) if appropriate, children in local
6 institutions for delinquent children, and
7 neglected or delinquent children in commu-
8 nity day school programs.

9 “(B) RESERVATION OF FUNDS.—Notwith-
10 standing the requirements of subsections (b)
11 and (c) of section 1120A, funds reserved under
12 subparagraph (A) may be used to provide
13 homeless children and youths with services not
14 ordinarily provided to other students under this
15 part, including providing transportation pursu-
16 ant to section 722(g)(1)(J)(iii) of such Act.

17 “(C) AMOUNT RESERVED.—The amount of
18 funds reserved under subparagraph (A)(i) shall
19 be determined by an assessment of the numbers
20 and the needs of homeless children and youths
21 in the local educational agency.”.

1 **SEC. 105. ACADEMIC ASSESSMENT AND LOCAL EDU-**
2 **CATIONAL AGENCY AND SCHOOL IMPROVE-**
3 **MENT; SCHOOL SUPPORT AND RECOGNITION.**

4 Section 1116 (20 U.S.C. 6316) is amended to read
5 as follows:

6 **“SEC. 1116. SCHOOL IMPROVEMENT.**

7 “(a) LOCAL REVIEW.—

8 “(1) IN GENERAL.—Each local educational
9 agency receiving funds under this part shall—

10 “(A) use the State academic assessments,
11 including measures of student growth, and
12 graduation rates to review, annually, the
13 progress of each school served under this part
14 to determine whether the school is meeting the
15 performance targets, growth targets, and grad-
16 uation targets established under section
17 1111(c)(2);

18 “(B) based on the review conducted under
19 subparagraph (A), determine whether a school
20 served under this part is—

21 “(i) in need of improvement as de-
22 scribed under section 1111(c)(1)(C)(ii); or

23 “(ii) a persistently low-achieving
24 school that meets the State parameters es-
25 tablished under paragraph (2);

1 “(C) publicize and disseminate the results
2 of the local annual review described in subpara-
3 graph (A) to parents, teachers, principals,
4 schools, and the community so that the teach-
5 ers, principals, other staff, and schools can con-
6 tinually refine, in an instructionally useful man-
7 ner, the program of instruction to help all chil-
8 dren served under this part meet the college
9 and career ready achievement standards estab-
10 lished under section 1111(b); and

11 “(D) use the school improvement indica-
12 tors established under section 1111(c)(1)(D),
13 and may include the multiple measures de-
14 scribed under section 1111(c)(1)(E), to diag-
15 nose school challenges and measure school
16 progress in carrying out the school improve-
17 ment activities under this section.

18 “(2) PERSISTENTLY LOW-ACHIEVING
19 SCHOOLS.—The State educational agency shall es-
20 tablish parameters, consistent with section
21 1111(c)(1)(C)(i), to assist local educational agencies
22 in identifying persistently low-achieving schools with-
23 in the local educational agency that—

1 “(A) shall use student achievement on the
2 assessments under section 1111(b)(3), including
3 prior year data;

4 “(B) shall use student growth data on the
5 assessments under section 1111(b)(3), including
6 prior year data;

7 “(C) shall use graduation rate data, in-
8 cluding prior year data;

9 “(D) shall include schools with 4-year ad-
10 justed cohort graduation rates below 60 percent
11 as persistently low-achieving schools; and

12 “(E) may use data on the improvement in-
13 dicators established under section
14 1111(c)(1)(D) and the multiple measures de-
15 scribed under section 1111(c)(1)(E), except
16 that the local educational agency may not use
17 such indicators to change the schools identified
18 based on the parameters established under sub-
19 paragraphs (A) through (D).

20 “(3) OPPORTUNITY TO REVIEW AND PRESENT
21 EVIDENCE; TIME LIMIT.—

22 “(A) IDENTIFICATION.—Before identifying
23 an elementary school or a secondary school as
24 a school in need of improvement or a persist-
25 ently low-achieving school under paragraph (1),

1 a local educational agency shall provide the
2 school with an opportunity to review the school-
3 level data, including academic assessment data,
4 on which the proposed identification is based.

5 “(B) EVIDENCE.—If the principal of a
6 school proposed as a school in need of improve-
7 ment or a persistently low-achieving school be-
8 lieves, or a majority of the parents of the stu-
9 dents enrolled in such school believe, that the
10 proposed identification is in error for statistical
11 or other substantive reasons, the principal may
12 provide supporting evidence to the local edu-
13 cational agency, which shall consider that evi-
14 dence before making a final determination.

15 “(C) FINAL DETERMINATION.—Not later
16 than 30 days after a local educational agency
17 provides the school with the opportunity to re-
18 view such school-level data, the local edu-
19 cational agency shall make public a final deter-
20 mination on the status of the school with re-
21 spect to identification as a school in need of im-
22 provement or a persistently low-achieving
23 school.

24 “(b) SCHOOL IMPROVEMENT.—

1 “(1) IN GENERAL.—Each school served under
2 this part determined to be a school in need of im-
3 provement pursuant to section 1111(e)(1)(C)(ii) or a
4 persistently low-achieving school pursuant to
5 1111(e)(1)(C)(i), shall form a school improvement
6 team described in paragraph (2) to develop and im-
7 plement a school improvement plan described in
8 paragraph (3) to improve educational outcomes for
9 all students.

10 “(2) SCHOOL IMPROVEMENT TEAM.—

11 “(A) IN GENERAL.—Each school described
12 in paragraph (1) shall form a school improve-
13 ment team, which shall include school leaders,
14 teachers, parents, community members, and
15 specialized instructional support personnel.

16 “(B) SCHOOLS IN NEED OF IMPROVE-
17 MENT.—Each school improvement team for a
18 school in need of improvement may include an
19 external partner and representatives of the local
20 educational agency and the State educational
21 agency.

22 “(C) PERSISTENTLY LOW-ACHIEVING
23 SCHOOLS.—Each school improvement team for
24 a persistently low-achieving school shall include
25 an external partner and representatives of the

1 local educational agency and the State edu-
2 cational agency.

3 “(3) SCHOOL IMPROVEMENT PLAN.—

4 “(A) IN GENERAL.—A school improvement
5 team shall develop, implement, and make pub-
6 licly available a school improvement plan that
7 uses information available under the account-
8 ability and school improvement system estab-
9 lished under section 1111(c), data available
10 under the early warning indicator system estab-
11 lished under subsection (c)(5), and other rel-
12 evant data to identify—

13 “(i) each area in which the school
14 needs support for improvement;

15 “(ii) the type of support required;

16 “(iii) how the school plans to address
17 such needs;

18 “(iv) how the school will measure
19 progress in addressing such needs using
20 the goals and targets and improvement in-
21 dicators established under paragraphs (2)
22 and (1)(D) of section 1111(c), respectively,
23 and identify which of the goals and targets
24 are not currently being met by the school;
25 and

1 “(v) how the school will review its
2 progress and make adjustments and cor-
3 rections to ensure continuous improvement.

4 “(B) PLANNING PERIOD.—The school im-
5 provement team may use a planning period,
6 which shall not be longer than one school year
7 to develop and prepare to implement the school
8 improvement plan.

9 “(C) PLAN REQUIREMENTS.—Each school
10 improvement plan shall describe the following:

11 “(i) PLANNING AND PREPARATION.—
12 The activities during the planning period,
13 including—

14 “(I) the preparation activities
15 conducted to effectively implement the
16 budgeting, staffing, curriculum, and
17 instruction changes described in the
18 plan; and

19 “(II) how the school improve-
20 ment team engaged parents and com-
21 munity organizations.

22 “(ii) TARGETS.—The performance,
23 growth, and graduation targets that con-
24 tributed to the school’s status as a school
25 in need of improvement or persistently low-

1 achieving school, and the school challenges
2 identified by the school improvement indi-
3 cators under section 1111(c)(1)(D).

4 “(iii) EVIDENCE-BASED, SCHOOL IM-
5 PROVED STRATEGIES.—Evidence-
6 based, school improvement strategies to
7 address the factors and challenges de-
8 scribed in clause (ii), to improve instruc-
9 tion, including in all core academic sub-
10 jects, to improve the achievement of all
11 students and address the needs of students
12 identified at the catch-up level of achieve-
13 ment.

14 “(iv) NEEDS AND CAPACITY ANAL-
15 YSIS.—A description and analysis of the
16 school’s ability and the resources necessary
17 to implement the evidence-based, school
18 improvement strategies identified under
19 clause (iii), including an analysis of—

20 “(I) staffing resources, such as
21 the number, experience, training level,
22 effectiveness, responsibilities, and sta-
23 bility of existing administrative, in-
24 structional, and non-instructional
25 staff;

1 “(II) budget resources, including
2 how Federal, State, and local funds
3 are being spent for instruction and
4 operations to determine how existing
5 resources can be aligned and used to
6 support improvement;

7 “(III) the school curriculum;

8 “(IV) the use of time, such as
9 the school’s schedule and use of addi-
10 tional learning time; and

11 “(V) any additional resources
12 and staff necessary to effectively im-
13 plement the school improvement ac-
14 tivities identified in the school im-
15 provement plan.

16 “(v) IDENTIFYING ROLES.—The roles
17 and responsibilities of the State edu-
18 cational agency, the local educational agen-
19 cy, the school and, if applicable, the exter-
20 nal partner in the school improvement ac-
21 tivities, including providing interventions,
22 support, and resources necessary to imple-
23 ment improvements.

24 “(vi) PLAN FOR EVALUATION.—The
25 plan for continuous evaluation of the evi-

1 dence-based, school improvement strate-
2 gies, including implementation of and fidel-
3 ity to the school improvement plan, that
4 includes at least quarterly reviews of the
5 effectiveness of such activities.

6 “(D) ADDITIONAL REQUIREMENTS FOR
7 PERSISTENTLY LOW-ACHIEVING SCHOOLS.—For
8 a persistently-low achieving school, the school
9 improvement plan shall, in addition to the re-
10 quirements described in subparagraph (B), de-
11 scribe how the school will—

12 “(i) address school-wide factors to im-
13 prove student achievement, including—

14 “(I) establishing high expecta-
15 tions for all students, which at a min-
16 imum, align with the achievement
17 standards and growth standards
18 under section 1111(b)(4);

19 “(II) improving school climate,
20 including student attendance and
21 school discipline, through the use of
22 school-wide positive behavioral sup-
23 ports and interventions and other evi-
24 dence based approaches to improving
25 school climate;

1 “(III) ensuring that the staff
2 charged with implementing the school
3 improvement plan are engaged in the
4 plan and the school turnaround effort;
5 “(IV) establishing clear—
6 “(aa) benchmarks for imple-
7 mentation of the plan; and
8 “(bb) targets for improve-
9 ment on the indicators under sec-
10 tion 1111(c)(1)(D);
11 “(ii) organize the school to improve
12 teaching and learning, including through—
13 “(I) strategic use of time, such
14 as—
15 “(aa) establishing common
16 planning time for teachers and
17 interdisciplinary teams who share
18 common groups of students;
19 “(bb) redesigning the school
20 calendar year or day, such as
21 through block scheduling or sum-
22 mer learning programs, to create
23 additional learning time; or
24 “(cc) creating a flexible
25 school period to address specific

1 student academic needs and in-
2 terests such as credit recovery,
3 electives, enrichment activities, or
4 service learning; and

5 “(II) alignment of resources to
6 improvement goals, such as through
7 ensuring that students in transition
8 grades are taught by teachers pre-
9 pared to meet their specific learning
10 needs;

11 “(iii) increase teacher and school lead-
12 er effectiveness, as described in section
13 2112(b)(1), including through—

14 “(I) replacing the principal, or
15 demonstrating the principal has the
16 skills, capacity, and record of success
17 to significantly improve student
18 achievement and lead a school turn-
19 around;

20 “(II) screening all existing staff
21 at the school, with the leadership
22 team, through a process that ensures
23 a rigorous and fair review of their ap-
24 plications that shall include—

1 “(aa) the results of teacher
2 and principal evaluations and de-
3 terminations of effectiveness, as
4 described in section 2112(b)(1);
5 and

6 “(bb) a review of individual
7 staff member’s engagement in
8 the school improvement for the
9 school;

10 “(III) improving the recruitment
11 and retention of effective teachers and
12 principals to work in the school;

13 “(IV) professional development
14 activities that respond to student and
15 school-wide needs aligned with the
16 school improvement plan, such as—

17 “(aa) training teachers,
18 leaders, and administrators to-
19 gether with staff from schools
20 making achievement goals and
21 performance targets under the
22 accountability system under sec-
23 tion 1111(c) that serve similar
24 populations and in such schools;

1 “(bb) establishing peer
2 learning and coaching among
3 teachers; or

4 “(cc) facilitating collabora-
5 tion, including through profes-
6 sional communities across subject
7 area and interdisciplinary groups
8 and similar schools;

9 “(V) appropriately identifying
10 teachers for each grade and course;
11 and

12 “(VI) the development of effec-
13 tive leadership structures, supports,
14 and clear decision making processes,
15 such as through developing distribu-
16 tive leadership and leadership teams;

17 “(iv) improve curriculum and instruc-
18 tion, including through—

19 “(I) demonstrating the relevance
20 of the curriculum and learning for all
21 students, including instruction in all
22 core academic subjects, and may in-
23 clude the use of online course-work as
24 long as such course-work meets stand-

1 ards of quality and best practices for
2 online education;

3 “(II) increasing access to rig-
4 orous and advanced course-work, in-
5 cluding adoption and implementation
6 of a college- and career-ready cur-
7 riculum, and evidence-based, engaging
8 instructional materials aligned with
9 such a curriculum, for all students;

10 “(III) increasing access to
11 contextualized learning opportunities
12 aligned with readiness for postsec-
13 ondary education and the workforce,
14 such as providing—

15 “(aa) work-based, project-
16 based, and service-learning op-
17 portunities; or

18 “(bb) a high-quality, college
19 preparatory curriculum in the
20 context of a rigorous career and
21 technical education core;

22 “(IV) regularly collecting and
23 using data to inform instruction, such
24 as—

1 “(aa) through use of forma-
2 tive assessments;

3 “(bb) creating and using
4 common grading rubrics; or

5 “(cc) identifying effective in-
6 structional approaches to meet
7 student needs; and

8 “(V) emphasizing core skills in-
9 struction, such as literacy, across con-
10 tent areas;

11 “(v) provide students with academic
12 and social support to address individual
13 student learning needs, including
14 through—

15 “(I) ensuring access to services
16 and expertise of specialized instruc-
17 tional support personnel;

18 “(II) supporting students at the
19 catch-up level of achievement who
20 need intensive intervention;

21 “(III) increasing personalization
22 of the school experience through
23 learning structures that facilitate the
24 development of student and staff rela-
25 tionships such as—

1 “(aa) implementing grade 9
2 academies or thematic smaller
3 learning communities;

4 “(bb) establishing teams of
5 teachers who work exclusively
6 with small groups of students; or

7 “(cc) creating advisor posi-
8 tions to provide students with
9 study, organizational, and social
10 supports;

11 “(IV) offering extended-learning,
12 credit recovery, mentoring, or tutoring
13 options of sufficient scale to meet stu-
14 dent needs;

15 “(V) providing evidence-based,
16 accelerated learning for students with
17 academic skill levels below grade level;

18 “(VI) coordinating and increas-
19 ing access to integrated services, such
20 as providing special instructional sup-
21 port personnel;

22 “(VII) providing transitional sup-
23 port between grade-spans, including
24 postsecondary planning; and

1 “(VIII) meeting the diverse
2 learning needs of all students through
3 strategies such as multi-tier system of
4 supports and universal design for
5 learning, as described in section
6 5429(b)(21);

7 “(IX) engage families and com-
8 munity partners, including commu-
9 nity-based organizations, organiza-
10 tions representing underserved popu-
11 lations, Indian tribes (as appropriate),
12 organizations assisting parent involve-
13 ment, institutions of higher education,
14 and businesses, in school improvement
15 activities through evidence-based
16 strategies; and

17 “(X) be provided control over
18 governance policies, including flexi-
19 bility regarding staffing and com-
20 pensation, budgeting, student credit
21 attainment, or use of school time, that
22 support the implementation of effec-
23 tive school improvement activities and
24 educational options.

1 “(E) SUBMISSION AND APPROVAL.—The
2 school improvement team shall submit the
3 school improvement plan to the local edu-
4 cational agency or the State educational agency,
5 as determined by the State educational agency
6 based on the local educational agency’s ability
7 to effectively monitor the school improvement
8 activities. Upon receiving the plan, the local
9 educational agency or the State educational
10 agency, as appropriate, shall—

11 “(i) establish a peer review process to
12 assist with review of the school improve-
13 ment plan; and

14 “(ii) promptly review the plan, work
15 with the school improvement team as nec-
16 essary, and approve the plan if the plan
17 meets the requirements of this paragraph.

18 “(F) REVISION OF PLAN.—A school im-
19 provement team may revise the school improve-
20 ment plan as additional information and data is
21 available.

22 “(G) IMPLEMENTATION.—A school with
23 the support and assistance of the local edu-
24 cational agency shall implement the school im-
25 provement plan expeditiously, but not later than

1 the beginning of the next full school year after
2 identification for improvement.

3 “(4) EVALUATION OF SCHOOL IMPROVE-
4 MENT.—

5 “(A) IN GENERAL.—

6 “(i) REVIEW.—The State educational
7 agency or local educational agency, as de-
8 termined by the State in accordance with
9 paragraph (3)(D) shall, annually, review
10 data with respect to each school in need of
11 improvement and each persistently low-
12 achieving school to set clear benchmarks
13 for progress, to guide adjustments and cor-
14 rections, to evaluate whether the school
15 supports and interventions for the school
16 are effective and the school is meeting the
17 targets for improvement established under
18 its school improvement plan, and to specify
19 what actions ensue for schools not making
20 progress.

21 “(ii) DATA.—In carrying out the an-
22 nual review under clause (i), the school,
23 the local educational agency, or State edu-
24 cational agency shall measure progress
25 on—

1 “(I) student achievement, stu-
2 dent growth, and graduation rates
3 against the goals and targets estab-
4 lished under section 1111(c)(2); and

5 “(II) improvement indicators as
6 established under section
7 1111(c)(1)(D).

8 “(B) SCHOOLS IN NEED OF IMPROVE-
9 MENT.—If, after 3 years of implementing its
10 school improvement plan, a school in need of
11 improvement does not meet the goals and tar-
12 gets under section 1111(c)(2) that were identi-
13 fied under the school improvement plan as not
14 being met by the school and the improvement
15 indicators established under section
16 1111(c)(1)(D), then—

17 “(i) the local educational agency shall
18 evaluate school performance and other
19 data, and provide intensive assistance to
20 that school in order to improve the effec-
21 tiveness of the interventions; and

22 “(ii) the State educational agency or
23 the local educational agency, as determined
24 by the State, shall determine whether

1 school shall partner with an external part-
2 ner—

3 “(I) to revise the school improve-
4 ment plan; and

5 “(II) to improve, and as appro-
6 priate, revise, school improvement
7 strategies that meet the requirements
8 of paragraph (3)(B)(iii).

9 “(C) PERSISTENTLY LOW-ACHIEVING
10 SCHOOLS.—If, after 3 years of implementing its
11 school improvement plan, a persistently low-
12 achieving school does not demonstrate progress
13 on the goals and targets under section
14 1111(c)(2) that were identified under the school
15 improvement plan as not being met by the
16 school or the improvement indicators estab-
17 lished under section 1111(c)(1)(D), then—

18 “(i) the local educational agency, in
19 collaboration with the State educational
20 agency, shall determine whether to imple-
21 ment school closure, replacement, or State
22 take-over of such school;

23 “(ii) the local educational agency, and
24 as appropriate the State educational agen-
25 cy, shall develop and implement a plan to

1 assist with the transition of the school
2 under clause (i) that—

3 “(I) is developed in consultation
4 with parents and the community;

5 “(II) addresses the needs of the
6 students at the school by considering
7 strategies such as—

8 “(aa) opening a new school;

9 “(bb) graduating out cur-
10 rent students and closing the
11 school in stages; and

12 “(cc) enrolling the students
13 who attended the school in other
14 schools in the local educational
15 agency that are higher achieving,
16 provided the other schools are
17 within reasonable proximity to
18 the closed school and ensures re-
19 ceiving schools have the capacity
20 to enroll incoming students; and

21 “(III) provides information about
22 high-quality educational options and
23 transition and support services to stu-
24 dents who attended that school and
25 their parents.

1 “(D) PERSISTENTLY LOW ACHIEVING
2 SCHOOL.—If, after 5 years of implementing its
3 school improvement plan, a persistently low
4 achieving school does not demonstrate progress
5 on the goals and targets under section
6 1111(c)(2) that were identified under the school
7 improvement plan, then the local educational
8 agency, in collaboration with the State edu-
9 cational agency, shall determine whether to im-
10 plement school closure, replacement, or State
11 take-over of such school as required under sub-
12 paragraph “(C).

13 “(c) LOCAL EDUCATIONAL AGENCY RESPONSIBIL-
14 ITIES.—A local educational agency served by this part, in
15 supporting the schools identified as a school in need of
16 improvement or a persistently low-achieving school served
17 by the agency, shall—

18 “(1) address local educational agency-wide fac-
19 tors to improve student achievement by—

20 “(A) supporting the use of data to improve
21 teaching and learning through—

22 “(i) improving longitudinal data sys-
23 tems;

1 “(ii) regularly analyzing and dissemi-
2 nating usable data to educators, parents,
3 and students;

4 “(iii) building the data and assess-
5 ment literacy of teachers and principals;
6 and

7 “(iv) evaluating at kindergarten entry
8 the kindergarten readiness of children and
9 addressing the educational and develop-
10 ment needs determined by such evaluation;

11 “(B) addressing school transition needs of
12 the local educational agency by—

13 “(i) using kindergarten readiness data
14 to consider improving access to high-qual-
15 ity early education opportunities; and

16 “(ii) providing targeted research-
17 based interventions to middle schools that
18 feed into high schools identified for school
19 improvement under this section;

20 “(C) developing human capital systems
21 that ensure there is a sufficient pool of effective
22 teachers and school leaders to work in schools
23 served by the local educational agency;

24 “(D) developing support for school im-
25 provement plans among key stakeholders such

1 as parents and families, community groups rep-
2 resenting underserved populations, Indian
3 tribes, educators, and teachers;

4 “(E) carrying out administrative duties
5 under this section, including evaluation for
6 school improvement and technical assistance for
7 schools; and

8 “(F) coordinating activities under this sec-
9 tion with other relevant State and local agen-
10 cies, as appropriate;

11 “(2) address time and resources factors to im-
12 prove student achievement by—

13 “(A) ensuring the local educational agency
14 budget calendar is aligned with school staff and
15 budgeting needs; and

16 “(B) targeting resources and support to
17 those schools identified as persistently low-per-
18 forming or as in need of improvement;

19 “(3) address teacher and school leader effective-
20 ness by supporting professional development activi-
21 ties aligned to school improvement activities;

22 “(4) address curriculum and instruction factors
23 to improve student achievement by—

1 “(A) ensuring curriculum alignment with
2 the State’s early learning standards and post-
3 secondary education programs;

4 “(B) providing academically rigorous edu-
5 cation options such as—

6 “(i) effective dropout prevention, cred-
7 it and dropout recovery and recuperative
8 education programs for disconnected youth
9 and students who are not making suffi-
10 cient progress to graduate high school in
11 the standard number of years or who have
12 dropped out of high school;

13 “(ii) providing students with postsec-
14 ondary learning opportunities, such as
15 through access to a relevant curriculum or
16 course of study that enables a student to
17 earn a secondary school diploma and—

18 “(I) an associate’s degree; or

19 “(II) not more than 2 years of
20 transferable credit toward a postsec-
21 ondary degree or credential;

22 “(iii) integrating rigorous academic
23 education with career training, including
24 training that leads to postsecondary cre-
25 dentials for students;

1 “(iv) increasing access to Advanced
2 Placement or International Baccalaureate
3 courses and examinations; or

4 “(v) developing and utilizing innova-
5 tive, high quality distance learning strate-
6 gies to improve student academic achieve-
7 ment; and

8 “(C) considering how technology can be
9 used to support school improvement activities;

10 “(5) address student support factors to improve
11 student achievement by—

12 “(A) establishing an early warning indi-
13 cator system to identify students who are at
14 risk of dropping out of high school and to guide
15 preventive and recuperative school improvement
16 strategies, including—

17 “(i) identifying and analyzing the aca-
18 demic risk factors that most reliably pre-
19 dict dropouts by using longitudinal data of
20 past cohorts of students;

21 “(ii) identifying specific indicators of
22 student progress and performance, such as
23 attendance, academic performance in core
24 courses, and credit accumulation, to guide
25 decision making;

1 “(iii) identifying or developing a
2 mechanism for regularly collecting and
3 analyzing data about the impact of inter-
4 ventions on the indicators of student
5 progress and performance; and

6 “(iv) analyzing academic indicators to
7 determine whether students are on track to
8 graduate secondary school in the standard
9 numbers of years; and

10 “(B) identifying and implementing strate-
11 gies for pairing academic support with inte-
12 grated student services and case-managed inter-
13 ventions for students requiring intensive sup-
14 ports which may include partnerships with
15 other external partners;

16 “(6) promote family outreach and engagement
17 in school improvement activities to improve student
18 achievement; and

19 “(7) for each school identified for school im-
20 provement, ensure the provision of technical assist-
21 ance as the school develops and implements the
22 school improvement plan throughout the plan’s du-
23 ration.

24 “(d) STATE EDUCATIONAL AGENCY RESPONSIBIL-
25 ITIES.—A State educational agency served by this part,

1 in supporting schools identified as a school in need of im-
2 provement or a persistently low-achieving school and the
3 local educational agencies serving such schools, shall—

4 “(1) assess and address local capacity con-
5 straints to ensure that its local educational agencies
6 can meet the requirements of this section;

7 “(2) provide support and technical assistance,
8 including assistance to school leaders, teachers, and
9 other staff, to assist local educational agencies and
10 schools in using data to support school improvement
11 and in addressing the improvement indicators de-
12 scribed in section 1111(c)(1)(D) and multiple meas-
13 ures described in section 1111(c)(1)(E), where appli-
14 cable;

15 “(3) target resources and support to those
16 schools in the State that are identified as a school
17 in need of improvement or a persistently low-achiev-
18 ing school and to local educational agencies serving
19 such schools;

20 “(4) leverage resources from other funding
21 sources, such as school improvement funds, tech-
22 nology funds, and professional development funds to
23 support school improvement activities;

1 “(5) provide a statewide system of support, in-
2 cluding regional support services, to improve teach-
3 ing, learning, and student outcomes;

4 “(6) assist local educational agencies in devel-
5 oping early warning indicator systems;

6 “(7) with respect to schools that will work with
7 external partners to improve student achievement—

8 “(A) develop and apply objective criteria to
9 potential external partners that are based on a
10 demonstrated record of effectiveness in school
11 improvement;

12 “(B) maintain an updated list of approved
13 external partners across the State;

14 “(C) develop, implement, and publicly re-
15 port on standards and techniques for moni-
16 toring the quality and effectiveness of the serv-
17 ices offered by approved external partners, and
18 for withdrawing approval from external part-
19 ners that fail to improve persistently low-achiev-
20 ing schools; and

21 “(D) may identify external partners as ap-
22 proved, consistent with the requirements under
23 paragraph (7), who agree to provide services on
24 the basis of receiving payments only when stu-
25 dent achievement has increased at an appro-

1 appropriate level as determined by the State edu-
2 cational agency and school improvement team
3 under subsection (b)(2); and

4 “(8) carry out administrative duties under this
5 section, including providing monitoring and technical
6 assistance to local educational agencies and schools.

7 “(e) RULES OF CONSTRUCTION.—Nothing in this
8 section shall be construed—

9 “(1) to alter or otherwise affect the rights, rem-
10 edies, and procedures afforded school or local edu-
11 cational agency employees under Federal, State, or
12 local laws (including applicable regulations or court
13 orders) or under the terms of collective bargaining
14 agreements, memoranda of understanding, or other
15 agreements between such employees and their em-
16 ployers;

17 “(2) to require a child to participate in an early
18 learning program; or

19 “(3) to deny entry to kindergarten for any indi-
20 vidual if the individual is legally eligible, as defined
21 by State or local law.

22 “(f) DEFINITION.—In this section, the term ‘external
23 partner’ means an entity—

24 “(1) that is an organization such as a nonprofit
25 organization, community-based organization, local

1 education fund, service organization, educational
2 service agency, or institution of higher education;
3 and

4 “(2) that has demonstrated expertise, effective-
5 ness, and a record of success in providing evidence-
6 based strategies and targeted support such as data
7 analysis, professional development, or provision of
8 nonacademic support and integrated student services
9 to local educational agencies, schools, or students
10 that leads to improved teaching, learning, and out-
11 comes for students.”.

12 **SEC. 106. PARENTAL INVOLVEMENT.**

13 (a) PARENTAL INVOLVEMENT.—Section 1118 (20
14 U.S.C. 6318) is amended—

15 (1) by redesignating subsections (a) through (h)
16 as subsections (b) through (i), respectively; and

17 (2) by inserting before subsection (b), as red-
18 igned by paragraph (1), the following:

19 “(a) IN GENERAL.—Each local educational agency
20 and each school receiving funds under this part shall de-
21 velop policies and practices for family engagement in edu-
22 cation that meet the following principles and standards for
23 family-school partnerships:

24 “(1) Welcome all families to be active partici-
25 pants in the life of the school, so that they feel val-

1 ued and connected to each other, school staff, and
2 student learning.

3 “(2) Communicate effectively by ensuring reg-
4 ular two-way, meaningful communication between
5 family members and local educational agency and
6 school staff in a manner, language, and with tech-
7 nology that family members can understand and ac-
8 cess.

9 “(3) Support student success by fostering con-
10 tinuous collaboration between family members and
11 local educational agency and school staff to support
12 student learning and healthy student development at
13 school and at home.

14 “(4) Speak up for every child and empower
15 family members to be advocates for all students
16 within the school.

17 “(5) Ensure that family members, local edu-
18 cational agencies, and school staff are equal partners
19 in family engagement in education decisionmaking.

20 “(6) Collaborate with community organizations
21 and groups to turn the school into a hub of commu-
22 nity life.

23 “(7) Create a continuum of family engagement
24 in education in student learning and development
25 from birth to young adulthood.

1 “(8) Train and support superintendents, prin-
2 cipals, teachers, and specialized instructional support
3 personnel to fully engage families in the education of
4 their children.”.

5 (b) WRITTEN POLICY.—Section 1118(b)(2), as reded-
6 ignated by subsection (a), is amended—

7 (1) in subparagraph (C), by striking “sub-
8 section (e)” and inserting “subsection (f)”;

9 (2) in subparagraph (E), by striking “and”
10 after the semicolon;

11 (3) in subparagraph (F), by striking the period
12 at the end and inserting a semicolon; and

13 (4) by adding at the end the following:

14 “(G) participate in evaluations of the effec-
15 tiveness of family engagement in education
16 strategies and policies; and

17 “(H) participate in developing rec-
18 ommendations for creating a positive school cli-
19 mate and safe and healthy schools.”.

20 (c) RESERVATION.—Section 1118(b)(3)(A), as reded-
21 ignated by subsection (a), is amended to read as follows:

22 “(A) IN GENERAL.—Each local educational
23 agency shall reserve not less than 2 percent of
24 its allocation under subpart 2 to carry out this
25 section, except that this subparagraph shall not

1 apply if 2 percent is such agency's allocation
2 under subpart 2 for the fiscal year for which
3 the determination is made is \$10,000 or less.”.

4 (d) DISTRIBUTION.—Section 1118(b)(3)(C), as re-
5 designated by subsection (a), is amended to read as fol-
6 lows:

7 “(C) DISTRIBUTION.—Not more than 20
8 percent of the funds reserved under subpara-
9 graph (A) shall be available for local edu-
10 cational agency programming and technical as-
11 sistance to schools served under this part.”.

12 (e) RESERVED FUNDS.—Section 1118(b)(3), as re-
13 designated by subsection (a), is amended—

14 (1) by redesignating subparagraphs (B) and (c)
15 as subparagraphs (C) and (D), respectively; and

16 (2) by inserting after subparagraph (A) the fol-
17 lowing:

18 “(B) USE OF FUNDS.—Funds reserved
19 under subparagraph (A) may be used for the
20 following:

21 “(i) Increasing capacity through es-
22 tablishment of a dedicated office or dedi-
23 cated office or dedicated personnel within
24 the local educational agency or at the

1 school level for family engagement in edu-
2 cation.

3 “(ii) Supporting schools and nonprofit
4 organizations in providing professional de-
5 velopment on family engagement in edu-
6 cation for school staff, parent leadership
7 training, family literacy and numeracy pro-
8 grams, home visitation programs, family
9 volunteerism programs, and other innova-
10 tive programs that meaningfully engage
11 families.

12 “(iii) Providing technical assistance
13 and training to schools on the implementa-
14 tion and assessment of family engagement
15 in education policies and practices.

16 “(iv) Providing additional support to
17 schools that have been identified for im-
18 provement under section 1116(b) to assist
19 in the implementation of family engage-
20 ment in education coordinators.

21 “(v) Partnering with the Statewide
22 Family Engagement Center and local com-
23 munity-based organizations to identify
24 community resources, services, and sup-
25 ports to remove economic obstacles to fam-

1 ily engagement in education by meeting
2 families' needs.

3 “(vi) Supporting schools and eligible
4 entities in the development and implemen-
5 tation of research-based practices and pro-
6 grams that emphasize the importance of
7 family engagement in academic success
8 and positive development by addressing
9 factors such as—

10 “(I) successful transitions from
11 early learning to kindergarten through
12 grade 12 settings;

13 “(II) improved understanding of
14 and shared responsibility for student
15 success;

16 “(III) improved understanding
17 and use of student and school data;

18 “(IV) open, effective communica-
19 tion between schools and families;

20 “(V) early warning indicators
21 that a student is at risk of not grad-
22 uating on time;

23 “(VI) improved understanding of
24 State and local accountability systems,

1 academic standards and student as-
2 sessments;

3 “(VII) parent and community ad-
4 vocacy to increase parent participa-
5 tion;

6 “(VIII) improved understanding
7 of the parents’ role in academic, so-
8 cial, and financial preparation for
9 postsecondary education, including ca-
10 reer and technical education.

11 “(vii) Assisting schools in the develop-
12 ment, implementation, and assessment of
13 family engagement in education plans.

14 “(viii) Monitoring and evaluating the
15 family engagement in education in edu-
16 cation policies and practices funded under
17 this section.

18 “(ix) Supporting other activities ap-
19 proved in the local educational agency’s
20 plan for improving family engagement in
21 education.”.

22 (f) SCHOOL PARENTAL INVOLVEMENT POLICY.—
23 Section 1118(c)(1), as redesignated by subsection (a), is
24 amended in the first sentence by striking “subsections (c)
25 through (f)” and inserting “subsections (d) through (g)”.

1 (g) SHARED RESPONSIBILITY FOR HIGH STUDENT
2 ACHIEVEMENT.—Section 1118(e), as redesignated by sub-
3 section (a), is amended—

4 (1) in the matter preceding paragraph (1), by
5 striking “subsection (b)” and inserting “subsection
6 (c)”; and

7 (2) by striking paragraph (1) and inserting the
8 following:

9 “(1) describe the school’s responsibility to—

10 “(A) provide high-quality curriculum and
11 instruction in a supportive and effective learn-
12 ing environment that enables the children
13 served under this part to meet the State’s stu-
14 dent academic achievement standards, and the
15 ways in which parents and families will support
16 their children’s learning, such as—

17 “(i) monitoring attendance and home-
18 work completion;

19 “(ii) volunteering in their child’s
20 classroom or school; and

21 “(iii) participating, as appropriate, in
22 decisions relating to the education of their
23 children and positive use of extracurricular
24 time; and

1 “(B) engage families in the development of
2 recommendations for student attendance, expecta-
3 tions, behavior, and school safety, including
4 the development of reasonable disciplinary poli-
5 cies and interventions, such as the implementa-
6 tion of school-wide positive behavior interven-
7 tions and supports and the phase-out of out-of-
8 school suspension and expulsion and to address
9 bullying and harassment; and”.

10 **SEC. 107. COMPARABLE ALLOCATION OF EXPENDITURES.**

11 (a) AMENDMENT.—Section 1120A(c) of the Elemen-
12 tary and Secondary Education Act of 1965 (20 U.S.C.
13 6321(c)) is amended to read as follows:

14 “(c) COMPARABLE ALLOCATION OF EXPENDI-
15 TURES.—

16 “(1) IN GENERAL.—

17 “(A) COMPARABLE FUNDING.—Not later
18 than 5 full school years after the date of enact-
19 ment the Student Success Act, except as pro-
20 vided in paragraphs (5), (6), and (7), a local
21 educational agency may receive funds under
22 this part for a fiscal year only if, for the pre-
23 ceding fiscal year, the combined expenditure per
24 pupil of State and local funds, including per-
25 sonnel and nonpersonnel costs, in each school

1 served under this part was at least comparable
2 to the average combined expenditure per pupil
3 of State and local funds, including personnel
4 and nonpersonnel costs, across all schools
5 served by the local educational agency that are
6 not receiving funds under this part.

7 “(B) COMPARABLE FUNDING AMONG
8 TITLE I SCHOOLS.—In any case where all of the
9 schools served by a local educational agency re-
10 ceive support under this part, such agency may
11 receive funds under this part only if, for the
12 preceding fiscal year, the combined expenditure
13 per pupil of State and local funds in each high-
14 er poverty school is at least comparable to the
15 average combined expenditure per pupil of
16 State and local funds across all lower poverty
17 schools.

18 “(2) EQUIVALENCE.—A local educational agen-
19 cy shall be considered to have met the requirements
20 of paragraph (1), and to be eligible to receive funds
21 under this part, if—

22 “(A) such agency has filed annually with
23 the State educational agency a school-by-school
24 listing of per-pupil expenditures of State and
25 local funds, as described in paragraph (1), for

1 each school served by the agency for the pre-
2 ceding fiscal year; and

3 “(B) the listing described in subparagraph
4 (A) demonstrates comparable allocation of per-
5 pupil expenditures across schools as required by
6 subparagraph (A) or (B) of paragraph (1).

7 “(3) BASIS.—A local educational agency may
8 meet the requirements of paragraphs (1) or (2)
9 across all schools or among schools serving a par-
10 ticular grade span, if the local educational agency
11 compares schools within not more than three grade
12 spans.

13 “(4) REQUIREMENTS.—

14 “(A) REQUIREMENTS OF THE SEC-
15 RETARY.—The Secretary shall issue regulations
16 concerning the responsibilities of State edu-
17 cational agencies and local educational agencies
18 for meeting the requirements of this subsection.

19 “(B) REQUIREMENTS OF STATES.—Each
20 State educational agency receiving funds under
21 this part shall—

22 “(i) create and distribute to local edu-
23 cational agencies, and make available to
24 the public, regulations on the responsibil-
25 ities of local educational agencies for meet-

1 ing the requirements of this subsection;
2 and

3 “(ii) submit a plan to the Secretary,
4 required under section 1111(d)(1)(B).

5 “(C) REQUIREMENTS OF LOCAL EDU-
6 CATIONAL AGENCIES.—Not later than 18
7 months after the date of enactment of the Stu-
8 dent Success Act, each local educational agency
9 receiving funds under this part shall develop
10 and submit to the State educational agency a
11 plan, which shall be made available to the pub-
12 lic, that will ensure comparable allocation of re-
13 sources as described in paragraph (1) not later
14 than 5 full school years after the date of enact-
15 ment of the Student Success Act, including in-
16 formation on—

17 “(i) a timeline and annual bench-
18 marks for making progress toward achiev-
19 ing comparable allocation of resources; and

20 “(ii) how the local educational agency
21 is aligning school improvement efforts de-
22 scribed under section 1116(b) and (c), ef-
23 forts to improve educator supports and
24 working conditions described in section
25 2112(b)(3), and efforts to improve the eq-

1 uitable distribution of teachers and prin-
2 cipals described in section 2112(b)(5), with
3 efforts to improve the comparable alloca-
4 tion of resources as described in this sub-
5 section;

6 “(5) INAPPLICABILITY.—This subsection shall
7 not apply to a local educational agency that does not
8 have more than one building for each grade span.

9 “(6) COMPLIANCE.—For the purpose of deter-
10 mining compliance with paragraph (1), a local edu-
11 cational agency—

12 “(A) shall exclude State and local funds
13 expended for the excess costs of providing
14 English language instruction for Limited
15 English Proficient students as determined by
16 the local educational agency;

17 “(B) shall exclude State and local funds
18 expended for the excess costs of providing serv-
19 ices to children with disabilities as determined
20 by the local educational agency;

21 “(C) may exclude capital expenditures; and

22 “(D) may exclude supplemental State or
23 local funds expended in any school attendance
24 area or school for programs that meet the in-
25 tent and purpose of this part.

1 “(7) EXCLUSIONS.—A local educational agency
2 need not include unpredictable or significant changes
3 in student enrollment or personnel assignments that
4 occur after the beginning of a school year in deter-
5 mining the comparable allocation of expenditures
6 under this subsection.

7 “(8) TRANSITIONAL COMPLIANCE.—Beginning
8 on the date of enactment of Student Success Act,
9 for no more than 5 full school years a local edu-
10 cational agency shall be deemed to be in compliance
11 with paragraph (1) and paragraph (4)(C)(i) for any
12 school year, if the teachers hired to fill vacancies for
13 individual schools served under this part, and for the
14 schools not served under this part, improve the com-
15 parable allocation of combined State and local per
16 pupil expenditures compared to the preceding school
17 year.

18 “(9) WAIVER.—A local educational agency may
19 apply to the Secretary for a temporary waiver of the
20 requirements of this section, in the case of a natural
21 disaster or other unforeseen circumstance that re-
22 sults in a substantial decrease in revenue.

23 “(10) RULE OF CONSTRUCTION.—Nothing in
24 this section shall be construed to alter or otherwise
25 affect the rights, remedies, and procedures afforded

1 school or local educational agency employees under
2 Federal, State, or local laws (including applicable
3 regulations or court orders) or under the terms of
4 collective bargaining agreements, memoranda of un-
5 derstanding, or other agreements between such em-
6 ployees and their employers.”.

7 **SEC. 108. COORDINATION REQUIREMENTS.**

8 Section 1120B of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 6321(c)) is amended
10 to read as follows:

11 **“SEC. 1120B. COORDINATION REQUIREMENTS.**

12 “(a) IN GENERAL.—Each local educational agency
13 receiving assistance under this part shall—

14 “(1) coordinate, as feasible, with early child-
15 hood programs to carry out the activities described
16 in subsection (b); and

17 “(2) develop agreements with Head Start agen-
18 cies to carry out the activities described in sub-
19 section (b).

20 “(b) ACTIVITIES.—The activities referred to in sub-
21 section (a) are activities that increase coordination be-
22 tween the local educational agency and a Head Start agen-
23 cy and, if feasible, other entities carrying out early child-
24 hood development programs serving children who will at-

1 tend the schools of the local educational agency, includ-
2 ing—

3 “(1) developing and implementing a systematic
4 procedure for receiving records regarding such chil-
5 dren, transferred with parental consent from a Head
6 Start program or, where applicable, another early
7 childhood development program;

8 “(2) establishing channels of communication be-
9 tween school staff and in such Head Start agencies
10 or other entities carrying out early their counter-
11 parts (including teachers, social workers, and health
12 staff) childhood development programs, as appro-
13 priate, to facilitate coordination of programs;

14 “(3) conducting meetings involving parents,
15 kindergarten or elementary school teachers, and
16 Head Start teachers or, if appropriate, teachers
17 from other early childhood development programs, to
18 discuss the developmental and other needs of indi-
19 vidual children;

20 “(4) organizing and participating in joint tran-
21 sition-related training of school staff, Head Start
22 program staff, and, where appropriate, other early
23 childhood development program staff; and

1 “(5) linking the educational services provided
2 by such local educational agency with the services
3 provided by local Head Start agencies.

4 “(c) COORDINATION OF REGULATIONS.—The Sec-
5 retary shall work with the Secretary of Health and Human
6 Services to coordinate regulations promulgated under this
7 part with regulations promulgated under the Head Start
8 Act.”.

9 **SEC. 109. RESERVATION OF FUNDS FOR THE OUTLYING**
10 **AREAS AND BUREAU OF INDIAN EDUCATION**
11 **SCHOOLS.**

12 Section 1121(a) of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 6331(a)) is amended
14 to read as follows:

15 “(a) RESERVATION OF FUNDS.—

16 “(1) IN GENERAL.—From the amount appro-
17 priated for payments to States for any fiscal year
18 under section 1002(a) and 1125A(f), the Secretary
19 shall reserve—

20 “(A) for each fiscal year until the fiscal
21 year described in paragraph (2), a total of 1
22 percent to provide assistance to—

23 “(i) the outlying areas in the amount
24 determined in accordance with subsection
25 (b); and

1 “(ii) the Secretary of the Interior in
2 the amount necessary to make payments
3 pursuant to subsection (d); and

4 “(B) for the fiscal year described in para-
5 graph (2) and each succeeding fiscal year—

6 “(i) 0.50 percent to provide assistance
7 to the outlying areas in the amount deter-
8 mined in accordance with subsection (b);
9 and

10 “(ii) 0.75 percent to provide assist-
11 ance to the Secretary of the Interior in the
12 amount necessary to make payments pur-
13 suant to subsection (d).

14 “(2) DESCRIPTION OF FISCAL YEAR.—A fiscal
15 year described in this paragraph is a fiscal year for
16 which the total amount allocated under this part for
17 each State, after reserving funds in accordance with
18 paragraph (1)(B), would be an amount that is not
19 less than the total amount allocated under this part
20 for such State for fiscal year 2014.”.

21 **SEC. 110. SUPPORT FOR HIGH-QUALITY ASSESSMENTS.**

22 (a) AMENDMENT.—Part A of title I (20 U.S.C. 6311
23 et seq.) is amended by adding at the end the following
24 new subpart:

1 **“Subpart 3—Support for High-Quality Assessments**

2 **“SEC. 1131. SUPPORTING COLLEGE AND CAREER READY AS-**
3 **SESSMENTS.**

4 “From funds made available to carry out this sub-
5 part, the Secretary shall make grants to States to enable
6 a State—

7 “(1) to pay the costs of the development of col-
8 lege and career ready assessments and standards re-
9 quired by section 1111(b), including—

10 “(A) the costs of working in voluntary
11 partnerships with other States, where applica-
12 ble;

13 “(B) developing high-quality science as-
14 sessments in accordance with section
15 1111(b)(3);

16 “(C) if a State uses alternate assessments
17 aligned with alternate achievement standards
18 for students with the most significant cognitive
19 disabilities, improving the quality and rigor of
20 such assessments to meet the requirements of
21 section 1111(b)(3)(E);

22 “(D) in accordance with section
23 1111(b)(3)(D), developing native language as-
24 sessments; and

1 “(E) improving assessments of English
2 language proficiency necessary to comply with
3 section 1111(b)(3)(F); and

4 “(2) if a State has developed the assessments
5 and standards required by section 1111(b), to ad-
6 minister those assessments or to carry out other ac-
7 tivities described in this subpart and other activities
8 related to ensuring that the State’s schools and local
9 educational agencies are held accountable for results,
10 such as—

11 “(A) developing college and career ready
12 academic content and student achievement
13 standards and aligned assessments in academic
14 subjects for which standards and assessments
15 are not required by section 1111(b);

16 “(B) ensuring the continued validity and
17 reliability of State assessments, including
18 through evaluating and addressing the predict-
19 ability of assessment components;

20 “(C) refining State assessments to ensure
21 their continued alignment with the State’s col-
22 lege and career ready content standards and to
23 improve the alignment of curricula and instruc-
24 tional materials;

1 “(D) developing and implementing forma-
2 tive assessments aligned to the college and ca-
3 reer ready standards to support teaching and
4 learning;

5 “(E) strengthening the capacity of local
6 educational agencies and schools to provide all
7 students the opportunity to increase educational
8 achievement, including carrying out professional
9 development activities to support assessment lit-
10 eracy and help teachers and school leaders ef-
11 fectively use data to improve instruction;

12 “(F) supporting the accessibility of State
13 assessment systems for all students, including
14 students with disabilities and English learners,
15 by incorporating principles of universal design
16 for learning, as described in section
17 5429(b)(21);

18 “(G) expanding the range of accommoda-
19 tions available to English learners and students
20 with disabilities, including professional develop-
21 ment activities to increase effective use of ac-
22 commodations; and

23 “(H) improving the dissemination of infor-
24 mation on student achievement and school per-
25 formance to parents and the community.

1 **“SEC. 1132. GRANTS FOR HIGH-QUALITY ASSESSMENTS.**

2 “(a) GRANT PROGRAM AUTHORIZED.—From funds
3 made available to carry out this subpart, the Secretary
4 shall award, on a competitive basis, grants to State edu-
5 cational agencies that have submitted an application at
6 such time, in such manner, and containing such informa-
7 tion as the Secretary may require, which demonstrate to
8 the satisfaction of the Secretary, that the requirements of
9 this section will be met, for the following:

10 “(1) To enable States or consortia of States to
11 collaborate with institutions of higher education,
12 other research institutions, or other organizations to
13 improve the quality, accessibility, validity, and reli-
14 ability of college and career ready assessments de-
15 scribed in section 1111(b)(3).

16 “(2) To measure student academic achievement
17 for, at a minimum, the grade in which the student
18 is enrolled using multiple measures of student aca-
19 demic achievement from multiple sources.

20 “(3) To measure student growth over time.

21 “(4) To evaluate student academic achievement
22 through the development of comprehensive academic
23 assessment instruments, such as performance and
24 technology-based academic assessments.

25 “(b) APPLICATION.—Each State educational agency
26 wishing to apply for funds under this section shall include

1 in its State plan under this part such information as the
2 Secretary may require.

3 “(c) ANNUAL REPORT.—Each State educational
4 agency receiving a grant under this section shall submit
5 an annual report to the Secretary describing its activities,
6 and the result of those activities, under the grant.

7 **“SEC. 1133. FUNDING.**

8 “(a) AUTHORIZATION OF APPROPRIATIONS.—For the
9 purpose of carrying out this subpart, there are authorized
10 to be appropriated \$500,000,000 for fiscal year 2014, and
11 such sums as may be necessary for each of the 5 suc-
12 ceeding fiscal years.

13 “(b) ALLOTMENT OF APPROPRIATED FUNDS.—

14 “(1) IN GENERAL.—From amounts made avail-
15 able for each fiscal year under subsection (a), the
16 Secretary shall—

17 “(A) reserve one-half of 1 percent for the
18 Bureau of Indian Affairs;

19 “(B) reserve one-half of 1 percent for the
20 outlying areas; and

21 “(C) from the remainder, allocate to each
22 State an amount equal to—

23 “(i) \$3,000,000; and

24 “(ii) with respect to any amounts re-
25 maining after the allocation is made under

1 clause (i), an amount that bears the same
2 relationship to such total remaining
3 amounts as the number of students ages 5
4 through 17 in the State (as determined by
5 the Secretary on the basis of the most re-
6 cent satisfactory data) bears to the total
7 number of such students in all States.

8 “(2) REMAINDER.—Any amounts remaining for
9 a fiscal year after the Secretary carries out para-
10 graph (1) shall be made available as follows:

11 “(A)(i) To award funds under section 1132
12 to States according to the quality, needs, and
13 scope of the State application under that sec-
14 tion.

15 “(ii) In determining the grant amount
16 under clause (i), the Secretary shall ensure that
17 a State’s grant shall include an amount that
18 bears the same relationship to the total funds
19 available under this paragraph for the fiscal
20 year as the number of students ages 5 through
21 17 in the State (as determined by the Secretary
22 on the basis of the most recent satisfactory
23 data) bears to the total number of such stu-
24 dents in all States.

1 “(B) Any amounts remaining after the
2 Secretary awards funds under subparagraph
3 (A) shall be allocated to each State that did not
4 receive a grant under such subparagraph, in an
5 amount that bears the same relationship to the
6 total funds available under this subparagraph
7 as the number of students ages 5 through 17
8 in the State (as determined by the Secretary on
9 the basis of the most recent satisfactory data)
10 bears to the total number of such students in
11 all States.

12 **“SEC. 1134. STATE DEFINED.**

13 “In this section, the term ‘State’ means each of the
14 50 States, the District of Columbia, and the Common-
15 wealth of Puerto Rico.”.

16 (b) CONFORMING AMENDMENT.—Subpart 1 of part
17 A of title VI (20 U.S.C. 7301 et seq.) is repealed.

18 **TITLE II—TEACHERS AND**
19 **LEADERS**

20 **SEC. 201. GREAT TEACHERS AND LEADERS.**

21 Title II (20 U.S.C. 6601 et seq.) is amended to read
22 as follows:

1 **“TITLE II—GREAT TEACHERS**
2 **AND LEADERS**

3 **“SEC. 2001. PURPOSE.**

4 “The purpose of this title is to help States and local
5 educational agencies support teachers and school leaders
6 to improve student achievement for all students, including
7 English learners and students with disabilities, by—

8 “(1) promoting and enhancing the teaching pro-
9 fession;

10 “(2) supporting the development of effective of
11 teachers and school leaders;

12 “(3) recruiting, rewarding, and retaining effec-
13 tive teachers and other school leaders and fostering
14 excellent instructional teams, especially in high-need
15 local educational agencies, schools, fields, and sub-
16 jects;

17 “(4) providing teachers with the knowledge,
18 skills, data, support, and collaborative opportunities
19 needed to be effective in the classroom and to the
20 meet the diverse learning needs of their students;

21 “(5) providing all students with access to effec-
22 tive teachers and school leaders; and

23 “(6) improving the management of the edu-
24 cation workforce in States and local educational
25 agencies.

1 **“SEC. 2002. DEFINITIONS.**

2 “In this title:

3 “(1) CAREER LADDERS.—The term ‘career lad-
4 ders’ means promotion and professional growth op-
5 portunities, beyond moving into administration, for
6 teachers who have been rated as at least effective by
7 a teacher evaluation system that meets the require-
8 ments of section 2112(b)(1), including teacher lead-
9 ers, instructional or curriculum specialists, and
10 teacher mentors, who help improve teaching and
11 learning in a school or local educational agency.

12 “(2) HIGH-NEED FIELD.—The term ‘high-need
13 field’ refers to the fields of special education, bilin-
14 gual education, and English language acquisition.

15 “(3) HIGH-NEED SUBJECT.—The term ‘high-
16 need subject’ means mathematics, science, and any
17 other content area—

18 “(A) that is designated by a State edu-
19 cational agency or the Secretary as a teacher
20 shortage area; or

21 “(B) with respect to which a local edu-
22 cational agency determines, based on the needs
23 assessment required under section 2122(a)(2),
24 that, in the schools or a subset of schools of the
25 agency, there is a shortage of teachers who
26 have been rated by a State-approved teacher

1 and principal evaluation that meets the require-
2 ments of section 2112(b)(1) as at least effec-
3 tive.

4 “(4) HIGH-NEED LOCAL EDUCATIONAL AGEN-
5 CY.—The term ‘high-need local educational agency’
6 means a local educational agency—

7 “(A)(i) that serves not fewer than 10,000
8 children from families with incomes below the
9 poverty line; or

10 “(ii) for which not less than 20 percent of
11 the children served by the agency are from fam-
12 ilies with incomes below the poverty line; and

13 “(B)(i) for which there is a high percent-
14 age of teachers not teaching in the academic
15 subjects or grade levels that the teachers were
16 trained to teach; or

17 “(ii) for which there is a high percentage
18 of teachers with emergency, provisional, or tem-
19 porary certification or licensing.

20 “(5) QUALIFIED TEACHER.—The term ‘quali-
21 fied teacher’ means a teacher who meets the min-
22 imum qualifications to teach in a State and—

23 “(A) when used with respect to a middle
24 school or high school teacher who is entering

1 the profession in a State for the first time,
2 means that the teacher—

3 “(i) holds at least a bachelor’s degree;

4 “(ii) has demonstrated to the State,
5 content knowledge in the content area that
6 the teacher will teach as determined—

7 “(I) by passing a rigorous State
8 assessment; or

9 “(II) by successful completion of
10 an academic major, a graduate de-
11 gree, or coursework equivalent to an
12 undergraduate academic major in the
13 content area that the teacher will
14 teach;

15 “(iii) if required by the State to dem-
16 onstrate teaching skills by passing a State
17 teacher performance assessment, has
18 passed such assessment;

19 “(iv) has successfully completed a tra-
20 ditional or alternative teacher preparation
21 program; and

22 “(v) at the State’s discretion, may be
23 enrolled in an alternative teacher prepara-
24 tion program, and—

1 “(I) be on track to successful
2 completion of such program; and

3 “(II) be supervised by a mentor
4 teacher who has been consistently
5 rated in the highest rating categories
6 by a teacher evaluation system that
7 meets the requirements of section
8 2112(b)(1);

9 “(B) when used with respect to an elemen-
10 tary school teacher who is entering the profes-
11 sion in a State for the first time, means that
12 the teacher—

13 “(i) holds at least a bachelor’s degree;

14 “(ii) has demonstrated to the State,
15 content knowledge and teaching skills in
16 reading, writing, mathematics, science, and
17 other areas of the elementary school cur-
18 riculum—

19 “(I) by passing a rigorous pass-
20 ing a rigorous State assessment or
21 State-required test in reading, writ-
22 ing, mathematics, science, and other
23 areas of the basic elementary school
24 curriculum; or

1 “(II) by successful completion of
2 an academic major, a graduate de-
3 gree, or coursework equivalent to an
4 undergraduate academic major in the
5 content areas that the teacher will
6 teach;

7 “(iii) if required by the State to dem-
8 onstrate teaching skills by passing a State
9 teacher performance assessment, has
10 passed such assessment;

11 “(iv) has successfully completed a tra-
12 ditional or alternative teacher preparation
13 program;

14 “(v) at the State’s discretion, may be
15 enrolled in an alternative teacher prepara-
16 tion program; and

17 “(I) be on track to successful
18 completion of such program; and

19 “(II) be supervised by a mentor
20 teacher who has been consistently
21 rated in the highest rating categories
22 by a teacher evaluation system that
23 meets the requirements of section
24 2112(b)(1); and

1 “(C) means any teacher who is highly
2 qualified as defined in section 9101(23) or sec-
3 tion 602(10) of the Individuals with Disabilities
4 Education Act, as such section was in effect on
5 the day before the date of enactment of the
6 Student Success Act.

7 “(6) INDUCTION.—The term ‘induction’ means
8 a program for new teachers and new principals, as
9 appropriate, during at least their first 2 years of
10 practice, that is designed to increase effectiveness
11 and retention of new teachers and new principals,
12 and that includes—

13 “(A) high-quality mentoring;

14 “(B) development of skills and knowledge
15 in areas needed for new teachers, including,
16 content knowledge and pedagogy, instructional
17 strategies for teaching students with diverse
18 learning needs, classroom management (includ-
19 ing strategies that improve the school-wide cli-
20 mate for learning, which may include positive
21 behavioral interventions and supports), forma-
22 tive assessment of student learning, and the
23 analysis and use of student assessment data to
24 improve instruction;

1 “(C) frequent, structured time for collabo-
2 ration and professional development with teach-
3 ers and principals in the same field, grade, or
4 subject area, and opportunities to draw directly
5 on the expertise of other school and local edu-
6 cational agency staff, staff of high-performing
7 pathways, and other organizations that provide
8 high-quality induction supports;

9 “(D) regular and structured observation
10 and feedback by mentors, school leaders, or
11 teachers who have been consistently rated in
12 the highest rating categories by a teacher eval-
13 uation system that meets the requirements of
14 section 2112(b)(1); and

15 “(E) where feasible, team teaching, re-
16 duced teaching load and activities designed to
17 ensure that teachers have appropriate teaching
18 tools and instructional materials for their class-
19 room.

20 “(7) MENTORING.—The term ‘mentoring’
21 means the mentoring of new teachers and principals,
22 as appropriate, so as to increase the effectiveness
23 and retention of those teachers and principals
24 through a program tat—

1 “(A) includes clear criteria for the selec-
2 tion of teacher and principal mentors that take
3 into account a candidate’s effectiveness as a
4 teacher or principals and that individuals ability
5 to facilitate adult learning;

6 “(B) provides high-quality training for the
7 mentors on how to support new teachers and
8 principals effectively;

9 “(C) provides regularly scheduled time for
10 collaboration and for examination of student
11 work and achievement data, and on-going op-
12 portunities for mentors and mentees to observe
13 each other’s practice; and

14 “(D) matches, when possible, each mentee
15 with a mentor who is in the same field, grade,
16 or subject area as the mentee.

17 “(8) PROFESSIONAL DEVELOPMENT.—The
18 term ‘professional development’ means coordinated
19 and aligned activities to increase the effectiveness of
20 educators, which may include teachers, principals,
21 other school leaders, specialized instructional sup-
22 port personnel, paraprofessionals, early childhood
23 educators, and other school staff that—

24 “(A) fosters collective responsibility for im-
25 proved student performance;

1 “(B) is comprised of professional learning
2 that—

3 “(i) aligns with State academic con-
4 tent and achievement standards and early
5 learning standards, as appropriate, with
6 local educational agency and school im-
7 provement goals and plans, including those
8 identified under section 1116, and with
9 school instructional materials;

10 “(ii) is aligned to a State-approved
11 teacher and principal evaluation system the
12 meets the requirements of section
13 2112(b)(1) ;

14 “(iii) is conducted among educators at
15 the school and facilitated by trained school
16 principals and school-based professional
17 development coaches, mentors, master
18 teachers, or other teacher leaders;

19 “(iv) supports family engagement in
20 their children’s education;

21 “(v) primarily occurs frequently and
22 during significant blocks of time among es-
23 tablished teams of teachers, principals, and
24 other instructional staff members where

1 the teams of educators engage in a contin-
2 uous cycle of improvement that—

3 “(I) defines a clear set of educa-
4 tor learning goals based on the rig-
5 orous analysis of data and individual
6 evaluations under section 2112(b)(1)
7 and improves content knowledge, ped-
8 agogical skills, and the ability to ana-
9 lyze and use data;

10 “(II) achieves the educator learn-
11 ing goals based identified under sub-
12 clause (I) by implementing coherent,
13 sustained, and evidence-based learning
14 strategies, such as lesson study and
15 the development of formative assess-
16 ments, that improve instructional ef-
17 fectiveness and student achievement;

18 “(III) provides job-embedded
19 coaching or other forms of assistance
20 to support the transfer of new knowl-
21 edge and skills to the classroom;

22 “(IV) regularly assesses the ef-
23 fectiveness of the professional develop-
24 ment in achieving identified learning
25 goals, improving teaching, and assist-

1 ing all students in meeting chal-
2 lenging State academic achievement
3 standards;

4 “(V) informs ongoing improve-
5 ments in teaching and student learn-
6 ing;

7 “(VI) may support joint profes-
8 sional development activities for
9 school staff and early childhood edu-
10 cators that address the transition to
11 elementary school, including issues re-
12 lated to school readiness across all
13 major domains of early learning; and

14 “(VII) may be supported by ex-
15 ternal assistance with relevant exper-
16 tise, including content expertise; and

17 “(C) may be supplemented by activities
18 such as courses, workshops, institutes, net-
19 works, and conferences that—

20 “(i) address the learning goals and
21 objectives established for professional de-
22 velopment by educators at the school level;

23 “(ii) advance the ongoing school-based
24 professional development; and

1 “(iii) are provided for by for-profit
2 and non-profit entities outside the school
3 such as universities, education service
4 agencies, technical assistance providers,
5 networks of content-area specialists, and
6 other education organizations and associa-
7 tions.

8 “(9) SCHOOL LEADER.—The term ‘school lead-
9 er’ means a principal, an assistant principal, or an
10 individual who is—

11 “(A) is and employee or officer of a school;
12 and

13 “(B) is responsible for the managerial op-
14 erations and instructional leadership of that
15 school.

16 “(10) SCHOOL LEADERSHIP TEAM.—The term
17 ‘school leadership team’ means a group that includes
18 the principal, other school leaders, and teachers at
19 a school who work together to develop school plans
20 or goals for the school.

21 “(11) STATE TEACHER PERFORMANCE ASSESS-
22 MENT.—The term ‘State-teacher performance as-
23 sessment’ means a rigorous assessment used to
24 measure teacher performance that is developed and

1 approved in collaboration with teachers, and admin-
2 istered by the State and—

3 “(A) is based on professional teaching
4 standards;

5 “(B) are aligned to State academic content
6 and achievement and early learning standards;

7 “(C) is used to document the effectiveness
8 of a teacher’s—

9 “(i) curriculum planning;

10 “(ii) instruction of students, including
11 appropriate supports for students who are
12 English learners and students who are
13 children with disabilities; and

14 “(iii) assessment of students, includ-
15 ing analysis of evidence of student learn-
16 ing;

17 “(D) is validated based on professional as-
18 sessment standards;

19 “(E) is regularly monitored to ensure the
20 quality, reliability, validity, fairness, consist-
21 ency, and objectivity of the evaluators’ deter-
22 minations;

23 “(F) is reliably scored by trained eval-
24 uators with appropriate oversight of the process
25 to ensure consistency; and

1 “(G) the results of which are used to sup-
2 port continuous improvement of educator prac-
3 tice.

4 “(12) TEACHING RESIDENCY PROGRAM.—The
5 term ‘teaching residency program’ means a school-
6 based teacher preparation program in which a pro-
7 spective teacher—

8 “(A) teaches alongside a mentor teacher,
9 who is the teacher of record, for at least one
10 year;

11 “(B) receives concurrent instruction in the
12 teaching of the content area in which the teach-
13 er will become certified or licensed;

14 “(C) receives concurrent instruction in ef-
15 fective teaching skills; and

16 “(D) attains full State teacher certification
17 or licensure, and becomes qualified prior to, or
18 upon, completion of the program.

19 “(13) EVIDENCE OF CLASSROOM PRACTICE.—
20 The term ‘evidence of classroom practice’ means evi-
21 dence gathered through multiple formats and from
22 multiple sources that demonstrate effective teaching
23 skills and—

24 “(A) shall include—

1 “(i) multiple classroom observations
2 based on rigorous teacher performance
3 standards or rubrics and conducted by
4 trained personnel consistent with section
5 2112(b)(1);

6 “(ii) information on the teacher’s suc-
7 cessful use of data to improve instruction
8 and raise student achievement;

9 “(iii) student work, lesson plans, feed-
10 back provided to students and teacher de-
11 veloped classroom assessments;

12 “(iv) demonstration of professional re-
13 sponsibility; and

14 “(B) may include, but which shall have a
15 weight that is less than the weight assigned to
16 the requirements described in subparagraph
17 (A)—

18 “(i) videos of teacher practice;

19 “(ii) teacher portfolios; and

20 “(iii) parent, student, and peer feed-
21 back.

22 “(14) EVIDENCE OF SCHOOL LEADERSHIP.—
23 The term ‘evidence of school leadership’ means evi-
24 dence gathered through multiple formats and from

1 multiple sources that shall include an evaluation
2 of—

3 “(A) data on student learning gains, in-
4 cluding evidence of student learning;

5 “(B) gains in student achievement, includ-
6 ing passage of required exams for course pro-
7 gression, credit accumulation, completion of
8 promotion standards, and graduation rates;

9 “(C) increases in student attendance rates;

10 “(D) percentage of effective teachers on
11 staff;

12 “(E) retention rates of effective teachers
13 rated by a teacher evaluation that meets the re-
14 quirements of section 2112(b)(1) to those
15 teachers rated below effective by such an eval-
16 uation;

17 “(F) evidence of successful use of teacher
18 evaluation and alignment to effective profes-
19 sional development, including support for teach-
20 ers to improve effectiveness status;

21 “(G) demonstration of instructional leader-
22 ship, including use of data and assessment to
23 inform decision-making;

24 “(H) improvement of teacher effectiveness
25 of teachers in the school;

1 “(I) demonstration of effective fiscal man-
2 agement, where applicable;

3 “(J) evidence of effective community and
4 parent engagement;

5 “(K) improved teacher attendance rates;

6 “(L) establishment of learning commu-
7 nities where principals and teachers—

8 “(i) share a school mission and goals
9 with an explicit vision of quality teaching
10 and learning that guides all instructional
11 decisions;

12 “(ii) commit to improving student
13 outcomes and performances;

14 “(iii) set a continuous cycle of collec-
15 tive inquiry and improvement;

16 “(iv) foster a culture of collaboration
17 where teachers and principals work to-
18 gether on a regular basis to analyze and
19 improve teaching and learning; and

20 “(v) support and share leadership;
21 and

22 “(M) develop and maintain a positive
23 school culture where students, teachers and
24 other staff are motivated to collaborate and
25 work together to achieve goals.

1 “(15) EVIDENCE OF STUDENT LEARNING.—The
2 term ‘evidence of student learning’ means data that
3 shall be based on multiple, valid and reliable indica-
4 tors of student academic growth towards State con-
5 tent and achievement standards, which shall be
6 based significantly on—

7 “(A) student learning gains on the State
8 student academic assessments under section
9 1111(c) and, for grades and subjects not cov-
10 ered by the State’s student academic assess-
11 ments, another valid and reliable assessment of
12 student academic achievement, as long as the
13 assessment is used consistently by the local
14 educational agency for the grade or class for
15 which the assessment is administered; and

16 “(B) other evidence of student learning
17 that is comparable across schools within an
18 local educational agency such as—

19 “(i) formative and summative assess-
20 ments;

21 “(ii) objective performance-based as-
22 sessments; and

23 “(iii) representative samples of stu-
24 dent work, including progress towards per-

1 formance standards and evidence of stu-
2 dent growth.

3 “(16) MENTOR PRINCIPAL.—The term ‘mentor
4 principal’ means an individual with—

5 “(A) Strong instructional leadership skills
6 in an elementary school or secondary school set-
7 ting;

8 “(B) Strong verbal and written commu-
9 nication skills, which may be demonstrated by
10 performance on appropriate assessments; and

11 “(C) Knowledge and skills to—

12 “(i) establish and maintain a profes-
13 sional learning community that effectively
14 utilizes data to improve the school culture
15 and personalize instruction to increase stu-
16 dent achievement;

17 “(ii) create and maintain a learning
18 culture within the school that provides a
19 climate conducive to the development of all
20 members of the school community, includ-
21 ing one of continuous learning for adults
22 tied to student learning and other school
23 goals;

24 “(iii) engage in continuous profes-
25 sional development, utilizing a combination

1 of academic study, developmental simula-
2 tion exercises, self-reflection, mentorship
3 and internship;

4 “(iv) understand youth development
5 appropriate to the age level served by the
6 school and from this knowledge sets high
7 expectations and standards for the aca-
8 demic, social, emotional and physical devel-
9 opment of all students; and

10 “(v) actively engage the community to
11 create shared responsibility for student
12 academic performance and successful de-
13 velopment.

14 **“PART A—EFFECTIVE TEACHER AND LEADER**
15 **STATE GRANTS**

16 **“SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated
18 \$3,500,000,000 for fiscal year 2014, and such sums as
19 may be necessary for each of the 5 succeeding fiscal years,
20 to carry out this part.

21 **“Subpart 1—Grants to States**

22 **“SEC. 2111. ALLOCATIONS TO STATES.**

23 “(a) RESERVATIONS.—From the amounts made
24 available under section 2101 for this subpart for each fis-
25 cal year, the Secretary shall reserve—

1 “(1) one-half of one percent for the outlying
2 areas, to be distributed among the outlying areas on
3 the basis of their relative need, as determined by the
4 Secretary, for activities consistent with the purposes
5 of this title;

6 “(2) one-half of one percent for the Secretary
7 of the Interior, for activities, consistent with the
8 purposes of this title described in section 2001, in
9 schools operated by or funded by the Bureau of In-
10 dian Education; and

11 “(3) one-half of one percent for a competitive
12 grant program to encourage consortia of States to
13 develop instructional supports aligned to new
14 college- and career-ready standards that are made
15 widely available to all States and local educational
16 agencies.

17 “(b) ALLOTMENTS TO STATES, REDUCTIONS.—

18 “(1) IN GENERAL.—From the amounts made
19 available under section 2101 for this subpart for
20 each fiscal year that remain after the Secretary re-
21 serves funds under subsection (a) of this section, the
22 Secretary shall allot to each State with an approved
23 application under section 2112 the sum of—

24 “(A) an amount that bears the same rela-
25 tionship to 35 percent of the remaining amount

1 as the number of individuals age five through
2 17 in the State, as determined by the Secretary
3 on the basis of the most recent satisfactory
4 data, bears to the number of those individuals
5 in all such States, as so determined; and

6 “(B) an amount that bears the same rela-
7 tionship to 65 percent of the remaining amount
8 as the number of individuals age five through
9 17 from families with incomes below the pov-
10 erty line, in the State, as determined by the
11 Secretary on the basis of the most recent satis-
12 factory data, bears to the number of those indi-
13 viduals in all such States, as so determined.

14 “(2) FISCAL YEAR 2014.—Notwithstanding
15 paragraph (1), for fiscal year 2014, no State shall
16 receive less than 90 percent of the State’s allocation
17 under this part for fiscal year 2013, as such part
18 was in effect on the day before the date of enact-
19 ment of the Student Success Act.

20 “(3) SUCCEEDING FISCAL YEARS.—Notwith-
21 standing paragraph (1), for fiscal year 2014 and
22 each succeeding fiscal year, no State shall receive an
23 allotment under paragraph (1) that is less than 90
24 percent of the State’s allotment under such para-
25 graph for the preceding fiscal year.

1 “(c) RATABLE REDUCTIONS.—If the funds made
2 available to carry out paragraph (1) of subsection (b) are
3 insufficient to pay the full amounts that all States are eli-
4 gible to receive under subparagraph (2) or (3) of such sub-
5 section for any fiscal year, the Secretary shall ratably re-
6 duce each such amount for such fiscal year.

7 “(d) REALLOTMENTS.—If any State does not apply
8 for an allotment under this section, or has its application
9 disapproved by the Secretary, the Secretary shall reallot
10 the amount of that State’s allotment to the remaining
11 States that have approved applications in accordance with
12 this subpart.

13 **“SEC. 2112. STATE APPLICATIONS.**

14 “(a) IN GENERAL.—For a State to be eligible to re-
15 ceive a grant under this part, the State educational agency
16 shall submit an application to the Secretary at such time,
17 in such manner, and containing such information as the
18 Secretary may reasonably require. The Secretary shall
19 provide the State educational agency with the opportunity
20 to apply for funds under this part and part B through
21 a consolidated application.

22 “(b) CONTENTS.—Each application submitted under
23 this section shall include the following—

24 “(1) a description of how, within 3 years of the
25 date of enactment of the Student Success Act, each

1 local educational agency in the State that receives a
2 subgrant under subpart 2 shall implement either a
3 State model teacher and principal evaluation system
4 or a State-approved teacher and principal evaluation
5 system that, at a minimum—

6 “(A) is designed primarily to—

7 “(i) increase student learning and im-
8 prove instruction for students;

9 “(ii) inform professional development
10 for teachers and principals and support
11 interventions for students; and

12 “(iii) using the results of a teacher’s
13 or principal’s evaluation, provide on-going
14 and timely, individual and meaningful
15 feedback, and substantive support to the
16 teacher or principal;

17 “(B) is developed, implemented, and
18 adopted in collaboration with teachers, prin-
19 cipals, and other education stakeholders and
20 through the State or local process for deter-
21 mining terms and conditions of employment in
22 the State or local educational agency;

23 “(C) includes—

1 “(i) meaningful weight on multiple
2 measures of teacher and principal perform-
3 ance, including—

4 “(I) in the case of teachers, evi-
5 dence of classroom practice; and

6 “(II) in the case of principals,
7 evidence of school leadership;

8 “(ii) meaningful weight on evidence of
9 student learning;

10 “(iii) meaningful weight on contribu-
11 tions to student growth including higher
12 order thinking skills, citizenship, and social
13 and emotional development; and

14 “(iv) differentiated levels of teacher
15 and principal performance that are clearly
16 articulated using not less than 3 rating
17 categories, which are aligned with the
18 State’s standards and criteria for defining
19 each of the rating categories required;

20 “(D) provides results that are comparable
21 and consistent across all teachers and principals
22 within a local educational agency consistent
23 with section 2301, including using standards
24 and rubrics for conducting evaluations (includ-
25 ing for the information in described in subpara-

1 graph (C)) that reflect the ages and grades
2 being taught and consistent within individual
3 grade levels and subject areas in each local edu-
4 cational agency;

5 “(E) evaluates, annually, each teacher and
6 principal in the local educational agency and
7 takes into consideration the experience and per-
8 formance level of the teacher or principal;

9 “(F) uses evaluation results to inform—

10 “(i) professional improvement plans
11 for teachers and principals, which shall be
12 developed in collaboration with teachers
13 and principals, that are appropriate to the
14 level of the individual being evaluated, in-
15 cluding support and timelines to carry out
16 each plan;

17 “(ii) comprehensive support, men-
18 toring, interventions and timelines to carry
19 out each plan; and

20 “(iii) personnel decisions; and

21 “(G) establishes appropriate training for
22 evaluators and staff being evaluated includ-
23 ing—

24 “(i) a clear articulation of the evalua-
25 tion system and the process, systems, rat-

1 ings, and the implications of the results
2 provided to teachers and principals;

3 “(ii) how the system provides teachers
4 and principals the opportunity and assist-
5 ance to improve consistent with subpara-
6 graph (F)(i); and

7 “(iii) how to identify working condi-
8 tions that affect teaching and learning,
9 such as facilities and resources, and school
10 climate and safety, and isolating educator
11 impact on student outcomes from these
12 factors;

13 “(2) a description of how the State educational
14 agency will ensure that within 4 years of the date
15 of enactment of the Student Success Act, each local
16 educational agency in the State that receives a
17 subgrant under subpart 2 makes public the results
18 of the evaluation system described in paragraph (1),
19 in accordance with the accountability requirements
20 of subpart 4;

21 “(3) a description of how, within 2 years of the
22 date of enactment of the Student Success Act, each
23 local educational agency in the State that receives a
24 subgrant under subpart 2 shall conduct an annual

1 assessment of educator support and working condi-
2 tions that—

3 “(A) evaluates supports for teachers, lead-
4 ers, and other school personnel, such as—

5 “(i) teacher and principal perceptions
6 of availability of high-quality professional
7 development and instructional materials;

8 “(ii) timely availability of data on stu-
9 dent academic achievement and growth;

10 “(iii) the presence of high-quality in-
11 structional leadership; and

12 “(iv) opportunities for professional
13 growth such as career ladders and men-
14 toring and induction programs;

15 “(B) evaluates working conditions for
16 teachers, leaders and other school personnel,
17 such as—

18 “(i) school climate;

19 “(ii) school safety;

20 “(iii) class size;

21 “(iv) availability and use of common
22 planning time and opportunities to collabo-
23 rate; and

24 “(v) community engagement;

1 “(C) is developed with for teachers, leaders
2 and other school personnel, parents, students,
3 and the community;

4 “(D) develops and implements an plan
5 with the groups described in subparagraph (C)
6 and with, at a minimum, annual benchmarks to
7 address the results of the assessment carried
8 described in this paragraph; and

9 “(E) publicly reports on the results of the
10 evaluations described in subparagraph (A) and
11 (B) and the plan described in subparagraph
12 (C);

13 “(4) a description of the educator supports the
14 State has developed to assist in the implementation
15 of new college- and career-ready standards, including
16 the State’s plan for making those supports available
17 to its local educational agencies and for prioritizing
18 the introduction of those supports, in conjunction
19 with the appropriate local educational agency, into
20 the State’s lowest performing schools;

21 “(5) a description of how a State will develop
22 and implement a plan for the equitable distribution
23 of teachers and principals that—

24 “(A) ensures teachers and principals who
25 have been rated in the lowest rating categories,

1 as such categories are defined by the State
2 under the State-approved teacher and principal
3 evaluation system under paragraph (1)(C)(iii),
4 within each local educational agency and among
5 the local educational agencies within the State,
6 so that low-income and minority students are
7 not taught at higher rates than are other stu-
8 dents by teachers not deemed qualified and who
9 are rated in the lowest evaluation rating cat-
10 egories or assigned to schools administered by
11 principals who have been rated in the lowest
12 evaluation rating categories at higher rates
13 than other students;

14 “(B) includes—

15 “(i) percentage of teachers by evalua-
16 tion rating category for schools in the top
17 quartile of poverty against the schools in
18 the bottom quartile of poverty;

19 “(ii) percentage of teachers by evalua-
20 tion rating category for schools in the top
21 quartile in percentage of minority students
22 against the bottom quartile of percentage
23 of minority students;

1 “(iii) specific and measurable goals
2 and strategies to close gaps identified in
3 the plan; and

4 “(C) before the teacher and principal eval-
5 uation system is established under this part,
6 uses a combined measure of indicators such as
7 a composite to carry out the plan described in
8 this paragraph—

9 “(i) shall include—

10 “(I) the percentage of first year
11 teachers; and

12 “(II) the percentage of qualified
13 teachers; and

14 “(ii) may include—

15 “(I) with respect middle schools
16 and high schools, the percentage of
17 core academic courses taught by
18 teachers who have met State licensure
19 requirements for such courses;

20 “(II) the percentage of teachers
21 whose licensure exam scores fall one
22 standard deviation above passing
23 score of teachers within the State;

1 “(III) the percent of teachers
2 with more than 10 absences over the
3 course of the school year; and

4 “(IV) the percentage of teachers
5 hired after the first day of school;

6 “(6) the State definition of teacher-of-record,
7 how local educational agencies report to the State on
8 the teacher-of-record, and how the definition is used,
9 including for evaluation, compensation, teacher prep-
10 aration evaluation, and to ensure equitable distribu-
11 tion of effective and highly effective teachers;

12 “(7) a description of how the State will estab-
13 lish and maintain a data system that within 3 years
14 after the date of enactment of the Student Success
15 Act—

16 “(A) supports data sharing among local
17 educational agencies and a teacher and leader
18 preparation program described in section
19 200(6)(A)(IV) of the Higher Education Act of
20 1965, as amended by section 202 of the Stu-
21 dent Success Act, on the program’s graduates’
22 students’ achievement and growth, including on
23 the information provided in the evidence of stu-
24 dent learning definition; and

1 “(B) publically reports the percentage of
2 teachers and leaders in each rating category, as
3 defined by the State in paragraph (1)(C)(iii), by
4 preparation program;

5 “(8) a description of the State’s plan to—

6 “(A) implement the plan within the re-
7 quired timelines, including annual benchmarks
8 for implementation; and

9 “(B) report annually to the Secretary on
10 its progress implementing the plan and meeting
11 annual benchmarks outlined under subpara-
12 graph (A);

13 “(9) the State’s definition of, or standards and
14 criteria for—

15 “(A) a qualified teacher;

16 “(B) each rating category under paragraph
17 (1)(C)(iii); and

18 “(C) additional definitions related to the
19 requirements under the teacher and principal
20 evaluation system under paragraph (1);

21 “(10) a description of how the State will, on a
22 regular basis, evaluate how well the results of local
23 educational agency’s teacher and principal evalua-
24 tion systems align with the results produced by the

1 state's statewide measure of evidence of student
2 learning;

3 “(11) a description of any performance meas-
4 ures in addition to those described in subpart 4 that
5 the State will use to measure the performance of the
6 State and of each local educational agency that re-
7 ceives a subgrant under subpart 2; and

8 “(12) a description of how the State will carry
9 out the activities outlined in section 2113.

10 “(c) COMPLIANCE AND DISAPPROVAL.—If the Sec-
11 retary finds that a State's application does not comply in
12 whole or in part with the requirements of this subpart,
13 the Secretary shall—

14 “(1) notify the State regarding the specific pro-
15 visions in the application that do not comply with
16 the requirements of this subpart;

17 “(2) request any additional information needed
18 to determine whether the application will comply
19 with the requirements of this subpart; and

20 “(3) before disapproving the application, give
21 the State notice and an opportunity for a hearing.

22 **“SEC. 2113. STATE USES OF FUNDS.**

23 “(a) IN GENERAL.—A State that receives a grant
24 under this subpart shall use—

1 “(1) 90 percent of the grant funds to award
2 subgrants under subpart 2 to local educational agen-
3 cies with approved applications under section 2122;

4 “(2) not more than 5 percent of the grant
5 funds, to plan and administer the activities of the
6 State under this subpart, including the awarding of
7 the subgrants under subpart 2 and the monitoring
8 and enforcement of the requirements for the sub-
9 grants, including—

10 “(A) developing model teacher and prin-
11 cipal evaluation systems that local educational
12 agencies could adopt at their discretion;

13 “(B) implementing the plan for equitable
14 distribution described in section 2112(b)(5);

15 “(C) reviewing the teacher and principal
16 evaluation system that meets the requirements
17 of section 2112(b)(1) used by each local edu-
18 cational agency in the State, including—

19 “(i) providing technical assistance to
20 local educational agencies on the develop-
21 ment and implementation of such system;

22 “(ii) the role of teachers, school lead-
23 ers, and other school personnel in the de-
24 velopment and implementation of such sys-
25 tem;

1 “(iii) opportunities for teachers and
2 principals to provide feedback on the qual-
3 ity and usefulness of such system; and

4 “(iv) evaluating the reliability of such
5 systems; and

6 “(D) reviewing the assessment of educator
7 support and working conditions described in
8 section 2112(b)(3), including—

9 “(i) how the assessment was con-
10 ducted;

11 “(ii) how the plan was developed; and

12 “(iii) implementation of the associated
13 improvement plan described in subpara-
14 graph (D) of section 2112(b)(3);

15 “(3) developing, based on the assessment de-
16 scribed in section 2112(b)(3), educator supports to
17 assist with the implementation of new college- and
18 career-ready standards, particularly in the State’s
19 lowest performing schools;

20 “(4) at least 2 percent of the grant funds to—

21 “(A) develop, with appropriate stake-
22 holders, a State plan, based on an analysis of
23 relevant data (including data on projected
24 workforce needs), to—

1 “(i) improve the effectiveness prin-
2 cipals and, at the State’s discretion, other
3 school leaders; and

4 “(ii) ensure the equitable distribution
5 of principals consistent with section
6 2112(b)(5);

7 “(B) implement activities to carry out the
8 State plan, which may include such activities
9 as—

10 “(i) developing, periodically reviewing,
11 and revising State policies and standards
12 related to principals and, at the State’s
13 discretion, other school leaders so that
14 those policies and standards—

15 “(I) reflect the best practices
16 identified in schools with effective
17 principals;

18 “(II) focus on raising student
19 achievement in subjects that con-
20 tribute to a well-rounded education,
21 especially in high-need and low-per-
22 forming schools and among the low-
23 est-performing subgroups in the
24 State, and on improving teacher effec-
25 tiveness; and

1 “(III) are designed to improve
2 preparation, certification or licensure,
3 and evaluation for all principals, in-
4 cluding those in high-need and low-
5 performing schools; and

6 “(C) activities designed to recruit, support,
7 and retain effective and highly effective prin-
8 cipals for high-need and low-performing schools,
9 such as—

10 “(i) strengthening principal prepara-
11 tion programs to ensure that they are
12 highly selective include in-depth residency
13 for at least one-year or field-based experi-
14 ence in a high-need or low-performing
15 school, and provide induction or other sup-
16 port for at least the first year of a prin-
17 cipal’s service, including coaching from a
18 mentor principal in instructional leadership
19 and organizational management;

20 “(ii) provide training in school and
21 personnel management, including manage-
22 ment of the organization, staff and re-
23 sources, developing a school climate and
24 instructional program, developing effective
25 relationships with community and parents,

1 and using student-level and school level-
2 data to inform decision-making;

3 “(iii) training on child development,
4 improving instruction and closing achieve-
5 ment gaps;

6 “(iv) providing compensation incen-
7 tives to attract, retain, and reward effec-
8 tive principals and other school leaders for
9 high-need and low-performing schools;

10 “(v) developing teacher career ladders
11 with a performance-based selection process
12 that distribute school leadership respon-
13 sibilities and develop a pipeline of individ-
14 uals who gain the experience necessary to
15 become an effective principal; and

16 “(vi) activities to improve the effec-
17 tiveness of school superintendents, prin-
18 cipal supervisors, human resources direc-
19 tors, and other local educational agency
20 managers; and

21 “(5) use any remaining funds reserved at the
22 State level to—

23 “(A) carry out any other activities de-
24 signed to help the State make progress toward
25 carrying out the purposes of this title and

1 showing improvement on the performance meas-
2 ures described in subpart 4 and any additional
3 measures described in the State’s application,
4 including activities designed to—

5 “(i) align the State’s professional
6 teaching standards, teacher and principal
7 certification or licensure requirements,
8 teacher-preparation programs, and profes-
9 sional-development requirements with kin-
10 dergarten-through-grade-12 academic con-
11 tent and achievement standards that build
12 toward college-and-career-readiness;

13 “(ii) reform teacher and school leader
14 compensation, including by modifying poli-
15 cies and practices and providing technical
16 assistance to local educational agencies, in
17 order to enable those agencies to recruit,
18 reward, and retain effective teachers and
19 school leaders in high-need schools, fields,
20 subjects, and areas;

21 “(iii) support the training of teachers,
22 principals, and other school leaders in
23 meeting the diverse learning needs of their
24 students, including through universal de-
25 sign for learning, as described in section

1 5429(b)(21), and multi-tiered system of
2 supports and language acquisition instruc-
3 tion;

4 “ (iv) support the training of teachers,
5 principals, and other school leaders in ef-
6 fectively integrating technology (including
7 technology for students with disabilities)
8 into curricula and instruction and in how
9 to use technology for on-line communica-
10 tion and for collaboration and data anal-
11 ysis;

12 “ (v) strengthen human resource sys-
13 tems in local educational agencies to sig-
14 nificantly improve recruitment, screening,
15 hiring, retention, and development of
16 teachers, principals, and other school lead-
17 ers;

18 “ (vi) develop and provide professional
19 development, including through joint pro-
20 fessional development opportunities, for
21 early-childhood educators, teachers, prin-
22 cipals, specialized instructional support
23 personnel, and other school leaders;

24 “ (vii) develop and implement policies
25 and practices that position the State to be

1 a competitive applicant for grants under
2 part B of this title;

3 “(viii) support the training of teach-
4 ers, principals, and other school leaders on
5 how to accelerate the learning of students
6 who are performing below grade level; and

7 “(ix) provide professional development
8 for teachers, principals and other school
9 administrators in early elementary grades
10 that includes specialized knowledge about
11 child development and learning, develop-
12 mentally-appropriate curricula and teach-
13 ing practices, meaningful family engage-
14 ment and collaboration with early care and
15 education programs;

16 “(B) provide technical assistance, as nec-
17 essary, to each local educational agency that re-
18 ceives a subgrant under subpart 2, in order to
19 help the local educational agency improve per-
20 formance on the measures described in subpart
21 4;

22 “(C) establish policies and practices to en-
23 sure the quality of the data reported under this
24 part and the effectiveness of the methods used
25 to analyze those data; and

1 “(D) develop and disseminate the State re-
2 port card required under subpart 4, and use the
3 information in the report card to guide efforts
4 under this title.

5 “(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-
6 ceived under this subpart shall be used to supplement, and
7 not supplant, non-Federal funds that would otherwise be
8 used for activities authorized under this subpart.

9 **“Subpart 2—Subgrants to Local Educational**
10 **Agencies**

11 **“SEC. 2121. SUBGRANTS TO LOCAL EDUCATIONAL AGEN-**
12 **CIES.**

13 “(a) IN GENERAL.—Each State educational agency
14 that receives an allocation under subpart 1 shall allocate
15 to each local educational agency in the State that has an
16 application approved by the State under section 2122 the
17 sum of—

18 “(1) the amount that bears the same relation-
19 ship to 20 percent of the amount allocated to the
20 State educational agency as the number of individ-
21 uals age 5 through 17 in the geographic area served
22 by the agency, as determined by the Secretary on
23 the basis of the most recent satisfactory data, bears
24 to the number of those individuals in the geographic

1 areas served by all such local educational agencies in
2 the State, as so determined; and

3 “(2) the amount that bears the same relation-
4 ship to 80 percent of the amount allocated to the
5 State educational agency as the number of individ-
6 uals age 5 through 17 from families with incomes
7 below the poverty line in the geographic area served
8 by the agency, as determined by the Secretary on
9 the basis of the most recent satisfactory data, bears
10 to the number of those individuals in the geographic
11 areas served by all such local educational agencies in
12 the State, as so determined.

13 “(b) MINIMUM ALLOTMENTS.—

14 “(1) FISCAL YEAR 2014.—For fiscal year 2014,
15 no local educational agency shall receive an alloca-
16 tion under subsection (a) that is less than 90 per-
17 cent of the allocation the local educational agency
18 received under this part for fiscal year 2013, as this
19 part was in effect on the day before the date of en-
20 actment of the Student Success Act.

21 “(2) SUBSEQUENT FISCAL YEARS.—For fiscal
22 year 2015 and each succeeding fiscal year, no local
23 educational agency receiving an allotment under sub-
24 section (a) shall receive less than 90 percent of the

1 allotment the local educational agency received
2 under this subpart for the preceding fiscal year.

3 “(c) RATABLE REDUCTION.—If the funds described
4 in subsection (a) are insufficient to pay the full amounts
5 that all local educational agencies are eligible to receive
6 under subsection (b) for any fiscal year, the State shall
7 ratably reduce such amounts for such fiscal year.

8 **“SEC. 2122. LOCAL EDUCATIONAL AGENCY NEEDS ASSESS-**
9 **MENT AND APPLICATIONS.**

10 “(a) IN GENERAL.—To receive a subgrant under this
11 subpart a local educational agency shall—

12 “(1) submit an application to the State edu-
13 cational agency involved at such time, in such man-
14 ner, and containing such information and assurances
15 as the State educational agency may reasonably re-
16 quire; and

17 “(2) conduct, in developing its application, and
18 with the involvement of teachers, principals, and
19 other stakeholders, as applicable, an assessment of
20 educator support and working conditions consistent
21 with section 2112(b)(3), in the areas set forth under
22 the performance measures described in subpart 4,
23 identified under the school improvement plans under
24 section 1116, as applicable, and the needs of schools
25 receiving funds under title I.

1 “(b) CONTENTS.—Each application submitted under
2 this section shall include—

3 “(1) a description of—

4 “(A) the results of the needs assessment
5 conducted under subsection (a)(2);

6 “(B) the performance measures and activi-
7 ties the local education agency will use to ad-
8 dress the needs identified under the assessment;

9 “(C) the local educational agency’s current
10 system for evaluating teachers and principals,
11 and whether that system is consistent with the
12 definitions the State has developed in the
13 State’s application under section 2112(b)(1);

14 “(D) the local educational agency’s plan
15 for using the subgrant under this subpart, and
16 other local, State, and Federal funds, to ensure
17 the equitable distribution of teachers and prin-
18 cipals, within the local educational agency so
19 that low-income and minority students are not
20 taught at higher rates than are other students
21 by teachers not deemed qualified and who are
22 rated in the lowest teacher evaluation rating
23 categories or assigned to schools administered
24 by principals who have been rated in the lowest
25 principal evaluation rating categories at higher

1 rates than other students within the local edu-
2 cational agency;

3 “(E) the local educational agency’s plan
4 for using the subgrant under this subpart to
5 support teachers in meeting the diverse learning
6 needs of all their students, including through
7 universal design for learning, as described in
8 section 5429(b)(21), and multi-tiered system of
9 supports and language acquisition; and

10 “(F) a description of the educator supports
11 the local educational agency will provide to as-
12 sist with the implementation of new college- and
13 career-ready standards and early learning
14 standards, including the local educational agen-
15 cy’s plan for prioritizing the introduction of
16 those supports in its lowest performing schools;

17 “(G) a description of how the local edu-
18 cation agency will, as appropriate, involve in the
19 delivery of activities and services under this
20 part, external providers that have demonstrated
21 expertise and experience in using evidence-
22 based strategies and programs to deliver evi-
23 dence-based professional development and to
24 raise the quality of teaching and school leader-
25 ship; and

1 “(2) an assurance that, within 5 years of re-
2 ceiving a subgrant under this subpart, the local edu-
3 cational agency will—

4 “(A) conduct a second needs assessment,
5 with the involvement of teachers, principals,
6 and other stakeholders, as applicable, in the
7 areas set forth in subpart 4 and identified in
8 plans under section 1116, as applicable, par-
9 ticularly the needs of schools receiving funds
10 under title I; and

11 “(B) submit a revised application to the
12 State, consistent with the requirements of this
13 section.

14 **“SEC. 2123. LOCAL EDUCATIONAL AGENCY USES OF FUNDS.**

15 “(a) USE OF FUNDS.—Subject to the requirements
16 of the State consistent with section 2112(a), a local edu-
17 cational agency that receives a subgrant under this sub-
18 part shall, directly, or with other local educational agen-
19 cies or the State educational agency, use the subgrant
20 funds for activities designed to increase academic achieve-
21 ment for all students, including English learners and stu-
22 dents with disabilities, by increasing the number and per-
23 centage of its teachers and principals who have been rated
24 by the local educational agency’s teacher and principal
25 evaluation system as at least effective, and to ensure the

1 equitable distribution of those teachers and principals who
2 have been rated at least effective, through activities that—

3 “(1) develop and implement, or improve, a
4 teacher and principal evaluation system that, at a
5 minimum, meets the requirements described in sec-
6 tion 2112(b)(1);

7 “(2) provide meaningful feedback to teachers
8 and principals on evaluation results, and use those
9 results in making decisions about professional devel-
10 opment and retention;

11 “(3) recruit teachers who are qualified and
12 teachers and principals who have been rated, or are
13 likely to be rated, by the evaluation system as at
14 least effective, especially teachers and principals who
15 are needed for high-need and low-performing schools
16 and high-need fields and subjects, including teachers
17 and principals who come from underrepresented
18 backgrounds;

19 “(4) implement the assessment of educator sup-
20 port and working conditions in accordance with sec-
21 tion 2112(b)(3);

22 “(5) implement the local educational agency’s
23 plan for ensuring the equitable distribution of teach-
24 ers and principals who have been rated by the teach-

1 er and principal evaluation system as at least effective;
2

3 “(6) develop and implement an induction program that is designed to increase the effectiveness of
4 new teachers and retain effective teachers, especially
5 in high-need and low-performing schools, such as a
6 program that provides reduced teaching assignments
7 for new teachers, training for instructional coaches
8 or mentors who will participate in induction activities,
9 access to on-line support systems, and frequent
10 feedback to promote continuous learning and instructional
11 improvement;
12

13 “(7) reduce class size for kindergarten through
14 third grade by an amount and to a level consistent
15 with what research has found to improve student
16 academic achievement at a minimum in the schools
17 in the lowest quartile of poverty in the local educational
18 agency;

19 “(8) improve within-school equity in the distribution of teachers who have been rated at least effective so that low-income and minority students are
20 not taught at higher rates than are other students
21 by teachers rated in one of the two lowest evaluation
22 rating categories;
23
24

1 “(9) plan and administer activities carried out
2 under this subpart, including other activities to im-
3 prove effectiveness and the equity of distribution as
4 required in accordance with the local educational
5 agency’s needs assessments under subsection (a)(2);

6 “(10) develop a plan of action for providing ad-
7 ditional academic supports, opportunities, or re-
8 sources that ensure an appropriate opportunity to
9 learn to any student assigned in any subject, for two
10 consecutive years, to teachers rated in the lowest
11 category under the local educational agency’s teach-
12 er evaluation system; and

13 “(11) develop a plan of action to ensure that no
14 student in a school in either the bottom quartile of
15 poverty in the local educational agency or a low-per-
16 forming school is assigned in any subject, for two
17 consecutive years, to a teacher rated in the lowest
18 category under the local educational agency’s teach-
19 er evaluation system.

20 “(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-
21 ceived under this subpart shall be used to supplement, and
22 not supplant, non-Federal funds that would otherwise be
23 used for activities authorized under this subpart.

24 “(c) RULE OF CONSTRUCTION.—Nothing in this sub-
25 part shall be construed to require a local educational agen-

1 cy to transfer school personnel in order to comply with
2 the requirements of this part.

3 **“Subpart 3—National Leadership Activities**

4 **“SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.**

5 “From the funds made available under section 2101
6 for this subpart for any fiscal year, the Secretary may to
7 reserve up to 3 percent for research, development, tech-
8 nical assistance, outreach, and dissemination activities,
9 carried out either directly or through grants, contracts,
10 or cooperative agreements. Such activities may include—

11 “(1) activities to strengthen teacher and prin-
12 cipal evaluation, including establishing a national
13 center to gather, provide benchmarks on, and dis-
14 seminate best practices and provide technical assist-
15 ance on teacher and principal evaluation so as to
16 support States and local educational agencies in de-
17 veloping robust and reliable evaluation systems that
18 take student growth into account;

19 “(2) development and dissemination of model
20 surveys on the quality of educator support and work-
21 ing conditions consistent with section 2112(b)(3);

22 “(3) direct assistance to nonprofit organizations
23 to enhance their support for local educational agen-
24 cies and schools, including to community-based orga-
25 nizations that can support multiple local educational

1 agencies in strengthening their teacher and principal
2 pipelines and human-resource practices and provide
3 high-quality, sustained professional development tar-
4 geted to low-performing schools;

5 “(4) activities to support development of a lead-
6 ership academy to train school leaders in effective
7 school management and instructional leadership,
8 with a primary focus on turning around low-per-
9 forming schools, including—

10 “(A) effective management of the organiza-
11 tion, staff, and resources;

12 “(B) developing a school climate and in-
13 structional program and related professional de-
14 velopment aligned to the needs of the students
15 and school;

16 “(C) effective relationships with commu-
17 nity and parents; and

18 “(D) using student-level and school level-
19 data to inform decision-making; and

20 “(5) activities to strengthen evaluation of su-
21 perintendents including developing model evalua-
22 tions.

23 **“Subpart 4—Accountability**

24 **“SEC. 2141. EQUITY ACCOUNTABILITY.**

25 “(a) STATE REQUIREMENTS.—

1 “(1) IN GENERAL.—Each State that receives a
2 grant under subpart 1 shall—

3 “(A) in a case in which the comparisons
4 conducted under section 2112(b)(5) of the
5 State plan indicate the inequalities described in
6 paragraph (2) with respect to high-poverty and
7 high-minority local educational agencies—

8 “(i) in consultation with the local edu-
9 cational agencies in the State, established
10 2, 4 and 5 year improvement goals that
11 will substantially reduce or eliminate the
12 inequities in the schools of such high-pov-
13 erty and high-minority local educational
14 agencies; and

15 “(ii) establish a support plan to assist
16 such high-poverty and high-minority local
17 educational agencies meet such improve-
18 ment goals; and

19 “(B) in a case in which a high-poverty and
20 high-minority local educational agency has not
21 achieved the 2-year improvement goals estab-
22 lished under subparagraph (A)(i), use 2.5 per-
23 cent of the grant funds received under subpart
24 2 to carry out the activities described in sub-
25 paragraph (A).

1 “(2) INEQUALITIES.—The inequalities described
2 in this paragraph are as follows:

3 “(A) Before the teacher and principal eval-
4 uation systems that meets the requirements of
5 section 2112(b)(1) is established under this
6 part by the local educational agencies in the
7 State, students in high poverty and high minor-
8 ity local educational agencies in the State were
9 being taught at higher rates by teachers rated
10 in the lowest two quartiles based on the com-
11 bined measure established under section
12 2112(b)(5)(C) compared to students in low pov-
13 erty and low minority local educational agencies
14 in the State.

15 “(B) Once the evaluation systems are es-
16 tablished, students in high poverty and high mi-
17 nority local educational agencies are being
18 taught at higher rates by teachers rated in one
19 of the two lowest rating categories under such
20 evaluation systems, as compared to students in
21 low poverty and low minority local educational
22 agencies.

23 “(b) LOCAL EDUCATIONAL AGENCY REQUIRE-
24 MENTS.—

1 “(1) IN GENERAL.—Subject to paragraph (3), a
2 high-poverty or high-minority local educational agen-
3 cy described in paragraph (2) and with respect to
4 which a State established improvement goals under
5 subsection (a)(1)(A)(i), shall—

6 “(A) in a case in which the local edu-
7 cational agency fails to meet its 2 year improve-
8 ment goals established under such subsection,
9 use all funds made available through the
10 subgrant to carry out the activities described in
11 section 2112(b)(5);

12 “(B) in a case in which the local edu-
13 cational agency fails to meet its 4 year improve-
14 ment goals established under such subsection—

15 “(i) receive a subgrant from the State
16 under subpart 2 equal to not more than 50
17 percent of the subgrant received by the
18 local educational agency in the preceding
19 year under such subpart; and

20 “(ii) make non-Federal contributions
21 in an amount equal to not less than the
22 Federal funds provided under the
23 subgrant; and

24 “(C) in a case in which the local edu-
25 cational agency fails to meet its 5 year improve-

1 ment goals established under such subsection,
2 the local educational agency shall be prohibited
3 from receiving a subgrant subpart 2.

4 “(2) DESCRIPTION OF LOCAL EDUCATIONAL
5 AGENCIES.—A local educational agency described in
6 this paragraph is a local educational agency that—

7 “(A) before the evaluation system is estab-
8 lished under this part, students in high poverty
9 and high minority schools are being taught at
10 higher rates by teachers rated in the lowest two
11 quartiles based on the combined measure estab-
12 lished under section 2112(b)(5)(C) compared to
13 students in low poverty and low minority
14 schools; and

15 “(B) once the evaluation system is estab-
16 lished, that students in high poverty and high
17 minority schools are being taught at higher
18 rates by teachers rated in one of the two lowest
19 rating categories under the local educational
20 agency’s evaluation system comparable to stu-
21 dents in low poverty and low minority schools.

22 “(3) EXCEPTION.—Paragraph (1) shall not
23 apply to high poverty and high minority schools
24 where students are being taught at higher rates by
25 teachers rated in one of the two lowest rating cat-

1 egories under the local educational agency’s evalua-
2 tions system compared to students in low poverty
3 and low minority schools in the local educational
4 agency if the performance of the high poverty or
5 high minority school’s students, including each
6 group of students described in section
7 1111(b)(2)(C)(v)(II), on the State’s annual student
8 academic assessments has exceeded the statewide av-
9 erage performance for students overall in that sub-
10 ject for at least the previous 2 years.

11 **“Subpart 5—Public Reporting**

12 **“SEC. 2151. PUBLIC REPORTING.**

13 “(a) IN GENERAL.—

14 “(1) STATE REPORT CARD.—Each State that
15 receives a grant under subpart 1 shall annually sub-
16 mit to the Secretary, and make public, a State re-
17 port card on program performance and results under
18 the grant, in a manner prescribed by the Secretary
19 and containing, analyzing, and updating the infor-
20 mation required under subsection (b).

21 “(2) LOCAL EDUCATIONAL AGENCY REPORT.—

22 Each local educational agency that receives a
23 subgrant under subpart 2 shall annually submit to
24 the State, and make public—

1 “(A) a report on the local educational
2 agency’s program performance and results
3 under the subgrant, in a manner prescribed by
4 the State or the Secretary, containing, ana-
5 lyzing, and updating the information required
6 under subsection (c); and

7 “(B) the notifications to parents described
8 in subsection (d).

9 “(3) PRIVACY.—Information required under
10 this subpart shall be collected, reported, and dis-
11 seminated in a manner that protects the privacy of
12 individuals.

13 “(b) STATE REPORT CARD REQUIREMENTS.—Each
14 State described in subsection (a)(1) shall report the fol-
15 lowing information in accordance with such subsection:

16 “(1) With respect to the State overall and for
17 each local educational agency State, disaggregated
18 by poverty quartile and minority quartile—

19 “(A) the number and percentage of teach-
20 ers and principals, for each grant year, who—

21 “(i) are classified as qualified;

22 “(ii) are rated at each level under a
23 local educational agency’s evaluation sys-
24 tem consistent with the requirements of
25 section 2112(b)(1);

1 “(iii) have taught for less than one
2 full school year; and

3 “(iv) have demonstrated content
4 knowledge in the subject or subjects the
5 teachers are assigned to teach;

6 “(B) with respect to middle and high
7 schools, the percentage of core academic
8 courses taught by teachers who have met State
9 licensure requirements for that course;

10 “(C) information required under equitable
11 distribution plans for the State and each local
12 educational agency under sections 2112(b)(5)
13 and 2123(a), respectively;

14 “(D) staff retention rates differentiated by
15 performance levels as rated under the local edu-
16 cational agency’s evaluation system; and

17 “(E) any other performance measures the
18 State is using to measure the performance of
19 local educational agencies that receive a
20 subgrant under subpart 2.

21 “(2) Results of the data collection reporting
22 under section 2112(b)(7).

23 “(3) Progress towards meeting the equitable
24 distribution requirements under section 2112(b)(5).

1 “(4) Results of the assessment of educator sup-
2 port and working conditions described in section
3 2112(b)(3).

4 “(5) Results of the needs assessment required
5 under subpart 2 by each school in the State and
6 compared to the rubric which was used to conduct
7 the needs assessment.

8 “(c) LOCAL EDUCATIONAL AGENCY REPORT CARD
9 REQUIREMENTS.—Each local educational described in
10 subsection (a)(2) shall report the following information,
11 for each grant year, in accordance with such subsection:

12 “(1) With respect to the local educational agen-
13 cy overall and for schools in the agency by poverty
14 quartile and minority quartile—

15 “(A) the number and percentage of teach-
16 ers and principals, for each grant year, who—

17 “(i) are classified as qualified;

18 “(ii) are rated at each level under a
19 local educational agency’s evaluation sys-
20 tem consistent with the requirements of
21 section 2112(b)(1);

22 “(iii) have taught for less than one
23 full school year; and

1 “(iv) have demonstrated content
2 knowledge in the subject or subjects the
3 teachers are assigned to teach; and

4 “(B) with respect to middle school and
5 high school, the percentage of core academic
6 courses taught by teachers who have met State
7 licensure requirements for that course.

8 “(d) PARENTS’ RIGHT TO KNOW.—Each local edu-
9 cational agency that receives a subgrant under subpart 2
10 shall ensure that each school served by the local edu-
11 cational agency provides, on an annual basis and at the
12 beginning of the school year—

13 “(1) written notification to the parent of each
14 student who has, for 2 consecutive years, been as-
15 signed a teacher rated in the lowest rating category
16 on the local educational agency’s evaluation system,
17 that such student has been so assigned; and

18 “(2) a description of—

19 “(A) the supports the school and local edu-
20 cational agency will offer the student to com-
21 pensate for the teacher assignment;

22 “(B) the local educational agency’s plan
23 for ensuring this assignment pattern does not
24 continue; and

1 “(C) the teacher’s qualified status based
2 on the definition under section 2002(5), includ-
3 ing whether the teacher meets the status based
4 on the requirement in subparagraph (A)(v) of
5 such section.

6 **“PART B—TEACHER AND LEADER INNOVATION**

7 **FUND**

8 **“SEC. 2201. TEACHER AND LEADER INNOVATION FUND.**

9 “The purpose of this part is to support States and
10 local educational agencies in improving the effectiveness
11 of their teachers and school leaders, especially those teach-
12 ers and school leaders working in high-need schools, by
13 creating the conditions needed to identify, recruit, pre-
14 pare, retain, reward, and advance effective teachers, prin-
15 cipals, and school leadership teams in such schools.

16 **“SEC. 2202. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) IN GENERAL.—There are authorized to be ap-
18 propriated \$950,000,000 for fiscal year 2014 and such
19 sums as may be necessary for each of the 5 succeeding
20 fiscal years to carry out this part.

21 “(b) CONTINUATION.—From the funds made avail-
22 able under subsection (a), the Secretary may reserve funds
23 to continue funding the Teacher Incentive Fund author-
24 ized under the fourth, fifth, and sixth provisos of the ‘In-
25 novation and Improvement Account’ under title III of

1 Public Law 109–149, in accordance with the terms and
2 conditions of such Fund that were in effect on the day
3 before the enactment of the Student Success Act.

4 **“SEC. 2203. GRANTS.**

5 “(a) IN GENERAL.—From the funds made available
6 under section 2202 and not reserved under subsection (b)
7 of such section, for each fiscal year, the Secretary shall
8 award grants, on a competitive basis, to eligible entities
9 to carry out the purpose of this part.

10 “(b) ELIGIBLE ENTITY.—In this part, the term ‘eli-
11 gible entity’ means—

12 “(1) a State educational agency or a consor-
13 tium of such agencies;

14 “(2) a high-need local educational agency or a
15 consortium of such agencies;

16 “(3) one or more of the entities described in
17 paragraphs (1) and (2) in partnership with one or
18 more institutions of higher education, nonprofit or-
19 ganization,; or educational service agencies; or

20 “(4) an entity described in paragraph (1) in
21 partnership with 1or more local educational agencies
22 at least one of which is a high-need local educational
23 agency.

24 “(c) DURATION.—The Secretary shall award a grant
25 under this part to an eligible entity for an initial period

1 of not more than 3 years, and may renew the grant for
2 up to an additional 2 years if the Secretary finds that the
3 eligible entity is achieving the objectives of the grant and
4 has shown improvement against baseline measures on per-
5 formance indicators.

6 **“SEC. 2204. APPLICATIONS.**

7 “(a) IN GENERAL.—Each eligible entity that desires
8 a grant under this part shall submit an application to the
9 Secretary at such time, in such manner, and containing
10 such information and assurances as the Secretary may
11 reasonably require.

12 “(b) CONTENTS.—Each application submitted under
13 this section shall contain—

14 “(1) a description of—

15 “(A) how the eligible entity will differen-
16 tiate levels of teacher and principal performance
17 by effectiveness, and the criteria it will use to
18 determine that differentiation, which shall in-
19 clude the use of evidence of student learning as
20 a significant factor, as well as other measures;
21 and

22 “(B) how that differentiation will be—

23 “(i) consistent with the teacher and
24 principal evaluation system that meets the
25 requirements of section 2112(b)(1); and

1 “(ii) used by the local educational
2 agency served by the eligible entity to
3 make decisions about professional develop-
4 ment and retention;

5 “(2) a description of the rigorous performance
6 standards that the eligible entity has established, or
7 will establish, within 2 years of the date of enact-
8 ment of Student Success Act, that will be used to
9 evaluate performance;

10 “(3) a plan, developed with appropriate stake-
11 holders, setting forth the activities to be imple-
12 mented under the grant and how those activities will
13 be aligned with the results of—

14 “(A) an analysis of workforce data (includ-
15 ing teacher and principal surveys) that identi-
16 fies strengths and weaknesses in the working
17 conditions provided to teachers, school leaders,
18 and other school personnel and the current and
19 future staffing needs within the State or local
20 educational agency;

21 “(B) a public review of any State or local
22 educational agency statutes, policies, and prac-
23 tices, including employment policies and prac-
24 tices that pose a barrier to staffing schools,
25 particularly high-need schools, with teachers

1 and principals who have been rated in the high-
2 est rating categories;

3 “(C) an analysis of the effectiveness and
4 the cost-effectiveness of applicable State or local
5 educational agency policies and practices re-
6 lated to increasing teacher and principal effec-
7 tiveness;

8 “(D) an analysis of the alignment of the
9 policies and practices reviewed and analyzed
10 under subparagraphs (B) and (C) with the goal
11 of ensuring that educators are prepared to help
12 all students achieve to college-and-career-ready
13 standards; and

14 “(E) as applicable, an analysis of the ex-
15 tent to which the local educational agency’s
16 human capital strategies, including career ad-
17 vancement opportunities, salary schedules (in-
18 cluding incentives for graduate credit and ad-
19 vanced degrees), and incentives, reward actions,
20 and strategies that improve instruction and stu-
21 dent learning; and

22 “(4) evidence of involvement and support for
23 the proposed grant activities from—

24 “(A) in the case of an application from an
25 eligible entity that includes a local educational

1 agency or a consortium of such agencies, a local
2 school board, teachers union (where there is a
3 designated exclusive representative for the pur-
4 pose of collective bargaining), teachers, prin-
5 cipals, and other stakeholders; and

6 “(B) in the case of an application from a
7 State educational agency or consortium of such
8 agencies, the State board of education, State
9 agency for higher education, any participating
10 local educational agency, and other stake-
11 holders.

12 “(c) SELECTION CRITERION.—In making grants
13 under this part, the Secretary shall consider the extent
14 to which the eligible entity’s activities that are carried out
15 through a grant under part A or through State and local
16 funds are aligned with the entity’s plan under subsection
17 (b)(3) and the purpose of this part.

18 “(d) PRIORITY.—The Secretary shall give priority to
19 applications that address particular needs in improving
20 the effectiveness of the education workforce in high-need
21 schools or the needs of local educational agencies to fill
22 positions in high-need fields and subjects.

23 **“SEC. 2205. USE OF FUNDS.**

24 “(a) IN GENERAL.—A eligible entity under this
25 part—

1 “(1) shall use its grant funds for activities to—

2 “(A) improve the use of teacher and prin-
3 cipal effectiveness information, which shall in-
4 clude, once a local educational agency has
5 adopted an evaluation system as described in
6 section 2112(b)(1), using such evaluation re-
7 sults in consequential decisionmaking, including
8 in—

9 “(i) paying bonuses and increased sal-
10 aries, if the eligible entity uses an increas-
11 ing share of non-Federal funds to pay the
12 bonuses and increased salaries each year of
13 the grant, to highly effective teachers or
14 principals who work in high-need schools;

15 “(ii) activities under sections 2112
16 and 2122;

17 “(iii) reforming the local educational
18 agency’s system of compensating teachers
19 and principals; and

20 “(iv) developing and implementing a
21 human capital system; and

22 “(B) improve teacher and school-leader
23 compensation and career-development systems,
24 which may include instituting performance pay,
25 career advancement systems (such as career

1 ladders or incentives for assuming additional
2 roles and responsibilities intended to improve
3 student academic achievement), or market-
4 based compensation for a high-need school; and
5 “(2) may use its grant funds for activities to—
6 “(A) help ensure that high-need and low-
7 performing schools are staffed more effectively
8 and efficiently, such as through—
9 “(i) the implementation or use of ear-
10 lier hiring timelines;
11 “(ii) more effective recruitment strate-
12 gies (including strategies for recruiting
13 candidates from underrepresented groups);
14 “(iii) more selective screening; and
15 “(iv) data systems for tracking at-
16 tendance, teacher and principal evaluation
17 results, tenure decisions, participation in
18 professional development, and the results
19 of that participation;
20 “(B) recruit, prepare, support, and evalu-
21 ate principals who serve in high-need or low-
22 performing schools; and
23 “(C) recruit and retain teachers and lead-
24 ers in rural and remote areas.

1 “(b) STATE GRANTEEES.—A State educational agency
2 that is a grantee under this part shall use its grant funds
3 for activities to—

4 “(1) modify State policies and practices, as
5 needed, to enable local educational agencies to carry
6 out their activities under subsection (a); and

7 “(2) develop and implement improvements to
8 the State’s certification or licensure requirements,
9 which shall include using teacher and principal eval-
10 uation results in certification or licensure decisions
11 (such as by making them a significant factor in the
12 granting of a full certification or license).

13 **“PART C—GENERAL PROVISIONS**

14 **“SEC. 2301. PROHIBITION AGAINST INTERFERENCE WITH**
15 **STATE AND LOCAL LAWS AND AGREEMENTS.**

16 “Nothing in this title shall be construed to alter or
17 otherwise affect the rights, remedies, and procedures af-
18 fforded to school or local educational agency employees
19 under Federal, State, or local laws (including applicable
20 regulations or court orders as well as requirements that
21 local educational agencies negotiate and or meet and con-
22 fer in good faith) or under the terms of collective bar-
23 gaining agreements, memoranda of understanding, or
24 other agreements between such employers and their em-
25 ployees.

1 **“SEC. 2302. PROTECTING THE INTEGRITY OF EVALUATION**
2 **SYSTEMS.**

3 “No State or local educational agency receiving fund-
4 ing under this title shall publicly report personally identifi-
5 able information included in an individual teacher or prin-
6 cipal evaluation, including information that can be used
7 to distinguish an individual’s identity when combined with
8 other personal or identifying information.”.

9 **SEC. 202. HEA CONFORMING AMENDMENTS.**

10 (a) **QUALIFIED TEACHER.**—The Higher Education
11 Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

12 (1) in section 200 (20 U.S.C. 1021)—

13 (A) by amending paragraph (13) to read
14 as follows:

15 “(13) **QUALIFIED.**—The term ‘qualified’ has
16 the meaning given the term ‘qualified teacher’ in
17 section 2002(5), as amended by section 201 of the
18 Student Success Act.

19 “(B) in paragraph (17)(B)(ii), by striking
20 ‘highly qualified’ and inserting ‘qualified’; and

21 “(C) in paragraph (22)(D)(i), by striking
22 ‘highly qualified’ and inserting ‘qualified’.”;

23 (2) in section 201(3) (20 U.S.C. 1022(3)), by
24 striking “highly qualified teachers” and inserting
25 “qualified teachers”;

26 (3) in section 202 (20 U.S.C. 1022)—

1 (A) in subsection (b)(6)(H), by striking
2 “highly qualified teachers” and inserting
3 “qualified teachers”;

4 (B) in subsection (d)—

5 (i) in paragraph (1)—

6 (I) in subparagraph (A)(i)(I), by
7 striking “highly qualified” and insert-
8 ing “qualified”; and

9 (II) in subparagraph (B)(iii), by
10 striking “highly qualified” and insert-
11 ing “qualified”; and

12 (ii) in paragraph (5), by striking
13 “highly qualified teachers” and inserting
14 “qualified teachers”; and

15 (C) in subsection (e)(2)(C)(iii)(IV), by
16 striking “highly qualified teacher, as defined in
17 section 9101,” and inserting “qualified teacher,
18 as defined in section 2002(5), as amended by
19 section 201 of the Student Success Act”;

20 (4) in section 204(a)(4) (20 U.S.C. 1022c) by
21 striking “highly qualified teachers” each place it ap-
22 pears and inserting “qualified teachers”;

23 (5) in section 205(b)(1)(I) (20 U.S.C.
24 1022d(b)(1)(I)), by striking “highly qualified teach-
25 ers” and inserting “qualified teachers”;

1 (6) in section 207(a)(1) (20 U.S.C.
2 1022f(a)(1)), by striking “highly qualified teachers”
3 and inserting “qualified teachers”;

4 (7) in section 208(b) (20 U.S.C. 1022g(b)), by
5 striking “highly qualified” each place it appears and
6 inserting “qualified”;

7 (8) in section 242(b) (20 U.S.C. 1033a), by
8 striking “highly qualified” each place it appears and
9 inserting “qualified”;

10 (9) in section 251(b) (20 U.S.C. 1034(b)), by
11 striking “highly qualified” each place it appears and
12 inserting “qualified”; and

13 (10) in section 258(d)(1) (20 U.S.C.
14 1036(d)(1)), by striking “highly qualified” and in-
15 serting “qualified”.such partner institution.

16 (c) DEFINITIONS.—Section 200 of the Higher Edu-
17 cation Act of 1965 (20 U.S.C. 1021) is amended—

18 (1) by amending paragraph (6) to read as fol-
19 lows:

20 “(6) ELIGIBLE PARTNERSHIP.—Except as oth-
21 erwise provided in section 251, the term ‘eligible
22 partnership’ means an entity that—

23 “(A) shall include—

24 “(i) a high-need local educational
25 agency;

1 “(ii)(I) a high-need school or a con-
2 sortium of high-need schools served by the
3 high-need local educational agency; or

4 “(II) as applicable, a high-need early
5 childhood education program; or

6 “(iii)(I) the following entities—

7 “(aa) a partner institution.

8 “(bb) a school, department, or
9 program of education within such
10 partner institution, which may include
11 an existing teacher professional devel-
12 opment program with proven out-
13 comes within a 4-year institution of
14 higher education that provides inten-
15 sive and sustained collaboration be-
16 tween faculty and local educational
17 agencies consistent with the require-
18 ments of this title; and

19 “(cc) a school or department of
20 arts and sciences within such partner
21 institution; or

22 “(II) an entity operating a program
23 that provides alternative routes to State
24 certification of teachers that has a teacher
25 preparation program—

1 “(aa) whose graduates exhibit
2 strong performance on State-deter-
3 mined qualifying assessments for new
4 teachers through demonstrating that
5 80 percent or more of the graduates
6 of the program who intend to enter
7 the field of teaching have passed all of
8 the applicable State qualification as-
9 sessments for new teachers, which
10 shall include an assessment of each
11 prospective teacher’s subject matter
12 knowledge in the content area in
13 which the teacher intends to teach;
14 and

15 “(bb) that requires each student
16 in the program to meet high academic
17 standards or demonstrate a record of
18 success, as determined by the institu-
19 tion (including prior to entering and
20 being accepted into a program), and
21 participate in intensive clinical experi-
22 ence, and each student in the program
23 is preparing to become a qualified
24 teacher; and

25 “(B) may include any of the following:

- 1 “(i) The Governor of the State.
- 2 “(ii) The State educational agency.
- 3 “(iii) The State board of education.
- 4 “(iv) The State agency for higher edu-
5 cation.
- 6 “(v) A business.
- 7 “(vi) A public or private nonprofit
8 educational organization.
- 9 “(vii) An educational service agency.
- 10 “(viii) A teacher organization.
- 11 “(ix) A high-performing local edu-
12 cational agency, or a consortium of such
13 local educational agencies, that can serve
14 as a resource to the partnership.
- 15 “(x) A charter school (as defined in
16 section 5210).
- 17 “(xi) A school or department within a
18 partner institution that focuses on psy-
19 chology and human development.
- 20 “(xii) A school or department within a
21 partner institution with comparable exper-
22 tise in the disciplines of teaching, learning,
23 and child and adolescent development.

1 “(xiii) An entity operating a program
2 that provides alternative routes to State
3 certification of teachers.

4 “(xiv) A school, department, or pro-
5 gram of education within a partner institu-
6 tion.

7 “(xv) A school or department of arts
8 and sciences within a partner institution.”;

9 (2) by amending paragraph (10) to read as fol-
10 lows:

11 “(10) HIGH-NEED LOCAL EDUCATIONAL AGEN-
12 CY.—The term “high-need local educational agency
13 has the meaning given such term in section 2002(4),
14 as amended by section 201 of the Student Success
15 Act.”;

16 (3) by amending paragraph (14) to read as fol-
17 lows:

18 “(14) INDUCTION PROGRAM.—The term ‘induc-
19 tion program’ has the meaning given the term ‘in-
20 duction’ in section 2002(6), as amended by section
21 201 of the Student Success Act.”; and

22 (4) by amending paragraph (21) to read as fol-
23 lows:

24 “(21) TEACHER MENTORING.—The term
25 ‘teacher mentoring’ has the meaning given the term

1 ‘mentoring’ in section 2002(7), as amended by sec-
2 tion 201 of the Student Success Act.”.

3 (d) PURPOSE.—Section 201 of the Higher Education
4 Act of 1965 (20 U.S.C. 1022) is amended—

5 (1) by striking “and” at the end of paragraph
6 (3);

7 (2) by striking the period and inserting “; and”
8 at the end of paragraph (4); and

9 (3) by inserting at the end the following:

10 “(5) improve teacher effectiveness.”.

11 (e) PARTNERSHIP GRANTS.—Section 202 of the
12 Higher Education Act of 1965 (20 U.S.C. 1022a) is
13 amended—

14 (1) in subsection (b)(6)—

15 (A) in subparagraph (E)(ii), by striking
16 “student academic” and inserting “college-and-
17 career ready student academic”;

18 (B) in subparagraph (H)—

19 (i) in the matter preceding clause (i),
20 by inserting “or alternative route entity”
21 after “partner institution”;

22 (ii) in clause (i), by striking “that in-
23 corporate” and all that follows through
24 “instruction” and inserting “consistent

1 with part A of title IV of the Elementary
2 and Secondary Education Act of 1965”;

3 (iii) in clause (i), insert “and other
4 educators, including mutli-tiered systems
5 of support and universal design for learn-
6 ing, as described in section 5429(b)(21)”
7 after “secondary school teachers”;

8 (iv) in clause (ii), insert “ and writing
9 instruction” after “reading”; and

10 (v) after clause (ii) insert the fol-
11 lowing:

12 “(iii) provide high-quality professional
13 development activities to strengthen the in-
14 structional and leadership skills of elemen-
15 tary school and secondary school principals
16 and district superintendents, if the partner
17 institution has a principal preparation pro-
18 gram;”;

19 (C) by redesignating subparagraphs (I)
20 through (K) as subparagraphs (J) through (L),
21 respectively; and

22 (D) by inserting after subparagraph (H),
23 the following:

24 “(I) how the partnership will prepare
25 teachers to use data to analyze student per-

1 formance and adjust teaching practices to im-
2 prove student achievement;” and

3 (2) in subsection (d)(6)(A), by striking “that
4 incorporate the essential components of literacy in-
5 struction” and inserting “aligned with part A of title
6 IV of the Elementary and Secondary Education Act
7 of 1965”.

8 (f) ADMINISTRATIVE PROVISIONS.—Section
9 203(b)(2)(A) of the Higher Education Act of 1965 (20
10 U.S.C. 1022b(b)(2)(A)) is amended by inserting “or alter-
11 native route entity” after “institution of higher education

12 (g) ACCOUNTABILITY AND EVALUATION.—Section
13 204(a) of the Higher Education Act of 1965 (20 U.S.C.
14 1022c) is amended—

15 (1) by redesignating paragraphs (3) and (4) as
16 paragraphs (4) and (5), respectively; and

17 (2) by inserting after paragraph (2), the fol-
18 lowing:

19 “(3) teachers rated as at least effective by a
20 teacher evaluation system that meets the require-
21 ments of section 2112(b)(1), as amended by section
22 201 of the Student Success Act;”.

23 (h) INFORMATION ON PREPARATION PROGRAMS.—
24 Section 205(b)(1) of the Higher Education Act of 1965
25 (20 U.S.C. 1022d(b)) is amended—

1 (1) in the matter preceding subparagraph (A),
2 by striking “teacher preparation program” and in-
3 serting “teacher and school leader preparation pro-
4 gram”; and

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

6 “(M) Within 3 years of the date of enact-
7 ment of the Student Success Act, information
8 on the impact of each program’s graduates on
9 the student achievement of the students that
10 such graduates teach, if that information is
11 available.

12 “(N) The percentage of each program’s
13 graduates who teach in a high-need school.

14 “(O) The percentage of each program’s
15 graduates who are prepared to teach a high-
16 need subject.

17 “(P) The percentage of each program’s
18 graduates who become effective and highly ef-
19 fective teachers or principals according to such
20 graduates’ ratings by the local educational
21 agency’s teacher evaluation system that meets
22 the requirements of section 2112(b)(1) of the
23 Elementary and Secondary Education Act of
24 1965, as amended by section 201 of the Stu-
25 dent Success Act.

1 “(Q) The 3-year retention rate of each
2 program’s graduates who become effective and
3 highly effective teachers or principals according
4 to such graduates’ ratings by such system.”.

5 **TITLE III—LANGUAGE INSTRU-**
6 **CTION FOR LIMITED ENGLISH**
7 **PROFICIENT AND IMMIGRANT**
8 **STUDENTS**

9 **SEC. 301. LANGUAGE INSTRUCTION.**

10 Title III (20 U.S.C. 6801 et seq.) is amended—

11 (1) in section 3001, by striking “fiscal year
12 2002” and inserting “fiscal year 2014” each place
13 it appears;

14 (2) by striking “No Child Left Behind Act of
15 2001” and inserting “Student Success Act” each
16 place it appears;

17 (3) in section 3244, by striking “2002 through
18 2008” and inserting “2014 through 2020”;

19 (4) by striking “adequate yearly progress” and
20 inserting “progress” each place it appears;

21 (5) in sections 3102(8)(B), 3113(b)(5)(B), and
22 3116(b)(3)(B), by striking “, as described in section
23 1111(b)(2)(B)”;

24 (6) in section 3122(a)(3)(A)(iii), by striking “as
25 described in section 1111(b)(2)(B)”;

1 (7) by repealing section 3122;

2 (8) in section 3111(b)(2)(D), by striking “an-
3 nual measurable achievement objectives pursuant to
4 section 3122” and inserting “performance targets
5 described in section 1111(c)”;

6 (9) in sections 3113(b), 3116(b), 3121(d)(3),
7 and 3302(b), by striking “annual measurable
8 achievement objectives described in section 3122”
9 and inserting “performance targets described in sec-
10 tion 1111(c)” each place it appears;

11 (10) in section 3122, by striking “annual meas-
12 urable achievement objectives” and inserting “per-
13 formance targets” each place it appears;

14 (11) by striking “section 1111(b)(7)” and in-
15 serting “section 1111(b)(3)(F)” each place it ap-
16 pears; and

17 (12) by striking “section 1111(b)(1)” and in-
18 serting “section 1111(b)(4)” each place it appears.

19 **TITLE IV—21ST CENTURY**
20 **SCHOOLS**

21 **SEC. 401. 21ST CENTURY SCHOOLS.**

22 Title IV (20 U.S.C. 7101 et seq.) is amended to read
23 as follows:

1 “TITLE IV—21ST CENTURY SCHOOLS

2 “PART A—21ST CENTURY LEARNING PARTNERSHIPS

3 **“SEC. 4001. PURPOSE.**

4 “The purpose of this part is to provide opportunities
5 for communities to establish or expand activities through
6 learning partnerships that—

7 “(1) provide opportunities for academic enrich-
8 ment, increased academic achievement, and student
9 success in schools by providing students with addi-
10 tional learning time for more expansive, relevant and
11 rigorous learning opportunities, including opportuni-
12 ties to catch students up in their coursework, and
13 help students accelerate their learning;

14 “(2) provide a broad array of additional serv-
15 ices, programs and activities for a well-rounded edu-
16 cation, including youth development activities, art,
17 music, outdoor and recreation programs, technology
18 education programs, and character education pro-
19 grams that are designed to reinforce and compliment
20 the regular academic program for participating stu-
21 dents;

22 “(3) provide teachers and staff in learning part-
23 nerships with increased opportunities to work col-
24 laboratively, and to participate in professional plan-
25 ning and professional development, within and

1 across grades and subjects to improve teaching and
2 learning;

3 “(4) provide students with safe learning envi-
4 ronments and additional resources to increase stu-
5 dent engagement in school; and

6 “(5) offer families of students served by part-
7 nerships opportunities for literacy development and
8 related educational development.

9 **“SEC. 4002. ALLOTMENT TO STATES.**

10 “(a) RESERVATION.—From the funds appropriated
11 under section 4009 for any fiscal year, the Secretary shall
12 reserve not more than 1 percent for payments to the out-
13 lying areas and the Bureau of Indian Affairs, to be allot-
14 ted in accordance with their respective needs for assistance
15 under this part, as determined by the Secretary, to enable
16 the outlying areas and the Bureau to carry out the pur-
17 pose of this part.

18 “(b) STATE ALLOTMENTS.—

19 “(1) DETERMINATION.—From the funds appro-
20 priated under section 4009 for any fiscal year and
21 remaining after the Secretary makes reservations
22 under subsection (a), the Secretary shall allot to
23 each State for the fiscal year an amount that bears
24 the same relationship to the remainder as the
25 amount the State received under subpart 2 of part

1 A of title I for the preceding fiscal year bears to the
2 amount all States received under that subpart for
3 the preceding fiscal year, except that no State shall
4 receive less than an amount equal to one-half of 1
5 percent of the total amount made available to all
6 States under this subsection.

7 “(2) REALLOTMENT OF UNUSED FUNDS.—If a
8 State does not receive an allotment under this part
9 for a fiscal year, the Secretary shall reallocate the
10 amount of the State’s allotment to the remaining
11 States in accordance with this subsection.

12 **“SEC. 4003. STATE ACTIVITIES.**

13 “(a) IN GENERAL.—A State educational agency may
14 use not more than 5 percent of the amount made available
15 to the State under section 4002(b) for—

16 “(1) the administrative costs of carrying out its
17 responsibilities under this part; and

18 “(2) providing technical assistance as described
19 in subsection (b) to learning partnerships;

20 “(b) TECHNICAL ASSISTANCE.—

21 “(1) IN GENERAL.—The technical assistance
22 described in this paragraph includes the following:

23 “(A) Assisting learning partnerships who
24 are prioritized in section 4005(g) including
25 rural and urban schools by—

1 “(i) informing those learning partner-
2 ships that are prioritized in section
3 4005(g) that they have a priority for com-
4 peting for grants under section 4005;

5 “(ii) providing technical assistance to
6 the learning partnership for the develop-
7 ment of the applications described in sec-
8 tion 4005(b), including assisting the learn-
9 ing partnership in identifying which ele-
10 mentary schools and secondary schools to
11 serve;

12 “(iii) providing technical assistance to
13 the learning partnership if they do not re-
14 ceive a grant under section 4005 so that
15 they may re-compete in following competi-
16 tions;

17 “(B) Assisting each learning partnership
18 that receives an award under section 4005 to
19 plan and implement additional learning time
20 with such funds, including assisting the learn-
21 ing partnership in—

22 “(i) determining how to implement
23 additional learning time in the schools the
24 learning partnership intends to serve based

1 on the results of the needs assessment de-
2 scribed in section 4005(b)(2)(C)(i);

3 “(ii) identifying additional community
4 partners, which may include multicounty
5 public entities, and resources that may be
6 utilized to implement the additional learn-
7 ing time;

8 “(iii) strengthening the existing part-
9 nerships of the learning partnership, iden-
10 tifying appropriate roles for each of the
11 partners in the implementation of addi-
12 tional learning time in schools served by
13 the learning partnership, and ensuring
14 that the partnership is effective in main-
15 taining strong communication, information
16 sharing, and joint planning and implemen-
17 tation;

18 “(C) Identifying best practices for profes-
19 sional development for teachers and staff in
20 learning partnerships receiving funding under
21 this part to implement the authorized activities
22 described in section 4006.

23 “(D) Identifying best practices for using
24 additional learning time to improve academic
25 enrichment, and student academic achievement

1 in schools, and providing technical assistance to
2 the learning partnership in using such best
3 practices to implement and improve additional
4 learning time initiatives.

5 “(E) Providing guidance on how to provide
6 programs that are age appropriate and address
7 the varying needs of students in elementary (in-
8 cluding preschool), middle, and diploma grant-
9 ing schools.

10 “(2) SUBGRANTS FOR TECHNICAL ASSIST-
11 ANCE.—A State educational agency may use a por-
12 tion of the funds described in paragraph (1) to
13 award subgrants to entities including intermediaries,
14 educational service agencies or other public entities
15 with demonstrated expertise in additional learning
16 time capacity building, or evaluation to carry out the
17 technical assistance described in subparagraph (A).

18 **“SEC. 4004. STATE APPLICATION.**

19 “(a) IN GENERAL.—In order to receive an allotment
20 under section 4002(b) for any fiscal year, a State edu-
21 cational agency shall submit to the Secretary, at such time
22 and in such manner as the Secretary may require, an ap-
23 plication that—

1 “(1) designates the State educational agency as
2 the agency responsible for the administration and
3 supervision of programs assisted under this part;

4 “(2) describes how the State educational agency
5 will use funds received under this part, including
6 funds reserved for State-level activities;

7 “(3) contains an assurance that the State edu-
8 cational agency, in making awards under section
9 4005, will give priority to learning partnerships that
10 propose to serve—

11 “(A) students attending schools in need of
12 improvement and persistently low-achieving
13 schools;

14 “(B) schools with a high number or per-
15 centage of students that are eligible for free or
16 reduced price lunch under the Richard B. Rus-
17 sell School Lunch Act (42 U.S.C. 1751 et seq.);

18 “(4) describes the peer review process as de-
19 scribed in section 4005(e) and the selection criteria
20 the State educational agency will use to evaluate ap-
21 plications from, and select, learning partnerships to
22 receive awards under section 4005;

23 “(5) describes the steps the State educational
24 agency will take to ensure that activities and pro-

1 grams carried out by learning partnerships using
2 such awards—

3 “(A) implement evidence-based strategies;
4 and

5 “(B) ensure learning partnerships have the
6 capacity to implement high-quality additional
7 learning time activities that are different from
8 methods which have been proven ineffective
9 during the regular school day;

10 “(6) describes how the State educational agency
11 will use the indicators under section 4007(a)(3) to
12 measure the performance, on an annual basis, of
13 learning partnerships, and

14 “(A) use outcomes from multiple indicators
15 and not rely on one indicator in isolation; and

16 “(B) provide ongoing technical assistance
17 and training and dissemination of promising
18 practices;

19 “(7) provides an assurance that the State edu-
20 cational agency will set up a process to allow learn-
21 ing partnerships who receive an award under section
22 4005 and who operate a proven and effective pro-
23 gram based on the measures of performance de-
24 scribed in paragraph (6) to recompete in their last
25 year of funding for an additional 5-year cycle;

1 “(8) describes how the State educational agency
2 will, to the extent practicable, distribute funds under
3 this part equitably among geographic areas within
4 the State, including urban and rural areas;

5 “(9) includes information identifying the per-
6 pupil funding amount range the State educational
7 agency will use to ensure that awards made under
8 section 4005 are of sufficient size and scope to carry
9 out the purposes of the award,

10 “(10) includes an assurance that in determining
11 award amounts in accordance with paragraph (9),
12 the State educational agency shall take into consid-
13 eration—

14 “(A) diverse geographical areas; and

15 “(B) the quality of activities and programs
16 proposed by learning partnerships applying for
17 such awards;

18 “(11) provides an assurance that the applica-
19 tion will be developed in consultation and coordina-
20 tion with appropriate State officials, including the
21 chief State school officer, and other State agencies
22 administering additional learning time, the heads of
23 the State health and mental health agencies or their
24 designees, teachers, parents, students, the business
25 community, and community-based organizations;

1 “(12) describes how activities and programs
2 carried out by the learning partnerships under this
3 part will be coordinated with programs under this
4 Act, and other programs as appropriate;

5 “(13) describes how the State educational agen-
6 cy will provide a fair and transparent competition
7 for learning partnerships that apply for grant funds
8 under section 4005(b);

9 “(14) provides an assurance that the State edu-
10 cational agency in determining grant awards to
11 learning partnerships will award grants based solely
12 on the quality of the application in relationship to
13 the needs identified by the learning partnership
14 through the needs assessment described in section
15 4005(b)(2)(C)(i); and

16 “(15) provides for timely public notice of intent
17 to file an application and an assurance that the ap-
18 plication will be available for public review after sub-
19 mission.

20 “(b) DEEMED APPROVAL.—An application submitted
21 by a State educational agency pursuant to subsection (a)
22 shall be deemed to be approved by the Secretary unless
23 the Secretary makes a written determination, prior to the
24 expiration of the 120-day period beginning on the date on

1 which the Secretary received the application, that the ap-
2 plication is not in compliance with this part.

3 “(c) DISAPPROVAL.—The Secretary shall not finally
4 disapprove the application, except after giving the State
5 educational agency notice and opportunity for a hearing.

6 “(d) NOTIFICATION.—If the Secretary finds that the
7 application is not in compliance, in whole or in part, with
8 this part, the Secretary shall—

9 “(1) give the State educational agency notice
10 and an opportunity for a hearing; and

11 “(2) notify the State educational agency of the
12 finding of noncompliance, and, in such notification,
13 shall—

14 “(A) cite the specific provisions in the ap-
15 plication that are not in compliance; and

16 “(B) request additional information, only
17 as to the noncompliant provisions, needed to
18 make the application compliant.

19 “(e) RESPONSE.—If the State educational agency re-
20 sponds to the Secretary’s notification described in sub-
21 section (d)(2) during the 45-day period beginning on the
22 date on which the agency received the notification, and
23 resubmits the application with the requested information
24 described in subsection (d)(2)(B), the Secretary shall ap-
25 prove or disapprove such application prior to the later of—

1 “(1) the expiration of the 45-day period begin-
2 ning on the date on which the application is resub-
3 mitted; or

4 “(2) the expiration of the 120-day period de-
5 scribed in subsection (b).

6 “(f) FAILURE TO RESPOND.—If the State edu-
7 cational agency does not respond to the Secretary’s notifi-
8 cation described in subsection (d)(2) during the 45-day pe-
9 riod beginning on the date on which the agency received
10 the notification, such application shall be deemed to be
11 disapproved.

12 **“SEC. 4005. LOCAL COMPETITIVE GRANT PROGRAM.**

13 “(a) IN GENERAL.—Each State that receives an al-
14 lotment under this part shall reserve not less than 95 per-
15 cent of the amount allotted to such State under section
16 4002(b), for each fiscal year for awards to learning part-
17 nerships under this section.

18 “(b) APPLICATION.—

19 “(1) IN GENERAL.—To be eligible to receive an
20 award under this part, a learning partnership shall
21 submit an application to the State educational agen-
22 cy at such time, in such manner, and including such
23 information as the State educational agency may
24 reasonably require.

1 “(2) CONTENTS.—Each application submitted
2 under paragraph (1) shall include the following:

3 “(A) IMPLEMENTATION PLAN.—A descrip-
4 tion of the planning activities that will be con-
5 ducted during the planning phase, if applicable,
6 that shall include a budget for the planning ac-
7 tivities;

8 “(B) ROLES AND RESPONSIBILITIES.—A
9 description of the learning partnership and the
10 roles and responsibilities of each of the partners
11 of the learning partnership.

12 “(C) ADDITIONAL LEARNING TIME ACTIVI-
13 TIES.—A description of—

14 “(i) the activities that will be carried
15 out by the learning partnership during the
16 additional learning time based solely on the
17 learning partnership’s determination of the
18 results of a needs assessment that con-
19 siders—

20 “(I) school-wide needs, including
21 planning time and instructional time
22 for teachers and staff in the learning
23 partnership;

24 “(II) individual student learning
25 needs;

1 “(III) school and student safety;
2 and

3 “(IV) the number of additional
4 hours (during the regular school day
5 or outside of the regular school day,
6 as applicable) needed for supervised
7 student enrichment, determined
8 through school, family, and commu-
9 nity input;

10 “(ii) a description of how the learning
11 partnership will align the activities de-
12 scribed in this subparagraph with—

13 “(I) school improvement plans
14 developed and implemented pursuant
15 to section 1116, if applicable;

16 “(II) academic instruction that
17 occurs during the regular school day
18 at the school proposed to be served by
19 the learning partnership; and

20 “(III) in the case of a learning
21 partnership implementing additional
22 learning time as described in section
23 4008(2)(B), school improvement ef-
24 forts supported by other programs

1 under this Act and other relevant
2 State and local programs;

3 “(iii) the anticipated number of hours
4 of additional learning time the average stu-
5 dent will receive and how the number of
6 hours are appropriate based on the needs
7 assessment described in clause (i) and the
8 requirements of (ii);

9 “(iv) the grade or grade spans (in-
10 cluding preschool) to be served by the
11 learning partnerships using award funds;

12 “(v) how students participating in the
13 activities will travel safely to and from the
14 additional learning time center and home,
15 as applicable; and

16 “(vi) a description of how the learning
17 partnership will ensure that staff employed
18 by the learning partnership will coordinate
19 to develop and implement activities de-
20 scribed in this subparagraph using, in
21 part, the data described in subparagraph
22 (F).

23 “(D) SELECTION OF SCHOOLS.—A descrip-
24 tion of the process, considerations, and criteria
25 the learning partnership will use to select

1 schools to implement additional learning time
2 programs and activities that shall take into ac-
3 count the priorities described in section
4 4005(g);

5 “(E) FACILITY ASSURANCE.—An assur-
6 ance that the activities described in subpara-
7 graph (C) will take place in a safe and easily
8 accessible facility and a description of how the
9 learning partnership will disseminate informa-
10 tion about the facility to the parents and com-
11 munity in a manner that is understandable and
12 accessible;

13 “(F) DATA SHARING.—An assurance that
14 relevant student level data will be shared within
15 the learning partnership consistent with the re-
16 quirements of section 444 of the General Edu-
17 cation Provisions Act so that the activities de-
18 scribed in subparagraph (C)(i) are aligned ac-
19 cording to subparagraph (C)(ii).

20 “(G) PROFESSIONAL DEVELOPMENT AC-
21 TIVITIES.—A description of how the learning
22 partnership will provide professional develop-
23 ment to the staff employed by the learning
24 partnership.

1 “(H) PUBLIC RESOURCES.—An identifica-
2 tion of Federal, State, and local programs that
3 will be combined or coordinated with the addi-
4 tional learning time program to make the most
5 effective use of public resources.

6 “(I) SUPPLEMENT, NOT SUPPLANT.—An
7 assurance that funds under this section will be
8 used to increase the level of State, local, and
9 other non-Federal funds that would, in the ab-
10 sence of funds under this part, be made avail-
11 able for programs and activities authorized
12 under this part, and in no case supplant Fed-
13 eral, State, local, or non-Federal funds;

14 “(J) EXPERIENCE.—A description of past
15 performance and record of effectiveness of the
16 community based organization within the part-
17 nership in providing the activities described in
18 subparagraph (C).

19 “(K) CONTINUATION AFTER FEDERAL
20 FUNDING.—A description of a preliminary plan
21 for how the additional learning time will con-
22 tinue when funding under this part ends.

23 “(L) CAPACITY.—An assurance that the
24 learning partnership has the capacity to collect

1 the data relevant to the indicators described
2 under section 4007(a)(3).

3 “(M) NOTICE OF INTENT.—An assurance
4 that the community of the learning partnership
5 will be given notice of an intent to submit an
6 application and that the application and any
7 waiver request will be available for public review
8 after submission of the application.

9 “(N) OTHER INFORMATION AND ASSUR-
10 ANCES.—Such other information and assur-
11 ances as the State educational agency may rea-
12 sonably require.

13 “(c) APPROVAL OF CERTAIN APPLICATIONS.—The
14 State educational agency may approve an application
15 under this section for a program to be located in a facility
16 other than an elementary school or secondary school only
17 if the program will be at least as available and accessible
18 to the students to be served as if the program were located
19 in an elementary school or secondary school.

20 “(d) NON-FEDERAL MATCH.—

21 “(1) IN GENERAL.—A State educational agency
22 shall require a learning partnership to match funds
23 awarded under this part, except that such match
24 may not exceed the amount of the grant award and
25 may not be derived from other Federal funds.

1 “(2) SLIDING SCALE.—The amount of a match
2 under paragraph (1) shall be established based on a
3 sliding fee scale that takes into account—

4 “(A) the relative poverty of the population
5 to be targeted by the learning partnership; and

6 “(B) the ability of the learning partnership
7 to obtain such matching funds.

8 “(3) IN-KIND CONTRIBUTIONS.—Each State
9 educational agency shall permit the community-
10 learning partnership to provide all or any portion of
11 such match in the form of in-kind contributions.

12 “(e) PEER REVIEW.—In reviewing local applications
13 under this section, a State educational agency shall use
14 a peer review process or other methods of assuring the
15 quality of such applications.

16 “(f) DURATION OF AWARDS.—Grants under this sec-
17 tion may be awarded for a period of 5 years. Learning
18 partnerships that receive funding under this section and
19 who operate a proven and effective program based on the
20 measures of performance established in section 4004(a)(6)
21 shall be allowed to re compete in their last year of funding
22 for an additional 5 year grant.

23 “(g) PRIORITY.—In awarding grants under this part,
24 a State educational agency shall give priority to applica-
25 tions proposing to target services to—

1 “(1) students (including preschool students)
2 who attend schools in need of improvement and per-
3 sistently low-achieving schools; and

4 “(2) learning partnerships that propose to serve
5 schools with a high percentage or number of stu-
6 dents that are eligible for free and reduced price
7 lunch under the Richard B. Russell National School
8 Lunch Act (42 U.S.C. 1751 et seq.);

9 **“SEC. 4006. LOCAL ACTIVITIES.**

10 “(a) AUTHORIZED ACTIVITIES.—

11 “(1) IN GENERAL.—Each learning partnership
12 that receives an award under section 4005 shall use
13 the award funds to implement additional learning
14 time activities that are consistent with section
15 4005(b)(2).

16 “(2) PLANNING PERIOD.—Each learning part-
17 nership may use funds under this section for a plan-
18 ning period of not longer than 6 months to develop
19 an implementation plan described in section
20 4005(b)(2)(A) to carry out the additional learning
21 time activities.

22 **“SEC. 4007. REPORTING.**

23 “(a) REPORT BY LEARNING PARTNERSHIPS.—Each
24 learning partnership shall, not later than 1 year after the
25 first day of the first school year in which the additional

1 learning time is implemented, prepare and submit to the
2 State educational agency a report—

3 “(1) containing a detailed description of the ad-
4 ditional learning time activities that were carried out
5 under this part;

6 “(2) with respect to each school served by the
7 partnership—

8 “(A) on the actual expenses associated
9 with, carrying out the additional learning time
10 programs and activities in the first school year;
11 and

12 “(B) a description of how the additional
13 learning time programs and activities were im-
14 plemented and whether such programs and ac-
15 tivities were carried out during non-school
16 hours or periods when school is not in session
17 or added to expand the school day, school week,
18 or school year schedule; and

19 “(3) containing measures of performance, ag-
20 gregated and disaggregated, on the following indica-
21 tors—

22 “(A) student academic achievement as
23 measured by—

24 “(i) high-quality State academic as-
25 sessments; and

1 “(ii) student growth in accordance
2 with student growth standards;

3 “(B) for diploma granting schools served
4 by the learning partnerships, graduation rates;

5 “(C) student attendance;

6 “(D) performance on a set of comprehen-
7 sive school performance indicators that may in-
8 clude—

9 “(i) as appropriate, rate of earned on-
10 time promotion from grade-to-grade;

11 “(ii) for high schools served by the
12 learning partnerships, the percentage of
13 students taking a college preparatory cur-
14 riculum, or student rates of enrollment,
15 persistence, and attainment of an associate
16 or baccalaureate degree;

17 “(iii) the percentage of student sus-
18 pensions and expulsions;

19 “(iv) indicators of school readiness for
20 entering kindergartners;

21 “(v) evidence of increased parent and
22 family engagement and support for chil-
23 dren’s learning;

24 “(vi) evidence of increased student en-
25 gagement in school, which may include

1 completing of assignments and coming to
2 class prepared;

3 “(vii) evidence of mastery of non-aca-
4 demic skills which may include problem
5 solving, learning to work in teams, and so-
6 cial and civic responsibility;

7 “(viii) improved personal attitude,
8 which may include initiative, self-con-
9 fidence, self-esteem and sense of self-effi-
10 cacy; and

11 “(ix) development of social skills,
12 which may include behavior, communica-
13 tion, relationships with peers and adults.

14 “(b) REPORT BY STATE EDUCATIONAL AGENCY.—
15 A State Educational Agency that receives funds under this
16 part shall annually prepare and submit to the Secretary
17 a report that contains all reports submitted by learning
18 partnerships under the jurisdiction of the agency, aggre-
19 gated and disaggregated, provided under subsection (a).

20 “(c) PUBLICATION AND AVAILABILITY OF THE RE-
21 PORT.—The Secretary shall publish and make widely
22 available to the public, including through a website or
23 other means, a summary of the reports received under
24 subsection (b).

1 **“SEC. 4008. DEFINITIONS.**

2 “In this part:

3 “(1) LEARNING PARTNERSHIP.—The term
4 ‘learning partnership’ means—

5 “(A) a local educational agency, a consor-
6 tium of local educational agencies, or an edu-
7 cational service agency and one or more local
8 educational agencies, in a partnership with 1 or
9 more community-based organizations or other
10 public or private entities; or

11 “(B) a community-based organization, or
12 other public or private entity, in a partnership
13 with a local educational agency, a consortium of
14 local educational agencies, or an educational
15 service agency and one or more local edu-
16 cational agencies.

17 “(2) ADDITIONAL LEARNING TIME.—The term
18 ‘additional learning time’ means—

19 “(A) time added during non-school hours
20 or periods when school is not in session, such
21 as before or after school or during summer re-
22 cess for activities that—

23 “(i) provide opportunities for student
24 academic enrichment, including hands-on,
25 experiential and project-based learning op-
26 portunities for subjects including English,

1 reading or language arts, mathematics,
2 science, foreign languages, civics and gov-
3 ernment, economics, arts, history, geog-
4 raphy, health education, physical edu-
5 cation, outdoor academic programs, and
6 activities such as tutoring and service
7 learning that—

8 “(I) assist students in meeting
9 State and local academic achievement
10 standards in core academic subjects,

11 “(II) use evidence-based skill
12 training approaches and active forms
13 of learning to promote healthy devel-
14 opment, and engage students in learn-
15 ing;

16 “(III) align and coordinate with
17 the regular school day and school year
18 curriculum;

19 “(IV) align to school improve-
20 ment plans developed pursuant to sec-
21 tion 1116, as applicable; and

22 “(V) align to the learning needs
23 of individual students at the school
24 served by the learning partnership;

1 “(ii) provide students with opportuni-
2 ties for personal and social development;

3 “(iii) serve the learning needs and in-
4 terests of all students, including those who
5 already meet or exceed student academic
6 achievement standards as measured by
7 high-quality State academic assessments,
8 and especially those who may not be
9 achieving at grade level in the traditional
10 classroom setting;

11 “(iv) are developmentally and age ap-
12 propriate; and

13 “(v) involve a broad group of stake-
14 holders (including educators, parents, stu-
15 dents, and community partners) in car-
16 rying out additional learning time pro-
17 grams and activities described in this sub-
18 paragraph; or

19 “(B) time added to expand the school day,
20 school week, or school year schedule, that—

21 “(i) increases the total number of
22 school hours for the school year at a school
23 based on evidence supporting the amount
24 of additional learning time needed to

1 achieve the objectives described in clause
2 (ii);

3 “(ii) is used to redesign the school’s
4 program and schedule—

5 “(I) to support innovation in
6 teaching, in order to improve the aca-
7 demic achievement of students aligned
8 to the school improvement plan, if ap-
9 plicable, especially those students who
10 may not be achieving at grade level, in
11 reading or language arts, mathe-
12 matics, science, history and civics, and
13 other core academic subjects;

14 “(II) to improve the performance
15 of all students, including those stu-
16 dents who are struggling to meet col-
17 lege and career ready standards or
18 State early learning standards, as ap-
19 propriate, and those students who al-
20 ready meet or exceed college and ca-
21 reer ready standards as measured by
22 high-quality State academic assess-
23 ments;

24 “(III) for additional subjects and
25 enrichment activities that reflect stu-

1 dent interest, connect to effective
2 community partners, and contribute
3 to a well-rounded education, which
4 may include music and the arts,
5 health education, physical education,
6 service learning, and experiential and
7 work-based learning opportunities
8 (such as community service, learning
9 apprenticeships, internships, and job
10 shadowing);

11 “(IV) to advance student learn-
12 ing by providing a learning environ-
13 ment and supporting learning activi-
14 ties that engage students, develop so-
15 cial skills, and cultivate positive per-
16 sonal attitude; and

17 “(V) for teachers and staff in
18 learning partnerships to collaborate,
19 and plan, within and across grades
20 and subjects;

21 “(iii) provides school-wide services
22 that are—

23 “(I) aligned to school improve-
24 ment plans developed pursuant to sec-
25 tion 1116, as applicable; and

1 “(II) aligned to individual stu-
2 dent achievement needs as identified
3 by the school-site staff at the school
4 served by the community-learning
5 partnership; and
6 “(iv) involve a broad group of stake-
7 holders (including educators, parents, stu-
8 dents and community partners) in plan-
9 ning and carrying out additional learning
10 time programs and activities described in
11 this subparagraph.

12 **“SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to carry out
14 this part \$1,200,000,000 for fiscal year 2014 and such
15 sums as may be necessary for each succeeding fiscal year.

16 “PART B—GRANTS TO SUPPORT STUDENT SAFETY,
17 HEALTH, AND SUCCESS

18 **“SEC. 4201. PURPOSE.**

19 “The purposes of this part are—
20 “(1) to support local educational agencies and
21 schools in providing comprehensive systems of learn-
22 ing supports to students and their families so that
23 students receive their education in safe environments
24 and graduate from school college and career ready;

1 “(2) to enhance the ability of local educational
2 agencies and schools to leverage resources within
3 schools and within communities to improve instruc-
4 tion, strengthen programs, and identify gaps in ex-
5 isting programs for students;

6 “(3) to ensure the academic, behavioral, emo-
7 tional, health, mental health, and social needs of all
8 students, including students from low income fami-
9 lies, students with disabilities, English learners, and
10 youth who are involved in or who are identified by
11 evidence-based risk assessment methods as being at
12 high risk of becoming involved in juvenile delin-
13 quency or criminal street gangs;

14 “(4) to support programs and activities that
15 prevent violence in and around schools (including
16 bullying and harassment), that prevent the illegal
17 use of alcohol, tobacco, and drugs by students, and
18 provide resources to foster a safe and drug-free
19 learning environment to support student academic
20 achievement; and

21 “(5) to enhance partnerships between schools,
22 parents, and communities, and better support family
23 and community engagement in education.

1 **“SEC. 4202. RESERVATIONS AND ALLOTMENTS.**

2 “(a) IN GENERAL.—From the amount made avail-
3 able under section 4210 to carry out this part for each
4 fiscal year, the Secretary—

5 “(1) shall reserve 1 percent of such amount for
6 grants to Guam, American Samoa, the United
7 States Virgin Islands, to be allotted in accordance
8 with the Secretary’s determination of their respec-
9 tive needs and to carry out programs described in
10 this part; and

11 “(2) shall reserve 1 percent of such amount for
12 the Secretary of the Interior to carry out programs
13 described in this part for Indian youth.

14 “(b) STATE ALLOTMENTS.—Except as provided in
15 subsection (a), the Secretary shall, for each fiscal year,
16 allot among the States—

17 “(1) one-half of the remainder not reserved
18 under subsection (a) according to the ratio between
19 the school-aged population of each State and the
20 school-aged population of all the States; and

21 “(2) one-half of such remainder according to
22 the ratio between the amount each State received
23 under section 1124A for the preceding year and the
24 sum of such amounts received by all the States.

25 “(c) MINIMUM.—For any fiscal year, no State shall
26 be allotted under this subsection an amount that is less

1 than one-half of 1 percent of the total amount allotted
2 to all the States under this subsection.

3 “(d) REALLOTMENT OF UNUSED FUNDS.—

4 “(1) REALLOTMENT FOR FAILURE TO APPLY.—

5 If any State does not apply for an allotment under
6 this part for a fiscal year, the Secretary shall reallocate
7 the amount of the State’s allotment to the remaining
8 States in accordance with this section.

9 “(2) REALLOTMENT OF UNUSED FUNDS.—The

10 Secretary may reallocate any amount of any allotment
11 to a State if the Secretary determines that the State
12 will be unable to use such amount within 2 years of
13 such allotment. Such reallocations shall be made on
14 the same basis as allotments are made under sub-
15 section (b).

16 **“SEC. 4203. STATE APPLICATIONS.**

17 “(a) APPLICATION.—To receive a grant under this
18 part, a State educational agency shall submit to the Sec-
19 retary an application at such time and in such manner
20 as the Secretary may require, and containing the informa-
21 tion described in subsection (b).

22 “(b) CONTENTS.—Each application submitted under
23 subsection (a) shall include the following:

24 “(1) An assurance that the State educational
25 agency will review existing resources and programs

1 across the State and coordinate any new plans and
2 resources under this part with such existing pro-
3 grams and resources.

4 “(2) A description of how the State educational
5 agency will identify and eliminate State barriers to
6 the coordination and integration of programs, initia-
7 tives, and funding streams so that local educational
8 agencies can provide comprehensive continuums of
9 learning supports.

10 “(3) A description of the State educational
11 agency’s comprehensive school safety plan, which
12 shall address bullying and harassment, provide for
13 evidence-based and promising practices related to ju-
14 venile delinquency and criminal street gang activity
15 prevention and intervention, address school-spon-
16 sored, off-premises, overnight field trips, disaster
17 preparedness, and crisis and emergency manage-
18 ment; and any other issues determined necessary by
19 the State educational agency (existing plans may be
20 used to satisfy the requirements of this section if
21 such existing plans include the information required
22 by this section, or can be modified to do so, and are
23 submitted to the Secretary with such modifications)
24 which—

1 “(A) shall be submitted to the Secretary
2 not later than 1 year after the enactment of the
3 Student Success Act;

4 “(B) shall be developed in consultation
5 with public safety and community partners, in-
6 cluding police, fire, emergency medical services,
7 emergency management agencies, parents, and
8 other such organizations;

9 “(C) shall be made available to the public
10 in a manner that is understandable and acces-
11 sible; and

12 “(D) the State educational agency shall re-
13 quire all local educational agencies to adopt the
14 plan within 1 year of approval (existing plans
15 may be used to satisfy the requirements of this
16 section if such existing plans are approved by
17 the State educational agency and include the in-
18 formation required by this section, or can be
19 modified to do so).

20 “(4) A description of how grant funds will be
21 used to identify best practices for professional devel-
22 opment for sustainable comprehensive program de-
23 velopment.

24 “(5) A description of how the State educational
25 agency will monitor the implementation of activities

1 under this part, and provide technical assistance to
2 local eligible entities.

3 “(6) A description of how the State educational
4 agency will ensure subgrants to eligible entities will
5 facilitate school-community planning and effective
6 service coordination, integration, and provision at
7 the local level to achieve high performance standards
8 based on the system developed in paragraph (7).

9 “(7) A description of how the State educational
10 agency will develop a system for reporting and meas-
11 uring eligible entity performance, and assist eligible
12 entities in developing and implementing systems for
13 measuring performance based on the indicators in
14 section 4208(a)(3).

15 “(8) An assurance that the State educational
16 agency will set up a process to allow local eligible en-
17 tities who receive an award under section 4206 and
18 who operate a proven and effective program based
19 on the measures of performance described in para-
20 graph (7) to recompete in their last year of funding
21 for an additional 5-year cycle.

22 “(9) A description of the steps the State edu-
23 cational agency will take to ensure that activities
24 and programs carried out by local eligible entities
25 will implement evidence based strategies.

1 “(10) A description of how the number of youth
2 involved in juvenile delinquency and criminal justice
3 systems will not increase as a results of activities
4 funded under this grant.

5 “(c) APPROVAL PROCESS.—

6 “(1) DEEMED APPROVAL.—An application sub-
7 mitted by a State pursuant to this section shall un-
8 dergo peer review by the Secretary and shall be
9 deemed to be approved by the Secretary unless the
10 Secretary makes a written determination, prior to
11 the expiration of the 120-day period beginning on
12 the date on which the Secretary received the applica-
13 tion, that the application is not in compliance with
14 this subpart.

15 “(2) DISAPPROVAL.—The Secretary shall not
16 finally disapprove the application, except after giving
17 the State educational agency and the chief executive
18 officer of the State notice and an opportunity for a
19 hearing.

20 “(3) NOTIFICATION.—If the Secretary finds
21 that the application is not in compliance, in whole or
22 in part, with this subpart, the Secretary shall—

23 “(A) give the State educational agency and
24 the chief executive officer of the State notice
25 and an opportunity for a hearing; and

1 “(B) notify the State educational agency
2 and the chief executive officer of the State of
3 the finding of noncompliance, and in such noti-
4 fication, shall—

5 “(i) cite the specific provisions in the
6 application that are not in compliance; and

7 “(ii) request additional information,
8 only as to the noncompliant provisions,
9 needed to make the application compliant.

10 “(4) RESPONSE.—If the State educational
11 agency and the chief executive officer of the State
12 respond to the Secretary’s notification described in
13 paragraph (3)(B) during the 45-day period begin-
14 ning on the date on which the agency received the
15 notification, and resubmit the application with the
16 requested information described in paragraph
17 (3)(B)(ii), the Secretary shall approve or disapprove
18 such application prior to the later of—

19 “(A) the expiration of the 45-day period
20 beginning on the date on which the application
21 is resubmitted; or

22 “(B) the expiration of the 120-day period
23 described in paragraph (1).

24 “(5) FAILURE TO RESPOND.—If the State edu-
25 cational agency and the chief executive officer of the

1 State do not respond to the Secretary's notification
2 described in paragraph (3)(B) during the 45-day pe-
3 riod beginning on the date on which the agency re-
4 ceived the notification, such application shall be
5 deemed to be disapproved.

6 “(d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
7 tion shall be construed to prohibit local educational agen-
8 cies or individual schools from incorporating additional
9 elements to the State-developed comprehensive school
10 safety plan to improve student and school safety reflective
11 of the individual agency or school community.

12 **“SEC. 4204. STATE USE OF FUNDS.**

13 “(a) **95 PERCENT OF FUNDS.**—Each State edu-
14 cational agency that receives a grant under this part shall
15 reserve not less than 95 percent of the grant amount, for
16 each fiscal year to award subgrants to local eligible entities
17 in accordance with section 4206.

18 “(b) **5 PERCENT OF FUNDS.**—A State educational
19 agency shall use not more than 5 percent, of which not
20 more than 1 percent may be used for administration of
21 a grant received under this subpart or may subgrant a
22 portion of such funds to educational service agencies, or
23 other public entities with demonstrated expertise to carry
24 out the following activities:

1 “(1) Identify and eliminate State barriers to
2 the coordination and integration of programs, initia-
3 tives, and funding streams so that local educational
4 agencies can provide comprehensive continuums of
5 learning supports.

6 “(2) Assist local eligible entities who are
7 prioritized in section 4205(b) including those eligible
8 entities that plan to serve rural and urban schools
9 by—

10 “(A) informing those local eligible entities
11 that they have a priority for competing for
12 grants;

13 “(B) providing technical assistance to the
14 local eligible entities for the development of the
15 applications described in section 4206;

16 “(C) providing technical assistance to the
17 local eligible entities if they do not receive a
18 grant under section 4206 so that they may re-
19 compete in following competitions;

20 “(3) Identify best practices for professional de-
21 velopment and capacity building for local educational
22 agencies for the delivery of a comprehensive system
23 of learning supports for teachers, administrators,
24 and specialized instructional support personnel in
25 schools that are served by the eligible entity receiv-

1 ing funding under this part to implement the au-
2 thorized activities described in section 4207.

3 “(4) Reporting and evaluation activities.

4 **“SEC. 4205. GENERAL SUBGRANT REQUIREMENTS.**

5 “(a) IN GENERAL.—A State educational agency shall
6 use grant funds received under this part to award sub-
7 grants to eligible entities.

8 “(b) ABSOLUTE PRIORITY.—In awarding subgrants
9 to local eligible entities, the State educational agency shall
10 give priority to—

11 “(1) local eligible entities that propose to serve
12 a high percentage or number of students that are el-
13 ible for free or reduced price lunch under the Rich-
14 ard B. Russell National School Lunch Act (42
15 U.S.C. 1751 et seq.); and

16 “(2) local eligible entities proposing to serve
17 students who attend schools in need of improvement
18 and persistently low-achieving schools;

19 “(c) COMPETITIVE PRIORITY.—In awarding sub-
20 grants to local eligible entities, the State educational agen-
21 cy shall give competitive priority to—

22 “(1) in the case of local eligible entities that in-
23 tend to implement programs described in section
24 4207(2)(A), local eligible entities that serve schools
25 that implement, or have plans to implement discipli-

1 nary policies that are research based and focus on
2 multi-tiered systems of support; and

3 “(2) in the case of eligible entities that intend
4 to implement programs described in section
5 4207(2)((C), eligible entities proposing to serve geo-
6 graphic areas most in need of these services and
7 that commit to working with local Promise Coordi-
8 nating Councils.

9 “(d) DURATION OF SUBGRANT.—A State educational
10 agency shall award under this part subgrants to eligible
11 local entities for 5 years.

12 “(e) RENEWAL.—

13 “(1) IN GENERAL.—A State educational agency
14 may renew a subgrant awarded under this part for
15 a period of 5 years.

16 “(2) RENEWAL APPLICATION.—To renew a
17 subgrant, an eligible entity shall submit an applica-
18 tion to the Secretary every 5 years as long as the
19 eligible entity can demonstrate that they operate a
20 proven and effective program based on performance
21 on the indicators in section 4208(a)(3).

22 **“SEC. 4206. LOCAL ELIGIBLE ENTITY APPLICATION.**

23 “(a) IN GENERAL.—A local eligible entity that seeks
24 a grant under this part shall submit an application to the
25 State at such time, in such manner, and containing such

1 information as the State may require, including the infor-
2 mation described in subsection (b).

3 “(b) CONTENTS.—An application submitted under
4 subsection (a) shall include the following:

5 “(1) The results of a comprehensive needs as-
6 sessment (which shall include incident data, and
7 teacher, parent, or community surveys) and assets
8 assessment which shall include a comprehensive
9 analysis of the following—

10 “(A) the safety of the schools served by the
11 local eligible entity (which shall include a com-
12 prehensive analysis of incidents and prevalence
13 of bullying and harassment at schools served by
14 the local eligible entity);

15 “(B) the incidence and prevalence of drug,
16 alcohol and substance abuse at schools served
17 by the local eligible entity;

18 “(C) the needs of youth in the community
19 with respect to evidence-based and promising
20 practices related to juvenile delinquency and
21 criminal street gang activity prevention and
22 intervention, including an assessment of the
23 number of youth who are involved or at-risk of
24 involvement in juvenile delinquency and crimi-

1 nal street gang activity and the number of
2 chronically truant youth;

3 “(D) the number of specialized instruc-
4 tional support personnel employed by schools
5 served by the local eligible entity and the serv-
6 ices provided by those personnel;

7 “(E) the prevalence of student health (in-
8 cluding mental health, physical fitness, and nu-
9 trition) needs at schools served by the local eli-
10 gible entity;

11 “(F) existing programs and services in-
12 tended to provide a comprehensive system of
13 support within schools served by local eligible
14 entities, including the support of school govern-
15 ance and leadership for the programs and serv-
16 ices;

17 “(G) resources available in the community,
18 including public agencies and nonprofit organi-
19 zations, that could be leveraged by schools
20 served by the local eligible entity to create com-
21 prehensive systems of support within the
22 schools;

23 “(H) school discipline data including in-
24 school suspensions, out-of-school suspensions,
25 expulsion, school-based arrests, referrals to law

1 enforcement, and referrals to alternative
2 schools; and

3 “(I) additional needs identified by the local
4 eligible entity.

5 “(2) A description of the methodology used in
6 conducting the needs assessment described in (1);

7 “(3) A description of the plan to implement
8 grant funds (taking into account the cultural and
9 linguistic needs of the community) which shall in-
10 clude the following components:

11 “(A) A description of the services (taking
12 into account the cultural and linguistic needs of
13 the community) that will be provided by the
14 local eligible entity which shall include preven-
15 tion, intervention, and systematic efforts to ad-
16 dress student learning needs as identified and
17 prioritized by the needs assessment in para-
18 graph (1).

19 “(B) A description of how existing re-
20 sources, services, and programs will be coordi-
21 nated and integrated with new resources, serv-
22 ices, and programs to create a comprehensive
23 system of learning supports that is aligned with
24 school improvement plans required under sec-
25 tion 1116, as applicable.

1 “(C) A description of the partners within
2 the eligible entity and their roles as they relate
3 to the implementation of the comprehensive sys-
4 tem of learning supports that will be imple-
5 mented to address the needs outlined in the
6 needs and assets assessment described in sub-
7 section (b)(1).

8 “(D) A description of how the grant will be
9 used to enhance administrator’s, teacher’s, and
10 specialized instructional support personnel’s
11 identification and response to student learning
12 needs for providing learning supports through
13 professional development, and how school ca-
14 pacity will be enhanced to handle problems fac-
15 ing students such as those identified in the
16 needs assessment.

17 “(E) A description of how the eligible enti-
18 ty will identify the financial savings from de-
19 ferred or eliminated costs, or other benefits as
20 a result of the programs or activities imple-
21 mented by the eligible entities (in the case of an
22 eligible entity who implements programs de-
23 scribed in section 4207(2)(C), a comparative
24 analysis of potential savings from criminal jus-

1 tice costs, public assistance costs, and other
2 costs avoided by such programs).

3 “(F) A description of how the local eligible
4 entity will measure performance based on the
5 indicators described in section 4208(a)(3).

6 “(G) A description of the process for peri-
7 odically reviewing the needs of students and as-
8 sets within the school and community, and in-
9 volving more community partners as applicable,
10 and how data on performance on the indicators
11 described in section 4208(a)(3) will be used to
12 provide feedback on progress, and institu-
13 tionalize support mechanisms to maintain and
14 continually improve activities including when
15 grant funds end.

16 “(c) SPECIAL RULE.—A local eligible entity may
17 use—

18 “(1) an existing needs assessment to satisfy the
19 requirements of subsection (b)(1), if the assessment
20 includes the information required by such sub-
21 section, or can be modified to do so; and

22 “(2) an existing plan to satisfy the require-
23 ments of subsection (b)(3), if the plan meets the re-
24 quirements of such subsection and is approved by
25 the State educational agency.

1 **“SEC. 4207. LOCAL ELIGIBLE ENTITY USE OF FUNDS.**

2 “A local eligible entity that receives a subgrant under
3 this part shall use such funds to carry out the following
4 activities:

5 “(1) Implement a comprehensive plan as de-
6 scribed in section 4206(b)(3).

7 “(2) Programs and activities that address the
8 needs of the schools served by the eligible entity as
9 identified by the needs and assets assessment in sec-
10 tion 4206(b)(1), which may include—

11 “(A) violence prevention programs, includ-
12 ing—

13 “(i) programs to provide safe passage
14 to and from school;

15 “(ii) programs to prevent and appro-
16 priately respond to incidents of bullying
17 and harassment (including professional de-
18 velopment for teachers and other school
19 personnel);

20 “(iii) programs that promote positive
21 school environments for learning and re-
22 duce the need for suspensions, expulsions,
23 referral to law enforcement, and other
24 practices that remove students from in-
25 struction;

1 “(iv) conflict resolution and restora-
2 tive practice and mediation programs;

3 “(v) activities that involve families,
4 community sectors (which may include ap-
5 propriately trained seniors) and a variety
6 of providers in setting clear expectations
7 against violence and appropriate con-
8 sequences of violence;

9 “(vi) professional development and
10 training for, and involvement of, school
11 personnel, specialized instructional per-
12 sonnel, parents, and interested community
13 members in prevention, education, early
14 identification and intervention, mentoring,
15 or rehabilitation referral, as related to vio-
16 lence prevention;

17 “(vii) reporting criminal offenses com-
18 mitted on school property;

19 “(viii) emergency intervention services
20 following traumatic crisis events, such as
21 shooting, or a major accident that has dis-
22 rupted the learning environment;

23 “(ix) establishing and maintaining a
24 school safety hotline;

1 “(x) programs to train school per-
2 sonnel to identify warning signs of youth
3 suicide and to create an action plan to help
4 youth at risk of suicide; or

5 “(xi) programs that respond to the
6 needs of students who are faced with do-
7 mestic violence or child abuse;

8 “(B) drug and alcohol abuse prevention
9 programs, including—

10 “(i) age appropriate and develop-
11 mentally based activities that—

12 “(I) address the consequences of
13 violence and illegal use of drugs, as
14 appropriate;

15 “(II) promote a sense of indi-
16 vidual responsibility and teach stu-
17 dents that most people do not illegally
18 use drugs;

19 “(III) teach students to recognize
20 social and peer pressure to use drugs
21 illegally and the skills for resisting il-
22 legal drug use; and

23 “(IV) teach students about the
24 dangers of emerging drugs;

1 “(ii) activities that involve families,
2 community sectors (which may include ap-
3 propriately trained seniors) and a variety
4 of providers in setting clear expectations
5 against illegal use of drugs and appro-
6 priate consequences for illegal use of
7 drugs;

8 “(iii) dissemination of drug prevention
9 information to schools and communities;

10 “(iv) professional development and
11 training for, and involvement of, school
12 personnel, specialized instructional support
13 personnel, parents, and interested commu-
14 nity members in prevention, education,
15 early identification and intervention, men-
16 toring, or rehabilitation referral, as related
17 to drug prevention; or

18 “(v) community wide planning and or-
19 ganizing to reduce illegal drug use;

20 “(C) evidence-based and promising prac-
21 tices related to juvenile delinquency and crimi-
22 nal street gang activity prevention and interven-
23 tion for youth who are involved in, or at risk of
24 involvement in, juvenile delinquency or street
25 gang activity (that shall involve multiple com-

1 community partners within the local eligible entity
2 through coordination with a local Promise Co-
3 ordinating Council);

4 “(D) recruiting, hiring, and maintaining
5 specialized instructional support personnel or
6 providing additional specialized instructional
7 support services, with priority given to the high-
8 est need schools to be served by the eligible en-
9 tity;

10 “(E) implementing multi-tiered systems of
11 support including positive behavior supports;

12 “(F) support services to address the behav-
13 ioral, emotional, physical health, mental health
14 and social needs of students, including—

15 “(i) social and emotional learning pro-
16 grams;

17 “(ii) mentoring programs;

18 “(iii) physical fitness, health edu-
19 cation, and nutrition education programs;
20 and

21 “(iv) programs to purchase automated
22 external defibrillators and providing train-
23 ing in the use of these defibrillators;

24 “(G) services and programs to support
25 education of pregnant and parenting teens;

1 “(H) programs that enable schools to pre-
2 pare for, respond to, and recover from disas-
3 ters, crises and emergencies that threaten safe-
4 ty or disrupt teaching and learning; or

5 “(I) other services consistent with this sec-
6 tion.

7 **“SEC. 4208. ACCOUNTABILITY AND TRANSPARENCY.**

8 “(a) LOCAL ACCOUNTABILITY AND TRANS-
9 PARENCY.—On an annual basis, each local eligible entity
10 shall report to the public and the State such information
11 as the State may reasonably require, including—

12 “(1) the number of students, aggregated and
13 disaggregated by subgroup as described in section
14 1111(e)(3)(A) who were served by the programs and
15 activities in this part;

16 “(2) the programs and services provided under
17 this Act;

18 “(3) outcomes resulting from activities and
19 services funded under this part, aggregated and
20 disaggregated by subgroup as described in section
21 1111(e)(3)(A) on the following indicators—

22 “(A) student academic achievement as
23 measured by State academic assessments and
24 student growth over time;

1 “(B) for diploma granting schools, gradua-
2 tion rates;

3 “(C) student attendance;

4 “(D) suspensions and expulsions;

5 “(E) performance on a set of other indica-
6 tors that shall be based on the activities and
7 services implemented based on the results of the
8 needs assessment described in section
9 4206(b)(1) and may include—

10 “(i) the frequency, seriousness, and
11 incidence of violence, including bullying
12 and harassment, and drug related offenses
13 resulting in suspensions and expulsions;

14 “(ii) the incidence and prevalence, age
15 of onset, perception of health risk, and per-
16 ception of social disapproval of drug use
17 and violence by youth in schools and com-
18 munities;

19 “(iii) the safety of passage to and
20 from school;

21 “(iv) as appropriate, rate of earned
22 on-time promotion from grade to grade;

23 “(v) for diploma granting schools, the
24 percentage of students taking a college
25 preparatory curriculum, or student rates of

1 enrollment, persistence, and attainment of
2 an associate or baccalaureate degree;

3 “(vi) academic and developmental
4 transitions, including from elementary to
5 middle school and middle school to high
6 school;

7 “(vii) referrals to school resource per-
8 sonnel;

9 “(viii) evidence of increased parent
10 and family engagement and support for
11 children’s learning;

12 “(ix) evidence of increased student en-
13 gagement in school, which may include
14 completing of assignments and coming to
15 class prepared and on-time;

16 “(x) student health, including mental
17 health and the amelioration of risk factors;
18 and

19 “(F) other outcome areas as determined by
20 the State educational agency.

21 “(b) STATE ACCOUNTABILITY AND TRANS-
22 PARENCY.—On an annual basis, each State educational
23 agency that receives funds under this part shall annually
24 prepare and submit to the Secretary a report that contains

1 all reports submitted by local eligible entities under the
2 jurisdiction of the agency provided under (a).

3 “(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds
4 provided under this part shall be used to supplement, and
5 not supplant, other Federal, State, or local funds that
6 would, in the absence of such grant funds, be made avail-
7 able for comprehensive systems of learning supports and
8 students participating in programs under this part.

9 “(d) PUBLICATION AND AVAILABILITY OF RE-
10 PORT.—The Secretary shall publish and make widely
11 available to the public, including through a website or
12 other means, a summary of the reports received under (b).

13 **“SEC. 4209. DEFINITIONS.**

14 “(a) For purposes of this part—

15 “(1) INCIDENT DATA.—The term ‘incident
16 data’ means data from incident reports by school of-
17 ficials including, but not limited to, truancy rates;
18 the frequency, seriousness, and incidence of violence
19 and drug-related offenses resulting in suspensions
20 and expulsions; the incidence of bullying and harass-
21 ment, and the incidence and prevalence of drug use
22 and violence by students in schools.

23 “(2) COMPREHENSIVE SYSTEM OF LEARNING
24 SUPPORTS.—The term ‘comprehensive system of
25 learning supports’ means the multifaceted, and cohe-

1 sive resources, strategies, and practices that provide
2 class-room based or school-wide interventions to ad-
3 dress the academic, behavioral, emotional, physical
4 health, mental health, and social needs of students
5 and families to improve student learning, teacher in-
6 struction and school management.

7 “(3) LOCAL ELIGIBLE ENTITY.—The term
8 ‘local eligible entity’ means a consortium consisting
9 of community representatives that—

10 “(A) shall include—

11 “(i) a local educational agency;

12 “(ii) not less than 1 other community
13 partner organization; and

14 “(B) may include a broad array of commu-
15 nity partners, including a community based or-
16 ganization, a child and youth serving organiza-
17 tion, an institution of higher education, a foun-
18 dation, a business, a local government, includ-
19 ing a local governmental agency serving chil-
20 dren and youth such as a child welfare and ju-
21 venile justice agency; students, and parents;
22 and may include representatives from multiple
23 jurisdictions.

24 “(4) MULTI-TIERED SYSTEM OF SUPPORT.—

25 For purposes of this Act, the term ‘multi-tiered sys-

1 tem of support’ means a comprehensive system of
2 differentiated supports that includes evidence-based
3 instruction, universal screening, progress monitoring,
4 formative assessments, research-based interventions
5 matched to student needs and educational decision-
6 making using student outcome data.

7 “(5) BULLYING.—The term ‘bullying’—

8 “(A) means conduct, including electronic
9 communication, that adversely affects the abil-
10 ity of 1 or more students to participate in and
11 benefit from the school’s educational programs
12 or activities by placing the student (or stu-
13 dents) in reasonable fear of physical harm; and

14 “(B) includes conduct that is based on—

15 “(i) a student’s actual or perceived—

16 “(I) race;

17 “(II) color;

18 “(III) national origin;

19 “(IV) sex;

20 “(V) disability

21 “(VI) sexual orientation;

22 “(VII) gender identity; or

23 “(VIII) religion;

1 “(ii) any other distinguishing charac-
2 teristics that may be defined by a State or
3 local educational agency; or

4 “(iii) association with a person or
5 group with 1 or more of the actual or per-
6 ceived characteristics listed in clause (i) or
7 (ii).

8 “(6) HARASSMENT.—The term ‘harassment’—

9 “(A) means conduct, including electronic
10 communication, that adversely affects the abil-
11 ity of 1 or more students to participate in and
12 benefit from the school’s educational programs
13 or activities because the conduct, as reasonably
14 perceived, is so severe, persistent, or persuasive;
15 and

16 “(B) includes conduct that is based on—

17 “(i) a student’s actual or perceived—

18 “(I) race;

19 “(II) color;

20 “(III) national origin;

21 “(IV) sex;

22 “(V) disability

23 “(VI) sexual orientation;

24 “(VII) gender identity; or

25 “(VIII) religion;

1 “(ii) any other distinguishing charac-
2 teristics that may be defined by a State or
3 local educational agency; or

4 “(iii) association with a person or
5 group with 1 or more of the actual or per-
6 ceived characteristics listed in clause (i) or
7 (ii).

8 “(7) JUVENILE DELINQUENCY AND CRIMINAL
9 STREET GANG ACTIVITY PREVENTION AND INTER-
10 VENTION.—The term ‘juvenile delinquency and
11 criminal street gang activity prevention and inter-
12 vention’ means the provision of programs and re-
13 sources to children and families who have not yet
14 had substantial contact with criminal justice or juve-
15 nile justice systems or to youth who are involved in,
16 or who are identified by evidence-based risk assess-
17 ment methods as being at high risk of continued in-
18 volvement in, juvenile delinquency or criminal street
19 gangs, that—

20 “(A) are designed to reduce potential juve-
21 nile delinquency and criminal street gang activ-
22 ity risks; and

23 “(B) are evidence-based or promising edu-
24 cational, health, mental health, school-based,
25 community-based, faith-based, parenting, job

1 training, social opportunities and experiences,
2 or other programs, for youth and their families,
3 that have been demonstrated to be effective in
4 reducing juvenile delinquency and criminal
5 street gang activity risks.

6 “(8) PROMISE COORDINATING COUNCILS.—
7 The members of a PROMISE Coordinating Council
8 shall be representatives of public and private sector
9 entities and individuals that—

10 “(A) shall include, to the extent possible,
11 at least one representative from each of the fol-
12 lowing:

13 “(i) the local chief executive’s office;

14 “(ii) a local educational agency;

15 “(iii) a local health agency or pro-
16 vider;

17 “(iv) a local mental health agency or
18 provider, unless the representative under
19 clause (iii)) also meets the requirements of
20 this subparagraph;

21 “(v) a local public housing agency;

22 “(vi) a local law enforcement agency;

23 “(vii) a local child welfare agency;

24 “(viii) a local juvenile court;

1 “(ix) a local juvenile prosecutor’s of-
2 fice;

3 “(x) a private juvenile residential care
4 entity;

5 “(xi) a local juvenile public defender’s
6 office;

7 “(xii) a State juvenile correctional en-
8 tity;

9 “(xiii) a local business community
10 representative; and

11 “(xiv) a local faith-based community
12 representative;

13 “(B) shall include two representatives from
14 each of the following:

15 “(i) parents who have minor children,
16 and who have an interest in the local juve-
17 nile or criminal justice systems;

18 “(ii) youth between the ages of 15
19 and 24 who reside in the jurisdiction of the
20 unit or Tribe; and

21 “(iii) members from nonprofit commu-
22 nity-based organizations that provide effec-
23 tive delinquency prevention and interven-
24 tion to youth in the jurisdiction of the eli-
25 gible entity; and

1 “(C) may include other members, as ap-
2 propriate.

3 “(9) SPECIALIZED INSTRUCTIONAL SUPPORT
4 PERSONNEL.—The term ‘specialized instructional
5 support personnel’ means school counselors, school
6 social workers, school nurses, and other qualified
7 professionals involved in providing assessment, diag-
8 nosis, counseling, educational, therapeutic, medical,
9 and other necessary services (including related serv-
10 ices as that term is defined in section 602 of the In-
11 dividuals with Disabilities in Education Act) as part
12 of a comprehensive program to meet student needs.

13 **“SEC. 4210. AUTHORIZATION OF APPROPRIATIONS.**

14 “‘There are authorized to be appropriated to carry out
15 this part \$350,000,000 for fiscal year 2014 and such sums
16 as may be necessary for each succeeding fiscal year.’”.

17 **TITLE V—WELL-ROUNDED STU-**
18 **DENTS AND ENGAGED FAMI-**
19 **LIES**

20 **Subtitle A—Public Charter Schools**

21 **SEC. 501. PURPOSE.**

22 Section 5201 (20 U.S.C. 7221) is amended to read
23 as follows:

24 **“SEC. 5201. PURPOSE.**

25 “‘It is the purpose of this subpart to—

1 “(1) provide financial assistance for the plan-
2 ning, program design, and initial implementation of
3 charter schools;

4 “(2) expand the number of high-quality charter
5 schools available to students across the Nation;

6 “(3) evaluate the impact of such schools on stu-
7 dent achievement, families, and communities, and
8 share best practices between charter schools and
9 other public schools;

10 “(4) encourage States to provide support to
11 charter schools for facilities financing in an amount
12 more nearly commensurate to the amount the States
13 have typically provided for traditional public schools;

14 “(5) improve student services to increase oppor-
15 tunities for students with disabilities, English lan-
16 guage learners, and other traditionally underserved
17 students to attend charter schools and meet chal-
18 lenging State academic achievement standards;

19 “(6) support efforts to strengthen the charter
20 school authorizing process to improve performance
21 management, including transparency, monitoring,
22 and evaluation of such schools; and

23 “(7) ensure quality, accountability and trans-
24 parency in the operations and performance of all au-
25 thorized public chartering agencies, including State

1 and local educational agencies, and charter
2 schools.”.

3 **SEC. 502. PROGRAM AUTHORIZED.**

4 Section 5202 (20 U.S.C. 7221a) is amended to read
5 as follows:

6 **“SEC. 5202. PROGRAM AUTHORIZED.**

7 “(a) IN GENERAL.—This subpart authorizes the Sec-
8 retary to carry out a charter school program that supports
9 charter schools that serve elementary school and sec-
10 ondary school students by—

11 “(1) supporting the startup, replication, and ex-
12 pansion of charter schools;

13 “(2) assisting charter schools in accessing cred-
14 it to acquire and renovate facilities for school use;
15 and

16 “(3) carrying out national activities to sup-
17 port—

18 “(A) charter school development;

19 “(B) the dissemination of best practices of
20 charter schools for all schools; and

21 “(C) the evaluation of the impact of the
22 program on schools participating in the pro-
23 gram.

1 “(b) FUNDING ALLOTMENT.—From the amount
2 made available under section 5211 for a fiscal year, the
3 Secretary shall—

4 “(1) reserve 12.5 percent to support charter
5 school facilities assistance under section 5204;

6 “(2) reserve not more than 2.5 percent to carry
7 out technical assistance, best practices, and evalua-
8 tion under section 5205(a);

9 “(3) reserve not more than 5 percent to carry
10 out grants to eligible applicants under section
11 5205(b); and

12 “(4) use the remaining amount after the Sec-
13 retary reserves funds under paragraphs (1) and (2)
14 to carry out section 5203.

15 “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-
16 ent of a grant or subgrant under this subpart, as such
17 subpart was in effect on the day before the date of enact-
18 ment of the Student Success Act, shall continue to receive
19 funds in accordance with the terms and conditions of such
20 grant or subgrant.”.

21 **SEC. 503. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
22 **SCHOOLS.**

23 Section 5203 (20 U.S.C. 7221b) is amended to read
24 as follows:

1 **“SEC. 5203. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
2 **SCHOOLS.**

3 “(a) IN GENERAL.—From the amount reserved
4 under section 5202(b)(3), the Secretary shall award
5 grants to State entities having applications approved pur-
6 suant to subsection (f) to enable such entities to—

7 “(1) award subgrants to eligible applicants
8 for—

9 “(A) opening new charter schools;

10 “(B) replicating high-quality charter school
11 models; or

12 “(C) expanding high-quality charter
13 schools; and

14 “(2) provide technical assistance to eligible ap-
15 plicants and authorized public chartering agencies in
16 carrying out the activities described in paragraph (1)
17 and work with authorized public chartering agencies
18 in the State to improve authorizing quality.

19 “(b) STATE USES OF FUNDS.—

20 “(1) IN GENERAL.—A State entity receiving a
21 grant under this section shall—

22 “(A) use 90 percent of the grant funds to
23 award subgrants to eligible applicants, in ac-
24 cordance with the quality charter school pro-
25 gram described in the entity’s application ap-
26 proved pursuant to subsection (f), for the pur-

1 poses described in subparagraphs (A) through
2 (C) of subsection (a)(1); and

3 “(B) reserve 10 percent of such funds to
4 carry out the activities described in subsection
5 (a)(2), of which not more than 30 percent may
6 be used for administrative costs which may in-
7 clude technical assistance.

8 “(2) CONTRACTS AND GRANTS.—A State entity
9 may use a grant received under this section to carry
10 out the activities described in subparagraphs (A)
11 and (B) of paragraph (1) directly or through grants,
12 contracts, or cooperative agreements.

13 “(c) PROGRAM PERIODS; PEER REVIEW; DIVERSITY
14 OF PROJECTS.—

15 “(1) PROGRAM PERIODS.—

16 “(A) GRANTS.—A grant awarded by the
17 Secretary to a State entity under this section
18 shall be for a period of not more than 5 years.

19 “(B) SUBGRANTS.—A subgrant awarded
20 by a State entity under this section shall be for
21 a period of not more than 5 years, of which an
22 eligible applicant may use not more than 18
23 months for planning and program design.

24 “(2) PEER REVIEW.—The Secretary, and each
25 State entity receiving a grant under this section,

1 shall use a peer review process to review applications
2 for assistance under this section.

3 “(3) DIVERSITY OF PROJECTS.—Each State en-
4 tity receiving a grant under this section shall award
5 subgrants under this section in a manner that, to
6 the extent possible, ensures that such subgrants—

7 “(A) are distributed throughout different
8 areas, including urban, suburban, and rural
9 areas; and

10 “(B) will assist charter schools rep-
11 resenting a variety of educational approaches.

12 “(d) LIMITATIONS.—

13 “(1) GRANTS.—A State entity may not receive
14 more than 1 grant under this section for a 5-year
15 period.

16 “(2) SUBGRANTS.—An eligible applicant may
17 not receive more than 1 subgrant under this section
18 per charter school for a 5-year period.

19 “(e) APPLICATIONS.—A State entity desiring to re-
20 ceive a grant under this section shall submit an application
21 to the Secretary at such time and in such manner as the
22 Secretary may require. The application shall include the
23 following:

24 “(1) DESCRIPTION OF PROGRAM.—A descrip-
25 tion of the entity’s objectives in opening and initially

1 operating a quality charter school program under
2 this section and how the objectives of the program
3 will be carried out, including a description—

4 “(A) of how the entity will—

5 “(i) support both new charter school
6 startup and the expansion and replication
7 of high-quality charter school models;

8 “(ii) inform eligible charter schools,
9 developers, and authorized public char-
10 tering agencies of the availability of funds
11 under the program;

12 “(iii) work with eligible applicants to
13 ensure that the applicants access all Fed-
14 eral funds that they are eligible to receive,
15 and help the charter schools supported by
16 the applicants and the students attending
17 the charter schools—

18 “(I) participate in the Federal
19 programs in which the schools and
20 students are eligible to participate;
21 and

22 “(II) receive the commensurate
23 share of Federal funds the schools
24 and students are eligible to receive
25 under such programs;

1 “(iv) in the case in which the entity is
2 not a State educational agency—

3 “(I) work with the State edu-
4 cational agency and the charter
5 schools in the State to maximize char-
6 ter school participation in Federal and
7 State programs for charter schools;
8 and

9 “(II) work with the State edu-
10 cational agency to adequately operate
11 the entity’s program under this sec-
12 tion, where applicable;

13 “(v) ensure eligible applicants that re-
14 ceive a subgrant under the entity’s pro-
15 gram are prepared to continue to operate
16 the charter schools receiving the subgrant
17 funds once the funds have expired;

18 “(vi) support charter schools partici-
19 pating in the entity’s program and that are
20 in local educational agencies with large
21 numbers of schools that must comply with
22 the requirements of section 1116(b);

23 “(vii) work with charter schools to
24 promote inclusion of all students and sup-

1 port all students once they are enrolled to
2 promote retention;

3 “(viii) work with charter schools on
4 recruitment practices, including efforts to
5 engage groups that may otherwise have
6 limited opportunities to participate in char-
7 ter schools;

8 “(ix) share best and promising prac-
9 tices between charter schools and other
10 public schools;

11 “(x) ensure the charter schools they
12 support can meet the educational needs of
13 their students, including students with dis-
14 abilities and English language learners;
15 and

16 “(xi) support efforts to increase qual-
17 ity initiatives, including meeting the qual-
18 ity authorizing elements described in para-
19 graph (2)(E);

20 “(B) of the extent to which the entity—

21 “(i) is able to meet and carry out the
22 priorities listed in subsection (f)(2); and

23 “(ii) is working to develop or
24 strengthen a cohesive statewide system to
25 support the opening of new charter schools

1 a replica of high-quality charter school
2 models, and expanding high-quality charter
3 schools;

4 “(C) how the entity will carry out the
5 subgrant competition, including—

6 “(i) a description of the application
7 each eligible applicant desiring to receive a
8 subgrant will submit, including—

9 “(I) a description of the roles
10 and responsibilities of eligible appli-
11 cants, partner organizations, and
12 management organizations, including
13 the administrative and contractual
14 roles and responsibilities;

15 “(II) a description of the quality
16 controls agreed to between the eligible
17 applicant and the authorized public
18 chartering agency involved, such as a
19 contract or performance agreement,
20 and how a school’s performance on
21 the State’s academic accountability
22 system will be a primary factor for re-
23 newal;

24 “(III) a description of how the el-
25 ible applicant will solicit and con-

1 sider input from parents and other
2 members of the community on the
3 planning, implementation, and oper-
4 ation of each charter school receiving
5 funds under the entity’s program; and
6 “(IV) for each year of the grant,
7 planned activities and expenditures
8 for use of funds received under this
9 section for the purposes of opening
10 and initially operating a new charter
11 school, replicating a high-quality char-
12 ter school model and initially oper-
13 ating such school, or expansion of a
14 high-quality charter school and ini-
15 tially operating such school while en-
16 suring financial sustainability of the
17 school following the grant period; and
18 “(ii) a description of how the entity
19 will review applications; and
20 “(D) in the case of an entity that partners
21 with an outside organization to carry out the
22 entity’s quality charter school program, in
23 whole or in part, of the roles and responsibil-
24 ities of this partner.

1 “(2) ASSURANCES.—Assurances, including a
2 description of how the assurances will be met,
3 that—

4 “(A) each charter school receiving funds
5 under the entity’s program will have a high de-
6 gree of autonomy over budget and operations;

7 “(B) the entity will support charter schools
8 in meeting the educational needs of their stu-
9 dents as described in paragraph (1)(A)(x);

10 “(C) the entity will ensure that the author-
11 ized public chartering agency of any charter
12 school that receives funds under the entity’s
13 program—

14 “(i) ensures that the charter school is
15 meeting the obligations under this Act,
16 part B of the Individuals with Disabilities
17 Education Act, title VI of the Civil Rights
18 Act of 1964, section 504 of the Rehabilita-
19 tion Act of 1973, the Age Discrimination
20 Act of 1975, the Americans with Disabil-
21 ities Act of 1990, section 444 of the Gen-
22 eral Education Provisions Act (commonly
23 known as the ‘Family Educational Rights
24 and Privacy Act of 1974’), and title IX of
25 the Education Amendments of 1972; and

1 “(ii) adequately monitors and helps
2 ensure each charter school, with respect to
3 recruitment and enrollment is meeting the
4 needs of all students, including students
5 with disabilities and English language
6 learners;

7 “(D) the entity will provide adequate tech-
8 nical assistance to eligible applicants to—

9 “(i) meet the objectives described in
10 clauses (vii) and (viii) of paragraph (1)(A)
11 and paragraph (2)(B); and

12 “(ii) recruit and enroll traditionally
13 underserved students, including students
14 with disabilities and English language
15 learners, to promote an inclusive education
16 environment;

17 “(E) the entity will promote quality au-
18 thorizing, such as through providing technical
19 assistance, to support all authorized public
20 chartering agencies in the State to improve the
21 monitoring of their charter schools in compli-
22 ance with quality charter authorizing standards
23 described in section 1111(d)(1)(I);

24 “(F) the entity will work to ensure that
25 charter schools are included with the traditional

1 public school system in decision-making about
2 the public school system in the State; and

3 “(G) the entity will ensure that each char-
4 ter school in the State make publicly available,
5 consistent with the dissemination requirements
6 of the annual State report card, the information
7 parents need to make informed decisions about
8 the educational options available to their chil-
9 dren, including information on the educational
10 program, student support services, and annual
11 performance and enrollment.

12 “(3) REQUESTS FOR WAIVERS.—A request and
13 justification for waivers of any Federal statutory or
14 regulatory provisions that the entity believes are nec-
15 essary for the successful operation of the charter
16 schools that will receive funds under the entity’s pro-
17 gram under this section, and a description of any
18 State or local rules, generally applicable to public
19 schools, that will be waived, or otherwise not apply
20 to such schools.

21 “(f) SELECTION CRITERIA; PRIORITY.—

22 “(1) SELECTION CRITERIA.—The Secretary
23 shall award grants to State entities under this sec-
24 tion on the basis of the quality of the applications

1 submitted under subsection (e), after taking into
2 consideration—

3 “(A) the degree of flexibility afforded by
4 the State’s public charter school law and how
5 the entity will work to maximize the flexibility
6 provided to charter schools under the law;

7 “(B) the ambitiousness of the entity’s ob-
8 jectives for the quality charter school program
9 carried out under this section;

10 “(C) the quality of the strategy for assess-
11 ing achievement of those objectives;

12 “(D) the likelihood that the eligible appli-
13 cants receiving subgrants under the program
14 will meet those objectives and improve edu-
15 cational results for students;

16 “(E) the proposed number of new charter
17 schools to be opened, and the number of high-
18 quality charter schools to be replicated or ex-
19 panded under the program;

20 “(F) the entity’s plan to—

21 “(i) adequately monitor the eligible
22 applicants receiving subgrants under the
23 entity’s program;

24 “(ii) work with the authorized public
25 chartering agencies involved to avoid dupli-

1 cation of work for the charter schools and
2 authorized public chartering agencies;

3 “(iii) provide adequate technical as-
4 sistance, as described in the entity’s appli-
5 cation under subsection (e), for the eligible
6 applicants receiving subgrants under the
7 entity’s program under this section; and

8 “(iv) support quality authorizing ef-
9 forts in the State, consistent with quality
10 charter school authorizing standards de-
11 scribed in section 1111(d)(1)(H).

12 “(2) PRIORITY.—In awarding grants under this
13 section, the Secretary shall give priority to State en-
14 tities to the extent that they meet the following cri-
15 teria:

16 “(A) The State entity is located in a State
17 that allows appeals of authorized public char-
18 tering agency, including State and local edu-
19 cational agency, decisions pertaining to grant-
20 ing, renewal, or revocation of charter agree-
21 ments.

22 “(B) The State entity is located in a State
23 that does not impose any limitation on the
24 number or percentage of charter schools that
25 may exist or the number or percentage of stu-

1 dents that may attend charter schools in the
2 State.

3 “(C) The State entity is located in a State
4 that ensures equitable financing, as compared
5 to traditional public schools, for charter schools
6 and students in a prompt manner.

7 “(D) The State entity is located in a State
8 that uses charter schools and best practices
9 from charter schools to help improve struggling
10 schools and local educational agencies.

11 “(E) The State entity partners with an or-
12 ganization that has a demonstrated record of
13 success in developing management organiza-
14 tions to support the development of charter
15 schools in the State.

16 “(F) The State entity demonstrates quality
17 policies and practices to support and monitor
18 charter schools through factors, including—

19 “(i) the proportion of high-quality
20 charter schools in the State; and

21 “(ii) the proportion of charter schools
22 enrolling, at a rate similar to traditional
23 public schools, traditionally underserved
24 students, including students with disabil-
25 ities and English language learners.

1 “(G) The entity has taken steps to ensure
2 that all authorized public chartering agencies
3 implement best practices for quality charter
4 school authorizing as described in section
5 1111(d)(1)(I).

6 “(g) LOCAL USES OF FUNDS.—An eligible applicant
7 receiving a subgrant under this section shall use such
8 funds to carry out activities to open and initially operate
9 new charter schools, replicate high-quality charter school
10 models and initially operate such schools, or expand exist-
11 ing high-quality charter schools and initially operate such
12 schools to ensure strong school starts, as submitted annu-
13 ally by the eligible applicant according to subparagraph
14 (e)(1)(C)(IV)..

15 “(h) REPORTING REQUIREMENTS.—Each State enti-
16 ty receiving a grant under this section shall submit to the
17 Secretary, at the end of the third year of the 5-year grant
18 period and at the end of such grant period, a report on—

19 “(1) the number of students served and, if ap-
20 plicable, how many new students were served during
21 each year of the grant period;

22 “(2) the number of subgrants awarded under
23 this section to carry out each of the following—

24 “(A) the opening of new charter schools;

1 “(B) the replication of high-quality charter
2 school models; and

3 “(C) the expansion of high-quality charter
4 schools;

5 “(3) the progress the entity made toward meet-
6 ing the priorities described in subsection (f)(2), as
7 applicable;

8 “(4) how the entity met the objectives of the
9 quality charter school program described in the enti-
10 ty’s application under subsection (e);

11 “(5) how the entity complied with, and ensured
12 that eligible applicants complied with, the assurances
13 described in the entity’s application; and

14 “(6) how the entity worked with authorized
15 public chartering agencies, including how the agen-
16 cies worked with the management company or lead-
17 ership of the schools in which the subgrants were
18 awarded.

19 “(i) STATE ENTITY DEFINED.—For purposes of this
20 section, the term ‘State entity’ means—

21 “(1) a State educational agency; or

22 “(2) a State charter school board.”.

23 **SEC. 504. FACILITIES FINANCING ASSISTANCE.**

24 Section 5204 (20 U.S.C. 7221c) is amended to read
25 as follows:

1 **“SEC. 5204. FACILITIES FINANCING ASSISTANCE.**

2 “(a) GRANTS TO ELIGIBLE ENTITIES.—

3 “(1) IN GENERAL.—From the amount reserved
4 under section 5202(b)(1), the Secretary shall award
5 not less than 3 grants to eligible entities that have
6 applications approved under subsection (d) to dem-
7 onstrate innovative methods of assisting charter
8 schools to address the cost of acquiring, con-
9 structing, and renovating facilities by enhancing the
10 availability of loans or bond financing.

11 “(2) ELIGIBLE ENTITY DEFINED.—For pur-
12 poses of this section, the term ‘eligible entity’
13 means—

14 “(A) a public entity, such as a State or
15 local governmental entity;

16 “(B) a private nonprofit entity; or

17 “(C) a consortium of entities described in
18 subparagraphs (A) and (B).

19 “(b) GRANTEE SELECTION.—

20 “(1) EVALUATION OF APPLICATION.—The Sec-
21 retary shall evaluate each application submitted
22 under subsection (d), and shall determine whether
23 the application is sufficient to merit approval.

24 “(2) DISTRIBUTION OF GRANTS.—The Sec-
25 retary shall award at least one grant to an eligible
26 entity described in subsection (a)(2)(A), at least one

1 grant to an eligible entity described in subsection
2 (a)(2)(B), and at least one grant to an eligible entity
3 described in subsection (a)(2)(C), if applications are
4 submitted that permit the Secretary to do so without
5 approving an application that is not of sufficient
6 quality to merit approval.

7 “(c) GRANT CHARACTERISTICS.—Grants under sub-
8 section (a) shall be of a sufficient size, scope, and quality
9 so as to ensure an effective demonstration of an innovative
10 means of enhancing credit for the financing of charter
11 school acquisition, construction, or renovation.

12 “(d) APPLICATIONS.—

13 “(1) IN GENERAL.—To receive a grant under
14 subsection (a), an eligible entity shall submit to the
15 Secretary an application in such form as the Sec-
16 retary may reasonably require.

17 “(2) CONTENTS.—An application submitted
18 under paragraph (1) shall contain—

19 “(A) a statement identifying the activities
20 proposed to be undertaken with funds received
21 under subsection (a), including how the eligible
22 entity will determine which charter schools will
23 receive assistance, and how much and what
24 types of assistance charter schools will receive;

1 “(B) a description of the involvement of
2 charter schools in the application’s development
3 and the design of the proposed activities;

4 “(C) a description of the eligible entity’s
5 expertise in capital market financing;

6 “(D) a description of how the proposed ac-
7 tivities will leverage the maximum amount of
8 private-sector financing capital relative to the
9 amount of government funding used and other-
10 wise enhance credit available to charter schools,
11 including how the entity will offer a combina-
12 tion of rates and terms more favorable than the
13 rates and terms that a charter school could re-
14 ceive without assistance from the entity under
15 this section;

16 “(E) a description of how the eligible enti-
17 ty possesses sufficient expertise in education to
18 evaluate the likelihood of success of a charter
19 school program for which facilities financing is
20 sought;

21 “(F) a description of how the eligible enti-
22 ty will encourage energy-efficient school build-
23 ing practices;

24 “(G) in the case of an application sub-
25 mitted by a State governmental entity, a de-

1 description of the actions that the entity has
2 taken, or will take, to ensure that charter
3 schools within the State receive the funding the
4 charter schools need to have adequate facilities;
5 and

6 “(H) such other information as the Sec-
7 retary may reasonably require.

8 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible
9 entity receiving a grant under this section shall use the
10 funds deposited in the reserve account established under
11 subsection (f) to assist one or more charter schools to ac-
12 cess private sector capital to accomplish one or both of
13 the following objectives:

14 “(1) The acquisition (by purchase, lease, dona-
15 tion, or otherwise) of an interest (including an inter-
16 est held by a third party for the benefit of a charter
17 school) in improved or unimproved real property
18 that is necessary to commence or continue the oper-
19 ation of a charter school.

20 “(2) The construction of new facilities, includ-
21 ing predevelopment costs, or the renovation, repair,
22 or alteration of existing facilities, necessary to com-
23 mence or continue the operation of a charter school.

24 “(f) RESERVE ACCOUNT.—

1 “(1) USE OF FUNDS.—To assist charter schools
2 to accomplish the objectives described in subsection
3 (e), an eligible entity receiving a grant under sub-
4 section (a) shall, in accordance with State and local
5 law, directly or indirectly, alone or in collaboration
6 with others, deposit the funds received under sub-
7 section (a) (other than funds used for administrative
8 costs in accordance with subsection (g)) in a reserve
9 account established and maintained by the eligible
10 entity for this purpose. Amounts deposited in such
11 account shall be used by the eligible entity for one
12 or more of the following purposes:

13 “(A) Guaranteeing, insuring, and rein-
14 suring bonds, notes, evidences of debt, loans,
15 and interests therein, the proceeds of which are
16 used for an objective described in subsection
17 (e).

18 “(B) Guaranteeing and insuring leases of
19 personal and real property for an objective de-
20 scribed in subsection (e).

21 “(C) Facilitating financing by identifying
22 potential lending sources, encouraging private
23 lending, and other similar activities that di-
24 rectly promote lending to, or for the benefit of,
25 charter schools.

1 “(D) Facilitating the issuance of bonds by
2 charter schools, or by other public entities for
3 the benefit of charter schools, by providing
4 technical, administrative, and other appropriate
5 assistance (including the recruitment of bond
6 counsel, underwriters, and potential investors
7 and the consolidation of multiple charter school
8 projects within a single bond issue).

9 “(2) INVESTMENT.—Funds received under this
10 section and deposited in the reserve account estab-
11 lished under paragraph (1) shall be invested in obli-
12 gations issued or guaranteed by the United States or
13 a State, or in other similarly low-risk securities.

14 “(3) REINVESTMENT OF EARNINGS.—Any earn-
15 ings on funds received under subsection (a) shall be
16 deposited in the reserve account established under
17 paragraph (1) and used in accordance with such
18 subsection.

19 “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An
20 eligible entity may use not more than 2.5 percent of the
21 funds received under subsection (a) for the administrative
22 costs of carrying out its responsibilities under this section
23 (excluding subsection (k)).

24 “(h) AUDITS AND REPORTS.—

1 “(1) FINANCIAL RECORD MAINTENANCE AND
2 AUDIT.—The financial records of each eligible entity
3 receiving a grant under subsection (a) shall be main-
4 tained in accordance with generally accepted ac-
5 counting principles and shall be subject to an annual
6 audit by an independent public accountant.

7 “(2) REPORTS.—

8 “(A) GRANTEE ANNUAL REPORTS.—Each
9 eligible entity receiving a grant under sub-
10 section (a) annually shall submit to the Sec-
11 retary a report of its operations and activities
12 under this section.

13 “(B) CONTENTS.—Each annual report
14 submitted under subparagraph (A) shall in-
15 clude—

16 “(i) a copy of the most recent finan-
17 cial statements, and any accompanying
18 opinion on such statements, prepared by
19 the independent public accountant review-
20 ing the financial records of the eligible en-
21 tity;

22 “(ii) a copy of any report made on an
23 audit of the financial records of the eligible
24 entity that was conducted under paragraph
25 (1) during the reporting period;

1 “(iii) an evaluation by the eligible en-
2 tity of the effectiveness of its use of the
3 Federal funds provided under subsection
4 (a) in leveraging private funds;

5 “(iv) a listing and description of the
6 charter schools served during the reporting
7 period, including the amount of funds used
8 by each school, the type of project facili-
9 tated by the grant, and the type of assist-
10 ance provided to the charter schools;

11 “(v) a description of the activities car-
12 ried out by the eligible entity to assist
13 charter schools in meeting the objectives
14 set forth in subsection (e); and

15 “(vi) a description of the characteris-
16 tics of lenders and other financial institu-
17 tions participating in the activities under-
18 taken by the eligible entity under this sec-
19 tion (excluding subsection (k)) during the
20 reporting period.

21 “(C) SECRETARIAL REPORT.—The Sec-
22 retary shall review the reports submitted under
23 subparagraph (A) and shall provide a com-
24 prehensive annual report to Congress on the ac-

1 tivities conducted under this section (excluding
2 subsection (k)).

3 “(i) NO FULL FAITH AND CREDIT FOR GRANTEE
4 OBLIGATION.—No financial obligation of an eligible entity
5 entered into pursuant to this section (such as an obliga-
6 tion under a guarantee, bond, note, evidence of debt, or
7 loan) shall be an obligation of, or guaranteed in any re-
8 spect by, the United States. The full faith and credit of
9 the United States is not pledged to the payment of funds
10 which may be required to be paid under any obligation
11 made by an eligible entity pursuant to any provision of
12 this section.

13 “(j) RECOVERY OF FUNDS.—

14 “(1) IN GENERAL.—The Secretary, in accord-
15 ance with chapter 37 of title 31, United States
16 Code, shall collect—

17 “(A) all of the funds in a reserve account
18 established by an eligible entity under sub-
19 section (f)(1) if the Secretary determines, not
20 earlier than 2 years after the date on which the
21 eligible entity first received funds under this
22 section (excluding subsection (k)), that the eli-
23 gible entity has failed to make substantial
24 progress in carrying out the purposes described
25 in subsection (f)(1); or

1 “(B) all or a portion of the funds in a re-
2 serve account established by an eligible entity
3 under subsection (f)(1) if the Secretary deter-
4 mines that the eligible entity has permanently
5 ceased to use all or a portion of the funds in
6 such account to accomplish any purpose de-
7 scribed in subsection (f)(1).

8 “(2) EXERCISE OF AUTHORITY.—The Secretary
9 shall not exercise the authority provided in para-
10 graph (1) to collect from any eligible entity any
11 funds that are being properly used to achieve one or
12 more of the purposes described in subsection (f)(1).

13 “(3) PROCEDURES.—The provisions of sections
14 451, 452, and 458 of the General Education Provi-
15 sions Act shall apply to the recovery of funds under
16 paragraph (1).

17 “(4) CONSTRUCTION.—This subsection shall
18 not be construed to impair or affect the authority of
19 the Secretary to recover funds under part D of the
20 General Education Provisions Act.

21 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

22 “(1) DEFINITION OF PER-PUPIL FACILITIES AID
23 PROGRAM.—In this subsection, the term ‘per-pupil
24 facilities aid program’ means a program in which a

1 State makes payments, on a per-pupil basis, to char-
2 ter schools to provide the schools with financing—

3 “(A) that is dedicated solely for funding
4 charter school facilities; or

5 “(B) a portion of which is dedicated for
6 funding charter school facilities.

7 “(2) GRANTS.—

8 “(A) IN GENERAL.—From the amount re-
9 served under section 5202(b)(1) remaining
10 after the Secretary makes grants under sub-
11 section (a), the Secretary shall make grants, on
12 a competitive basis, to States to pay for the
13 Federal share of the cost of establishing or en-
14 hancing, and administering per-pupil facilities
15 aid programs.

16 “(B) PERIOD.—The Secretary shall award
17 grants under this subsection for periods of not
18 more than 5 years.

19 “(C) FEDERAL SHARE.—The Federal
20 share of the cost described in subparagraph (A)
21 for a per-pupil facilities aid program shall be
22 not more than—

23 “(i) 90 percent of the cost, for the
24 first fiscal year for which the program re-
25 ceives assistance under this subsection;

1 “(ii) 80 percent in the second such
2 year;

3 “(iii) 60 percent in the third such
4 year;

5 “(iv) 40 percent in the fourth such
6 year; and

7 “(v) 20 percent in the fifth such year.

8 “(D) STATE SHARE.—A State receiving a
9 grant under this subsection may partner with 1
10 or more organizations to provide up to 50 per-
11 cent of the State share of the cost of estab-
12 lishing or enhancing, and administering the per-
13 pupil facilities aid program.

14 “(E) MULTIPLE GRANTS.—A State may
15 receive more than 1 grant under this sub-
16 section, so long as the amount of such funds
17 provided to charter schools increases with each
18 successive grant.

19 “(3) USE OF FUNDS.—

20 “(A) IN GENERAL.—A State that receives
21 a grant under this subsection shall use the
22 funds made available through the grant to es-
23 tablish or enhance, and administer, a per-pupil
24 facilities aid program for charter schools in the
25 State of the applicant.

1 “(B) EVALUATIONS; TECHNICAL ASSIST-
2 ANCE; DISSEMINATION.—From the amount
3 made available to a State through a grant
4 under this subsection for a fiscal year, the State
5 may reserve not more than 5 percent to carry
6 out evaluations, to provide technical assistance,
7 and to disseminate information.

8 “(C) SUPPLEMENT, NOT SUPPLANT.—
9 Funds made available under this subsection
10 shall be used to supplement, and not supplant,
11 State, and local public funds expended to pro-
12 vide per pupil facilities aid programs, oper-
13 ations financing programs, or other programs,
14 for charter schools.

15 “(4) REQUIREMENTS.—

16 “(A) VOLUNTARY PARTICIPATION.—No
17 State may be required to participate in a pro-
18 gram carried out under this subsection.

19 “(B) STATE LAW.—

20 “(i) IN GENERAL.—To be eligible to
21 receive a grant under this subsection, a
22 State shall establish or enhance, and ad-
23 minister, a per-pupil facilities aid program
24 for charter schools in the State, that—

25 “(I) is specified in State law; and

1 “(II) provides annual financing,
2 on a per-pupil basis, for charter
3 school facilities.

4 “(ii) SPECIAL RULE.—A State that is
5 required under State law to provide its
6 charter schools with access to adequate fa-
7 cility space may be eligible to receive a
8 grant under this subsection if the State
9 agrees to use the funds to develop a per-
10 pupil facilities aid program consistent with
11 the requirements of this subsection.

12 “(5) APPLICATIONS.—To be eligible to receive a
13 grant under this subsection, a State shall submit an
14 application to the Secretary at such time, in such
15 manner, and containing such information as the Sec-
16 retary may require.”.

17 **SEC. 505. NATIONAL ACTIVITIES.**

18 Section 5205 (20 U.S.C. 7221d) is amended to read
19 as follows:

20 **“SEC. 5205. NATIONAL ACTIVITIES.**

21 “(a) TECHNICAL ASSISTANCE, BEST PRACTICES,
22 AND EVALUATION.—From the amount reserved under sec-
23 tion 5202(b)(2), the Secretary shall—

24 “(1) disseminate technical assistance to State
25 entities in awarding subgrants under section 5203,

1 and eligible entities and States receiving grants
2 under section 5204;

3 “(2) disseminate best practices; and

4 “(3) in partnership with the Institute for Edu-
5 cation Sciences, as appropriate—

6 “(A) develop relevant performance metrics,
7 including student outcome data, for State enti-
8 ties, eligible entities, and schools that receive
9 funds under section 5203 and eligible appli-
10 cants and charter schools that receive funds
11 under section 5205(b);

12 “(B) assist such State entities, eligible ap-
13 plicants, and charter schools in collecting and
14 submitting data on such performance metrics to
15 the Secretary;

16 “(C) evaluate the performance of and con-
17 duct related research to—

18 “(i) determine which policies and
19 practices implemented using funds received
20 under section 5203 and 5205(b) have the
21 greatest impact on student achievement

22 “(ii) determine which charter school
23 models funded under this title lead to
24 measurably improved student outcomes on
25 statewide assessments;

1 “(iii) examine the transfer of best and
2 promising practices between charter
3 schools and other public schools;

4 “(iv) ensure the inclusion of all stu-
5 dent subgroups as described in section
6 1111(c)(3) in charter schools funded under
7 this title;

8 “(v) drive continuous improvement;
9 and

10 “(vi) inform the distribution of funds
11 to higher performing charter schools; and

12 “(D) disseminate the findings of the re-
13 search, evaluation and data collection described
14 in this section.

15 “(b) GRANTS TO ELIGIBLE APPLICANTS.—

16 “(1) IN GENERAL.—The Secretary shall make
17 grants, on a competitive basis, to eligible applicants
18 for the purpose of carrying out the activities de-
19 scribed in section 5202(a)(1), subparagraphs (A)
20 through (C) of section 5203(a)(1), and section
21 5203(g).

22 “(2) TERMS AND CONDITIONS.—Except as oth-
23 erwise provided in this subsection, grants awarded
24 under this subsection shall have the same terms and

1 conditions as grants awarded to State entities under
2 section 5203.

3 “(3) ELIGIBLE APPLICANT DEFINED.—For pur-
4 poses of this subsection, the term ‘eligible applicant’
5 means an eligible applicant that desires to open a
6 charter school in—

7 “(A) a State that did not apply for a grant
8 under section 5203;

9 “(B) a State that did not receive a grant
10 under section 5203; or

11 “(C) a State that received a grant under
12 section 5203 and is in the 4th or 5th year of
13 the grant period for such grant.

14 “(c) CONTRACTS AND GRANTS.—The Secretary may
15 carry out any of the activities described in this section di-
16 rectly or through grants, contracts, or cooperative agree-
17 ments.”.

18 **SEC. 506. RECORDS TRANSFER.**

19 Section 5208 (20 U.S.C. 7221g) is amended—

20 (1) by inserting “as quickly as possible and”
21 before “to the extent practicable”; and

22 (2) by striking “section 602” and inserting
23 “section 602(14)”.

24 **SEC. 507. DEFINITIONS.**

25 Section 5210 (20 U.S.C. 7221i) is amended—

1 (1) in paragraph (1)—

2 (A) by striking “and” at the end of sub-
3 paragraph (K);

4 (B) by striking the period at the end of
5 subparagraph (L) and inserting “; and”; and

6 (C) by adding at the end, the following:

7 “(M) may serve prekindergarten or post
8 secondary students.”;

9 (2) in paragraph (3)(B), by striking “under
10 section 5203(d)(3)”;

11 (3) by inserting at the end the following:

12 “(5) EXPANSION OF A HIGH-QUALITY CHARTER
13 SCHOOL.—The term ‘expansion of a high-quality
14 charter school’ means significantly increasing the en-
15 rollment of or adding more grades to a high-quality
16 charter school.

17 “(6) HIGH-QUALITY CHARTER SCHOOL.—The
18 term ‘high-quality charter school’ means a charter
19 school that—

20 “(A) shows evidence of increasing aca-
21 demic achievement for all students and student
22 subgroups as described in section 1111(c)(3),
23 including—

24 “(i) the percentage of students in on-
25 target and advanced levels of achievement

1 on the State academic assessments re-
2 quired under section 1111(b)(3) compared
3 to demographically similar schools in the
4 State;

5 “(ii) an average student academic,
6 longitudinal growth from one school year
7 to the next school year, if available and as
8 determined by the State, on the State aca-
9 demic assessments required under section
10 1111(b)(3) that exceeds such growth in de-
11 mographically similar schools in the State;

12 “(iii) in the case of a charter school
13 that is a secondary school—

14 “(I) a graduation rate that is
15 above the graduation rate for demo-
16 graphically similar schools in the
17 State; and

18 “(II) attendance, retention, and
19 postsecondary enrollment rates that
20 are above such rates for demographi-
21 cally similar schools in the State; and

22 “(iv) closing achievement gaps among
23 student subgroups as described in section
24 1111(c)(3) and all students served by the
25 charter school; and

1 “(B) has no significant issues in the areas
2 of student safety, school discipline, including
3 high rates of suspensions and expulsions, finan-
4 cial management, or statutory or regulatory
5 compliance, including quality charter school au-
6 thorizing standards described in section
7 1111(d)(1)(I).

8 “(7) HIGH-QUALITY CHARTER SCHOOL
9 MODEL.—The term ‘high-quality charter school
10 model’ means a high-quality charter school that pos-
11 sesses the capability, including sustainable financing,
12 to open another school campus under an existing
13 charter agreement.”.

14 **SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 5211 (20 U.S.C. 7221j) is amended to read
16 as follows:

17 **“SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.**

18 “‘There are authorized to be appropriated to carry out
19 this subpart \$300,000,000 for fiscal year 2014 and each
20 of the 5 succeeding fiscal years.’”.

21 **SEC. 509. CONFORMING AMENDMENTS.**

22 (a) REPEAL.—Subpart 2 of part B of title V (20
23 U.S.C. 7223 et seq.) is repealed.

24 (b) TABLE OF CONTENTS.—The table of contents in
25 section 2 is amended—

1 (1) by striking the item relating to section 5203
2 and inserting the following:

“Sec. 5203. Grants to support high-quality charter schools.”;

3 (2) by striking the item relating to section 5204
4 and inserting the following:

“Sec. 5204. Facilities Financing Assistance.”; and

5 (3) by striking subpart 2 of part B of title V.

6 **Subtitle B—Fund for the**
7 **Improvement of Education**

8 **SEC. 511. FUND FOR THE IMPROVEMENT OF EDUCATION.**

9 (a) IN GENERAL.—Part D of title V (20 U.S.C. 7241
10 et seq.) is amended to read as follows:

11 “PART D—A WELL-ROUNDED EDUCATION

12 “SUBPART 1—GRANTS TO SUPPORT STEM EDUCATION

13 “SEC. 5401. PURPOSE.

14 “The purpose of this subpart is to improve student
15 academic achievement in STEM subjects by—

16 “(1) improving instruction in such subjects
17 from preschool through grade 12;

18 “(2) improving student engagement in, and in-
19 creasing student access to, courses in such subjects;

20 “(3) improving the quality and effectiveness of
21 classroom instruction by recruiting, training, and
22 supporting effective teachers and providing robust
23 tools and supports for students and teachers in such
24 subjects;

1 “(4) implementing and integrating college and
2 career ready standards, described in section
3 1111(b)(2), in STEM subjects and assessments
4 aligned with those standards;

5 “(5) closing student achievement gaps, and pre-
6 paring more students for postsecondary education
7 and careers, in such subjects; and

8 “(6) Recognizing that STEM subjects are di-
9 verse and that STEM education programs must ex-
10 pose students to content and skills in a host of con-
11 stantly changing and evolving content areas.

12 **“SEC. 5402. GRANTS; ALLOTMENTS.**

13 “(a) RESERVATIONS.—

14 “(1) IN GENERAL.—From the amounts appro-
15 priated under section 5410 for a fiscal year, the Sec-
16 retary shall reserve—

17 “(A) \$35,000,000 for a STEM Master
18 Teachers Corps program under section 5405;

19 “(B) 3 percent to carry out activities de-
20 scribed in section 5405 and technical assistance
21 to States, including technical assistance with
22 implementation of programs consistent with the
23 purpose of this part; and

24 “(C) if funds are not awarded by formula,
25 as described in subsection (c)(1), 5 percent for

1 State capacity-building grants in accordance
2 with paragraph (2).

3 “(2) CAPACITY-BUILDING GRANTS.—

4 “(A) IN GENERAL.—In any year for which
5 funding is distributed competitively, as de-
6 scribed in subsection (b)(1), the Secretary may
7 award 1 capacity-building grant to each eligible
8 entity that does not receive a grant under sub-
9 section (b), on a competitive basis, to enable
10 such States to become more competitive in fu-
11 ture years.

12 “(B) DURATION.—Grants awarded under
13 subparagraph (A) shall be for a period of 1
14 year.

15 “(b) COMPETITIVE GRANTS.—

16 “(1) IN GENERAL.—For each fiscal year for
17 which the amount appropriated to carry out this Act
18 is less than \$250,000,000, the Secretary shall award
19 grants, on a competitive basis, to eligible entities to
20 enable such eligible entities to carry out the activi-
21 ties described in this Act.

22 “(2) DURATION.—Grants awarded under this
23 subsection shall be for a period of not more than 3
24 years.

25 “(3) RENEWAL.—

1 “(A) IN GENERAL.—If an eligible entity
2 demonstrates progress, as measured by the
3 metrics reported in section 5406(a)(5), the Sec-
4 retary may renew a grant for an additional 2-
5 year period.

6 “(B) REDUCED FUNDING.—Grant funds
7 awarded under subparagraph (A) shall be
8 awarded at a reduced amount.

9 “(c) FORMULA GRANTS.—

10 “(1) IN GENERAL.—For each fiscal year for
11 which the amount appropriated to carry out this Act
12 is equal to or more than \$250,000,000, the Sec-
13 retary shall award grants to States, based on the
14 formula described in paragraph (2).

15 “(2) DISTRIBUTION OF FUNDS.—The Secretary
16 shall allot to each State—

17 “(A) an amount that bears the same rela-
18 tionship to 35 percent of the excess amount as
19 the number of individuals ages 5 through 17 in
20 the State, as determined by the Secretary on
21 the basis of the most recent satisfactory data,
22 bears to the number of those individuals in all
23 such States, as so determined; and

24 “(B) an amount that bears the same rela-
25 tionship to 65 percent of the excess amount as

1 the number of individuals ages 5 through 17
2 from families with incomes below the poverty
3 line, in the State, as determined by the Sec-
4 retary on the basis of the most recent satisfac-
5 tory data, bears to the number of those individ-
6 uals in all such States, as so determined.

7 “(3) FUNDING MINIMUM.—No State receiving
8 an allotment under this subsection may receive less
9 than one-half of 1 percent of the total amount allot-
10 ted under paragraph (1) for a fiscal year.

11 “(4) REALLOTMENT OF UNUSED FUNDS.—If a
12 State does not successfully apply for or receive an
13 allotment under this subsection for a fiscal year, the
14 Secretary shall reallocate the amount of the State’s al-
15 lotment to the remaining States in accordance with
16 this subsection.

17 **“SEC. 5403. APPLICATIONS.**

18 “(a) IN GENERAL.—Each eligible entity desiring a
19 grant under this Act, whether through a competitive grant
20 under section 5402(b) or through an allotment under sec-
21 tion 5402(c), shall submit an application to the Secretary
22 at such time, in such manner, and accompanied by such
23 information as the Secretary may require.

24 “(b) CONTENTS.—At a minimum, an application sub-
25 mitted under subsection (a) shall include the following:

1 “(1) A description of how grant funds will be
2 used by the eligible entity.

3 “(2) A description of how the eligible entity has
4 involved a variety of stakeholders in the development
5 of the application and a description of how the State
6 or eligible entity will continue to involve stakeholders
7 in any education reform efforts related to STEM
8 subject instruction.

9 “(3) A description of the steps the eligible enti-
10 ty will take to ensure that programs implemented by
11 the subgrantees use evidence-based strategies, en-
12 sure high-quality curricula, and provide high-quality
13 professional development.

14 “(4) An assurance that the eligible entity, in
15 making awards under section 5404(c), will give pri-
16 ority to subgrantees that—

17 “(A) propose to serve students in schools
18 in need of improvement and persistently low
19 achieving schools; or

20 “(B) propose to serve schools with a high
21 percentage or number of students that are eligi-
22 ble for free or reduced price lunch under the
23 Richard B. Russell National School Lunch Act
24 (42 U.S.C. 1751 et seq.).

1 “(5) A description of how the eligible entity’s
2 activities and subgrants will be coordinated with
3 other Federal, State, and local programs and activi-
4 ties, including career and technical education pro-
5 grams authorized under the Carl D. Perkins Career
6 and Technical Education Act of 2006 (20 U.S.C.
7 2301 et seq.).

8 “(6) A review of the industry and business
9 workforce needs in the State in jobs that require
10 knowledge or training in STEM subject areas and a
11 description of how that review will inform efforts to
12 improve education in STEM subjects.

13 “(7) A description of how the eligible entity will
14 allocate funds in a manner that will provide services
15 to both elementary schools and secondary schools.

16 “(8) A description of the technical assistance
17 that the eligible entity will provide to subgrantees to
18 support the activities undertaken by the sub-
19 grantees, including—

20 “(A) activities to employ multi-tiered sys-
21 tems of support to provide early intervening
22 services and to increase student achievement in
23 STEM subjects;

24 “(B) activities to ensure increased access
25 for students who are traditionally underrep-

1 resented in STEM subject fields (including fe-
2 male students, minority students, students who
3 are limited English proficient, students who are
4 children with disabilities, and students from
5 low-income families) to high-quality courses and
6 other learning experiences;

7 “(C) implementing evidence-based pro-
8 grams of instruction based on college and ca-
9 reer ready standards and high-quality assess-
10 ments in the identified subjects; and

11 “(D) developing curricula consistent with
12 the principles of universal design for learning as
13 defined in section 103 of the Higher Education
14 Act of 1965.

15 “(9) A description of the key data metrics that
16 will be used and reported annually under section
17 5406(a)(5), that shall include—

18 “(A) student academic achievement on
19 mathematics and science State academic assess-
20 ments and student growth; and

21 “(B) for diploma granting schools, gradua-
22 tion rates.

23 “(10) Assurances that the eligible entity will
24 monitor implementation of approved subgrantee
25 plans.

1 **“SEC. 5404. AUTHORIZED ACTIVITIES.**

2 “(a) **REQUIRED ACTIVITIES.**—Each eligible entity
3 that receives a grant under this Act shall use not more
4 than 5 percent of the grant funds to carry out each of
5 the following activities:

6 “(1) Providing technical assistance to sub-
7 grantees as described in section 5403(b)(7) and
8 technical assistance to subgrantees that are
9 prioritized in section 5404(d), including subgrantees
10 that serve low-capacity rural and urban areas by—

11 “(A) informing those subgrantees that they
12 have a priority for competing for grants under
13 section 5404(b); and

14 “(B) providing subgrantees who do not re-
15 ceive a grant under section 5404(c) technical
16 assistance so that they may re-compete in fol-
17 lowing competitions.

18 “(2) Identifying and supporting high-quality
19 professional development and other comprehensive
20 systems of support for teachers and school leaders to
21 promote high-quality instruction and instructional
22 leadership in the identified subjects, aligned to col-
23 lege and career ready standards where applicable.

24 “(3) Disseminating information, including mak-
25 ing publicly available on the websites of the State

1 educational agency, on promising practices to im-
2 prove student achievement in STEM subject areas.

3 “(b) PERMISSIBLE ACTIVITIES.—Each eligible entity
4 that receives a grant under this Act may use the grant
5 funds to carry out 1 or more of the following activities:

6 “(1) Recruiting qualified teachers and instruc-
7 tional leaders who are trained in identified subjects,
8 including teachers who have transitioned into the
9 teaching profession from a career in a STEM field.

10 “(2) Providing induction and mentoring serv-
11 ices to new teachers in identified subjects.

12 “(3) Developing instructional supports, such as
13 curricula and assessments, which shall be evidence-
14 based and aligned with State academic standards
15 and may include online education.

16 “(4) Training personnel of subgrantees to use
17 data systems to continuously improve student
18 achievement in STEM subjects and use the data to
19 better target curriculum and instruction to meet the
20 needs of each student.

21 “(c) SUBGRANTS.—

22 “(1) IN GENERAL.—Each eligible entity that re-
23 ceives a grant under this Act shall award subgrants,
24 on a competitive basis, to eligible subgrantees.

1 “(2) MINIMUM SUBGRANT.—An eligible entity
2 shall award subgrants under this subsection that are
3 of sufficient size and scope to support high-quality,
4 evidence-based, effective programs that are con-
5 sistent with the purpose of this Act.

6 “(3) SUBGRANTEE APPLICATION.—Each sub-
7 grantee desiring a subgrant under this subsection
8 shall submit an application to the eligible entity at
9 such time, in such manner, and accompanied by
10 such information as the eligible entity may require,
11 including, at a minimum:

12 “(A) A description of the needs identified
13 by the subgrantee, based on a needs assessment
14 which shall include—

15 “(i) data for elementary school and
16 secondary school grades, as applicable and
17 to the extent that such data are available,
18 on—

19 “(I) student achievement in
20 science and mathematics, including
21 such data collected in accordance with
22 the State academic assessments;

23 “(II) science and mathematics
24 teacher evaluation results or ratings;

1 “(III) student access to mathe-
2 matics and science courses needed to
3 enroll in credit-bearing coursework at
4 institutions of higher education in the
5 State;

6 “(IV) access to science and
7 mathematics courses for student pre-
8 kindergarten through grade 12 at-
9 tending schools prioritized under sec-
10 tion 5404(d);

11 “(V) the percentage of students
12 successfully—

13 “(aa) completing Advanced
14 Placement (AP) or International
15 Baccalaureate (IB) courses in
16 science and mathematics sub-
17 jects; or

18 “(bb) completing rigorous
19 postsecondary education courses
20 in science and mathematics sub-
21 jects;

22 “(VI) rates of college remediation
23 in mathematics; and

24 “(VII) teacher shortages and
25 teacher distribution among the local

1 educational agencies and schools
2 served by the subgrantee in science
3 and mathematics subjects; and

4 “(ii) an analysis of the implementa-
5 tion of any multi-tiered systems of support
6 that have been employed by the local edu-
7 cational agency served by the subgrantee
8 to address the learning needs of students
9 in any STEM subjects.

10 “(B) A description of the activities that
11 the subgrantee will carry out based on the find-
12 ings of the needs assessment described in sub-
13 paragraph (A), and how such activities will im-
14 prove teaching and student academic achieve-
15 ment in the identified subjects, in a manner
16 consistent with evidence-based research.

17 “(C) A description of how the subgrantee
18 will use funds provided under this subsection to
19 serve students and teachers in schools
20 prioritized under section 5404(d).

21 “(D) A description of how funds provided
22 under this subsection will be coordinated with
23 other Federal, State, and local programs and
24 activities, including career and technical edu-
25 cation programs authorized under the Carl D.

1 Perkins Career and Technical Education Act of
2 2006 (20 U.S.C. 2301 et seq.).

3 “(E) If the subgrantee is working with
4 outside partners, a description of how such out-
5 side partners will be involved in improving in-
6 struction and increasing access to high-quality
7 learning experiences in the identified subjects.

8 “(4) SUBGRANTEE USE OF FUNDS.—

9 “(A) REQUIRED USE OF FUNDS.—Each
10 subgrantee that receives a subgrant under this
11 subsection shall use the subgrant funds to carry
12 out activities for students from preschool
13 through grade 12, consistent with the analysis
14 and the activities described in the subgrantee’s
15 application, which shall include—

16 “(i) high-quality teacher and instruc-
17 tional leader recruitment, support, evalua-
18 tion, and professional development in the
19 identified subjects;

20 “(ii) professional development, which
21 may include development and support for
22 instructional coaches, to enable teachers
23 and instructional leaders to increase stu-
24 dent achievement in identified subjects,
25 through—

1 “(I) implementation of classroom
2 assessments; and

3 “(II) differentiation of instruc-
4 tion in identified subjects for all stu-
5 dents, including for students with dis-
6 abilities and students who are English
7 learners;

8 “(iii) activities to—

9 “(I) improve the content knowl-
10 edge of teachers; and

11 “(II) facilitate professional col-
12 laboration, which may include pro-
13 viding time for such collaborations;

14 “(iv) training to principals and teach-
15 ers in implementing STEM subject initia-
16 tives, particularly in the areas of—

17 “(I) utilizing data;

18 “(II) assessing the quality of
19 STEM subject instruction; and

20 “(III) providing time and support
21 for teachers to plan STEM subject in-
22 struction;

23 “(v) the development, adoption, and
24 improvement of high-quality curricula, as-

1 assessments, materials, and instructional
2 supports that—

3 “(I) are aligned with State aca-
4 demic standards; and

5 “(II) the subgrantee will use to
6 improve student academic achieve-
7 ment in identified subjects; and

8 “(vi) the development or improvement,
9 and implementation, of multi-tiered sys-
10 tems of support to provide early inter-
11 vening services and to increase student
12 achievement in 1 or more of the identified
13 subjects.

14 “(B) PERMISSIBLE USE OF FUNDS.—In
15 addition to the required activities described in
16 subparagraph (A), each subgrantee that re-
17 ceives a subgrant under this subsection, may
18 also use the subgrant funds to—

19 “(i) support the participation of low-
20 income students in nonprofit competitions
21 and out-of-school activities related to
22 STEM (such as robotics, science research,
23 invention, mathematics, and technology
24 competitions), including—

1 “(I) the purchase of parts and
2 supplies needed to participate in such
3 competitions;

4 “(II) incentives and stipends for
5 teachers and instructional leaders who
6 are involved in assisting students and
7 preparing students for such competi-
8 tions, if such activities fall outside the
9 regular duties and responsibilities of
10 such teachers and instructional lead-
11 ers; and

12 “(III) paying expenses associated
13 with the participation of low-income
14 students in such local, regional, or na-
15 tional competitions;

16 “(ii) improve the laboratories of
17 schools served by the subgrantee and pro-
18 vide instrumentation as part of a com-
19 prehensive program to enhance the quality
20 of STEM instruction, including—

21 “(I) purchase, rental, or leasing
22 of equipment, instrumentation, and
23 other scientific educational materials;

1 “(II) maintenance, renovation,
2 and improvement of laboratory facili-
3 ties;

4 “(III) professional development
5 and training for teachers;

6 “(IV) development of instruc-
7 tional programs designed to integrate
8 the laboratory experience with class-
9 room instruction and to be consistent
10 with college and career ready content
11 standards in STEM subjects;

12 “(V) training in laboratory safety
13 for school personnel;

14 “(VI) design and implementation
15 of hands-on laboratory experiences to
16 encourage the interest of students, es-
17 pecially students who are traditionally
18 underrepresented in STEM subject
19 fields (including female students, mi-
20 nority students, students who are lim-
21 ited English proficient, students who
22 are children with disabilities, and stu-
23 dents from low-income families) in
24 STEM subjects and help prepare such

1 students to pursue postsecondary
2 studies in these fields; and

3 “(VII) assessment of the activi-
4 ties funded under this subparagraph;

5 “(iii) broaden secondary school stu-
6 dents’ access to, and interest in, careers
7 that require academic preparation in 1 or
8 more identified subjects;

9 “(iv) integrate instruction in the iden-
10 tified subjects with instruction in reading,
11 English language arts, or other core and
12 noncore academic subjects;

13 “(v) develop and implement a STEAM
14 curriculum, which means the integration of
15 instruction in the identified subjects with
16 instruction in the arts and design; or

17 “(vi) establish or access online or dis-
18 tance learning programs for STEM subject
19 teachers using evidence-based curricula.

20 “(C) LIMITATION.—Each subgrantee that
21 receives a subgrant under this subsection shall
22 not expend more than 15 percent of the
23 subgrant funds on the activities described in
24 subparagraph (B).

25 “(D) MATCHING FUNDS.—

1 “(i) IN GENERAL.—A State or eligible
2 entity may require an eligible subgrantee
3 receiving a subgrant under this subsection
4 to demonstrate that such subgrantee has
5 obtained a commitment from 1 or more
6 outside partners to match, using non-Fed-
7 eral funds, a portion of the amount of
8 subgrant funds, in an amount determined
9 by the State or eligible entity.

10 “(ii) REQUIRED MINIMUM.—Notwith-
11 standing clause (i), if an eligible sub-
12 grantee partners with an outside partner
13 that is a for-profit entity, such subgrantee
14 shall obtain matching funds from the out-
15 side partner in an amount equal to not less
16 than 15 percent of the amount of the
17 subgrant.

18 “(d) PRIORITY.—In awarding grants under this part,
19 an eligible entity shall give priority to subgrantees pro-
20 posing to target services to—

21 “(1) students in schools in need of improvement
22 and persistently low-achieving schools; or

23 “(2) schools with a high percentage of students
24 that are eligible for free or reduced price lunch

1 under the Richard B. Russell National School Lunch
2 Act (42 U.S.C. 1751 et seq.).

3 **“SEC. 5405. NATIONAL COORDINATION.**

4 “From the amount reserved under section
5 5402(a)(1)(B), the Secretary shall consult with the Direc-
6 tor of the National Science Foundation and other Federal
7 agencies conducting STEM education programs to en-
8 hance such programs and to improve coordination across
9 agencies, such as—

10 “(1) clarifying the appropriate roles for the De-
11 partment of Education and the National Science
12 Foundation in the execution of summer workshops,
13 institutes, or partnerships to improve STEM edu-
14 cation in elementary and secondary schools; or

15 “(2) integrating afterschool, out-of-school, and
16 informal education efforts conducted across Federal
17 agencies into strategies for enhancing and improving
18 STEM education.

19 **“SEC. 5406. STEM MASTER TEACHER CORPS PROGRAM.**

20 “(a) GRANTS AUTHORIZED.—From the funds re-
21 served under section 5402(a)(1)(A), the Secretary shall
22 award 1 or more grants, on a competitive basis, to entities
23 described in subsection (b)(1) to enable such entities to
24 establish and operate a one-time STEM master teacher
25 corps program.

1 “(b) STEM MASTER TEACHER CORPS.—The term
2 ‘STEM master teacher corps’ (referred to in this section
3 as the ‘corps’) means a one-time program—

4 “(1) that establishes the viability of creating a
5 long-term national-level master teacher corps as a
6 means to recognize and reward accomplished STEM
7 educators;

8 “(2) operated by 1 or more State educational
9 agencies, or a consortium of local educational agen-
10 cies, acting in partnership with 1 or more outside
11 partners that have a demonstrated record of success
12 in improving the effectiveness of STEM teachers or
13 increasing the retention of such teachers;

14 “(3) that selects a group of highly rated teach-
15 ers (through a process, and for a duration, deter-
16 mined by the entity described in paragraph (1)), as
17 members of the corps, that constitutes not less than
18 5 percent and not more than 10 percent of elemen-
19 tary school, middle school, and high school teachers
20 who teach STEM subjects and who—

21 “(A) teach in a participating high-need
22 school in the region served by the entity de-
23 scribed in paragraph (1); or

24 “(B) agree to teach in a participating
25 high-need school in the region served by the en-

1 tity described in paragraph (1) if accepted as a
2 member of the corps; and

3 “(4) that aims to attract, improve, and retain
4 teachers who teach STEM subjects and to increase
5 student achievement in such subjects, including by—

6 “(A) providing instructional leadership re-
7 sponsibilities for corps members in their
8 schools, local educational agencies, or States,
9 such as mentoring beginning STEM teachers
10 and leading professional development activities
11 for teachers not participating in the corps;

12 “(B) providing corps members with re-
13 search-based professional development on in-
14 structional leadership and effective teaching
15 methods for STEM subjects, including coordi-
16 nating with out-of-school-time and afterschool
17 programs to provide engaging STEM programs;

18 “(C) providing each teacher who is a corps
19 member with a salary supplement of not less
20 than \$10,000 per year, in recognition of such
21 teacher’s teaching accomplishments, leadership,
22 and increased responsibilities, for each year
23 such teacher serves as a member of the corps;
24 and

1 “(D) building a community of practice
2 among corps members to enable such members
3 to network, collaborate, and to share best prac-
4 tices and resources with each other.

5 “(c) DURATION.—Grants awarded under this section
6 shall be for a period of not more than 3 years, after which
7 the program under this subsection shall end.

8 “(d) APPLICATION.—Each entity described in sub-
9 section (b)(1) desiring a grant under this section shall
10 submit an application to the Secretary at such time, in
11 such manner, and accompanied by such information as the
12 Secretary may require.

13 “(e) MATCHING FUNDS.—The Secretary may require
14 a grantee under this section to provide non-Federal
15 matching funds in an amount equal to the amount of
16 grant funds awarded under this section.

17 **“SEC. 5407. REPORTING REQUIREMENTS.**

18 “(a) ELIGIBLE ENTITY REPORTS.—Each State edu-
19 cational agency receiving an award under section 5403
20 shall report annually to the Secretary regarding the State
21 educational agency’s progress in addressing the purposes
22 of this Act. Such report shall include, at a minimum, a
23 description of—

24 “(1) the professional development activities pro-
25 vided under the award, including types of activities

1 and entities involved in providing professional devel-
2 opment to classroom teachers and other program
3 staff;

4 “(2) the types of programs and, for children
5 from preschool to kindergarten entry, program set-
6 tings, funded under the award;

7 “(3) the ages and demographic information that
8 is not individually identifiable of children served by
9 the programs funded under the award;

10 “(4) student performance on data metrics iden-
11 tified under section 5403(b)(8) used for STEM ini-
12 tiatives; and

13 “(5) the outcomes of programs and activities
14 provided under the award.

15 “(b) ELIGIBLE SUBGRANTEE REPORTS.—Each eligi-
16 ble entity receiving a subgrant under section 5404(c) shall
17 report annually to the State educational agency regarding
18 the eligible entity’s progress in addressing the purposes
19 of this Act. Such report shall include, at a minimum, a
20 description of—

21 “(1) how the subgrant funds were used; and

22 “(2) student performance on relevant program
23 metrics, as identified in the State education agency’s
24 implementation plan under section 5403(b)(8).

1 **“SEC. 5408. SUPPLEMENT NOT SUPPLANT.**

2 “Funds received under this Act shall be used to sup-
3 plement, and not supplant, funds that would otherwise be
4 used for activities authorized under this Act.

5 **“SEC. 5409. MAINTENANCE OF EFFORT.**

6 “A State that receives funds under this Act for a fis-
7 cal year shall maintain the fiscal effort provided by the
8 State for the subjects supported by the funds under this
9 Act at a level equal to or greater than the level of such
10 fiscal effort for the preceding fiscal year.

11 **“SEC. 5410. DEFINITIONS.**

12 “In this Act:

13 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
14 tity’ means a State educational agency in partner-
15 ship with—

16 “(A) another State educational agency;

17 “(B) a consortium of State educational
18 agencies; or

19 “(C) the State agencies that oversee
20 childcare programs, state-funded prekindergarten,
21 and part C of IDEA.

22 “(2) ELIGIBLE SUBGRANTEE.—The term ‘eligi-
23 ble subgrantee’ means—

24 “(A) a local educational agency;

25 “(B) 1 or more local educational agencies
26 providing early learning programs, or 1 or more

1 public or private early learning programs, serv-
2 ing children from preschool through kinder-
3 garten entry, such as a Head Start agency, a
4 child care program, or a State-funded pre-kin-
5 dergarten program, as appropriate;

6 “(C) an educational service agency serving
7 more than 1 local educational agency; or

8 “(D) a consortium of local educational
9 agencies.

10 “(3) MULTI-TIERED SYSTEM OF SUPPORT.—

11 For purposes of this Act, the term ‘multi-tiered sys-
12 tem of support’ means a comprehensive system of
13 differentiated supports that includes evidence-based
14 instruction, universal screening, progress monitoring,
15 formative assessments, research-based interventions
16 matched to student needs and educational decision-
17 making using student outcome data.

18 “(4) OUTSIDE PARTNER.—The term ‘outside
19 partner’ means an entity that has expertise and a
20 demonstrated record of success in improving student
21 learning and engagement in the STEM subjects, in-
22 cluding any of the following:

23 “(A) A nonprofit or community-based or-
24 ganization, such as an Indian tribe.

25 “(B) A business.

1 “(C) A nonprofit cultural organization,
2 such as a museum or learning center.

3 “(D) An institution of higher education.

4 “(E) An educational service agency.

5 “(F) Another appropriate entity.

6 “(5) STEM SUBJECTS.—The term ‘STEM
7 Subjects’ means the subjects of science, technology,
8 engineering, and mathematics, including other aca-
9 demic subjects that build on or are integrated with
10 these subjects, such as statistics, computer science,
11 and environmental science, the arts and design, or
12 other subjects a State identifies as important to the
13 workforce of the State.

14 **“SEC. 5411. AUTHORIZATION OF APPROPRIATIONS.**

15 “‘There are authorized to be appropriated to carry out
16 this subpart \$500,000,000 for fiscal year 2014 and such
17 sums as may be necessary for subsequent fiscal years.

18 “SUBPART 2—GRANTS TO SUPPORT COMPREHENSIVE
19 LITERACY EDUCATION

20 **“SEC. 5421. PURPOSES.**

21 “‘The purposes of this part are—

22 “(1) to improve student literacy and academic
23 achievement, including the ability to problem solve,
24 communicate effectively, and acquire new knowledge
25 and skills;

1 “(2) to assist State educational agencies and
2 local educational agencies in the development, co-
3 ordination, and implementation of comprehensive lit-
4 eracy plans that promote high-quality evidence based
5 instruction in alignment with State early learning
6 and college- and career-ready standards from pre-
7 school through grade 12;

8 “(3) to identify and support students reading
9 and writing significantly below grade level by pro-
10 viding evidence-based, intensive interventions to help
11 the students acquire the language and literacy skills
12 the students need to stay on track for graduation;

13 “(4) to support State educational agencies and
14 local educational agencies in improving reading,
15 writing, and literacy-based academic achievement for
16 children and students, especially children and stu-
17 dents who are low-income, are English learners, are
18 migratory, are children with disabilities, are Indian
19 or Alaskan Native, are neglected or delinquent, are
20 homeless, are in the custody of the child welfare sys-
21 tem, or have dropped out of school;

22 “(5) to provide assistance to local educational
23 agencies in order to provide educators with ongoing,
24 job-embedded professional development and other
25 support focusing on imparting and employing—

1 “(A) the characteristics of effective lan-
2 guage and literacy instruction;

3 “(B) the special knowledge and skills nec-
4 essary to teach and support literacy develop-
5 ment effectively across the developmental span
6 and age span;

7 “(C) the essential components of reading
8 instruction; and

9 “(D) the essential components of writing
10 instruction;

11 “(6) to evaluate whether the professional devel-
12 opment activities and approaches are effective in
13 building knowledge and skills of educators and their
14 use of appropriate and effective practices.

15 “(7) to support State educational agencies and
16 local educational agencies in using age appropriate
17 and developmentally appropriate instructional mate-
18 rials and strategies that assist teachers as the teach-
19 ers work with students to develop reading and writ-
20 ing competencies appropriate to the students’ grade
21 and skill levels;

22 “(8) to support efforts to link and align college
23 and career-ready standards and evidence-based
24 teaching practices and instruction in early childhood

1 education programs serving children from preschool
2 through kindergarten entry;

3 “(9) strengthening coordination among schools,
4 early literacy programs, family literacy programs, ju-
5 venile justice programs, public libraries, and outside-
6 of-school programs that provide children and youth
7 with strategies, curricula, interventions, and assess-
8 ments designed to advance early and continuing lan-
9 guage and literacy development in ways appropriate
10 for each context; and

11 “(10) to engage the participation of parents in
12 supporting their child’s communication and literacy
13 development.

14 **“SEC. 5422. PROGRAM AUTHORIZED.**

15 “(a) IN GENERAL.—The Secretary is authorized—

16 “(1) to award State planning grants in accord-
17 ance with section 5423; and

18 “(2) to award State implementation grants in
19 accordance with section 5424 to enable the State
20 educational agency to—

21 “(A) carry out the State activities de-
22 scribed in section 5425;

23 “(B) award subgrants to eligible entities in
24 accordance with section 5426; and

1 “(C) award subgrants to eligible entities in
2 accordance with section 5427.

3 “(b) AWARDS TO STATE EDUCATIONAL AGENCIES.—

4 “(1) AMOUNTS LESS THAN \$250,000,000.—If the
5 amount appropriated under section 5430 for a fiscal
6 year is less than \$250,000,000, then the Secretary
7 shall—

8 “(A) reserve not more than 5 percent to
9 award planning grants, on a competitive basis,
10 to State educational agencies, in accordance
11 with section 5423; and

12 “(B) use the amount not reserved under
13 subparagraphs (A) to make awards, on a com-
14 petitive basis, to State educational agencies
15 serving States that have applications approved
16 under section 5424(b) to enable the State edu-
17 cational agencies to carry out sections 5424 and
18 5425.

19 “(2) AMOUNTS EQUAL TO OR EXCEEDING
20 \$250,000,000.—

21 “(A) IN GENERAL.—If the amount appro-
22 priated under section 5430 for a fiscal year
23 equals or exceeds \$250,000,000, then the Sec-
24 retary shall—

1 “(i) reserve a total of 1 percent of
2 such amount for—

3 “(I) allotments for the United
4 States Virgin Islands, Guam, Amer-
5 ican Samoa, and the Commonwealth
6 of the Northern Mariana Islands, to
7 be distributed among such outlying
8 areas on the basis of their relative
9 need, as determined by the Secretary
10 in accordance with the purposes of
11 this Act; and

12 “(II) the Secretary of the Inte-
13 rior for programs under sections
14 5423, 5424, 5425, 5426, and 5427 in
15 schools operated or funded by the Bu-
16 reau of Indian Education;

17 “(ii) reserve not more than 5 percent
18 to award planning grants, to State edu-
19 cational agencies serving States, in accord-
20 ance with section 5423;

21 “(iii) reserve not more than 3 percent
22 for national activities, such as evaluations,
23 training, and technical assistance, to the
24 Department of Education to support com-

1 prehensive literacy reform at the State
2 level; and

3 “(iv) use the amount not reserved
4 under clauses (i), and (ii) to make awards,
5 from allotments under subparagraph (C),
6 to State educational agencies serving
7 States that have applications approved
8 under section 5424 and that are not re-
9 ceiving an allotment under clause (i)(I), to
10 enable the State educational agencies to
11 carry out sections 5424 and 5425.

12 “(B) SPECIAL RULES.—

13 “(i) PROPORTIONAL DIVISION.—In
14 each fiscal year, the amount reserved
15 under subparagraph (A)(i) shall be divided
16 between the uses described in subclauses
17 (I) and (II) of subparagraph (A)(i) in the
18 same proportion as the amount reserved
19 under section 1121(a) of the Elementary
20 and Secondary Education Act of 1965 (20
21 U.S.C. 6331(a)) is divided between the
22 uses described in paragraphs (1) and (2)
23 of such section 1121(a) for such fiscal
24 year.

1 “(ii) CONSULTATION.—A State edu-
2 cational agency that receives an allotment
3 under this paragraph shall engage in time-
4 ly and meaningful consultation with rep-
5 resentatives of Indian tribes located in the
6 State in order to improve the coordination
7 and quality of activities designed to de-
8 velop effective approaches to achieve the
9 purposes of this Act consistent with the
10 cultural, language, and educational needs
11 of Indian students.

12 “(C) STATE ALLOTMENT FORMULA.—The
13 Secretary shall allot the amount made available
14 under subparagraph (A)(iv) for a fiscal year
15 among the States not receiving an allotment
16 from the reservation under subparagraph
17 (A)(i)(I) in proportion to the number of chil-
18 dren, from preschool through age 17, who re-
19 side within the State and are from families with
20 incomes below the poverty line for the most re-
21 cent fiscal year for which satisfactory data are
22 available, compared to the number of such chil-
23 dren who reside in all such States for that fiscal
24 year.

1 “(3) MINIMUM AWARD AMOUNT.—Notwith-
2 standing paragraphs (1) and (2), no State edu-
3 cational agency receiving an award under this sec-
4 tion for a fiscal year may receive less than one-
5 fourth of 1 percent of the total amount appropriated
6 under section 5430 for the fiscal year, except as pro-
7 vided under paragraph (2)(A)(i).

8 “(c) PEER REVIEW.—The Secretary shall convene a
9 peer review panel to evaluate the application for each
10 grant awarded to a State educational agency under sec-
11 tions 5423 and 5424 and shall make a copy of the peer
12 review comments available to the public.

13 “(d) SUPPLEMENT NOT SUPPLANT.—Award funds
14 provided under this Act shall supplement, and not sup-
15 plant, other Federal, State, or local funds that would, in
16 the absence of such award funds, be made available for
17 literacy instruction and support of children and students
18 participating in programs assisted under this Act.

19 “(e) MAINTENANCE OF EFFORT.—Each State edu-
20 cational agency that receives an award under sections
21 5423 and 5424, and each eligible entity that receives a
22 subgrant under section 5426 or 5427, shall maintain for
23 the fiscal year for which the grant or subgrant is received
24 and for each subsequent fiscal year the expenditures of
25 the State educational agency or eligible entity, respec-

1 tively, for literacy instruction at a level not less than the
2 level of such expenditures maintained by the State edu-
3 cational agency or eligible entity, respectively, for the fis-
4 cal year preceding such fiscal year for which the grant
5 or subgrant is received.

6 **“SEC. 5423. STATE PLANNING GRANTS.**

7 “(a) PLANNING GRANTS AUTHORIZED.—

8 “(1) IN GENERAL.—From any amounts made
9 available under paragraph (1)(A) or (2)(A)(ii) of
10 section 5422(b), the Secretary may award planning
11 grants to State educational agencies to enable the
12 State educational agencies to develop or improve a
13 comprehensive planning to carry out activities that
14 improve literacy for children and students from pre-
15 school through grade 12.

16 “(2) GRANT PERIOD.—A planning grant award-
17 ed under this section shall be for a period of not
18 more than 1 year.

19 “(3) NONRENEWABILITY.—The Secretary shall
20 not award a State educational agency more than 1
21 planning grant under this section.

22 “(4) LIMITATION.—A State educational agency
23 may not receive a planning grant under this section
24 at the same time it is receiving an implementation
25 grant under section 5424.

1 “(b) APPLICATION.—

2 “(1) IN GENERAL.—Each State educational
3 agency desiring a planning grant under this section
4 shall submit an application to the Secretary at such
5 time, in such manner, and accompanied by such in-
6 formation as the Secretary may require.

7 “(2) EXISTING PLAN.—An existing federally
8 funded State literacy plan can be used to meet the
9 requirements of this subsection.

10 “(c) REQUIRED ACTIVITIES.—A State educational
11 agency receiving planning grant funds under this section
12 shall carry out each of the following activities:

13 “(1) Reviewing reading, writing, or other lit-
14 eracy resources and programs, such as school library
15 programs, high-quality distance learning programs,
16 and data across the State to identify any literacy
17 needs and gaps in the State.

18 “(2) Forming or designating a State literacy
19 leadership team which shall execute the following
20 functions:

21 “(A) Creating a comprehensive State lit-
22 eracy plan that—

23 “(i) is designed to improve language,
24 reading, writing, and academic achieve-

1 ment for children and students, especially
2 those reading below grade level;

3 “(ii) includes a needs assessment and
4 an implementation plan, including an anal-
5 ysis of child and student literacy data to
6 identify baseline and benchmark levels of
7 literacy and early literacy skills in order to
8 monitor progress and improvement, and a
9 plan to improve literacy levels among all
10 children and students;

11 “(iii) ensures high quality strategies
12 and instruction in early literacy develop-
13 ment (which includes communication, read-
14 ing, and writing) in early childhood edu-
15 cation programs serving children from pre-
16 school through kindergarten entry and in
17 kindergarten through grade 12 programs;

18 “(iv) provides for activities designed
19 to improve literacy achievement for stu-
20 dents who—

21 “(I) read or write below grade
22 level;

23 “(II) attend schools in need of
24 improvement and persistently low-
25 achieving schools; and

1 “(III) attend schools with a high
2 percentage or number of students that
3 are eligible for free or reduced price
4 lunch under the Richard B. Russell
5 National School Lunch Act (42
6 U.S.C. 1751 et seq.); and

7 “(v) is submitted to the Secretary.

8 “(B) Providing recommendations to guide
9 the State educational agency in the State edu-
10 cational agency’s process of strengthening State
11 literacy standards and embedding State literacy
12 standards with the State’s college and career
13 ready standards, academic achievement stand-
14 ards, and early learning standards.

15 “(C) Providing recommendations to guide
16 the State educational agency in the State edu-
17 cational agency’s process of measuring, assess-
18 ing, and monitoring progress in literacy at the
19 school, local educational agency, and State lev-
20 els.

21 “(D) Identifying criteria for high quality
22 professional development providers, which pro-
23 viders may include qualified teachers within the
24 State, for the State educational agency and
25 local educational agencies.

1 “(E) Advising the State educational agen-
2 cy on how to help ensure that local educational
3 agencies and schools provide timely and appro-
4 priate data to teachers to inform and improve
5 instruction.

6 “(F) Providing recommendations to guide
7 the State educational agency in the State edu-
8 cational agency’s planning process of building
9 educators’ capacity to provide high-quality lit-
10 eracy instruction.

11 “(3) REPORTING REQUIREMENT.—Not later
12 than 1 year after a State educational agency receives
13 a planning grant under this section, the State edu-
14 cational agency shall submit a report to the Sec-
15 retary on the State educational agency’s perform-
16 ance of the activities described in this subsection.

17 **“SEC. 5424. STATE IMPLEMENTATION GRANTS.**

18 “(a) IMPLEMENTATION GRANTS AUTHORIZED.—

19 “(1) IN GENERAL.—From awards made avail-
20 able under paragraph (1)(B) or (2)(A)(iv) of section
21 5422(b), the Secretary shall, on a competitive basis
22 or through allotments, respectively, award implemen-
23 tation grants to State educational agencies to enable
24 the State educational agencies—

1 “(A) to implement a comprehensive lit-
2 eracy plan that meets the criteria in section
3 5423(c)(2)(A) for programs serving children
4 from preschool through kindergarten entry
5 through grade 12 programs;

6 “(B) to carry out State activities under
7 section 5425; and

8 “(C) to award subgrants under sections
9 5426 and 5427.

10 “(2) LIMITATION.—The Secretary shall not
11 award a implementation grant under this section to
12 a State for any year for which the State has received
13 a planning grant under section 5423.

14 “(3) DURATION OF GRANTS.—An implementa-
15 tion grant under this section shall be awarded for a
16 period of not more than 5 years.

17 “(4) RENEWALS.—

18 “(A) IN GENERAL.—Implementation
19 grants under this section may be renewed.

20 “(B) CONDITIONS.—In order to be eligible
21 to have an implementation grant renewed under
22 this paragraph, the State educational agency
23 shall demonstrate to the satisfaction of the Sec-
24 retary that—

1 “(i) the State educational agency has
2 complied with the terms of the grant, in-
3 cluding using the funds to—

4 “(I) increase access to high-qual-
5 ity professional development;

6 “(II) use developmentally appro-
7 priate curricula and teaching mate-
8 rials; and

9 “(III) use developmentally appro-
10 priate classroom-based instructional
11 assessments and developmentally ap-
12 propriate screening and diagnostic as-
13 sessments; and

14 “(ii) with respect to students in kin-
15 dergarten through grade 12, during the pe-
16 riod of the grant there has been significant
17 progress in student achievement, as meas-
18 ured by the metrics described in section
19 5424(b)(2)(C).

20 “(b) STATE APPLICATIONS.—

21 “(1) IN GENERAL.—A State educational agency
22 that desires to receive an implementation grant
23 under this section shall submit an application to the
24 Secretary at such time, in such manner, and con-
25 taining such information as the Secretary may re-

1 quire. The State educational agency shall collaborate
2 with all State agencies responsible for administering
3 early childhood education programs, and the State
4 agency responsible for administering child care pro-
5 grams, in the State in writing and implementing the
6 early learning portion of the grant application under
7 this subsection.

8 “(2) CONTENTS.—An application described in
9 paragraph (1) shall include the following:

10 “(A) A description of the members of the
11 State literacy leadership team and a description
12 of how the State educational agency has devel-
13 oped a comprehensive State literacy plan, as de-
14 scribed in section 5423(c)(2)(A).

15 “(B) An implementation plan that includes
16 a description of how the State educational agen-
17 cy will—

18 “(i) carry out the State activities de-
19 scribed in section 5425;

20 “(ii) assist eligible entities with—

21 “(I) providing strategic and in-
22 tensive literacy instruction based on
23 scientifically valid research for stu-
24 dents who are reading and writing
25 below grade level, including through

1 the use of multi-tiered systems of sup-
2 port, including addressing the literacy
3 needs of children and youth with dis-
4 abilities or developmental delays and
5 English learners in early childhood
6 education programs serving children
7 from preschool through kindergarten
8 entry and programs serving students
9 from preschool through grade 12;

10 “(II) providing training to par-
11 ents, as appropriate, so that the par-
12 ents can participate in the literacy re-
13 lated activities described in sections
14 5426 and 5427 to assist in the lan-
15 guage and literacy development of
16 their children;

17 “(III) selecting and using read-
18 ing and writing assessments;

19 “(IV) providing classroom-based
20 instruction that is supported by one-
21 to-one and small group work;

22 “(V) using curricular materials
23 and instructional tools, which may in-
24 clude technology, to improve instruc-
25 tion and literacy achievement;

1 “(VI) providing for high-quality
2 professional development; and

3 “(VII) using the principles of
4 universal design for learning, as de-
5 scribed in section 5429(b)(21);

6 “(iii) ensure that local educational
7 agencies in the State have leveraged and
8 are effectively leveraging the resources
9 needed to implement effective literacy in-
10 struction, and have the capacity to imple-
11 ment literacy initiatives effectively;

12 “(iv) continually coordinate and align
13 the activities assisted under this section
14 and sections 5426 and 5427 with reading,
15 writing, and other literacy resources and
16 programs across the State and locally that
17 serve children and students and their fami-
18 lies and promote literacy instruction and
19 learning, including strengthening partner-
20 ships among schools, libraries, local youth-
21 serving agencies, and programs, in order to
22 improve literacy for all children and youth;
23 and

24 “(v) ensure that funds provided under
25 this section are awarded in a manner that

1 will provide services to all grade levels, in-
2 cluding proportionally to middle schools
3 and high schools.

4 “(C) A description of the key data metrics
5 that will be used and reported annually under
6 section 5428(b)(1)(E), that shall include—

7 “(i) student academic achievement on
8 the English language arts State academic
9 assessments and student growth over time;

10 “(ii) for diploma granting schools,
11 graduation rates;

12 “(D) An assurance that the State edu-
13 cational agency will use implementation grant
14 funds under this section for literacy programs
15 as follows:

16 “(i) Not less than 10 percent of such
17 grant funds shall be used for State and
18 local programs and activities pertaining to
19 learners from preschool through kinder-
20 garten entry.

21 “(ii) Not less than 40 percent of such
22 implementation grant funds shall be used
23 for State and local programs and activities
24 allocated equitably among the grades of
25 kindergarten through grade 5.

1 “(iii) Not less than 40 percent of such
2 implementation grant funds shall be used
3 for State and local programs and activities,
4 allocated equitably among grades 6
5 through 12.

6 “(iv) Not more than 10 percent of
7 such implementation grant funds shall be
8 used for the State activities described in
9 section 5425.

10 “(E) An assurance that the State edu-
11 cational agency shall give priority to awarding
12 a subgrant to an eligible entity—

13 “(i) under section 5426 based on the
14 number or percentage of children younger
15 than the age of kindergarten entry and the
16 number of students from kindergarten
17 through 17 who are—

18 “(I) served by the eligible entity;

19 and

20 “(II) from families with income
21 below the poverty line, based on the
22 most recent satisfactory data provided
23 to the Secretary by the Bureau of the
24 Census for determining eligibility
25 under section 1124(c)(1)(A) of the El-

1 elementary and Secondary Education
2 Act of 1965 (20 U.S.C.
3 6333(c)(1)(A)); and

4 “(ii) under section 5427, that pro-
5 poses to serve—

6 “(I) a high number or percentage
7 of students served by the eligible enti-
8 ty that are reading and writing below
9 grade level according to State assess-
10 ments;

11 “(II) students that attend schools
12 in need of improvement and persist-
13 ently low-achieving schools; and

14 “(III) students that attend
15 schools with a high percentage or
16 number of students that are eligible
17 for free or reduced price lunch under
18 the Richard B. Russell National
19 School Lunch Act (42 U.S.C. 1751 et
20 seq.).

21 “(c) APPROVAL OF APPLICATIONS.—

22 “(1) IN GENERAL.—The Secretary, in consulta-
23 tion with the peer review panel established under
24 paragraph (2), shall evaluate State educational
25 agency applications under subsection (b) based on

1 the responsiveness of the applications to the applica-
2 tion requirements under such subsection.

3 “(2) PEER REVIEW.—The Secretary shall con-
4 vene a peer review panel in accordance with section
5 5422(e) to evaluate applications for each implemen-
6 tation grant awarded to a State educational agency
7 under this section.

8 “(3) EARLY LEARNING.—In order for a State
9 educational agency’s application under this section
10 to be approved by the Secretary, the application
11 shall contain an assurance that the State agencies
12 responsible for administering early childhood edu-
13 cation programs and services, including the State
14 agency responsible for administering child care pro-
15 grams and the State Advisory Council on Early
16 Childhood Education and Care established under
17 section 642B(b) of the Head Start Act (42 U.S.C.
18 9837b(b)), approves of, and will be extensively con-
19 sulted in the implementation of related activities and
20 services consistent with section 5426 with respect to,
21 the early learning portion of the application.

22 **“SEC. 5425. STATE ACTIVITIES.**

23 “(a) REQUIRED ACTIVITIES.—A State educational
24 agency shall use funds made available under section
25 5422(a)(2)(A) and described in section 5424(b)(2)(D)(iv)

1 to carry out the activities proposed in a State’s plan con-
2 sistent with section 5424(b)(2), including the following ac-
3 tivities:

4 “(1) Carrying out the assurances and activities
5 provided in the State application under section
6 5424(b)(2).

7 “(2) In consultation with the State literacy
8 leadership team, providing technical assistance or
9 engaging qualified providers to provide technical as-
10 sistance to eligible entities to enable the eligible enti-
11 ties to design and implement a literacy program
12 under sections 5426 and 5427.

13 “(3) Providing technical assistance to eligible
14 entities that are prioritized in section 5424(b)(2)(E),
15 including eligible entities that serve low-capacity
16 rural and urban areas by—

17 “(A) informing those eligible entities that
18 they have a priority for competing for grants
19 under section 5426 and 5427; and

20 “(B) providing eligible entities who do not
21 receive a grant under section 5426 and 5427
22 technical assistance so that they may re-com-
23 pete in following competitions.

1 “(4) Continuing to consult with the State lit-
2 eracy leadership team and continuing to coordinate
3 with institutions of higher education in the State—

4 “(A) in order to provide recommendations
5 to strengthen and enhance preservice courses
6 for students preparing, at institutions of higher
7 education in the State, to teach children from
8 preschool through grade 12 in explicit, system-
9 atic, and intensive instruction in evidence-based
10 literacy methods; and

11 “(B) by following up reviews completed by
12 the State literacy leadership team with rec-
13 ommendations to ensure that such institutions
14 offer courses that meet the highest standards.

15 “(5) Reviewing and updating, in collaboration
16 with teachers, statewide educational and professional
17 organizations representing teachers, and statewide
18 educational and professional organizations rep-
19 resenting institutions of higher education, State li-
20 censure and certification standards in the area of lit-
21 eracy instruction in early childhood education
22 through grade 12.

23 “(6) Making publicly available, including on the
24 State educational agency’s website, information on

1 promising instructional practices to improve student
2 literacy achievement.

3 “(b) PERMISSIVE ACTIVITIES.—After carrying out
4 activities described in subsection (a), a State educational
5 agency may use remaining funds made available under
6 section 5422(a)(2)(A) and described in section
7 5424(b)(2)(D)(iv) to carry out 1 or more of the following
8 activities:

9 “(1) Training the personnel of eligible entities
10 to use data systems that track student literacy
11 achievement.

12 “(2) Developing literacy coach training pro-
13 grams and training literacy coaches.

14 “(3) Building public support among local edu-
15 cational agency personnel, early childhood education
16 programs, and the community for comprehensive lit-
17 eracy instruction for children and students from pre-
18 school through grade 12.

19 **“SEC. 5426. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-
20 PORT OF PRESCHOOL THROUGH KINDER-
21 GARTEN ENTRY LITERACY.**

22 “(a) SUBGRANTS.—

23 “(1) IN GENERAL.—A State educational agen-
24 cy, in consultation with the State agencies respon-
25 sible for administering early childhood education

1 programs and services, including the State agency
2 responsible for administering child care programs
3 and the State Advisory Council on Early Childhood
4 Education and Care established under section
5 642B(b) of the Head Start Act (42 U.S.C.
6 9837b(b)), shall use implementation grant funds
7 provided under section 5422(a)(2)(B) to award sub-
8 grants, on a competitive basis, to eligible entities to
9 enable the eligible entities to support high-quality
10 early literacy initiatives for children from preschool
11 through kindergarten entry.

12 “(2) DURATION.—The term of subgrant under
13 this section shall be for 5 years.

14 “(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant
15 awarded under this section shall be of sufficient size and
16 scope to allow the eligible entity to carry out high-quality
17 early literacy initiatives for children from preschool
18 through kindergarten entry.

19 “(c) LOCAL APPLICATIONS.—An eligible entity desir-
20 ing to receive a subgrant under this section shall submit
21 an application to the State educational agency, at such
22 time, in such manner, and containing such information as
23 the State educational agency may require. Such applica-
24 tion shall include a description of—

1 “(1) how the subgrant funds will be used to en-
2 hance the language and literacy aspects of school
3 readiness of children, from preschool through kin-
4 dergarten entry, in early childhood education pro-
5 grams, including an analysis of the data used to
6 identify how funds will be used to improve language
7 and literacy;

8 “(2) the programs assisted under the subgrant,
9 including demographic and socioeconomic informa-
10 tion on the children enrolled in the programs;

11 “(3) a budget for the eligible entity that
12 projects the cost of developing and implementing lit-
13 eracy initiatives to carry out the activities described
14 in subsection (e);

15 “(4) how, if the eligible entity is requesting a
16 planning period, the eligible entity will use that plan-
17 ning period to prepare for successful implementation
18 of a plan to support the development of learning and
19 literacy consistent with the purposes of this Act;

20 “(5) the literacy initiatives, if any, in place and
21 how these initiatives will be coordinated and inte-
22 grated with activities supported under this section;

23 “(6) how the subgrant funds will be used to
24 prepare and provide ongoing assistance to staff in

1 the programs, through high-quality professional de-
2 velopment;

3 “(7) how the subgrant funds will be used to
4 provide services, incorporate activities, and select
5 and use literacy instructional materials that meet
6 the diverse developmental and linguistic needs of
7 children, including English learners and children
8 with disabilities and developmental delays, and that
9 are based on scientifically valid research on child de-
10 velopment and learning for children from preschool
11 through kindergarten entry;

12 “(8) how the subgrant funds will be used to
13 provide screening assessments, diagnostic assess-
14 ments, classroom-based instructional assessments,
15 and assessments of developmental progress;

16 “(9) how families and caregivers will be in-
17 volved, as appropriate, in supporting their children’s
18 literacy development, instruction, and assessment;

19 “(10) how the subgrant funds will be used to
20 help children, particularly children experiencing dif-
21 ficulty with oral and written language, to make the
22 transition from early childhood education to formal
23 classroom instruction;

1 “(11) how the activities assisted under the
2 subgrant will be coordinated with literacy instruction
3 at the kindergarten through grade 5 level;

4 “(12) how the subgrant funds will be used—

5 “(A) to evaluate the success of the activi-
6 ties assisted under the subgrant in enhancing
7 the early language and literacy development of
8 children from preschool through kindergarten
9 entry; and

10 “(B) to evaluate data for program im-
11 provement; and

12 “(13) such other information as the State edu-
13 cational agency may require.

14 “(d) APPROVAL OF LOCAL APPLICATIONS.—The
15 State educational agency, in consultation with the State
16 agencies responsible for administering early childhood
17 education programs, including the State agency respon-
18 sible for administering child care programs and the State
19 Advisory Council on Early Childhood Education and Care
20 established under section 642B(b) of the Head Start Act
21 (42 U.S.C. 9837b(b)), shall—

22 “(1) select applications for funding under this
23 section based on the quality of the applications sub-
24 mitted, including the relationship between literacy
25 activities proposed and the research base or data

1 supporting such activities, as appropriate, and the
2 recommendations of—

3 “(A) the State literacy leadership team;
4 and

5 “(B) other experts in the area of early lit-
6 eracy; and

7 “(2) place priority for funding programs based
8 on the criteria in section 5424(b)(2)(E)(i).

9 “(e) LOCAL USES OF FUNDS.—

10 “(1) IN GENERAL.—An eligible entity that re-
11 ceives a subgrant under this section shall use the
12 subgrant funds consistent with the application pro-
13 posed in subsection (c) to carry out the following ac-
14 tivities:

15 “(A) Enhancing and improving early child-
16 hood education programs to ensure that chil-
17 dren in such programs are provided with high-
18 quality oral language and literature- and print-
19 rich environments in which to develop early lit-
20 eracy skills.

21 “(B) Providing high-quality professional
22 development.

23 “(C) Acquiring, providing training for, and
24 implementing screening assessments, diagnostic

1 assessments, and classroom-based instructional
2 assessments.

3 “(D) Selecting, developing, and imple-
4 menting a multi-tiered system of support.

5 “(E) Integrating evidence-based instruc-
6 tional materials, activities, tools, and measures
7 into the programs offered by the eligible entity
8 to improve development of early learning lan-
9 guage and literacy skills.

10 “(F) Training providers and personnel to
11 support, develop, and administer high-quality
12 early learning literacy initiatives that—

13 “(i) utilize data—

14 “(I) to inform instructional de-
15 sign; and

16 “(II) to assess literacy needs;
17 and

18 “(ii) provide time and support for per-
19 sonnel to meet to plan literacy instruction.

20 “(G) Providing for family literacy services,
21 as appropriate, and partnering with families to
22 support their child’s learning.

23 “(H) Annually collecting, summarizing,
24 and reporting to the State educational agency
25 data—

1 “(i) to document and monitor, for the
2 purpose of improving or increasing early
3 literacy and language skills development
4 pursuant to activities carried out under
5 this section;

6 “(ii) to stimulate and accelerate im-
7 provement by identifying the programs
8 served by the eligible entity that produce
9 significant gains in skills development; and

10 “(iii) for all subgroups of students
11 and categories of students that—

12 “(I) utilizes a variety of data;

13 and

14 “(II) is consistent across the
15 State.

16 “(2) LIMITATION.—An eligible entity that re-
17 ceives a subgrant under this section shall not use
18 more than 10 percent of the subgrant funds to pur-
19 chase curricula and assessment materials.

20 “(f) PROHIBITION.—The use of assessment items
21 and data on any assessment authorized under this section
22 to provide rewards or sanctions for individual children,
23 early childhood educators, teachers, program directors, or
24 principals is prohibited.

1 **“SEC. 5427. CONSEQUENCES OF INSUFFICIENT PROGRESS,**
2 **REPORTING REQUIREMENTS, AND CON-**
3 **FLICTS OF INTEREST.**

4 “(a) CONSEQUENCES OF INSUFFICIENT
5 PROGRESS.—

6 “(1) CONSEQUENCES FOR GRANT RECIPI-
7 ENTS.—If the Secretary determines that a State
8 educational agency receiving an award under section
9 5422(b) or an eligible entity receiving a subgrant
10 under section 5426 or 5427 is not making signifi-
11 cant progress in meeting the purposes of this Act
12 and the key metrics identified by the State edu-
13 cational agency under section 5424(b)(2)(C) after
14 the submission of a report described in subsection
15 (b), then the Secretary may withhold, in whole or in
16 part, further payments under this Act in accordance
17 with section 455 of the General Education Provi-
18 sions Act (20 U.S.C. 1234d) or take such other ac-
19 tion authorized by law as the Secretary determines
20 necessary, including providing technical assistance
21 upon request of the State educational agency or eli-
22 gible entity, respectively.

23 “(2) CONSEQUENCES FOR SUBGRANT RECIPI-
24 ENTS.—

25 “(A) IN GENERAL.—A State educational
26 agency receiving an award under section

1 5422(b) may refuse to award subgrant funds to
2 an eligible entity under section 5426 or 5427 if
3 the State educational agency finds that the eli-
4 gible entity is not making significant progress
5 in meeting the purposes of this Act, after—

6 “(i) affording the eligible entity no-
7 tice, a period for correction, and an oppor-
8 tunity for a hearing; and

9 “(ii) providing technical assistance to
10 the eligible entity.

11 “(B) FUNDS AVAILABLE.—Subgrant funds
12 not awarded under subparagraph (A) shall be
13 redirected to an eligible entity serving similar
14 children and students in the same area or re-
15 gion as the eligible entity not awarded the
16 subgrant funds, to the greatest extent prac-
17 ticable.

18 “(b) REPORTING REQUIREMENTS.—

19 “(1) STATE EDUCATIONAL AGENCY REPORTS.—
20 Each State educational agency receiving an award
21 under section 5422(b) shall report annually to the
22 Secretary regarding the State educational agency’s
23 progress in addressing the purposes of this Act.
24 Such report shall include, at a minimum, a descrip-
25 tion of—

1 “(A) the professional development activi-
2 ties provided under the award, including types
3 of activities and entities involved in providing
4 professional development to classroom teachers
5 and other program staff, such as school librar-
6 ians;

7 “(B) the instruction, strategies, activities,
8 curricula, materials, and assessments used in
9 the programs funded under the award;

10 “(C)(i) the types of programs and, for chil-
11 dren from preschool to kindergarten entry, pro-
12 gram settings, funded under the award; and

13 “(ii) the ages and demographic information
14 that is not individually identifiable of children
15 served by the programs funded under the
16 award;

17 “(D) the experience and qualifications of
18 the program staff who provide literacy instruc-
19 tion under the programs funded under the
20 award, including the experience and qualifica-
21 tions of those staff working with children with
22 disabilities or developmental delays and with
23 English learners and children from preschool to
24 kindergarten entry;

1 “(E) key data metrics identified under sec-
2 tion 5424(b)(2)(C) used for literacy initiatives;

3 “(F) student performance on relevant pro-
4 gram metrics, as identified in the State edu-
5 cation agency’s implementation plan under sec-
6 tion 5424(b)(2)(C); and

7 “(G) the outcomes of programs and activi-
8 ties provided under the award.

9 “(2) ELIGIBLE ENTITY REPORTS.—Each eligi-
10 ble entity receiving a subgrant under section 5426 or
11 5427 shall report annually to the State educational
12 agency regarding the eligible entity’s progress in ad-
13 dressing the purposes of this Act. Such report shall
14 include, at a minimum, a description of—

15 “(A) how the subgrant funds were used;
16 and

17 “(B) student performance on relevant pro-
18 gram metrics, as identified in the State edu-
19 cation agency’s implementation plan under sec-
20 tion 5424(b)(2)(C).

21 “(c) CONFLICTS OF INTEREST.—The Secretary shall
22 ensure that each member of the peer review panel de-
23 scribed in section 5422(c) and each member of a State
24 literacy leadership team participating in a program or ac-
25 tivity assisted under this Act does not stand to benefit

1 financially from a grant or subgrant awarded under this
2 Act.

3 **“SEC. 5428. DEFINITIONS.**

4 “(a) IN GENERAL.—Unless otherwise specified, the
5 terms used in this Act have the meanings given the terms
6 in section 9101 of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 7801).

8 “(b) OTHER TERMS.—In this Act:

9 “(1) CHARACTERISTICS OF EFFECTIVE LIT-
10 ERACY STRATEGIES AND INSTRUCTION.—The term
11 ‘characteristics of effective literacy strategies and in-
12 struction’ means—

13 “(A) for children from preschool through
14 kindergarten entry—

15 “(i) providing high quality profes-
16 sional development opportunities for early
17 childhood educators, teachers, and school
18 leaders in—

19 “(I) literacy development;

20 “(II) language development;

21 “(III) English language acquisi-
22 tion (as appropriate); and

23 “(IV) effective language and lit-
24 eracy instruction and teaching strate-
25 gies aligned to State standards;

1 “(ii) reading aloud to children, engag-
2 ing children in shared reading experiences,
3 discussing reading with children, and mod-
4 eling age and developmentally appropriate
5 reading strategies;

6 “(iii) encouraging children’s early at-
7 tempts at communication, reading, writing,
8 and drawing, and talking about the mean-
9 ing of the reading, writing, and drawing
10 with others;

11 “(iv) creating conversation rich class-
12 rooms and using oral modeling techniques
13 to build oral language skills;

14 “(v) multiplying opportunities for chil-
15 dren to use language with peers and
16 adults;

17 “(vi) providing strategic and explicit
18 instruction in the identification of speech
19 sounds, letters, and letter-sound cor-
20 respondence;

21 “(vii) integrating oral and written lan-
22 guage;

23 “(viii) stimulating vocabulary develop-
24 ment;

1 “(ix) using differentiated instructional
2 approaches or teaching strategies, includ-
3 ing—

4 “(I) individual and small group
5 instruction or interactions; and

6 “(II) professional development,
7 curriculum development, and class-
8 room instruction;

9 “(x) applying the principles of uni-
10 versal design for learning, as described in
11 section 5429(b)(21);

12 “(xi) using age-appropriate screening
13 assessments, diagnostic assessments, form-
14 ative assessments, and summative assess-
15 ments to identify individual learning needs,
16 to inform instruction, and to monitor—

17 “(I) student progress and the ef-
18 fects of instruction over time; and

19 “(II) for children between the
20 ages of preschool and kindergarten
21 entry, progress and development with-
22 in established norms;

23 “(xii) coordinating the involvement of
24 families, early childhood education pro-
25 gram staff, principals, other school leaders,

1 and teachers in the reading and writing
2 achievement of children served under this
3 Act;

4 “(xiii) using a variety of age and de-
5 velopmentally appropriate, high quality
6 materials for language development, read-
7 ing, and writing;

8 “(xiv) encouraging family literacy ex-
9 periences and practices, and educating
10 teachers, public librarians, and parents
11 and other caregivers about literacy develop-
12 ment and child literacy development; and

13 “(xv) using strategies to enhance chil-
14 dren’s—

15 “(I) motivation to communicate,
16 read, and write; and

17 “(II) engagement in self-directed
18 learning;

19 “(B) for students in kindergarten through
20 grade 3—

21 “(i) providing high quality profes-
22 sional development opportunities, for
23 teachers, literacy coaches, literacy special-
24 ists, English as a second language special-
25 ists (as appropriate), school librarians, and

1 principals, on literacy development, lan-
2 guage development, English language ac-
3 quisition, and effective literacy instruction
4 that—

5 “(I) aligns to State standards as
6 well as local curricula and instruc-
7 tional assessments; and

8 “(II) addresses literacy develop-
9 ment opportunities across the cur-
10 ricula;

11 “(ii) providing age appropriate direct
12 and explicit instruction;

13 “(iii) providing strategic, systematic,
14 and explicit instruction in phonological
15 awareness, phonic decoding, vocabulary,
16 reading fluency, and reading comprehen-
17 sion;

18 “(iv) making available and using di-
19 verse texts at the reading, development,
20 and interest level of students;

21 “(v) providing multiple opportunities
22 for students to write individually and col-
23 laboratively with instruction and feedback;

24 “(vi) using differentiated instructional
25 approaches, including individual, small

1 group, and classroom-based instruction
2 and discussion;

3 “(vii) using oral modeling techniques
4 and opportunities for students to use lan-
5 guage with the students’ peers and adults
6 to build student language skills;

7 “(viii) providing time and opportuni-
8 ties for systematic and intensive instruc-
9 tion, intervention, and practice to supple-
10 ment regular instruction, which can be
11 provided inside and outside the classroom
12 as well as during and outside regular
13 school hours;

14 “(ix) providing instruction in uses of
15 print materials and technological resources
16 for research and for generating and pre-
17 senting content and ideas;

18 “(x) using screening assessments, di-
19 agnostic assessments, formative assess-
20 ments, and summative assessments to
21 identify student learning needs, to inform
22 instruction, and to monitor student
23 progress and the effects of instruction over
24 time;

1 “(xi) coordinating the involvement of
2 families, caregivers, teachers, principals,
3 other school leaders, and teacher literacy
4 teams in the reading and writing achieve-
5 ment of children served under this Act;

6 “(xii) encouraging family literacy ex-
7 periences and practices; and

8 “(xiii) using strategies to enhance stu-
9 dents’—

10 “(I) motivation to read and
11 write; and

12 “(II) engagement in self-directed
13 learning; and

14 “(C) for students in grades 4 through
15 12—

16 “(i) providing high quality profes-
17 sional development opportunities for teach-
18 ers, literacy coaches, literacy specialists,
19 English as a second language specialists
20 (as appropriate), school librarians, and
21 principals, including professional develop-
22 ment on literacy development, language de-
23 velopment, and effective literacy instruc-
24 tion embedded in schools and aligned to
25 State standards;

1 “(ii) providing direct and explicit com-
2 prehension instruction;

3 “(iii) providing direct and explicit in-
4 struction that builds academic vocabulary
5 and strategies and knowledge of text struc-
6 ture for reading different kinds of texts
7 within and across core academic subjects;

8 “(iv) making available and using di-
9 verse texts at the reading, development,
10 and interest level of the students;

11 “(v) providing multiple opportunities
12 for students to write with clear purposes
13 and critical reasoning appropriate to the
14 topic and purpose and with specific in-
15 struction and feedback from teachers and
16 peers;

17 “(vi) using differentiated instructional
18 approaches;

19 “(vii) using strategies to enhance stu-
20 dents’—

21 “(I) motivation to read and
22 write; and

23 “(II) engagement in self-directed
24 learning;

1 “(viii) providing for text-based learn-
2 ing across content areas;

3 “(ix) providing systematic, strategic,
4 and individual and small group instruction,
5 including intensive supplemental interven-
6 tion for students reading significantly
7 below grade level, which may be provided
8 inside and outside the classroom as well as
9 during and outside regular school hours;

10 “(x) providing instruction in the uses
11 of technology and multimedia resources for
12 classroom research and for generating and
13 presenting content and ideas;

14 “(xi) using screening assessments, di-
15 agnostic assessments, formative assess-
16 ments, and summative assessments to
17 identify learning needs, inform instruction,
18 and monitor student progress and the ef-
19 fects of instruction;

20 “(xii) coordinating the involvement of
21 families and caregivers, to the extent fea-
22 sible and appropriate as determined by the
23 Secretary, to improve reading, writing, and
24 academic achievement; and

1 “(xiii) coordinating the involvement of
2 school librarians, teachers, principals,
3 other school leaders, teacher literacy
4 teams, and English as a second language
5 specialists (as appropriate), that analyze
6 student work and plan or deliver instruc-
7 tion over time.

8 “(2) CLASSROOM-BASED INSTRUCTIONAL AS-
9 SESSMENT.—The term ‘classroom-based instruc-
10 tional assessment’ means an assessment, for children
11 between preschool through grade 3, that—

12 “(A) is valid and reliable for the age and
13 population of children being assessed;

14 “(B) is used to evaluate children’s develop-
15 mental progress and learning, including system-
16 atic observations by teachers of children per-
17 forming tasks, including academic and literacy
18 tasks, that are part of their daily classroom ex-
19 perience; and

20 “(C) is used to improve classroom instruc-
21 tion.

22 “(3) COMPREHENSIVE LITERACY INSTRUCC-
23 TION.—The term ‘comprehensive literacy instruc-
24 tion’ means instruction that—

1 “(A) involves the characteristics of effective literacy instruction; and

2
3 “(B) is designed to support the essential components of reading instruction and the essential components of writing instruction.

4
5
6 “(4) DEVELOPMENTAL DELAY.—The term ‘developmental delay’ has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

7
8
9
10 “(5) DIAGNOSTIC ASSESSMENT.—The term ‘diagnostic assessment’ means an assessment that—

11
12 “(A) is valid, reliable, and based on scientifically valid research on language, literacy, and English language acquisition;

13
14
15 “(B) is used for the purposes of—

16 “(i) identifying a student’s specific areas of strengths and weaknesses in oral language and literacy;

17
18
19 “(ii) determining any difficulties that the student may have in oral language and literacy and the potential cause of such difficulties; and

20
21
22 “(iii) helping to determine possible literacy intervention strategies and related special needs of the student; and

1 “(C) in the case of young children, is con-
2 ducted after a screening assessment that identi-
3 fies potential risks or a lack of school prepared-
4 ness, including oral language and literacy devel-
5 opment, or delayed development.

6 “(6) ELIGIBLE ENTITY.—The term ‘eligible en-
7 tity’ means—

8 “(A) when used with respect to children
9 from preschool through kindergarten entry—

10 “(i) 1 or more local educational agen-
11 cies providing early childhood education
12 programs, or 1 or more public or private
13 early childhood education programs, serv-
14 ing children from preschool through kin-
15 dergarten entry (such as a Head Start pro-
16 gram, a child care program, a State-funded
17 prekindergarten program, a public library
18 program, or a family literacy program),
19 that has a demonstrated record of pro-
20 viding effective literacy instruction for the
21 age group such agency or program pro-
22 poses to serve under section 5426; or

23 “(ii) 1 or more entities described in
24 clause (i) acting in partnership with 1 or
25 more public agencies or private nonprofit

1 organizations that have a demonstrated
2 record of effectiveness—

3 “(I) in improving the early lit-
4 eracy development of children from
5 preschool through kindergarten entry;
6 and

7 “(II) in providing professional
8 development aligned with the activities
9 described in section 5426(e)(1); or

10 “(B) when used with respect to students in
11 kindergarten through grade 12—

12 “(i) that is—

13 “(I) a local educational agency;

14 “(II) a consortium of local edu-
15 cational agencies; or

16 “(III) or a local educational
17 agency or consortium of local edu-
18 cational agencies that may act in
19 partnership with 1 or more public
20 agencies or private nonprofit organi-
21 zations, which agencies or organiza-
22 tions shall have a demonstrated record
23 of effectiveness, consistent with the
24 purposes of their participation, in im-
25 proving literacy achievement of stu-

1 dents from kindergarten through
2 grade 12 and in providing professional
3 development described in section
4 5427(a)(3)(B);

5 “(ii) that—

6 “(I) is among, or consists of, the
7 local educational agencies in the State
8 with the highest numbers or percent-
9 ages of students reading or writing
10 below grade level, based on the most
11 currently available State academic as-
12 sessment data;

13 “(II) has jurisdiction over a sig-
14 nificant number or percentage of
15 schools that are identified for school
16 improvement under section 1116; or

17 “(iii) has the highest numbers or per-
18 centages of children who are counted under
19 section 1124(c) of the Elementary and
20 Secondary Education Act (20 U.S.C.
21 6333(c)), in comparison to other local edu-
22 cational agencies in the State.

23 “(7) ENGLISH LANGUAGE ACQUISITION.—

24 “(A) IN GENERAL.—The term ‘English
25 language acquisition’ means the process by

1 which a non-native English speaker acquires
2 proficiency in speaking, listening, reading, and
3 writing the English language.

4 “(B) INCLUSIONS FOR ENGLISH LEARNERS
5 IN SCHOOL.—For an English language learner
6 in school, such term includes not only the social
7 language proficiency needed to participate in
8 the school environment, but also the academic
9 language proficiency needed to acquire literacy
10 and academic content and demonstrate the stu-
11 dent’s learning.

12 “(8) ESSENTIAL COMPONENTS OF READING IN-
13 STRUCTION.—The term ‘essential components of
14 reading instruction’ means developmentally appro-
15 priate, contextually explicit, systematic instruction,
16 and frequent practice, in reading across content
17 areas.

18 “(9) ESSENTIAL COMPONENTS OF WRITING IN-
19 STRUCTION.—The term ‘essential components of
20 writing instruction’ means developmentally appro-
21 priate and contextually explicit instruction, and fre-
22 quent practice, in writing across content areas.

23 “(10) FAMILY LITERACY SERVICES.—The term
24 ‘family literacy services’ means literacy services pro-
25 vided on a voluntary basis that are of sufficient in-

1 tensity in terms of hours and duration and that inte-
2 grate all of the following activities:

3 “(A) Interactive literacy activities between
4 or among parents and their children, including
5 parent literacy training.

6 “(B) Training for parents regarding how
7 to be the primary teacher for their children and
8 full partners in the education of their children.

9 “(C) Parent literacy training that leads to
10 economic self-sufficiency.

11 “(D) An age-appropriate education to pre-
12 pare children for success in school and life ex-
13 periences.

14 “(11) FORMATIVE ASSESSMENT.—The term
15 ‘formative assessment’ means a process that—

16 “(A) is teacher-generated or selected by
17 teachers and students during instructional
18 learning;

19 “(B) is embedded within the learning ac-
20 tivity and linked directly to the current unit of
21 instruction; and

22 “(C) provides feedback to adjust ongoing
23 teaching and learning to improve students’
24 achievement of intended instructional outcomes.

1 “(12) HIGH-QUALITY PROFESSIONAL DEVELOP-
2 MENT.—The term ‘high-quality professional develop-
3 ment’ means professional development that—

4 “(A) is job-embedded, ongoing, and based
5 on scientifically valid research;

6 “(B) is sustained, intensive, and class-
7 room-focused;

8 “(C) is designed to increase the knowledge
9 and expertise of teachers, early childhood edu-
10 cators and administrators, principals, other
11 school leaders, and other program staff in ap-
12 plying—

13 “(i) the characteristics of effective lit-
14 eracy instruction;

15 “(ii) the essential components of read-
16 ing instruction;

17 “(iii) the essential components of writ-
18 ing instruction; and

19 “(iv) instructional strategies and prac-
20 tices that are appropriate to the age, devel-
21 opment, and needs of children and improve
22 student learning, including strategies and
23 practices consistent with the principles of
24 universal design for learning, as described
25 in section 5429(b)(21);

1 “(D) includes and supports teachers in ef-
2 fectively administering age appropriate and de-
3 velopmentally appropriate assessments, and
4 analyzing the results of such assessments for
5 the purposes of planning, monitoring, adapting,
6 and improving effective classroom instruction or
7 teaching strategies to improve student literacy;

8 “(E) for educators working with students
9 in kindergarten through grade 12—

10 “(i) supports the characteristics of ef-
11 fective literacy instruction through core
12 academic subjects, and through career and
13 technical education subjects where such ca-
14 reer and technical education subjects pro-
15 vide for the integration of core academic
16 subjects; and

17 “(ii) includes explicit instruction in
18 discipline-specific thinking and how to read
19 and interpret discipline-specific text struc-
20 tures and features;

21 “(F) includes instructional strategies uti-
22 lizing one-to-one, small group, and classroom-
23 based instructional materials and approaches
24 based on scientifically valid research on literacy;

1 “(G) provides ongoing instructional lit-
2 eracy coaching—

3 “(i) to ensure high-quality implemen-
4 tation of effective practices of literacy in-
5 struction that are content-centered, inte-
6 grated across the curricula, collaborative,
7 and embedded in the school, classroom, or
8 other setting; and

9 “(ii) that uses student data to im-
10 prove instruction;

11 “(H) includes and supports teachers in set-
12 ting high reading and writing achievement goals
13 for all students and provides the teachers with
14 the instructional tools and skills to help stu-
15 dents reach such goals; and

16 “(I) is differentiated for educators working
17 with children from preschool through kinder-
18 garten entry, students in kindergarten through
19 grade 5, and students in grades 6 through 12,
20 and, as appropriate, by student grade or stu-
21 dent need.

22 “(13) LITERACY COACH.—The term ‘literacy
23 coach’ means a professional—

24 “(A) who—

1 “(i) has previous teaching experience
2 and—

3 “(I) a master’s degree with a
4 concentration in reading and writing
5 education;

6 “(II) demonstrated proficiency in
7 teaching reading or writing in a core
8 academic subject consistent with the
9 characteristics of effective literacy in-
10 struction; or

11 “(III) in the case of a literacy
12 coach for children from preschool
13 through kindergarten entry, a con-
14 centration, credential, or significant
15 experience in child development and
16 early literacy development; and

17 “(ii) is able to demonstrate the ability
18 to help teachers—

19 “(I) apply research on how stu-
20 dents become successful readers, writ-
21 ers, and communicators;

22 “(II) apply multiple forms of as-
23 sessment to guide instructional deci-
24 sionmaking and use data to improve
25 literacy instruction;

1 “(III) improve student writing
2 and reading in and across content
3 areas such as mathematics, science,
4 social studies, and language arts;

5 “(IV) develop and implement dif-
6 ferentiated instruction and teaching
7 approaches to serve the needs of the
8 full range of learners, including
9 English learners and children with
10 disabilities;

11 “(V) apply principles of universal
12 design for learning, as described in
13 section 5429(b)(21);

14 “(VI) employ best practices in
15 engaging principals, early childhood
16 educators and administrators, teach-
17 ers, and other professionals sup-
18 porting literacy instruction to change
19 school cultures to better encourage
20 and support literacy development and
21 achievement; and

22 “(VII)(aa) for children from pre-
23 school through kindergarten entry, set
24 developmentally appropriate expecta-
25 tions for language; and

1 “(bb) for all children, set literacy
2 development and high reading and
3 writing achievement goals and select,
4 acquire, and use instructional tools
5 and skills to help the children reach
6 such goals; and

7 “(B) whose role with teachers and profes-
8 sionals supporting literacy instruction is—

9 “(i) to provide high-quality profes-
10 sional development;

11 “(ii) to work cooperatively and col-
12 laboratively with principals, teachers, and
13 other professionals in employing strategies
14 to help teachers identify and support stu-
15 dent language and literacy needs and teach
16 literacy across content areas and develop-
17 mental domains; and

18 “(iii) to work cooperatively and col-
19 laboratively with other professionals in em-
20 ploying strategies to help teachers teach
21 literacy across content areas so that the
22 teachers can meet the needs of all stu-
23 dents, including children with disabilities,
24 English learners, and students who are
25 reading at or above grade level.

1 “(14) MULTI-TIERED SYSTEM OF SUPPORT.—

2 The term ‘multi-tiered system of support’ means a
3 comprehensive system of differentiated supports that
4 includes evidence-based instruction, universal screen-
5 ing, progress monitoring, formative assessments, evi-
6 dence-based interventions matched to student needs
7 and educational decisionmaking using student out-
8 come data.

9 “(15) READING.—The term ‘reading’ means a
10 complex system of deriving meaning from print that
11 requires, in ways that are developmentally, content,
12 and contextually appropriate, all of the following:

13 “(A) PHONEMES.—The skills and knowl-
14 edge to understand how phonemes, or speech
15 sounds, are connected to print.

16 “(B) ACCURACY, FLUENCY, AND UNDER-
17 STANDING.—The ability to read accurately, flu-
18 ently, and with understanding.

19 “(C) READING COMPREHENSION.—The use
20 of background knowledge and vocabulary to
21 make meaning from a text.

22 “(D) ACTIVE STRATEGIES.—The develop-
23 ment and use of appropriate active strategies to
24 interpret and construct meaning from print.

1 “(16) SCIENTIFICALLY VALID RESEARCH.—The
2 term ‘scientifically valid research’ has the meaning
3 given the term in section 200 of the Higher Edu-
4 cation Act of 1965 (20 U.S.C. 1021).

5 “(17) SCREENING ASSESSMENT.—The term
6 ‘screening assessment’ means an assessment that—

7 “(A) is valid, reliable, and based on sci-
8 entifically valid research on literacy and English
9 language acquisition; and

10 “(B) is a procedure designed as a first
11 step in identifying children who may be at high
12 risk for delayed development or academic fail-
13 ure and in need of further diagnosis of the chil-
14 dren’s need for special services or additional lit-
15 eracy instruction.

16 “(18) STATE.—The term ‘State’ has the mean-
17 ing given the term in section 103 of the Higher
18 Education Act of 1965 (20 U.S.C. 1003).

19 “(19) STATE LITERACY LEADERSHIP TEAM.—

20 “(A) IN GENERAL.—The term ‘State lit-
21 eracy leadership team’ means a team that—

22 “(i) is appointed and coordinated by
23 the State educational agency;

- 1 “(ii) assumes the responsibility to
2 guide the development and implementation
3 of a statewide, comprehensive literacy plan;
4 “(iii) is composed of not less than 11
5 individuals; and
6 “(iv) shall include—
7 “(I) not less than 3 individuals
8 who have literacy expertise in one of
9 each of the areas of—
10 “(aa) preschool through
11 school entry, such as the State
12 Head Start collaboration direc-
13 tor;
14 “(bb) kindergarten entry
15 through grade 5; and
16 “(cc) grades 6 through 12;
17 “(II) a school principal;
18 “(III) teachers and administra-
19 tors with expertise in literacy and spe-
20 cial education;
21 “(IV) teachers and administra-
22 tors with expertise in teaching the
23 English language to English learners;

1 “(V) a representative from the
2 State educational agency who oversees
3 literacy initiatives; and

4 “(VI) a representative from high-
5 er education who is actively involved
6 in research, development, or teacher
7 preparation in literacy instruction and
8 intervention based on scientifically
9 valid research.

10 “(B) INCLUSION OF A PREEXISTING PART-
11 NERSHIP.—If, before the date of enactment of
12 the Student Success Act, a State educational
13 agency established a consortium, partnership,
14 or any other similar body that was considered
15 a literacy partnership for purposes of subpart 1
16 or 2 of part B of title I of the Elementary and
17 Secondary Education Act of 1965 (20 U.S.C.
18 6361 et seq., 6371 et seq.) and that includes
19 the individuals required under subparagraph
20 (A)(iv), such consortium, partnership, or body
21 may be considered a State literacy leadership
22 team for purposes of subparagraph (A).

23 “(20) SUMMATIVE ASSESSMENT.—The term
24 ‘summative assessment’ means an assessment that—

1 “(A) is valid, reliable, and based on sci-
2 entifically valid research on literacy and English
3 language acquisition; and

4 “(B) measures—

5 “(i) for children from preschool
6 through kindergarten entry, how the chil-
7 dren have progressed over time relative to
8 developmental norms; and

9 “(ii) for students in kindergarten
10 through grade 12, what the students have
11 learned over time, relative to academic con-
12 tent standards.

13 “(21) UNIVERSAL DESIGN FOR LEARNING.—
14 The term ‘universal design for learning’ has the
15 meaning given the term in section 103 of the Higher
16 Education Act of 1965 (20 U.S.C. 1003).

17 “(22) WRITING.—The term ‘writing’ means—

18 “(A) composing meaning in print or
19 through other media, including technologies, to
20 communicate and to create new knowledge in
21 ways appropriate to the context of the writing
22 and the literacy development stage of the writ-
23 er;

1 “(B) composing ideas individually and col-
2 laboratively in ways that are appropriate for a
3 variety of purposes, audiences, and occasions;

4 “(C) choosing vocabulary, tone, genre, and
5 conventions, such as spelling and punctuation,
6 suitable to the purpose, audience, and occasion;
7 and

8 “(D) revising compositions for clarity of
9 ideas, coherence, logical development, and preci-
10 sion of language use.

11 **“SEC. 5429. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated to carry out
13 this subpart \$500,000,000 for fiscal year 2014 and such
14 sums as may be necessary for subsequent fiscal years.

15 “SUBPART 3—A WELL-ROUNDED EDUCATION

16 **“SEC. 5431. PROGRAM AUTHORIZED.**

17 “From the amount appropriated each fiscal year to
18 carry out this subpart, the Secretary—

19 “(1) shall—

20 “(A) reserve not less than 5 percent for
21 national activities under section 5438; and

22 “(B) of the funds remaining after the Sec-
23 retary reserves funds under subparagraph
24 (A)—

1 “(i) use at least 30 percent to award
2 grants to eligible entities under this sub-
3 part to carry out proven practices, strate-
4 gies, or programs in American history,
5 civic education, and geography;

6 “(ii) use at least 10 percent to award
7 grants to eligible entities under this sub-
8 part to carry out proven practices, strate-
9 gies, or programs in economic and finan-
10 cial literacy education and entrepreneur-
11 ship education;

12 “(iii) use at least 20 percent to award
13 grants to eligible entities under this sub-
14 part to carry out proven practices, strate-
15 gies, or programs in foreign language edu-
16 cation;

17 “(iv) use at least 20 percent to award
18 grants to eligible entities under this sub-
19 part to carry out proven practices, strate-
20 gies, or programs in arts education; and

21 “(v) use at least 10 percent to award
22 grants to eligible entities under this sub-
23 part to carry out proven practices, strate-
24 gies, or programs in Javits gifted and tal-
25 ented education; and

1 “(2) may use the funds remaining after the
2 Secretary reserves and uses funds under paragraph
3 (1) to award grants to eligible entities under this
4 subpart to carry out any of the proven practices,
5 strategies, or programs described in clauses (i)
6 through (v) of paragraph (1)(B).

7 **“SEC. 5432. ELIGIBLE ENTITY DEFINED.**

8 “In this subpart, an eligible entity means a State
9 educational agency, local educational agency, or an edu-
10 cational service agency with a local educational agency
11 that is in partnership with one or more of the following:

12 “(1) An institution of higher education.

13 “(2) A nonprofit organization with dem-
14 onstrated expertise in the content areas described in
15 section 5431(1)(B).

16 “(3) A library or museum.

17 **“SEC. 5433. GRANT PRIORITY, DURATION, AND SIZE AND**
18 **SCOPE REQUIREMENTS.**

19 “(a) PRIORITY.—In awarding grants under this sub-
20 part, the Secretary shall give priority to—

21 “(1) eligible entities proposing to serve schools
22 in need of improvement or persistently low achieving
23 schools; and

24 “(2) eligible entities proposing to serve a high
25 percentage and number of children from families

1 with incomes below the poverty line according to the
2 most recent census data approved by the Secretary.

3 “(b) DURATION.—The Secretary shall award grants
4 under this subpart for a period of 5 years.

5 “(c) SUFFICIENT SIZE AND SCOPE.—In awarding
6 grants under this subpart, the Secretary shall ensure that
7 grants are of sufficient size and scope.

8 **“SEC. 5434. SUPPLEMENT, NOT SUPPLANT.**

9 “Funds received under this subpart shall be used to
10 supplement, not supplant, Federal and non-Federal funds
11 available to support child and youth services.

12 **“SEC. 5435. APPLICATION REQUIREMENTS.**

13 “(a) IN GENERAL.—To receive a grant under one or
14 more of the grant programs described in clauses (i)
15 through (v) of section 5431(1)(B), an eligible entity shall
16 submit an application to the Secretary at such time, in
17 such manner, and containing the information that the Sec-
18 retary may require, including the information described in
19 subsection (c).

20 “(b) MULTIPLE APPLICATIONS.—An eligible entity
21 may apply for one or more grant programs under this sub-
22 part, and may use a consolidated application to apply for
23 more than one grant program under this subpart .

24 “(c) APPLICATION REQUIREMENTS.— An application
25 submitted under subsection (a) shall contain the following:

1 “(1) A description of the promising or proven
2 practice, strategy, or program that the applicant
3 proposes to implement in a content area listed in
4 clauses (i) through (v) of section 5431(1)(B).

5 “(2) A description of how the proposed practice,
6 strategy, or program is evidence-based and will im-
7 prove teaching practices as well as student achieve-
8 ment or student academic growth especially with
9 high-need student populations.

10 “(3) A description of how the proposed practice,
11 strategy, or program fits into the State or local edu-
12 cational agency’s overall strategy that students have
13 access to a well-rounded education.

14 “(4) A description of how the proposed practice,
15 strategy, or program will be aligned with school im-
16 provement plans.

17 “(5) A description of how the activities will ade-
18 quately address the needs of students with disabil-
19 ities and English learners.

20 “(6) A description of the applicant’s plan for
21 data collection, analysis, and dissemination of results
22 and outcomes, including an assurance that the appli-
23 cant will make this information publicly available
24 and accessible to educators, researchers, and other
25 experts.

1 “(7) A description of how the applicant will
2 provide for the completion of an independent evalua-
3 tion of the project (including through the use of
4 formative and summative evaluation methodologies)
5 during the grant period to assess its impact on stu-
6 dent achievement, student academic growth, student
7 engagement, and other program goals, including its
8 potential for replication and expansion.

9 “(8) If the applicant proposes to expand an ex-
10 isting practice, strategy, or program with at least
11 moderate evidence, a description of how the appli-
12 cant proposes to reach additional participants in
13 such practice, strategy, or program.

14 “(d) PEER REVIEW.—The Secretary shall establish
15 a peer-review process to assist in review of applications
16 submitted under this section.

17 **“SEC. 5436. USES OF FUNDS.**

18 “(a) IN GENERAL.—Each eligible entity that receives
19 a grant under this subpart shall carry out one or more
20 of the following:

21 “(1) Plan, develop, expand, or improve prac-
22 tices, strategies, and programs in the applicable con-
23 tent area.

24 “(2) Develop and implement instructional mate-
25 rials, assessments (including performance-based as-

1 assessments), and curriculum, aligned with State
2 standards in a content area listed in clauses (i)
3 through (v) of section 5431(1)(B), which embed
4 principles of universal design for learning, as de-
5 scribed in section 5429(b)(21), to support students
6 with diverse learning needs including English learn-
7 ers and students with disabilities.

8 “(3) Develop and implement professional devel-
9 opment for teachers in the applicable content area in
10 order to improve classroom practices.

11 “(4) Align practices, strategies, and programs
12 with postsecondary programs for the continuation of
13 instruction in the academic subject for which the
14 program strategy or practice proposes to increase
15 student achievement or student growth.

16 “(5) Supporting the use of open educational re-
17 sources or other innovative uses of technology that
18 are designed to serve students at all levels of
19 achievement.

20 “(6) Support efforts to expand access to ad-
21 vanced coursework, especially for high-need students.

22 “(7) In the case of an eligible entity that is a
23 State educational agency, the eligible entity may also
24 provide technical assistance to local programs within
25 the State.

1 “(b) PROGRAM SPECIFIC REQUIREMENTS FOR GEOG-
2 RAPHY GRANTS.—In addition to meeting the requirements
3 of subsection (a), an eligible entity receiving a grant de-
4 scribed in section 5431(1)(B)(i) may use the grant to—

5 “(1) carry out local, field-based activities for
6 teachers and students to improve their knowledge of
7 the concepts and tools of geography while enhancing
8 understanding of their home region; and

9 “(2) apply geographic information systems and
10 technology to the teaching of geography; and

11 “(3) using internet or distance-learning tech-
12 nology.

13 “(c) PROGRAM SPECIFIC REQUIREMENTS FOR ECO-
14 NOMIC, FINANCIAL LITERACY, AND ENTREPRENEURSHIP
15 EDUCATION GRANTS.—In addition to meeting the require-
16 ments of subsection (a), an eligible entity receiving a grant
17 described in section 5431(1)(B)(ii)—

18 “(1) may use the grant to—

19 “(A) carry out programs to teach personal
20 financial management skills;

21 “(B) carry out programs to teach the basic
22 principles involved with earning, spending, sav-
23 ing, investing, credit, and insurance; and

24 “(C) implement financial and economic lit-
25 eracy activities and sequences of study within,

1 or coordinated with, core academic subjects;
2 and

3 “(2) is strongly encouraged to—

4 “(A) include interactions with the local
5 business community to the fullest extent pos-
6 sible to reinforce the connection between eco-
7 nomic and financial literacy; and

8 “(B) work with private businesses to ob-
9 tain matching contributions for Federal funds
10 and assist recipients in working toward self-suf-
11 ficiency.

12 “(d) PROGRAM SPECIFIC REQUIREMENTS FOR FOR-
13 EIGN LANGUAGE GRANTS.—In addition to meeting the re-
14 quirements of subsection (a), an eligible entity receiving
15 a grant described in section 5431(1)(B)(iii) may use the
16 grant to carry out the following activities:

17 “(1) Developing and implementing intensive
18 summer foreign language programs for professional
19 development.

20 “(2) Linking nonnative English speakers in the
21 community with the schools in order to promote two-
22 way language learning.

23 “(3) Promoting the sequential study of a for-
24 eign language for students, beginning in elementary
25 schools.

1 “(4) Making effective use of technology, such as
2 computer-assisted instruction, language laboratories,
3 or distance learning, to promote foreign language
4 study.

5 “(5) Developing and implementing, high quality
6 dual language programs.

7 “(6) Promoting innovative activities, such as
8 foreign language immersion, partial foreign language
9 immersion, or content-based instruction.

10 “(7) Providing opportunities for maximum for-
11 eign language exposure for students domestically,
12 such as the creation of immersion environments in
13 the classroom and school, on weekend or summer ex-
14 periences, and special tutoring and academic sup-
15 port.

16 “(8) providing for the possibility for multiple
17 entry points for studying the foreign language.

18 “(9) Creating partnerships with elementary and
19 secondary schools in other countries to facilitate lan-
20 guage and cultural learning and exchange.

21 “(10) Providing support for a language super-
22 visor to oversee and coordinate the progress of the
23 articulated foreign language program across grade
24 levels in the local education agency funded under
25 this subpart.

1 “(e) PROGRAM SPECIFIC REQUIREMENTS FOR JAV-
2 ITS GIFTED AND TALENTED GRANTS.—In addition to
3 meeting the requirements of subsection (a), an eligible en-
4 tity receiving a grant described in section 5431(1)(B)(v)
5 may use the grant to carry out the following activities:

6 “(1) Providing funds for challenging, high-level
7 course work, disseminated through technologies (in-
8 cluding distance learning), for individual students or
9 groups of students in schools and local educational
10 agencies that would not otherwise have the resources
11 to provide such course work.

12 “(2) Ensuring that assessments provide diag-
13 nostic information that informs instruction for high-
14 achieving students.

15 “(3) Carrying out training and professional de-
16 velopment for school personnel involved in the teach-
17 ing of high-achieving, educationally disadvantaged
18 students, such as instructional staff, principals,
19 counselors, and psychologists.

20 “(4) Conducting education and training for par-
21 ents of high-achieving, educationally disadvantaged
22 students to support educational excellence for such
23 students.

1 **“SEC. 5437. EVALUATION.**

2 “Each eligible entity receiving a grant under this sub-
3 part shall conduct an independent program-level evalua-
4 tion and submit preliminary results to the Secretary at
5 such a time and in such manner as the Secretary may
6 require in order to determine the eligible entity’s eligibility
7 to continue to receive funding under this subpart.

8 **“SEC. 5438. NATIONAL ACTIVITIES.**

9 “(a) IN GENERAL.—From the amounts reserved
10 under section 5431(1)(A), the Secretary shall carry out
11 the national activities described in subsection (b) directly
12 or by entering into contracts with an eligible educational
13 entity.

14 “(b) NATIONAL ACTIVITIES.—The national activities
15 that shall be carried out under this section are as follows:

16 “(1) Technical assistance.

17 “(2) Development of curricula.

18 “(3) Production, development, and dissemina-
19 tion of high-quality educational content (including
20 digital content) in academic content areas under this
21 subpart.

22 “(4) Research and collecting information on,
23 and identifying, effective programs and best prac-
24 tices and disseminating that information to States,
25 local educational agencies, institutions of higher edu-
26 cation, and other stakeholders.

1 **“SEC. 5439. PROFESSIONAL DEVELOPMENT ACTIVITIES.**

2 “(a) ELIGIBLE EDUCATIONAL ENTITY DEFINED.—

3 In this section, the term ‘eligible educational entity’ means
4 a national nonprofit educational entity with a proven track
5 record and demonstrated expertise in one or more of the
6 following areas as related to the activities described in sub-
7 section (b):

8 “(1) High-quality professional development pro-
9 grams, including writing programs for teachers
10 across disciplines and at all grade levels.

11 “(2) History education programs.

12 “(3) Civics and government education pro-
13 grams.

14 “(4) Economic and financial literacy education
15 programs.

16 “(5) Geography education programs.

17 “(6) Foreign Language education programs.

18 “(7) Arts education programs.

19 “(8) Gifted and talented programs.

20 “(9) Reading and book distribution programs
21 (including pediatric early literacy programs).

22 “(10) Educational and instructional video pro-
23 gramming (including early literacy programming)
24 for a public telecommunications entity.

25 “(b) PRIORITY.—In awarding a contract to an eligi-
26 ble educational entity under this section, the Secretary

1 shall give priority to an entity that provides support to
2 the eligible entities receiving a grant under this subpart
3 or eligible entities receiving a grant under the subpart 1
4 or 2 to develop instructional systems that provide—

5 “(1) a systematic and coherent combination of
6 instructional materials;

7 “(2) embedded formative and interim assess-
8 ments;

9 “(3) professional development;

10 “(4) information on student learning; and

11 “(5) academic interventions based on cognitive
12 science and content-area knowledge and are aligned
13 with college- and career-ready standards.

14 **“SEC. 5440. AUTHORIZATION OF APPROPRIATIONS.**

15 “There are authorized to be appropriated to carry out
16 this subpart \$150,000,000 for fiscal year 2014 and such
17 sums as may be necessary for each succeeding fiscal year.

18 “SUBPART 4—TRANSFORMING EDUCATION THROUGH

19 TECHNOLOGY GRANTS

20 **“SEC. 5441. PURPOSES.**

21 “The purposes of this subpart are to—

22 “(1) improve the achievement, academic
23 growth, and college-and-career readiness of students
24 who have developed the ability to think critically,
25 apply knowledge to solve complex problems, work

1 collaboratively, communicate effectively, be self-di-
2 rected, and be responsible digital citizens;

3 “(2) ensure all students have access to individ-
4 ualized, rigorous, and engaging digital learning expe-
5 riences;

6 “(3) ensure that educators have the knowledge
7 and skills to develop and implement digital learning
8 curriculum, use technology effectively in order to
9 personalize and strengthen instruction, and effec-
10 tively create, deliver, and utilize assessments to
11 measure student outcomes and support student suc-
12 cess;

13 “(4) ensure that administrators have the lead-
14 ership, management, knowledge, and skills to design,
15 develop, and implement a school or local educational
16 agency-wide digital age learning environment; and

17 “(5) improve the efficiency and productivity of
18 education through technology.

19 **“SEC. 5442. E-RATE RESTRICTION.**

20 “Funds awarded under this subpart may be used to
21 address the networking needs of a recipient of such funds
22 for which the recipient is eligible to receive support under
23 the E-rate program, except that such funds may not be
24 duplicative of support received by the recipient under the
25 E-rate program.

1 **“SEC. 5443. RULE OF CONSTRUCTION REGARDING PUR-**
2 **CHASING.**

3 “Nothing in this subpart shall be construed to permit
4 a recipient of funds under this subpart to purchase goods
5 or services using such funds without ensuring that the
6 purchase is free of any conflict of interest between such
7 recipient, or any partner of such recipient, and the person
8 or entity receiving such funds.

9 **“SEC. 5444. DEFINITIONS.**

10 “In this subpart:

11 “(1) **DIGITAL LEARNING.**—The term ‘digital
12 learning’ means any instructional practice that effec-
13 tively uses technology to strengthen a student’s
14 learning experience and encompasses a wide spec-
15 trum of tools and practices, including—

16 “(A) interactive learning resources that en-
17 gage students in academic content;

18 “(B) access to online databases and other
19 primary source documents;

20 “(C) the use of data to personalize learn-
21 ing and provide targeted supplementary instruc-
22 tion;

23 “(D) student collaboration with content ex-
24 perts and peers;

25 “(E) online and computer-based assess-
26 ments;

1 “(F) digital content, adaptive, and simula-
2 tion software or courseware,

3 “(G) online courses, online instruction, or
4 digital learning platforms;

5 “(H) mobile and wireless technologies for
6 learning in school and at home;

7 “(I) learning environments that allow for
8 rich collaboration and communication;

9 “(J) authentic audiences for learning in a
10 relevant, real world experience;

11 “(K) teacher participation in virtual pro-
12 fessional communities of practice; and

13 “(L) hybrid or blended learning, which oc-
14 curs under direct instructor supervision at a
15 school or other location away from home and,
16 at least in part, through online delivery of in-
17 struction with some element of student control
18 over time, place, path, or pace.

19 “(2) ELIGIBLE TECHNOLOGY.—The term ‘eligi-
20 ble technology’ means modern information, com-
21 puter, and communication technology hardware,
22 software, services, or tools, including computer or
23 mobile hardware devices and other computer and
24 communications hardware, software applications,
25 systems and platforms, and digital and online con-

1 tent, courseware, and online instruction and other
2 online services and supports, including technology
3 that is interoperable and is in accordance with prin-
4 ciples of universal design for learning, as described
5 in section 5429(b)(21).

6 “(3) STUDENTS WITH DISABILITIES.—The term
7 ‘students with disabilities’ means students with dis-
8 abilities as defined under the Individuals with Dis-
9 abilities Education Act and section 504 of the Reha-
10 bilitation Act of 1973.

11 “(4) STUDENT TECHNOLOGY LITERACY.—The
12 term ‘student technology literacy’ means student
13 knowledge and skills in using contemporary informa-
14 tion, communication, and learning technologies in a
15 manner necessary for successful employment, life-
16 long learning, and citizenship in the knowledge-
17 based, digital, and global 21st century, including, at
18 a minimum, the ability to—

19 “(A) effectively communicate and collabo-
20 rate;

21 “(B) analyze and solve problems;

22 “(C) access, evaluate, manage, and create
23 information and otherwise gain information lit-
24 eracy;

1 “(D) demonstrate creative thinking, con-
2 struct knowledge, and develop innovative prod-
3 ucts and processes; and

4 “(E) carry out the activities described in
5 subparagraphs (A) through (D) in a safe and
6 ethical manner.

7 “(5) TECHNOLOGY READINESS SURVEY.—The
8 term ‘technology readiness survey’ means a survey
9 completed by a local educational agency that pro-
10 vides standardized information comparable to the in-
11 formation collected through the technology readiness
12 survey administered under the Race to the Top As-
13 sessment program under section 14006 of division A
14 of the American Recovery and Reinvestment Act of
15 2009 (Public Law 111–5) on the quantity and types
16 of technology infrastructure and access available to
17 the students served by the local educational agency,
18 including computer devices, Internet connectivity,
19 operating systems, related network infrastructure,
20 data systems, and—

21 “(A) requiring—

22 “(i) an internal review of the degree
23 to which instruction, additional student
24 support, and professional development is
25 delivered in digital formats, media, and

1 platforms and is available to students and
2 educators at any time;

3 “(ii) an internal review of the ability
4 of educators to use assessments and other
5 student data to personalize and strengthen
6 instruction and identify professional devel-
7 opment needs and priorities; and

8 “(iii) any other information required
9 by the State educational agency serving
10 the local educational agency; and

11 “(B) may include an assessment of local
12 community needs to ensure students have ade-
13 quate on-line access and access to devices for
14 school-related work during out-of-school time.

15 **“SEC. 5445. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.**

16 “(a) IN GENERAL.—From the amounts appropriated
17 under section 5451, the Secretary shall award State
18 Grants for Technology Readiness and Access (in this title
19 referred to as ‘grants’) to State educational agencies to
20 strengthen State and local technological infrastructure
21 and professional development that supports digital learn-
22 ing through State activities under section 5447(c) and
23 local activities under section 5448(c).

24 “(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—

1 “(1) RESERVATIONS.—From the amounts ap-
2 propriated under section 5451 for any fiscal year,
3 the Secretary shall reserve—

4 “(A) three-fourths of 1 percent for the
5 Secretary of Interior to provide assistance
6 under this title for schools operated or funded
7 by the Bureau of Indian Education; and

8 “(B) 1 percent to provide assistance under
9 this title to the outlying areas.

10 “(2) GRANTS.—From the amounts appro-
11 priated under section 106 for any fiscal year and re-
12 maining after the Secretary makes reservations
13 under paragraph (1), the Secretary shall make a
14 grant for the fiscal year to each State educational
15 agency with an approved application under section
16 5446 in an amount that bears the same relationship
17 to such remainder as the amount the State edu-
18 cational agency received under part A of title I of
19 the Elementary and Secondary Education Act of
20 1965 (20 U.S.C. 6311 et seq.) for such year bears
21 to the amount all State educational agencies with an
22 approved application under section 102 received
23 under such part (20 U.S.C. 6311 et seq.) for such
24 year.

1 “(c) MINIMUM.—The amount of a grant to a State
2 educational agency under subsection (b)(2) for a fiscal
3 year may not be less than one-half of 1 percent of the
4 total amount made available for grants to all State edu-
5 cational agencies under such subsection for such year.

6 “(d) REALLOTMENT OF UNUSED FUNDS.—If any
7 State educational agency does not apply for a grant under
8 subsection (b)(2) for a fiscal year, or does not use its en-
9 tire grant under subsection (b)(2) for such year, the Sec-
10 retary shall reallocate the amount of the State educational
11 agency’s grant, or the unused portion of the grant, to the
12 remaining State educational agencies that use their entire
13 grant amounts under subsection (b)(2) for such year.

14 “(e) MATCHING FUNDS.—

15 “(1) IN GENERAL.—A State educational agency
16 that receives a grant under subsection (b)(2) shall
17 provide matching funds, from non-Federal sources,
18 in an amount equal to 20 percent of the amount of
19 grant funds provided to the State educational agency
20 to carry out the activities supported by the grant.
21 Such matching funds may be provided in cash or in-
22 kind, except that any such in-kind contributions
23 shall be provided for the purpose of supporting the
24 State educational agency’s activities under section
25 104(c).

1 “(2) WAIVER.—The Secretary may waive the
2 matching requirement under paragraph (1) for a
3 State educational agency that demonstrates that
4 such requirement imposes an undue financial hard-
5 ship on the State educational agency.

6 **“SEC. 5446. STATE APPLICATIONS.**

7 “(a) APPLICATION.—To receive a grant under section
8 5445(b)(2), a State educational agency shall submit to the
9 Secretary an application at such time and in such manner
10 as the Secretary may require and containing the informa-
11 tion described in subsection (b).

12 “(b) CONTENTS.—Each application submitted under
13 subsection (a) shall include the following:

14 “(1) A description of how the State educational
15 agency will meet the following goals:

16 “(A) Use technology to ensure all students
17 achieve college-and-career readiness and tech-
18 nology literacy, including by providing high-
19 quality education opportunities to economically
20 or geographically isolated student populations.

21 “(B) Provide educators with the tools, de-
22 vices, content, and resources to—

23 “(i) significantly improve teaching
24 and learning, including support to increase
25 personalization for and engagement of stu-

1 dents in pursuit of college-and-career read-
2 iness and technology literacy; and

3 “(ii) develop and use assessments to
4 improve instruction, including instruction
5 consistent with the principles of universal
6 design for learning, as described in section
7 5429(b)(21), and instruction for students
8 with disabilities and English-language
9 learners.

10 “(C) Ensure administrators and school
11 leaders have the flexibility and capacity to de-
12 velop and manage systems to carry out activi-
13 ties described in subparagraphs (A) and (B),
14 and support administrators and school leaders
15 in utilizing technology to promote equity and
16 increase efficiency and productivity.

17 “(D) Enable local educational agencies to
18 build the technological capacity and infrastruc-
19 ture (including through local purchasing of eli-
20 gible technology), necessary for the full imple-
21 mentation of on-line assessments for all stu-
22 dents, (including students with disabilities and
23 English-language learners) and to—

24 “(i) ensure the interoperability of data
25 systems and eligible technology; and

1 “(ii) carry out subparagraphs (A)
2 through (C).

3 “(2) A description of the results of the tech-
4 nology readiness in the State as determined by local
5 educational agency responses to the technology read-
6 iness survey, including—

7 “(A) the status of the ability of each local
8 educational agency served by the State edu-
9 cational agency to meet the goals described in
10 section 104(b)(1);

11 “(B) an assurance that not less 90 percent
12 of the local educational agencies served by the
13 State educational agency have completed and
14 submitted the technology readiness survey to
15 the State educational agency; and

16 “(C) an assurance that the results of the
17 technology readiness survey for each such local
18 educational agency are made available to the
19 Secretary and the public through the Website of
20 the local educational agency.

21 “(3) A description of the plan for the State
22 educational agency to support each local educational
23 agency served by the State educational agency in
24 meeting the goals described in section 104(b)(1) not
25 later than 3 years after the local educational agency

1 completes the technology readiness survey by ad-
2 dressing the readiness gaps identified in such sur-
3 vey.

4 “(4) A description of the State’s process for the
5 adoption, acquisition, distribution, and use of con-
6 tent, how the State will ensure integrity of such
7 processes, and how such processes support the goals
8 under paragraph (1) or how a State will change
9 such processes to support such goals, and how the
10 State will ensure content quality.

11 “(5) A description of how the State educational
12 agency will ensure its data systems and eligible tech-
13 nology are interoperable.

14 “(6) An assurance that the State educational
15 agency will consider making content widely available
16 through open educational resources when making
17 purchasing decisions with funds received under this
18 title.

19 “(7) A description of the State’s student tech-
20 nology literacy standards and the technology stand-
21 ards for teachers and administrators, and an assur-
22 ance that the State’s student technology literacy
23 standards meet the requirements of section 7(8).

24 “(8) An assurance that subgrant awards under
25 section 104 will be carried out by the local edu-

1 educational agency staff with responsibility for leader-
2 ship, coordination, and implementation of instruc-
3 tional and other classroom technologies.

4 “(9) A description of how the State educational
5 agency will award subgrants to local educational
6 agencies under section 104.

7 “(10) A description of the process, activities,
8 and performance measures, that the State edu-
9 cational agency will use to evaluate the impact and
10 effectiveness of the grant and subgrants funds
11 awarded under this part across the State and in
12 each local educational agency.

13 “(11) A description of how the State edu-
14 cational agency will, in providing technical and other
15 assistance to local educational agencies, give priority
16 to the local educational agencies proposing to target
17 services to—

18 “(A) students in schools in need of im-
19 provement and persistently low-achieving
20 schools; and

21 “(B) schools with a high percentage of stu-
22 dents that are eligible for free or reduced price
23 lunch under the Richard B. Russell National
24 School Lunch Act (42 U.S.C. 1751 et seq.).

1 “(12) A description of how the State edu-
2 cational agency consulted with local educational
3 agencies in the development of the State educational
4 agency’s application under this subsection.

5 “(13) An assurance that the State educational
6 agency will provide matching funds as required
7 under section 101(e).

8 “(14) A description of how the State edu-
9 cational agency will ensure that funds received under
10 this title is not duplicative of support received under
11 the E-rate program.

12 “(15) An assurance that the State educational
13 agency, in making awards under section 5448, will
14 give priority to local educational agencies that—

15 “(A) propose to serve students in schools
16 in need of improvement and persistently low-
17 achieving schools; or

18 “(B) propose to serve schools with a high
19 percentage or number of students that are eligi-
20 ble for free or reduced price lunch under the
21 Richard B. Russell National School Lunch Act
22 (42 U.S.C. 1751 et seq.).

23 “(16) An assurance that the State educational
24 agency will protect the privacy and safety of stu-
25 dents and teachers, consistent with requirements of

1 section 444 of the General Education Provisions Act
2 (20 U.S.C. 1232g) (commonly known as the ‘Family
3 Educational Rights and Privacy Act of 1974’) and
4 section 2441(a) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6777(a)).

6 **“SEC. 5447. STATE USE OF GRANT FUNDS.**

7 “(a) RESERVATION FOR SUBGRANTS TO SUPPORT
8 TECHNOLOGY INFRASTRUCTURE.—Each State edu-
9 cational agency that receives a grant under section
10 101(b)(2) shall expend not less 90 percent of the grant
11 amount for each fiscal year to award subgrants to local
12 educational agencies in accordance with section 5448.

13 “(b) RESERVATION FOR STATE ACTIVITIES.—

14 “(1) IN GENERAL.—A State educational agency
15 shall reserve not more than 10 percent of the grant
16 received under section 101(b)(2) for the State activi-
17 ties described in subsection (c).

18 “(2) GRANT ADMINISTRATION.—Of the amount
19 reserved by a State educational agency under para-
20 graph (1), the State educational agency may reserve
21 not more than 1 percent or 3 percent, in the case
22 of a State educational agency awarding subgrants
23 under section 104(a)(2), for the administration of
24 the grant under this title, except that a State edu-

1 cational agency that forms a State purchasing con-
2 sortium under subsection (d)—

3 “(A) may reserve an additional 1 percent
4 to carry out the activities described in sub-
5 section (d)(1); and

6 “(B) shall receive direct approval from the
7 local educational agencies receiving subgrants
8 under section 104(a) from the State educational
9 agency prior to reserving more than the addi-
10 tional percentage authorized under subpara-
11 graph (A) to carry out the activities described
12 in subsection (d)(1).

13 “(c) PRIORITY.—In awarding subgrants under this
14 part, the State educational agency shall give priority to
15 local educational agencies proposing to target services
16 to—

17 “(1) students in schools in need of improvement
18 or persistently low-achieving schools; and

19 “(2) schools with a high percentage or number
20 of students that are eligible for free or reduced price
21 lunch under the Richard B. Russell National School
22 Lunch Act (42 U.S.C. 1751 et seq.).

23 “(c) STATE ACTIVITIES.—A State educational agency
24 shall use funds described in subsection (b) to carry out
25 each of the following:

1 “(1) Except for the awarding of subgrants in
2 accordance with section 104, activities described in
3 the State educational agency’s application under sec-
4 tion 102(b).

5 “(2) Providing technical assistance to local edu-
6 cational agencies to—

7 “(A) identify and address technology readi-
8 ness needs;

9 “(B) redesign curriculum and instruction,
10 improve educational productivity, and deliver
11 computer-based and online assessment;

12 “(C) use technology, consistent with the
13 principles of universal design for learning, as
14 described in section 5429(b)(21), to support the
15 learning needs of all students including stu-
16 dents with disabilities and English-language
17 learners;

18 “(D) support principals to have the exper-
19 tise to evaluate teachers’ proficiency in imple-
20 menting digital tools for teaching and learning;
21 and

22 “(E) build capacity of individual school
23 and local educational agency leaders.

24 “(3) Developing or utilizing research-based or
25 innovative strategies for the delivery of specialized or

1 rigorous academic courses and curricula through the
2 use of technology, including digital learning tech-
3 nologies and assistive technology.

4 “(4) Integrating and coordinating activities
5 under this title with other educational resources and
6 programs across the State.

7 “(5) Disseminating information, including mak-
8 ing publicly available on the Websites of the State
9 educational agency promising practices to improve
10 technology instruction, and acquiring and imple-
11 menting technology tools and applications.

12 “(6) Ensuring that teachers, paraprofessionals,
13 library and media personnel, specialized instructional
14 support personnel, and administrators possess the
15 knowledge and skills to use technology—

16 “(A) for curriculum redesign to change
17 teaching and learning and improve student
18 achievement;

19 “(B) for formative and summative assess-
20 ment administration, data analysis, and to per-
21 sonalize learning;

22 “(C) to improve student technology lit-
23 eracy;

1 “(D) to expand the range of supports and
2 accommodations available to English-language
3 learners and students with disabilities; and

4 “(E) for their own ongoing professional de-
5 velopment and for access to teaching resources
6 and tools.

7 “(7) Coordinating with teacher and school lead-
8 er preparation programs to—

9 “(A) align digital learning teaching stand-
10 ards; and

11 “(B) provide ongoing professional develop-
12 ment for teachers and school leaders that is
13 aligned to State student technology standards
14 and activities promoting college-and-career
15 readiness.

16 “(d) PURCHASING CONSORTIA.—

17 “(1) IN GENERAL.—A State educational agency
18 receiving a grant under section 101(b)(2) may—

19 “(A) form a State purchasing consortium
20 with 1 or more State educational agencies re-
21 ceiving such a grant to carry out the State ac-
22 tivities described in clause, including purchasing
23 eligible technology;

1 “(B) encourage local educational agencies
2 to form local purchasing consortia under section
3 104(c)(4); and

4 “(C) promote pricing opportunities to local
5 educational agencies for the purchase of eligible
6 technology that are—

7 “(i) negotiated by the State edu-
8 cational agency or the State purchasing
9 consortium of the State educational agen-
10 cy; and

11 “(ii) available to such local edu-
12 cational agencies.

13 “(2) RESTRICTIONS.—A State educational
14 agency receiving a grant under section 101(b)(2)
15 may not—

16 “(A) except for promoting the pricing op-
17 portunities described in paragraph (1)(C), make
18 recommendations to local educational agencies
19 for or require use of any specific commercial
20 products and services by local educational agen-
21 cies;

22 “(B) require local educational agencies to
23 participate in a State purchasing consortia or
24 local purchasing consortia; or

1 “(C) use more than the reservation
2 amount authorized for the administration of the
3 grant under subsection (b) to carry out the ac-
4 tivities described in paragraph (1), unless the
5 State educational agency receives approval in
6 accordance with subsection (b)(2)(B).

7 **“SEC. 5448. LOCAL SUBGRANTS.**

8 “(a) SUBGRANTS.—

9 “(1) GRANTS TO LOCAL EDUCATIONAL AGEN-
10 CIES.—From the grant funds provided under section
11 101(b)(2) to a State educational agency that are re-
12 maining after the State educational agency makes
13 reservations under section 104(b) for any fiscal year
14 and subject to paragraph (2), the State educational
15 agency shall award subgrants for the fiscal year to
16 local educational agencies served by the State edu-
17 cational agency and with an approved application
18 under subsection (b) by allotting to each such local
19 educational agency an amount that bears the same
20 relationship to the remainder as the amount received
21 by the local educational agency under part A of title
22 I of the Elementary and Secondary Education Act
23 of 1965 (20 U.S.C. 6301 et seq.) for such year
24 bears to the amount received by all such local edu-
25 cational agencies under such part for such year, ex-

1 cept that no local educational agency may receive
2 less than \$5,000.

3 “(2) COMPETITIVE GRANTS TO LOCAL EDU-
4 CATIONAL AGENCIES.—If the amount of funds ap-
5 propriated under section 106 is less than
6 \$500,000,000 for any fiscal year, a State edu-
7 cational agency—

8 “(A) shall not award subgrants under
9 paragraph (1); and

10 “(B) shall—

11 “(i) award subgrants, on a competi-
12 tive basis, to local educational agencies
13 based on the quality of applications sub-
14 mitted under (b), including—

15 “(I) the level of technology readi-
16 ness as determined by the technology
17 readiness surveys completed by local
18 educational agencies submitting such
19 applications; and

20 “(II) the technology plans de-
21 scribed in subsection (b)(3) and how
22 the local educational agencies with
23 such plans will carry out the align-
24 ment and coordination described in
25 such subsection; and

1 “(ii) ensure that such subgrants are
2 of sufficient size and scope to carry out the
3 local activities described in subsection (c).

4 “(3) DEFINITION OF LOCAL EDUCATIONAL
5 AGENCY FOR CERTAIN FISCAL YEARS.—For pur-
6 poses of awarding subgrants under paragraph (2),
7 the term ‘local educational agency’ means—

8 “(A) a local educational agency;

9 “(B) an educational service agency; or

10 “(C) a local educational agency and an
11 educational service agency.

12 “(b) APPLICATION.—A local educational agency that
13 desires to receive a subgrant under subsection (a) shall
14 submit an application to the State at such time, in such
15 manner, and accompanied by such information as the
16 State educational agency may require, including—

17 “(1) a description of how the local educational
18 agency will—

19 “(A) carry out the goals described in sub-
20 paragraphs (A) through (C) of section
21 101(b)(1); and

22 “(B) enable schools served by the agency
23 to build the technological capacity and infra-
24 structure (including through local purchasing of
25 eligible technology), necessary for the full imple-

1 mentation of on-line assessments for all stu-
2 dents (including students with disabilities and
3 English-language learners) and to—

4 “(i) ensure the interoperability of data
5 systems and eligible technology; and

6 “(ii) carry out the goals described in
7 subparagraphs (A) through (C) of section
8 101(b)(1); and

9 “(C) align activities funded under this part
10 with school improvement plans, when applica-
11 ble, described under section 1116(b)(3);

12 “(2) a description of the results of the tech-
13 nology readiness survey completed by the local edu-
14 cational agency and a description of the plan for the
15 local educational agency to meet the goals described
16 in paragraph (1) within 3 years of completing the
17 survey;

18 “(3) a description of the local educational agen-
19 cy’s technology plan to carry out paragraphs (1) and
20 (3) and how the agency will align and coordinate the
21 activities under this section with other activities
22 across the local educational agency;

23 “(4) a description of the team of educators that
24 will coordinate and carry out the activities under
25 this section, including individuals with responsibility

1 and expertise in instructional technology, teachers
2 that specialize in supporting students with disabili-
3 ties and English-language learners, school leaders,
4 technology officers, and staff responsible for assess-
5 ments and data analysis;

6 “(5) a description of how the local educational
7 agency will evaluate teachers’ proficiency and
8 progress in implementing technology for teaching
9 and learning;

10 “(6) a description of how the local educational
11 agency will ensure that principals have the expertise
12 to evaluate teachers’ proficiency and progress in im-
13 plementing technology for teaching and learning and
14 the interoperability of data systems and eligible tech-
15 nology;

16 “(7) a description of the local educational agen-
17 cy’s procurement process and process for the cre-
18 ation, acquisition, distribution, and use of content,
19 how the local educational agency will ensure integ-
20 rity of such processes, and how such processes sup-
21 port the goals described in paragraph (1) or how a
22 local educational agency will change such processes
23 to support such goals, and how the local educational
24 agency will ensure content quality;

1 “(8) a description of how the local educational
2 agency will carry out activities under subsection (c);

3 “(9) a description of how the subgrant funds
4 received under subsection (a) will be coordinated
5 with and supported by other Federal, State, and
6 local funds to support activities under this title;

7 “(10) a description of how the local educational
8 agency will ensure that the subgrant received under
9 subsection (a) is not duplicative of support received
10 under the E-rate program; and

11 “(11) an assurance that the local educational
12 agency will protect the privacy and safety of stu-
13 dents and teachers, consistent with requirements
14 section 444 of the General Education Provisions Act
15 (20 U.S.C. 1232g) (commonly known as the ‘Family
16 Educational Rights and Privacy Act of 1974’) and
17 section 2441(a) of the Elementary and Secondary
18 Education Act of 1965 (20 U.S.C. 6777(a)).

19 “(c) USE OF FUNDS.—

20 “(1) TECHNOLOGY INFRASTRUCTURE.—Subject
21 to paragraph (3), a local educational agency receiv-
22 ing a subgrant under subsection (a) shall use not
23 less than 40 percent of such funds to support activi-
24 ties for the acquisition of eligible technology needed
25 to—

1 “(A) except for the activities described in
2 paragraph (2), carry out activities described in
3 the application submitted under subsection (b),
4 including purchasing devices, equipment, and
5 software applications, and improving
6 connectivity to and within schools; and

7 “(B) address readiness shortfalls identified
8 under the technology readiness survey com-
9 pleted by the local educational agency.

10 “(2) PROFESSIONAL DEVELOPMENT FOR DIG-
11 ITAL LEARNING.—Subject to paragraph (3), a local
12 educational agency receiving a subgrant under sub-
13 section (a)—

14 “(A) shall use not less than 35 percent of
15 such funds to carry out—

16 “(i) digital age professional develop-
17 ment opportunities for teachers, para-
18 professionals, library and media personnel,
19 specialized instructional support personnel,
20 technology coordinators, and administra-
21 tors in the effective use of modern infor-
22 mation and communication technology
23 tools and digital resources to deliver in-
24 struction, curriculum and school classroom
25 management, including for classroom

1 teachers to assess, support, and provide
2 engaging student learning opportunities,
3 including professional development that—
4 “(I) is ongoing, sustainable, and
5 scalable;
6 “(II) is participatory;
7 “(III) includes communication
8 and regular interactions with instruc-
9 tors, facilitators, and peers and is di-
10 rectly related to up-to-date teaching
11 methods in content areas;
12 “(IV) includes strategies and
13 tools for improving communication
14 with parents and family engagement;
15 “(V) may be built around active
16 professional learning communities or
17 online communities of practice or
18 other tools that increase collaboration
19 among teachers across schools, local
20 educational agencies, or States; and
21 “(VI) may contain on-demand
22 components, such as instructional vid-
23 eos, training documents, or learning
24 modules;

1 “(ii) ongoing professional development
2 in strategies, pedagogy, and assessment in
3 the core academic subjects that involve the
4 use of technology and curriculum redesign
5 as key components of supporting effective,
6 innovative teaching and learning, and im-
7 proving student achievement;

8 “(iii) ongoing professional develop-
9 ment in the use of educational technologies
10 to ensure every educator achieves and
11 maintains technology literacy, including
12 possessing and maintaining the knowledge
13 and skills to use technology—

14 “(I) across the curriculum for
15 student learning;

16 “(II) for real-time data analysis
17 and online or digital assessment to en-
18 able individualized instruction; and

19 “(III) to develop and maintain
20 student technology literacy;

21 “(iv) ongoing professional develop-
22 ment for school leaders to provide and pro-
23 mote leadership in the use of—

24 “(I) educational technology to en-
25 sure a digital-age learning environ-

1 ment, including the capacity to lead
2 the reform or redesign of curriculum,
3 instruction, assessment; and

4 “(II) data through the use of
5 technology in order to increase stu-
6 dent learning opportunity, student
7 technology literacy, student access to
8 technology, and student engagement
9 in learning; and

10 “(v) a review of the effectiveness of
11 the professional development and regular
12 intervals of learner feedback and data; and

13 “(B) may use such funds for—

14 “(i) the use of technology coaches to
15 work directly with teachers, including
16 through the preparation of teachers as
17 technology leaders or master teachers—

18 “(I) who are provided with the
19 means to serve as experts and to cre-
20 ate professional development opportu-
21 nities for other teachers in the effec-
22 tive use of technology; and

23 “(II) who may leverage tech-
24 nologies, such as distance learning
25 and online virtual educator-to-educa-

1 tor peer communities, as a means to
2 support ongoing, participatory profes-
3 sional growth around the integration
4 of effective educational technologies;

5 “(ii) innovative approaches to ongoing
6 professional development such as non-
7 standard achievement recognition strate-
8 gies, including digital badging,
9 gamification elements, use of learner-cre-
10 ated learning objects, integration of social
11 and professional networking tools, rating
12 and commenting on learning artifacts, and
13 personalization of professional develop-
14 ment; and

15 “(iii) any other activities required to
16 carry out the local educational agency’s
17 technology plan described in subsection
18 (b)(4).

19 “(3) MODIFICATION OF FUNDING ALLOCA-
20 TIONS.—A State educational agency may authorize a
21 local educational agency to modify the percentage of
22 the local educational agency’s subgrant funds re-
23 quired to carry out the activities described in para-
24 graphs (1) or (2) if the local educational agency
25 demonstrates that such modification will assist the

1 local educational agency in more effectively carrying
2 out such activities.

3 “(4) PURCHASING CONSORTIA.—Local edu-
4 cational agencies receiving subgrants under sub-
5 section (a) may—

6 “(A) form a local purchasing consortia
7 with other such local educational agencies to
8 carry out the activities described in this sub-
9 section, including purchasing eligible tech-
10 nology; and

11 “(B) use such funds for purchasing eligible
12 technology through a State purchasing con-
13 sortia under section 103(d).

14 **“SEC. 5449. REPORTING.**

15 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
16 educational agency receiving a subgrant under section 104
17 shall submit to the State educational agency that awarded
18 such subgrant an annual report the meets the require-
19 ments of subsection (c).

20 “(b) STATE EDUCATIONAL AGENCIES.—Each State
21 educational agency receiving a grant under section
22 101(b)(2) shall submit to the Secretary an annual report
23 that meets the requirements of subsection (c).

1 “(c) REPORT REQUIREMENTS.—A report submitted
2 under subsection (a) or (b) shall include, at a minimum,
3 a description of—

4 “(1) the status of the State education agency’s
5 plan described in section 102(b)(3) or local edu-
6 cation agency’s technology plan under section
7 104(b)(4), as applicable;

8 “(2) the categories of eligible technology ac-
9 quired and types of programs funded under this title
10 and how such technology is being used;

11 “(3) the professional development activities
12 funded under this title, including types of activities
13 and entities involved in providing such professional
14 development; and

15 “(4) information on the impact of the grant on
16 students and student outcomes, such as—

17 “(A) the number of and demographic in-
18 formation about students who are served under
19 this part;

20 “(B) student achievement, student growth,
21 and graduation rates of such students;

22 “(C) college-and-career readiness data
23 about such students, such as rates of credit ac-
24 cumulation, course taking and completion, and
25 college enrollment and persistence;

1 “(D) student attendance and participation
2 rates;

3 “(E) student engagement and discipline;

4 “(F) school climate and teacher working
5 conditions;

6 “(G) increases in inclusion of students
7 with disabilities and English-language learners;
8 and

9 “(H) such other information the Secretary
10 may require or other information State edu-
11 cational agencies or local educational agencies
12 served under this part propose to include, as
13 approved by the Secretary.

14 **“SEC. 5450 ESTABLISHMENT OF THE ADVANCED RESEARCH**
15 **PROJECT AGENCY-EDUCATION.**

16 “(a) PROGRAM ESTABLISHED.—From the amounts
17 appropriated under section 5451, the Secretary of Edu-
18 cation may reserve up to 5 percent to—

19 “(1) establish and carry out the Advanced Re-
20 search Projects Agency-Education (in this Act re-
21 ferred to as ‘ARPA-ED’) to—

22 “(A) identify and promote advances in
23 learning, fundamental and applied sciences, and
24 engineering that may be translated into new
25 learning technologies;

1 “(B) develop, test, and evaluate new learn-
2 ing technologies and related processes; and

3 “(C) accelerate transformational techno-
4 logical advances in education;

5 “(2) convene an advisory panel under sub-
6 section (d); and

7 “(3) carry out the evaluation and dissemination
8 requirements under subsection (e).

9 “(b) APPOINTMENTS.—

10 “(1) DIRECTOR.—ARPA–ED shall be under
11 the direction of the Director of ARPA–ED, who
12 shall be appointed by the Secretary.

13 “(2) QUALIFIED INDIVIDUALS.—The Secretary
14 shall appoint, for a term of not more than 4 years,
15 qualified individuals who represent scientific, engi-
16 neering, professional, and other personnel with ex-
17 pertise in carrying out the activities described in this
18 section to positions in ARPA–ED, at rates of com-
19 pensation determined by the Secretary, without re-
20 gard to the provisions of title 5, United States Code,
21 except that such rates of compensation shall not to
22 exceed the rate for level I of the Executive Schedule
23 under section 5312 of such title.

24 “(c) FUNCTIONS OF ARPA–ED.—Upon consultation
25 with the advisory panel convened under subsection (d), the

1 Secretary shall select public and private entities to carry
2 out the activities described in subsection (a)(1) by—

3 “(1) awarding such entities grants, contracts,
4 cooperative agreements, or cash prizes; or

5 “(2) entering into such other transactions with
6 such entities as the Secretary may prescribe in regu-
7 lations.

8 “(d) ADVISORY PANEL.—

9 “(1) IN GENERAL.—The Secretary shall con-
10 vene an advisory panel to advise and consult with
11 the Secretary, Director, and the qualified individuals
12 appointed under subsection (b)(2) on—

13 “(A) ensuring that the awards made and
14 transaction entered into under subsection (c)
15 are consistent with the purposes described in
16 subsection (a)(1); and

17 “(B) ensuring the relevance, accessibility,
18 and utility of such awards and transactions to
19 education practitioners.

20 “(2) APPOINTMENT OF MEMBERS.—The Sec-
21 retary shall appoint the following qualified individ-
22 uals to serve on the advisory panel:

23 “(A) Education practitioners.

24 “(B) Experts in technology.

1 “(C) Specialists in rapid gains in student
2 achievement and school turnaround.

3 “(D) Specialists in personalized learning.

4 “(E) Researchers, including at least one
5 representative from a comprehensive center es-
6 tablished under 203 of the Educational Tech-
7 nical Assistance Act of 2002 (20 U.S.C. 9602)
8 or the regional laboratories system established
9 under section 174 of the Education Sciences
10 Reform Act (20 U.S.C. 9564).

11 “(F) Other individuals with expertise who
12 will contribute to the overall rigor and quality
13 of ARPA–ED.

14 “(3) APPLICABILITY OF FACAs.—The Federal
15 Advisory Committee Act (5 U.S.C. App.) shall not
16 apply to the panel convened under this subsection
17 and any appointee to such panel shall not be consid-
18 ered an ‘employee’ under section 2105 of title 5,
19 United States Code.

20 “(e) EVALUATION AND DISSEMINATION.—

21 “(1) EVALUATION.—The Secretary shall obtain
22 independent, periodic, and rigorous evaluation of—

23 “(A) the effectiveness of the processes
24 ARPA–Ed is using to achieve the purposes de-
25 scribed in subsection (a)(1);

1 “(B) the relevance, accessibility, and utility
2 of the awards made and transactions entered
3 into under subsection (c) to education practi-
4 tioners; and

5 “(C) the effectiveness of the projects car-
6 ried out through such awards and transactions,
7 using evidence standards developed in consulta-
8 tion with the Institute of Education Sciences,
9 and the suitability of such projects for further
10 investment or increased scale.

11 “(2) DISSEMINATION AND USE.—The Secretary
12 shall disseminate information to education practi-
13 tioners, including teachers, principals, and local and
14 State superintendents, on effective practices and
15 technologies developed under ARPA–ED, as appro-
16 priate, through—

17 “(A) the comprehensive centers established
18 under 203 of the Educational Technical Assist-
19 ance Act of 2002 (20 U.S.C. 9602);

20 “(B) the regional laboratories system es-
21 tablished under section 174 of the Education
22 Sciences Reform Act (20 U.S.C. 9564); and

23 “(C) such other means as the Secretary
24 determines to be appropriate.

1 “(f) ADMINISTRATIVE REQUIREMENTS.—Notwith-
2 standing section 437(d) of the General Education Provi-
3 sions Act (20 U.S.C. 1232(d)), the Secretary shall estab-
4 lish such processes as may be necessary for the Secretary
5 to manage and administer ARPA–ED, which are not con-
6 strained by other Department of Education-wide adminis-
7 trative requirements that may prevent ARPA–ED from
8 carrying out the purposes described in subsection (a)(1).

9 **“SEC. 5451. AUTHORIZATION.**

10 “There are authorized to be appropriated to carry out
11 this subpart \$500,000,000 for fiscal year 2014 and such
12 sums as may be necessary for each of the 4 succeeding
13 fiscal years.”.

14 (b) REPEAL.—Part B of title I (20 U.S.C. 6361 et
15 seq.) is repealed.

16 **Subtitle C—Family Engagement in**
17 **Education Programs**

18 **SEC. 521. FAMILY ENGAGEMENT IN EDUCATION PRO-**
19 **GRAMS.**

20 Title V of the Act (20 U.S.C. 5101 et seq.) is a
21 amended by adding at the end the following new part:

22 **“PART E—FAMILY ENGAGEMENT IN EDUCATION**
23 **PROGRAMS**

24 **“SEC. 5701. PURPOSES.**

25 “The purposes of this part are the following:

1 “(1) To provide financial support to organiza-
2 tions to provide technical assistance and training to
3 State and local educational agencies in the imple-
4 mentation and enhancement of systemic and effec-
5 tive family engagement policies, programs, and ac-
6 tivities that lead to improvements in student devel-
7 opment and academic achievement.

8 “(2) To assist State educational agencies, local
9 educational agencies, community-based organiza-
10 tions, schools, and educators in strengthening part-
11 nerships among parents, teachers, school leaders, ad-
12 ministrators, and other school personnel in meeting
13 the educational needs of children and fostering
14 greater parental engagement.

15 “(3) To support State educational agencies,
16 local educational agencies, schools, educators, and
17 parents in developing and strengthening the relation-
18 ship between parents and their children’s school in
19 order to further the developmental progress of chil-
20 dren.

21 “(4) To coordinate activities funded under this
22 part with parent involvement initiatives funded
23 under section 1118 and other provisions of this Act.

24 “(5) To assist the Secretary, State educational
25 agencies, and local educational agencies in the co-

1 ordination and integration of Federal, State, and
2 local services and programs to engage families in
3 education.

4 **“SEC. 5702. GRANTS AUTHORIZED.**

5 “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—
6 From the amount appropriated under section 4306, the
7 Secretary is authorized to award grants for each fiscal
8 year to statewide organizations (and consortia of such or-
9 ganizations and State educational agencies), to establish
10 Statewide Family Engagement Centers that provide com-
11 prehensive training and technical assistance to State edu-
12 cational agencies, local educational agencies, schools iden-
13 tified by State educational agencies and local educational
14 agencies, organizations that support family-school part-
15 nerships, and other organizations that carry out parent
16 education and family engagement in education programs.

17 “(b) MINIMUM AWARD.—In awarding grants under
18 this section, the Secretary shall, to the extent practicable,
19 ensure that a grant is awarded for a Statewide Family
20 Engagement Center in an amount not less than \$500,000.

21 **“SEC. 5703. APPLICATIONS.**

22 “(a) SUBMISSIONS.—Each statewide organization, or
23 a consortium of such an organization and a State edu-
24 cational agency, that desires a grant under this part shall
25 submit an application to the Secretary at such time, in

1 such manner, and including the information described in
2 subsection (b).

3 “(b) CONTENTS.—Each application submitted under
4 subsection (a) shall include, at a minimum, the following:

5 “(1) A description of the applicant’s approach
6 to family engagement in education.

7 “(2) A description of the support that the
8 Statewide Family Engagement Center that will be
9 operated by the applicant will have from the appli-
10 cant, including a letter from the applicant outlining
11 the commitment to work with the center.

12 “(3) A description of the applicant’s plan for
13 building a statewide infrastructure for family en-
14 gagement in education, that includes—

15 “(A) management and governance;

16 “(B) statewide leadership; and

17 “(C) systemic services for family engage-
18 ment in education.

19 “(4) A description of the applicant’s dem-
20 onstrated experience in providing training, informa-
21 tion, and support to State educational agencies, local
22 educational agencies, schools, educators, parents,
23 and organizations on family engagement in edu-
24 cation policies and practices that are effective for
25 parents (including low-income parents) and families,

1 English learners, minorities, parents of students
2 with disabilities, parents of homeless students, foster
3 parents and students, and parents of migratory stu-
4 dents, including evaluation results, reporting, or
5 other data exhibiting such demonstrated experience.

6 “(5) An assurance that the applicant will—

7 “(A) establish a special advisory com-
8 mittee, the membership of which includes—

9 “(i) parents, who shall constitute a
10 majority of the members of the special ad-
11 visory committee;

12 “(ii) representatives of education pro-
13 fessionals with expertise in improving serv-
14 ices for disadvantaged children;

15 “(iii) representatives of local elemen-
16 tary schools and secondary schools, includ-
17 ing students;

18 “(iv) representatives of the business
19 community; and

20 “(v) representatives of State edu-
21 cational agencies and local educational
22 agencies;

23 “(B) use not less than 65 percent of the
24 funds received under this part in each fiscal
25 year to serve local educational agencies, schools,

1 and community-based organizations that serve
2 high concentrations of disadvantaged students,
3 including English learners, minorities, parents
4 of students with disabilities, parents of home-
5 less students, foster parents and students, and
6 parents of migratory students;

7 “(C) operate a Statewide Family Engage-
8 ment Center of sufficient size, scope, and qual-
9 ity to ensure that the Center is adequate to
10 serve the State educational agency, local edu-
11 cational agencies, and community-based organi-
12 zations;

13 “(D) ensure that the Center will retain
14 staff with the requisite training and experience
15 to serve parents in the State;

16 “(E) serve urban, suburban, and rural
17 local educational agencies and schools;

18 “(F) work with—

19 “(i) other Statewide Family Engage-
20 ment Centers assisted under this part; and

21 “(ii) parent training and information
22 centers and community parent resource
23 centers assisted under sections 671 and
24 672 of the Individuals with Disabilities
25 Education Act;

1 “(G) use not less than 30 percent of the
2 funds received under this part for each fiscal
3 year to establish or expand technical assistance
4 for evidence-based parent education programs;

5 “(H) provide assistance to State edu-
6 cational agencies and local educational agencies
7 and community-based organizations that sup-
8 port family members in supporting student aca-
9 demic achievement;

10 “(I) work with State educational agencies,
11 local educational agencies, schools, educators,
12 and parents to determine parental needs and
13 the best means for delivery of services to ad-
14 dress such needs; and

15 “(J) conduct sufficient outreach to assist
16 parents, including parents who the applicant
17 may have a difficult time engaging with a
18 school or local educational agency.

19 **“SEC. 5704. USES OF FUNDS.**

20 “(a) IN GENERAL.—Grantees shall use grant funds
21 received under this part, based on the needs determined
22 under section 4303(b)(5)(I), to provide training and tech-
23 nical assistance to State educational agencies, local edu-
24 cational agencies, and organizations that support family-
25 school partnerships, and activities, services, and training

1 for local educational agencies, school leaders, educators,
2 and parents—

3 “(1) to assist parents in participating effectively
4 in their children’s education and to help their chil-
5 dren meet college and career ready standards, such
6 as assisting parents—

7 “(A) to engage in activities that will im-
8 prove student academic achievement, including
9 understanding how they can support learning in
10 the classroom with activities at home and in
11 afterschool and extracurricular programs;

12 “(B) to communicate effectively with their
13 children, teachers, school leaders, counselors,
14 administrators, and other school personnel;

15 “(C) to become active participants in the
16 development, implementation, and review of
17 school-parent compacts, family engagement in
18 education policies, and school planning and im-
19 provement;

20 “(D) to participate in the design and pro-
21 vision of assistance to students who are not
22 making academic progress;

23 “(E) to participate in State and local deci-
24 sionmaking;

25 “(F) to train other parents; and

1 “(G) to help the parents learn and use
2 technology applied in their children’s education;

3 “(2) to develop and implement, in partnership
4 with the State educational agency, statewide family
5 engagement in education policy and systemic initia-
6 tives that will provide for a continuum of services to
7 remove barriers for family engagement in education
8 and support school reform efforts; and

9 “(3) to develop, implement, and assess parental
10 involvement policies under sections 1112 and 1118.

11 “(b) MATCHING FUNDS FOR GRANT RENEWAL.—

12 For each fiscal year after the first fiscal year for which
13 an organization or consortium receives assistance under
14 this section, the organization or consortium shall dem-
15 onstrate in the application that a portion of the services
16 provided by the organization or consortium is supported
17 through non-Federal contributions, which may be in cash
18 or in-kind.

19 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
20 reserve not more than 2 percent of the funds appropriated
21 under section 4306 to carry out this part to provide tech-
22 nical assistance, by grant or contract, for the establish-
23 ment, development, and coordination of Statewide Family
24 Engagement Centers.

1 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to prohibit a Statewide Family En-
3 gagement Center from—

4 “(1) having its employees or agents meet with
5 a parent at a site that is not on school grounds; or

6 “(2) working with another agency that serves
7 children.

8 “(e) PARENTAL RIGHTS.—Notwithstanding any
9 other provision of this section—

10 “(1) no person (including a parent who edu-
11 cates a child at home, a public school parent, or a
12 private school parent) shall be required to partici-
13 pate in any program of parent education or develop-
14 mental screening under this section; and

15 “(2) no program or center assisted under this
16 section shall take any action that infringes in any
17 manner on the right of a parent to direct the edu-
18 cation of their children.

19 **“SEC. 5705. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

20 “The Secretary of the Interior, in consultation with
21 the Secretary of Education, shall establish, or enter into
22 contracts and cooperative agreements with local Indian or
23 Indian-serving nonprofit parent organizations to establish
24 and operate Family Engagement Centers.

1 **“SEC. 5706. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this part \$30,000,000 for fiscal year 2014 and such sums
4 as may be necessary for subsequent fiscal years.”.

5 **TITLE VI—FLEXIBILITY AND**
6 **ACCOUNTABILITY**

7 **SEC. 601. FLEXIBILITY AND ACCOUNTABILITY.**

8 Title VI (20 U.S.C. 7301 et seq.) is amended in sec-
9 tions 6113(a) and 6234 by striking “fiscal year 2002” and
10 inserting “fiscal year 2014” each place it appears.

11 **TITLE VII—INDIAN, NATIVE HA-**
12 **WAIAN, AND ALASKA NATIVE**
13 **EDUCATION**

14 **SEC. 701. INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE**
15 **EDUCATION.**

16 Title VII (20 U.S.C. 7401 et seq.) is amended in sec-
17 tions 7152, 7205(c), and 7304(d)(1) by striking “fiscal
18 year 2002” and inserting “fiscal year 2014” each place
19 it appears.

20 **TITLE VIII—IMPACT AID**

21 **SEC. 801. PURPOSE.**

22 Section 8001 (20 U.S.C. 7701) is amended by strik-
23 ing “challenging State standards” and inserting “State
24 academic standards”.

1 **SEC. 802. PAYMENTS RELATING TO FEDERAL ACQUISITION**
2 **OF REAL PROPERTY.**

3 Section 8002 (20 U.S.C. 7702) is amended—

4 (1) in subsection (b)(1)(B), by striking “section
5 8014(a)” and inserting “section 3(d)(1)”; and

6 (2) by amending subsection (f) to read as fol-
7 lows:

8 “(f) SPECIAL RULE.—Beginning with fiscal year
9 2014, a local educational agency shall be deemed to meet
10 the requirements of subsection (a)(1)(C) if records to de-
11 termine eligibility under such subsection were destroyed
12 prior to fiscal year 2000 and the agency received funds
13 under subsection (b) in the previous year.”;

14 (3) by amending subsection (g) to read as fol-
15 lows:

16 “(g) FORMER DISTRICTS.—

17 “(1) CONSOLIDATIONS.—For fiscal year 2006
18 and each succeeding fiscal year, if a local edu-
19 cational agency described in paragraph (2) is formed
20 at any time after 1938 by the consolidation of two
21 or more former school districts, the local educational
22 agency may elect to have the Secretary determine its
23 eligibility and any amount for which the local edu-
24 cational agency is eligible under this section for such
25 fiscal year on the basis of one or more of those

1 former districts, as designated by the local edu-
2 cational agency.

3 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
4 CIES.—A local educational agency described in this
5 paragraph is—

6 “(A) any local educational agency that, for
7 fiscal year 1994 or any preceding fiscal year,
8 applied for, and was determined to be eligible
9 under section 2(c) of the Act of September 30,
10 1950 (Public Law 874, 81st Congress) as that
11 section was in effect for that fiscal year; or

12 “(B) a local educational agency formed by
13 the consolidation of 2 or more school districts,
14 at least one of which was eligible for assistance
15 under this section for the fiscal year preceding
16 the year of the consolidation, if—

17 “(i) for fiscal years 2006 through
18 2013, the local educational agency notifies
19 the Secretary not later than 30 days after
20 the date of enactment of the Student Suc-
21 cess Act of the designation described in
22 paragraph (1); and

23 “(ii) for fiscal year 2014, and each
24 subsequent fiscal year, 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) AVAILABILITY OF FUNDS.—Notwith-
4 standing any other provision of law limiting the pe-
5 riod during which the Secretary may obligate funds
6 appropriated for any fiscal year after fiscal year
7 2005, the Secretary may obligate funds remaining
8 after final payments have been made for any of such
9 fiscal years to carry out this subsection.”;

10 (4) 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)”;

15 (ii) in subparagraph (D), by striking
16 “section 8014(a)” and inserting “section
17 3(d)(1)”;

18 (B) in paragraph (4), by striking “Impact
19 Aid Improvement Act of 2012” and inserting
20 “Student Success Act”;

21 (5) by repealing subsection (k);

22 (6) by redesignating subsection (l) as subsection
23 (k);

1 (7) by amending subsection (k) (as so redesignig-
2 nated) by striking “(h)(4)(B)” and inserting
3 “(h)(2)”;

4 (8) by repealing subsection (m); and

5 (9) by redesignating subsection (n) as sub-
6 section (j).

7 **SEC. 803. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
8 **NECTED CHILDREN.**

9 (a) COMPUTATION OF PAYMENT.—Section 8003(a)
10 (20 U.S.C. 7703(a)) is amended—

11 (1) in the matter preceding subparagraph (A)
12 of paragraph (1), by inserting after “schools of such
13 agency” the following: “(including those children en-
14 rolled in such agency as a result of the open enroll-
15 ment policy of the State in which the agency is lo-
16 cated, but not including children who are enrolled in
17 a distance education program at such agency and
18 who are not residing within the geographic bound-
19 aries of such agency)”;

20 (2) in paragraph (5)(A), by striking “1984”
21 and all that follows through “situated” and inserting
22 “1984, or under lease of off-base property under
23 subchapter IV of chapter 169 of title 10, United
24 States Code, to be children described under para-
25 graph (1)(B) if the property described is within the

1 fenced security perimeter of the military facility or
2 attached to and under any type of force protection
3 agreement with the military installation upon which
4 such housing is situated.”

5 (b) BASIC SUPPORT PAYMENTS FOR HEAVILY IM-
6 PACTED LOCAL EDUCATIONAL AGENCIES.—Section
7 8003(b) (20 U.S.C. 7703(b)) is amended—

8 (1) by striking “section 8014(b)” each place it
9 appears and inserting “section 3(d)(2)”;

10 (2) in paragraph (1), by repealing subpara-
11 graph (E);

12 (3) in paragraph (2)—

13 (A) in subparagraph (A), by inserting at
14 the end the following:

15 “(iii) The Secretary shall—

16 “(I) deem each local educational
17 agency that received a basic support
18 payment under this paragraph for fis-
19 cal year 2009 as eligible to receive a
20 basic support payment under this
21 paragraph for each of fiscal years
22 2012, 2013, and 2014; and

23 “(II) make a payment to each
24 such local educational agency under

1 this paragraph for each of fiscal years
2 2012, 2013, and 2014.”; and

3 (B) in subparagraph (B)—

4 (i) by striking “CONTINUING” in the
5 heading;

6 (ii) by amending clause (i) to read as
7 follows:

8 “(i) IN GENERAL.—A heavily im-
9 pacted local educational agency is eligible
10 to receive a basic support payment under
11 subparagraph (A) with respect to a num-
12 ber of children determined under sub-
13 section (a)(1) if the agency—

14 “(I) is a local educational agen-
15 cy—

16 “(aa) whose boundaries are
17 the same as a Federal military
18 installation or an island property
19 designated by the Secretary of
20 the Interior to be property that is
21 held in trust by the Federal Gov-
22 ernment; and

23 “(bb) that has no taxing au-
24 thority;

1 “(II) is a local educational agen-
2 cy that—

3 “(aa) has an enrollment of
4 children described in subsection
5 (a)(1) that constitutes a percent-
6 age of the total student enroll-
7 ment of the agency that is not
8 less than 45 percent;

9 “(bb) has a per-pupil ex-
10 penditure that is less than—

11 “(AA) for an agency
12 that has a total student en-
13 rollment of 500 or more stu-
14 dents, 125 percent of the av-
15 erage per-pupil expenditure
16 of the State in which the
17 agency is located; or

18 “(BB) for any agency
19 that has a total student en-
20 rollment less than 500, 150
21 percent of the average per-
22 pupil expenditure of the
23 State in which the agency is
24 located or the average per-
25 pupil expenditure of 3 or

1 more comparable local edu-
2 cational agencies in the
3 State in which the agency is
4 located; and

5 “(cc) is an agency that—

6 “(AA) has a tax rate
7 for general fund purposes
8 that is not less than 95 per-
9 cent of the average tax rate
10 for general fund purposes of
11 comparable local educational
12 agencies in the State; or

13 “(BB) was eligible to
14 receive a payment under this
15 subsection for fiscal year
16 2013 and is located in a
17 State that by State law has
18 eliminated ad valorem tax as
19 a revenue for local edu-
20 cational agencies;

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 enroll-
2 ment of the agency that is not
3 less than 20 percent;

4 “(bb) for the 3 fiscal years
5 preceding the fiscal year for
6 which the determination is made,
7 the average enrollment of chil-
8 dren who are not described in
9 subsection (a)(1) and who are eli-
10 gible for a free or reduced price
11 lunch under the Richard B. Rus-
12 sell National School Lunch Act
13 constitutes a percentage of the
14 total student enrollment of the
15 agency that is not less than 65
16 percent; and

17 “(cc) has a tax rate for gen-
18 eral fund purposes which is not
19 less than 125 percent of the aver-
20 age tax rate for general fund
21 purposes for comparable local
22 educational agencies in the State;

23 “(IV) is a local educational agen-
24 cy that has a total student enrollment

1 of not less than 25,000 students, of
2 which—

3 “(aa) not less than 50 per-
4 cent are children described in
5 subsection (a)(1); and

6 “(bb) not less than 5,500 of
7 such children are children de-
8 scribed in subparagraphs (A) and
9 (B) of subsection (a)(1); or

10 “(V) is a local educational agency
11 that—

12 “(aa) has an enrollment of
13 children described in subsection
14 (a)(1) including, for purposes of
15 determining eligibility, those chil-
16 dren described in subparagraphs
17 (F) and (G) of such subsection,
18 that is not less than 35 percent
19 of the total student enrollment of
20 the agency; and

21 “(bb) was eligible to receive
22 assistance under subparagraph
23 (A) for fiscal year 2001.”; and

24 (iii) in clause (ii)—

1 (I) by striking “A heavily” and
2 inserting the following:

3 “(I) IN GENERAL.—Subject to
4 subclause (II), a heavily”; and

5 (II) by adding at the end the fol-
6 lowing:

7 “(II) LOSS OF ELIGIBILITY DUE
8 TO FALLING BELOW 95 PERCENT OF
9 THE AVERAGE TAX RATE FOR GEN-
10 ERAL FUND PURPOSES.—In a case of
11 a heavily impacted local educational
12 agency that fails to meet the require-
13 ments of clause (i) for a fiscal year by
14 reason of having a tax rate for gen-
15 eral fund purposes that falls below 95
16 percent of the average tax rate for
17 general fund purposes of comparable
18 local educational agencies in the
19 State, subclause (I) shall be applied
20 as if ‘and the subsequent fiscal year’
21 were inserted before the period at the
22 end.”;

23 (C) by striking subparagraph (C);

1 (D) by redesignating subparagraphs (D)
2 through (H) as subparagraphs (C) through (G),
3 respectively;

4 (E) in subparagraph (C) (as so redesign-
5 nated)—

6 (i) in the heading, by striking “REG-
7 ULAR”;

8 (ii) by striking “Except as provided in
9 subparagraph (E)” and inserting “Except
10 as provided in subparagraph (D)”;

11 (iii) by amending subclause (I) of
12 clause (ii) to read as follows:

13 “(ii)(I)(aa) For a local educational agency
14 with respect to which 35 percent or more of the
15 total student enrollment of the schools of the
16 agency are children described in subparagraph
17 (D) or (E) (or a combination thereof) of sub-
18 section (a)(1), and that has an enrollment of
19 children described in subparagraphs (A), (B),
20 or (C) of such subsection equal to at least 10
21 percent of the agency’s total enrollment, the
22 Secretary shall calculate the weighted student
23 units of those children described in subpara-
24 graph (D) or (E) of such subsection by multi-

1 plying the number of such children by a factor
2 of 0.55.

3 “(bb) Notwithstanding subitem (aa), a
4 local educational agency that received a pay-
5 ment under this paragraph for fiscal year 2012
6 shall not be required to have an enrollment of
7 children described in subparagraphs (A), (B),
8 or (C) of subsection (a)(1) equal to at least 10
9 percent of the agency’s total enrollment.”; and

10 (iv) by amending subclause (III) of
11 clause (ii) by striking “(B)(i)(II)(aa)” and
12 inserting “subparagraph (B)(i)(I)”;

13 (F) in subparagraph (D)(i)(II) (as so re-
14 designated), by striking “6,000” and inserting
15 “5,500”;

16 (G) in subparagraph (E) (as so redesign-
17 ated)—

18 (i) by striking “Secretary” and all
19 that follows through “shall use” and in-
20 serting “Secretary shall use”;

21 (ii) by striking “; and” and inserting
22 a period; and

23 (iii) by striking clause (ii);

24 (H) in subparagraph (F) (as so redesign-
25 ated), by striking “subparagraph

1 (C)(i)(II)(bb)” and inserting “subparagraph
2 (B)(i)(II)(bb)(BB)”;

3 (I) in subparagraph (G) (as so redesign-
4 nated)—

5 (i) in clause (i)—

6 (I) by striking “subparagraph
7 (B), (C), (D), or (E)” and inserting
8 “subparagraph (B), (C), or (D)”;

9 (II) by striking “by reason of”
10 and inserting “due to”;

11 (III) by inserting after “clause
12 (iii)” the following “, or as the direct
13 result of base realignment and closure
14 or modularization as determined by
15 the Secretary of Defense and force
16 structure change or force relocation”;

17 and

18 (IV) by inserting before the pe-
19 riod, the following: “or during such
20 time as activities associated with base
21 closure and realignment,
22 modularization, force structure
23 change, or force relocation are ongo-
24 ing”; and

1 (ii) in clause (ii), by striking “(D) or
2 (E)” each place it appears and inserting
3 “(C) or (D)”;

4 (4) in paragraph (3)—

5 (A) in subparagraph (B)—

6 (i) by amending clause (iii) to read as
7 follows:

8 “(iii) In the case of a local educational
9 agency providing a free public education to stu-
10 dents enrolled in kindergarten through grade
11 12, but which enrolls students described in sub-
12 paragraphs (A), (B), and (D) of subsection
13 (a)(1) only in grades 9 through 12, and which
14 received a final payment in fiscal year 2009 cal-
15 culated under this paragraph (as this para-
16 graph was in effect on the day before the date
17 of enactment of the Student Success Act) for
18 students in grades 9 through 12, the Secretary
19 shall, in calculating the agency’s payment, con-
20 sider only that portion of such agency’s total
21 enrollment of students in grades 9 through 12
22 when calculating the percentage under clause
23 (i)(I) and only that portion of the total current
24 expenditures attributed to the operation of
25 grades 9 through 12 in such agency when cal-

1 culating the percentage under clause (i)(II).”;
2 and

3 (ii) by adding at the end the fol-
4 lowing:

5 “(v) In the case of a local educational
6 agency that is providing a program of distance
7 education to children not residing within the ge-
8 ographic boundaries of the agency, the Sec-
9 retary 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
17 received for such children from the total
18 current 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
22 (2)(D)”;

23 (C) by amending subparagraph (D) to read
24 as follows:

1 “(D) RATABLE DISTRIBUTION.—For any
2 fiscal year described in subparagraph (A) for
3 which the sums available exceed the amount re-
4 quired to pay each local educational agency 100
5 percent of its threshold payment, the Secretary
6 shall distribute the excess sums to each eligible
7 local educational agency that has not received
8 its full amount computed under paragraph (1)
9 or (2) (as the case may be) by multiplying—

10 “(i) a percentage, the denominator of
11 which is the difference between the full
12 amount computed under paragraph (1) or
13 (2) (as the case may be) for all local edu-
14 cational agencies and the amount of the
15 threshold payment (as calculated under
16 subparagraphs (B) and (C)) of all local
17 educational agencies, and the numerator of
18 which is the aggregate of the excess sums,
19 by;

20 “(ii) the difference between the full
21 amount computed under paragraph (1) or
22 (2) (as the case may be) for the agency
23 and the amount of the threshold payment
24 as calculated under subparagraphs (B) and
25 (C) of the agency.”; and

1 (D) by inserting at the end the following
2 new subparagraphs:

3 “(E) INSUFFICIENT PAYMENTS.—For each
4 fiscal year described in subparagraph (A) for
5 which the sums appropriated under section
6 3(d)(2) are insufficient to pay each local edu-
7 cational agency all of the local educational
8 agency’s threshold payment described in sub-
9 paragraph (D), the Secretary shall ratably re-
10 duce the payment to each local educational
11 agency under this paragraph.

12 “(F) INCREASES.—If the sums appro-
13 priated under section 3(d)(2) are sufficient to
14 increase the threshold payment above the 100
15 percent threshold payment described in sub-
16 paragraph (D), then the Secretary shall in-
17 crease payments on the same basis as such pay-
18 ments were reduced, except no local educational
19 agency may receive a payment amount greater
20 than 100 percent of the maximum payment cal-
21 culated under this subsection.”; and

22 (5) in paragraph (4)—

23 (A) in subparagraph (A), by striking
24 “through (D)” and inserting “and (C)”; and

1 (B) in subparagraph (B), by striking “sub-
2 paragraph (D) or (E)” and inserting “subpara-
3 graph (C) or (D)”.

4 (c) PRIOR YEAR DATA.—Paragraph (2) of section
5 8003(c) (20 U.S.C. 7703(c)) is amended to read as fol-
6 lows:

7 “(2) EXCEPTION.—Calculation of payments for
8 a local educational agency shall be based on data
9 from the fiscal year for which the agency is making
10 an application for payment if such agency—

11 “(A) is newly established by a State, for
12 the first year of operation of such agency only;

13 “(B) was eligible to receive a payment
14 under this section for the previous fiscal year
15 and has had an overall increase in enrollment
16 (as determined by the Secretary in consultation
17 with the Secretary of Defense, the Secretary of
18 the Interior, or the heads of other Federal
19 agencies)—

20 “(i) of not less than 10 percent, or
21 100 students, of children described in—

22 “(I) subparagraph (A), (B), (C),
23 or (D) of subsection (a)(1); or

24 “(II) subparagraph (F) and (G)
25 of subsection (a)(1), but only to the

1 extent such children are civilian de-
2 pendants of employees of the Depart-
3 ment of Defense or the Department of
4 the Interior; and

5 “(ii) that is the direct result of closure
6 or realignment of military installations
7 under the base closure process or the relo-
8 cation of members of the Armed Forces
9 and civilian employees of the Department
10 of Defense as part of the force structure
11 changes or movements of units or per-
12 sonnel between military installations or be-
13 cause of actions initiated by the Secretary
14 of the Interior or the head of another Fed-
15 eral agency; or

16 “(C) was eligible to receive a payment
17 under this section for the previous fiscal year
18 and has had an increase in enrollment (as de-
19 termined by the Secretary)—

20 “(i) of not less than 10 percent of
21 children described in subsection (a)(1) or
22 not less than 100 of such children; and

23 “(ii) that is the direct result of the
24 closure of a local educational agency that

1 received a payment under subsection (b)(1)
2 or (b)(2) in the previous fiscal year.”.

3 (d) CHILDREN WITH DISABILITIES.—Section
4 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
5 “section 8014(c)” and inserting “section 3(d)(3)”.

6 (e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C.
7 7703(e)) is amended—

8 (1) by amending paragraph (1) to read as fol-
9 lows:

10 “(1) IN GENERAL.—Subject to paragraph (2),
11 the total amount the Secretary shall pay a local edu-
12 cational agency under subsection (b)—

13 “(A) for fiscal year 2014, shall not be less
14 than 90 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;

18 “(B) for fiscal year 2015, shall not be less
19 than 85 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 “(C) for fiscal year 2016, shall not be less
24 than 80 percent of the total amount that the
25 local educational agency received under sub-

1 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
2 year 2013.”; and

3 (2) by amending paragraph (2) to read as fol-
4 lows:

5 “(2) MAXIMUM AMOUNT.—The total amount
6 provided to a local educational agency under sub-
7 paragraph (A), (B), or C of paragraph (1) for a fis-
8 cal year shall not exceed the maximum basic support
9 payment amount for such agency determined under
10 paragraph (1) or (2) of subsection (b), as the case
11 may be, for such fiscal year.”.

12 (f) MAINTENANCE OF EFFORT.—Section 8003 (20
13 U.S.C. 7703) is amended by striking subsection (g).

14 **SEC. 804. POLICIES AND PROCEDURES RELATING TO CHIL-**
15 **DREN RESIDING ON INDIAN LANDS.**

16 Section 8004(e)(9) is amended by striking “Bureau
17 of Indian Affairs” and inserting “Bureau of Indian Edu-
18 cation”.

19 **SEC. 805. APPLICATION FOR PAYMENTS UNDER SECTIONS**
20 **8002 AND 8003.**

21 Section 8005(b) (20 U.S.C. 7705(b)) is amended in
22 the matter preceding paragraph (1) by striking “and shall
23 contain such information,”.

24 **SEC. 806. CONSTRUCTION.**

25 Section 8007 (20 U.S.C. 7707) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1), by striking “section
3 8014(e)” and inserting “section 3(d)(4)”;

4 (B) in paragraph (2), by adding at the end
5 the following:

6 “(C) The agency is eligible under section
7 4003(b)(2) or is receiving basic support pay-
8 ments under circumstances described in section
9 4003(b)(2)(B)(ii).”; and

10 (C) in paragraph (3), by striking “section
11 8014(e)” each place it appears and inserting
12 “section 3(d)(4)”;

13 (2) in subsection (b)—

14 (A) in paragraph (1), by striking “section
15 8014(e)” and inserting “section 3(d)(4)”;

16 (B) in paragraph (3)—

17 (i) in subparagraph (C)(i)(I), by add-
18 ing at the end the following:

19 “(cc) At least 10 percent of the
20 property in the agency is exempt from
21 State and local taxation under Fed-
22 eral law.”; and

23 (ii) by adding at the end the fol-
24 lowing:

1 “(F) LIMITATIONS ON ELIGIBILITY RE-
2 QUIREMENTS.—The Secretary shall not limit
3 eligibility—

4 “(i) under subparagraph (C)(i)(I)(aa),
5 to those local educational agencies in which
6 the number of children determined under
7 section 8003(a)(1)(C) for each such agency
8 for the preceding school year constituted
9 more than 40 percent of the total student
10 enrollment in the schools of each such
11 agency during the preceding school year;
12 and

13 “(ii) under subparagraph (C)(i)(I)(cc),
14 to those local educational agencies in which
15 more than 10 percent of the property in
16 each such agency is exempt from State and
17 local taxation under Federal law.”;

18 (C) in paragraph (6)—

19 (i) in the matter preceding subpara-
20 graph (A), by striking “in such manner,
21 and accompanied by such information”
22 and inserting “and in such manner”; and

23 (ii) by striking subparagraph (F); and
24 (D) by striking paragraph (7).

1 **SEC. 807. FACILITIES.**

2 Section 8008 (20 U.S.C. 7708) is amended in sub-
3 section (a), by striking “section 8014(f)” and inserting
4 “section 3(d)(5)”.

5 **SEC. 808. STATE CONSIDERATION OF PAYMENTS PRO-**
6 **VIDING STATE AID.**

7 Section 8009 (20 U.S.C. 7709) is amended—

8 (1) in subsection (c)(1)(B), by striking “and
9 contain the information”; and

10 (2) in subsection (d)(2)—

11 (A) by striking “A State” and inserting
12 the following:

13 “(A) IN GENERAL.—A State”; and

14 (B) by adding at the end of the following:

15 “(B) STATES THAT ARE NOT EQUALIZED
16 STATES.—A State that has not been approved
17 as an equalized State under subsection (b) shall
18 not consider funds received under section 8002
19 or section 8003 of this title in any State for-
20 mula or place a limit or direct the use of such
21 funds.”.

22 **SEC. 809. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
23 **VIEW.**

24 Section 8011(a) (20 U.S.C. 7711(a)) is amended by
25 striking “or under the Act” and all the follows through
26 “1994)”.

1 **SEC. 810. DEFINITIONS.**

2 Section 8013 (20 U.S.C. 7713) is amended—

3 (1) in paragraph (1), by striking “and Marine
4 Corps” and inserting “Marine Corps, and Coast
5 Guard”;

6 (2) in paragraph (4), by striking “and title VI”;

7 (3) in paragraph (5)(A)(iii)—

8 (A) in subclause (II), by striking “Stewart
9 B. McKinney Homeless Assistance Act” and in-
10 serting “McKinney-Vento Homeless Assistance
11 Act (42 U.S.C. 11411)”;

12 (B) in subclause (III), by inserting before
13 the semicolon, “(25 U.S.C. 4101 et seq.)”;

14 (4) in paragraph (8)(A), by striking “and
15 verified by” and inserting “, and verified by,”; and

16 (5) in paragraph (9)(B), by inserting a comma
17 before “on a case-by-case basis”.

18 **SEC. 811. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 8014 (20 U.S.C. 7801) is amended—

20 (1) by striking “2000” each place it appears
21 and inserting “2014”;

22 (2) by striking “2001” and inserting “2015”;
23 and

24 (3) by striking “2002” and inserting “2016”.

1 **SEC. 812. CONFORMING AMENDMENTS.**

2 Subsection (c) of the Impact Aid Improvement Act
3 of 2012 (20 U.S.C. 6301 note; Public Law 112-239; 126
4 Stat. 1748) is amended—

5 (1) (1) by striking paragraphs (1) and (4); and

6 (2) (2) by redesignating paragraphs (2) and

7 (3), as paragraphs (1) and (2), respectively.

8 **TITLE IX—GENERAL**
9 **PROVISIONS**

10 **SEC. 900. GENERAL AMENDMENTS.**

11 (a) **GENERAL PROHIBITION.**—Section 9527(a) (20
12 U.S.C. 7907(a)) is amended by inserting “specific instruc-
13 tional content, academic standards or assessments,” after
14 “school’s curriculum,”.

15 (b) **RULE OF CONSTRUCTION.**—Section 9534 (20
16 U.S.C. 7914) is amended by adding at the end the fol-
17 lowing:

18 “(c) **RULE OF CONSTRUCTION.**—Any public or pri-
19 vate entity that receives funds allocated under this Act
20 including from a State educational agency or local edu-
21 cational agency shall be considered a program under sub-
22 section (a) and be subject to the requirements of sub-
23 section (a) in carrying out programs or activities funded
24 under this Act.”.

1 **Subtitle A—Protecting Students**
2 **From Sexual and Violent Predators**

3 **SEC. 901. BACKGROUND CHECKS.**

4 Subpart 2 of part E of title IX of the Elementary
5 and Secondary Education Act of 1965 (20 U.S.C. 7901
6 et seq.) is amended by adding at the end the following:

7 **“SEC. 9537. BACKGROUND CHECKS.**

8 “(a) BACKGROUND CHECKS.—To ensure a safe
9 learning environment, each State educational agency that
10 receives funds under this Act shall have in effect policies
11 and procedures that—

12 “(1) require that criminal background checks
13 be conducted for each school employee that in-
14 clude—

15 “(A) a search of the State criminal reg-
16 istry or repository in the State in which the
17 school employee resides and each State in which
18 the school employee previously resided;

19 “(B) a search of State-based child abuse
20 and neglect registries and databases in the
21 State in which the school employee resides and
22 each State in which the school employee pre-
23 viously resided;

1 “(C) a Federal Bureau of Investigation
2 fingerprint check using the Integrated Auto-
3 mated Fingerprint Identification System; and

4 “(D) a search of the National Sex Of-
5 fender Registry established under section 19 of
6 the Adam Walsh Child Protection and Safety
7 Act of 2006 (42 U.S.C. 16919);

8 “(2) prohibit the employment of an individual
9 as a school employee if such individual—

10 “(A) refuses to consent to a criminal back-
11 ground check under paragraph (1);

12 “(B) makes a false statement in connec-
13 tion with such criminal background check;

14 “(C) has been convicted of a felony con-
15 sisting of—

16 “(i) homicide;

17 “(ii) child abuse or neglect;

18 “(iii) a crime against children, includ-
19 ing child pornography;

20 “(iv) spousal abuse;

21 “(v) a crime involving rape or sexual
22 assault;

23 “(vi) kidnapping;

24 “(vii) arson; or

1 “(viii) physical assault, battery, or a
2 drug-related offense, committed within 5
3 years of the completion of such individual’s
4 criminal background check under para-
5 graph (1); or

6 “(D) has been convicted of any other crime
7 that is a violent or sexual crime against a
8 minor;

9 “(3) require that a local educational agency or
10 State educational agency that receives information
11 from a criminal background check conducted para-
12 graph (1) that an individual who has applied for em-
13 ployment as a school employee with such agency is
14 a sexual predator, report to local law enforcement
15 that such individual has so applied;

16 “(4) require that criminal background checks
17 conducted under paragraph (1) be periodically re-
18 peated or updated in accordance with State law or
19 local educational policy, but not less than once every
20 5 years;

21 “(5) require that each school employee who has
22 had a criminal background check under paragraph
23 (1) be provided with a copy of the background
24 check; and

1 “(6) provide for a timely process by which a
2 school employee may appeal, but which does not per-
3 mit the school employee to be employed as a school
4 employee during such appeal, the results of a crimi-
5 nal background check conducted under paragraph
6 (1) to—

7 “(A) challenge the accuracy or complete-
8 ness of the information produced by such back-
9 ground check; and

10 “(B) seek appropriate relief for any final
11 employment decision based on materially inac-
12 curate or incomplete information produced by
13 such background check.

14 “(b) INVENTORY AUTHORIZED.—A State educational
15 agency may maintain an inventory of all the information
16 from criminal background checks conducted under sub-
17 section (a)(1) on school employees in the State.

18 “(c) DEFINITIONS.—In this section:

19 “(1) SCHOOL EMPLOYEE.—The term ‘school
20 employee’ means—

21 “(A) an employee of, or a person seeking
22 employment with, a local educational agency or
23 State educational agency, and who has a job
24 duty that results in access to students; or

1 “(B) an employee of, or a person seeking
 2 employment with, a for-profit or nonprofit enti-
 3 ty, or local public agency, that has a contract
 4 or agreement to provide services with a school,
 5 local educational agency, or State educational
 6 agency, and whose job duty—

7 “(i) is to provide such services; and

8 “(ii) results in access to students.

9 “(2) **SEXUAL PREDATOR.**—The term ‘sexual
 10 predator’ means a person 18 years of age or older
 11 who has been convicted of, or pled guilty to, a sexual
 12 offense against a minor.”.

13 **SEC. 902. CONFORMING AMENDMENT.**

14 Section 2 of the Elementary and Secondary Edu-
 15 cation Act of 1965 is amended by adding after the item
 16 relating to section 9536 the following:

 “Sec. 9537. Background checks.”.

17 **Subtitle B—Keeping All Students**
 18 **Safe**

19 **SEC. 911. KEEPING ALL STUDENTS SAFE.**

20 Title IX (20 U.S.C. 7801 et seq.) is amended by add-
 21 ing at the end the following:

22 **“PART G—KEEPING ALL STUDENTS SAFE**

23 **“SEC. 9701. DEFINITIONS.**

24 “In this part:

1 “(1) CHEMICAL RESTRAINT.—The term ‘chem-
2 ical restraint’ means a drug or medication used on
3 a student to control behavior or restrict freedom of
4 movement that is not—

5 “(A) prescribed by a licensed physician, or
6 other qualified health professional acting under
7 the scope of the professional’s authority under
8 State law, for the standard treatment of a stu-
9 dent’s medical or psychiatric condition; and

10 “(B) administered as prescribed by the li-
11 censed physician or other qualified health pro-
12 fessional acting under the scope of the profes-
13 sional’s authority under State law.

14 “(2) MECHANICAL RESTRAINT.—The term ‘me-
15 chanical restraint’ has the meaning given the term
16 in section 595(d)(1) of the Public Health Service
17 Act (42 U.S.C. 290jj(d)(1)), except that the mean-
18 ing shall be applied by substituting ‘student’s’ for
19 ‘resident’s’.

20 “(3) PHYSICAL ESCORT.—The term ‘physical
21 escort’ has the meaning given the term in section
22 595(d)(2) of the Public Health Service Act (42
23 U.S.C. 290jj(d)(2)), except that the meaning shall
24 be applied by substituting ‘student’ for ‘resident’.

1 “(4) PHYSICAL RESTRAINT.—The term ‘phys-
2 ical restraint’ has the meaning given the term in sec-
3 tion 595(d)(3) of the Public Health Service Act (42
4 U.S.C. 290jj(d)(3)).

5 “(5) POSITIVE BEHAVIOR SUPPORTS.—The
6 term ‘positive behavior supports’ means a systematic
7 approach to embed evidence-based practices and
8 data-driven decisionmaking to improve school cli-
9 mate and culture, including a range of systemic and
10 individualized strategies to reinforce desired behav-
11 iors and diminish reoccurrence of problem behaviors,
12 in order to achieve improved academic and social
13 outcomes and increase learning for all students, in-
14 cluding students with the most complex and inten-
15 sive behavioral needs.

16 “(6) PROTECTION AND ADVOCACY SYSTEM.—
17 The term ‘protection and advocacy system’ means a
18 protection and advocacy system established under
19 section 143 of the Developmental Disabilities Assist-
20 ance and Bill of Rights Act of 2000 (42 U.S.C.
21 15043).

22 “(7) SCHOOL.—The term ‘school’ means an en-
23 tity—

24 “(A) that—

25 “(i) is a public or private—

1 “(I) day or residential elementary
2 school or secondary school; or

3 “(II) early childhood, elementary
4 school, or secondary school program
5 that is under the jurisdiction of a
6 school, local educational agency, edu-
7 cational service agency, or other edu-
8 cational institution or program; and

9 “(ii) receives, or serves students who
10 receive, support in any form from any pro-
11 gram supported, in whole or in part, with
12 funds appropriated under the Student Suc-
13 cess Act; or

14 “(B) that is a school funded or operated
15 by the Department of the Interior.

16 “(8) SCHOOL PERSONNEL.—The term ‘school
17 personnel’ has the meaning—

18 “(A) given the term in section 4151(10);

19 and

20 “(B) given the term ‘school resource offi-
21 cer’ in section 4151(11).

22 “(9) SECLUSION.—The term ‘seclusion’ has the
23 meaning given the term in section 595(d)(4) of the
24 Public Health Service Act (42 U.S.C. 290jj(d)(4)).

1 “(10) STATE-APPROVED CRISIS INTERVENTION
2 TRAINING PROGRAM.—The term ‘State-approved cri-
3 sis intervention training program’ means a training
4 program approved by a State and the Secretary
5 that, at a minimum, provides—

6 “(A) training in evidence-based techniques
7 shown to be effective in the prevention of phys-
8 ical restraint and seclusion;

9 “(B) training in evidence-based techniques
10 shown to be effective in keeping both school
11 personnel and students safe when imposing
12 physical restraint or seclusion;

13 “(C) evidence-based skills training related
14 to positive behavior supports, safe physical es-
15 cort, conflict prevention, understanding ante-
16 cedents, de-escalation, and conflict manage-
17 ment;

18 “(D) training in first aid and
19 cardiopulmonary resuscitation;

20 “(E) information describing State policies
21 and procedures that meet the minimum stand-
22 ards established by regulations promulgated
23 pursuant to section 9702(a); and

24 “(F) certification for school personnel in
25 the techniques and skills described in subpara-

1 graphs (A) through (D), which shall be required
2 to be renewed on a periodic basis.

3 “(11) STUDENT.—The term ‘student’ means a
4 student enrolled in a school defined in paragraph
5 (7), except that in the case of a student enrolled in
6 a private school or private program, such term
7 means a student who receives support in any form
8 from any program supported, in whole or in part,
9 with funds appropriated under the Student Success
10 Act.

11 “(12) TIME OUT.—The term ‘time out’ has the
12 meaning given the term in section 595(d)(5) of the
13 Public Health Service Act (42 U.S.C. 290jj(d)(5)),
14 except that the meaning shall be applied by sub-
15 stituting ‘student’ for ‘resident’.

16 **“SEC. 9702. MINIMUM STANDARDS; RULE OF CONSTRUC-**
17 **TION.**

18 “(a) MINIMUM STANDARDS.—Not later than 180
19 days after the date of the enactment of the Student Suc-
20 cess Act, to ensure a safe learning environment and pro-
21 tect each student from physical or mental abuse, aversive
22 behavioral interventions that compromise student health
23 and safety, or any physical restraint or seclusion imposed
24 solely for purposes of discipline or convenience or in a
25 manner otherwise inconsistent with this part, the Sec-

1 retary shall promulgate regulations establishing the fol-
2 lowing minimum standards:

3 “(1) School personnel shall be prohibited from
4 imposing on any student the following:

5 “(A) Mechanical restraints.

6 “(B) Chemical restraints.

7 “(C) Physical restraint or physical escort
8 that restricts breathing.

9 “(D) Aversive behavioral interventions that
10 compromise health and safety.

11 “(2) School personnel shall be prohibited from
12 imposing physical restraint or seclusion on a student
13 unless—

14 “(A) the student’s behavior poses an immi-
15 nent danger of physical injury to the student,
16 school personnel, or others;

17 “(B) less restrictive interventions would be
18 ineffective in stopping such imminent danger of
19 physical injury;

20 “(C) such physical restraint or seclusion is
21 imposed by school personnel who—

22 “(i) continuously monitor the student
23 face-to-face; or

24 “(ii) if school personnel safety is sig-
25 nificantly compromised by such face-to-face

1 monitoring, are in continuous direct visual
2 contact with the student;

3 “(D) such physical restraint or seclusion is
4 imposed by—

5 “(i) school personnel trained and cer-
6 tified by a State-approved crisis interven-
7 tion training program (as defined in sec-
8 tion 9701(16)); or

9 “(ii) other school personnel in the
10 case of a rare and clearly unavoidable
11 emergency circumstance when school per-
12 sonnel trained and certified as described in
13 clause (i) are not immediately available
14 due to the unforeseeable nature of the
15 emergency circumstance; and

16 “(E) such physical restraint or seclusion
17 ends immediately upon the cessation of the con-
18 ditions described in subparagraphs (A) and (B).

19 “(3) States, in consultation with local edu-
20 cational agencies and private school officials, shall
21 ensure that a sufficient number of personnel are
22 trained and certified by a State-approved crisis
23 intervention training program (as defined in section
24 9701(16)) to meet the needs of the specific student
25 population in each school.

1 “(4) The use of physical restraint or seclusion
2 as a planned intervention shall not be written into
3 a student’s education plan, individual safety plan,
4 behavioral plan, or individualized education program
5 (as defined in section 602 of the Individuals with
6 Disabilities Education Act (20 U.S.C. 1401)). Local
7 educational agencies or schools may establish poli-
8 cies and procedures for use of physical restraint or
9 seclusion in school safety or crisis plans, provided
10 that such school plans are not specific to any indi-
11 vidual student.

12 “(5) Schools shall establish procedures to be
13 followed after each incident involving the imposition
14 of physical restraint or seclusion upon a student, in-
15 cluding—

16 “(A) procedures to provide to the parent of
17 the student, with respect to each such inci-
18 dent—

19 “(i) an immediate verbal or electronic
20 communication on the same day as the in-
21 cident; and

22 “(ii) written notification within 24
23 hours of the incident; and

24 “(B) any other procedures the Secretary
25 determines appropriate.

1 “(b) SECRETARY OF THE INTERIOR.—The Secretary
2 of the Interior shall ensure that schools operated or fund-
3 ed by the Department of the Interior comply with the reg-
4 ulations promulgated by the Secretary under subsection
5 (a).

6 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to authorize the Secretary to pro-
8 mulgate regulations prohibiting the use of—

9 “(1) time out (as defined in section 9701(20));

10 “(2) devices implemented by trained school per-
11 sonnel, or utilized by a student, for the specific and
12 approved therapeutic or safety purposes for which
13 such devices were designed and, if applicable, pre-
14 scribed, including—

15 “(A) restraints for medical immobilization;

16 “(B) adaptive devices or mechanical sup-
17 ports used to achieve proper body position, bal-
18 ance, or alignment to allow greater freedom of
19 mobility than would be possible without the use
20 of such devices or mechanical supports; or

21 “(C) vehicle safety restraints when used as
22 intended during the transport of a student in a
23 moving vehicle; or

24 “(3) handcuffs by school resource officers (as
25 such term is defined in section 4151(11) of the Ele-

1 mentary and Secondary Education Act of 1965 (20
2 U.S.C. 7161(11))—

3 “(A) in the—

4 “(i) case when a student’s behavior
5 poses an imminent danger of physical in-
6 jury to the student, school personnel, or
7 others; or

8 “(ii) lawful exercise of law enforce-
9 ment duties; and

10 “(B) less restrictive interventions would be
11 ineffective.

12 **“SEC. 9703. STATE PLAN AND REPORT REQUIREMENTS AND**
13 **ENFORCEMENT.**

14 “(a) STATE PLAN.—Not later than 2 years after the
15 Secretary promulgates regulations pursuant to section
16 9702(a), and each year thereafter, each State educational
17 agency shall submit to the Secretary a State plan that pro-
18 vides—

19 “(1) assurances to the Secretary that the State
20 has in effect—

21 “(A) State policies and procedures that
22 meet the minimum standards, including the
23 standards with respect to State-approved crisis
24 intervention training programs, established by

1 regulations promulgated pursuant to section
2 9702(a); and

3 “(B) a State mechanism to effectively
4 monitor and enforce the minimum standards;

5 “(2) a description of the State policies and pro-
6 cedures, including a description of the State-ap-
7 proved crisis intervention training programs in such
8 State; and

9 “(3) a description of the State plans to ensure
10 school personnel and parents, including private
11 school personnel and parents, are aware of the State
12 policies and procedures.

13 “(b) REPORTING.—

14 “(1) REPORTING REQUIREMENTS.—Not later
15 than 2 years after the date the Secretary promul-
16 gates regulations pursuant to section 9702(a), and
17 each year thereafter, each State educational agency
18 shall (in compliance with the requirements of section
19 444 of the General Education Provisions Act (com-
20 monly known as the ‘Family Educational Rights and
21 Privacy Act of 1974’) (20 U.S.C. 1232g)) prepare
22 and submit to the Secretary, and make available to
23 the public, a report that includes the information de-
24 scribed in paragraph (2), with respect to each local
25 educational agency, and each school not under the

1 jurisdiction of a local educational agency, located in
2 the same State as such State educational agency.

3 “(2) INFORMATION REQUIREMENTS.—

4 “(A) GENERAL INFORMATION REQUIRE-
5 MENTS.—The report described in paragraph (1)
6 shall include information on—

7 “(i) the total number of incidents in
8 the preceding full-academic year in which
9 physical restraint was imposed upon a stu-
10 dent; and

11 “(ii) the total number of incidents in
12 the preceding full-academic year in which
13 seclusion was imposed upon a student.

14 “(B) DISAGGREGATION.—

15 “(i) GENERAL DISAGGREGATION RE-
16 QUIREMENTS.—The information described
17 in subparagraph (A) shall be disaggregated
18 by—

19 “(I) the total number of incidents
20 in which physical restraint or seclu-
21 sion was imposed upon a student—

22 “(aa) that resulted in injury;

23 “(bb) that resulted in death;

24 and

1 “(cc) in which the school
2 personnel imposing physical re-
3 straint or seclusion were not
4 trained and certified as described
5 in section 9702(a)(2)(D)(i); and

6 “(II) the demographic character-
7 istics of all students upon whom phys-
8 ical restraint or seclusion was im-
9 posed, including—

10 “(aa) the categories identi-
11 fied in section 1111(h)(1)(C)(i)
12 of the Elementary and Secondary
13 Education Act of 1965 (20
14 U.S.C. 6311(h)(1)(C)(i));

15 “(bb) age; and

16 “(cc) disability status (which
17 has the meaning given the term
18 ‘individual with a disability’ in
19 section 7(20) of the Rehabilita-
20 tion Act of 1973 (29 U.S.C.
21 705(20))).

22 “(ii) UNDUPLICATED COUNT; EXCEP-
23 TION.—The disaggregation required under
24 clause (i) shall—

1 “(I) be carried out in a manner
2 to ensure an unduplicated count of
3 the—

4 “(aa) total number of inci-
5 dents in the preceding full-aca-
6 demic year in which physical re-
7 straint was imposed upon a stu-
8 dent; and

9 “(bb) total number of inci-
10 dents in the preceding full-aca-
11 demic year in which seclusion
12 was imposed upon a student; and

13 “(II) not be required in a case in
14 which the number of students in a
15 category would reveal personally iden-
16 tifiable information about an indi-
17 vidual student.

18 “(c) ENFORCEMENT.—

19 “(1) IN GENERAL.—

20 “(A) USE OF REMEDIES.—If a State edu-
21 cational agency fails to comply with subsection
22 (a) or (b), the Secretary shall—

23 “(i) withhold, in whole or in part, fur-
24 ther payments under an applicable pro-
25 gram (as such term is defined in section

1 400(c) of the General Education Provi-
2 sions Act (20 U.S.C. 1221)) in accordance
3 with section 455 of such Act (20 U.S.C.
4 1234d);

5 “(ii) require a State educational agen-
6 cy to submit, and implement, within 1 year
7 of such failure to comply, a corrective plan
8 of action, which may include redirection of
9 funds received under an applicable pro-
10 gram; or

11 “(iii) issue a complaint to compel
12 compliance of the State educational agency
13 through a cease and desist order, in the
14 same manner the Secretary is authorized
15 to take such action under section 456 of
16 the General Education Provisions Act (20
17 U.S.C. 1234e).

18 “(B) CESSATION OF WITHHOLDING OF
19 FUNDS.—Whenever the Secretary determines
20 (whether by certification or other appropriate
21 evidence) that a State educational agency who
22 is subject to the withholding of payments under
23 subparagraph (A)(i) has cured the failure pro-
24 viding the basis for the withholding of pay-
25 ments, the Secretary shall cease the withholding

1 of payments with respect to the State edu-
2 cational agency under such subparagraph.

3 “(2) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to limit the Sec-
5 retary’s authority under the General Education Pro-
6 visions Act (20 U.S.C. 1221 et seq.).

7 **“SEC. 9704. GRANT AUTHORITY.**

8 “(a) IN GENERAL.—From the amount appropriated
9 under section 922, the Secretary may award grants to
10 State educational agencies to assist the agencies in—

11 “(1) establishing, implementing, and enforcing
12 the policies and procedures to meet the minimum
13 standards established by regulations promulgated by
14 the Secretary pursuant to section 9702(a);

15 “(2) improving State and local capacity to col-
16 lect and analyze data related to physical restraint
17 and seclusion; and

18 “(3) improving school climate and culture by
19 implementing school-wide positive behavior support
20 approaches.

21 “(b) DURATION OF GRANT.—A grant under this sec-
22 tion shall be awarded to a State educational agency for
23 a 3-year period.

24 “(c) APPLICATION.—Each State educational agency
25 desiring a grant under this section shall submit an appli-

1 cation to the Secretary at such time, in such manner, and
2 accompanied by such information as the Secretary may
3 require, including information on how the State edu-
4 cational agency will target resources to schools and local
5 educational agencies in need of assistance related to pre-
6 venting and reducing physical restraint and seclusion.

7 “(d) AUTHORITY TO MAKE SUBGRANTS.—

8 “(1) IN GENERAL.—A State educational agency
9 receiving a grant under this section may use such
10 grant funds to award subgrants, on a competitive
11 basis, to local educational agencies.

12 “(2) APPLICATION.—A local educational agency
13 desiring to receive a subgrant under this section
14 shall submit an application to the applicable State
15 educational agency at such time, in such manner,
16 and containing such information as the State edu-
17 cational agency may require.

18 “(e) PRIVATE SCHOOL PARTICIPATION.—

19 “(1) IN GENERAL.—A local educational agency
20 receiving subgrant funds under this section shall,
21 after timely and meaningful consultation with appro-
22 priate private school officials, ensure that private
23 school personnel can participate, on an equitable
24 basis, in activities supported by grant or subgrant
25 funds.

1 “(2) PUBLIC CONTROL OF FUNDS.—The control
2 of funds provided under this section, and title to ma-
3 terials, equipment, and property purchased with
4 such funds, shall be in a public agency, and a public
5 agency shall administer such funds, materials, equip-
6 ment, and property.

7 “(f) REQUIRED ACTIVITIES.—A State educational
8 agency receiving a grant, or a local educational agency re-
9 ceiving a subgrant, under this section shall use such grant
10 or subgrant funds to carry out the following:

11 “(1) Researching, developing, implementing,
12 and evaluating strategies, policies, and procedures to
13 prevent and reduce physical restraint and seclusion
14 in schools, consistent with the minimum standards
15 established by regulations promulgated by the Sec-
16 retary pursuant to section 9702(a).

17 “(2) Providing professional development, train-
18 ing, and certification for school personnel to meet
19 such standards.

20 “(3) Carrying out the reporting requirements
21 under section 9703(b) and analyzing the information
22 included in a report prepared under such section to
23 identify student, school personnel, and school needs
24 related to use of physical restraint and seclusion.

1 “(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In ad-
2 dition to the required activities described in subsection (f),
3 a State educational agency receiving a grant, or a local
4 educational agency receiving a subgrant, under this sec-
5 tion may use such grant or subgrant funds for one or more
6 of the following:

7 “(1) Developing and implementing high-quality
8 professional development and training programs to
9 implement evidence-based systematic approaches to
10 school-wide positive behavior supports, including im-
11 proving coaching, facilitation, and training capacity
12 for administrators, teachers, specialized instructional
13 support personnel, and other staff.

14 “(2) Providing technical assistance to develop
15 and implement evidence-based systematic approaches
16 to school-wide positive behavior supports, including
17 technical assistance for data-driven decisionmaking
18 related to behavioral supports and interventions in
19 the classroom.

20 “(3) Researching, evaluating, and disseminating
21 high-quality evidence-based programs and activities
22 that implement school-wide positive behavior sup-
23 ports with fidelity.

1 “(4) Supporting other local positive behavior
2 support implementation activities consistent with
3 this subsection.

4 “(h) EVALUATION AND REPORT.—Each State edu-
5 cational agency receiving a grant under this section shall,
6 at the end of the 3-year grant period for such grant—

7 “(1) evaluate the State’s progress toward the
8 prevention and reduction of physical restraint and
9 seclusion in the schools located in the State, con-
10 sistent with the minimum standards established by
11 regulations promulgated by the Secretary pursuant
12 to section 9702(a); and

13 “(2) submit to the Secretary a report on such
14 progress.

15 “(i) DEPARTMENT OF THE INTERIOR.—From the
16 amount appropriated under section 9708, the Secretary
17 may allocate funds to the Secretary of the Interior for ac-
18 tivities under this section with respect to schools operated
19 or funded by the Department of the Interior, under such
20 terms as the Secretary of Education may prescribe.

21 **“SEC. 9705. NATIONAL ASSESSMENT.**

22 “(a) NATIONAL ASSESSMENT.—The Secretary shall
23 carry out a national assessment to determine the effective-
24 ness of this part, which shall include—

1 “(1) analyzing data related to physical restraint
2 and seclusion incidents;

3 “(2) analyzing the effectiveness of Federal,
4 State, and local efforts to prevent and reduce the
5 number of physical restraint and seclusion incidents
6 in schools;

7 “(3) identifying the types of programs and serv-
8 ices that have demonstrated the greatest effective-
9 ness in preventing and reducing the number of phys-
10 ical restraint and seclusion incidents in schools; and

11 “(4) identifying evidence-based personnel train-
12 ing models with demonstrated success in preventing
13 and reducing the number of physical restraint and
14 seclusion incidents in schools, including models that
15 emphasize positive behavior supports and de-escala-
16 tion techniques over physical intervention.

17 “(b) REPORT.—The Secretary shall submit to the
18 Committee on Education and the Workforce of the House
19 of Representatives and the Committee on Health, Edu-
20 cation, Labor, and Pensions of the Senate—

21 “(1) not later than 3 years after the date of en-
22 actment of this Act, an interim report that summa-
23 rizes the preliminary findings of the assessment de-
24 scribed in subsection (a); and

1 “(2) not later than 5 years after the date of the
2 enactment of this Act, a final report of the findings
3 of the assessment.

4 **“SEC. 9706. PROTECTION AND ADVOCACY SYSTEMS.**

5 “Protection and Advocacy Systems shall have the au-
6 thority provided under section 143 of the Developmental
7 Disabilities Assistance and Bill of Rights Act of 2000 (42
8 U.S.C. 15043) to investigate, monitor, and enforce protec-
9 tions provided for students under this part.

10 **“SEC. 9707. LIMITATION OF AUTHORITY.**

11 “(a) IN GENERAL.—Nothing in this part shall be
12 construed to restrict or limit, or allow the Secretary to
13 restrict or limit, any other rights or remedies otherwise
14 available to students or parents under Federal or State
15 law or regulation.

16 “(b) APPLICABILITY.—

17 “(1) PRIVATE SCHOOLS.—Nothing in this part
18 shall be construed to affect any private school that
19 does not receive, or does not serve students who re-
20 ceive, support in any form from any program sup-
21 ported, in whole or in part, with funds appropriated
22 to the Department of Education.

23 “(2) HOME SCHOOLS.—Nothing in this part
24 shall be construed to—

1 “(A) affect a home school, whether or not
2 a home school is treated as a private school or
3 home school under State law; or

4 “(B) consider parents who are schooling a
5 child at home as school personnel.

6 **“SEC. 9708. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated such sums
8 as may be necessary to carry out this part for fiscal year
9 2014 and each of the 4 succeeding fiscal years.

10 **“SEC. 9709. PRESUMPTION OF CONGRESS RELATING TO**
11 **COMPETITIVE PROCEDURES.**

12 “(a) PRESUMPTION.—It is the presumption of Con-
13 gress that grants awarded under this part will be awarded
14 using competitive procedures based on merit.

15 “(b) REPORT TO CONGRESS.—If grants are awarded
16 under this part using procedures other than competitive
17 procedures, the Secretary shall submit to Congress a re-
18 port explaining why competitive procedures were not
19 used.”.

20 **Subtitle C—Protecting Student**
21 **Athletes From Concussions**

22 **SEC. 921. PROTECTING STUDENT ATHLETES FROM CON-**
23 **CUSSIONS.**

24 Title IX (20 U.S.C. 7801 et seq.) is further amended
25 by adding at the end the following:

1 **“PART H—PROTECTING STUDENT ATHLETES**
2 **FROM CONCUSSIONS**

3 **“SEC. 9801. MINIMUM STATE REQUIREMENTS.**

4 “Beginning with fiscal year 2014, in order to be eligi-
5 ble to receive funds for such year or a subsequent fiscal
6 year under the Elementary and Secondary Education Act
7 of 1965 (20 U.S.C. 6301 et seq.) each State educational
8 agency shall issue regulations establishing the following
9 minimum requirements in order to protect student aca-
10 demic achievement from the impact of concussions:

11 “(1) LOCAL EDUCATIONAL AGENCY CONCUS-
12 SION SAFETY AND MANAGEMENT PLAN.—Each local
13 educational agency in the State, in consultation with
14 members of the community in which such agency is
15 located, shall develop and implement a standard plan
16 for concussion safety and management that in-
17 cludes—

18 “(A) the education of students, parents,
19 and school personnel about concussions, such
20 as—

21 “(i) the training and certification of
22 school personnel, including coaches, ath-
23 letic trainers, and school nurses, on con-
24 cussion safety and management; and

25 “(ii) using and maintaining standard-
26 ized release forms, treatment plans, obser-

1 vation, monitoring and reporting forms,
2 recordkeeping forms, and post-injury fact
3 sheets;

4 “(B) supports for students recovering from
5 a concussion, such as—

6 “(i) guiding such student in resuming
7 participation in athletic activity and aca-
8 demic activities with the help of a multi-
9 disciplinary team, which may include—

10 “(I) a health care professional,
11 the parents of such student, a school
12 nurse, or other relevant school per-
13 sonnel; and

14 “(II) an individual who is as-
15 signed by a public school to oversee
16 and manage the recovery of such stu-
17 dent;

18 “(ii) providing appropriate academic
19 accommodations; and

20 “(iii) referring students whose symp-
21 toms of concussion reemerge or persist
22 upon the reintroduction of cognitive and
23 physical demands for evaluation of the eli-
24 gibility of such students for services under
25 the Individual with Disabilities Education

1 Act (20 U.S.C. 1400 et seq.) and the Re-
2 habilitation Act of 1973 (29 U.S.C. 701
3 note et seq.); and

4 “(C) best practices designed to ensure,
5 with respect to concussions, the uniformity of
6 safety standards, treatment, and management,
7 such as—

8 “(i) disseminating information on con-
9 cussion management safety and manage-
10 ment to the public; and

11 “(ii) applying uniform standards for
12 concussion safety and management to all
13 students enrolled in public schools.

14 “(2) POSTING OF INFORMATION ON CONCUS-
15 SIONS.—Each public elementary school and each
16 secondary school shall post on school grounds, in a
17 manner that is visible to students and school per-
18 sonnel, and make publicly available on the school
19 website, information on concussions that—

20 “(A) is based on peer-reviewed scientific
21 evidence (such as information made available by
22 the Centers for Disease Control and Preven-
23 tion);

24 “(B) shall include—

1 “(i) the risks posed by sustaining a
2 concussion;

3 “(ii) the actions a student should take
4 in response to sustaining a concussion, in-
5 cluding the notification of school personnel;
6 and

7 “(iii) the signs and symptoms of a
8 concussion; and

9 “(C) may include—

10 “(i) the definition of a concussion;

11 “(ii) the means available to the stu-
12 dent to reduce the incidence or recurrence
13 of a concussion; and

14 “(iii) the effects of a concussion on
15 academic learning and performance.

16 “(3) RESPONSE TO CONCUSSION.—If any school
17 personnel, including coaches and athletic trainers, of
18 a public school suspects that a student has sustained
19 a concussion during a school-sponsored athletic ac-
20 tivity—

21 “(A) the student shall be—

22 “(i) immediately removed from par-
23 ticipation in such activity; and

1 “(ii) prohibited from returning to par-
2 ticipate in school-sponsored athletic activi-
3 ties—

4 “(I) on the day such student sus-
5 tained a concussion; and

6 “(II) until such student submits
7 a written release from a health care
8 professional stating that the student
9 is capable of resuming participation in
10 school-sponsored athletic activities;
11 and

12 “(B) such personnel shall report to the
13 parent or guardian of such student—

14 “(i) the date, time, and extent of the
15 injury suffered by such student; and

16 “(ii) any actions taken to treat such
17 student.

18 “(4) RETURN TO ATHLETICS AND ACA-
19 DEMICS.—Before a student who has sustained a con-
20 cussion in a school-sponsored athletic activity re-
21 sumes participation in school-sponsored athletic ac-
22 tivities or academic activities, the school shall receive
23 a written release from a health care professional,
24 that—

1 “(A) states that the student is capable of
2 resuming participation in such activities; and

3 “(B) may require the student to follow a
4 plan designed to aid the student in recovering
5 and resuming participation in such activities in
6 a manner that—

7 “(i) is coordinated, as appropriate,
8 with periods of cognitive and physical rest
9 while symptoms of a concussion persist;
10 and

11 “(ii) reintroduces cognitive and phys-
12 ical demands on such student on a pro-
13 gressive basis only as such increases in ex-
14 ertion do not cause the reemergence or
15 worsening of symptoms of a concussion.

16 **“SEC. 9802. REPORT TO SECRETARY OF EDUCATION.**

17 “Not later than 6 months after promulgating regula-
18 tions pursuant to section 9801 in order to be eligible to
19 receive funds under the Elementary and Secondary Edu-
20 cation Act of 1965 (20 U.S.C. 6301 et seq.), each State
21 educational agency shall submit to the Secretary of Edu-
22 cation a report that contains—

23 “(1) a description of the State regulations pro-
24 mulgated pursuant to section 9801; and

1 “(2) an assurance that the State has imple-
2 mented such regulations.

3 **“SEC. 9803. RULE OF CONSTRUCTION.**

4 “Nothing in this subtitle shall be construed to alter
5 or supersede State law with respect to education standards
6 or procedures or civil liability.

7 **“SEC. 9804. DEFINITIONS.**

8 “In this subtitle:

9 “(1) CONCUSSION.—The term ‘concussion’
10 means a type of traumatic brain injury that—

11 “(A) is caused by a blow, jolt, or motion
12 to the head or body that causes the brain to
13 move rapidly in the skull;

14 “(B) disrupts normal brain functioning
15 and alters the mental state of the individual,
16 causing the individual to experience—

17 “(i) any period of observed or self-re-
18 ported —

19 “(I) transient confusion, dis-
20 orientation, or impaired consciousness;

21 “(II) dysfunction of memory
22 around the time of injury; and

23 “(III) loss of consciousness last-
24 ing less than 30 minutes;

1 “(ii) any one of four types of symp-
2 toms of a headache, including—

3 “(I) physical symptoms, such as
4 headache, fatigue, or dizziness;

5 “(II) cognitive symptoms, such
6 as memory disturbance or slowed
7 thinking;

8 “(III) emotional symptoms, such
9 as irritability or sadness; and

10 “(IV) difficulty sleeping; and

11 “(C) can occur—

12 “(i) with or without the loss of con-
13 sciousness; and

14 “(ii) during participation in any orga-
15 nized sport or recreational activity.

16 “(2) HEALTH CARE PROFESSIONAL.—The term
17 ‘health care professional’ means a physician, nurse,
18 certified athletic trainer, physical therapist,
19 neuropsychologist or other qualified individual
20 who—

21 “(A) is a registered, licensed, certified, or
22 otherwise statutorily recognized by the State to
23 provide medical treatment;

1 “(B) is experienced in the diagnosis and
2 management of traumatic brain injury among a
3 pediatric population; and

4 “(C) may be a volunteer.

5 “(3) LOCAL EDUCATIONAL AGENCY; STATE
6 EDUCATIONAL AGENCY.—The terms ‘local edu-
7 cational agency’ and ‘State educational agency’ have
8 the meanings given such terms in section 9101 of
9 the Elementary and Secondary Education Act of
10 1965 (20 U.S.C. 7801).

11 “(4) SCHOOL PERSONNEL.—The term ‘school
12 personnel’ has the meaning given such term in sec-
13 tion 4151 of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 7161).

15 “(5) SCHOOL-SPONSORED ATHLETIC ACTIV-
16 ITY.—The term ‘school-sponsored athletic activity’
17 means—

18 “(A) any physical education class or pro-
19 gram of a school;

20 “(B) any athletic activity authorized dur-
21 ing the school day on school grounds that is not
22 an instructional activity; and

23 “(C) any extracurricular sports team, club,
24 or league organized by a school on or off school
25 grounds.”.

1 **Subtitle D—Student**
2 **Nondiscrimination**

3 **SEC. 931. STUDENT NONDISCRIMINATION AND ADMINIS-**
4 **TRATIVE ENFORCEMENT.**

5 Title IX (20 U.S.C. 7801 et seq.) is further amended
6 by adding at the end the following:

7 **“PART I—STUDENT NONDISCRIMINATION AND**
8 **ADMINISTRATIVE ENFORCEMENT**

9 **“SEC. 9901. STUDENT NONDISCRIMINATION.**

10 “(a) IN GENERAL.—No student shall, on the basis
11 of actual or perceived sexual orientation or gender identity
12 of such individual or of a person with whom the student
13 associates or has associated, be excluded from participa-
14 tion in, or be denied the benefits of, or be subjected to
15 discrimination under any program or activity any part of
16 which is receiving Federal financial assistance.

17 “(b) HARASSMENT.—For purposes of this part, dis-
18 crimination includes harassment of a student on the basis
19 of actual or perceived sexual orientation or gender identity
20 of such student or of a person with whom the student as-
21 sociates or has associated.

22 “(c) RETALIATION PROHIBITED.—

23 “(1) PROHIBITION.—No person shall be ex-
24 cluded from participation in, be denied the benefits
25 of, or be subjected to discrimination, retaliation, or

1 reprisal under any program or activity receiving
2 Federal financial assistance based on his or her op-
3 position to conduct made unlawful by this part.

4 “(2) DEFINITION.—For purposes of this part,
5 ‘opposition to conduct made unlawful by this part’
6 includes—

7 “(A) opposition to conduct reasonably be-
8 lieved to be made unlawful by this part,

9 “(B) any formal or informal report, wheth-
10 er oral or written, to any governmental entity,
11 including public schools and employees thereof,
12 regarding conduct made unlawful by this part
13 or reasonably believed to be made unlawful by
14 this part,

15 “(C) participation in any investigation,
16 proceeding, or hearing related to conduct made
17 unlawful by this part or reasonably believed to
18 be made unlawful by this part, and

19 “(D) assistance or encouragement provided
20 to any other person in the exercise or enjoy-
21 ment of any right granted or protected by this
22 part,

23 if in the course of that expression, the person in-
24 volved does not purposefully provide information
25 known to be false to any public school or other gov-

1 ernmental entity regarding a violation, or alleged
2 violation, of this part.

3 **“SEC. 9902. FEDERAL ADMINISTRATIVE ENFORCEMENT; RE-**
4 **PORT TO CONGRESSIONAL COMMITTEES.**

5 “Each Federal department and agency which is em-
6 powered to extend Federal financial assistance to any edu-
7 cation program or activity, by way of grant, loan, or con-
8 tract other than a contract of insurance or guaranty, is
9 authorized and directed to effectuate the provisions of sec-
10 tion 9901 with respect to such program or activity by
11 issuing rules, regulations, or orders of general applicability
12 which shall be consistent with achievement of the objec-
13 tives of the Act authorizing the financial assistance in con-
14 nection with which the action is taken. No such rule, regu-
15 lation, or order shall become effective unless and until ap-
16 proved by the President. Compliance with any requirement
17 adopted pursuant to this section may be effected—

18 “(1) by the termination of or refusal to grant
19 or to continue assistance under such program or ac-
20 tivity to any recipient as to whom there has been an
21 express finding on the record, after opportunity for
22 hearing, of a failure to comply with such require-
23 ment, but such termination or refusal shall be lim-
24 ited to the particular political entity, or part thereof,
25 or other recipient as to whom such a finding has

1 been made, and shall be limited in its effect to the
2 particular program, or part thereof, in which such
3 noncompliance has been so found, or

4 “(2) by any other means authorized by law,
5 except that no such action shall be taken until the depart-
6 ment or agency concerned has advised the appropriate per-
7 son or persons of the failure to comply with the require-
8 ment and has determined that compliance cannot be se-
9 cured by voluntary means. In the case of any action termi-
10 nating, or refusing to grant or continue, assistance be-
11 cause of failure to comply with a requirement imposed
12 pursuant to this section, the head of the Federal depart-
13 ment or agency shall file with the committees of the House
14 of Representative and the Senate having legislative juris-
15 diction over the program or activity involved a full written
16 report of the circumstances and the grounds for such ac-
17 tion. No such action shall become effective until 30 days
18 have elapsed after the filing of such report.

19 **“SEC. 9903. CAUSE OF ACTION.**

20 “(a) CAUSE OF ACTION.—Subject to subsection (c)
21 of this section, an aggrieved individual may assert a viola-
22 tion of this part in a judicial proceeding. Aggrieved per-
23 sons may be awarded all appropriate relief, including but
24 not limited to equitable relief, compensatory damages, cost
25 of the action, and remedial action.

1 “(b) RULE OF CONSTRUCTION.—This section shall
2 not be construed to preclude an aggrieved individual from
3 obtaining other remedies under any other provision of law
4 or to require such individual to exhaust any administrative
5 complaint process or notice-of-claim requirement before
6 seeking redress under this section.

7 “(c) STATUTE OF LIMITATIONS.—For actions
8 brought pursuant to this section, the statute of limitations
9 period shall be determined in accordance with section
10 1658(a) of title 28 of the United States Code. The tolling
11 of any such limitations period shall be determined in ac-
12 cordance with the law governing actions under section
13 1979 of the Revised Statutes (42 U.S.C. 1983) in the
14 forum State.

15 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion (granting the private right of action to the subjects
17 of this Act) shall in any way limit or otherwise affect the
18 private right of action of any person not a member of the
19 class of person who are the subjection of this section. The
20 failure to include any such person in the class protected
21 by this section is not in any way intended to deny a private
22 right of action to any such person under any other statu-
23 tory or common law passed under Federal, State, or local
24 law.

1 **“SEC. 9904. STATE IMMUNITY.**

2 “(a) STATE IMMUNITY.—A State shall not be im-
3 mune under the 11th Amendment to the Constitution of
4 the United States from suit in Federal court for a viola-
5 tion of this part.

6 “(b) WAIVER.—A State’s receipt or use of Federal
7 financial assistance for any program or activity of a State
8 shall constitute a waiver of sovereign immunity, under the
9 11th Amendment to the Constitution or otherwise, to a
10 suit brought by an aggrieved individual for a violation of
11 section 9901.

12 “(c) REMEDIES.—In a suit against a State for a vio-
13 lation of this part, remedies (including remedies both at
14 law and in equity) are available for such a violation to
15 the same extent as such remedies are available for such
16 a violation in the suit against any public or private entity
17 other than a State.

18 **“SEC. 9905. EFFECT ON OTHER LAWS.**

19 “(a) FEDERAL AND STATE NONDISCRIMINATION
20 LAWS.—Nothing in this part shall be construed to pre-
21 empt, invalidate, or limit rights, remedies, procedures, or
22 legal standards available to victims of discrimination or
23 retaliation under any other Federal law or law of a State
24 or political subdivision of a State, including title VI of the
25 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title
26 IX of the Education Amendments of 1972 (20 U.S.C.

1 1681 et seq.), section 504 of the Rehabilitation Act of
2 1973 (29 U.S.C. 794), the Americans with Disabilities Act
3 of 1990 (42 U.S.C. 12101 et seq.), or section 1979 of the
4 Revised Statutes (42 U.S.C. 1983). The obligations im-
5 posed by this Act are in addition to those imposed by title
6 IX of the Education Amendments of 1972 (20 U.S.C.
7 1681 et seq.), title VI of the Civil Rights Act of 1964 (42
8 U.S.C. 2000d et seq.), and the Americans with Disabilities
9 Act of 1990 (42 U.S.C. 12101 et seq.).

10 “(b) **FREE SPEECH AND EXPRESSION LAWS AND RE-**
11 **LIGIOUS STUDENT GROUPS.**—Nothing in this part shall
12 be construed to alter legal standards regarding, or affect
13 the rights available to individuals or groups under, other
14 Federal laws that establish protections for freedom of
15 speech and expression, such as legal standards and rights
16 available to religious and other student groups under the
17 1st Amendment to the Constitution and the Equal Access
18 Act (20 U.S.C. 4071 et seq.).

19 **“SEC. 9906. DEFINITIONS.**

20 “For purposes of this part:

21 “(1) **PROGRAM OR ACTIVITY.**—The terms ‘pro-
22 gram or activity’ and ‘program’ have same meanings
23 given such terms as applied under section 606 of the
24 Civil Rights Act of 1964 (42 U.S.C. 2000d-4a) to

1 the operations of public entities under paragraph
2 (2)(B) of such section.

3 “(2) GENDER IDENTITY.—The term ‘gender
4 identity’ means the gender-related identity, appear-
5 ance, or mannerisms or other gender-related charac-
6 teristics of an individual, with or without regard to
7 the individual’s designated sex at birth.

8 “(3) HARASSMENT.—The term ‘harassment’
9 means conduct that is sufficiently severe, persistent,
10 or pervasive to limit a student’s ability to participate
11 in or benefit from a public school education program
12 or activity, or to create a hostile or abusive edu-
13 cational environment at a public school, including
14 acts of verbal, nonverbal, or physical aggression, in-
15 timidation, or hostility.

16 “(4) PUBLIC SCHOOLS.—The term ‘public
17 schools’ means public elementary and secondary
18 schools, including local educational agencies, edu-
19 cational service agencies, and State educational
20 agencies.

21 “(5) SEXUAL ORIENTATION.—The term ‘sexual
22 orientation’ means homosexuality, heterosexuality, or
23 bisexuality.

24 “(6) STUDENT.—The term ‘student’ means an
25 individual who is enrolled in a public school or who,

1 regardless of official enrollment status, attends
2 classes or participates in a public school’s programs
3 or educational activities.

4 **“SEC. 9907. SEVERABILITY.**

5 “If any provision of this part, or any application of
6 such provision to any person or circumstance, is held to
7 be unconstitutional, the remainder of this part, and the
8 application of the provision to any other person or cir-
9 cumstance shall not be affected.

10 **“SEC. 9908. EFFECTIVE DATE.**

11 “‘This part shall take effect 60 days after the date
12 of the enactment of the Student Success Act and shall
13 not apply to conduct occurring before the effective date
14 of the Student Success Act.’”.

15 **SEC. 932. ATTORNEY’S FEES.**

16 Section 722(b) of the Revised Statutes (42 U.S.C.
17 1988(b)) is amended by inserting “ the Student Non-
18 discrimination Act of 2013,” after “Religious Land Use
19 and Institutionalized Persons Act of 2000,”.

20 **Subtitle E—Evaluation Authority**

21 **SEC. 941. EVALUATION AUTHORITY.**

22 Title IX (20 U.S.C. 7801 et seq.) is further amended
23 by adding at the end the following:

1 **“PART J—EVALUATION AUTHORITY**

2 **“SEC. 9911. EVALUATION AUTHORITY.**

3 “(a) RESERVATION OF FUNDS.—The Secretary shall
4 reserve not less than 1 percent but not more than 3 per-
5 cent of the amount appropriated to carry out each categor-
6 ical program and demonstration project authorized under
7 this Act. The reserved amounts shall be used by the Sec-
8 retary, acting through the Director of the Institute of
9 Education Sciences, to—

10 “(1) conduct—

11 “(A) comprehensive, high-quality evalua-
12 tions of the program or project that—

13 “(i) provide information to inform pol-
14 icy-making and to support continuous pro-
15 gram improvement; and

16 “(ii) use methods appropriate for the
17 questions being asked; and

18 “(B) impact evaluations that, where prac-
19 tical and appropriate, use rigorous methodolo-
20 gies, such as experimental or quasi-experi-
21 mental designs or randomized control trials,
22 that permit the strongest possible causal infer-
23 ences;

24 “(2) provide technical assistance to grant re-
25 cipients on—

1 “(A) the conduct of the evaluation activi-
2 ties that the grantees carry out under this Act;
3 and

4 “(B) the collection and reporting of per-
5 formance data relating to the program or
6 project and using that data to determine pro-
7 gram effectiveness and make any required im-
8 provements;

9 “(3) evaluate the aggregate short-term and
10 long-term effects and cost efficiencies across Federal
11 programs assisted or authorized under this Act and
12 related Federal preschool, elementary, and secondary
13 programs under any other Federal law;

14 “(4) increase the usefulness of evaluations of
15 grant recipients in order to ensure the continuous
16 progress of the program or project by improving the
17 quality, timeliness, efficiency, dissemination, and use
18 of information relating to performance under the
19 program or project and building the evidence base
20 for what projects effectively meet the goals of the
21 program in question; and

22 “(5) identify and disseminate research and best
23 practices related to the programs and projects au-
24 thorized under this Act to build the evidence base

1 for the programs and projects that most effectively
2 meet the goals of this Act.

3 “(b) EVALUATION PLAN.—The Secretary shall annu-
4 ally develop and submit to Congress a plan that—

5 “(1) describes the specific evaluation activities
6 and their timelines that the Secretary intends to
7 carry out under this part for that year; and

8 “(2) results from evaluation activities carried
9 out under this part.

10 “(c) OTHER EVALUATION ACTIVITIES.—If, under
11 any other provision of this Act, funds are authorized to
12 be reserved or used for evaluation activities with respect
13 to a program or demonstration project, the Secretary may
14 reserve additional funds under this part, if the amount
15 reserved is less than 1 percent of program funding. In that
16 case, the Secretary may reserve not less than 1 percent
17 but not more than 3 percent of funding for program eval-
18 uation.

19 “(d) SPECIAL RULE REGARDING ALLOCATION FOR
20 IMPACT EVALUATIONS.—The Secretary shall use not less
21 than 30 percent of the funds reserved under this section
22 for each of the fiscal years 2014 through 2019, in the ag-
23 gregate for each year, for impact evaluations that meet
24 the requirements of subsection (a)(1).”.

1 **TITLE X—EDUCATION FOR**
2 **HOMELESS CHILDREN AND**
3 **YOUTHS**

4 **SEC. 1001. EDUCATION FOR HOMELESS CHILDREN AND**
5 **YOUTHS.**

6 Subtitle B of title VII of the McKinney-Vento Home-
7 less Assistance Ac (42 U.S.C. 11421 et seq.) is amended
8 to read as follows:

9 **“Subtitle B—Education for**
10 **Homeless Children and Youths**

11 **“SEC. 721. STATEMENT OF POLICY.**

12 “The following is the policy of Congress:

13 “(1) Each State educational agency shall en-
14 sure that each homeless child and youth has access
15 to the same free, appropriate public education, in-
16 cluding a public preschool education, as provided to
17 other children and youth.

18 “(2) In any State where compulsory residency
19 requirements or other requirements of laws, regula-
20 tions, practices, or policies may act as a barrier to
21 the identification, enrollment, attendance, or success
22 in school of homeless children and youth, the State
23 shall review and revise such laws, regulations, prac-
24 tices, or policies to ensure that homeless children
25 and youth are afforded the same free appropriate

1 public education as is provided to other children and
2 youth.

3 “(3) Homelessness is not a sufficient reason to
4 separate students from the mainstream school envi-
5 ronment.

6 “(4) Homeless children and youth shall have
7 access to the education and other services that such
8 children and youth need to ensure that such children
9 and youth have an opportunity to meet the same col-
10 lege and career ready State student academic
11 achievement standards to which all students are
12 held.

13 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
14 **THE EDUCATION OF HOMELESS CHILDREN**
15 **AND YOUTHS.**

16 “(a) GENERAL AUTHORITY.—The Secretary is au-
17 thorized to make grants to States from allotments made
18 under subsection (c) and in accordance with this section
19 to enable such States to carry out the activities described
20 in subsections (d) through (g).

21 “(b) APPLICATION.—In order for a State to be eligi-
22 ble to receive a grant under this section, the State edu-
23 cational agency, in consultation with other relevant State
24 agencies, shall submit an application to the Secretary at
25 such time, in such manner, and containing or accompanied

1 by such information as the Secretary may reasonably re-
2 quire.

3 “(c) ALLOCATION AND RESERVATIONS.—

4 “(1) ALLOCATION.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (C), the Secretary is authorized to allot
7 to each State an amount that bears the same
8 ratio to the amount appropriated for such year
9 under section 727 that remains after the Sec-
10 retary reserves funds under paragraph (2) and
11 uses funds to carry out section 724(d) and (h),
12 as the amount allocated under section 1122 of
13 the Elementary and Secondary Education Act
14 of 1965 (20 U.S.C. 6332) to the State for that
15 year bears to the total amount allocated under
16 section 1122 of such Act to all States for that
17 year, except as provided in subparagraph (B)—

18 “(B) MINIMUM ALLOTMENTS.—No State
19 shall receive for a fiscal year less under this
20 paragraph than the greater of—

21 “(i) \$300,000; or

22 “(ii) an amount that bears the same
23 ratio to the amount appropriated for such
24 year under section 727 that remains after
25 the Secretary reserves funds under para-

1 graph (2) and uses funds to carry out sec-
2 tion 724 (d) and (h), as the amount the
3 State received under this paragraph for the
4 preceding fiscal year bears to the total
5 amount received by all States under this
6 paragraph for the preceding fiscal year.

7 “(C) REDUCTION FOR INSUFFICIENT
8 FUNDS.—If there are insufficient funds in a fis-
9 cal year to allot to each State the minimum
10 amount under subparagraph (B), the Secretary
11 shall ratably reduce the allotments to all States
12 based on the proportionate share that each
13 State received under this subsection for the pre-
14 ceding fiscal year.

15 “(2) RESERVATIONS.—

16 “(A) STUDENTS IN TERRITORIES.—The
17 Secretary is authorized to reserve 0.1 percent of
18 the amount appropriated for each fiscal year
19 under section 727 to be allocated by the Sec-
20 retary among the United States Virgin Islands,
21 Guam, American Samoa, and the Common-
22 wealth of the Northern Mariana Islands, ac-
23 cording to their respective need for assistance
24 under this title, as determined by the Secretary.
25 Funds allocated under this subparagraph shall

1 be used for programs that are consistent with
2 the purposes of the programs described in this
3 subtitle.

4 “(B) INDIAN STUDENTS.—

5 “(i) TRANSFER.—The Secretary shall
6 transfer 1 percent of the amount appro-
7 priated for each fiscal year under section
8 727 to the Department of the Interior for
9 programs that are for Indian students
10 served by schools funded by the Secretary
11 of the Interior, as determined under the
12 Indian Self-Determination and Education
13 Assistance Act (25 U.S.C. 450 et seq.),
14 and that are consistent with the purposes
15 of the programs described in this title.

16 “(ii) AGREEMENT.—The Secretary of
17 Education and the Secretary of the Inte-
18 rior shall enter into an agreement, con-
19 sistent with the requirements of this title,
20 for the distribution and use of the funds
21 described in clause (i) under terms that
22 the Secretary of Education determines best
23 meet the purposes of the programs de-
24 scribed in this title. Such agreement shall
25 set forth the plans of the Secretary of the

1 Interior for the use of the funds trans-
2 ferred, including appropriate goals, objec-
3 tives, and milestones for that use.

4 “(d) STATE ACTIVITIES.—Grant funds from a grant
5 made to a State under this section shall be used for the
6 following:

7 “(1) To provide activities for and services to
8 improve the identification of homeless children and
9 youth and enable such children and youth to enroll
10 in, attend, and succeed in school, including in early
11 childhood education programs.

12 “(2) To establish or designate an Office of the
13 Coordinator for Education of Homeless Children and
14 Youth in the State educational agency in accordance
15 with subsection (f) that has sufficient knowledge,
16 authority, and time to carry out the duties described
17 in this title.

18 “(3) To prepare and carry out the State plan
19 described in subsection (g).

20 “(4) To develop and implement professional de-
21 velopment activities for liaisons designated under
22 subsection (g)(1)(J)(ii), other local educational agen-
23 cy school personnel, and community agencies to im-
24 prove their—

1 “(A) identification of homeless children
2 and youth; and

3 “(B) awareness of, and capacity to respond
4 to, specific needs in the education of homeless
5 children and youth.

6 “(e) STATE AND LOCAL SUBGRANTS.—

7 “(1) MINIMUM DISBURSEMENTS BY STATES.—

8 From the grant funds made available each year to
9 a State under subsection (a) to carry out this title,
10 the State educational agency shall distribute not less
11 than 75 percent by making subgrants under section
12 723 to local educational agencies for the purposes of
13 carrying out section 723.

14 “(2) USE BY STATE EDUCATIONAL AGENCY.—

15 A State educational agency may use any grant funds
16 remaining after making subgrants under section 723
17 to conduct activities under subsection (f) directly or
18 through making grants or entering into contracts.

19 “(3) PROHIBITION ON SEGREGATING HOMELESS

20 STUDENTS.—In providing a free public education to
21 a homeless child or youth, no State receiving funds
22 under this title shall segregate such child or youth
23 in a separate school, or in a separate program within
24 a school, based on such child’s or youth’s status as
25 homeless.

1 “(A) EXCEPTION.—Notwithstanding para-
2 graph (3), paragraphs (1)(J)(i) and (3) of sub-
3 section (g), section 723(a)(2), and any other
4 provision of this title relating to the placement
5 of homeless children or youths in schools, a
6 State that has a separate school for homeless
7 children or youths that was operated and in re-
8 ceipt of funds under this title in fiscal year
9 2013 in a covered county shall be eligible to re-
10 ceive funds under this title for programs carried
11 out in such school.

12 “(B) DEFINITION.—For purposes of this
13 paragraph, the term ‘covered county’ means
14 San Diego County, California.

15 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
16 NATOR.—The Coordinator for Education of Homeless
17 Children and Youth established in each State shall—

18 “(1) gather and make publicly available reliable,
19 valid, and comprehensive information on

20 “(A) the nature and extent of the problems
21 homeless children and youth have in gaining ac-
22 cess to public preschool programs, and to public
23 elementary schools and secondary schools;

1 “(B) the difficulties in identifying the spe-
2 cial needs and barriers to participation and
3 achievement of such children and youth;

4 “(C) 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 “(D) the success of the programs under
9 this title in identifying homeless children and
10 youth and allowing homeless children and youth
11 to enroll in, attend, and succeed in school; and

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, reports containing such informa-
17 tion as the Secretary determines is necessary to as-
18 sess the educational needs of homeless children and
19 youth within the State including data requested pur-
20 suant to section 724(h);

21 “(4) improve the provision of comprehensive
22 education and related support services to homeless
23 children and youth and their families, and to mini-
24 mize educational disruption, through coordination of
25 activities and collaboration with—

1 “(A) educators, including teachers, admin-
2 istrators, specialized instructional support per-
3 sonnel, and child development and preschool
4 program personnel;

5 “(B) providers of services to homeless chil-
6 dren and youth and homeless families, public
7 and private child welfare and social service
8 agencies, law enforcement agencies, juvenile and
9 family courts, agencies providing mental health
10 services, domestic violence agencies, child care
11 providers, runaway and homeless youth centers,
12 and providers of services and programs funded
13 under the Runaway and Homeless Youth Act
14 (42 U.S.C. 5701 et seq.);

15 “(C) providers of emergency, transitional,
16 and permanent housing to homeless children
17 and youth, and their families, including public
18 housing agencies, shelter operators, operators of
19 transitional housing facilities, and providers of
20 transitional living programs for homeless youth;

21 “(D) local educational agency liaisons des-
22 ignated under subsection (g)(1)(J)(ii) for home-
23 less children and youths; and

1 “(E) community organizations and groups
2 representing homeless children and youth and
3 their families; and

4 “(5) provide professional development and tech-
5 nical assistance to and conduct monitoring of local
6 educational agencies, in coordination with local edu-
7 cational agency liaisons designated under subsection
8 (g)(1)(J)(ii), to ensure that local educational agen-
9 cies comply with the requirements of paragraphs (3)
10 through (8) of subsection (g), and subsection (e)(3);
11 and

12 “(g) STATE PLAN.—

13 “(1) IN GENERAL.—Each State shall submit to
14 the Secretary and implement a plan to provide for
15 the education of homeless children and youth within
16 the State. Such plan shall include the following:

17 “(A) A description of how such children
18 and youth are (or will be) given the opportunity

19 “(i) to meet the same challenging
20 State academic achievement standards all
21 students are expected to meet; and

22 “(ii) to become college and career
23 ready.

24 “(B) A description of the procedures the
25 State educational agency will use, in coordina-

1 tion with local educational agencies, to identify
2 such children and youths in the State and to
3 assess their needs.

4 “(C) A description of procedures for the
5 prompt resolution of disputes arising under this
6 title, which shall—

7 “(i) be developed in coordination and
8 collaboration with the liaisons designated
9 under subparagraph (J)(ii);

10 “(ii) be readily available and provided
11 in a written format and, to the extent
12 practicable, in a manner and form under-
13 standable to the parents and guardians of
14 homeless children and youth;

15 “(iii) take into account the edu-
16 cational best interest of the homeless child
17 or youth, or unaccompanied youth, in-
18 volved; and

19 “(iv) ensure that parents and guard-
20 ians of homeless children and youth, and
21 unaccompanied youth, who have exhausted
22 the procedures available under this para-
23 graph are able to appeal to the State edu-
24 cational agency, and are enrolled in school
25 pursuant to paragraph (4)(C) and receive

1 transportation pursuant to subparagraph
2 (J)(iii) pending final resolution of the dis-
3 pute.

4 “(D) A description of programs for school
5 personnel (including the liaisons, principals, at-
6 tendance officers, teachers, enrollment per-
7 sonnel, and specialized instructional support
8 personnel) to increase the awareness of such
9 personnel of the specific needs of homeless ado-
10 lescents, including runaway and homeless
11 youth.

12 “(E) A description of procedures that en-
13 sure that homeless children and youth are able
14 to participate in Federal, State, or local nutri-
15 tion programs.

16 “(F) A description of procedures that en-
17 sure that—

18 “(i) homeless children have access to
19 public preschool programs, administered by
20 the State educational agency or local edu-
21 cational agency, including through the poli-
22 cies and practices required under para-
23 graph (3);

24 “(ii) homeless youths and youth sepa-
25 rated from the public schools, are identi-

1 fied and accorded equal access to appro-
2 priate and available secondary education
3 and support services, including receiving
4 appropriate credit for full or partial
5 coursework satisfactorily completed while
6 attending a prior school, and for work
7 completed after their enrollment in a new
8 school, consistent with State graduation re-
9 quirements and accreditation standards;
10 and

11 “(iii) homeless children and youth
12 who meet the relevant eligibility criteria
13 are able to participate in Federal, State, or
14 local educational programs, such as

15 “(I) innovative school models, in-
16 cluding charter schools, magnet
17 schools, and blended learning schools;

18 “(II) expanded learning time and
19 out-of-school time programs, including
20 before- and after-school programs and
21 summer schools;

22 “(III) middle and secondary
23 school enrichment programs, including
24 career and technical education, ad-

1 vanced placement, international bacca-
2 laureate, and dual enrollment courses;

3 “(IV) online learning opportuni-
4 ties, including virtual schools; and

5 “(V) relevant workforce invest-
6 ment programs.

7 “(G) Strategies to address problems identi-
8 fied in the reports provided to the Secretary
9 under subsection (f)(3).

10 “(H) Strategies to address other problems
11 with respect to the education of homeless chil-
12 dren and youth, including enrollment problems
13 related to—

14 “(i) immunization and other required
15 health records and screenings;

16 “(ii) residency requirements;

17 “(iii) lack of birth certificates, school
18 records, or other documentation;

19 “(iv) guardianship issues; or

20 “(v) uniform or dress code require-
21 ments.

22 “(I) A demonstration that the State edu-
23 cational agency and local educational agencies
24 and schools in the State have developed, and
25 shall review and revise, their policies and prac-

1 tices to remove barriers to the identification,
2 enrollment, attendance, retention, and success
3 of homeless children and youth in schools, in-
4 cluding early childhood education programs, in
5 the State.

6 “(J) Assurances that the following will be
7 carried out—

8 “(i) the State educational agency and
9 local educational agencies in the State will
10 adopt policies and practices to ensure that
11 homeless children and youth are not stig-
12 matized or segregated on the basis of their
13 status as homeless;

14 “(ii) local educational agencies will
15 designate an appropriate staff person as
16 the local educational agency liaison for
17 homeless children and youth, who shall
18 have sufficient training and time to carry
19 out the duties described in paragraph
20 (7)(A), and who may also be a coordinator
21 for other Federal programs.

22 “(iii) the State and local educational
23 agencies in the State will adopt policies
24 and practices to ensure that transportation
25 is provided at the request of the parent or

1 guardian involved (or in the case of an un-
2 accompanied youth, the liaison), to and
3 from the school of origin for as long as the
4 student has the right to attend the school
5 of origin as determined in paragraph
6 (4)(A), in accordance with the following,
7 where applicable:

8 “(I) If the child or youth con-
9 tinues to live in the area served by the
10 local educational agency for the school
11 of origin, the child’s or youth’s trans-
12 portation to and from the school of
13 origin shall be provided or arranged
14 by the local educational agency for the
15 school of origin.

16 “(II) If the child’s or youth’s liv-
17 ing arrangements in the area served
18 by the local educational agency of ori-
19 gin terminate and the child or youth,
20 though continuing the child’s or
21 youth’s education in the school of ori-
22 gin, begins living in an area served by
23 another local educational agency, the
24 local educational agency of origin and
25 the local educational agency for the

1 area in which the child or youth is liv-
2 ing shall agree upon a method to ap-
3 portion the responsibility and cost for
4 providing transportation to and from
5 the school of origin. If the local edu-
6 cational agencies are unable to agree
7 upon such method, the responsibility
8 and costs for transportation shall be
9 shared equally between the agencies.

10 “(iv) The State educational agency
11 and local educational agencies will adopt
12 policies and practices to promote school
13 success for homeless children and youth,
14 including access to full participation in
15 academic and extracurricular activities that
16 are made available to non-homeless stu-
17 dents.

18 “(2) COMPLIANCE.—

19 “(A) IN GENERAL.—Each plan adopted
20 under this subsection shall also describe how
21 the State will ensure that local educational
22 agencies in the State will comply with the re-
23 quirements of paragraphs (3) through (8).

24 “(B) COORDINATION.—Such plan shall in-
25 dicate what technical assistance the State will

1 furnish to local educational agencies and how
2 compliance efforts will be coordinated with the
3 local educational agency liaisons designated
4 under paragraph (1)(J)(ii).

5 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
6 MENTS.—

7 “(A) IN GENERAL.—The local educational
8 agency serving each child or youth to be as-
9 sisted under this title shall, according to the
10 child’s or youth’s best interest—

11 “(i) continue the child’s or youth’s
12 education in the school of origin for the
13 duration of homelessness—

14 “(I) in any case in which the
15 child or youth becomes a homeless
16 child or youth between academic years
17 or during an academic year; or

18 “(II) for the remainder of the
19 academic year, if the child or youth
20 becomes permanently housed during
21 an academic year; or

22 “(ii) enroll the child or youth in any
23 public school that nonhomeless students
24 who live in the attendance area in which

1 the child or youth is actually living are eli-
2 gible to attend.

3 “(B) BEST INTEREST.—In determining the
4 best interest of the child or youth under sub-
5 paragraph (A), the local educational agency
6 shall—

7 “(i) presume that keeping a homeless
8 child or youth in the school of origin is in
9 the child’s or youth’s best interest, except
10 when doing so is contrary to the wishes of
11 the child’s or youth’s parent or guardian;

12 “(ii) consider student-centered factors
13 related to the child’s or youth’s best inter-
14 est, including factors related to the impact
15 of mobility on achievement, education,
16 health, and safety of homeless children and
17 youth, giving priority to the wishes of the
18 homeless child’s or youth’s parent or
19 guardian or the unaccompanied youth in-
20 volved;

21 “(iii) if, after conducting the best in-
22 terest determination described in clause
23 (ii), the local educational agency deter-
24 mines that it is not in the child’s or
25 youth’s best interest to attend the school

1 or origin or the school requested by the
2 parent, guardian, or unaccompanied youth,
3 provide, in coordination with the local edu-
4 cation agency liaison, the homeless child's
5 or youth's parent or guardian or the unac-
6 companied youth, with a written expla-
7 nation in a manner or form understandable
8 to such parent, guardian, or youth, to the
9 extent practicable, including a statement
10 regarding the right to appeal under sub-
11 paragraph (E);

12 “(iv) in the case of an unaccompanied
13 youth, ensure that the homeless liaison
14 designated under paragraph (1)(J)(ii) as-
15 sists in placement or enrollment decisions
16 under this subparagraph, gives priority to
17 the views of such unaccompanied youth,
18 and provides notice to such youth of the
19 right to appeal under subparagraph (E);
20 and

21 “(v) provide transportation pursuant
22 to paragraphs (1)(J)(iii) and (5).

23 “(C) ENROLLMENT.—

24 “(i) ENROLLMENT.—The school se-
25 lected in accordance with this paragraph

1 shall immediately enroll the homeless child
2 or youth, even if the child or youth—

3 “(I) is unable to produce records
4 traditionally required for enrollment,
5 including previous academic records,
6 health records, proof of residency or
7 guardianship, or other documentation;

8 “(II) has unpaid fines or fees
9 from prior schools or is unable to pay
10 fees in the school selected; or

11 “(III) has missed application or
12 enrollment deadlines during any pe-
13 riod of homelessness.

14 “(ii) CONTACTING SCHOOL LAST AT-
15 TENDED.—The enrolling school shall im-
16 mediately contact the school last attended
17 by the child or youth to obtain relevant
18 academic and other records.

19 “(iii) RELEVANT HEALTH RECORDS.—
20 If the child or youth needs to obtain immu-
21 nizations or other required health records,
22 the enrolling school shall immediately en-
23 roll the child or youth and immediately
24 refer the parent or guardian of the child or
25 youth, or the unaccompanied youth, to the

1 local educational agency liaison designated
2 under paragraph (1)(J)(ii), who shall as-
3 sist in obtaining necessary immunizations
4 or screenings or other required health
5 records, in accordance with subparagraph
6 (D).

7 “(iv) NO LIABILITY.—Whenever the
8 school selected enrolls an unaccompanied
9 youth in accordance with this paragraph,
10 no liability shall be imposed upon the
11 school by reason of enrolling the youth
12 without parent or guardian consent.

13 “(D) RECORDS.—Any record ordinarily
14 kept by the school, including immunization or
15 medical records, academic records, birth certifi-
16 cates, guardianship records, and evaluations for
17 special services or programs, regarding each
18 homeless child or youth shall be maintained—

19 “(i) so that the records involved are
20 available when a child or youth enters a
21 new school or school district, even if the
22 child or youth owes fees or fines or did not
23 withdraw from the previous school in con-
24 formance with local withdrawal procedures;
25 and

1 “(ii) in a manner consistent with sec-
2 tion 444 of the General Education Provi-
3 sions Act (20 U.S.C. 1232g).

4 “(E) DISPUTES.—If a dispute arises over
5 eligibility, enrollment, school selection or service
6 in a public school or public preschool, or any
7 other issue relating to services under this
8 title—

9 “(i) in the case of a dispute relating
10 to eligibility for enrollment or school selec-
11 tion, the child or youth shall be imme-
12 diately enrolled in the school in which en-
13 rollment is sought, pending final resolution
14 of the dispute including all available ap-
15 peals;

16 “(ii) the parent or guardian of the
17 child or youth shall be provided with a
18 written explanation of the school’s decision
19 regarding eligibility for enrollment, school
20 selection, or services, made by the school
21 or the local educational agency, which shall
22 include information about the right to ap-
23 peal the decision;

24 “(iii) the child, youth, parent, or
25 guardian shall be referred to the local edu-

1 cational agency liaison designated under
2 paragraph (1)(J)(ii), who shall carry out
3 the dispute resolution process as described
4 in paragraph (1)(C) as expeditiously as
5 possible after receiving notice of such dis-
6 pute; and

7 “(iv) in the case of an unaccompanied
8 youth, the liaison shall ensure that the
9 youth is immediately enrolled in the school
10 in which the youth seeks enrollment, pend-
11 ing resolution of such dispute.

12 “(F) PLACEMENT CHOICE.—The choice re-
13 garding placement shall be made regardless of
14 whether the child or youth involved lives with
15 the homeless parents or has been temporarily
16 placed elsewhere.

17 “(G) SCHOOL OF ORIGIN DEFINED.—

18 “(i) IN GENERAL.—In this paragraph,
19 the term ‘school of origin’ means the
20 school that the child or youth attended
21 when permanently housed or the school in
22 which the child or youth was last enrolled.

23 “(ii) RECEIVING SCHOOL.—When a
24 child or youth completes the final grade
25 level served by the school of origin, as de-

1 scribed in clause (i), the term ‘school of or-
2 igin’ shall include the designated receiving
3 school at the next grade level for the feeder
4 school that the child or youth attended.

5 “(H) CONTACT INFORMATION.—Nothing
6 in this title shall prohibit a local educational
7 agency from requiring a parent or guardian of
8 a homeless child to submit contact information.

9 “(I) PRIVACY.—Information about a home-
10 less child’s or youth’s living situation shall be
11 treated as a student education record under
12 section 444 of the General Education Provi-
13 sions Act (20 U.S.C. 1232g) and shall not be
14 released to housing providers, employers, law
15 enforcement personnel, or other persons or
16 agencies not authorized to have such informa-
17 tion under section 99.31 of title 34, Code of
18 Federal Regulations, paying particular atten-
19 tion to preventing disruption of the living situa-
20 tion of the child or youth and to supporting the
21 safety of such children and youth who are sur-
22 vivors of domestic violence and unaccompanied
23 youth.

24 “(J) ACADEMIC ACHIEVEMENT.—The
25 school selected in accordance with this para-

1 graph shall ensure that homeless children and
2 youth have opportunities to meet the same col-
3 lege and career ready State student academic
4 achievement standards to which other students
5 are held, including implementing the policies
6 and practices required by paragraph (1)(J)(iv).

7 “(4) COMPARABLE SERVICES.—In addition to
8 receiving services provided for homeless children and
9 youth under this title or other Federal, State, or
10 local laws, regulations, policies, or practices, each
11 homeless child or youth to be assisted under this
12 title shall be provided services comparable to services
13 offered to other students in the school selected under
14 paragraph (4), including the following:

15 “(A) Transportation services.

16 “(B) Educational services for which the
17 child or youth meets the eligibility criteria, such
18 as services provided under title I of the Elemen-
19 tary and Secondary Education Act of 1965 (20
20 U.S.C. 6301 et seq.), similar State or local pro-
21 grams, charter schools, magnet schools, edu-
22 cational programs for children with disabilities,
23 and educational programs for students with
24 limited English proficiency.

1 “(C) Programs in vocational and technical
2 education.

3 “(D) Programs for gifted and talented stu-
4 dents.

5 “(E) School nutrition programs.

6 “(F) Health and counseling services, as
7 appropriate.

8 “(5) COORDINATION.—

9 “(A) IN GENERAL.—Each local educational
10 agency shall coordinate—

11 “(i) the provision of services under
12 this title with the services of local social
13 services agencies and other agencies or en-
14 tities providing services to homeless chil-
15 dren and youth and their families, includ-
16 ing services and programs funded under
17 the Runaway and Homeless Youth Act (42
18 U.S.C. 5701 et seq.); and

19 “(ii) transportation, transfer of school
20 records, and other interdistrict activities,
21 with other local educational agencies.

22 “(B) HOUSING ASSISTANCE.—Each State
23 educational agency and local educational agency
24 that receives assistance under this title shall co-
25 ordinate, if applicable, with State and local

1 housing agencies responsible for developing the
2 comprehensive housing affordability strategy
3 described in section 105 of the Cranston-Gon-
4 zalez National Affordable Housing Act (42
5 U.S.C. 12705) to minimize educational disrup-
6 tion for children and youth who become home-
7 less.

8 “(C) COORDINATION PURPOSE.—The co-
9 ordination required under subparagraphs (A)
10 and (B) shall be designed to—

11 “(i) ensure that all homeless children
12 and youth are identified within a reason-
13 able time frame;

14 “(ii) ensure that all homeless children
15 and youth have access to and are in rea-
16 sonable proximity to available education
17 and related support services; and

18 “(iii) raise the awareness of school
19 personnel and service providers of the ef-
20 fects of short-term stays in a shelter and
21 other challenges associated with homeless-
22 ness.

23 “(D) HOMELESS CHILDREN AND YOUTHS
24 WITH DISABILITIES.—For children and youth
25 who are to be assisted both under this title, and

1 under the Individuals with Disabilities Edu-
2 cation Act (20 U.S.C. 1400 et seq.) or section
3 504 of the Rehabilitation Act of 1973 (29
4 U.S.C. 794), each local educational agency shall
5 coordinate the provision of services under this
6 title with the provision of programs for children
7 with disabilities served by such local educational
8 agency and other involved local educational
9 agencies.

10 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

11 “(A) DUTIES.—Each local educational
12 agency liaison for homeless children and youth,
13 designated under paragraph (1)(J)(ii), shall en-
14 sure that—

15 “(i) all homeless children and youths
16 are identified by school personnel and
17 through coordination activities with other
18 entities and agencies;

19 “(ii) homeless children and youth are
20 enrolled in, and have a full and equal op-
21 portunity to succeed in, schools of that
22 local educational agency;

23 “(iii) homeless families, children, and
24 youth have access to educational services
25 for which such families, children, and

1 youth are eligible, including services
2 through Head Start, Early Head Start,
3 early intervention, and Even Start pro-
4 grams, and preschool programs;

5 “(iv) homeless families, and homeless
6 children and youth, receive referrals to
7 health care services, dental services, mental
8 health and substance abuse services, hous-
9 ing services, and other appropriate serv-
10 ices;

11 “(v) homeless children and youth are
12 certified as eligible for free meals offered
13 under the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1751 et seq.)
15 and the Child Nutrition Act of 1966 (42
16 U.S.C. 1771 et seq.), without further ap-
17 plication;

18 “(vi) the parents or guardians of
19 homeless children and youth are informed
20 of the educational and related opportuni-
21 ties available to their children, including
22 early learning opportunities, and are pro-
23 vided with meaningful opportunities to par-
24 ticipate in the education of their children;

1 “(vii) public notice of the educational
2 rights of homeless children and youth is in-
3 corporated into documents related to resi-
4 dency requirements or enrollment, provided
5 upon school enrollment and withdrawal,
6 posted on the local educational agency’s
7 website, and disseminated in locations fre-
8 quented by parents and guardians of
9 homeless children and youth and unaccom-
10 panied youth, including schools, shelters,
11 public libraries, and soup kitchens in a
12 manner and form understandable to par-
13 ents and guardians of homeless children
14 and youth and unaccompanied youth;

15 “(viii) disputes are resolved in accord-
16 ance with paragraph (3)(E);

17 “(ix) the parent or guardian of a
18 homeless child or youth, or 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
22 paragraph (1)(J)(iii), and is assisted in ac-
23 cessing transportation to the school that is
24 selected under paragraph (4)(A).

1 “(x) school personnel are adequately
2 prepared to implement this title and re-
3 ceive professional development, resource
4 materials, technical assistance, and other
5 support; and

6 “(xi) unaccompanied youth—
7 “(I) are enrolled in school;
8 “(II) have opportunities to meet
9 the same college and career ready
10 State student academic achievement
11 standards to which other students are
12 held, including through implementa-
13 tion of the policies and practices re-
14 quired by subparagraphs (F)(ii) and
15 (J)(iv) of paragraph (1); and

16 “(III) are informed of their sta-
17 tus as independent students under
18 section 480 of the Higher Education
19 Act of 1965 (20 U.S.C. 1087vv), in-
20 cluding through school counselors that
21 have received professional develop-
22 ment about unaccompanied youth,
23 and receive verification of such status
24 for purposes of the Free Application
25 for Federal Student Aid described in

1 section 483 of such Act (20 U.S.C.
2 1090).

3 “(B) NOTICE.—State coordinators ap-
4 pointed under subsection (d)(2) and local edu-
5 cational agencies shall inform school personnel,
6 service providers, and advocates working with
7 homeless families and homeless children and
8 youth of the contact information and duties of
9 the local educational agency liaisons, including
10 publishing an annually updated list of the liai-
11 sons working in the State on the State edu-
12 cational agency’s website.

13 “(C) LOCAL AND STATE COORDINATION.—
14 the local educational agency liaisons shall, as a
15 part of their duties, coordinate and collaborate
16 with State coordinators and community and
17 school personnel responsible for the provision of
18 education and related support services to home-
19 less children and youth. Such coordination shall
20 include collecting and providing to the State
21 Coordinator the reliable, valid, and comprehen-
22 sive data needed to meet the requirements of
23 paragraphs (1) and (3) of subsection (f).

24 “(D) PROFESSIONAL DEVELOPMENT.—The
25 local educational agency liaisons shall partici-

1 pate in the professional development and other
2 technical assistance activities provided by the
3 State Coordinator pursuant to subsection (f)(5).

4 “(h) EMERGENCY DISASTER GRANTS.—

5 “(1) IN GENERAL.—The Secretary shall make
6 emergency disaster grants to eligible local edu-
7 cational agencies and eligible States described in
8 paragraph (2), in order to increase the capacity for
9 such local educational agencies and States to re-
10 spond to major disasters.

11 “(2) ELIGIBILITY; APPLICATION.—

12 “(A) ELIGIBILITY.—

13 “(i) LOCAL EDUCATIONAL AGENCY
14 ELIGIBILITY.—A local educational agency
15 shall be eligible to receive an emergency
16 disaster grant under this subsection, based
17 on demonstrated need, if such local edu-
18 cational agency’s enrollment of homeless
19 children and youth has increased as a re-
20 sult of a hurricane, flood, or other natural
21 disaster for which the President declared a
22 major disaster under title IV of the Robert
23 T. Stafford Disaster Relief and Emergency
24 Assistance Act (42 U.S.C. 5170 et seq.).

1 “(ii) STATE ELIGIBILITY.—A State,
2 through the Office of the Coordinator for
3 Education of Homeless Children and
4 Youths in the State educational agency,
5 shall be eligible to receive an emergency
6 disaster grant under this subsection if
7 there are 1 or more eligible local edu-
8 cational agencies, as described in clause
9 (i), located within the State.

10 “(B) APPLICATION.—In order for an eligi-
11 ble State or an eligible local educational agency
12 to receive a grant under this subsection, the
13 State educational agency, in consultation with
14 other relevant State agencies, or local edu-
15 cational agency shall submit an application to
16 the Secretary at such time, in such manner,
17 and containing or accompanied by such infor-
18 mation as the Secretary may reasonably re-
19 quire.

20 “(3) DISTRIBUTION OF GRANTS.—The Sec-
21 retary shall distribute emergency disaster grant
22 funds—

23 “(A) based on demonstrated need, to State
24 educational agencies or local educational agen-
25 cies for local educational agencies whose enroll-

1 ment of homeless children and youths has in-
2 creased as a result of a hurricane, flood, or
3 other natural disaster for which the President
4 has declared a major disaster under title IV of
5 the Robert T. Stafford Disaster Relief and
6 Emergency Assistance Act (42 U.S.C. 5170 et
7 seq.);

8 “(B) expeditiously, and in no case later
9 than 75 days after such funds are appropriated
10 to the Secretary; and

11 “(C) in a manner that enables local edu-
12 cational agencies to use such funds for the im-
13 mediate needs of disaster response and ongoing
14 disaster recovery.

15 “(4) AMOUNT OF GRANTS.—The Secretary shall
16 distribute grants under this subsection in amounts
17 determined by the Secretary and related to the in-
18 crease in enrollment of homeless children and youths
19 as a result of such major disaster.

20 “(5) USES OF FUNDS.—A local educational
21 agency or State educational agency that receives an
22 emergency disaster grant under this subsection shall
23 use the grant funds to carry out the activities de-
24 scribed in section 723(d).

1 **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
2 **THE EDUCATION OF HOMELESS CHILDREN**
3 **AND YOUTH.**

4 “(a) GENERAL AUTHORITY.—

5 “(1) IN GENERAL.—The State educational
6 agency shall, in accordance with section 722(e), and
7 from amounts made available to such agency under
8 section 727, make subgrants to local educational
9 agencies for the purpose of facilitating the identifica-
10 tion, enrollment, attendance, and success in school
11 of homeless children and youth.

12 “(2) SERVICES.—

13 “(A) IN GENERAL.—Services under para-
14 graph (1)—

15 “(i) may be provided through pro-
16 grams on school grounds or at other facili-
17 ties; and

18 “(ii) shall, to the maximum extent
19 practicable, be provided through existing
20 programs and mechanisms that integrate
21 homeless children and youth with non-
22 homeless children and youth.

23 “(B) SERVICES ON SCHOOL GROUNDS.—If
24 services under paragraph (1) are provided to
25 homeless children and youth on school grounds,
26 the schools involved may use funds under this

1 subtitle to provide the same services to other
2 children and youth who are determined by the
3 local educational agency serving the school to be
4 at risk of failing in, or dropping out of, school.

5 “(3) REQUIREMENT.—Services provided under
6 this section shall not replace the regular academic
7 program and shall be designed to expand upon or
8 improve services provided as part of the school’s reg-
9 ular academic program.

10 “(4) DURATION OF GRANTS.—Subgrants under
11 this section shall be for terms not to exceed 3 years.

12 “(b) APPLICATION.—A local educational agency that
13 desires to receive a subgrant under this section shall sub-
14 mit an application to the State educational agency at such
15 time, in such manner, and containing or accompanied by
16 such information as the State educational agency may rea-
17 sonably require. Such application shall include the fol-
18 lowing:

19 “(1) An assessment of the educational and re-
20 lated needs of homeless children and youth in the
21 area served by such agency (which may be under-
22 taken as part of a needs assessment for other dis-
23 advantaged group).

1 “(2) A description of the services and programs
2 for which assistance is sought to address the needs
3 identified in paragraph (1).

4 “(3) An assurance that the local educational
5 agency’s combined fiscal effort per student, or the
6 aggregate expenditures of that agency and the State
7 with respect to the provision of free public education
8 by such agency for the fiscal year preceding the fis-
9 cal year for which the subgrant determination is
10 made, was not less than 90 percent of such com-
11 bined fiscal effort or aggregate expenditures for the
12 second fiscal year preceding the fiscal year for which
13 the determination is made.

14 “(4) An assurance that the applicant complies
15 with, or will use requested funds to comply with,
16 paragraphs (3) through (7) of section 722(g).

17 “(5) A description of policies and procedures
18 that the agency will implement to ensure that activi-
19 ties carried out by the agency will not isolate or stig-
20 matize homeless children and youth.

21 “(6) An assurance that the local educational
22 agency will collect and promptly provide data re-
23 quested by the State Coordinator pursuant to para-
24 graphs (1) and (3) of section 722(f).

1 “(7) An assurance that the local educational
2 agency has removed the policies and practices that
3 have created barriers to the identification, enroll-
4 ment, attendance, retention, and success in school of
5 all homeless children and youth.

6 “(c) AWARDS.—

7 “(1) IN GENERAL.—The State educational
8 agency shall, in accordance with the requirements of
9 this subtitle and from amounts made available to it
10 under section 722(a), make subgrants on a competi-
11 tive basis to local educational agencies that submit
12 applications under subsection (b). Such subgrants
13 shall be awarded on the basis of the need of such
14 agencies under this subtitle and the quality of the
15 applications submitted.

16 “(2) NEED.—

17 “(A) IN GENERAL.—In determining need
18 under paragraph (1), the State educational
19 agency may consider the number of homeless
20 children and youth enrolled in preschool, ele-
21 mentary schools, and secondary schools within
22 the area served by the local educational agency,
23 and shall consider the needs of such children
24 and youth and the ability of the local edu-
25 cational agency to meet such needs.

1 “(B) OTHER CONSIDERATIONS.—The
2 State educational agency may also consider the
3 following:

4 “(i) The extent to which the proposed
5 use of funds will facilitate the identifica-
6 tion, enrollment, retention, and educational
7 success of homeless children and youth.

8 “(ii) The extent to which the applica-
9 tion reflects coordination with other local
10 and State agencies that serve homeless
11 children and youth.

12 “(ii) The extent to which the applica-
13 tion reflects coordination with other local
14 and State agencies that serve homeless
15 children and youth.

16 “(iii) The extent to which the appli-
17 cant exhibits in the application and in cur-
18 rent practice (as of the date of submission
19 of the application) a commitment to edu-
20 cation for all homeless children and youth.

21 “(iv) Such other criteria as the State
22 agency determines to be appropriate.

23 “(3) QUALITY.—In determining the quality of
24 applications under paragraph (1), the State edu-
25 cational agency shall consider the following:

1 “(A) The applicant’s needs assessment
2 under subsection (b)(1) and the likelihood that
3 the program presented in the application will
4 meet such needs.

5 “(B) The types, intensity, and coordination
6 of the services to be provided under the pro-
7 gram.

8 “(C) The extent to which the applicant will
9 promote meaningful involvement of parents or
10 guardians of homeless children or youth in the
11 education of their children.

12 “(D) The extent to which homeless chil-
13 dren and youths will be integrated into the reg-
14 ular education program involved.

15 “(E) The quality of the applicant’s evalua-
16 tion plan for the program.

17 “(F) The extent to which services provided
18 under this subtitle will be coordinated with
19 other services available to homeless children
20 and youth and their families, including housing
21 and social services and services provided under
22 the Individuals with Disabilities Education Act
23 (20 U.S.C. 1400 et seq.), title I of the Elemen-
24 tary and Secondary Education Act of 1965 (20

1 U.S.C. 6301 et seq.), and similar State and
2 local programs.

3 “(G) The extent to which the local edu-
4 cational agency will use the subgrant to lever-
5 age resources, including by maximizing funding
6 for the position of the liaison described in sec-
7 tion 722(g)(1)(J)(ii) and the provision of trans-
8 portation.

9 “(H) The local educational agency’s use of
10 funds to serve homeless children and youth
11 under section 1113(c)(3) of the Elementary and
12 Secondary Education Act of 1965 (20 U.S.C.
13 6313(c)(3)).

14 “(I) The extent to which the applicant’s
15 program meets such other measures as the
16 State educational agency considers to be indic-
17 ative of a high-quality program, including the
18 extent to which the local educational agency will
19 provide services to unaccompanied youth and
20 preschool-aged children.

21 “(J) The extent to which the application
22 describes how the applicant will meet the re-
23 quirements of section 722(g)(4).

24 “(d) AUTHORIZED ACTIVITIES.—A local educational
25 agency may use funds awarded under this section for ac-

1 tivities that carry out the purpose of this subtitle, includ-
2 ing the following:

3 “(1) The provision of tutoring, supplemental in-
4 struction, and enriched educational services that are
5 linked to the achievement of the same college and
6 career ready State academic content standards and
7 college and career ready State student academic
8 achievement standards the State establishes for
9 other children and youths.

10 “(2) The provision of expedited evaluations of
11 the strengths, needs, and eligibility of homeless chil-
12 dren and youth, including needs and eligibility for
13 programs and services (including educational pro-
14 grams for gifted and talented students, children with
15 disabilities, and students with limited English pro-
16 ficiency, charter school programs, magnet school
17 programs, programs in career and technical edu-
18 cation, and school nutrition programs).

19 “(3) Professional development and other activi-
20 ties for educators and specialized instructional sup-
21 port personnel that are designed to heighten the un-
22 derstanding and sensitivity of such educators and
23 personnel to the needs of homeless children and
24 youth, the rights of such children and youth under

1 this subtitle, and the specific educational needs of
2 runaway and homeless youth.

3 “(4) The provision of referral services to home-
4 less children and youths for medical, dental, mental,
5 and other health services.

6 “(5) The provision of assistance to defray the
7 excess cost of transportation under paragraphs
8 (1)(J)(iii) and (5)(A) of section 722(g) not otherwise
9 provided through Federal, State, or local funding.

10 “(6) The provision of developmentally appro-
11 priate early childhood education programs, not oth-
12 erwise provided through Federal, State, or local
13 funding.

14 “(7) The provision of services and assistance to
15 attract, engage, and retain homeless children and
16 youth, particularly homeless children and youth who
17 are not enrolled in school, in public school programs
18 and services provided to nonhomeless children and
19 youths.

20 “(8) The provision for homeless children and
21 youths of before- and after-school, mentoring, and
22 summer programs in which a teacher or other quali-
23 fied individual provides tutoring, homework assist-
24 ance, and supervision of educational activities.

1 “(9) If necessary, the payment of fees and
2 other costs associated with tracking, obtaining, and
3 transferring records necessary to facilitate the ap-
4 propriate placement of homeless children and youths
5 in school, including birth certificates, immunization
6 or medical records, academic records, guardianship
7 records, and evaluations for special programs or
8 services.

9 “(10) The provision of education and training
10 to the parents of homeless children and youths about
11 the rights of, and resources available to, such chil-
12 dren and youth, and other activities designed to in-
13 crease the meaningful involvement of families of
14 homeless children or youth in the education of their
15 children.

16 “(11) The development of coordination of ac-
17 tivities between schools and agencies providing serv-
18 ices to homeless children and youths, as described in
19 section 722(g)(6).

20 “(12) The provision of pupil services (including
21 counseling) and referrals for such services.

22 “(13) Activities to address the particular needs
23 of homeless children and youth that may arise from
24 domestic violence and parental mental health or sub-
25 stance abuse problems.

1 “(14) The adaptation of space and purchase of
2 supplies for any nonschool facilities made available
3 under subsection (a)(2) to provide services under
4 this subsection.

5 “(15) The provision of school supplies, includ-
6 ing those supplies to be distributed at shelters or
7 temporary housing facilities, or other appropriate lo-
8 cations.

9 “(16) The provision of assistance to defray the
10 cost of the position of liaison designated pursuant to
11 section 722(g)(1)(J)(ii), not otherwise provided
12 through Federal, State, or local funding.

13 “(17) The provision of other extraordinary or
14 emergency assistance needed to enable homeless chil-
15 dren and youth to enroll, attend, and succeed in
16 school, including in early childhood education pro-
17 grams.

18 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

19 “(a) REVIEW OF STATE PLANS.—In reviewing the
20 State plan submitted by a State educational agency under
21 section 722(g), the Secretary shall use a peer review proc-
22 ess and shall evaluate whether State laws, policies, and
23 practices described in such plan adequately address the
24 problems of all homeless children and youth relating to

1 access to education and placement as described in such
2 plan.

3 “(b) TECHNICAL ASSISTANCE.—The Secretary
4 shall—

5 “(1) provide support and technical assistance to
6 a State educational agencies to assist such agencies
7 in carrying out their responsibilities under this sub-
8 title; and

9 “(2) establish or designate a Federal Office of
10 the Coordinator for Education of Homeless Children
11 and Youths that has sufficient capacity, resources,
12 and support to carry out the responsibilities de-
13 scribed in this subtitle.

14 “(c) NOTICE.—

15 “(1) IN GENERAL.—The Secretary shall, before
16 the next school year that begins after the date of en-
17 actment develop and disseminate a public notice of
18 the educational rights of homeless children and
19 youth. The notice shall include information regard-
20 ing the definition of homeless children and youth in
21 section 726.

22 “(2) DISSEMINATION.—The Secretary shall dis-
23 seminate the notice nationally. The Secretary also
24 shall disseminate such notice to heads of other De-
25 partment of Education offices, including those re-

1 sponsible for special education programs, higher
2 education, and programs under parts A, B, C, D, G,
3 and H of title I, title III, title IV, and part B of title
4 V of the Elementary and Secondary Education Act
5 of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391
6 et seq., 6421 et seq., 6531 et seq., 6551 et seq.,
7 6801 et seq., 7102 et seq., and 7221 et seq.). The
8 Secretary shall also disseminate such notice to heads
9 of other Federal agencies, and grant recipients and
10 other entities carrying out federally funded pro-
11 grams, including Head Start programs, grant recipi-
12 ents under the Health Care for the Homeless pro-
13 gram of the Health Resources and Services Adminis-
14 tration of the Department of Health and Human
15 Services, grant recipients under the Emergency
16 Food and Shelter National Board Program of the
17 Federal Emergency Management Agency, grant re-
18 cipients under the Runaway and Homeless Youth
19 Act (42 U.S.C. 5701 et seq.), grant recipients under
20 the John H. Chafee Foster Care Independence pro-
21 gram, grant recipients under homeless assistance
22 programs administered by the Department of Hous-
23 ing and Urban Development, and recipients of Fed-
24 eral funding for programs carried out by the Admin-

1 istration on Children, Youth and Families of the De-
2 partment of Health and Human Services.

3 “(d) EVALUATION AND DISSEMINATION.—The Sec-
4 retary shall conduct evaluation, dissemination, and tech-
5 nical assistance activities of programs designed to meet
6 the educational needs of homeless preschool, elementary
7 school, and secondary school students, and may use funds
8 appropriated under section 727 to conduct such activities.

9 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-
10 retary shall require applications for grants under section
11 722 to be submitted to the Secretary not later than the
12 expiration of the 120-day period beginning on the date
13 that funds are available for purposes of making such
14 grants and shall make such grants not later than the expi-
15 ration of the 180-day period beginning on such date.

16 “(f) DETERMINATION BY SECRETARY.—The Sec-
17 retary, based on the information received from the States
18 and information gathered by the Secretary under sub-
19 section (h), shall determine the extent to which State edu-
20 cational agencies are ensuring that each homeless child
21 and homeless youth has access to a free appropriate public
22 education, as described in section 721(1). The Secretary
23 shall provide support and technical assistance to State
24 educational agencies in areas in which barriers to a free
25 appropriate public education persist.

1 “(g) PUBLICATION.—The Secretary shall develop,
2 issue, and publish in the Federal Register, not later than
3 90 days after the date of enactment of the Student Suc-
4 cess Act, a summary of the changes enacted by that Act
5 and related strategies, which summary shall include—

6 “(1) strategies by which a State can assist local
7 educational agencies to implement the provisions
8 amended by the Act;

9 “(2) strategies by which a State can review and
10 revise State policies and procedures that may
11 present barriers to the identification, enrollment, at-
12 tendance, and success of homeless children and
13 youth in school; and

14 “(3) strategies by which entities carrying out
15 preschool programs can implement requirements of
16 section 722(g)(3).

17 “(h) INFORMATION.—

18 “(1) IN GENERAL.—From funds appropriated
19 under section 727, the Secretary shall, directly or
20 through grants, contracts, or cooperative agree-
21 ments, periodically, but not less frequently than
22 every two years, collect and disseminate publicly
23 data and information regarding—

24 “(A) the number and location of homeless
25 children and youth;

1 “(B) the education and related support
2 services such children and youth receive;

3 “(C) the extent to which the needs of
4 homeless children and youth are being met;

5 “(D) the academic progress being made by
6 homeless children and youth, including the per-
7 cent or number of homeless children and youth
8 participating in State assessments; and

9 “(E) such other data and information as
10 the Secretary determines to be necessary and
11 relevant to carry out this subtitle.

12 “(2) COORDINATION.—The Secretary shall co-
13 ordinate such collection and dissemination with
14 other agencies and entities that receive assistance
15 and administer programs under this subtitle.

16 “(i) REPORT.—Not later than 4 years after the date
17 of enactment, the Secretary shall prepare and submit to
18 the President and the Committee on Education and the
19 Workforce of the House of Representatives and the Com-
20 mittee on Health, Education, Labor, and Pensions of the
21 Senate a report on the status of education of homeless
22 children and youths, which shall include information on—

23 “(1) the education of homeless children and
24 youth; and

1 “(2) the actions of the Secretary and the effec-
2 tiveness of the programs supported under this sub-
3 title.

4 **“SEC. 725. RULE OF CONSTRUCTION.**

5 “Nothing in this subtitle shall be construed to dimin-
6 ish the rights of parents or guardians of homeless children
7 or youth, or unaccompanied youth, otherwise provided
8 under State law, policy, or practice, including laws or poli-
9 cies that authorize the best interest determination in sec-
10 tion 722(g)(3) to be made solely by the parent, guardian,
11 or youth involved.

12 **“SEC. 726. DEFINITIONS.**

13 “In this subtitle:

14 “(1) ENROLL; ENROLLMENT.—The terms ‘en-
15 roll’ and ‘enrollment’ include attending classes and
16 participating fully in school activities.

17 “(2) HOMELESS CHILDREN AND YOUTH.—The
18 term ‘homeless children and youth’—

19 “(A) means individuals who lack a fixed,
20 regular, and adequate nighttime residence
21 (within the meaning of section 103(a)(1)); and

22 “(B) includes—

23 “(i) children and youth who—

24 “(I) are sharing the housing of
25 other persons due to loss of housing,

1 economic hardship, or a similar rea-
2 son;

3 “(II) are living in motels, hotels,
4 trailer parks, or camping grounds due
5 to the lack of alternative adequate ac-
6 commodations;

7 “(III) are living in emergency or
8 transitional shelters;

9 “(IV) are awaiting foster care
10 placement; and

11 “(V) are abandoned in hospitals;

12 “(ii) children and youth who have a
13 primary nighttime residence that is a pub-
14 lic or private place not designed for or or-
15 dinarily used as a regular sleeping accom-
16 modation for human beings (within the
17 meaning of section 103(a)(2)(C));

18 “(iii) children and youth who are liv-
19 ing in cars, parks, public spaces, aban-
20 doned buildings, substandard housing, bus
21 or train stations, or similar settings; and

22 “(iv) migratory children (as such term
23 is defined in section 1312 of the Elemen-
24 tary and Secondary Education Act of
25 1965) who qualify as homeless for the pur-

1 poses of this subtitle because the children
2 are living in circumstances described in
3 clauses (i) through (iii).

4 “(3) LOCAL EDUCATIONAL AGENCY; STATE
5 EDUCATIONAL AGENCY.—The terms ‘local edu-
6 cational agency’ and ‘State educational agency’ have
7 the meanings given such terms in section 9101 of
8 the Elementary and Secondary Education Act of
9 1965 (20 U.S.C. 7801).

10 “(4) SECRETARY.—The term ‘Secretary’ means
11 the Secretary of Education.

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

15 “(6) UNACCOMPANIED YOUTH.—The term ‘un-
16 accompanied youth’ means a homeless child or youth
17 not in the physical custody of a parent or legal
18 guardian.

19 **“SEC. 727. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) IN GENERAL.—For the purpose of carrying out
21 this subtitle, other than section 725, there are authorized
22 to be appropriated to the Secretary \$100,000,000 for fis-
23 cal year 2014 and such sums as may be necessary for each
24 of fiscal years 2015 through 2020.

1 “(b) EMERGENCY DISASTER GRANTS.—In addition
2 to sums authorized under subsection (a), there are author-
3 ized to be appropriated to the Secretary to carry out sub-
4 section (h) such additional sums as may be necessary.”.

